

Julie James AS/MS
Y Gweinidog Newid Hinsawdd
Minister for Climate Change



Llywodraeth Cymru
Welsh Government

Ein cyf/Our ref qA1494793

Mr [REDACTED]
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16 January 2023

Dear Mr [REDACTED],

**TOWN AND COUNTRY PLANNING ACT 1990 - SECTION 62D
THE DEVELOPMENTS OF NATIONAL SIGNIFICANCE (WALES) REGULATIONS 2016
APPLICATION BY: APPLICATION BY RHOSCROWTHER WIND FARM LIMITED FOR
THE CONSTRUCTION AND OPERATION OF THREE (3) WIND TURBINES. TURBINE 1
WITH A MAXIMUM TIP HEIGHT OF 126.5 METRES AND TURBINES 2 AND 3 WITH
MAXIMUM TIP HEIGHT OF 135 METRES TOGETHER WITH ANCILLARY
DEVELOPMENT COMPRISING SUBSTATION COMPOUND, ELECTRICITY
TRANSFORMERS, CONTROL BUILDING, NEW SITE ENTRANCES, ACCESS TRACKS,
CRANE HARDSTANDING, TEMPORARY CONSTRUCTION COMPOUND AND
ASSOCIATED WORKS
SITE: LAND OFF REFINERY ROAD, HUNDLETON, PEMBROKESHIRE, SA71 5SJ.
APPLICATION REF: DNS/3261355**

1. Consideration has been given to the report of the Inspector, Declan K Beggan BSc (Hons), MSc, DipMan, MRTPI who considered the above named Development of National Significance ("DNS") planning application.
2. In accordance with section 62D of the Town and Country Planning Act 1990 and Regulation 3 of The DNS (Specified Criteria and Prescribed Secondary Consents)

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Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

(Wales) Regulations 2016, the application was made to the Welsh Ministers for determination.

3. The Inspector considered the application by way of hearings and made a site visit on 27 September 2022. The Inspector recommends planning permission be refused. A copy of the Inspector's report ("IR") is enclosed. All references to paragraph numbers, unless otherwise stated, relate to the IR.

DNS Application

Main Considerations

4. I agree the main considerations are those listed at IR 146:
 - The effect of the proposed development on:
 - The landscape character and visual amenity of the area, with particular reference to the nearby Pembrokeshire Coast National Park ("PCNP");
 - The setting of heritage assets; and
 - Ecology.
 - 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.

Landscape Character and Visual Amenity

Landscape Character

5. The site lies outside, but close to the boundary with PCNP. The Inspector notes Planning Policy Wales ("PPW") refers to a statutory duty to have regard to National Parks and this duty applies in relation to all activities affecting the parks, whether those activities lie within, or in the setting of, the designated area. The PCNP Management Plan (2019) defines the special qualities of the national park as including elements such as coastal splendour, diversity of landscape, remoteness, tranquillity, and wildness. (IR 147)
6. Chapter 5 of the Environmental Statement ("ES") covers landscape and visual effects of the proposal and includes a Landscape, Seascape & Visual Amenity Assessment ("LSVIA"). The Inspector is satisfied the submitted LSVIA is sufficient to enable the potential landscape and visual impacts to be understood. (IR 148)
7. The PCNP Authority Renewable Energy Supplementary Planning Guidance ("RESPG") includes Landscape Character Assessments ("LCAs") with the most relevant being LCA 6: Castlemartin/Merrion Ranges, LCA 7: Angle Peninsula, and LCA 8: Freshwater West/Brownslade Burrows. The Inspector notes all three LCAs are regarded as having a high sensitivity to large scale turbines. The applicant concurs with this assessment for large scale turbines except for LCA 6 which they assessed as being a medium sensitivity. (IR 149)
8. The Inspector has no reason to believe the broad methodology and scope of LSVIA is not soundly based. However, Pembrokeshire County Council ("PCC"), Natural Resources Wales ("NRW"), PCNP, and Campaign for the Protection of Rural Wales ("CPRW") disagree with a number of conclusions reached concerning the extent and significance of the effects identified. (IR 150)

9. The site is located within a largely open and rural landscape which extends westwards from Pembroke to the Angle Peninsula where there are individual properties, farmsteads, and small clusters of buildings. The open character of the landscape can be appreciated by the elevated nature of the primary roads which pass through the area. To the south and southwest heading towards the coastal location of Freshwater West there is a definite sense of increasing wildness and remoteness. Freshwater West and Angle Bay along with the rest of the peninsula including the village of Angle all lie within the PCNP. The Inspector notes at their closest the turbines would be located some 750m from the boundary with PCNP. (IR 151)
10. The substantial and highly visible presence of the Valero refinery contrasts sharply with the landscape in the PCNP to the south and west. Further to the north and east and lining the south and north sides of the Haven Waterway there are port and jetty facilities, other elements of energy related infrastructure including wind turbines and Pembroke Power station with its associated pylons, and areas of urban settlement. The Inspector notes these elements form part of the baseline against which the proposal is considered. (IR 152)
11. The Inspector notes in terms of LANDMAP (the spatial expression of landscape in Wales), the site lies within the north-western part of Visual and Sensory Aspect Area (“VSAA”) PMBRKVS061 which is described as a large area of mosaic rolling lowland landscape with a strong coastal influence in places. It extends into the PCNP and has an overall evaluation of moderate. To the north of the site is VSAA PMBRKVS090 which includes the Valero site which is characterised as urban with an overall evaluation of low. To the west and south of the application site other VSAA areas are characterised as ‘Open Rolling Lowland, Intertidal, Dunes and Dune Slack, and Cliffs and Cliff Tops’, with overall evaluations ranging from ‘Moderate to Outstanding’. The application site therefore lies within a rolling lowland area which acts as a buffer between the PCNP and the industrialised Valero site to the north. (IR 153)
12. The applicant accepts turbine development would inevitably have a significant impact on the landscape for several kilometres. Closer viewpoints (“VPs”) detailed within the ES are at 1, 2, 3, which are all within a kilometre or so of the turbines, with the closest being some 277m away at the bridleway north of Hoplass Farm. The VPs illustrate the turbines would appear as very large visually prominent modern engineered structures spread across a substantial part of the field of view within the local landscape. Whilst seen in the context of the Valero site with its high towers, stacks and chimneys, the Inspector is of the view the bulk of those structures are confined to a relatively narrow visual space. The turbines would occupy the open countryside in between Valero and PCNP. The Inspector considers that rather than consolidate or compliment development at Valero the development would result in a significant elongation of high-rise structures which are already highly visually intrusive in the rural landscape. (IR 154)
13. VP6 is near to Wallaston Green some 1.5 km from the nearest turbine. The Inspector notes the development would be seen more centrally sited against the high structures at Valero, with the views of the Angle Peninsula to the west. Notwithstanding their location relative to Valero or the presence of other development, the Inspector is of the view they would still appear as a substantial addition to that site visually extending built development into the countryside near to Wallaston Green, with the adverse impacts amplified by the rotation of the blades. (IR 155)
14. Further afield, VPs 4, 7, 8 and 11 are within the PCNP and include vantage points along the B4320 and the B4319 (Castlemartin to Freshwater West) where the

