

APPEAL AGAINST NON-DETERMINATION: STANCE REPORT

<u>APPLICATION NO:</u> P2012/0638	<u>DATE:</u> 29/08/2012
PROPOSAL:	Erection of 5 no. Wind turbines with a max. height to tip of 100m and associated works, access tracks, substation and ancillary equipment. (Amended application site boundary, Supplemental Environmental Information including additional information in relation to transport, mining, ecology, location of borrow pits and access tracks)
LOCATION:	Land at Mynydd Brombil, Brombil Farm, Margam, Port Talbot
APPLICANT:	REG Windpower
TYPE:	Full Plans
WARD:	Margam

Background:

Members are advised that an appeal has been lodged by the applicant against non-determination of the application, which is to be heard at a Public Inquiry scheduled to commence on Tuesday 12th May 2015.

The report which follows seeks members authorisation for the stance the Council would have taken had it been in a position to determine the application.

Planning History:

P2011/0798 Request for scoping opinion under the EIA regulations for the erection of 5 wind turbines **Determined** 18/10/2011

Publicity and Responses:

Prior to the submission of the application, the applicants undertook a community consultation as part of the development of the project and which is fully detailed in the Report of Consultation presented as part of the planning application, in accordance with the requirements of the Authority's Supplementary Planning Guidance for Wind Farms.

The Applicant

The applicant has indicated that two public exhibitions were organised for the local communities of Margam and Taibach. A bilingual information flyer was sent to all properties in the electoral wards of Margam and Taibach as well as other stakeholders informing them about the event. The applicant sent out 3700 flyers, erected 50 posters and advertised in the press. The exhibitions took place on Friday the 11th November at Taibach Community Education Centre and Saturday 12th November at Taibach Community Centre.

The Authority

The proposal has been advertised by means of a press notice and the posting of **20** site notices. A hard copy of the application and Environmental Impact Assessment was deposited in Port Talbot Civic Centre and The Quays.

Following the submission of additional information on 18th March 2013 in relation to Ecology, Ornithology, landscape and visual impact assessment, archaeology and cultural heritage, noise, air quality, transport and access, geology, hydrology and hydrogeology, aviation telecommunications, shadow flicker, socio economics, tourism and recreation. Additional information on 14th November 2013 in relation to mining issues, Ecology and Ornithology, Transport and additional information on the 13th of January 2014 in relation to ecology and transport. Additional SEI was also received in July 2014 (including an amended red line site boundary) to provide updates including on LVIA, ecology, noise, heritage and minerals. Further consultation was undertaken by means of a press notice and site notices.

20 individual letters have been received objecting to the proposal for the following summarised reasons:

- Negative effect on tourism
- Devalue houses
- Loss of birds
- Noise
- Damage to cycle ways
- Detrimental to visual amenity
- Traffic, congestion and highway safety
- Impact on land stability
- Limited economic benefit for the local community
- Saturation of windfarms and power generating facilities within the area
- Lead to industrialisation of the upland areas overlooking Port Talbot
- Impact on scheduled ancient monuments/sites
- Impact on wildlife
- Contrary to local and national planning policies

- Devaluation of property
- Disruption during construction
- The proposal can not be supported due to the wind strength being too low
- Shadow Flicker
- Overbearing and dominant
- Outside TAN 8
- Overshadow the town and the M4
- Concrete bases will remain long after the turbines have been removed.

A petition (**183** signatures) has been received objecting to the application on the following grounds:

- The proposal is in an area where wind farm development is not suitable as the landscape is classified as highly sensitive.
- The access route through Bryn is not capable of accommodating HGV's;
- Disruption.
- The submitted noise data is incomplete and the current predicted noise levels for Goytre and Margam are already unacceptable.
- Impact on scheduled ancients.
- Shadow flicker.
- Impact on birds and protected species.
- Driver distraction.

A letter of objection has been received from **Suzy Davies AM** objecting to the proposal on the grounds of impact on the landscape, distraction for users of the M4, saturation of wind farms in the area, impact on footpaths, impact on historic features, need for renewable energy and consideration as to whether the submitted EIA is accurate and independent.

In addition 55 letters of support have been received for the following reasons:

- Positive contribution to tackling climate change
- Conforms with Welsh Government Policy
- Assist in meeting national energy targets
- Provision of a community fund of £40,000 PA
- Visually more acceptable than the existing steel works

One letter has been received on behalf of TATA Steel (UK) Ltd which is summarised as follows:

- The site falls within an area for which a Conditional Underground Mining License has been granted by the Coal Authority for what is known as the 'Margam Prospect' area which contains good quality coking coal.

- Extensive geological testing has been undertaken and commercial feasibility studies to assess the long term demand for steel.
- Approximately 380 million tonnes of coal could potentially be available for use.
- As the production of steel currently relies on imported coal, the use of this locally sourced coal could provide security of supply and reduced costs, as well as reducing extensive worldwide transportation movements associated with the current importation of coal.
- Significant economic benefits through job creation.
- An application for 12 boreholes is to be submitted in early 2013 followed by further detailed drilling activities.
- Creation of 400 to 500 jobs over a 20 year period.
- Insufficient technical detail has been provided for the Local Planning Authority to determine the application and to ensure that the proposal does not sterilise the long term viability of deep coal mining in Margam.
- Concerned about the impact of the weight of the turbines (between 2,195 and 2,445 tonnes) on any future deep mining operations at Margam Prospect Area.
- The Coal Authority response to the planning application does not address future coal mining activities and recommends that an assessment should be made of the potential sterilising effect of this proposal.
- ES requires updating.
- National and local planning policies require full consideration of any potential impact on future coal extraction.

Additional comments have been received following the submission of Supplementary Environmental Information which are summarised as follows:

- Tata has rights to all coal seams 100m below the surface to 5m below the lowest coal seam. Tata's seams are very shallow.
- The wind farm is some 3km away from the nearest legacy borehole, and as a consequence the application site has not been previously explored by Tata.
- The prevailing geology in the region is complex with significant gradient changes and faulting which does not allow the depth of the seams to be identified.
- Tata do not accept or agree responsibility for the appropriate level of protection for the wind farm.

Ancient Monuments Society : No reply, therefore no observations to make

Atkins Windfarm Support: No objection

BBC: No reply, therefore no observations to make

Biodiversity Unit: No objection subject to the imposition of conditions

Bridgend County Borough Council : Required more information

British Telecom: No reply, therefore no observations to make

CADW: Raises concerns that the proposal will have a visually dominant impact and be detrimental to the setting of Ergyd Isaf Round Barrows and Margam Park Grade I Registered park and garden.

City and County of Swansea: No objection

Civil Aviation Authority: No objection, subject to bodies within circular 1/2003 having no objection and in particular NATS and the MOD

Campaign for the Protection of Rural Wales: No reply, therefore no observations to make.

Design and Construction (Structures): No objection.

Forestry Commission: advises that no agreement for access across former forestry commission land currently exists.

Footpath Section: Confirms a number of footpaths and bridleways are located within the vicinity of the application site.

Glamorgan Gwent Archaeological Trust: No Objection, subject to the imposition of a suitable condition requiring the applicant to submit a detailed programme of archaeological investigation together with a mitigation programme.

Glamorgan Gwent Wildlife Trust: No reply, therefore no observations to make.

Head of Housing and Public Protection (Noise): No objection

Head of Engineering & Transport (Highways): Objects due to the absence of an Abnormal Indivisible Load Trial Run (AILTR) pre-determination.

Head of Engineering & Transport (Drainage): No objection subject to conditions

Land Contamination: No objection

Ministry of Defence: No objection

Mid Wales and West Fire and Rescue Service: No adverse comments

National Grid: Objects on the grounds that the turbines are within 3 times rotor diameter from their apparatus

Natural Resources Wales: Objects on the grounds that the proposal would have an adverse impact on the character and value of Mynydd Margam/ Margam Mountain Registered Landscape of Special Historic Interest which cannot be mitigated.

