

<u>ITEM 1.2</u>	
<u>APPLICATION NO: P/2012/999</u>	<u>DATE: 06/12/2012</u>
<p>PROPOSAL: Erection of 5 wind turbines with a max blade tip height of 126.5m, control building, electricity sub station, transformers crane hard standings, 82m anemometry mast, improvements to access off A474, new bridge, upgrading of existing on site tracks and construction of new on site access tracks, underground electricity cables. Temporary construction compounds and two temporary 82m anemometry masts. Additional Information in respect of highways, hydrogeology, landscape, visual and ecological impacts Received 13-09-13</p>	
LOCATION:	Mynydd Marchywel, Between Rhos & Cilfrew, Neath
APPLICANT:	RES UK & Ireland Limited
TYPE:	Full Plans
WARD:	Bryncoch North

Planning History

P2010/1248 - Request for scoping opinion for 11 Wind Turbines, access tracks and associated works

P2010/0984 - Retention of temporary 69.5m high anemometer mast for 24 months – Approved 9/9/10

P2007/1260 - Renewal of temporary permission for installation of temporary anemometer mast for a further period of 24 months – Approved 29/01/08

P2005/1111 - Installation of temporary anemometer mast for a period of 24 months – Approved 22/09/05

Publicity and Responses (if applicable):

A series of public exhibitions have been held by the Applicant during the development of the design scheme. Events at Rhos, Cilfrew and Crynant were held in January and February 2007 together with a leaflet drop to all households within 3 km of the site (over 4000) in January 2007

Further public exhibitions took place at the above locations in June 2012 and an updated leaflet drop was also undertaken in May 2012.

This approach is in accordance with the requirements of the Authority's Supplementary Planning Guidance for Wind Farms.

The Authority

The proposal has been advertised by means of a press notice and the posting of 21 site notices.

Following the submission of additional information on 13th September 2013 in relation to Highways, Hydrology, ecology and Landscape and Visual Assessment, further consultation was undertaken by means of a press notice and site notices.

To date approximately 586 individual letters have been received objecting to the proposal for the following summarised reasons:

1. Detrimental effect on the landscape
2. Detrimental effect on residents, visitors and tourism
3. Noise impact – unknown association recommend siting the turbines 1.6 km from dwellings
4. Impact on ecology, birds
5. Shadow Flicker
6. Impact upon water supply
7. The development is partly outside SSA E
8. The site does not accord with the criteria set out in Paragraph 2.9 of TAN 8 as it is not a plateau.
9. The development of the site is contrary to the Council IPG on wind farm development
10. Traffic congestion and highway safety
11. Community fund should be operated by an independent organisation
12. Impact on heritage sites
13. Turbines result in increased rain
14. Saturation of windfarms within the area
15. Dust, noise from construction
16. Loss of hedgerows
17. Effect on peat
18. Effect on electricity supply caused by power surges
19. No requirement for power from this development
20. Wind energy is insufficient
21. Without subsidy no one would erect wind turbines
22. The proposed development will not address the issue of climate change.
23. Danger to aviation
24. Turbines are dangerous and can explode

25. No direct economic effect from the development
26. Effect of noise on health
27. Revaluation of property
28. Release of carbon during construction
29. Insufficient wind speed at site
30. The developer will not provide a community benefit fund
31. Arup report concluded that the site was not appropriate for wind farm development
32. Soil removal will create drainage problems
33. There has been inadequate consultation associated with this application

A letter of objection has also been received from **Tonna Community Council** on the grounds that the proposal will have a detrimental visual impact upon Tonna and the proposal is outside the Council refined Strategic Search Area.

A letter has been received from **Gwenda Thomas AM** and **Peter Hain MP** outlining the concerns of local residents.

A letter of objection has been received from **Bethan Jenkins AM** objecting to the proposal on the grounds of noise, vibration, visual impact and impact on tourism.

63 letters of support have been received on the grounds that the proposed development will :

- Provide a form of renewable energy
- Reduce Carbon emissions
- Provide community benefits to the area
- Provide short and long term employment to the local and regional community.
- Give energy security
- Assist in meeting Welsh and UK renewable energy targets
- Not give rise to waste and carbon emissions associated with nuclear power and fossil fuels

Neath Port Talbot Badger Group - No Objection

Brecon Beacons National Park - No Objection

Bridgend County Borough Council - No Objection

British Telecom - No reply, therefore no observations to make

CADW – The development will have very significant effects on two scheduled ancient monuments

Countryside Council for Wales (now NRW) - No Objection subject to conditions

Cilybebyll Community Council – Objection on the basis of visual impact, residential amenity, proximity to properties, noise, adverse effect on recreation and tourism, and on the inadequate consideration of environmental issues.

Blaenhonddan Community Council - Objection on the basis of noise, ecology (particularly birds), traffic congestion and impact on the landscape.

Crynant Community Council – Objection on the basis of impact on landscape, historical environment, tourism, employment and house prices.

Council for the Protection of Rural Wales - No reply, therefore no observations to make

Natural Resources Wales – No objection, subject to the imposition of conditions

Biodiversity Unit – No objection, subject to conditions

Forestry Commission (now NRW) – No objection

Pollution Control Section (Land Contamination) – No objection

Footpaths - No Objection

Wales and West Utilities - No Objection

Glamorgan Gwent Archaeological Trust No objection, subject to the imposition of conditions

Glamorgan Wildlife Trust - No reply, therefore no observations to make

Welsh Water - No Objection

The Coal Authority - No Objection

National Grid - No objection, subject to conditions

Ramblers Association – No reply, therefore no observations to make

Rhondda Cynnon Taff CBC - No Objection

Royal Society for the Protection of Birds – No reply, therefore no observations to make

Head of Engineering and Transport (Structures) - No Objection

City and County of Swansea - No Objection

Biodiversity Forum – No reply, therefore no observations to make

Head of Housing and Public Protection (Noise) – No objection, subject to conditions

Head of Engineering and Transport (Highways) - No objection, subject to conditions

Head of Engineering and Transport (Drainage) – No objection, subject to conditions

Ministry of Defence - No Objection

Civil Aviation Authority - No reply, therefore no observations to make

BBC - No reply, therefore no observations to make

OFCOM - No objection

Swansea Airport- No reply, therefore no observations to make

Ancient Monument Society - No reply, therefore no observations to make

Welsh Assembly Government – No reply, therefore no observations to make

Description of Site and its Surroundings

The application site is located on Mynydd Marchywel, approximately 4 km north of Neath. The site is centred on grid reference: E276100, N202500; OS Grid Reference SN7610 0250 between Rhos (2 km west), Crynant (3 km north-east) and south of the Crynant Forest. Mynydd Marchywel rises to a height of 418m to the north east of the site and runs south into lower valley

landscapes.

The site covers approximately 235.8 hectares and is typical upland moorland, consisting of wet and dry heaths, heather moor and areas of rushes and sedge in wetter regions with some rough grazing. Coniferous plantation dominates the northern part of the site

Brief description of proposal

The proposed development is for the construction and operation of a wind farm of 5 three-bladed, horizontal axis wind turbines with an installed capacity of up to 11.5MW, each up to 126.5m maximum height to blade tip and associated works including:-

- electricity transformers
- underground cabling
- watercourse crossings
- new bridge
- access improvements
- new and upgraded tracks
- crane hard standings
- control building
- electricity substation
- communications mast
- 82m anemometer mast

During construction and commissioning there would be a number of temporary works including construction compounds, storage area, access track turning heads, welfare facilities, and two meteorological masts up to 82 m high

The application is accompanied by an Environmental Statement (ES) which deals with a range of issues, but primarily deals with the following :-

1. Introduction.
2. Planning Policy
3. Design Development and Consultation
4. Description of development
5. Landscape and Visual Assessment
6. Ecology
7. Cultural heritage and Archaeology
8. Hydrology and Hydrogeology
9. Geology, Mining and Mineral Resources
10. Noise

11. Traffic and Transportation and Access
12. Electromagnetic Interference and Aviation.
13. Socio- Economic

Supplementary Environmental Information (SEI) was also submitted on 13th September 2013 which provides additional information in respect of Highways, Hydrology, Ecology and Landscape and Visual assessment

This additional information was the subject of additional publicity under Reg 19

The Applicants submission in the ES and other submissions

This section summarises the applicant's submission. The Local Planning Authority's comments on the issues are set out later in the report.

Planning Policy

This section identifies the energy and land use planning policy and legislation against which this proposal is assessed.

The conclusions in the ES are that policy at a national level fully supports the development of large scale renewable energy projects through TAN8 whilst ensuring that any detrimental environmental effects on local communities are minimised. The proposal falls within the Strategic Search Area E and the 5km buffer area as defined in TAN 8 which has an indicative capacity of 152 MW and as such will make a valuable contribution to WGs 2020/2025 indicative energy targets.

Design Development and Consultation

This chapter outlines the procedures used for selecting potential sites for wind farm development in Wales and details community consultation undertaken for the Mynydd Marchywel Wind Farm.

The conclusion reached, having regard to national policy, is that the site is suitable for windfarm development having regard to specific site constraints.

Description of the Project

This chapter describes the proposal and deals with the construction operations and decommissioning phases of the development.

Landscape and Visual Assessment

This section presents the findings of a landscape and visual assessment that has considered the potential effects of the proposed wind farm and associated works on the landscape character and visual amenity of locations at a considerable distance beyond the site boundary. The study area for the Landscape Visual Impact Assessment was based on a 30 km study area extending from the Gower Peninsula, Swansea Bay and Porthcawl in the south to the Black Mountains in the north, Llanelli in the west to Aberdare and the edges of Merthyr Tydfil in the east.

The baseline conditions include 19 wind farm sites that are either operational, under construction, consented or in planning and are also located within the landscape of the study area.

The assessment has taken account of the potential cumulative or additional effects on landscape and visual amenity arising from the proposal, in conjunction with the known baseline of operational and/or consented wind farms and in conjunction with this baseline all of the submitted stage wind farms as identified above. In addition, the assessment considers the entire period of the development which includes the site preparation and commissioning phases, the operation of the wind farm, final decommissioning and reinstatement of the site.

The landscape assessment identified 16 landscape character type/areas within the study area and assessed the impact of the proposal on those areas. A summary of the effects is set out in the table below.

Landscape Character Type/Area	Sensitivity to change	Magnitude of change	Effect	Significance
Exposed Open Uplands	Medium	Substantial in a limited area Overall Moderate	Major/Moderate in a limited area Moderate overall	Significant in a limited area Overall Not Significant
Commercial Softwood Plantation	Low	Slight	Minor	Not Significant
Central Beacons	High	Slight	Moderate	Not Significant
Fforest Fawr	High	Slight	Moderate	Not Significant
Y Mynydd Du	High	Moderate in a limited area Overall Slight	Major/ Moderate in a limited area. Moderate overall	Significant in a limited area. Overall Not Significant
Transitional Slopes	Medium	Substantial in a limited area Moderate overall	Major/Moderate Moderate overall	Significant in a limited area Overall Not Significant
Modified Coastal Plain	Low	Slight	Minor	Not Significant
Broad Open Valley	High/Medium	None	None	Not Significant
Lowland Heaths	High	Slight	Moderate	Not Significant
Lowland Rolling Agriculture	Medium	Slight	Moderate/Minor	Not Significant
Rocky Coast and Cliffs	High	Negligible	Moderate/Minor	Not Significant
Depositional Coastland	Medium	Slight	Moderate/Minor	Not Significant
Urbanised Bay	Low	Slight	Minor	Not Significant
Enclosed Intertidal Bay	Medium	Slight	Moderate/ Minor	Not Significant
Open Sea	Low	Slight	Minor	Not Significant
Major Urban Areas	Low	Slight	Minor	Not Significant

A viewpoint analysis of the potential effects on both the landscape and visual amenity arising from the proposal at each of the selected viewpoints was carried out. This analysis involved the production of computer generated wire frames and photomontages. In addition, an interactive virtual reality computer generated model produced for the original application has been up dated to illustrate the amended application.

Visual receptors within the study area are considered principally to consist of residents, workers, users of the Brecon Beacons National Park , users of informal outdoor recreational facilities including long distance walking routes, public footpaths and bridleways as well as cycle routes, and users of the road and rail networks.

The visual effects of the proposal have been assessed from 26 viewpoints.

No	Viewpoint	Receptors (Sensitivity)	Magnitude of change	Visual effect	Significant
1	Cilfrew	Residents (High)	Substantial	Major	Yes
2	Rhos	Residents (High)	Substantial	Major	Yes
3	Bryn Coch	Residents (High)	Substantial	Major	Yes
4	Ynysmeudwy	Residents (High)	Moderate	Major/Moderate	Yes
5	Pontardawe	Residents (High)	Moderate	Major/Moderate	Yes
6	Crynant	Residents (High)	Moderate	Major/Moderate	Yes
7	St Illtyd's Walk - Hirfynydd	Walkers (High)	Moderate	Major/Moderate	Yes
8	Tonna	Residents (High)	Moderate	Major/Moderate	Yes
9	Neath Gnoll Estate Country Park	Resident & Visitors (High)	Moderate	Major/Moderate	Yes
10	Neath Town Centre	Residents (High)	Slight	Moderate	No
11	St Illtyd's Walk - Mynydd Marchywel	Walkers (High)	Slight	Moderate	No
12	Blaendulais/ Seven Sisters	Residents (High)	Slight	Moderate	No
13	Cefn Ffordd	Walkers (High)	Slight	Moderate	No
14	Swansea (Morriston)	Residents (High)	Slight	Moderate	No
15	Margam Mountain	Site of Special Historic Interest (High)	Slight	Moderate	No

No	Viewpoint	Receptors (Sensitivity)	Magnitude of change	Visual effect	Significant
16	Beacons Way (north of Garreg Lwyd)	Walkers (High)	Slight	Moderate	No
17	Minor Road at Banc Crucorvod (Above Glanaman)	Motorists (Medium) & Visitors (High)	Slight	Motorists - Moderate/minor Visitors - Moderate	No
18	Gorseinon	Residential receptors (High)	Negligible	Moderate/minor	No
19	Mumbles Head (Gower, Swansea)	Residents and Visitors (High)	Negligible	Moderate/minor	No
20	Cribarth	Walkers (High)	Slight	Moderate	No
21	Moel Penderyn	Walkers (High)	Negligible	Moderate/minor	No
22	Mynydd y Gwair	Walkers (High)	Slight	Moderate	No
23	Rhos, March Hywel	Residents (High)	Substantial	Major	Yes
24	Rhos, Smith Arms	Residents & Visitors (High)	Substantial	Major	Yes
25	Hendrelas	Residents (High)	Substantial	Major	Yes
26	Fforest Goch, Neath Road	Residents (High)	Substantial	Major	Yes

Landscape effect

The assessment concludes that the wind farm has a good fit with the Exposed Open Uplands landscape type although there will be significant effects upon the key characteristics of the Exposed Open Uplands Landscape character types (LCT) within 5 km of the proposed wind farm resulting from the introduction of the development.

There would also be significant effects upon southern areas of the Y Mynydd Du Landscape Character Area (LCA) and limited units of the Transitional Slopes LCT within 7 km of the proposed wind farm. The effects on landscape character across the majority of the study area would not be significant due to fragmented visibility of the proposed wind farm and the fact that it would physically affect only two of the 16 LCT/LCA. The scale of the landscape is considered to be sufficiently large to accommodate the proposed wind farm, both within the application site, and when considered in the context of the wider landscape of the study area.

The assessment indicates there will be significant effects upon a limited part of the Brecon Beacons National Park immediately to the north of the proposed wind farm and lying between the A4069 and the A4067. Elsewhere within the Park, visibility of the proposed wind farm would be fragmented or it would be seen as a minor element on the distant horizon thereby having a weak influence on the qualities and characteristics of the Park. The overall effect on the Park would not be significant and the integrity of the designated area would not be compromised

The assessment identifies significant effects on only one Registered Park and Garden at Gnoll Country Park, Neath which is primarily due to the short separation distance between the proposed wind farm and the designated landscape. There would be no significant effect on the other Registered Parks and Gardens (RP & G) or Landscapes of Historic Interest (LHI) within the study area.

Visual effect

27 settlements are identified within the study area. 16 would have no visibility of the proposed wind farm. Significant effects were identified in 5 settlements; Rhos, Pontardawe, Tonna, Bryn Coch and parts of Neath, with visibility varying considerably throughout each settlement, due to the shielding effects and orientation of buildings and screening by vegetation, such that some areas will experience no or very limited visibility of the proposed wind farm. Significant effects are restricted to those settlements within 5 km of the proposed wind farm.