Pembrokeshire National Trail forms part of the Wales Coastal Path (“WCP”). The Inspector notes the VPs indicate the turbines would appear as prominent features across a significant part of the field of vision, separate and distinct from the development at Valero. Notwithstanding the presence of Valero and other development such as the power station whose visual effects are much less prominent due to distance, the Inspector is of the view the turbines’ industrial scale along with their modernity and highly engineered appearance result in a striking visual skyline feature within the rural landscape pushing towards the PCNP boundary. The Inspector considers the turbines would significantly increase the presence of high-level vertical elements seen from multiple vantage points and the rotation of the blades would only serve to emphasise their impact on the rural landscape. (IR 156)

15. Moving further out to the west VPs 9 and 12 show views from adjacent the WCP from Angle looking back over Angle Bay, all of which are within the park. These correlate to LCA 7. The Inspector is of the view the turbines would result in a prominent incursion into these views, with their visual impact magnified due their rotation. Whilst the Valero site at some 4km away already greatly influences views out from Angle those views are in the context of the extensive coastal setting which is far reaching and set against an expansive skyline, with the refinery taking its place within an environment of mudflats, shoreline, and extensive rural surroundings. The Inspector considers the turbines would appear as a separate and distinct feature to the refinery resulting in new and prominent industrial development occupying the rural land which currently separates Valero from the PCNP. (IR 157)
16. To the north of the site and the Haven Waterway, the Inspector notes there would be no significant effects. The Inspector considers in landscape terms the context is significantly different to the lands on the south side of application site, with the mixture of urban areas, various wind farm developments, the power station and the Valero site playing a more visually significant role. (IR 158)
17. The Inspector concludes, whilst the Valero site is prominent in landscape terms, its prominence is diminished due to the taller elements occupying a relatively compact area within the overall site, with other development either on that site or in the wider area appearing much less prominent due to height or the effects of distance. The Inspector is of the view from certain vantage points the turbines would be seen to be set against or closer to the development at Valero, however from many viewpoints, they would still be seen as structures that substantially increase major development away from Valero into the surrounding countryside. Rather than consolidating development around Valero, the Inspector concludes the proposal would result in a significant increase in visual intrusion inside and outside the PCNP to the significant detriment of the character of the park’s landscape. (IR 159)

Visual Impact

Pembrokeshire Coast National Trail and Wales Coastal Path

18. The Inspector notes users of the WCP would notice a significant change in views due to the proposed turbines as illustrated in VPs 4,9,12,14,15, all of which are within PCNP and include views from the B4319 (Castlemartin to Freshwater Road) and the coastal path around Angle Bay. Whilst the Inspector appreciates, at various points, topography and vegetation would screen all or parts of views of the turbines, for extended sections of the WCP the Inspector considers the turbines would be an obvious and distracting feature which would be harmful to the visual amenity of users of the coastal path. VPs 9 and 12 incorporate foreshore elements with an expansive sky, and the Inspector considers the turbines would appear as an intrusive and

prominent addition to the skyline which varies from a moderate to major visual impact on coastal views out from the PCNP. (IR 160)

19. The Inspector notes VP24 (St Ann's Head within PCNP, some 10.5 km away to the east), shows a visualisation taken from the WCP looking towards the entrance to Milford Haven including the Angle Peninsula. The Inspector is of the view despite the presence of Valero and other development, the view of the national park as shown to the right of the turbines exudes the park's qualities of coastal splendour and tranquillity. The VP demonstrates the turbines would make a significant contribution to the elongation of high-level development away from the relatively close-knit structures of Valero into open landscape. The ES evaluates the adverse effect on the view as more than minor /moderate. The Inspector considers the impact is more moderate. Even with the distance involved, the Inspector considers the turbines would harm the coastal view to the detriment of the visual amenities of the PCNP and its coastal setting. (IR 161)
20. On this matter, the Inspector concludes the proposed development would result in significant adverse visual impacts including views from the WCP, a nationally significant walking route. These significant effects are not outweighed by moderate or lesser effects elsewhere. (IR 162)