Neath Port Talbot Biodiversity Forum: No reply, therefore no observations to make

Neath Port Talbot Badger Group: No reply, therefore no observations to make

OFCOM: No reply, therefore no observations to make

Pollution Control Officer (Air): No objection

Porthcawl Civic Trust Society: Object to the proposal as the turbines will be visible from Rest bay and Newton Point and they would be an unsightly intrusion to the landscape of Kenfig Dunes.

Royal Society for Protection of Birds: No objection

Swansea Airport: No reply, therefore no observations to make

The Coal Authority: No objection subject to the imposition of a condition.

Tourism Officer: No Comment

Wales and West Utilities: No Comment

Welsh Water: No objection

Western Power Distribution : No objection

Description of Site and its Surroundings

The application site is located on Mynydd Brombil. To the west of the site is the M4 Motorway which runs in North Westerly to South Easterly direction. The settlements of Taibach and Margam lie adjacent to this section of motorway nearest to the application site. Goytre is the closest settlement which is located approximately 1km to the north. Margam Forest is located to the East of the site.

The landscape is open, exposed and consists of grazing land. The site is in a prominent elevated location above the settlements of Margam, Taibach and Goytre with wider views across Port Talbot and Swansea Bay (approximately 200-270m AOD) elevated at between approximately 450m-556m. Immediately adjacent to the site is a Scheduled Monument (tumuli) and Margam Country Park a Registered Park and Garden lies 3km to the south-east. The site is situated within the Mynydd Margam Landscape of Special Historic Interest. There are several public rights of way that are located around the site. The wider landscape consists of upland grazing and forestry upon higher ground with infrastructure at lower levels which includes major road networks, the Tata steel works and other industry as well as residential areas.

Whilst part of the access road to the site and the borrow pit are located within Strategic Search Area (SSA) F, as set out in Technical Advice Note 8 (TAN 8), all of the wind turbines are located outside of this area with the nearest wind turbine being approximately 340 metres away from the SSA boundary. The application site has an area of 20.7 ha of which 1.08 hectares forms part of the access track falling within the administrative boundary of Bridgend County Borough Council.

Brief description of proposal

This is a proposal comprising 5 wind turbines with a maximum tip height of 100m, a hub height of 60m and a rotor diameter of 80m at the following locations (subject to micro siting tolerances);

	Easting	Northing
T1	279039	188991
T2	279369	188698
T3	278755	188772
T4	278858	188496
T5	279129	188272

The applicant has indicated that the windfarm would have a maximum generating capacity of 12.5 MW and an operational life of 25 years.

The development proposal also includes for the on-site access tracks, crane

hard standing pads and lay down areas, a temporary site construction compound. Cable trenches, borrow pit and a substation. The turbines would be a 3 bladed, horizontal axis, stall regulated wind turbine. The turbines would be finished in pale grey with a low reflective finish.

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) Site Selection
- 3) Description of development
- 4) Planning Policy
- 5) Ecology
- 6) Ornithology
- 7) Landscape and Visual impact
- 8) Archaeology and Cultural Heritage
- 9) Noise
- 10) Air Quality
- 11) Transport and Access
- 12) Geology, Hydrology and Hydrogeology
- 13) Aviation
- 14) Telecommunications
- 15) Shadow Flicker
- 16) Socio-Economics
- 17) Tourism & Recreation

Supplementary Environmental Information (SEI) has also been submitted (May 2013, June 2013, November 2013, July 2014) to support the application which provides amendments to the scheme and additional information on transport, mining, ecology, location of borrow pits and access tracks and amended application site boundary.

This additional information was the subject of further publicity under Regulation 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 adjacent to Strategic Search Area F and the 5km buffer area as defined in TAN 8.

Ecology /Ornithology:

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 :

- Phase 1 Habitat Survey
- Wintering bird surveys
- Breeding bird surveys
- Vantage point surveys bat survey
- Breeding Raptor surveys
- Nightjar surveys
- 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 i.e outside the breeding bird season
- Appropriate environmental site supervision and protection to be provided during construction
- Buffer zones around important habitat
- Reasonable Avoidance Measures (RAMs)
- Post construction monitoring would be undertaken of badgers

Impact on Habitat

The E.S and SEI 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 3.27 ha of improved pasture, overall the construction phase will result in the loss of approximately 3.75 ha of low ecological value habitat but there will be a net gain of 21 ha of high value habitats, of which 16ha comprise LBAP habitat.

In respect of the external access route no ground vegetation will require removal as part of the construction works but the route will involve the trimming of 68m length of the tree line. The broadleaved trees may fall under the LBAP habitat for broad leaved woodland, therefore a precautionary approach is required. Due to recent clear felling within the plantation the track leading from the borrow pit to site is heavily disturbed and wide enough to accommodate all construction vehicles. The ES states that no habitat loss along the route is anticipated.

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

Seven species of bats were observed within a 500m radius of the proposed turbines. There are no known bat roosts identified within a 250 metre radius of the site although the coniferous plantation to the edge of this area is identified as having low bat roost potential.

The E.S. concludes that it is unlikely that bats will be significantly affected by the proposed development.

Impacts on Mammals, Reptiles and Amphibians

The ES indicates that whilst the survey showed signs of badger presence within the application site no setts were identified. Invertebrates and amphibians were recorded but as the development will not effect these locations the E.S. concludes that the proposed development will have a minor negative impact on reptiles, mammals 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.

Landscape and Visual Impact 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 35 km radius from the ownership boundary extending from Brecon Beacons in the north, Gower and Llanelli in the west, Merthyr Tydfil and the Rhondda valleys in the east and extending southwards to the edge of Barry.

The baseline conditions include 35 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 below.

GEOLOGICAL ASPECT AREAS	NAME	SIGNIFICANCE OF IMPACT
NPT GL027	Mynydd Emroch	Moderate (not significant)
NPTGL028	Mynydd Margam	Moderate (not significant)
LANDSCAPE HABITATS ASPECT AREAS	n/a	n/a
VISUAL AND SENSORY ASPECT AREAS		
NPTVS897	Mynydd Brombil & Scarp tops	Major
NPTVS811	Margam Scarp	Major/Moderate (significant)
NPTVS916	Cwm Dyffryn	Major/Moderate (significant)
CynonVS630	Kenfig Burrows	Moderate (not significant due to separation distance)
NPTVS187	Mynydd Dinas	Major/Moderate (not significant as development is not located in this aspect area and is visually separated by a valley)
Cynon VS920	Kenfig Sands	Major/Moderate (not significant due to separation distance)
NPTVS697	Margam Sands /Aberavon Sands	Major/Moderate (not significant due to separation distance)
NPTVS543	Coedhirwaun	Moderate (not significant due to separation distance)
NPTVS703	MynyddyGaer/Cefn Morfudd	Moderate (not significant due to separation distance)
NPTVS139	Mynydd Emroch and Mynydd Bycham	Moderate (not significant due to separation distance)
NPTVS927	Mynydd Margam	Moderate (not significant due to screening)
HISTORIC LANDSCAPE ASPECT AREAS		
NPTHL032	Mynydd y Gaer	Moderate (not significant as development is not located within this aspect area)
CULTURAL LANDSCAPE ASPECT AREAS		
NPTCL028	Margam Mountain	Major/Moderate (not significant due to screening)
NPTCL027	Margam Park	Major/Moderate (not significant due to screening)

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.