Route corridor assessment indicates that, due to landform variation and features, the fragmented pattern of visibility and the shielding effects of vegetation and buildings, the effects on route corridors will not be significant, with the exception of limited sections of St Illtyd's Way- Hirfynydd.

Of the 26 viewpoints assessed it is considered that there would be significant effects upon 13 viewpoints. The 13 viewpoints all lie within 5 km of the proposed wind farm. Of these, six viewpoints lie immediately to the west, and share a very similar view of the proposed wind farm, in particular the 3 short distance viewpoints on the east side of the village of Rhos.

In general the proposed wind farm will be seen as a well designed new feature in relation to the local landscape character and context or as a distant element on the far horizon.

Viewpoint locations in the Gower Peninsula AONB and the Brecon Beacons National Park would not experience significant effects.

Cumulative effect

The assessment of cumulative effects indicates that the proposed wind farm would introduce negligible new areas of visibility, where wind energy development is currently not seen, into the study area. Whilst the proposed wind farm would be seen in combination with other cumulative development across most of the Landscape Character Types (LCT) and Landscape Character Areas (LCA) in the study area, the addition of the proposed wind farm would not add significantly to existing and proposed cumulative development and would have a relatively limited effect which would not be significant on any LCT or LCA.

Significant cumulative effects will not occur over the majority of the Brecon Beacons National Park although there would be limited significant effects within an area to the north of the proposed wind farm lying between the A4069 and the A4067. The built and consented developments of Mynydd y Betws, Mynydd y Gwrhyd and Maesgwyn would exert a greater influence upon the qualities and character of the Park with the proposed wind farm being a minor addition within landscapes at a medium separation distance from the Park.

There would not be significant effects on Gnoll Estate Country Park Registered Park and Garden (RP & G) due to the negligible influence of cumulative development and therefore the very limited combined effects of the proposed wind farm with other development.

The assessment of cumulative effects on 13 viewpoints indicates there would be significant effects on viewpoints at Rhos, St Illtyd's Way (Hirfynydd) and Gnoll Estate Country Park. From these locations other cumulative development is visible either in succession or in combination with the

proposed wind farm. At these locations the proposed wind farm would be the more noticeable and would result in a significant increase in the amount of wind energy development visible.

The cumulative effects on settlements is not considered to be significant due to a combination of long separation distances between the proposed wind farm and the settlement, the limited scope for views in combination with other wind farm developments and the pattern of cumulative development across the study area.

The conclusions reached in the landscape and visual assessment indicate that even though there are some significant effects on the landscape resource and visual amenity in the study area as discussed above, these will not result overall in an inappropriate or unaccommodatable change in landscape or visual terms at this location.

Ecology

The assessment provides baseline information, identifies potential impacts of the proposal on the ecology of the area, assesses the significance of those impacts, describes mitigation measures to avoid, reduce, remedy or compensate for those impacts, assesses the significance of the residual effects based on the magnitude of the impact and the sensitivity of the receptor. This section also discusses ongoing management, monitoring and mitigation measures that may be required.

The Assessment includes :

- vegetation survey – National Vegetation classification (NVC) in 2006 and updated in 2012
- peat survey
- breeding and non-breeding bird surveys
- vantage point surveys for overflying birds
- bat survey
- badger survey
- otter survey
- Water Vole survey
- Great Crested Newt survey
- Other species of interest such as reptiles and invertebrates were recorded during walkover surveys.

Mitigation of possible impacts includes the following:

- Timing of works

- Appropriate environmental site supervision to be provided during construction;
- Buffer zones around important habitat
- Post construction monitoring would be undertaken of bats

Impact on Habitat

The E.S. identifies that no rare or scarce plants, or plant species noted as priority species in the Neath Port Talbot or UK Biodiversity Action Plans, were recorded on the surveyed area. The proposal will involve the loss of a very small area of heath and mire habitats that are BAP priorities. There will be a loss of 1.01ha of heath and mire but there will be a net gain of 11 ha of heath and mire from the clearance of conifers.

The E.S. concludes the development does not involve significant land take and, with habitat management, no significant effects on habitats are predicted and there should be a net conservation gain from increased areas of heath.

Impacts on bats

Four species of bats were observed along wooded corridors. There are no known bat roosts which would be affected during construction.

The E.S. concludes that the proposal will have a negligible impact on the Bat population.

Impacts on Mammals, Reptiles, Amphibians and Invertebrates

A habitat survey has been undertaken on the site. None of the following species were found on the site

Badgers

Otters

Water voles

Great Crested Newts

Reptiles

Invertebrates and amphibians were recorded but as the development will not effect these locations the E.S. concludes that the proposed development will have no significant impact on reptiles, mammals, Invertebrates and Amphibians.

Impacts on birds

There are three key potential impacts on birds from wind farm construction and operation. These are disturbance, loss of habitat and death or injury from collision with turbines, especially turning blades.

The conclusion in the ES is that as the proposed development will only have a negligible effect on the total habitat available in the area, the impact on the local bird populations from habitat loss is therefore negligible. It is also considered that there will be no significant disturbance from the development during the construction and decommissioning phases.

However, there remains a collision risk to all species during the operational phase. The ES indicates that whilst a model exists to calculate collision risk the low number of birds recorded at the site was too low to make a meaningful calculation. The ES therefore concluded that the development would have a negligible impact on the local bird populations.

Impact on Peat

The development will result in a direct effect on 40 cubic metres of peat. The ES indicates that hydrological connectivity will be retained through peat deposits and where possible excavated peat will be transferred to habitat restoration areas. The ES therefore concluded that the development would have a negligible impact on peat.

Cultural Heritage and Archaeology

The ES notes that there are 69 cultural heritage sites within a 3km x 3km study area. These included three Scheduled Ancient Monuments, comprising a Cairn on Mynydd-March-Hywel (GM327), Standing Stones (GM342), and two Platform Houses (GM326). There are two Grade II Listed Buildings in the area, Cefn Celfi (LB11193) and Outbuilding at The Mill (LB82293).

The proposed development has been assessed as having a 'Severe' magnitude of effect on five sites, a 'Major' magnitude of effect on four sites, and a 'Minor' magnitude of effect on ten sites. The magnitude of effect on the remaining 50 sites has been assessed as 'None'

The ES concluded that with appropriate mitigation, by way of an archaeological watching brief, recording and protective fencing, impacts on archaeological and cultural heritage can be reduced.

Hydrology and Hydrogeology

The ES describes the baseline conditions and assesses the development in relation to hydrogeology, groundwater, hydrology, water quality, surface water discharge, abstraction, private water supplies, fisheries, water habitats, and flooding from construction and decommissioning of the wind farm.

The ES concluded that there are areas of activity, particularly during construction and decommissioning operations which have the potential to effect the hydrology/hydrogeology of the site. Of note was the risk of affecting private water supplies, environmentally sensitive receiving watercourses and the potential flood risk at the proposed access to the site on the River Clydach

However the ES concluded that with the adoption of suitable technical solutions, construction and decommissioning activities would give rise to negligible to Minor adverse effects on Hydrology and Hydrogeology

Geology, Mining and Mineral Resources

A baseline assessment of the site has been undertaken including the assessment of published information, site walk over and ground investigations. There are no current or future coal mining or mineral operations within the site although there are a number of past mining operations within the site.

There are a number of factors which have the potential to affect the proposed development. These were identified in the desk studies and walk-over survey and confirmed by ground investigations. These can be adequately mitigated against with appropriate construction methods.

The ES concludes that impacts of the proposed wind farm development on geology, mining and mineral resources are likely to be limited but nevertheless will require to be addressed at the key stages of the proposed development.

Noise Assessment

A baseline noise survey was conducted at three locations (Gelli March Farm, Tirlan and Pen-Twyn) to determine noise levels in the area of the wind farm. Noise measurements were made at each location for a 21day period. The noise monitoring data was correlated with wind speed data taken from various anemometry locations around the site.

For the quiet daytime periods, the suggested external noise limits are 35 to 40 dB La90 or 5dB above the prevailing background noise, whichever is the

greater. For night time periods, the external noise limit is 43dBLa90 Or 5dB (A) above the background whichever is the greater. In most rural environments that are away from busy roads, the background noise near properties depends on the wind speed unless there are other natural features such as streams. At high speeds, noise from wind in the trees and flowing over local features such as roofs can be considerable and is often sufficient to mask the sound of the wind turbine. Therefore, it is often during lower wind speeds that the turbines are more audible.

Mitigation has already been considered in the design of the wind farm layout which has gone through several iterations to ensure that noise levels are generally low and within the ETSU limits, and has also taken into consideration the consented or submitted wind farms.

The ES concludes that the wind farm can meet the noise limits therefore no further mitigation in respect of the operation is considered necessary.

Noise during the construction period will arise from the construction of the turbines, the erection of the turbines, the excavation of trenches for cables, the construction of associated hardstandings, new bridge, new access tracks, construction compound and noise from vehicles on local roads and access tracks due to the delivery of the turbine components and construction materials. Noise will also arise during decommissioning from the removal of the turbines and breaking of the exposed part of the concrete bases.

Predictions of noise levels during the construction process have been carried out using the methods prescribed in Annex F of BS 5228-1:2009 with adoption of the worst case scenario where all major construction activities take place at the nearest possible location to each assessed house.

The ES concludes that there may be a temporary increase above the 65 dB(A) criteria noise level due to upgrading the access track near Lletysaic Farm, Banwen Farm, Holiday Cottages 2 and 39 Neath Road, but this is only when this activity is at its closest. Levels will likely remain above 65 dB(A) for approximately three days.

In addition 39 Neath Road may experience levels above 65 dB(A) due to the construction of a new bridge. The ES suggest that this could be mitigated using acoustic barriers.

Traffic Transportation and Access

The total number of vehicle journeys during the 13 month construction stage is anticipated to be 12,099. This is made up of 7800 (64%) vans and cars and 4299(36%) HGV.

The greatest number of journeys per day would be generated between months six and eight. Most traffic is generated on days when turbine foundations and transformer bases are poured. Each turbine and transformer foundation pour would require concrete from 60 mixer trucks, as well as additional associated HGVs. As there are 5 proposed turbines, these busy days would only occur 5 times. This activity would generate 120 concrete mixer lorry movements and up to 10 associated HGV deliveries.

Delivery of each turbine will require 8 abnormal loads. An additional 2 trailers will be required to carry cables, controllers and other ancillaries for all the turbines. As 5 turbines are proposed, there will be 42 abnormal load vehicles in total. During the construction period, it is assumed that components will be delivered to site in convoys of up to 4 vehicles. Each convoy may comprise up to 4 vehicles of the same type, or up to 4 vehicles of differing types. Delivery periods are likely to be short rather than spread over a longer period

The preferred route for the abnormal load deliveries is:

- A483 from Swansea Docks
- M4
- A465
- A474

The ES concluded that with successful implementation of an appropriate Traffic Management Plan the impacts were assessed to be minor adverse during the construction phase of the wind farm. This assessment applied in relation to abnormal loads. No significant traffic or transportation impacts were anticipated during the operation of the wind farm.

Electromagnetic Interference and Aviation

The ES includes a study in to the potential for interference with domestic radio and TV reception. No disruption to services is expected.

The ES indicates that all aviation stakeholders were consulted on the previously proposed 11 turbine, 118 m tip height, development and no concerns over obstruction or hazard were raised. A further proforma has been

submitted to the MoD and CAA, based on the current 5 turbine, 126.5 m proposal, and a response is awaited.

Socio Economic Assessment

Economic benefits

In terms of economic benefits, the ES states that up to 25 people will be employed on site at any one time during the 12 month construction period, with indirect benefits to local communities. During operation of the wind farm the potential for direct employment is fairly low with 1-2 permanent part time jobs.

Recreation and Tourism

There are no tourist facilities within the application site or within 5 km of the site. Main tourist attractions within a 30 km radius from the Site include:

- Afon Forest Park (23.4 km)
- Aberdulais Falls, Neath (7.7 km)
- Margam Country Park (24.5 km)
- Gnoll Estate (6 km)
- Graig Gwladys (6.5 km)
- Cefn Coed colliery museum (11 km)
- Neath and Tennant Canal (8 km)

There are no other footpaths, bridleways or byways directly affected by the development. The ES concludes that recreation and tourism within the surrounding area would not be directly affected by the proposal as there are no PRoW and no particular tourist attractions close to or connected to the site.

Education and Safety

The ES indicates that the construction of the wind farm may provide an educational resource to visit. In relation to safety during the construction and operational phases risks associated with the development are slight or not significant.

Shadow Flicker

The E.S. includes a shadow flicker assessment undertaken for five properties in the locality of the development which fall within 930 metres from the turbines.

The ES concluded that no significant impacts are predicted.

ASSESSMENT

It is considered that the main issues in the determination of this application are whether the proposal is consistent with the aims and objectives of relevant Development Plan policies together with National Planning Policy and planning policy guidance; whether it would have an adverse impact on ecology, mineral resources, whether there would be noise or traffic implications; whether it would meet sustainability objectives; whether the proposal would have an adverse impact on landscape, visual amenity socio-economic and cultural issues.

Policy Context:**National Guidance Wales Spatial Plan (2008)**

The Wales Spatial Plan whilst post dating the adoption of the UDP is an important strategic document to direct new development to appropriate locations as part of both the LDP process and Development Control Process and this achieves the regional objectives as set out within the Plan. The Wales Spatial Plan provides the context and direction of travel for local development plans and the work of local service delivery boards, and sets out within its vision the following key features; fuzzy boundaries, key settlements, cross-boundary settlements, socio-economic hub and international/interregional links/ regional links. The key issues and challenges facing Wales as a whole are considered as;

- Building sustainable communities.
- Promoting a sustainable economy.
- Valuing our environment.
- Achieving sustainable accessibility.
- Respecting distinctiveness.

Of these specifically important with regard to this proposed development is; Promoting a sustainable economy and valuing our environment.

The Wales Spatial Plan Area Strategies set out further specific aims and objectives, and with reference to this region as a whole, the Swansea Bay Waterfront and Western Valleys identifies the need to create...

“A network of interdependent settlements with Swansea at its heart which pull together effectively as a city region with a modern, competitive, knowledge-based economy designed to deliver a high quality of life, a sustainable environment, a vibrant waterfront and

excellent national and international connections”.

It is considered that the natural landscape and built environment has an effect on the quality of life experienced by individuals.

Therefore within the context of the Wales Spatial Plan, development should not prejudice the delivery of a high quality of life. Where core objectives compete, in this case the need to deliver a sustainable environment and high quality life, a balancing exercise must be undertaken.

This issue will be assessed in greater detail later in the report where the issue of exploiting both wind and mineral resources potentially conflict.

“A Low Carbon Revolution” – (The Welsh Government Energy Policy Statement (2010))

In this policy statement, the Welsh Government sets out its ambitions for low carbon energy in Wales. It recognises the challenge of climate change and the aim is to renewably generate up to twice as much electricity annually by 2025 compared to output in 2010.

UK National Renewable Energy Action Plan (2010)

The National Renewable Energy Action Plan provides details on a set of measures that would enable the UK to meet its 2020 target for renewable energy. It also seeks to secure UK energy supplies through 2020 and beyond and provides a sound framework for business to develop in the new industries, providing jobs and cutting harmful greenhouse gases.

The action plan recognises the role of the planning system to deliver the infrastructure required to reduce carbon emission. It also equally recognises the need for the planning system in

“safeguarding our landscape and natural heritage and allowing communities and individuals the opportunity to shape where they live and work.”

UK Renewable Energy Road Map (July 2011)

This document sets out the shared approach to unlocking the UK renewable energy potential and ensures that 15% of the UK energy demand is met from renewable sources by 2020 in the most cost effective way.

The role of the planning system is also recognised within the document. Paragraph 3.20 states

“The planning system plays a central role in delivering the infrastructure we

need to reduce our carbon emissions, to ensure continued security of energy supply and help our economy to grow. It has a vital role in safeguarding our landscape and natural heritage and allowing individual communities the opportunity to shape their environment.”

UK National Infrastructure Plan EN-3 (July 2011)

The document recognises the need for large scale renewable energy projects to deliver the ambitious 15% renewable energy targets. The policy document recognises the importance of design within the context of the surrounding environment. Paragraph 2.4

“ Section 10(3)(b) of the Planning Act 2008 requires the Secretary of State to have regard, in designating an NPS, to the desirability of good design.