Bridleways/Public Other Rights of Way/Roads

21. VP1 is taken from the bridleway north of Hoplass Farm some 277m to the nearest turbine. From this view, the Inspector notes turbine 1 would be seen primarily against the backdrop of the highest parts of the Valero site, whilst turbines 2 and 3 would appear as extending away from the close-knit built-up area towards the bridleway. The ES highlights receptors as horse riders, walkers, cyclists and motorists and the Inspector agrees with the assessment that the magnitude of change would be very substantial/substantial with the effects on the view being major. (IR 163)
22. Whilst the Inspector appreciates views along this route would be interrupted by hedges and topography, nonetheless the Inspector considers when the turbines come into view, due to their proximity, they would, despite the presence of the refinery in the background, make a striking visual impression, detracting from the open countryside view that currently acts as buffer to the development at Valero. (IR 164)
23. VP5 is taken from the bridleway south of Wogaston some 1.4 km from the nearest turbine. From this view outside of the PCNP the turbines would be visible beyond the next ridgeline, in front of and to the right of the Valero chimneys, with the Hoplass solar farm, the Pembroke Power Station and pylons in the view and the Castle Pill, Lower Scoveston Farm, and Scoveston Park and Wear Point wind turbines apparent on the north side of the Haven. The ES highlights receptors as comprising horse riders, walkers, cyclists and motorists and the Inspector agrees with the magnitude of change being assessed as very substantial/moderate with the effects on the view being major/more than moderate/moderate. (IR 165)
24. In respect of Bridleways/Public Other Rights of Way/Roads, the Inspector notes topography, vegetation and other features would interrupt views of the turbines, nonetheless, the Inspector is of the view, when they do come into view they would result in a significant change in the panorama to the detriment of the visual amenity of the identified receptors. Whilst the Inspector appreciates the refinery, Hoplass solar farm and other energy related development are within the field of view, the Inspector considers their impact is noticeably lessened with distance or due to their low-level nature. Although not an identified VP, the Inspector experienced a likely similar effect

when viewing the proposal site from a public footpath to the north of Newton Farm. (IR 166)

Other Road Users

25. The Inspector notes there would be significant changes in views from some of the local roads within 3 km of the site and notes depending on the time of year and the height of the roadside hedgerows, views could be screened and effects more intermittent. Nevertheless, the Inspector is of the view the prominence of the turbines and their elongation of high-rise development within rural views would result in significant visual detriment. (IR 167)
26. The Inspector notes that motorists may have a lower sensitivity due to their need to concentrate on the road, nonetheless, the Angle Peninsula and routes such as the B4320 will be used by those seeking to enjoy the scenic value of the PCNP. During the site visit the Inspector noted long stretches of the road which provided relatively uninterrupted views of the application site. As the Inspector experienced along the B4320, there would be a significant effect on the visual amenity of road users up to 3km from the proposed wind turbines. Within all these views, the Inspector is of the view the development would result in significant levels of prominence as it elongates the presence of high-level development away from Valero. (IR 168)

Residential

27. The Residential Visual Amenity Assessment (“RVAA”) focussed on effects on the private views of representative properties surrounding the application site. The RVAA confirms a significant change in views from the bulk of properties in some form, however, any effects were not deemed to be overwhelming. The Inspector notes PCC raised no concerns in this regard. Whilst elements of the proposal would be visible to varying degrees from properties surrounding the site, bearing in mind factors such as the partial screening effects of topography, existing landscaping, orientation of the properties, or distance, the Inspector does not consider residential properties in the locality would be unacceptably affected in visual terms. The Inspector notes none of the identified visual effects would be overbearing, overwhelming or oppressive to such a degree that it would unacceptably affect the visual amenities or living conditions of occupants of those properties. (IR 169-170)
28. Having regard to the above, in terms of visual impacts, the Inspector concludes the proposed turbines would result in significant harm to the locality, including the PCNP. (IR 171)

Overall Conclusions - landscape character and visual amenity

29. The Inspector is mindful the proposed development is located within Haven Waterway Enterprise Zone (“HWEZ”), which has enabled the energy industry to develop around the Haven Waterway. The HWEZ seeks to promote energy related development within spatially defined areas. The Inspector notes whilst the HWEZ is designed to create the best possible conditions for business to thrive, it is not a landscape designation and any scheme within the HWEZ must satisfy planning policy.
30. The applicant draws attention to the RESPG which indicates there may be a limited opportunity for a single or small cluster of turbines on land within the national park close to the refinery. It is argued PCNP must, therefore, accept that siting wind turbines on the eastern side of LCA 7 would maintain the essential integrity, coherence and character of the landscape and the ‘Special Qualities’ of the park. Further, that

those turbines would be bound to have a greater effect on the park than turbines proposed under this application. (IR 172-173)

31. The RESPG is guidance to support the PCC Local Development Plan (“LDP”), which states development must be compatible with conservation and enhancement of the natural beauty of the park. Whilst the applicant sought to draw comparisons between a potential scheme within the area defined by the RESPG and the current proposal, the Inspector considers there is insufficient evidence to draw any reasonable parallels. The acceptability or otherwise of any future scheme as referred to in the guidance would have to be considered on its own merits as part of the planning process. (IR 174)
32. PCC highlighted a ‘Consultation Draft Cumulative Impact of Wind Turbines Supplementary Planning Guidance (“DSPG”) was issued for consultation 7th January 2022 by PCC and PCNP. The Inspector is of the view whilst the DSPG may be due for consideration by both Local Planning Authorities in the near future, nonetheless, its final adoption has not taken place. As a result, the Inspector has given the draft DSPG little weight in terms of consideration of matters. (IR 175)
33. The Inspector concludes the proposal would have a substantially harmful impact on the visual character and quality of the landscape, particularly in relation to the adjoining PCNP. As such the proposal conflicts with policy GN.1 of the LDP and policy 18 (1) of Future Wales (“FW”). (IR 176)

The effect on the setting of Heritage Assets

34. Section 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (“the Listed Buildings Act”) require the decision maker, in considering whether to grant listed building consent, for any works, or development, affecting a listed building, or its setting, to 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. PPW and Technical Advice Note 24: The Historic Environment (“TAN 24”), reiterates this statutory duty. TAN 24 defines the setting of a historic asset as including the surroundings in which it is understood, experienced, and appreciated, embracing present and past relationships to the surrounding landscape. PPW states it is important the planning system looks to protect, conserve and enhance the significance of historic assets, and that this will include consideration of the setting of an historic asset which might extend beyond its curtilage. (IR 177-178)
35. In terms of the development plan, policy 18(6) of FW states there should be no unacceptable adverse impacts on statutorily protected built heritage assets, whilst policy GN.38 of the LDP states development affecting sites and landscapes of architectural and/or historical merit, or their setting, will only be permitted where it can be demonstrated that it would protect or enhance their character and integrity. (IR 179)
36. The Inspector notes the development would have no direct physical effect on any designated historic heritage asset. The proposal’s effects therefore relate to effects on the settings of such assets, which are considered below. (IR 180)