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

The visual effects of the proposal have been assessed from 24 viewpoints as summarised below:

View Point		Sensitivity to wind farm development	Magnitude of change / predicted view	Significance of impact
1	Local footpath to east of site	High	High	Major (Significant)
2	Goytre	High		Major/Moderate (Significant)
3	Margam Road, Margam	High/Medium	Medium	Major/Moderate (Significant)
4	Local footpath near Crugwylt – Fawr		High	Major
5	Talbot Memorial Park	No significant impacts predicted		
6	Broomhill, Pen-ycae	High	Medium	Major/Moderate (Significant)
7	A48 Entrance to Margam Country Park	No significant impacts predicted		
8	Port Talbot Civic Centre	Medium	Medium	Moderate (not significant)
9	National Route 4 (NR4) Port Talbot	High	Medium	Major/Moderate (not significant)
10	Local footpath to Margam Sands	High	Medium	Major/Moderate (not significant)
11	Margam Country Park – near second car park at Twynyr-hydd	High	Low	Moderate/Minor
11	Margam Country	High	No change	None

A	Park – approach to Margam Castle			
12	Aberavon Sands, Port Talbot	High	Medium	Major/Moderate (Significant)
14	M4 (overbridge) northbound at North Cornelly between Junction 37 & 38	Low	Low	Minor/Moderate
15	Kenfig National Nature Reserve – visitor centre & car park	High	Low	Moderate/Minor
16	Porthcawl	High	Low	Moderate/Minor
17	Mumbles Head – Gower AONB	High	Low	Moderate/Minor
18	M4 (overbridge) southbound between junction 45 & 46	No significant impacts predicted		
19	Swansea Beach Figure 7.38	High	Low	Moderate/Minor
20	Beacons way – an Brycheinoig	No significant impacts predicted		
21	St. Iltyd’s Walk (Margam Country Park)	No views of the proposed development		
22	Oxwich point, Oxwich, Gower	No significant impacts predicted		
23	Harbour Way, Margam	Low	High	Moderate/Minor

Landscape effect

The assessment concluded that none of the designated areas would be significantly affected with only Margam Mountain Historic Landscape identified as Major/Moderate.

Visual effect

Fifteen settlements are identified within 10km of the nearest turbine. Significant effects were identified in 2 settlements; Margam and Goytre. Mynydd Margam forms an important feature in many views from Margam, especially along the A48. The Zone of Theoretical Visibility (ZTV) indicates that there are up to 4 turbines at blade tip height which are potentially visible in the western part between the hospital and the railway line and in the southern area delineated by playing fields, the railway line and the golf course. The ES concludes that the overall magnitude of change is judged to be high due to the close proximity to the site and scale of the turbines.

The ZTV indicates that the majority of the settlement of Goytre is covered by theoretical visibility of two turbines (T1 and T3) at blade tip height and Turbine 1 at hub height. Turbines would appear on top of the plateau and visible at an acute angle, although they would occupy the majority of the view. The magnitude of the change is considered to be medium.

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 A48, Coed Morgannwyg Way and Ogwr Ridgeway Walk.

Of the 24 viewpoints assessed the ES considered that there would be significant effects upon 6 viewpoints as identified earlier in this report. Viewpoint locations in the Gower Peninsula AONB and the Brecon Beacons National Park would not experience significant effects.

The ES concludes that the scheme responds positively as far as possible and practicably to the Authority's Supplementary Guidance in that the turbines and ancillary developments are positioned away from the break of the plateau; the closest residential development is over 500 metres away; the turbines respect the scale of the landscape and do not dwarf hills and slopes and the height of the turbines is appropriate given the vast and exposed upland and coastal landscape.

Cumulative effect

The updated assessment of cumulative effects in the SEI indicates that the proposed wind farm would result in a limited number of cumulative effects given the high concentration of wind farms located within the 35 km study area. The SEI states that this is primarily due to the separation distances between the application site and the operational wind farms of Ffynon Oer located 10.4 km to the north; Pant y Wal (16.2 km), Fforch Nest (16.6km) and Taff Ely (18.7km) to the east and the consented wind farms of Pen y cymoedd

9 km to the north and Llynfi Afan 9.78km to the north east extends the visual influence towards the proposed development.

Whilst the ZTV mapping indicates widespread intervisibility between wind farms, the screening effects provided by commercial forestry within the upland areas foreshortens these connections. The ES acknowledges that the proposal on the elevated Mynydd Brombil plateau would extend the visual envelope of wind farms to the south of the Strategic Search Area F towards the Mynydd Brombil scarp near the coastline.

Cumulative effects on the Mynydd Margam Historic Landscape Area (HLA) are not considered to be significant due to the visual enclosure provided by commercial forestry at Margam Woods and the existing visual influence of operational windfarms at Ffynon Oer and Pen-y-Cymoedd and the large scale industrial areas within Port Talbot.

Significant cumulative effects have been identified on LANDMAP Visual and Sensory aspect areas within 10km including NPTVS187 Mynydd Dinas, NPTVS703 Mynydd y Gaer/Cefn Morffud, NPTVS139 Mynydd Emroch and Mynydd Bycham and NPTVS 927 Mynydd Margam. This is by virtue of the elevated upland locations with greater visibility over the study area towards Mynydd Brombil. However, the majority of the lowland LANDMAP Visual and Sensory aspect areas would not experience significant cumulative effects due to the visual enclosure provided by the incised valleys and forestry.

Significant cumulative effects have been identified on transport routes including the B4283 Road at close proximity to Newlands Farm, Stormy Down, Newton Down and Kenfig Industrial Estate with the proposed development. Other transport routes including the railway network are not considered by the ES to experience significant cumulative effects due to visual containment provided by the steeply rising Mynydd Brombil scarp and built development within the steelworks.

Significant cumulative effects have been identified on elevated upland viewpoints including the public footpath to the east of the application site (VP 1) and the Cairn at Foel Fynyaddau (VP13). The cumulative effects are associated with the proposed development in addition to Ffynon Oer, Pen y cymoedd and Llynfi Afan.

The SEI concludes that the proposed development will be located on an elevated plateau on Mynydd Brombil directly to the south west of the boundary of Strategic Search Area F. Although the proposal will inevitably extend the visual envelope of wind farms to the south of the wind farm clusters at Ffynon Oer, Pen y cymoedd, Llynfi Afan, Hirfynydd and Mynydd Marchywel also located on similar elevated plateau within upland areas. The

proposed development is visually separated from these wind farms by distance and extensive commercial forestry at Margam Woods reducing the potential cumulative effects. The location of the site on the elevated landform is considered to form part of a co-ordinated framework of wind farms within the study area whilst being visually contained by extensive commercial forestry at Mynydd Margam.

Cultural Heritage and Archaeology:

The ES notes that there are 0 cultural heritage sites within the application site. A single Scheduled Ancient Monument Ergyd Isaf Round Barrow is situated 70 metres to the east of Turbine 2, no further SAMs lie within the study area. No Grade I Listed Buildings or Grade I or II* Registered parks or Gardens are situated within the site or within the study area. Two Grade II* listed buildings, a War Memorial (LB36) and Beulah Calvinistic Methodist Chapel (LB48) lie within the study area. Seven Grade I or Grade II* Listed Buildings and 11 SAMs are situated within the 5 km buffer zone outside the Historic Landscape Character Areas (HLCAs) which define the Mynydd Margam and Merthyr Mawr, Kenfig and Margam Burrows Landscapes of Special Historic Interest. Thirty two SAMs, Twenty five grade I and II* Listed buildings, one Grade I and one Grade II* Registered Parks lie within the Mynydd Margam and Merthyr Mawr, Kenfig and Margam Burrows landscapes of Special Historic Interest.

A total of 12 Grade II Listed buildings, one Grade II Registered Park (Talbot Memorial Park) lie within the study area, a further 36 Grade II Listed buildings are situated within the wider 5km buffer zone.

The cumulative effects of the proposed development have been assessed, the change to the setting on one Scheduled Ancient Monument, comprising a pair of Bronze Age round barrows, was considered to be Moderate adverse. No other designated assets were considered to be subject to a level of harm greater than Slight Adverse. The Update to the cumulative assessment considers whether the impacts from any of the now 49 developments, of these 41 lay more than 10 km away from the proposed wind farm at Mynydd Brombil will yield a level of harm greater than the identified effects. Two turbines are proposed to the south at Kenfig Industrial Park and Newlands Farm within 5km of Mynydd Margam Registered Landscape. A further three turbines at Cefn Parc, Baiden Farm and Gelli Las Farm are proposed to the south-east some 8-10km from the Registered Landscape. An additional assessment has been undertaken to consider the potential impact upon Merthyr Mawr, Kenfig and Margam Burrows Registered Landscape. The assessment concluded that the impact upon the landscape would be slight adverse.