Section 4.5 of EN-1 sets out the principles of good design that should be applied to all energy infrastructure.

Proposals for renewable energy infrastructure should demonstrate good design in respect of landscape and visual amenity, and in the design of the project to mitigate impacts such as noise and effects on ecology.”

The policy documents accepts that in relation to wind turbine development

“ - there will always be significant landscape and visual effects from their construction and operation for a number of kilometres”. As such sensitive design and siting is critical.

“ The arrangement of wind turbines should be carefully designed within a site to minimise effects on the landscape and visual amenity while meeting technical and operational siting requirements and other constraints.”

Section 4.5 of EN-1 indicates that infrastructure projects should be *“sensitive to place”*. Whilst the document accepts that there are limitations in the appearance of some infrastructure applicants ought to demonstrate

“good design in terms of siting relative to existing landscape character, landform and vegetation”

Planning Policy Wales Edition 5 (2012) sets out the strategic framework for the effective operation of the planning system in Wales.

Biodiversity and landscape considerations must be taken into account in determining individual applications contributing to the implementation of specific projects. The effect of a development proposal on the wildlife or landscape of any area can be a material consideration. In such instances and the interests of achieving sustainable development it is important to balance conservation objectives with the wider economic needs of local businesses and

communities. Where development does occur it is important to ensure that all reasonable steps are taken to safeguard or enhance the environmental quality of land.

The Welsh Government recognises the need to tackle climate change

Para 4.5.1 “Tackling climate change is a fundamental part of delivering sustainable development. Climate change is one of the most important challenges facing the world and the Assembly Government has made a commitment to tackling climate change, resolving that the Government and people of Wales will play the fullest possible part in reducing its carbon footprint (see 1.4.4). Our commitment to action on climate change is based on a scientific imperative to act and to act urgently to reduce greenhouse gas emissions and deal with the consequences of climate change.”

Whilst establishing the need to address climate change the Welsh Government recognises the need to properly consider proposals.

Paragraph 5.5.2 goes on to highlight that “*when considering any development proposal Local Planning Authorities should consider environmental impact, so as to avoid, where possible adverse effects on the environment. Where other material considerations outweigh the potential adverse environmental effects, authorities should seek to minimise those effects and should, where possible, retain and, where practicable, enhance features of conservation importance.*”

Section 12 outlines the Welsh Government’s commitment to playing its part by delivering an energy programme which contributes to reducing carbon emissions.

12.8.1 The Assembly Government is committed to playing its part by delivering an energy programme which contributes to reducing carbon emissions as part of our approach to tackling climate change (see 4.2). The Welsh Assembly Government’s Energy Policy Statement (2010) identifies the sustainable renewable energy potential for a variety of different technologies as well as establishing our commitment to energy efficiency

Within Planning Policy Wales (2012) the Welsh Government outlined that 0.7 GW of capacity is operational or consented and set an aspiration target of 2GW (2000 mega watts) by 2015/17. This position has been further endorsed by the Minister for Environment and Sustainable Development in a clarification letter dated July 2011.

In delivering the target the Welsh Government sets out a framework for Local

Authorities to work within

12.8.9 Local planning authorities should facilitate the development of all forms of renewable and low carbon energy to move towards a low carbon economy (see Section 4.4.3) to help to tackle the causes of climate change (See Section 4.7.3). Specifically, they should make positive provision by:

- considering the contribution that their area can make towards developing and facilitating renewable and low carbon energy, and ensuring that development plan policies enable this contribution to be delivered;*
- ensuring that development control decisions are consistent with national and international climate change obligations, including contributions to renewable energy targets and aspirations;*
- recognising the environmental, economic and social opportunities that the use of renewable energy resources can make to planning for sustainability; and*
- ensuring that all new publicly financed or supported buildings set exemplary standards for energy conservation and renewable energy production.*

12.8.10 At the same time, local planning authorities should:

- ensure that international and national statutory obligations to protect designated areas, species and habitats and the historic environment are observed;*
- ensure that mitigation measures are required for potential detrimental effects on local communities whilst ensuring that the potential impact on economic viability is given full consideration; and*
- encourage the optimisation of renewable and low carbon energy in new development to facilitate the move towards zero carbon buildings*

Whilst acknowledging the need for renewable resources and the potential resources within Wales the Welsh Government recognises that

“the introduction of new, often very large structures for onshore wind needs careful consideration to avoid, and where possible minimise their impact.”
(para 12.8.12)

Paragraph 12.8.14 recognises the potential of cumulative impact within SSA and importantly outlines that

“Developers will need to be sensitive to local circumstances, including siting in relation to local landform, proximity to dwellings and other planning considerations.”

Paragraph 7.2.2 states that “*Local planning authorities are required to ensure that the economic benefits associated with a proposed development are understood and that these are given equal consideration with social and environmental issues in the decision-making process, and should recognise that there will be occasions when the economic benefits will outweigh the social and environmental considerations*”.

Technical Advice Note (TAN) 8 : Renewable Energy (2005)

TAN 8 provides technical advice on renewable energy proposals and is relevant in the determination of planning applications.

Section 2.2-2.5 of TAN 8 recognises that in the short term, onshore wind provides the greatest potential to increase renewable energy in Wales. In order to meet the renewable energy targets, large scale on shore wind farms should be concentrated within Strategic Search Areas and sets indicative targets for each.

The application site falls within the Strategic Search Area (SSA) E which in 2005 had an indicative target capacity of 100MW. The current capacity following the Ministers letter is 152MW.

In accordance with paragraph 2.9 the SSAs each display the following characteristics, which make them suitable development locations:

- *extensive areas with a good wind resource (typically in excess of 7 metres per second);*
- *upland areas (typically over 300 metres above ordnance datum which contain a dominant landform that is flat plateau rather than a series of ridges);*
- *generally sparsely populated;*
- *dominated by conifer plantation and/or improved/ impoverished moorland;*
- *general absence of nature conservation or historic landscape designations;*
- *of sufficient area to accommodate developments over 25MW, to achieve 70MW installed capacity and to meet the target capacity; and*
- *largely unaffected by broadcast transmission, radar MOD Mid Wales Tactical Training Area (TTA) and other constraints.*

Section 2.10 of the TAN suggests that ;

“Local planning authorities should take an active approach to developing local

policy for SSAs in order to secure the best outcomes.”

This section goes on to highlight that consideration be given to:

- minimising the amount of clear felling in forested areas;
- the creation of alternative wildlife habitat;
- geotechnical implications;
- the impact on tourism and recreation, with consideration given to making positive provision for visitors;
- historic and landscape issues;
- safeguarding wind farm sites from sterilisation by other uses;
- access, particularly during construction; and decommissioning.

It further states onshore wind power offers the greatest potential for an increase in the generation of electricity from renewable energy in the short to medium term. In order to try to meet the target for onshore wind production the Assembly Government has commissioned extensive technical work, which has led to the conclusion that, for efficiency and environmental reasons amongst others, large scale (over 25MW) on shore wind developments should be concentrated into particular areas defined as Strategic Search Areas (SSAs).

It further states in Annex D that within and close to the SSA's, the implicit objective is to accept landscape change and change in landscape character from wind turbine development.

Community Involvement and Benefits

Developers, in consultation with local planning authorities, should take an active role in engaging with the local community on renewable energy proposals. This should include pre-application discussion and provision of background information on the renewable energy technology that is proposed.

Experience has shown that there are opportunities to achieve community benefits through major wind farm development. Some benefits can be justified as mitigation of development impacts through the planning process. In addition, developers may offer benefits not directly related to the planning process. Local Planning Authorities, where reasonably practical, should facilitate and encourage such proposals. The Welsh Government and others can support and advise on community involvement in developing renewable energy and benefiting from it. Local Planning Authorities should make clear in their development plans the scope of possible “planning contributions”. However such contributions should not enable permission to be given to a proposal that otherwise would be unacceptable in planning terms

Technical Advice Note 5: Nature Conservation and Planning (2009) provides supplementary advice to the policies set out in PPW in respect of nature conservation issues. It sets out the criteria against which a development will be judged having regard to the relative significance of international, national and local nature conservation designations. Paragraph 6.2.1 advises that the presence of protected species is a material consideration when a local planning authority is considering a development proposal that, if carried out, would be likely to result in disturbance or harm to the species or its habitats.

Technical Advice Note 6: Planning for Sustainable Rural Communities (July 2010) provides practical guidance on the role of the planning system in supporting delivery of sustainable rural communities in particular to local authorities in rural economies and agriculture. Paragraph 2.1.1 acknowledges that the planning system must respond to the challenges posed by climate change, for example by accommodating the need for renewable energy generation.

Paragraph 2.2.1 states that ‘new development can help to generate wealth to support local services ensuring that communities are sustainable in the long term’. A key question for local authorities when determining applications is whether the proposed development enhances or decreases the sustainability of communities.

Paragraph 3.1.2 confirms that planning authorities should support diversification of the rural economy as a way to provide local employment opportunities. Paragraph 3.7.2 recognises that many economic activities can be sustainably located on farms.

Technical Advice Note 11: Noise (1997) identifies the need to ensure that noise generating developments (such as wind farms) do not cause unacceptable levels of disturbance. In relation to wind farms, TAN 11 refers to the more detailed guidance set out in TAN 8 and the need to comply with ETSU guidance on noise.

Technical Advice Note 12: Design (2009) calls for a holistic approach to design in order to contribute to the objectives of sustainable development. In doing so, good design should balance the protection of the environment with prudent use of resources and economic growth. It calls for an interactive approach involving a proactive planning system with consideration given to such issues as landscape setting, layout, density, scale and appearance.

Technical Advice Note 15: Development and Flood Risk (2004) sets out the responsibilities and requirements of the various parties in the development process and seeks to ensure that flood risk, surface water and foul water drainage arrangements are properly considered during the planning process.

Technical Advice Note 19: Telecommunications (2002) explains that there can be two types of radio interference from the proposed development; electrical interference and physical interference that:

‘Large prominent structures such as tower blocks, cranes, warehouses or wind farms, can cause widespread disruption to television and other telecommunications services due to the physical obstruction or reflection of the wanted signals. Digital television signals are far more robust than analogue and, as viewers change to digital over time; offer the prospect of the elimination of such problems as interference caused by reflections from structures. Local planning authorities will need to satisfy themselves that the potential for interference has been fully taken into account in the siting and design of such developments, since it will be more difficult, costly and sometimes impossible to correct after the event.’

Technical Advice Note 23: Economic Development (2014): provides guidance on planning economic development at a strategic level; working with neighbouring authorities and relevant stakeholders; identifying and assessing economic benefits of development proposals and establishing an evidence base to help prepare economic development policies for LDPs.

Development Plan Policy

Neath Port Talbot Unitary Development Plan

POLICY 1

The countryside, seascapes and landscapes of Neath Port Talbot will be enhanced where appropriate and / or protected from proposals that would have unacceptable impacts on their character and appearance.

POLICY 2

Wildlife and habitats, including those within urban areas, will be enhanced where appropriate and protected from proposals that would cause unacceptable impacts. Particular emphasis will be placed on species and habitat areas that are designated as being of international or national importance.

POLICY 3

The area's minerals and other natural resources, both finite and renewable will be conserved and safeguarded, and when exploited the most prudent use of them will be sought.

POLICY 4

The creation of pollution or risks to health and amenities that would have unacceptable impacts upon the environment, communities or individuals will be resisted.

POLICY 6

The County Borough's historic environment including archaeology, ancient monuments, listed buildings, conservation areas and historic parks, gardens and landscapes will be protected and proposals that would aid its preservation and enhancement will be supported.

POLICY 11

Social needs and aspirations of communities and groups within communities will be taken fully into account when planning applications are considered.

POLICY 14

Proposals will be resisted which would be likely to cause unacceptable adverse impact in terms of: -

- a) traffic generation and highway safety;
- b) poor accessibility by public transport, cycling and walking including people with disabilities and
- c) preventing the use or re-use of docks, harbours, wharfs or routes of railway lines.

POLICY 18

The plan will encourage the best and most efficient use of infrastructure and resources, but proposals which would place unacceptable demands on existing and programmed resources and facilities will be resisted.

POLICY 19

Opportunities to create energy from renewable resources will be encouraged provided that unacceptable impacts are not created.

POLICY 21

Mineral resources will be conserved, and the efficient use of aggregates and the use of byproducts and recycled materials as alternatives to primary aggregates promoted.

Policy GC1 - New Buildings /Structures and Changes of Use
 Policy GC2 – Engineering works and operations
 Policy ENV1 – Development in the countryside
 Policy ENV3 – Impact on the Landscape
 Policy ENV4 – Proposal affecting International and National sites for Nature Conservation and Species Protected by European or UK Legislation.
 Policy ENV5 – Nature Conservation
 Policy ENV6 – Agricultural Land
 Policy ENV12 – Proposals affecting water resources
 Policy ENV14 – Unstable Land
 Policy ENV17 – Design
 Policy ENV18 – Listed Buildings
 Policy ENV19 – Proposals within Conservation Areas or which would affect the setting of a Listed Building
 Policy ENV 22 – Archaeological Remains
 Policy ENV23 – Archaeological Evaluation
 Policy ENV24 – Archaeological Recording
 Policy ENV29 – Environmental Quality and Amenity
 Policy EC5 – Employment within the countryside
 Policy CS1- Community Facilities and Services
 Policy T12 – Footpaths, Cycleways and Bridleways
 Policy RO4- Access to the Countryside and Coast

Policy IE6 – Renewable Energy states:

“ proposals for the creation of renewable energy will be supported provided their impacts are acceptable and where appropriate they include measures to reinstate the land”

The supporting text to this policy recognises the importance of addressing climate change and the potential which the area has to exploit renewable energy resources as a means of diversifying the rural economy. The text rather than the policy, goes on to identify a range of impacts including cumulative impacts which need to be assessed and reference is made to the Environment Chapter of the Development Plan. The text identifies that supplementary guidance will be prepared to provide additional guidance on landscape, biodiversity and community issues.

Supplementary Planning Guidance – Landscape

Supplementary Planning Guidance – Biodiversity

Interim Planning Guidance : Wind Turbine Development (2008)

UDP Policies ENV1 – Development in the Countryside; ENV3 Impacts on the Landscape and IE6 Renewable Energy are especially relevant in the consideration of this proposal. The latter in particular supports renewable energy projects provided that their impacts are acceptable and where appropriate, they include measures to reinstate the land. The supporting text notes the considerable potential for projects within the area, but draws attention to possible direct and indirect adverse impacts that should be taken into account.

In addition to TAN 8 and UDP Policies, the Authority has produced Interim Planning Guidance (IPG) July 2008 following a refinement study undertaken by ARUPs. The application site is outside the refined area.

This IPG document and the UDP policies sit within the National policy framework laid out in Planning Policy Wales (PPW) and Technical Advice Note (TAN) 8 as referred to earlier.

Planning Policy Wales (PPW) 2012 sets out the Welsh Government's land use planning policies and confirms in paragraph 12.8.12 that:

The potential for renewable and low carbon energy in Wales as established in the Energy Policy Statement demonstrates that strategic scale wind energy continues to offer the greatest potential (for activities within the control of the planning system in Wales). Wales has an abundant wind resource and power generation using this resource remains the most commercially viable form of renewable energy. The Welsh Government accepts 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.

Whilst it is recognised that TAN 8 identifies the most appropriate location for large scale wind farm development to be within the defined Strategic Search Areas. TAN 8 confirms that the identification of SSAs is a consequence of a "broad Brush" approach and the location of a development within a SSA does not convey its acceptability.

As a consequence of the above this Authority together with Swansea, Bridgend and RCT undertook a refinement process to refine Strategic Search Areas this resulted in a document which was subsequently adopted by this Authority as IPG. It aims to guide development to the best areas in order to minimise

detrimental effects and to provide a reasonable contribution to the national targets.

The IPG has been based on a refinement process undertaken by ARUP. The following three appeal cases have cast doubt over the refinement process and questioned the relevant weight to be attached to the conclusions of the process which are contained within the IPG. (Wern Ddu-APP/1185359, Land South of A465, Hirwaun, A/2058755, Mynydd Y Gelli APP/2181883).