St Decumanus Church with Associated Church Hall and Churchyard Cross

37. The Church of St Decumanus at Rhoscrowther is a medieval parish church located within a walled churchyard at the foot of the hillside immediately to the south of the Valero site and west of the proposed wind farm. The church is bounded by a minor road to its east. The churchyard has a gate at its north end to the road, and a second

gate at its south corner beside which is a grade II listed church hall. Within the churchyard, between the church and the schoolhouse, is a grade II listed medieval cross shaft and base. There is a clear visual and functional relationship between these assets with the cross and church hall, which are listed for their group value with the church. The significance of the church is derived from its evidential value and its historical value. Despite the church no longer having a regular congregation with the virtual abandonment of the village in the 1990s, it remains permanently open, is cared for by local people, is still utilised for worship, funerals and burial within the grounds, visited by others, and also has connections with the Welsh poet Waldo Williams. (IR 181-182)

38. The immediate setting of the church is formed by its numerous historic gravestones, the trees which surround it and the other two heritage assets referred to above. The Inspector notes due to the local topography and the trees surrounding them, the collection of heritage assets have a very definite sense of enclosure, seclusion, and isolation. Despite being close to the refinery, only glimpses of the highest part of it can be seen from very limited locations within the church grounds. The church hall built in 1851 forms part of the eastern boundary to the churchyard. The Inspector also notes the contribution the setting makes to the significance of the church hall is primarily related to its immediate surroundings within the churchyard and its relationship to the church and cross shaft. (IR 183-184)
39. The nearest turbine would be some 700m from the churchyard, with the furthest 1.3km away. The Inspector notes visualisations indicate opportunities to see the turbines from some parts of the churchyard when looking east. In views from the north of the churchyard where all three assets are intervisible, the revolving upper half of the blades of T3 would be visible above the tree canopy. In views from the south, where the church and church hall are intervisible, most of the rotating blades of T1 would rise above the tree canopy, whilst the blades of T2 and T3 would appear through gaps in the vegetation, albeit highly restricted. The Inspector is of the view the secluded setting of the church and other listed structures permits outward views, however, due to the vegetation around the church, these are restricted to the upper slopes of the valley to the east in the area where the turbines would be sited. The Inspector considers the proposed turbines would introduce new highly engineered structures into those rural surroundings. (IR 185-186)
40. The applicant argues the turbines would be seen as more distant features, however the Inspector considers their visibility, albeit restricted with the benefit of tree screening, would still draw the eye from within the churchyard, particularly to the south of the church where T1 would appear as a conspicuous feature due to blade rotation. The Inspector is of the view the presence of the turbines would be a distracting and intrusive feature which would detract from the tranquil setting of the church and associated listed structures with their outward rural views. (IR 187)
41. PCC highlight the screening effects provided by the trees to the east of the church would be much reduced in winter and the Inspector shares those concerns. For significant periods of the year the visual impacts of the proposed turbines would be likely to increase significantly due to lack of tree cover, with further elements of the turbines as illustrated on the wireframes likely becoming more apparent. The Inspector is of the view the harm to the setting of the church and therefore its significance would be substantial. (IR 188)
42. PCC raised the issue of ash dieback disease (“ADD”) affecting the tree screening to the east of the site. The Inspector notes both parties submitted arboricultural reports on the health and condition of the trees. PCC predicts the loss of all ash trees due to

ADD within 10 years with no effective replacement screening. In addition, concerns were raised about the longevity of a number of other species. In contrast, the applicant's report predicted considerable but not total loss of ash trees but anticipates growth of other tree species would compensate. Cadw expresses concern a reduction in the density of the trees to the east of the church could increase the visual impact of the wind turbines and raise the impact on the setting of the church to a significant level. (IR 189-190)

43. The Inspector's site visit revealed a noticeable amount of ash were subject to ADD. The Inspector considers over time any effects of ADD may be alleviated by existing ash trees which do not succumb to ADD or by other tree species. The fact ADD is affecting many trees on the site puts into doubt their subsequent screening effects and adds to the Inspector's concerns as to the visual impacts of the proposed turbines and their impacts on the setting of the heritage assets. (IR 191-192)
44. The Inspector notes the trees, which currently provide screening from the church and other assets, are outside of the control of the applicant. The Inspector considers this lack of control is significant in terms of the potential visual impacts of the proposed development as the trees could be subject to wholesale felling at any time over the proposal's 35-year lifespan or be subject to works from statutory undertakers; some of which have apparatus on the site. The Inspector is of the view this casts significant doubt over the effectiveness of any current screening benefits and offers the potential for greater impacts on the setting of the heritage assets. (IR 193)
45. Having regard to the above, the Inspector is of the view the visual change in the tranquil and peaceful setting of the church would result in a substantial level of harm and in turn to its significance. The Inspector considers this harm extends to the other two listed structures which are recognised for their group value with the church. Any harm identified would only be exacerbated by the likely loss of screening through ADD. (IR 194)
46. I have no reason to disagree with the Inspector's assessment of this matter. In addition, I note TAN 24 states that setting is not an historic interest in its own right but has value derived from how different elements may contribute to the significance of a historic asset. The Inspector has identified the significance of the Grade I listed St Decumanus Church and associated Church Hall and Churchyard Cross, both Grade II listed. The Inspector has considered how setting contributes to the significance of these listed structures and describes how the local topography and the trees surrounding the collection of heritage assets provide a sense of enclosure, seclusion and isolation, a setting which I note is part of the significance of these assets. The Inspector then considers how the proposal would harm this setting and, in turn, the significance of the historic assets.