There are 57 Listed Buildings within the 5km Mynydd Brombil study area,

which lie outside the Registered Landscapes. The majority of these Listed Buildings are located adjacent to the main routes of communication and settlements at Margam, Port Talbot and Cwmafan. The SEI concludes that the significance of these effects for 25 of these Listed Buildings is neutral (no effect) and the proposed development will not result in a cumulative effect with any other development. One group of buildings at Ty'n y Cellar is located close to Newlands farm and Kenfig Industrial Estate, the SEI concludes that there will be no adverse effect resulting from these schemes.

A total of 7 SAMs outside the Registered landscapes were considered as part of the Mynydd Brombil Environmental Statement. The effects were considered to be Slight Adverse or Neutral upon all of these assets. As no cumulative turbines are proposed within 7km of these, the SEI concludes that there would be no cumulative effect upon the monuments or additional harm caused to designated heritage assets.

Noise Assessment:

An assessment of the operational noise impact of the development has been carried out. Baseline noise levels were measured at 5 locations representative of the nearest residential locations. These are:

- 16 Glan-y-mor Avenue
- 18 Pellau Road
- Tyla Farm
- Llety Piod
- Goytre Farm
- a non-residential forest location to the east of the turbines and 100m from the forest tracks.

The assessment has been carried out by comparing the predicted noise levels with noise limits described in ETSU –R-97. The night time operational assessment shows that the predicted typical downwind turbine noise levels, at the nearest residential locations at the site, are below the night time noise limits under all wind speed conditions. The day time assessment reveals that typical downwind turbine noise levels, at the nearest residential locations to the site, are below the day time noise limits under all wind speed conditions.

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

The ES concludes that there may be a temporary increase above the 65 dB(A) criteria noise level due to track work, it is anticipated that this will be controlled by restricting working hours.

Air Quality:

The ES identifies that the site is situated approximately 750m to the east of the Air Quality Management Area (AQMA). The main pollutants (dust and PM10s) primarily relate to the construction activities.

The ES concludes that the construction works have the potential to create dust, however, the impacts are not expected to affect any residential properties, nor affect the AQMA and as such are considered to be negligible. It acknowledges that there would be short term increases in traffic levels during the construction period, although the route would be outside the AQMA. The increases in traffic along the route are considered to be negligible. Similarly, no significant operational impacts are predicted.

Transport and Access:

The ES states that the delivery of the turbine components will involve a number of abnormal indivisible loads (AILs) which will arrive by sea and will be transported from the port via the M4. The preferred route for the turbine components is from J41 of the M4 via the B4286 Cwmavon Road, London Row and Ynysgwas Hill in Cwmafan the A4107 and the B4282 via Bryn and towards Maesteg. All other materials, plant and labour associated with the development may arrive/depart either eastwards or westwards along the B4282 and might therefore travel via the A4063 from J36 on the M4 and Maesteg.

The delivery of the turbines is expected to give rise to 35 abnormal load deliveries plus 5 standard deliveries. The vehicles are reduced in size for the return journey. Delivery of the turbine components will avoid peak times. A maximum of 6 HGV movements per day are expected to occur at the start of the construction period when plant and materials are delivered. This will last for no more than 3 weeks and for some of this time there would be only one delivery per day. The period of maximum HGV activity will occur during the construction of the foundations and will amount to 46 HGV movements two-way per day for a period of up to 10 days.

The ES concludes that there is likely to be a moderate adverse effect on driver

delay, pedestrian amenity and communities including Ynysygwas and Bryn whilst AILs and construction vehicles are passing. However, this effect would be temporary and short term and no significant traffic and transport effects are expected during both the operational and decommissioning phases.

The Transport Statement which forms part of the Supplementary Environmental Information confirms that the route assessed in the ES is appropriate and the overall conclusions of the ES are unchanged.

Geology, Hydrology and Hydrogeology:

The ES describes the baseline conditions and assesses the development in relation to water and geological environment, encompassing surface water, groundwater quality, flooding issues, water supply and mining.

All the likely significant environmental impacts from the land and soils conditions at the site have been considered for the construction, operational and decommissioning phases of the development. A number of impacts identified will be avoided by standard design measures and no other mitigation measures will be required over and above these.

The SEI states that it may be that local treatment of workings and other coal related features may be required and such works will need to be agreed with The Coal Authority. Alternatively after risk assessment measures such as soil or road reinforcement may be sufficient mitigation.

Aviation:

The ES assesses the likely significant effects of the proposed development on civil and military aviation. No impacts on aviation requiring mitigation have been identified.

Telecommunications:

The ES considers the effects on telecommunications and television reception. No impacts on telecommunications requiring mitigation have been found. Effects on television reception are not predicted to be significant. However, to ensure that TV reception quality is not degraded by the proposal, the developer has indicated that this can be addressed by a planning condition attached to any consent requiring that any effects on TV reception attributable to the development are identified and any mitigation measures put in place to restore reception quality.

Shadow flicker:

A shadow flicker assessment has been undertaken for five residential properties which include 32 Morlais Road, 74 Pellau Road, Lletypiod, 42 Goytre Road and Goytre Farm all of which are located within 800 metres of the proposed turbine locations. The assessment reveals that in the worst case conditions, the maximum occurrence of shadow flicker amounts to 19.9 hours per year experienced at Goytre Farm. A maximum of 13.9 and 11.6 hours per year is predicted to occur respectively at Lletypiod and 42 Goytre Road. No residual shadow flicker effect will occur during operation of the development at 32 Morlais Road and 74 Pellau Road as there were no potential shadow flicker effects experienced at these properties.

The ES concludes that if shadow flicker is found to cause a nuisance, mitigation measures can be implemented.

Socio- Economics:

In terms of economic benefits, the ES does not quantify the number of people to be employed on site at any one time during the construction period. During operation of the wind farm the potential for direct employment is fairly low with a minimum of 2 permanent jobs.

Tourism and Recreation:

The ES identifies that the recreational offer in the immediate vicinity is relatively limited and the design of the windfarm mitigates against any potential disruption to existing public footpaths and cycleways. Consequently the proposal will therefore have an overall negligible effect.

Assessment:

Having regard to the aims and objectives of The adopted Unitary development Plan and National Planning Policy guidance, it is considered that the main issues in the determination of this application concern the landscape and visual impact of the proposed turbines on the character and appearance of the area; and the effect of the proposal on heritage assets and the cultural heritage of the area. In addition, matters relating to ecology, mineral resources, residential amenity, noise and traffic / highway safety implications. And finally, whether any harm identified in relation to all or any of these matters is outweighed by the benefits of the scheme in terms of its contribution to renewable energy production.

Policy Context:

UK Energy Policy

The National Renewable Energy Action Plan (2010) and UK Renewable Energy Road Map (July 2011) both recognise the central role of the planning system in delivering the infrastructure required to reduce carbon emission, yet also equally recognise the vital role of the planning system in “*safeguarding our landscape and natural heritage and allowing communities and individuals the opportunity to shape where they live and work.*”

Section 4.5 of the UK National Infrastructure Plan EN-3 (July 2011) recognises the need for large scale renewable energy projects to deliver the ambitious 15% renewable energy targets but caveats this with the need for infrastructure projects to be “*sensitive to place*” and, whilst accepting 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 7, July 2014)

Planning Policy Wales (PPW7) sets out the land use planning policies of the Welsh Government (WG), and is supplemented by a series of Technical Advice Notes (TANs). PPW7 emphasises (para 1.2.1) that “the planning system manages the development and use of land in the public interest contributing to the achievement of sustainable development. It should reconcile the needs of development and conservation, securing economy, efficiency and amenity in the use of land, and protecting natural resources and the historic environment”.

PPW7 also advises (1.4.4) that the planning system will play an important role in tackling climate change and reducing greenhouse gas emissions, with Chapter 4 dealing with the need to tackle Climate Change, which is identified as one of a number of principles underpinning WG’s approach to its planning policy for sustainable development.