In a recent appeal for Mynydd y Gelli wind farm, the Inspector expressed concerns over the refinement process undertaken by Arup which informed the IPG. In relation to the Arup study she determined *“Whilst the refinement study usefully identifies the extent of the complexity of landscapes in SSA F, it is a strategic overview and I have some concerns regarding the reliability of the ranking exercise undertaken which appears broad brush, and with elements of the scoring mechanism which seem rudimentary and arcane”*

However, in his decision on the Fforch Nest Appeal APP/11/2147835 the Inspector referred to the Arup report as “useful advice relating to refinement of the “broad brush” scale of the boundaries of SSA’s as shown in TAN8 maps” this was on the basis that the report was not adopted policy or guidance.

Concern over the ARUP report and subsequently the IPG have been further amplified following the publication of the Ministers letter in July 2011. In particular, the Inspector reporting on the Mynydd y Gelli appeal concluded that as the capacities set out in the IPG (derived from the ARUP report) had been increased following the Ministers letter from 100MW to 152MW in SSA E the weight afforded to the IPG was considerably less. As this is the most recent appeal considering such matters, it is considered that the weight that should be attached to the IPG is reduced.

The IPG is, however, adopted guidance within this authority and is therefore a material consideration. Notwithstanding this, given the concerns over the refinement process the application will be considered from first principles.

Principle of the Development

The proposal would have a maximum generating capacity of 11.5MW, and has 2 turbines within Strategic Search Area E and 3 turbines just outside the SSA but within the 5km buffer identified within the TAN.

As indicated previously the SSA’s contained within the TAN are “broad brush” Boundaries. Paragraph 2.4 goes on to accept that not all land within an

SSA may be developable for a number of technical and environmental reasons. Within that context paragraph 2.9 sets out seven criteria which characterise a SSA.

- *extensive areas with a good wind resource (typically in excess of 7 metres per second);*
- *upland areas (typically over 300 metres above ordnance datum which contain a dominant landform that is flat plateau rather than a series of ridges);*
- *generally sparsely populated;*
- *dominated by conifer plantation and/or improved/ impoverished moorland;*
- *general absence of nature conservation or historic landscape designations;*
- *of sufficient area to accommodate developments over 25MW, to achieve 700MW installed capacity and to meet the target capacity; and*
- *largely unaffected by broadcast transmission, radar MOD Mid Wales Tactical Training Area (TTA) and other constraints*

It can be seen that the criteria fall into two broad categories:

1. The suitability of the site in respect of wind resource and generating capacity.
2. The suitability of the site to accommodate a development having regard to the impact of the proposal on matters of importance.

Criteria 1 is a technical matter and it is therefore unlikely that a development would be proposed if it cannot produce sufficient energy because of wind speed or limited capacity. In respect of criteria 2 these are matters relating to impact.

The area is within a designated SSA and contains those key characteristics, defined by TAN 8, which would render it suitable for windfarm development.

The application site covers two zones (5 and 6) as identified within the ARUP report. In relation to the suitability of the site the report sets out the two assessment criteria within Section 4.3.1. They are the six criteria set out in TAN 8 (para. 2.9 p.6) referred to previously and the additional following criteria

- To have a LANDMAP visual and sensory Value aspect rating of less than 'Outstanding'

- To have a landscape sensitivity that is less than is considered 'High'
- To have visual impacts upon residential dwellings which would not cause 'dominance'
- Not to cause cumulative landscape or visual impact upon settlements

At paragraph 5.3 of the ARUP report it concludes that the site passes the test referred to in Section 4.3.1 of the report referred to above.

Whilst it is accepted that Mynydd March Hywel is a single ridge it is within the Incised South Wales Coalfield Plateau and as such ARUP considers that it satisfies the criteria set out in paragraph 2.9 of TAN 8. It should, however, be noted that failure to meet one or a number of the criteria does not make a development immediately unacceptable as each site needs to be addressed on its own merits.

A number of key sustainable development objectives are embodied in the Welsh Government policies which primarily relate to the environment, the economy and society and public participation.

In relation to the environment, the proposed development uses a natural renewable resource, wind, to generate electricity. It will enable local people to benefit from the scheme through community benefits. The generation of renewable energy is also recognised as making a contribution to the avoidance of harmful emissions associated with climate change, acid rain and environmental pollution.

The scheme which proposes 5 turbines would generate up to approximately 11.5 mega watts, which equates to 1.43% of the TAN 8 target for 2010 which is 800MW for all the SSA's. The new target as stated in the Ministerial Letter by John Griffiths 2011 is 1700MW. The proposal will therefore make a 0.67% contribution to this target.

As indicated previously, the maximum capacity for SSA E is 152MW (updated in Ministerial Letter by John Griffiths July 2011) There are currently 4 wind farms which are either operational or consented within SSAE.

	Development	Capacity
Built	Maes Gwyn	26MW
	Mynydd Y Betws	37.5MW
Consented	Mynydd Y Gwair	48MW
	Mynydd Y Gwrhyd	4MW
In Planning	Hirfynydd *	27MW
Total		142.5MW

*The Hirfynydd Wind farm is currently the subject of an appeal.

The total installed and consented capacity amounts to 115.5MW across Area E with a resulting shortfall of 36.5MW. In the event that the Hirfynydd proposal is approved a shortfall of 9.5MW remains.

Given the current uncertainty over Hirfynydd, it is considered that the current baseline installed and consented capacity within area E is 115.5MW. Even allowing for this wind farm, at the capacity presently indicated, there will be a need for a further 25MW of installed capacity to be in place and operating by 2015/17 in order for SSA E to provide its share of the Planning Policy Wales (2012) and Energy Policy Statement (2010) target. Given the applications within the system and the projected construction timetable it is clear that Area E will not meet the 2015/17 target.

Therefore, the proposal would make a measurable contribution towards the current shortfall in the SSA E target.

Whilst the proposal continues to meet the broader sustainability and other criteria set out in the TAN, the development has to be balanced against the potential Environmental Impacts associated with the proposal.

In addition Development plan policy requires an assessment of the impacts of a proposal with the criteria set out in all relevant development plan policies. National Planning policy and guidance is also a material consideration. The following section of this report considers the proposal against these specific criteria.

Landscape and visual effects

The visual impact of the development has overlapping influence in relation to a number of factors. The development has the potential to affect people within the vicinity of the proposal, whether living, working, travelling through or undertaking leisure activities. In relation to the effect on residents there appear to be two tests. A higher test which considers the effect of a proposal on the

living conditions of individuals within their homes, which is often referred to as “the Lavender test” and a second broader test which considers the living conditions of individuals outside their homes within the public realm.

In addition the development has the potential to affect the landscape in relation to its visual, cultural, historical, habitat and geological character.

The acceptability of the current proposal must be influenced by an assessment of its impact upon the landscape character and the area’s visual amenity. The key to assessment is to consider whether the impact will unacceptably dominate a particular landscape and the degree to which people would be affected by that impact.

The Supplementary Planning Guidance differentiates between the level of effects – prominent, dominant and overwhelming. Prominent means something that can be seen and identified in the landscape without the need for closer examination. The word ‘dominant’ may describe the situation where that object draws the observer’s eye to the extent that little else is seen, even in an attractive landscape. ‘Overwhelming’ might describe a situation where the wind energy development is so close and of such a size as to be likely to make the observer feel uncomfortable and want to move away.

The latter two impacts are likely to result in a proposal being refused. In addition, the Guidance further emphasises the effects on communities, and where proposals surround a community i.e. more than 180 degrees then this is likely to be unacceptable. Whilst the above definitions are helpful and well established in the assessment of wind farm developments recent cases (APP/2071880, APP/2113739 and APP2131194) have established differing and less mechanistic approaches. These will be outlined further in the report.

Key expected effects and Landscape Visual Impact Assessment (LVIA)

The wind farm is medium scale in terms of extent, number of turbines and size of turbines. Overall the main landscape and visual effects are considered to be caused by the turbines. Tracks, hardstandings and other structures being less prominent.

The Landscape and Visual Impact Assessment (LVIA) consider the projects likely significant environmental effects. It expresses visual significance in varying degrees.

The department broadly agrees with the LVIA’s conclusions on significant

effect on the landscape and sensitive receptors. This section will examine whether the extent of those effects are acceptable having regard to the policy frameworks identified above.

It is considered that the key visual effects are on the settlements of Cilfrew (VP1), Rhos (VP2), Bryncoch (VP3), Ynysmeudwy (VP4), Pontardawe (VP5), Crynant (VP6) Forest Goch (VP26)

Landscape Effects

The effect on the character and appearance of the area

The application site is located in LANDMAP visual and sensory area NPTV359 and NPTV751 and is considered as having a moderate landscape value.

The site is located approximately 2 km to the east of the village of Rhos. The site comprises an area of moorland, currently used for rough grazing and an area of conifer forest. The topography of the site consists of a spur of higher land at an altitude of between 250 m and 400 m AOD running south into lower valley landscapes.

The land cover of the site is typical upland moorland, consisting of wet and dry heaths, heather moor and areas of rushes and sedge in wetter regions with some rough grazing. Coniferous plantation dominates the northern component of the site.

The application has been the subject of 3 landscape assessments as set out below. The table sets out the findings within character areas in relation to Landscape Quality.

	Neath Port Talbot Landscape Assessment (2004)	South Wales Valleys Consortium (ARUP Report)	Applicant Visual and Landscape Assessment (2012)
Landscape Area	Mynydd March Hywel (zone 25) Dulais Valley (zone 24)	Zone 5/6 Zone 6	Commercial Softwood Plantation (CS) Exposed open Upland (EOU)
Landscape Quality	Moderate (zone 25) Moderate (zone 22)	Moderate (zone 5) Moderate (zone 6)	Low-Medium (CS) Medium (EOU)

PPW and TAN 8 identify SSA boundaries and capacities, however they have been drawn to allow for some local refinement. The advice within the TAN in relation to local refinement is that it is important to ensure that they do not differ significantly, without local evidence. Annex D of TAN 8 provides advice relating to the refinement of the 'broad brush' scale of the boundaries of SSAs shown on the TAN 8 maps.

A refinement study of SSAs E and F has been carried out by a consortium of South Wales Valleys Authority's including this Authority. When the refinement study was undertaken the indicative generating capacity for SSA E set out in Table 1 of TAN 8 was 100 MW. The Ministers letter has subsequently confirmed that the maximum capacity for SSA as increased to 152 MW.

The refinement exercise was undertaken in the context of lower indicative capacities than those contained in the Minister's letter of July 2011 and it has not been up dated accordingly.

Interim Planning Guidance (IPG) –Wind Turbine development was adopted by the Authority in 2008 and is a material consideration in the determination of this application. The guidance draws upon the findings of the refinement exercise, providing advice on how the Council is likely to assess wind turbine proposals and aims to deliver the indicative capacity set out in TAN 8. However, as stated above the indicative capacity for SSA E has subsequently been increased to 152 MW.

The Interim Planning Guidance in Appendix 4 states that large windfarms should be located on large scale landforms with simple smooth skylines. Turbines should be set back from skylines, valley sides and hill fringes. Where possible, turbines should be sited a distance of 5 times its height from the top of break of slope. Other reports related to the SSA refinement work state that, if possible, turbines should be no more than half the height of the landform onto which they are placed.

Whilst this application is for a medium sized windfarm the design and siting criteria can be applied. However, the IPG makes it clear at paragraph 6.18 that the content of the report is guidance and each scheme will need to demonstrate that it will not cause unacceptable impact. This advice is repeated in both National and Welsh Government policy.

The ES indicates that the two landscape character (LCA) areas EOU (Exposed open Upland) and CS (Commercial Softwood Plantation) will experience significant and no significant effect respectively following the construction of

the wind farm. The department accepts the conclusions in relation to the LCA EOU, however it has concerns over the conclusion in relation to LCA CS. This view is supported by the Authorities consultants who assessed the applicants LVIA.

It is unclear as to whether the conclusion drawn by the applicant in relation to LCA CS refers to the localised area around the turbines or the entire landscape area which extends several km to the North. It may well be argued that if the impact of the turbines was assessed within the context of the very large LCA then the conclusion could be that the overall effect of the proposal on the LCA was not significant.

Given the uncertainty in this matter it is considered that a precautionary approach is better and for the purposes of the assessment it is considered appropriate to follow the advice of the Authority's consultants and assess the impact of the proposal on the landscape as being significant in both LCAs.

Overall the conclusions within the ES are accepted. Therefore the matter for consideration is whether the effects on the landscape are so unacceptable that they outweigh the benefits of the proposal.

Visual Effects

In determining the visual impact of windfarm developments on settlements neither TAN 8 or the IPG give guidance or advice on appropriate separation distances from residential receptors. Whilst a distance of 500m is outlined in paragraph 3.4 of Annex D of TAN 8 this is with specific regard to noise impact on residential properties.

A tool used by Rhondda Cynon Taff to help assess the effects of wind farm proposals indicates that in order to prevent settlements of more than 10 dwellings from experiencing the effect being within a wind farm landscape, settlements should not have close/surrounding views of wind turbines i.e. turbines within 2km occupying more than 60° of field view. These were considered as helpful criteria in the assessment of the Pen y Cymoedd development and other windfarm developments within the County Borough.

The 2km threshold criteria for settlements is intended to prevent a settlement feeling as if it is in a wind farm landscape. In broad terms, turbines which fall within the 2km threshold have the potential to be dominant /overbearing features depending on the number of turbines, landforms and intervening land cover. Beyond 2km the turbines are considered to be potentially prominent features ie. easily seen and identified without the need for close examination of

the landscape. However, the settlement would be less likely to feel in a wind farm landscape.

Whilst these are helpful and well establish criteria for establishing the impact of Windfarms they can be mechanistic.

In an appeal decision at Burnthouse Farm (Cambridgeshire) the Inspector considered that the approach taken by Mr Lavender in a previous planning appeal should not be regarded as a “mechanistic test” but that a “transparent and objective approach to assessing visual impact” should be taken.

Mr Lavender in determining the effect of a windfarm on receptors considered that “when turbines are present in such number, size and proximity that they represent an overwhelming and unavoidable presence in main views from a house or garden, there is every likelihood that the property concerned would come to be widely regarded as an unattractive and thus unsatisfactory (but not necessarily uninhabitable) place in which to live”

In assessing subsequent appeals Inspectors have adopted the “Lavender Test” and have asked “would the proposal affect the outlook of residents to such an extent i.e. to become so unpleasant, overwhelming and oppressive that this would become an unattractive place to live”?

These are useful tests in this context and the department see no reason why they could not be applied whether assessing visual effects from residential properties (private views) or from more public views, such as those from streets or public open spaces. However, a judgement still has to be applied to other considerations, including (but not confined to) the following

1. The size, number and layout of the turbines and associated works
2. The separation distance between the development and receptor, including elevation.
3. The changes in the composition of the view and its landscape character eg relationship of the development to landform and landscape patterns landform
4. The sensitivity of the receptor eg resident, walker, road user etc

Residential receptors

The original ES concluded that the visual impact of the development was significant when viewed from the nearby settlements of Cilfrew (VP1), Rhos (VP2,23,24), Bryncoch (VP3), Ynysmeudwy (VP4), Pontardawe (VP5), Crynant (VP6), Hendre Las(VP25) Forest Goch (VP26)

A representative selection of the view points are set out below together with a summary of the proposal from that location.

VP1- View from Cilfrew (1.8km). The turbines would be seen as a simple linear array with rotors of each turbine fully visible. Although the proposed wind farm would not occupy a large proportion of the horizon it would be visible at a short separation distance albeit partly screened by intervening buildings and vegetation. Given the short separation distances and the opportunity for uninterrupted views the effects will be significant.

VP2 - View from Rhos (2.35km). The five turbines would be visible forming a simple linear array across the ridgeline. The turbines would be viewed almost in full, however the access tracks and other ancillary infrastructure, with the exception of the meteorological mast, would not be visible from this location. The turbines of the proposed wind farm would occupy a large proportion of the field of view and would be visible at a short separation distance. Given the short separation distances and the uninterrupted views the effects will be significant.