Eastington Manor Buildings

47. Eastington Manor, a Scheduled Ancient Monument and grade I listed building, is located in an open elevated position on the east side of Angle Bay, adjacent to the Valero refinery and some 500m to the northwest of the application site. The Inspector notes the buildings are both experienced and understood as part of the historic complex of farm buildings on an elevated rural location overlooking the bay, albeit their setting is heavily affected by the Valero refinery in the background, which is a persistent feature in all but close views of the buildings. (IR 195-196)
48. The turbines would be located between 1-1.6km away and would appear as a cluster with two sets of blades visible above trees and hedges. The Inspector notes the

primary aspect of the listed buildings are seaward, looking away from the turbines, and these make a significant contribution to their setting, nonetheless the Inspector considers in part of the wider setting there is an element of oblique views towards the turbines which gives a rural aspect. An element of the setting of the heritage assets and how they are appreciated reflects the historical function of the buildings and historical relationship with the surrounding farmland. The Inspector considers the inward and outward views retain a strong rural element, albeit significantly compromised by the refinery. The Inspector is of the view the turbines, despite the background of the refinery from many viewpoints, would add a distinctly new and obvious visual component to the appreciation of the buildings within their rural setting, especially due to their movement that would be very apparent. (IR 197-198)

49. For the reasons given above, the Inspector does not agree with the applicant's assessment that there is no impact on the heritage significance of the listed structures at Eastington. However, due to the much-altered nature of their setting, the Inspector considers any impact on their heritage significance would be no more than minor adverse. (IR 199)

Angle Conservation Area ("CA")

50. The CA designation covers the entire village of Angle, adjoining fields, and parts of the intertidal zone in Angle Bay and West Angle Bay. The CA comprises individual historic buildings in the village, creating a distinctive streetscape and the relationship between the historic settlement and the adjacent fields and coastline which collectively make a positive contribution to its character and appearance and contribute to its significance as a heritage asset. Much of what may be considered as setting lie within the CA itself, although elements of the wider landscape are also important in this context. The Inspector notes its coastal location and associated views are fundamental to the character of the CA and how its setting is experienced and appreciated. (IR 200)
51. The Listed Buildings Act 1990 requires special attention be paid to the desirability of preserving or enhancing the character or appearance of CAs. PPW states there will be a strong presumption against the granting of planning permission for development which would damage the character or appearance of the CA or its setting to an unacceptable level. PPW also refers to setting extending beyond the curtilage of an asset. The Cadw publication, "Setting of Historic Assets in Wales" states "Setting often extends beyond the property boundary of an individual historic asset into a broader landscape context". (IR 201)
52. The Inspector is of the view that within Angle itself views of the proposal would generally be heavily restricted due to the built-up nature of the village and surrounding vegetation, however, there would be view from the coastal stretch of the CA to the north and east of the village. (IR 202)
53. PCNP has published a 'Proposals Document' (2012) which sets out how the character of the CA can be preserved and enhanced. The document identifies a number of key views out from the CA and one of those is key view 1 to the north, from Angle point looking east across Angle Bay towards the application site. Contrary to the applicant's opinion, the Inspector considers the turbines would be prominent in views from Angle CA looking eastwards, with their visual impact intensified due their rotation. The Inspector acknowledges the Valero site at some 4km away already greatly influences views out from Angle, however the Inspector considers those views are in the context of the extensive coastal setting which is far reaching and set against an expansive skyline; the refinery takes its place amid mudflats, boats, a wide agricultural hinterland, and a low skyline. The Inspector is of the view the addition of the turbines into those

views would result in an obvious and prominent visual expansion of industrial development to the detriment of current views and setting. In sensory terms, the Inspector considers the turbines would appear at odds with the ancient and current sea-based industry which has formed part of the setting to Angle CA. (IR 203-204)

54. For the reasons given above, the Inspector does not agree with the applicant's assessment that there is no impact on the heritage significance of the CA. The Inspector considers the proposal would cause harm to the setting of the CA, and as a result would neither preserve nor enhance its character or appearance. As a result, the Inspector considers any impact on its heritage significance would be minor/moderately adverse. (IR 205)

Milford Haven Waterway (Moryd Aberdaugleddau) Landscape of Outstanding Historic Interest ("MHW")

55. The proposal would be within the MHW. The impact of the proposed development was assessed following the processes of the 'Assessment of the Significance of the Impact of Development on a Historic Landscape' ("ASIDOHL") methodology. The ES concludes the development would have an impact of slight magnitude on the character of the historic landscape. Cadw agrees with this assessment. The Inspector has no reason to disagree with the conclusions of the ES. As a result, the Inspector considers the proposal would not have significant negative implications in terms of the MHW. (IR 206)

Other heritage related assets

56. Having considered all the other designated and non-designated heritage assets mentioned in the evidence, the Inspector finds nothing to conclude the proposal would cause harm to the settings of these or other assets to any significant degree. (IR 207)
57. In summary, the Inspector concludes the proposal would cause substantial harm to the setting and therefore significance of St Decumanus Church and the associated listed schoolhouse and cross shaft, a minor adverse impact on the setting of Eastington Manor/Eastington Farmhouse, and a minor/moderate adverse impact on the setting of Angle CA. The Inspector is of the view the proposal would conflict with the Act, policy 18 (6) of FW, policy GN.38 of the LDP, and national policy guidance which collectively seek to protect heritage assets. (IR 208)

Ecology

58. The application site is entirely in agricultural use and comprises a mix of arable, semi-natural and improved habitats. One main watercourse flows through the centre of the site, and the majority of semi-natural habitat is associated with this. Chapter 7 of the ES and its associated appendices details the range of flora and fauna supported by the site, the evaluation of potential effects, and avoidance and mitigation measures for significant effects, including the concept of biodiversity net gain on the site. (IR 209)