Chapter 5 sets out WGs position in seeking to conserve and improve natural heritage and the coast, including the need to avoid, wherever possible, adverse effects on the environment (5.5.2), with Chapter 6 - Conserving the historic environment - including advice at para 6.1.1 that “*It is important that the historic environment – encompassing archaeology and ancient monuments, listed buildings, conservation areas and historic parks, gardens and landscapes – is protected*”.

WGs position in respect of Infrastructure and Services is set out in Chapter 12, with section 12.8 dealing specifically with Renewable & Low Carbon Energy.

This Section is the most relevant in the consideration of this application, with para 12.8.1 noting that the UK is subject to the requirements of the EU Renewable Energy Directive, which include a UK target of 15% of energy from renewables by 2020. The UK Renewable Energy Roadmap sets the path for the delivery of these targets, promoting renewable energy to reduce global warming and to secure future energy supplies. The WG 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 whilst enhancing the economic, social and environmental wellbeing of the people and communities of Wales in order to achieve a better quality of life for our own and future generations. This is outlined in the WG's Energy Policy Statement *Energy Wales: A Low Carbon Transition (2012)*.

Para. 12.8.2 then emphasises that “Planning policy at all levels should facilitate delivery of both the ambition set out in *Energy Wales: A Low Carbon Transition* and UK and European targets on renewable energy” (12.8.2), and that the “Welsh Government’s aim is to secure an appropriate mix of energy provision for Wales which maximises benefits to our economy and communities, whilst minimising potential environmental and social impacts” (12.8.6).

Para. 12.8.9 states that “Local planning authorities should facilitate the development of all forms of renewable and low carbon energy to move towards a low carbon economy to help to tackle the causes of climate change. 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 the development plan policies enable this contribution to be delivered.....ensuring that development management decisions are consistent with national and international climate change obligations, including contributions to renewable energy targets and aspirations”.

Para 12.8.12: “In the short to medium term, wind energy continues to offer the greatest potential (for activities within the control of the planning system in Wales) for delivering renewable energy. Wales has an abundant wind resource and power generation using this resource remains the most commercially viable form of renewable energy. 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”.

Section 12.10 Sets out WGs position in respect of Development Management and Renewable and Low Carbon Energy, with paragraph 12.10.1 stating that “In determining applications for renewable and low carbon energy development and associated infrastructure local planning authorities should take account:

- the contribution a proposal will play in meeting identified national, UK and European targets and potential for renewable energy, including the contribution to cutting greenhouse gas emissions;
- the wider environmental, social and economic benefits and opportunities from renewable and low carbon energy development;
- the impact on the natural heritage, the coast and the historic environment;
- the need to minimise impacts on local communities to safeguard quality of life for existing and future generations;
- ways to avoid, mitigate or compensate identified adverse impacts;
- the impacts of climate change on the location, design, build and operation of renewable and low carbon energy development. In doing so consider whether measures to adapt to climate change impacts give rise to additional impacts;
- grid connection issues where renewable (electricity) energy developments are proposed; and
- the capacity of and effects on the transportation network relating to the construction and operation of the proposal”

12.10.3: Developers for renewable and low carbon energy developments should seek to avoid or where possible minimise adverse impacts through careful consideration of location, scale, design and other measures.

Technical Advice Note 8: Planning for Renewable Energy – July 2005.

PPW7 advises that “The most appropriate scale at which to identify areas for large scale onshore wind energy development is at an all-Wales level. TAN8 (2005) identifies areas in Wales which, on the basis of substantial empirical research, are considered to be the most appropriate locations for large scale wind farm development; these areas are referred to as Strategic Search Areas (SSAs)“ (12.8.13).

TAN 8 covers the land use planning considerations of all aspects of renewable energy (not just wind). The TAN is written in 2 parts comprising the main report and a series of 6 annexes.

The principal advice contained within the main body of the report can be

summarised as follows:

- The provision of energy from renewable sources is an important component of the UK Government energy policy. The target is to produce 10% of electricity from renewable energy sources by 2010.
- The Welsh Government has a target of 4TWh of electricity per year to be produced by renewable energy by 2010 and 7TWh by 2020.
- on-shore wind offers the greatest potential to meet these targets in the short to medium term. To meet this requirement the WG have concluded that large scale (over 25MW) on shore wind farms should be concentrated into 'Strategic Search Areas' (SSA's).
- The TAN acknowledges that not all land within a SSA is going to be suitable but WG is satisfied that sufficient land has been allocated within these areas to meet their targets.
- The TAN advises that Councils should refine the SSA to guide developers to the most appropriate locations within the SSA but does not preclude land outside of, but close to, the SSA from being considered.

There are 7 SSA's designated within Wales (with the current site falling within SSA 'F' (Coed Morgannwg)), which have been chosen to meet the following characteristics:

- large areas with a good wind resource,
- upland areas which contain a predominantly flat plateau,
- generally sparsely populated,
- dominated by conifer plantation or impoverished moor land, has little nature conservation or historic landscape features,
- can accommodate over 25MW and achieve 70MW of installed capacity, and,
- largely unaffected by broadcast transmission or military applications.

The TAN does not rule out on-shore wind projects in other areas outside of the SSA's and advises that some previously developed (brownfield) sites may be suitable for up to 25MW which should be encouraged.

With regard to the 'refinement exercise' for the SSAs, Annex D states that the purposes of undertaking a refinement exercise is to achieve a finer grain of development allocation within it taking into account landscape, visual and cumulative impacts. It is anticipated that refinements/adjustments can be made to the SSA boundaries when they are translated into local planning documents. This will facilitate the inclusion of development on the margins of the SSA's where local conditions recommend.

TAN 8 has considered cumulative landscape and visual interests at an all-Wales level. The strategy adopted is a means of concentrating the impact of wind turbines in a relatively small proportion of the country in areas that are, on balance technically, practically and environmentally better able to accommodate such impacts than other parts of Wales.

Other National Guidance

In addition to TAN8 it is considered that the following TANs are of relevance in the determination of this proposal.

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: Transport (March 2007)

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.

Other relevant Policy guidance includes:

- Energy Wales: A Low Carbon Transition (March 2012)
- One Wales:One Planet (The Sustainable Development Scheme of the Welsh Government) (May 2009)
- A Low Carbon Revolution Wales’ Energy Policy Statement (WAG) (March 2010)
- Climate Change Strategy for Wales (WG) (October 2010)
- Practice Guidance – Planning Implications of Renewable and Low

Carbon Energy Development (WG) (2010)

Ministerial Letter (John Griffiths) July 2011

In his ministerial letter of July 2011, John Griffiths, the then Minister for Environment and Sustainable Development, set out the revised capacities for each of the SSAs (derived from a report by Garrad Hassan (June 2005 – Energy Assessment of TAN8 Wind Energy Strategic Areas)). This increased the total for SSAs to 1666MW, to be achieved as follows (with areas E and F including land within NPTCBC): -

SSA	TAN 8 CAPACITY	GRIFFITHS CAPACITY
A	140	212
B	290	430
C	70	98
D	140	212
E	100	152
F	290	430
G	90	132

Nevertheless, while outlining the maximum installation capacities for SSAs (which can be seen to be higher than the indicative capacities outlined in TAN8), he nevertheless accepts that there remains a need “*to ensure that windfarm development within the SSAs is proportionate and balanced with other development needs in these areas.*”

Development Plan Policy

Neath Port Talbot Unitary Development Plan

The Development Plan for the area comprises the Neath Port Talbot Unitary Development Plan, which contains a suite of Policies against which the impacts of development can be assessed.

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 by-products 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 ENV10 – Coastal plain

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 IE2 – Infrastructure facilities

Policy IE6 – Renewable Energy

The primary policy relating to Renewable Energy is **Policy IE6**, which states that “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”. This generally presumptive policy, however, still requires a balancing exercise to assess the effect of such proposal, given the acceptance that any development for renewable energy is likely to have impacts.