VP3 – View from Bryn Coch (2.23km). The wireframe indicates that five turbines would be visible forming a simple linear array on the horizon. The photomontage indicates that 3 turbines would be visible from this location due to the screening effects of the tree canopies within the foreground. However, moving a short distance from the viewpoint all five turbines would be visible. The access tracks leading to turbine T5 would be scarcely discernible and the meteorological mast would be discernible. Other ancillary infrastructure would not however be visible from this location. The turbines to the proposed wind farm would occupy a moderate proportion of the field of view and would be visible at a short separation distance. The effects would therefore be significant

VP4 – View from Ynysmeudwy (3.58km). 4 turbines would be visible from this location due to the screening effects of intervening vegetation, although the access tracks and other ancillary infrastructure would not be visible from this location. The proposed wind farm would occupy a moderate proportion of the field of view and would be visible at a short separation distance. The effects would therefore be significant.

VP5 – View from Pontardawe (4.23km). The wireframe indicates that from this location two turbines would be completely visible on the existing skyline with one other turbine partly shielded by woodland and intervening landform. With the exception of the meteorological mast which would be discernible between turbines T2 and T3, the access tracks and other ancillary

infrastructure would not be visible from this location. Whilst the proposed wind farm would comprise a simple linear array and occupy a small proportion of the view, the wind turbines would be a noticeable feature on the skyline. The effects would therefore be significant

VP6 – View from Crynant (3.19km). Three turbines would be visible to hub height with blades only of two turbines visible. The access tracks and other ancillary infrastructure would not be visible from this location. The proposed wind farm would occupy a moderate proportion of the field of view although it is the three turbines in the left of the view that will be more visible occupying only a small proportion of the field of view. The proposed wind farm would be a noticeable new feature on the horizon resulting in a significant effect

VP25 – View from Hendrelas (1.11km). The wireframe and photomontage indicate that the views of the proposed wind farm would be limited and shielded by intervening buildings and vegetation. Where views of the proposed wind farm or components of it in the vicinity of the viewpoint were intermittently available, the magnitude of change would be substantial and the overall effect considered to be significant

VP26 - View from Fforest Goch (1.74km). The turbines would be noticeable new features in the landscape and would occupy a large proportion of the field of view. The access tracks and other ancillary infrastructure would not be visible from this location. The proposed wind farm would be seen as a simple linear array that is readily accommodated on the hill. Given the short separation distance between the viewpoint and the proposed wind farm the overall effect is considered to be significant.

It is clear that the proposal will result in significant visual effect from the above viewpoints and the associated settlements. However the significance of effect does not automatically render the development unacceptable, with careful consideration needing to be given to the extent of such impacts and a balanced decision taken having particular regard to the context of the generally permissive policies governing such renewable energy proposals within the Strategic Search areas. This is considered later in the report.

As part of the ES the applicant has submitted a residential amenity survey which assessed the impact of the proposal on 3462 properties within a radius of 3km from the site. This concluded that 16 properties will experience direct views from ground floor and 21 from upper floor positions.

The assessment within the ES is accepted. Therefore the matter for consideration is whether the effects experienced by residents of the

communities and occupiers of dwellings within those communities is unacceptable and therefore outweighs the benefits of the proposal.

Overall assessment of development in relation to Policy criteria

Landscape

With regards to the acceptability of the proposal in terms of policy, the application site falls within and partially outside Strategic Search Area E as identified in TAN 8 but outside the refined Strategic Search Area in the Council's IPG.

TAN 8 advises that within SSA's the implicit objective is to accept landscape change i.e. significant change in the landscape character from wind turbine development.

Planning Policy Wales (PPW) states that the 'introduction of new, often very large, structures into the open countryside needs careful consideration to minimise the impact on the environment and landscape'.

The application site covers two zones (5 and 6) as identified within the ARUP report. The report sets out the two assessment criteria within Section 4.3.1, namely the six technical and environmental criteria set out in TAN 8 (para. 2.9 p.6)

- extensive areas with a good wind resource (typically in excess of 7 metres per second);
- upland areas (typically over 300 metres above ordnance datum which contain a dominant landform that is flat plateau rather than a series of ridges);
- generally sparsely populated;
- dominated by conifer plantation and/or improved/ impoverished moorland;
- general absence of nature conservation or historic landscape designations;
- of sufficient area to accommodate developments over 25MW, to achieve 70MW installed capacity and to meet the target capacity; and
- largely unaffected by broadcast transmission, radar MOD Mid Wales Tactical Training Area (TTA) and other constraints.

and the additional following criteria

- To have a LANDMAP visual and sensory Value aspect rating of less

than ‘Outstanding’

- To have a landscape sensitivity that is less than is considered ‘High’
- To have visual impacts upon residential dwellings which would not cause ‘dominance’
- Not to cause cumulative landscape or visual impact upon settlements

At paragraph 5.3 of the ARUP report the various zones are ranked. Table 10 sets out the ranking, and concludes that a number of the zones are not required in order to achieve the 100MW target. However, it concludes that there is very little difference between the overall performance of the zone, but critically, and of importance to this site, they all pass the test referred to in Section 4.3.1 of the ARUP report.

Therefore in relation to the landform, the application site is generally considered acceptable in relation to its suitability to develop a wind farm. However, more detailed assessment is required in relation to the impact of the development on the local environment.

The department has received representation in relation to the description of the landform and whether it is a plateau area. Whilst it is accepted that Mynydd March Hywel is a single ridge it is within the incised South Wales Coalfield Plateau and as such ARUP considered that it satisfied the criteria set out in paragraph 2.9 of TAN 8 set out above.

It should, however, be noted that failure to meet one or a number of the criteria set out in the TAN does not make a development immediately unacceptable as each site needs to be addressed on its own merits.

The ARUP report makes it clear that Zone 5 was excluded due to the potential cumulative effect arising from development of windfarms on the eastern side of the Dulais Valley. Part of the application site (two turbines) occupies the southernmost tip of zone 5 and were it not for its forest (which is the predominant landscape characteristic of zone 5) could be included within zone 6. Notwithstanding this, there are currently no consented or operational windfarms to the east of the Dulais Valley adjacent to the settlements of Crynant and Seven Sisters, although Maes Gwyn is located to the North East. This application does not seek to develop the entire length of zone 5 which runs along the western side of the Dulais Valley, and there are currently no developments built or consented to the east of the development which are likely to result in cumulative issues which would prejudice the development of this site.

In relation to zone 6 (within which the remaining three turbines are sited) paragraph 5.3 and figure 11a of the ARUP report conclude it is not required as there is adequate capacity available within other zones. Nevertheless as explained and emphasised earlier in this report, the capacity for SSA Area E has been increased since July 2011 to 152MW, 52% higher than the original target. Accordingly, to facilitate meeting this target it is inevitable that more land is required and the weight to be attached to this part of the IPG as a consequence is diminished. Moreover, Inspectors have criticised the refinement process within the IPG as it had overly reduced the SSA's and as such constrained the ability to reach National targets.

The report concluded with the exclusion of zones 5 and 6 from the refined area. Nevertheless, although the application site was not included within the Final ARUP report and subsequent IPG, it is not appropriate to dismiss its suitability as the reports were at a strategic level and therefore further detailed assessment must be made of the proposal in light of the current policy position, having particular regard to the material Policy changes identified above.

Overall Landscape Impact Conclusions

The application site has no national or local designation and is not of outstanding landscape quality. It therefore meets the various landscape tests set out in TAN 8 and referred to above. The site also meets the technical criteria set within the TAN, as confirmed by the ARUP report.

It is accepted that the introduction of the wind turbines and other associated works on the application site will result in significant landscape change, however, the significant visual effect does not necessarily dictate that the development is unacceptable and the proposal must be considered in relation to prevailing planning policy.

In this respect, it is notable that TAN8 clearly accepts that the introduction of wind farms into a landscape will result in significant change, with TAN8 further stating that within and just outside "*the implicit objective is to accept landscape change*". The application site is located within and just outside SSA E and therefore, in accordance with TAN 8, landscape change must be accepted.

Notwithstanding the above conclusion, the fact remains that the ARUP report removed the site from the refined SSA and this is reflected in the Authority's IPG. In addressing this matter it is clear that the ARUP report indicates that the site meets the technical criteria set within the TAN. Its recommendation to delete the areas are based on need, which has been superseded by the

Minister's letter which increased capacities and potential cumulative effect which are unlikely to occur as there are currently no developments built or consented to the east of the site which are likely to result in cumulative issues which would prejudice the development of this proposal.

Having regard to the assessment above, it is also acknowledged that the proposed wind farm would be visually prominent in short- and long-distance views and would have a significant effect on the landscape. Nevertheless, within the wider positive National Policy context towards renewable energy proposals, these effects must be balanced against the wider benefits of such proposals. In this respect, the now extended targets to be achieved within SSA Area E (a capacity of 152MW by 2015/17) represents a material consideration of substantial weight, most notably given that it is unlikely that the 2015/17 target will be attained, such that there is a pressing need to bring forward acceptable schemes.

Accordingly, in balancing the need for renewable energy against the visual impacts, it is concluded that the landscape impact is not so unacceptable that it outweighs the benefits of the proposal in relation to providing a source of renewable energy.

Residential receptors

The department broadly agrees with the assessment and conclusion contained within the ES in relation to the effect on residential receptors. There are currently two assessments of effect on residential receptors. The first and higher test of effect is on the occupier of individual dwellings within the community. The second test is that on residents within the area from more public views.

The application has been supported by a residential visual amenity survey which has ascertained the impact of the proposal on 3462 properties within 3km of the proposal. The assessment included a desk top study and field work which included the surveying of each property. The survey set out 4 criteria in respect of potential visibility from ground and upper floors namely No View, Direct View, Indirect View, Filtered View. The outcome was that 16 dwellings experienced direct views from ground floor and 21 from upper floor. These were primarily located within the village of Rhos.

The department have not undertaken their own assessment at this level, although 9 representative properties (RP) within the 1.4 km of the site have been visited together with the submitted view point within the local communities. Of the 9 RP's visited, 8 were within 900m of the site.

The dwellings visited by the department vary in scale, orientation, elevation and size and location of private amenity areas.

Views of the proposal from the properties were affected by the orientation of window and private amenity spaces and by the intervening landform and vegetation cover. Generally windows and private amenity spaces did not look directly towards the proposal. The combination of the above factors dictates that when viewed from any individual property the development would not appear overwhelming or dominant so that the properties became unattractive places to live.

Views from the dwellings within the wider community are at significantly greater distances. Cilfrew is the closest community at 1.8 km with other communities being at a distance in excess of 2 km. As with the dwellings above, views are again affected by the orientation of windows and private amenity spaces and by the intervening landform and vegetation cover. In addition the increased separation distance dictates that the proposal is viewed in the context of a larger landscape. The combination of the above factors dictate that when viewed from individual properties within the wider community the development would appear prominent but not dominant such that these properties would become unattractive places to live.

Turning to the views from within the public areas of the surrounding settlements again these are at distances of approximately 1.8 km but predominately in excess of 2 km. The views experienced by receptors within the wider community are more transient and vary in duration depending on the type of activity being undertaken. They are nevertheless important. Given the extent of landscape change identified above, it is similarly accepted that the proposal will have significant effects on the communities of Cilfrew, Rhos, Bryncoch, Ynysmeudwy, Pontardawe and Crynant and Fforest Goch. Nevertheless, it is considered that the combination of the above factors dictate that when viewed from within the wider community the development would appear prominent but not dominant such that these properties would become unattractive places to live.

It is therefore considered that the proposal will not result in the creation of an unacceptable visual impact on occupiers of individual dwellings within the adjacent communities or the residents of those communities within the public area such as to render the properties or areas unattractive areas to live.

Cumulative effects

The E.S. has considered cumulative effects on Landscape, Designated Landscapes and Residential Receptors. The cumulative assessment was based on 11 built or constructed wind farm developments and 8 wind farms in planning.

The nearest 6 sites on Ffynnon Oer (9km) Mynydd y Betws (10km) Mynydd Y Gwrhyd (8.5km), Pen y Cymoedd (7km), Hirfynydd (5km), Mynydd Y Gwair (10.2km). Separate assessments were undertaken for built and consented and built, consented and in planning.

Landscape

The E.S. concluded that within the Landscape Character Areas (LCA), Exposed Open Uplands (EOU) and Commercial Softwood Plantation (CS) the development will not have a significant effect. Given the separation distance between the proposal and built, constructed and in planning scheme it is considered that the proposal will not result in unacceptable change in landscape when considered in conjunction with other built, constructed and in planning schemes.

Landscape Designation

The E.S. concludes that other than the Gnoll designated landscape the development will not have a significant effect when assessed in association with built, constructed and in planning scheme. These findings are accepted.

The E.S. indicated that there are likely to be significant effect on the Gnoll when the proposal is considered together with the proposal at Hirfynydd. This application has been refused but is the subject of an appeal. These findings are accepted. However there will be a limited number of locations within the park where the two proposals are visible. Therefore it is considered that the potential cumulative effects do not have an unacceptable detrimental effect on the Park. In determining the effect of the proposal on the park CADW have offered no objection.

Residential

The E.S. has assessed cumulative impact on residential and other sensitive receptors from 13 locations within the study area. Cumulative issues are more likely to occur for the 6 nearest wind farm developments outlined above. The ZTV shows that depending upon the location within the Neath or Swansea

Valley the proposed development will be generally read in conjunction with separate built, constructed or in planning schemes.

From the 12 view points studied, a significant cumulative effect only occurred from Rhos (CVPI). At Rhos cumulative effects are considered likely to occur in association with Mynydd Y Gwrhyd, Mynydd Y Gwair and Scarweather Sands. These schemes would be at a distance in excess of 8km with Scarweather Sands at 24km from the site. The separation distance between the proposal and other development will dictate that they are read as separate and unconnected proposals, and therefore will not result in the surrounding of properties or settlements.

As such it is considered that the proposal when read in conjunction with other built, constructed and in planning schemes will not result in an unacceptable visual impact.

Recreational and Tourism receptors

There are no tourist facilities within the site or within close proximity of the site. No other identified footpaths, bridleways or byways will be directly affected. The Gnoll and Sarn Helen Roman Road lie outside the sites boundary to the east.

A number of long distance walking routes pass through the study area which are as follows

- Beacons Way follows a broadly west-east braided route through the Brecon Beacons in the north of the study area;
- Coed Morgannwg Way runs across the hills from the vicinity of Glyncorrwg towards Merthyr Tydfil;
- St. Iltyd's Walk, which links with the Coed Morgannwg Way near Glyncorrwg and runs across the hills to within approximately 2 km of the proposed wind farm .

Outdoor pursuits are becoming more popular within the mountainous areas in the north of the study area; in particular the National Park and long distance footpaths attract numerous people to the uplands. The Gower Peninsula is also a key tourist attraction

Whilst users of the Gnoll and these paths will experience some change with the introduction of large structures, this would be transient as walkers move

through the area and limited given the scale of the proposal within the landscape and the significant separation distances.

It is acknowledged that broader impacts will occur further from the site along the routes within the study area however it is considered that any adverse impact resulting from the development would not be sufficient to warrant a refusal of the application.

National Landscape Designations

There is an implicit commitment in TAN 8 to maintain the integrity and quality of the landscape within the National Parks and AONBs within Wales i.e. that there should be no change in landscape character from wind turbine development.

The site is not the subject of any special landscape designation. However, the ES has assessed the potential effect of the proposal within the Brecon Beacons National Park, The Gower AONB, Gower and Glamorgan Heritage coast and 36 registered parks and gardens and 8 registered Landscape of Historical Interest.

Viewpoints 16 and 17 are located within the National Park 14km north, viewpoint 9 (4.18km south) and viewpoint 15(14.4km south east) are from within heritage sites/areas and viewpoint 19(19.24km south west) is from within Gower AONB.

Viewpoint 9 (the Gnoll) is the closest to the application site. The turbines will be visible over a small section of the distant ridgeline. Views from within the park will change depending on screening, however the overall effect is significant.

Views from the remaining view points are all in excess of 14km. Any view which is not interrupted by vegetation, is at a significant distance. The proposal is read within the context of a vast landscape and the proposal is almost imperceptible.

The Welsh Government recognises that onshore wind has a key role to play in meeting its renewable energy potential to 2015/17 and beyond. The proposed scheme would contribute towards meeting these targets. As the proposal would not alter the immediate land form, pattern or topography of Mynydd March Hywel and as such would not compromise the purposes of the National Park's designation, The Gower ANOB and Heritage Coast Lines to warrant a refusal on visual amenity grounds.

The Brecon Beacons National Park Authority has raised no objection to the

proposal.

In relation to the Gnoll it is accepted that the effect will be significant. However, views from within the park will change according to the natural screening moreover the separation distance between ditches that the setting of the park is not effected. CADW have raised no objection in relation to the effect on the Gnoll.