Designated Sites

59. The ES highlights consideration was given to potential impacts on three internationally designated sites - Pembrokeshire Bats Sites and Bosherton Lakes Special Area of Conservation ("SAC"), Limestone Coast of South West Wales SAC, and Castlemartin Coast Special Protection Area ("SPA") which lie within 3km of the site. The Inspector is satisfied, taking into account the identified likely significant effects together with the proposed mitigation, and the recommended planning conditions to achieve that

mitigation, the scheme would cause no adverse effect on any internationally protected sites or species. This finding aligns with the advice of NRW. An Appropriate Assessment is provided in Annex B of the IR. (IR 210-211)

Habitats

60. The key habitats associated with the site include semi-natural broad-leaved woodland, wet woodland and swamp, however, the Inspector notes that the percentages involved are very modest relative to county and national levels. The remaining habitats on the site are improved and poor semi-improved grassland and arable land. The Inspector notes the physical land-take and the subsequent loss of habitat from the proposed development will only take place on the improved/poor semi-improved grassland and arable land which are habitats of very low ecological value. (IR 212)
61. The ES indicates material from construction works has the potential to drift onto surrounding good quality habitat e.g., the watercourse area, however, dust suppression measures would assist in avoiding such effects. The Inspector is satisfied the proposed conditions relating to the submission and approval of a Construction and Environmental Plan ("CEMP") would set out appropriate measures to safeguard habitats with mitigation measures. (IR 213)

Protected Species

Bats

62. The Inspector notes the ES was accompanied by a comprehensive series of bat surveys carried out over several years which indicated generally low levels of bat activity associated with the application site. The ES identified the potential for bat strikes with the turbine blades with a variety of species being generally low, although with the Pipistrelle there is the potential for increased bat strikes due to an elevated level of activity in spring and autumn. The Inspector also notes collision risk with respect to bat species would be mitigated by the micro-siting of the turbines to increase their separation distance from the nearest linear features i.e., hedge habitat which the bats would fly along. Other proposed mitigation measures include hedgerow gaps being temporarily closed on a nightly basis during the construction period, longer term reinstatement of hedgerows both at any severance point and more widely across the site through additional planting, and 'gapping up' of hedges. The ES indicates the enhancement of the hedgerows throughout the site is likely to further encourage Pipistrelles away from turbine areas to forage along more diverse and structurally intact linear features. The Inspector states other mitigation measures include micro-siting of turbines to ensure adequate separation distances to the nearest bat habitats, and a lighting scheme for the construction and operational phases. The Inspector is of the view the proposed conditions relating to carrying out post-construction monitoring for bat activity/fatalities at the site, and if necessary, curtailing turbine use, along with feathering of the turbine blades to reduce rotation speeds while idling, would also minimise potential detrimental impacts on the protected species. (IR 214-216)
63. The Inspector notes NRW is satisfied the imposition of mitigating conditions adequately addresses bat activity on the site and confirm the proposal is unlikely to result in a detrimental impact to the maintenance of the favourable conservation status of bat species in the area. (IR 217)

Birds

64. The ES details in addition to a desk top study of bird records for the area around the application site, an updated picture of bird activity on the site was carried out via surveys. The Inspector notes the results of the survey data indicated the site is rated as 'very poor' in terms of its conservation concern relating to birds, and any breeding birds on the site are not prone to collision with turbines. The Inspector is satisfied the information submitted adequately addresses bird activity on the site. (IR 218)
65. The ES highlights the key bird habitat on the site is the hedgerows which provide a good resource for breeding birds such as Whitethroat and Linnet. In addition, there is the potential for the hedges to support breeding Yellowhammer, as they have done in previous years. The ES notes a full hedgerow assessment report has been produced, which includes detailed recommendations for hedgerow enhancement. It is suggested, in combination with management of the arable areas of the site e.g., the creation of fallow areas and the leaving of field margins unploughed, the site could provide a good resource for seed-eating birds such as finches, buntings and sparrows. (IR 219)
66. The Inspector is satisfied the suggested condition relating to the CEMP in addition to the requirements of the Ecological Conservation & Enhancement Plan ("ECEP") condition, would collectively provide for appropriate mitigation to safeguard and enhance ornithological interests related to the site. (IR 220)

Other Protected Species

67. The Inspector notes the site has the potential for other protected species such as the dormouse, otters and badgers. The Inspector is satisfied the measures as set out in the suggested conditions related to a CEMP, Dormouse Conservation Plan, the ECEP and a site landscaping scheme, would adequately safeguard any adverse impacts on these species. (IR 221)

Overall Conclusions – Ecology

68. Based on the conclusions in the ES, and the implementation of the proposed mitigation measures secured by planning condition, the Inspector is satisfied the proposal would be managed to protect and encourage biodiversity and ecological interests. The Inspector is of the view it would avoid, mitigate, and compensate potential negative impacts, ensuring no significant adverse effects on areas of conservation interest such as nearby SAC's or locally protected habitats and species. This biodiversity and resilience of ecosystems duty set out in section 6(1) of the Environment (Wales) Act 2016 is noted and consideration has been given to the aspects set out at section 6(2) of that Act. The Inspector concludes in all these respects the proposed development would comply with the ecological objectives of policies GN.1 and GN.37 of the PCC LDP which seek to safeguard and protect the natural environment including protected habitats/species and the enhancement of biodiversity. It would also be consistent with the ecological objectives of FW, PPW, Technical Advice Note 5: Nature Conservation and Planning (2009). (IR 222)

Habitats Regulations Assessment ("HRA")

69. Regulation 63 of the Conservation of Habitats and Species Regulations 2017, as amended, imposes a requirement to consider the potential effects of a proposed development on a European Site, in this case the Pembrokeshire Bats Sites and Bosherton Lakes SAC and the Limestone Coast of South West Wales SAC. The Habitats Regulations requires the Competent Authority, the Welsh Ministers in this case, before deciding to give consent for a plan or project which is likely to have a significant effect on a European Site (either alone or in combination with other plans or

projects), and which is not directly connected with or necessary to the management of that site, to make an 'Appropriate Assessment' ("AA") of the implications for that site in view of its conservation objectives. (IR 223-224)