This balance is largely provided by **Policy GC2** - Engineering works and operations (including minerals and waste) – which emphasises the need, when appraising and determining such proposals, to satisfy all the specified criteria. In addition, **Policies ENV1** – Development in the Countryside; allows development in the countryside for ‘renewable energy generation’ provided the development would not create unacceptable impacts; and **ENV3** - Impacts

on the Landscape, seeks to protect against proposals that would create unacceptable impacts on the landscape, with particular emphasis placed on protecting (inter alia) ...significant skylines, views and panoramas; and features which are important in terms of contributing to the character of the local landscape.

Relevant Supplementary Planning Guidance include 'Landscape' and 'Biodiversity', with Interim Planning Guidance (approved as SPG) : Wind Turbine Development (2008) being of primary relevance and addressed below.

Supplementary Planning Guidance: Interim Planning Guidance – Wind Turbine Development (IPG)

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.

Following the publication of TAN 8, NPTCBC (as part of a five Authority consortium) commissioned consultants (ARUP) to undertake a refinement process to refine Strategic Search Areas, having regard to the need to identify the best locations within the SSAs when taking into account landscape, environmental and technical issues (TAN 8 Annex D Study of Strategic Search Areas E and F: South Wales [Final Report] ARUP (December 2006)).

The study was primarily a landscape and visual assessment exercise which also used a range of other technical and environmental data to inform the work. The study identified 'preferred areas' for large scale wind farms broadly within the boundaries of the SSAs in TAN 8.

This work resulted in the approval of Supplementary Planning Guidance in the form of the 'Interim Planning Guidance – Wind Turbine Development' (July 2008), which incorporates the refined SSA boundaries to be taken forward by the Authority (Appendix A of the IPG).

The identified refined areas (according to the IPG) "would deliver WAG's target and are considered by the Authority to represent the maximum that could be reasonably accommodated without causing unacceptable impacts on communities, visitors and the landscape".

As part of recent appeals, it has been accepted that the weight to be attached to the IPG – insofar as it relates to the extent of the refined SSAs – has diminished as a result of the publication of the July 2011 Ministers letter (see above) which seeks greater capacities within SSAs than were relevant at the time of preparation of the IPG. The IPG is, nevertheless, approved guidance

and is therefore a material consideration, with the main thrust of the advice remaining of direct relevance, insofar as it relates to the assessment of impacts of such development on the landscape and wider locality. Moreover, in the case of SSA F (and notwithstanding the Inspector's comments in the Mynnyd Y Geli / Llynfi Afan appeal), it is notable that the delivery of the July 2011 Griffiths maximum capacities is largely being achieved (see 'need' section later in report), with the majority within the SSA refined boundaries, such that the weight to be attributed to the refined boundaries of SSA F is considered to be greater than, for example, SSA E where it is accepted that the much refined SSA focussed around the Maesgwyn Wind Farm at the top of the Neath Valley (in addition to the refined SSA within Carmarthenshire/Swansea) would be highly unlikely to meet the 152MW maximum identified capacity for SSA E.

Notwithstanding the above, it is also considered that the ARUP Study remains robust in its assessment of the SSA and as a refinement exercise and, in this respect it is noted that in his decision on the Fforch Nest Appeal (ref. 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". The IPG therefore remains a material consideration, not least insofar as it has informed the emerging LDP as discussed below.

Emerging Local Development Plan Policy

The Council is presently in the process of preparing its Local Development Plan, which is at an advanced stage with LDP having been submitted to the Welsh Government for Examination in October 2014, with the Hearings programmed to commence on 11th March 2015. Consequently, there is limited weight that can be attached to the policies contained within the LDP.

However, emerging Policies SP1 (Climate Change) and SP18 (Renewable and Low Carbon Energy) are generally supportive of renewable energy, while the background evidence for the emerging LDP includes not only the ARUP Annex D Study referred to above, but also a 'Renewable & Low Carbon Energy Topic Paper' which has informed both the policy development and boundaries of the refined SSA within the emerging LDP, and has had due regard to the increased maximum capacities identified by the Minister.

It is also notable that, while the emerging LDP seeks to amend the refined boundary of SSA E to increase its size from that in the IPG, the LDP does not propose to change the refined boundary for SSA F, which remains in the size and location as recommended and evidenced by the ARUP Annex D study.

In the face of WG scrutiny of LDP's to ensure the SSA installed capacity targets are capable of being met and that there is consistency across administrative boundaries, it is of note that to date a significant proportion of

the 'refined' SSA (in the LDP) has been developed and overall SSA F is extremely well advanced in delivering the maximum capacity as set out by the WG. Ultimately, however, the soundness of the Plan remains to be subject of Examination.

It is noted that the application (appeal) site is not located within either the TAN 8 SSA boundary or the refined SSA identified on the proposals map of the emerging LDP, although it is located in the 5km buffer zone.

Landscape and Visual Effects:

Within and immediately adjacent to SSAs the implicit objective is to accept landscape change i.e. a significant change in landscape character from wind turbine development. Nonetheless, TAN 8 (paragraph 2.4) also recognises that not all of the land within these areas may be technically, economically and/or environmentally suitable for major wind power proposals. As stated in 'Designing Wind Farms in Wales', good landscape design principles need to be followed to ensure that the development is appropriate for the scale and character of the landscape, and there may be a limit on the number or extent of wind farms which can reasonably be accommodated.

Wind farms have to be located on high ground to maximise wind conditions, design efficiency dictates that they have to be of such stature. It is impossible therefore to completely screen such developments as they will always be visible from surrounding areas at varying distances. In respect of Mynydd Brombil this is located within the Mynydd Margam Registered Landscape of Special Historic Interest at the gateway to Port Talbot. The wind farm will be visible from a number of surrounding settlements and the coastal plain. Government policy accepts that there will be significant change in the landscape adjoining SSAs, however planning policies also dictate that all schemes will need to demonstrate that they would not cause any unacceptable impacts on local residents, communities, visitors, landscape, ecology or users of the highway.

Any judgement about 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.

It is considered therefore that the fact that wind farms will be visible from such areas is not a reason for refusal in itself, but careful assessment has to be made relating to the degree of visual impact each site would have. A key factor is considered to be whether turbines would dominate the landscape and the degree to which people would be affected by that impact. In this respect, it is considered that dominant can be defined as when the eye is drawn to the extent that little else is seen even in an attractive landscape.

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.

The wind farm is considered to be of a medium scale in terms of extent, number of turbines and size of turbines and as such the main landscape and visual effects are considered to be caused by the turbines with ancillary infrastructure such as tracks, hardstandings and other structures being less prominent.

White Consultants have been commissioned to assist in the assessment of the landscape and visual impacts of the development and their comments are incorporated below, along with the views of NRW which largely endorse the consultants views.

Landscape Impact

There are a number of landscape assessment studies which had been carried out within the county Borough including this site. These include LANDMAP 2004, Landscape Assessment based on LANDMAP (2004) and TAN 8 SSA F refinement study.

In respect of the LANDMAP visual and sensory aspect, the site lies within Mynydd Brombil and scarp tops aspect area and adjacent to the Margam scarp and Cwm Dyffryn aspect areas. The submitted LVIA correctly indicates that there are significant adverse effects on these areas.

In respect of the LANDMAP historic landscape aspect, the site lies within the Mynydd Brombil aspect area which is of outstanding value. This is not assessed within the LVIA, although the effect is expected to be significant adverse. The Landscape Character Assessment (2004) identifies the site as falling within the Mynydd Brombil, Mynydd Dinas Character Area 6.

The key characteristics of this area are:

- Steep slopes with rounded plateau tops.
- Unenclosed slopes are dominant by bracken cover.
- Plateau tops comprise of sheep grazed pasture, enclosed by bracken down walls and post and wire fences.
- Provides a solid backcloth and prominent landform adjacent to the coastal plain.
- Upland character contrasts with settlements and industry of the coastal plain.
- Wide views and a sense of exposure from higher elevations.
- A wealth of multi period activity, evident from the sites present –Bronze Age Cairns, Pillow mounds.
- The area untrammelled by industrial exploitation.