It is therefore considered that the proposed development would not compromise the remote and exposed nature of the landscapes within the National Park, nor does it have an unacceptable detrimental effect on other special landscape designations and sites/areas of heritage importance.

Ecology

The ecological assessment of the EIA and SEI provides baseline information as referred to above. In addition it sets out monitoring and mitigating measures through the provision of an Environmental Management Plan which includes the following:

- Timing of Works
- Measures for the restoration and minimisation of habitat disturbance.
- A construction code of practice monitored by an ecological clerk of works
- Eradication of invasive species
- Habitat enhancement /creation
- Post construction monitoring of bats and birds

The proposed development will have a direct effect on Local Biodiversity Action Plan Habitat. The scheme indicates that 1.01ha of heath and mire and 11ha of conifer forest would be lost during the construction of the development. The conifer forest clearance will however provide scope to create 11ha of open heath habitat.

The bio diversity section are satisfied that the loss of habitat will not have a significant impact on local ecology. Moreover it is considered that suitable mitigation can be provided as part of a Habitat Management Plan. (HMP) to ensure that the impacts on BAP species can be protected.

None of the following species were found on the site

- Badgers
- Otters
- Water voles

- Great Crested Newts
- Reptiles

Invertebrates and amphibians were recorded but as the development will not effect these locations the E.S. concludes that the proposed development will have no significant impact on reptiles, mammals, Invertebrates and Amphibians. The biodiversity section is satisfied that that any species identified within the construction process can be adequately trans-located through detail within an agreed Construction Environmental Management Plan (CEMP) and Habitat Management Plan (HMP).

In relation to bats, NRW and the Biodiversity section have indicated that they are satisfied with the assessment within the ES/SEI and the mitigation proposed. They have indicated that this proposal should for part of the HMP.

In relation to ornithology the ES/SEI identified 44 bird species were recorded during field surveys, including two of high conservation status, namely kestrel and red kite.

The main concerns with wind farms and birds are the potential for fatality if colliding with turbines and/or displacement of birds from the wind farm area due to the disturbance caused by the wind turbines

Scottish Natural Heritage (SNH) guidance specifies specific avoidance rates with a recommended default avoidance rate of 98%. In relation to this site no calculation has been made due to the low level of avian activity. This is considered to be acceptable as any calculation would be so low that it would be meaningless. Notwithstanding, this both NRW and the biodiversity section recommend a program of post construction bird monitoring which can be dealt with in a HMP.

NRW have noted that the development will not have a significant effect on bird populations and agree that habitat enhancement should be delivered via an appropriate HMP.

The development will result in a direct effect on 40 cubic metres of peat. The ES indicates that hydrological connectivity will be retained through peat deposits and where possible excavated peat will be transferred to habitat restoration areas. NRW advises that they are pleased to note the steps contained within the ES to protect and relocate excavated peat and suggest that a scheme be submitted as part of a HMP to deal with the storage, handling and relocation of peat within the site.

In conclusion, it is considered that the original ES and the subsequent SEI demonstrates that the proposal will not have a significant impact on ecological interests to warrant an objection to this proposal. Therefore, subject to the imposition of suggested conditions and the signing of a S106 Agreement which will address issues of ecology through a Habitat Management Plan appropriate mitigation measures and positive habitat management will outweigh any negative ecological effects of the proposal.

Archaeology and Cultural Heritage

There are 69 sites of known archaeological interest within the study area. The ES indicates that 50 of these sites are unaffected by the development while the remaining 19 will experience effects of severe, major or minor.

Of the 69 sites there are three Scheduled Ancient Monuments (SAM), (Cairn on Mynydd March Hywel GM237, Standing Stones GM342 and two Platform Houses GM326). There are two Grade II Listed Buildings in the area, Cefn Gelfi (LB11193 and an outbuilding at The Mill LB82293).

In relation to the listed buildings these are located over 1km to the north west of the site and it is therefore considered that the proposal will not have an effect on the setting of the listed buildings.

GM342 Standing Stones is located 1.5km to the north west of the site and it is therefore considered that the proposal will not have an effect on the setting of the SAM.

The nearest SAMs to the site are GM326 which is within the application site approximately 250m from Turbine 3 and GM327 which is approximately 200m from the northern boundary of the site and 640m from Turbine 1.

GM327 is set within a forest plantation outside the site. The proposal has no direct effect on the SAM and as the proposal does not involve the removal of the forest surrounding the SAM it is considered that the proposal will have no effect on the setting of the SAM.

GM326 is located within the site but there are no direct effects on the SAM as the development is located approximately 125m to the west. The proximity of the works to the SAM dictates that the proposal is likely to have a very significant effect on the setting.

The application site and the immediate area have experienced agricultural forestry and mining activities for centuries. Whilst the current proposal will

introduce large man made structures they none the less continue the activity of man within the area. Despite the proximity of the development to the SAM, the number and location of the turbines ensures that uninterrupted views of the SAM remain.

CADW have also indicated that they consider the proposal has a very significant effect on GM326, but have indicated that should the Authority be minded to grant consent that a suitably worded condition should be imposed to protect the SAM during the construction process.

Whilst it is accepted that the development will have a very significant effect on SAM GM326 the impact does not outweigh the benefits of the proposal in relation to its contribution made in providing a renewable source of energy.

In relation to other historic features within the study area, given the separation between the feature and the proposed development, CADW confirms that there is unlikely to be a detrimental effect on the character, appearance, setting or historical importance of these features to warrant a refusal of this application.

Hydrology and Hydrogeology

The wind farm has the potential to alter the hydrology and hydrogeological regime within the site during the construction, operation and decommissioning phases. Impacts are possible as a result of the construction of tracks, hardstandings, buildings and turbine foundations, including possible increased run off, chemicals and sedimentation.

The ES identifies four sensitive receptors in relation to hydrology namely;

- Peatland
- Private water supplies
- Ground Water
- Watercourses

The ES sets out the risks to sensitive receptors and sets out mitigating measures applied during the design process to safeguard hydrological features which includes the establishment of buffer zones around watercourses. The ES also identifies potential sources of pollution such as sediment, oils, chemicals, lime, cement and grout.

It is proposed that potential impacts will be managed through measures which would be fully detailed in a Construction Environmental Management

Plan(CEMP)

In relation to Hydrogeology, it is recognised that the wind farm developments have the potential to derogate private water supplies. The ES identifies that there is no licensed groundwater or surface water abstraction in the vicinity of the site. The EA does not require a licence for abstractions that are 20 m³ or less per day; therefore private water supplies have been identified in the field and through consultation.

The ES identifies 15 properties which have a private water supply. It indicates that the likely effects on the properties from oil and chemical storage, from potential contamination from sanitary plumbing and from shutter collapse, prior to mitigation and management is Moderate and there is low risk of this occurring.

The ES sets out broad principles to protect private water supplies and sets out that more detailed measures will be contained within a CEMP. It concludes that after mitigation, residual effects were found to be Negligible or Minor.

It is therefore considered that the proposal will not have an adverse impact upon these water supplies.

Natural Resources Wales has raised no objection to the development in principle. However, to prevent ground and surface water pollution and to reduce further the impact on peat a number of conditions are suggested to address these issues.

It is therefore considered that the proposed development will not have a detrimental effect on hydrology, hydrogeology and water quality.

Geology, Mining and Mineral Resources

The ES indicates that there are no current or future coal mining or mineral operations within the site although there are a number of past mining operations within the site.

The geological and mining features that have the potential to affect the proposed development have been identified in the desk studies and walk-over survey and confirmed by ground investigations.

The ES concludes that impacts of the proposed wind farm development on geology, mining and mineral resources are likely to be limited. The ES indicates that ground investigation at the turbine locations have not identified

any issues and therefore no ground stabilisation measures are required for the proposed wind turbines. The access track will however cross historic shallow workings and further detail will be required in order to adequately protect the integrity of the access track. Finally there are no current proposals for the working of mineral resources below or adjacent to the application site.

The Coal Authority have indicated that they are satisfied with the assessment and conclusion reached within the ES and have offered no objection subject to a condition requiring the submission of additional detail to deal with the stabilisation of the access track.

It is therefore considered that the proposal will not have a detrimental effect on geology, mining and mineral resources

Noise

Noise issues relating to the potential impact of this wind farm scheme have been assessed in the Environmental Statement and the methodology is described earlier in this report.

The Head of Public Protection and Housing (Noise) has confirmed that the operational levels fall within the guidance levels specified in the DTI document ETSU-R-97 – The Assessment and Rating of Noise from Wind Farms.

In addition, construction and decommissioning noise levels have been predicted. It is noted that short term exceedences are predicted to last for a couple of days, during the construction of the bridge which will take approximately 8 weeks. The Head of Public Protection and Housing (Noise) has confirmed these can be mitigated against and recommends that a Construction Method Statement detailing expected noise impacts and the mitigation be submitted to the Local Planning Authority. A suitably worded condition can address this matter.

It is therefore considered that the proposed development will have an adverse effect on amenity by virtue of noise.

Traffic and Transport

The ES sets out the baseline conditions in relation to traffic movement along the preferred construction traffic route identifying the annual average daily flow(AADF) together with the overall percentage of HGV traffic using the route along the 11 sections of highway. AADF along the 11 sections of

highway there are between 7649 and 58313 movements with HGV movements between 1.6% and 14.6%

The ES sets out the transportation requirement for each phases of construction identifying the key stage of construction which are likely to have the greatest impact on traffic namely

- Abnormal load movements
- Delivery of stone
- Construction of turbine bases

The total number of vehicle journeys during the 13 month construction stage is estimated as 12,099, comprising (approximately) 7800 vans and cars and 4299 HGVs.

Abnormal load movements

The preferred route for the abnormal load deliveries is:

- A483 from Swansea Docks
- M4 to junction 43
- A465
- A474

In order to assess the suitability of the route the applicant has undertaken a number of surveys including a desk top swept path analysis, highway surveys and a laser survey of Cadaxton railway bridge.

Delivery of each turbine will require 8 abnormal loads. An additional 2 trailers will be required to carry cables, controllers and other ancillaries for all the turbines. As 5 turbines are proposed, there will be 42 abnormal load vehicles in total. During the construction period, it is assumed that components will be delivered to site in convoys of up to 4 vehicles. Each convoy may comprise up to 4 vehicles of the same type, or up to 4 vehicles of differing types. Delivery periods are likely to be short rather than spread over a longer period

In consultation with South Wales Police, who will be responsible for escorting the Abnormal loads, the Head of Engineering and Transport (Highways) has indicated that sufficient information has been submitted to assess the suitability of the route and the impact on highway safety. It is now adopted practise that prior to the delivery of turbine components to the site a dry run is undertaken. This is a requirement of the turbine manufacturers, the Police and the Highway Authority and is a means of making a final assessment of the

route. The developer has indicated that they will be undertaking a dry run and the detail of that will be subject to further agreement with the LPA in consultation with the highway section and Police.

It is accepted that the delivery of the turbine components is likely to cause some temporary delays in the populated area to the south of the site, however the dry run will seek to establish the most appropriate time for deliveries in order to limit impacts. All abnormal loads will be escorted by the Police and it is therefore considered that the movements, whilst creating short periods of temporary delay, will not have a detrimental effect on highway safety.

Stone Delivery

The ES indicates that stone for the use in the development will be sourced from Gilfach quarry which is approximately 2km from the site. The quarry is north of major settlements and as such it is considered that the vehicle movements associated with the delivery of stone to the site will not have a detrimental effect on highway safety. Significantly the movements of stone from the quarry will not result in impacts along busy sections of highway to the south.

Construction of turbine bases

The greatest number of journeys per day would be generated between months six and eight. Most traffic is generated on days when turbine foundations and transformer bases are poured. Each turbine and transformer foundation pour would require concrete from 60 mixer trucks, as well as additional associated HGVs. As there are 5 proposed turbines, these busy days would only occur 5 times. This activity would generate 120 concrete mixer lorry movements and up to 10 associated HGV deliveries.

The maximum number of traffic movements on days when turbine and transformer foundation are poured is estimated at 180 movements. This equates to a 2% increase in AADF on the A474 near the site, a 1% increase on the A474 nearer Neath, and less than 0.04% increase on the A465. The Institute of Environmental Assessment's *Guidelines for the Environmental Assessment of Road Traffic* states that it should be assumed that anticipated changes in traffic flow of less than 10% would create no discernible environmental effect.

The traffic implications relating to the proposal have been considered by The Head of Engineering and Transport (Highways) who has raised no objection to the proposal subject to conditions in respect of alterations to the existing

access and provision of a Traffic Management Plan.

In view of the above, it is considered that the proposal will not have an unacceptable adverse impact on highway safety.

Shadow Flicker

In terms of shadow flicker, the Environmental Statement provides an assessment of possible effect.

Shadow flicker occurs when the alignment of the sun, wind turbine and sensitive receptor's occur during certain climatic conditions. Shadow flicker does not generally create disturbance outdoors as light is reflected from all directions. Therefore animals and sensitive receptors outside are unlikely to experience shadow flicker.

The ES analyses the potential for shadow flicker at five properties within 930m of the proposed development. The results indicated that shadow flicker could be experienced at four properties for between 7.3 hours and 27.6 hours per annum from three of the turbines.

Whilst it is accepted that there are a number of coinciding factors that must occur to result in shadow flicker, the evidence available indicates that when those factors occur four properties will experience shadow flicker which is likely to have an effect on residential amenity.

However, mitigating measures can be set in place to switch off turbines during conditions when shadow flicker may occur, thus protecting residential amenity.

It is therefore considered that subject to a suitably worded condition to prevent shadow flicker the development will not have an adverse effect on the occupier of nearby properties as a result of shadow flicker.

Electromagnetic Interference and Aviation

As part of the iterative design process the applicant has taken into account effects on aviation and electromagnetic interference. No Objection has been received from OFCOM and no comments have been received from, CAA and Swansea Airport.

It is therefore considered that the proposed development will not have a detrimental effect on Electromagnetic Interference and Aviation.

Recreation and Tourism

In respect of tourism, existing studies and research on the effects of wind farms on tourism suggest that the presence of a wind farm does not generally deter visitors or impact on the decisions to revisit and that wind farms can be tourist attractions in their own right. In addition, whilst the scale of the proposal means that it is likely to impact upon the visual experience of walkers and mountain bikers close to the site there is no evidence to suggest that wind farms in areas of high scenic value have experienced reductions in tourism demand.

The operational Ffynnon Oer Wind Farm constructed in 2006 has shown no demonstrable impact upon tourism figures.

There are no tourism facilities on the application site. Existing tourist destinations are over 6km from the site and are not directly connected by footpaths or cycle routes. Therefore given the research and the significant separation distances between the site and key tourist destinations it is considered that the development will not have a detrimental effect on tourism within the area.

Socio- Economic

The construction and operational phases will provide an estimate of 25 jobs during the 12 month construction phase and 1-2 permanent part time jobs during the operational life of the wind farm. It is therefore considered that the proposed wind farm could have very limited long term benefits, but significant short term benefits.

Others (including objections):

In respect of the 586 objections raised by local residents and Community Councils it is considered that the concerns relating to planning policy, visual amenity, historical environment, residential amenity, noise and disturbance, pollution, shadow flicker, stability, ecology, traffic, hydrology, recreation, tourism and socio economic, impact on health and energy production have been addressed in the report.

The other issues are addressed as follows :

The provision of community benefit is not a matter for consideration during the determination of the planning application. Nevertheless in practice

community funds are operated by a body independent of the applicant.

There is no evidence to suggest that windfarm developments result in additional rain. There is some evidence within the USA in an area which contains four of the world's largest wind farms that the windfarm results in slight changes in temperature (0.72 degrees). Whilst in theory the cooling of air can result in rain, there is no evidence to demonstrate that even minor changes in temperature occurring in large developments result in rain. It is therefore considered that this development will not result in additional rainfall.

The supply of power to the grid is controlled and there is no evidence to indicate that the development will create power surges.

Wind energy as with all forms of energy have "down time" when no energy is produced. The application site has a predicted output of 43.3% based on site wind speed.

The provision of subsidies to support the development is not a material consideration

Whilst there is some limited, but well publicised, evidence that turbines have on occasion experienced catastrophic failure, these are exceptional cases. Turbines are constructed with a number of safety features to prevent such occurrences. Given the location of the proposal it is considered that were such an occurrence to occur there would be little likelihood of danger to the public.