70. To enable the Welsh Ministers to be able to carry out the AA process, evidence has been provided in the form of the applicant's Appendix 7.4 of the ES which is in effect a 'shadow' HRA. At Annex B the Inspector provides an AA for the Welsh Ministers. It is based on the shadow HRA, the advice of NRW in its role as the statutory nature conservation body, and the comments received by other parties in response to the application. The AA concludes the scheme, either alone or in combination with other projects, would not have an adverse effect on the integrity of any SAC. (IR 225)
71. Having regard to the identified likely significant effects together with the proposed mitigation, and the recommended planning conditions to achieve the mitigation, I find that the scheme would cause no adverse effect on any internationally protected sites or species. The Inspector has taken into account all the available evidence, including the concerns raised by those who oppose the scheme, and has adopted the precautionary principle in carrying out their assessment. The Inspector concludes it is beyond reasonable doubt the scheme, either alone or in combination with other projects, would not have an adverse effect on a European site or qualifying features. I am satisfied with the Inspector's findings. (Annex B of IR)

Other Considerations

Noise

72. The Inspector notes the applicant's Noise Impact Assessment ("NIA") assessed the potential noise impacts arising from its operation regarding nearby noise sensitive receptors ("NSI") such as dwellings. The noise limit values for the NIA were derived by applying the recommendations of ETSU-R-97 'Assessment and Rating of Noise from Windfarms' and 'The Good Practice Guide' published by the Institute of Acoustics both of which are regarded as the best available guidance on good practice on such matters. The limits were also based upon guidance from PCC. The NIA concludes the predicted turbine noise levels would not exceed good practice criterion and the Inspector has no evidence to indicate the noise level conditions suggested within the Local Impact Report ("LIR") would not satisfy those guidelines and safeguard nearby residential amenities. (IR 226)
73. Local residents raised concerns regarding the NIA's reliance on data from a previous application relating to the site, however as explained in the NIA, the results of the survey conducted in 2013 were considered to still be relevant as there have not been significant changes to roads and businesses in the area which would give reason to believe noise levels would have materially changed and the Inspector has no evidence to indicate otherwise. The Inspector is satisfied the Noise Sensitive Receptor ("NSR") locations are a reasonable representation of properties likely to be sensitive to noise from the proposal. The Inspector is of the view the proposed development would not have a significant adverse effect on local amenity in terms of noise. (IR 227)

Shadow Flicker

74. Concerns have been raised regarding potential shadow flicker at residential properties. The ES indicated the potential for adverse effects at a number of properties. The Inspector notes the number of properties affected is very limited and any effects would only be for brief periods and at limited times of the year and any shadow flicker effects could be eliminated by curtailing turbine operations at critical times. The Inspector is

satisfied this issue and any potential detriment to residential amenity could be adequately resolved by planning condition. (IR 228)

Television Reception

75. Concerns were raised the proposed development would cause interference with television reception in the area. The Inspector is satisfied the condition proposed within the LIR would adequately address such concerns. (IR 229)

Agricultural Land Classification

76. The land subject to the application site falls within grades 2 or 3a of the 'Agricultural Land Classification System' which is the best and most versatile ("BMV"). In this case the Inspector notes the extent of land taken out of agricultural use and to be built on amounts to some 1.4ha. PPW states BMV land should be conserved for the future and considerable weight should be given to protecting such land from development. The Inspector acknowledges the proposed development would result in the temporary, albeit for 35 years, loss of a very limited amount of land, however the extent of land is not significant and crucially is entirely reversible. In addition, any limited harm of temporarily losing the BMV land is outweighed by the need to provide a more sustainable form of electricity to meet society's wider needs; to this extent and as discussed earlier, the Inspector considers the proposed development is in line with national planning policy. Therefore, the Inspector concludes the issue of the temporary loss of existing BMV land in this case is not decisive to the outcome of this application. (IR 230)
77. Regarding BMV land, I note the relatively small amount of land to be taken out of agricultural use is not significant. For this reason, whilst compliance with all the policy requirements in PPW has not necessarily been demonstrated, I agree the loss of the BMV land in this particular case is not decisive to the outcome of this application

Tourism

78. A number of concerns related to the potential detrimental impact of the proposed development on the local tourist economy. The ES refers to various research findings which indicate there is no clear evidence that wind farm developments positively or negatively affect levels of tourism. The Inspector is satisfied there is no substantive evidence to reach any definitive view on the matter. (IR 231-232)

Other Matters

79. A number of locals cited their support for the proposal with particular reference to a future community benefit fund which would allow for investment in local groups and projects on an annual basis for the lifetime of the development. However, the Inspector notes this benefit is to be given on a voluntary basis and is not necessary to make the development acceptable in planning terms and is not therefore a material planning consideration. The Inspector has given this matter no weight in consideration of the application. (IR 233)

Benefits of the Scheme

80. The Inspector is of the view the proposed development would provide a number of socio-economic benefits including:

- A valuable contribution with regards to provision of renewable energy, combatting the effects of climate change, and contributing to energy security, in line with planning policies of FW, the LDP and advice in PPW. The proposal is estimated to power some 9,450 homes per annum which the Inspector considers is a considerable contribution and sustainable benefit of the scheme;
- It is estimated it would result in £650,000 for the local economy and £2,431,650 for the Welsh economy, and the creation of 22 jobs through development, construction, operation and maintenance stages over the lifetime of the scheme. (IR 234)

81. The Inspector notes PCC states in its LIR the scheme will have a minor positive impact in terms of socio-economic matters. The Inspector considers the proposed scheme has the potential bring about multiple benefits in socio-economic terms whether that be a contribution at national or local level. (IR 235)