White Consultants considers that... *‘the proposal would diminish the apparent scale of the scarp slope with three of the turbines located close to the plateau edge. It would introduce highly prominent large structures into the area currently unaffected by such development, with pylons to the south east at a significantly smaller scale. Consequently, the character of the site would no longer contrast positively with the settlement and industry of the coastal plain. The proposal would also detract from the setting and context of the historical features within the area in a commanding location. Due to the change in several key characteristics the effect is considered to be significant and adverse.’*

The TAN 8 refinement study identified the area as Zone F4 Ergyd Isaf (Mynydd Margam West). Its conclusion was that the area had a high sensitivity to strategic scale windfarms. Its summary stated:

‘The area has the sensitivity above because it is a prominent edge to upland coalfield plateau behind scarp slope which falls to the coastal plain. The land rises to 257mAOD, 240m above the plain and has a smooth rounded profile but with some pillow mounds. The land cover is upland pasture.’

As such the area was excluded from the refined SSA area. Whilst strategic scale development assumed turbines of around 125m, the site was of such sensitivity that 100m turbines were not recommended in the area either.

White Consultants considers the scarp slope and plateau edge at Mynydd Brombil to be dramatic and distinctive example of an edge landscape where the coalfield plateau meets the flat coastal plain with the whole sweep of Swansea Bay beyond. It is perceived as a positive backcloth with only minor

detractors and its importance is emphasised by its juxtaposition with Margam Park and the plantations to the south east. However, the plateau top and site itself is not visible from below, the turbines themselves would be highly prominent and as such would cause demonstrable harm to Mynydd Brombil's distinctive qualities.

NRW agree with the statement under section 6.46 of the ES Planning Statement that there would be '*significant change to the landscape character and visual amenity on site and within close vicinity during construction phase*' and note that this would be for 25 years, which is assessed as 'temporary' in the ES. However the operational impacts on the landscape, which includes the historic and visual and amenity aspects cannot be dismissed taking place as they would for a minimum of 25 years contrary to Policy 1 of the UDP which states:

'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'.

The key policy of relevance in the Unitary Development Plan is ENV 3 (Impacts on the Landscape). This states that unacceptable impacts on the landscape will be resisted and that there will be particular concern to protect:

- significant skylines, views and panoramas;
- features which are important in terms of contributing to the character of the local landscape; and
- landscapes, parks and gardens which are of special historic interest.

The Supplementary Planning Guidance (SPG) entitled 'Landscape' adopted by the Authority in 2008, sets out guidelines for the protection and enhancement of the landscapes of Neath Port Talbot. This Landscape Character Assessment (LCA) uses LANDMAP as its basis. The general landscape guidelines for the scarp slopes below the proposed development (see LCA 6 specifically) state that developments should be of a form and scale that reflects the character of the surrounding area and should be considered in terms of impacts upon the wider landscape.

NRW have confirmed that The Landscape and Visual Impact Assessment (LVIA) is broadly consistent with current best practice and national guidelines and the quality of the visualisations is good. The extent of the study area is consistent with Scottish Natural Heritage guidelines of 35km for the proposed height of the wind turbines. However, NRW have raised concerns that the proposal would introduce an adverse and significant change to the landscape character of the landscape within which the site is situated. The upland area,

like the open access land which lies on the scarp slopes below, forms a valuable amenity with a good footpath network. Its current character is that of a tranquil space with a sense of remoteness with panoramic views over Swansea Bay and a bird's eye view of the industrial sites below. Consequently, the proposed development would have significant adverse landscape effect upon the visual and sensory aspect area in which the turbines would be situated by reason of their scale, layout and movement, creating entirely new and incongruous landscape elements.

Historic Landscape Character

Notably, the site also lies within the Mynydd Margam Landscape of Special Historic Interest. The LVIA addresses this briefly (table 9), indicating that there is a major/moderate significance of impact. White Consultants state that "Normally this would be expected to be significant but the LVIA indicates that because of the limited direct effects on features which are not particularly apparent in the landscape it is not significant. On the basis of the recent decision at Bedlinog wind farm with its impact on the *adjacent* Gelligaer landscape of special historic interest, this logic does not seem entirely credible".

They add that the turbines are located close to a number of these features but the importance of the designation as a whole is the not only the number and type of features but also their setting, context and relationship. It is likely that features were located here in order to benefit from the commanding location with panoramic views. The turbines would significantly adversely affect the perception of this.

The Assessment of the Significance of Impacts of Development on Historic Landscape's (ASIDOHL2) overall analysis of the significance of impact of the development on the historic landscape rates it as 'moderate' in five landscape areas and ranges between 'slight' to 'moderate' for the remainder. However, NRW advise that the proposed development would unacceptably harm the historic character of this nationally important landscape area, and would be contrary to the principles underpinning the identification of historic landscape areas on the Register. In addition, they further advise that the location and size of this proposal will lead to it having a more than local impact on this registered landscape, contrary to the guidance endorsed by Welsh Government '*Guide to Good Practice on the Use of the Register in the Planning and Development Processes in Wales*' and Policy ENV3 of the Unitary Development Plan and the Supplementary Planning Guidance: Landscape.

The turbines would also be located within the Historic Landscape Character Area (HLCA004) Mynydd Brombil and Ergyd Isaf while the site boundary extends into HLCA003 Cwm Brombil and Graig Fawr both of which character

areas are recognised as having considerable value. The ASIDOHL2 scores recognise that there would be a considerable and moderate visual impact respectively on these HLCAs (stage 3b). However, NRW is of the opinion that some criteria in the subsequent 4b stages are underscored leading to an underscoring of the overall significance of impact.

NRW also emphasise that the part played by the high ground of Mynydd Brombil and the undeveloped landform which slopes up to it behind the industrialised coastal plain as a neutral buffer zone remains undervalued in the applicant's assessment. The turbines, they add "by virtue of their height and movement would appear as incongruous features on top of the hilly backdrop. The scarp slope, above which the turbines would be located, forms a characteristic hinterland landform forming a distant backdrop to the coast whose land cover is that of rural uses such as pasture".

Landscape Impact Conclusions

Having regard to the impacts identified above, it is concluded that the turbines would be highly prominent and as such would cause demonstrable harm to Mynydd Brombil's distinctive qualities, diminishing the apparent scale of the scarp slope and introducing highly prominent large structures into the area currently unaffected by such development. As a consequence, the character of the site would no longer contrast positively with the settlement and industry of the coastal plain, while the proposal would also detract from the setting and context of the historical features within the area in a commanding location, and have an unacceptable impact on the character and value of the Mynydd margam / margam mountain registered landscape of special historic interest. Accordingly it would have a significant adverse impact on landscape character, contrary to Policies 1, 6, 19, GC1, GC2, ENV1 and ENV3 of the Neath Port Talbot Unitary Development Plan.

Visual Impact

The LVIA acknowledges that there is a major significance of impact on the settlement of Margam and a major/ moderate significance of effect on Goytre. It is agreed that the effects on the settlements are significant. It is also considered that the significant adverse effects also extends to parts of Port Talbot.

In respect of Margam, the turbines will appear as very large structures appearing above the skyline which is relatively unspoilt providing a positive backcloth to the settlement. Up to four turbines at blade tip height are potentially visible in the western and southern part. Views in respect of these two areas will be different in terms of direction of view and where the turbines are located in relation to landscape. When viewed from the western side of

Margam Turbine 3 would be located within the saddle between two distinctive landforms and would be the only one with its entire tower being visible. Turbine T1 would appear behind Turbine T3 with its hub appearing just above the horizon. Turbine T4 would appear to the right partially screened and Turbine T5 would only appear intermittently with its blade theoretically visible. When viewed from the south, only the tower of Turbine T5 would be visible and the hub of Turbine T4 above the horizon. Turbines T2 and T3 would be viewed intermittently. As a consequence, the overall magnitude of change is judged to be high due to close proximity to the site and the scale of turbines in relation to the landform.