There is no clear evidence to indicate that noise from wind farms has a direct effect on health. Moreover, in this case, the noise assessment indicates that there will be noise exceedences above nationally agreed figures.

There is no justifiable evidence that the wind farm would devalue property or unacceptably impact on the local housing market. Nevertheless the impact upon property values is not a material planning consideration.

Carbon is released as a result of any construction activity. In this case, it is considered that the considerable reduction in CO₂ resulting from the generation of renewable energy far outweighs the carbon production during the construction process.

The report sets out that the application has been widely publicised in accordance with the Regulations.

A letter of objection was received from **Bethan Jenkins AM** on the grounds

of noise, vibration, visual impact and the impact upon tourism. All of these issues have been addressed within the report.

Community Benefit

TAN 9 “Community Involvement and Benefits” recognises the opportunities that large developments provide in making contribution that benefit the community. However, it makes it clear in paragraph 2.16 that

“Such contributions should not enable permission to be given to a proposal that otherwise would be unacceptable in planning terms.”

The Authority within its supplementary planning guidance believes that it is more appropriate for these “community contributions” to be dealt with as part of the planning process in order that they may better reflect the needs and aspirations of the area as identified through the Community Plan and UDP/ Local Development Plan (LDP) process, although they should not impact on the decision making process.

The applicant has offered to provide a community benefit contribution of £5000 per installed mega watt per year over the lifetime of the development. Based on 11.5MW this amounts to £57,500 per annum and a total of £1,400,000 over the lifetime of the wind farm.

The applicant proposes to distribute the community benefit in two ways. Via a new initiative (Local Electricity Discount Scheme LEDS) which provides a £100 annual discount on electricity, for a period of 25 years, to household’s within 1.8km, this will amount to £34500 per annum. The remaining value of the community benefit, amounting to £23000 per annum, will be distributed to the local community via a fund.

It should be noted however, that the community benefit is not put forward as mitigation and must not be taken into consideration in the decision of the planning application.

Conclusion

All environmental information submitted within the ES and the Supplementary Environmental information along with the comments of statutory consultees on the information supplied, and the comments, observations and representations provided by members of the public have been taken into consideration in this recommendation. In addition, all the relevant European directives, legislation and regulations have been taken into account.

It is accepted that within SSA E the consented and operational capacities fall below those set out in PPW 2012, the minister's letter of July 2011 and TAN8 and there is little prospect of those being achieved by 2015/17. The site, although outside the refined area as defined within the adopted IPG entitled Wind Turbine Development, is located within SSA E or the 5km buffer set out in TAN8 and meets the technical and environmental criteria set out within TAN8 and the Arup report.

The proposed development will make a 11.5MW contribution to the targets which represents 7.5% of the 152MW SSA E maximum required by 2015/17. However the development should not proceed at all costs in order to meet the target without consideration of the wider environmental effects.

The submitted scheme demonstrates that there are no unacceptable detrimental effects in relation to Ecology, Cultural heritage and Archaeology, Hydrology and Hydrogeology, Geology, Mining and Mineral Resources, Noise, Traffic, Transportation and Access, Electromagnetic Interference and Aviation. In relation to Socio-Economic effects there are limited short term benefits in relation to employment.

It is considered that the development will result in a significant effect in relation to the Landscape and there will be a significant effect on residential receptors within 4km of the site.

TAN 8 makes it clear that "*within (and immediately adjacent) to the SSAs, the implicit objective is to accept landscape change*" however, the TAN together with Local and National policy makes it clear that each site must be assessed on its merits as local environmental conditions may dictate that the level of harm associated with the development outweighs the need to provide additional forms of renewable energy.

In relation to landscape it is accepted that the two areas which form the application site Zone 5&6 (ARUP report) and Zone CS & EOU (ES) have no national or local designation. In relation to landscape quality the areas are of moderate value as assessed by ARUP and low-medium and medium as outlined in the ES. It is considered that the introduction of the development into the area will have a significant effect within Zone 6/EOU and no significant effect within Zone 5/CS. However, it should be noted that the proposal will be viewed within the context of a large landscape.

Given the existing landscape quality and the scale of the proposal within the landform it is considered that the impact of the proposal on landscape in

isolation or cumulatively with other built or consented schemes does not outweigh the need to provide a renewable form of energy to meet national targets.

Turning to the issue of visual impact it is considered that the proposal will have a significant visual effect on sensitive receptors for in excess of 4km from the site. The effect of the proposal in isolation and cumulatively with other built or consented schemes has been assessed on all sensitive receptors within the study area including the residents within the local communities and occupiers of some individual properties within those communities.

In relation to the effect of the proposal on the occupiers of individual properties. It is considered that the scale of the proposal, the separation distances, intervening landform, vegetation cover and orientation of the dwellings dictate that the effect of the proposal in isolation or cumulatively with other built or consented schemes does not affect the amenity of residents of those properties so as to make them unattractive places to live.

Finally turning to the effect of the proposal on sensitive receptors within the communities around the proposal. It is considered that the duration of any view, the scale of the proposal, the separation distances, intervening landform, and vegetation cover dictate that the effect of the proposal in isolation or cumulatively with other built or consented schemes would not affect the amenity of residents/users of those communities to such an extent that it would make them unattractive places to live.

In conclusion, the proposal will provide a source of renewable energy in accordance with National, Welsh Government and Local Policy. The proposal will have no unacceptable effects in relation to Ecology, Cultural heritage and Archaeology, Hydrology and Hydrogeology, Geology, Mining and Mineral Resources, Noise, Traffic, Transportation and Access, Electromagnetic Interference and Aviation. In relation to Socio-Economic effects there are limited short term benefits in relation to employment.

In relation to landscape effect it is considered that the impact of the proposal on landscape in isolation or cumulatively with other built or consented schemes does not outweigh the need to provide a renewable form of energy to meet national targets. Finally in relation to visual amenity it is considered that the proposal in isolation or cumulatively with other built or consented schemes does not affect the amenity of individual residents from within their homes or residents/users of those communities so as to make them unattractive places to live.

The development therefore accords with Planning Policy Wales, TAN 8, and Policies GC1, GC2, ENV1, ENV3, ENV4 ENV5, ENV6, ENV12, ENV14, ENV17, ENV18, ENV19, ENV 22, ENV23, ENV24, ENV29, EC5, CS1, T12, RO4 and IE6 of The Neath Port Talbot Unitary Development Plan.

Recommendation

APPROVAL subject to a section 106 agreement to secure a Habitat Management Plan and a community benefit payment of £5000MW per year for a period 25 years.

CONDITIONS;

(1)The development hereby permitted shall be begun before the expiration of five years from the date of this permission.

Reason

To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.

(2) The permission hereby granted shall endure for a period of 25 years from the date when electricity is first exported from a wind turbine within the site to the electricity grid network ('First Export Date'). Written confirmation of this shall be provided to the Local Planning Authority within one month of the First Export Date.

Reason

In the interests of visual amenity

(3) Not later than 12 months before the expiry date of this permission a decommissioning and site restoration scheme shall be submitted for the written approval of the Local Planning Authority. Such a scheme will include the management and timing of works and a traffic management plan to address highway issues during the decommissioning period. Full restoration of the wind farm site shall be completed within 6 months of the approval of this scheme by the Local Planning Authority and the site shall be decommissioned in accordance with the scheme.

Reason

In the interests of visual amenity

(4) If any wind turbine fails to produce electricity to the grid for a continuous period of 12 months, that turbine and its associated ancillary surface equipment shall be removed from the site (unless otherwise agreed in writing by the Local Planning Authority) in accordance with a scheme approved in writing by the Local Planning Authority for the restoration and aftercare of the relevant wind turbine. The scheme shall be fully implemented in the form approved by the Local Planning Authority.

Reason

In the interests of visual amenity

(5) In the event that contamination is found at any time when carrying out the approved development that was not previously identified, work on site shall cease immediately and shall be reported in writing to the Local Planning Authority. A Desk Study, Site Investigation, Risk Assessment and where necessary a Remediation Strategy must be undertaken in accordance with the following document:- Land Contamination: A Guide for Developers (WLGA, WAG & EAW, July 2006). This document shall be submitted to and agreed in writing with the Local Planning Authority. Prior to occupation of the development, a verification report which demonstrates the effectiveness of the agreed remediation, shall be submitted to and agreed in writing with the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off site receptors.

(6) The temporary construction compounds and other temporary construction works as set out in the submitted application details shall be removed no later than one year from the First Export Date and the ground restored to its previous condition within 6 months of such removal unless otherwise agreed in writing by the Local Planning Authority.

Reason

In the interests of visual amenity.

(7) No development shall take place until full details of the external finish and colour of the turbines have been submitted to, and approved in writing by, the Local Planning Authority. All wind turbines shall be of a

semi-matt finish and shall not display any name, sign, symbol or logo on any external surfaces unless otherwise approved in writing by the Local Planning Authority. The turbines shall be erected in the approved finish and colour and so retained thereafter during their operation unless otherwise agreed in writing by the Local Planning Authority.

Reason

In the interests of visual amenity

(8) All of the wind turbines shall be of a 3 bladed configuration and all of the wind turbine blades shall rotate in the same direction.

Reason

In the interests of visual amenity

(9) The turbines shall not be illuminated and there shall be no illumination on the site after the construction period unless required by law.

Reason

In the interests of visual amenity

(10) Subject to the allowance for micro-siting provided by condition 11, the turbines and associated crane pads shall be erected at the following coordinates:

T1 276320 203377

T2 276119 202998

T3 276062 202546

T4 276040 202089

T5 275864 201782

Reason

In the interests of visual amenity

(11) Variations of the position of any turbine(s) and their associated infrastructure shall be permitted by up to 50 metres in any direction within the application site unless otherwise agreed in writing by the Local Planning Authority. A plan showing the position of the turbines as built shall be submitted within one month of the First Export Date.

Reason

In the interests of visual amenity

(12) All cabling within the site shall be installed underground

Reason

In the interests of visual amenity

(13) No development shall take place until a scheme to secure the implementation of a programme of archaeological work in accordance with a written scheme of investigation has been submitted to and approved in writing by the Local Planning Authority.

Reason

In the interests of archaeology

(14) No development shall take place until a Construction Environmental Management Plan (CEMP), has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall provide full details of the works to be undertaken including the construction timetable, details of the means of avoidance and mitigation of any impacts on the species and habitats within the development site and the pollution prevention measures to be implemented during the site preparation and construction phases of the development. The CEMP shall be implemented as approved.

The CEMP shall include:

- (i) a scheme for the removal, storage, relocation and restoration of peat
- (ii) a pre construction ecology survey to include badgers, bats, otter, water voles, breeding and schedule 1 listed birds and great crested newt
- (iii) the final route and construction methods for the grid connection
- (iv) a programme for the capture and release of reptiles, including the identification and protection of receptor sites
- (v) details of the appointment and role of an Ecological Clerk of Works

Reason

In the interests of the environment.

(15) No development shall take place until a Habitat Management Plan (HMP) covering the application site has been submitted to the Local Planning Authority. The HMP shall make provision for the subsequent submission of detailed phased specific habitat management plans. Construction of any phase of the wind farm shall not commence until the related phase has been agreed in writing by the Local Planning Authority. The approved HMP, and any subsequent revisions that are agreed in writing by the Local Planning Authority, shall be implemented as set out in the HMP. The HMP shall include proposals for:

- i. Objectives for the management and restoration of the natural habitat;
- ii. Best practice methods for the management and restoration of the natural habitat of the site;
- iii. Ecological management areas defined by a map or maps;
- iv. The restoration and maintenance of the natural hydrological regime of peat bodies, their carbon storage and sequestration potential;
- v. The restoration, enhancement and management of peat bog, heath, acid grassland, ponds and hedgerows or other suitable natural habitat as appropriate to soil conditions, hydrology and topography, with bog being the objective for deep peat;
- vi. The management of stream corridors for nature conservation potential;
- vii. The management of habitat for nightjar prioritising feeding and breeding habitat away from turbines where this does not compromise the objectives for peat and bog;
- viii. The improvement of the biodiversity potential of the site by maintaining and improving wider habitats and ecological functionality, with an emphasis on supporting habitats for appropriate statutory protected species; and
- ix. Provision for monitoring, review and revisions to the HMP where monitoring identifies that the objectives of the HMP are not being achieved in consultation with the Local Planning Authority.
- x. a scheme for the post construction monitoring on bats and birds, together with a scheme for mitigating any effects
- xi. Scheme for ongoing monitoring and treatment of invasive species listed under schedule 9 of the Wildlife and Countryside Act 1981 (as amended)

xii. a scheme for the post construction monitoring on bats and birds, together with a scheme for mitigating any effects

xiii. a bird monitoring scheme

Reason

In the interests of ecology and the environment

(16) No development shall take place until a Construction Method Statement (CMS) has been submitted to and approved in writing by the Local Planning Authority. The construction of the development shall only be carried out in accordance with the approved CMS, unless otherwise approved in writing by the Local Planning Authority. The CMS shall be implemented and maintained for the duration of the construction works and shall address the following matters:

i. All activities associated with the construction of the development shall be carried out in accordance with British Standard 5228, 2009: Code of Practice for Noise and Vibration Control on Construction and Open Sites – Part 1 – Noise, Part 2 – Vibration.

ii. A full drainage scheme for the management of surface water and foul water, to include the access track. This shall detail both the temporary and permanent drainage strategy and include details of the hydraulic calculations to control flow rates, discharge points to land and adjacent water course and detail the measures to be implemented.

iii. A scheme for the environmental monitoring and protection of local watercourses, amphibians and reptiles before and during the construction phase. Any such scheme shall be supported by information such as the method and frequency of monitoring and the contingency plans to be implemented should any pollution/derogation be noted.

iv. A scheme for the protection and conservation of soil at the site in order to prevent pollution of the water environment and to enable appropriate re-use and restoration of peat. The scheme shall include the pollution prevention techniques to be deployed during the construction and restoration phases and the treatment and removal of suspended solids.

v. Details of the timing of works and methods of working for cable trenches and foundation works.

vi. Details of the timing of works and construction of the anemometry mast and construction compound.

- vii. Dust management.
- viii. Disposal of surplus materials.
- ix. A construction noise management plan (including identification of access routes, locations of materials lay-down areas, details of equipment to be employed, operations to be carried out, mitigation measures and a scheme for the monitoring of noise).
- x. Temporary site illumination.
- xi. Wheel cleaning facilities.
- xii. Arrangements for keeping the site entrance and adjacent public road clean.
- xiii. Post-construction restoration and reinstatement of the working areas including removal of construction equipment and the construction compound
- xiv. Details for the protection of Scheduled Ancient Monuments within the site
- xv the parking of vehicles of site operatives and visitors
- xvi loading and unloading of plant and materials
- xvii storage of plant and materials used in constructing the development
- xviii the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- xix a scheme for recycling/disposing of waste resulting from construction works.
- xx Details of the final track alignments
- xxi Details of all retaining walls including full calculations
- xxii. Arrangements to prevent wildlife becoming trapped in excavation works.

Reason

In the interests of ecology and the environment

(17) No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a site

investigation report relating to potential coal mining activities. The report shall include details of any remedial measures and the timing of those works required in order to ensure the safety and stability of the proposed development. The remedial works identified by the site investigation shall be undertaken as agreed.

Reason

In the interests of ground stability and safety

(18) No development shall take place on the turbines until written confirmation to the Local Planning Authority has been provided confirming that the necessary aviation bodies such as the Ministry of Defence and the Civil Aviation Authority have been given written notice of the proposed date of commencement and completion of the development and the maximum extension of height of any construction equipment or structures and the height above ground level and the Ordnance Survey locations of the turbines.

Reason

In the interests of Aviation safety

(19) Prior to commencement of any works on site other than the formation of the construction compound and access track leading to the construction compound the site access road junction with the A474 shall be completed in accordance with a scheme which shall first be submitted to and approved in writing by the Local Planning Authority. This scheme shall be designed so as to allow all vehicles including Abnormal indivisible loads (AILs) to enter and leave safely. The scheme shall include detail of

(i) The new bridge over the river Clydach,

(ii) the extension or full replacement of the existing culvert under the A474

(iii) and either temporary or permanent relocation of the existing bus stop located within the layby adjacent to the proposed improved access.

Reason

In the interests of highway safety.