Planning Balance and Overall Conclusions

82. The Inspector states decisions should be made in accordance with the development plan unless material considerations indicate otherwise. In this regard the Inspector has taken into account the relevant policies of FW and the LDP. The Inspector considers the proposed development would result in substantial harm to the landscape character and visual amenity of an area which includes the PCNP, along with significant sections of the Wales Coastal Path. The Inspector does not consider the proximity of the proposed development to the Valero site lessens the harm of the proposed development. Bearing in mind the statutory duty regarding activities affecting national parks, the Inspector has attached significant importance to the objective of protecting landscape character and quality. (IR 240)
83. LDP policy GN.1 contains criteria which development proposals should satisfy, relating to compatibility with context, avoiding significant harm to visual amenity, and protecting landscape character and quality including the special qualities of the PCNP. The Inspector is of the view the proposal conflicts with policy GN.1 of the development plan and national policy guidance in this respect. The Inspector also considers the proposal also conflicts with policy 18 (1) of FW which refers to development relating to renewable DNS schemes not having an unacceptable adverse impact on the surrounding landscape (particularly on the setting of National Parks). The Inspector concludes the harm caused weighs significantly against the proposal. (IR 241)
84. Similarly, in discharging the duty to have special regard to the desirability of preserving a listed building or its setting, the Inspector concludes the proposed development would cause minor adverse impacts on the setting of the Grade I listed Eastington Manor and Grade II listed Eastington Farmhouse, and a minor/moderate impact on the setting of Angle CA. However, the development will cause substantial harm to the setting and therefore significance of the nearby Grade I listed church of St Decumanus and associated structures which leads to the conclusion that the impact on statutorily protected built heritage assets is unacceptable and as such the proposal would conflict with the Listed Buildings Act, policy 18 (6) of FW, policy GN.38 of the LDP, and national planning guidance which collectively seek to protect heritage assets. The Inspector considers the collective harm to the designated heritage assets carries significant weight. (IR 242)
85. Having regard to the above, the Inspector considers the proposed development would also fail to comply with policy GN.4 of the LDP which seeks the delivery of renewable energy development through environmentally acceptable solutions, nor policy SP16 of

the LDP which seeks to protect landscape and the natural and built environment of Pembrokeshire and adjoining areas. (IR 243)

86. FW and PPW seek to ensure the planning system contributes towards the delivery of sustainable development and improves the social, economic, environmental and cultural wellbeing of Wales as required by the Well-Being of Future Generations (Wales) Act 2015 (“WFG Act”). The Inspector states both documents make it clear achieving decarbonisation and climate-resilience is a key national priority for Wales, and a recognition of a need for Wales to focus on generating the energy it needs to support its communities and industries over the next twenty years. The Inspector is of the view the proposed development would support this approach. (IR 244)
87. The Inspector considers the benefits of the scheme helps to meet local and national renewable energy goals, reduces reliance on energy generated from fossil fuels and actively facilitates the transition to a low carbon economy and security of energy supply. The Inspector also considers the proposal would bring about socio-economic benefits in the local and wider economy. The Inspector is of the view the collective benefits related to the proposal carries significant weight in the determination process. (IR 245)
88. With regard to the other issues, the Inspector is satisfied the scheme has been located and designed to minimise any significant detriment to ecological interests, living conditions of local residents in the area, and highway safety. The Inspector is of the view mitigation measures would safeguard these interests, which can be satisfactorily delivered via planning conditions and the reversible nature of the scheme, along with the proposed mitigation ensures the site will be returned to its historic use. (IR 246)
89. The Inspector concludes, however, on balance, the renewable energy benefits which would accrue from the proposed scheme would not justify or outweigh the substantial harm identified above. (IR 247)

Conclusion and Decision

90. Subject to my comments above I agree with the Inspector’s appraisal of the main considerations, the conclusions of the IR and the reasoning behind them, and I accept the recommendation. Therefore, I hereby refuse planning permission for DNS application, reference DNS/3261335.

The WFG Act

91. The Welsh Ministers must, in accordance with the WFG Act, carry out sustainable development. In reaching my decision on the application, I have taken into account the ways of working set out at section 5(2) of the WFG Act and ‘SPSF1: Core Guidance, Shared Purpose: Shared Future – Statutory Guidance on the WFG Act’. My assessment against each of the ways of working is set out below.

Looking to the long-term

92. The decision takes account of the long-term objective to make our cities, towns and villages even better places in which to live and work by protecting the local landscape as well as designated heritage assets for future generations.

Taking an integrated approach

93. I have considered the impacts from this decision on the Welsh Government's well-being objectives, which incorporate the well-being goals set out in section 4 of the WFG Act. Where an objective is not set out, the effect of this decision is neutral.

Impact on well-being objectives

- Make our cities, towns and villages even better places in which to live and work – positive effect

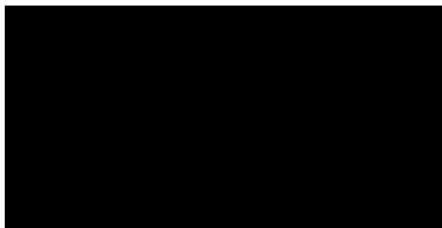
Involving people/Collaborating with others

94. Within the framework of a statutory decision-making process, which is governed by prescribed procedures, the application was subject to publicity and consultation, providing the opportunity for public and stakeholder engagement. Representations received through these procedures have been considered and taken into account in making a determination on this application.

Prevention

95. Although the decision would result in the refusal of a renewable energy scheme, the decision to refuse the application and protect the local landscape and the setting of designated heritage assets prevents the loss for future generations.
96. In reaching this decision I note the duty to carry out sustainable development under section 2 of the Planning (Wales) Act 2015 and I consider the decision accords with the sustainable development principle set out in the WFG Act. In accordance with section 3(2) of the WFG Act and the well-being objectives of the Welsh Ministers, the decision will help “make our cities, towns and villages even better places in which to live and work”.
97. I consider my decision accords with the sustainable development principle set out in the WFG Act. Therefore, I consider the decisions are a reasonable step towards meeting the Welsh Government's well-being objectives.
98. I have taken the Environmental Statement and all other environmental information provided into account in the consideration of this application, as required by the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2017.
99. A copy of this letter has been sent to Pembrokeshire County Council.

Yours sincerely,



Julie James AS/MS
Y Gweinidog Newid Hinsawdd
Minister for Climate Change