(20) Unless otherwise agreed in writing by the Local Planning Authority and prior to first use of the proposed access by any traffic, vision splays

of 2.4m by 120 metres made up as grass verge shall be provided each side of the proposed access road and shall be retained so that nothing over 600mm in height above carriageway level is erected or allowed to grow within the splay areas for the duration of the use of the proposed access.

Reason

In the interests of highway safety.

(21) Prior to commencement of any works a scheme for the provision of traffic signal control (temporary during the construction phase) the reduction of the speed limit to 30mph either side of the proposed access, semi-permanent site access warning signage, speed checkers and road markings shall be submitted to and approved in writing by the Local Planning Authority. These works shall be installed in accordance with a timescale to be agreed as part of the approved scheme.

Reason

In the interests of highway safety.

(22) Prior to the supply of electricity to the grid a scheme for the removal and reinstatement of the access works shall be submitted to and approved in writing by the Local Planning Authority. The scheme as approved shall be completed within six months of the completion of the Wind Farm and retained as such thereafter. The scheme shall include 2.4m by 120 metres vision splays being retained each side of the remaining access which shall be maintained unless otherwise agreed in writing by the Local Planning Authority as grass verge thereafter.

Reason

In the interests of highway safety.

(23) No development shall take place until an Abnormal Indivisible Load Test Run has been undertaken (AILTR) and a Abnormal Indivisible Load Test Run Report (AILTRR) has been submitted to and approved in writing by the Local Planning Authority. Prior to undertaking the AILTR a scheme shall be submitted to and approved in writing by the Local Planning Authority outlining the scope of the AILTR which shall include

(i) The proposed route(s)

(ii) Time(s) and date(s) of the test run

(iii) Type of vehicles to be used

(iv) The methods of recording the test run

(v) A schedule of the road works required including details of any vegetation and trees to be cut back or removed to enable the test run to be undertaken

The ALTR shall be undertaken as approved.

The AILTTR shall include

(i) A written summary of the dry run

(ii) Copies of records as agreed in (iv).

(iii) A schedule of additional works not previously listed in (v) and (vi) above.

(iv) A conclusion.

Reason

In the interests of highway safety.

(24) No development shall take place until a Traffic Management Plan (TMP) has been submitted to and approved in writing by the Local Planning Authority. The TMP shall set out the timing of works and include:

(i) The proposed construction route(s)

(ii) Arrangements for road maintenance and cleaning,

(iii) The timing of construction traffic movements during the construction period, wheel cleaning/dirt control arrangements at key stages of construction;

(iv) Provision of temporary signs, street furniture, traffic control and any carriage way works

(v) Informative road signage warning other road users of forthcoming construction traffic movements, days and times of proposed deliveries

(vi) all streetworks and signage to be removed during the transport of large loads

(vii) proposed traffic orders including removal of on street parking, temporary speed reductions and road closure orders

(viii) a scheme for the permanent reinstatement of all street furniture, kerbs and any highway improvements required under (vi). This scheme shall be completed in accordance with a schedule to be agreed in writing with the Local Planning Authority

(ix) predicted daily traffic flow for all vehicles during the construction phase of the development

The development shall be carried out in compliance with the approved scheme unless otherwise agreed in writing by the Local Planning Authority

Reason

In the interests of highway safety.

(25) Prior to commencement of any works on site a condition survey of the proposed route(s) shall be carried out by the developers and submitted to and agreed in writing by the Local Planning Authority. A further survey shall be undertaken within two months of removal of all temporary works on the site and any damage to the highway identified as being due to the increased volume of construction vehicles shall be repaired by the developer in accordance with a scheme to be agreed in writing within the Local Planning Authority

Reason

In the interests of highway safety

(26) No turbine shall be erected on site until a scheme to secure the investigation and mitigation (including a programme of works) of any electro-magnetic interference with television reception caused by the operation of the turbines has been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall provide for the alleviation of any interference with television reception caused by the operation of the wind farm which is notified to the developer within 12 months of the First Export Date. The scheme shall be implemented as approved.

Reason

In the interests of residential amenity

(27)The level of noise emissions from the combined effects of the wind turbines (including the application of any tonal penalty) when calculated in accordance with the Guidance Notes contained within Appendix 10.4 of the Environmental Statement, shall not exceed the values set out in Table 1 or Table 2 contained within Appendix 10.4 of the Environmental Statement (as appropriate). Noise limits for dwellings which lawfully exist or have planning permission for construction at the date of this consent but are not listed in the Tables attached shall be those of the physically closest location listed in the Tables unless otherwise agreed with the Local Planning Authority. The coordinate locations to be used in determining the location of each of the dwellings listed in Tables 1 and 2 shall be those listed in Table 3 of Appendix 10.4

Reason

In the interests of residential amenity

(28)The level of noise emissions from the combined effects of the wind turbines (including the application of any tonal penalty) when calculated in accordance with the Guidance Notes contained within Appendix 10.4 of the Environmental Statement, shall not exceed the values set out in Table 1 or Table 2 contained within Appendix 10.4 of the Environmental Statement (as appropriate). Noise limits for dwellings which lawfully exist or have planning permission for construction at the date of this consent but are not listed in the Tables attached shall be those of the physically closest location listed in the Tables unless otherwise agreed with the Local Planning Authority. The coordinate locations to be used in determining the location of each of the dwellings listed in Tables 1 and 2 shall be those listed in Table 3 of Appendix 10.4

Reason

In the interests of residential amenity

(29) Within 28 days from the receipt of a written request from the Local Planning Authority and following a complaint to the Local Planning Authority from the occupant of a dwelling which lawfully exists or has planning permission at the date of this consent, the wind farm operator shall, at the wind farm operators expense, employ an independent consultant approved by the Local Planning Authority to assess the level of noise emissions from the wind farm at the complainant's property following the procedures described in the Guidance Notes contained within Appendix 10.4 of the Environmental Statement .

Reason

In the interests of residential amenity

(30) The wind farm operator shall provide to the Local Planning Authority the independent consultant's assessment and conclusions regarding the said noise complaint, including all calculations, audio recordings and the raw data upon which those assessments and conclusions are based. Such information shall be provided within 3 months of the date of the written request of the Local Planning Authority unless otherwise extended in writing by the Local Planning Authority.

Reason

In the interests of residential amenity

(31) Wind speed, wind direction and power generation data shall be continuously logged and provided to the Local Planning Authority at its request and in accordance with the Guidance Notes contained within Appendix 10.4 of the Environmental Statement within 28 days of such request. Such data shall be retained for a period of not less than 12 months.

Reason

In the interests of residential amenity

(32) In the event of noise emissions exceeding the values set out in Table 1 or Table 2 contained within Appendix 10.4 of the Environmental Statement the wind farm operator shall, within 28 days from the receipt of a written request by the Local Planning Authority, submit a noise mitigation scheme together with a program of work to be approved in writing by the Local Planning Authority. The scheme shall be implemented as approved.

(33) No development shall commence until there has been submitted to the Local Planning Authority details of a nominated representative for the development to act as a point of contact for local residents (in connection with conditions 29 - 32) together with the arrangements for notifying and approving any subsequent change in the nominated representative. The nominated representative shall have responsibility for liaison with the Local Planning Authority in connection with any noise complaints made during the construction, operation and decommissioning of the wind farm.

Reason

In the interests of residential amenity

(34) Prior to the erection of the wind turbines a scheme shall be submitted to and approved in writing by the Local Planning Authority to prevent shadow flicker. The approved scheme shall be implemented prior to the commissioning of the turbines and retained thereafter.

Reason

In the interests of residential amenity .

(35) Notwithstanding the submitted details no development shall take place over or beyond the existing gas pipeline until a scheme for its protection has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented as approved prior to development over or beyond the existing gas pipeline.

Reason

In the interests of safety.

(36) Prior to any works commencing, the Fallopiia Japonica (Japanese Knotweed) that is located on the site shall be treated and eradicated in accordance with the Environment Agency Knotweed Code of Practice.

Reason

In the interests of amenity, and to ensure that the treatment is carried out in accordance with recognised good practice.

REASON FOR GRANTING PLANNING PERMISSION

The decision to grant planning permission has been taken in accordance with Section 38 of the Planning and Compulsory Purchase Act 2004, which requires that, in determining a planning application the determination must be in accordance with the Development Plan unless material considerations indicate otherwise.

The proposal will provide a source of renewable energy in accordance with National, Welsh Government and Local Policy. The proposal will have no unacceptable effects in relation to Ecology, Cultural heritage and Archaeology, Hydrology and Hydrogeology, Geology, Mining and Mineral Resources, Noise, Traffic, Transportation and Access, Electromagnetic Interference and Aviation. In relation to Socio-Economic effects there are limited short term benefits in relation to employment.

In relation to landscape effect it is considered that the impact of the proposal on landscape in isolation or cumulatively with other built or consented schemes does not outweigh the need to provide a renewable form of energy to meet national targets. Finally in relation to visual amenity it is considered that the proposal in isolation or cumulatively with other built or consented schemes does not affect the amenity of individual residents from within their homes or residents/users of those communities so as to make them unattractive places to live.

The development therefore accords with Planning Policy Wales, TAN 8, and Policies GC1, GC2, ENV1, ENV3, ENV4 ENV5, ENV6, ENV12, ENV14, ENV17, ENV18,ENV19, ENV 22, ENV23, ENV24, ENV29, EC5, CS1, T12, RO4 and IE6 of The Neath Port Talbot Unitary Development Plan

**PLANNING AND DEVELOPMENT CONTROL COMMITTEE
18TH FEBRUARY 2014**

ENVIRONMENT

REPORT OF THE HEAD OF PLANNING – N. PEARCE

PLANDEV-180214-REP-EN-NP-UA

AMENDMENT SHEET

<u>ITEM 1.2</u>	
<u>APPLICATION NO: P/2012/999</u>	<u>DATE: 06/12/2012</u>
<p>PROPOSAL: Erection of 5 wind turbines with a max blade tip height of 126.5m, control building, electricity sub station, transformers crane hard standings, 82m anemometry mast, improvements to access off A474, new bridge, upgrading of existing on site tracks and construction of new on site access tracks, underground electricity cables. Temporary construction compounds and two temporary 82m anemometry masts. Additional Information in respect of highways, hydrogeology, landscape, visual and ecological impacts Received 13-09-13</p>	
LOCATION:	Mynydd Marchywel, Between Rhos & Cilfrew, Neath
APPLICANT:	RES UK & Ireland Limited
TYPE:	Full Plans
WARD:	Bryncoch North

REPORT CORRECTIONS

The final paragraph of the noise assessment on page 90 should read “It is therefore considered that the proposed development will **not** have an adverse effect on amenity by virtue of noise”.

The sixth paragraph on page 95 should read: “There is no clear evidence to indicate that noise from wind farms has a direct effect on health. Moreover, in this case, the noise assessment indicates that there will be **no** noise exceedences above nationally agreed figures”.

At page 99 the recommendation should read: -

APPROVAL subject to a section 106 agreement to secure a Habitat Management Plan, **bond for restoration of the site**, and a community benefit payment of £5000 **per MW** per year for a period of 25 years”.

ADDITIONAL REPRESENTATIONS RECEIVED

Subsequent to the report being finalised, the department has received the following additional representations: -

10 letters of **support** in relation to the proposal. In summary, the letters support the proposals as a green, renewable form of energy

The department has received 34 letters of **objection** in relation to the proposal. The contents are summarised as follows: -

- The impact of the proposal on ecology, historic environment, tourism, landscape and visual amenity, shadow flicker, hydrology, noise.
- The site is partially outside SSA E
- The proposal does not accord with guidance contained within the Council’s Interim Planning Guidance (IPG) in that the turbines exceed one third of the height of the landform
- The development does not accord with the criteria set out within paragraph 2.9 of TAN 8 as two turbines are below 300m AOD
- Undue weight has been attributed to the Residential Visual Amenity Survey (RVAS)

The Department’s response / comments

- In relation to ecology, historic environment, tourism, landscape, visual amenity, shadow flicker, hydrology, noise, and the location of the proposal within the context of SSA E, these matters have been addressed in detail in the report.

Interim Planning Guidance (IPG): -

- Appendix 4 of the IPG states that “Turbines should not be higher than a third of the height of the landform they are placed on (or likely to be viewed against).” The IPG is based on a strategic level study and paragraph 6.7 makes it clear that “it will be necessary to

consider each proposal in detail, including the siting and size of the turbines and their impacts”.

The advice within Appendix 4 is also guidance and not a prescriptive criteria for assessing the suitability of the site. Whilst it is accepted that the turbines are in excess of a third of the height of the landform, the method of calculating the overall height of the landform is not prescribed. Nevertheless, the overall assessment has regard to their location on slope faces, the landscape character and overall scale of the landscape, which together are considered to mitigate against the effect. As such it is considered that the height of the turbines in relation to the scale of the landscape is not so harmful as to warrant refusal of the application, having particular regard to the acceptance in TAN8 that the “implicit objective is to accept landscape change”.

It is also pertinent to note that in the Mynydd y Gelli appeal, whilst the Inspector attributed little weight to the IPG, consent was granted for turbines which were in excess of a third of the height of the landform.

- Paragraph 2.9 of TAN 8 states that SSAs should be:

“Upland areas (typically over 300 m above ordnance datum)”

As with the IPG these are not prescriptive criteria but guidance. However, in this case, whilst two of the turbines are marginally below 300 m the site is above 300m with the land form rising to 418 m to the north east of the site. It should also be noted that as set out previously the ARUP report confirms compliance with the criteria set out in paragraph 2.9 of TAN 8

- The assessment of impact on residential properties has been undertaken using a selection of recognised tools including wireframes, photo montages, residential amenity survey and site visits. The department is satisfied with the methodology adopted. There is no evidence within the ES to indicate that inappropriate weight has been attached to the Residential Visual Amenity Survey (RVAS), nor has the department attached an inappropriate weight to the RVAS.

The department has also received three letters of objection and a letter from the applicant company that have been sent **directly to Members**.

The objections are summarised as follows:

- The proposal does not accord with TAN8 in relation to location and the sustainability of the land form.
- The proposal does not accord with guidance contained within the Council's IPG in that the turbines exceed one third of the height of the landform
- Scotland has a separation distance of 2km between developments and residential properties.
- Concerns over the methodology within the RVAS
- Concerns over officers assessment of effect on impact on residential properties
- The departments landscape consultant consider that the site "is not an ideal candidate for wind energy"
- Economic benefits arising from the development should be sourced locally
- The proposal will result in congestion in Cadaxton
- Undue weight is given to previous appeal decision

The department's comments

In relation to TAN 8, the IPG, RVAS and highways these have previously been addressed in the report.

- Unlike Scotland, other than for noise, there is no guidance or advice with a minimum separation distance between Windfarms and residential properties.
- The planning balance and assessment of impact on residential properties is based on established case law and practise.
- The department is not able to require the developer to appoint local contractors. However it is understood that the developer is seeking to achieve this through a local supply chain model used on other wind farms.
- Previous appeal decisions can be material consideration. However, their application to other proposals must be carefully considered and appropriate weight given. In the case of Mynydd y Gelli it is considered that the decision has material weight in relation to the status of the original TAN boundary, the refinement process and the status of the Councils IPG. It is therefore considered that the report has given appropriate weight to previous appeal decisions.

In considering the submissions relating to the conclusion reached by the Authority's consultant Coopers Partnership the following is advised: -

- Coopers Partnership was appointed with a brief to review the adequacy of the Landscape and Visual Impact Assessment (LVIA), and particularly the methodology employed in the assessment.
- In response to the work by Coopers Partnership, Supplementary Environmental Information was received to address initial criticisms;
- While it is acknowledged that the final line of the report's conclusions state that the site "is not an ideal candidate", the brief did not request such an assessment nor does the report provide the evidential base on which such a comment is made.
- Coopers Partnership were not subsequently employed to undertake a further analysis of the final ES/LVIA, with the overall Environmental Statement / LVIA subsequently assessed in detail within the Officer's report to Committee, having regard also to the prevailing planning policy situation and other material considerations, including recent Inspector's appeal decisions.
- Accordingly, while the view is noted it is not considered to form part of the Council's overall assessment of the project.

The applicant's supporting letter, which has been sent to the individual Members of the Planning Committee, responds to the Committee report outlining the local consultation undertaken and that there have been no objections from statutory consultees. The letter also emphasises National and local policy support for the proposal and concludes that the proposal will have benefits for employment, the environment, and renewable energy production. In addition it will provide a source of community benefit.