In respect of Goytre, the Zone of Theoretical Visibility shows that the tip height of two turbines (T1 and T3) and one turbine at hub height (T1) would be visible. Turbines would appear on top of the plateau, with the majority of the view being from the lower parts of Goytre as represented by Viewpoint 2, the magnitude of change is considered to be medium.

White Consultants conclude that : “*...In Goytre, fewer turbines will be visible but the effects will be similar to Margam in terms of scale and proximity. In Port Talbot, the turbines will be more distant but they would be more noticeable due to the unspoilt skyline, extending the built form onto the upland behind the town. The LVIA acknowledges a significant effect from Aberavon beach, from where the turbines would be highly visible on the upland backcloth.*”

White Consultants further advise that users of the M4 travelling towards Port Talbot would initially have direct views from the east and west becoming more oblique the closer you get. The effect would be adverse as currently road users experience the dramatic contrast between the unspoilt upland plateau and scarp slope and the developed coastal plain. Effects on users of public footpaths both on the uplands and on the coastal plain would be adversely affected by the development.

In respect of the other nearby settlements of Taibach, Pen-y-cae, Port Talbot, Bryn, Eglwys Nunydd, Coed Hirwaun and Pontrhydyfen the magnitude of change is considered to be negligible to low.

In addition to the Council’s consultants assessment of visual impacts identified above, Natural Resources Wales has stated that there would be a major and adverse change to the undeveloped open skyline above the industrial and built up transport corridor that characterises the coastal plain between Margam and Port Talbot with the introduction of incongruous dominating and moving elements.

At present industrial development in the neighbourhood is restricted to the

lowland, coastal plain below the Mynydd Margam ridge. This is very apparent from Viewpoint 15/Figure 7.34 of the Environmental Statement (ES) where the background (Mynydd Margam) is a long ridge of undeveloped grass and woodland. The perception of this backdrop would be completely changed were the turbines to be visible, as they would be on the skyline replicating industrial development, incorporating the movement of the turbine blades at a higher level above the coast. The scale of this development related to the current height of the valley slope is illustrated here and in further view points from the coastal plain e.g. from View Point 10 Margam Sands and View Point 12 Aberavon Sands.

Three of the turbines (T3, T4 and T5) are located very close to the edge of the plateau adding to their visual prominence when viewed from the west. Additionally the undeveloped slope immediately below the plateau on which the turbines would be situated is classified as open access land which, as well as forming a definite visual separation from the industrial and built up coastal plain, is of great amenity value to the communities of Margam and Port Talbot.

Impact on Registered Park & Garden

The proposal lies some 1.8km to the north west of a grade I (one) registered park and garden and associated listed buildings. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possess is paid when deciding whether planning permission should be given.

Paragraph 6.5.25 of PPW states:

*“Planning authorities should protect parks and gardens and their settings included in the first part of the ‘Register of **Landscapes, Parks and Gardens** of Special Historic Interest in Wales’. Cadw should be consulted on planning applications affecting grade I and II* sites and the Garden History Society should be consulted on all parks and gardens on the Register. Information on the historic landscapes in the second part of the Register should be taken into account by local planning authorities in considering the implications of developments which are of such a scale that they would have a more than local impact on an area on the Register (see para 6.4.9). The effect of proposed development on a park or garden contained in the Register of Landscapes, Parks and Gardens of Special Historic Interest in Wales, or on the setting of such a park or garden, may be a material consideration in the determination of a planning application.”*

CADW have advised that the elevated areas of the registered park at Margam give panoramic views across the parkland and surrounding landscape beyond. The proposed turbines will interrupt the skyline in views to the northwest by introducing a substantial, moving, vertical element to the landscape in which Margam Park is currently experienced. This visual impact is increased in views where both turbine hub and blades are visible. For these reasons CADW advise that the proposed development will have a detrimental impact on the Grade 1 registered park and garden.

Notwithstanding the significant adverse visual impacts identified above, the presence of the Grade I registered park and garden at Margam and the impacts thereon identified by Cadw is, given the need to have *special regard* to the desirability of preserving the building or its setting, considered on its own to amount to an unacceptable impact. Taken cumulatively with the other landscape impacts described above, however, it is considered to provide further weighty justification for the stance that the proposal would cause unacceptable landscape impacts.

Cumulative Landscape and Visual Effects

With regards to the cumulative assessment within the Supplementary Environmental Information (SEI) (dated July 2014) to the Environmental Statement, the proposed development would extend the visual envelope of wind farms to the south and west of the wind farm clusters at Ffynnon Oer (9), Pen-y-Cymoedd (13) and Llynfi Afan (12) (all approved or operational), Hirfynydd (14) and Mynydd Marchywel (49) (in planning). These wind farms are/would be located in an inland upland setting 10km or more from the coast.

The proposal combined with approved, operational and in planning wind turbines at Newlands Farm (1), Kenfig Industrial Estate (2), Cefn Parc (3), Stormy Down (6), Newton Down (8), Queen's Dock (10) and Swansea Waste Water Treatment Works (11) are/would be located approximately 5km or less from the coastline around Swansea Bay. The cumulative effect of these proposals would be a noticeable increase in the impact of wind turbines around the coast of Swansea Bay and extending inland, whereas currently the effects on the coastal landscape and seascape are considered to be minor. The Mynydd Brombil proposal is the largest of these coastal schemes and due to its location above a steep scarp slope and breaking the skyline, would add significantly to this cumulative effect and representing a stark contrast to the existing industrial development around the bay and concentrated in the low-lying coastal strip, rather than the mountains forming the backcloth.

The updated cumulative assessment states that the adverse cumulative effects would be significant on the LANDMAP aspect areas of Mynydd Dinas, Mynydd y Gaer/Cefn Morfudd, Mynydd Emroch & Bycham and Mynydd

Margam, on the B4283 and on viewpoints 1 (local footpath), 13 (Cairn at Foel Fynyddau) and 15 (Kenfig NNR visitor centre). NRW advises that they concur with this assessment and also consider that significant adverse cumulative effects would result at Viewpoint 12 (Aberavon Sands). The proposal would extend industrial infrastructure onto the relatively unspoilt upland skyline that forms the backdrop to Aberavon/Port Talbot.

Visual Impact Conclusions

Having regard to the impacts identified above and the relationship of the application site to a number of settlements, it is considered that the turbines will be highly visible from nearby settlements, from the registered historic park and from the M4 corridor, and would be prominently located on and dominate the skyline, having a significant adverse impact on the relatively unspoilt upland backdrop to the industrial and suburban development to the south of the M4 and on the setting of the Grade I Registered Historic Park and Garden. Accordingly it would have an unacceptable impact on the visual amenity of the surrounding area, contrary to Policies 1, 6, 19, GC1, GC2, ENV1 and ENV3 of the Neath Port Talbot Unitary Development Plan.

Archaeology and Cultural Heritage:

In addition to the objections on historic landscape character, it is also notable that the proposed site is located approximately 20 metres from a Scheduled Ancient Monument (SAM) a pair of Bronze Age Round Barrows.

Planning Policy Wales (Edition 7, July 2014, paragraph 6.5.1) states that

‘the desirability of preserving an ancient monument and its setting is a material consideration in determining a planning application, whether that monument is scheduled or unscheduled. Where nationally important archaeological remains, whether scheduled or not, and their settings are likely to be affected by proposed development, there should be a presumption in favour of their physical preservation in situ.’

Welsh Office Circular 60/96 Planning and the Historic Environment: Archaeology also explains that there is a presumption against proposals which would involve significant alteration or cause damage, or which would have a significant impact on the setting of visible remains.

Cadw advises that the setting of a monument is the surroundings in which a heritage asset is experienced and can be described as being the way in which the monument is seen, understood and appreciated. It is often primarily visual, but can also include other features like tranquillity or remoteness. Its extent is not fixed and may change as the asset and its surroundings evolve. Setting

includes views from, of and across a monument.

Cadw have confirmed that Ergyd Isaf Round Barrows (Cadw reference: GM160) are a scheduled Bronze Age funerary monument (c. 2300 - 800 BC) of national importance and is likely to have been originally located to take advantage of the upland location, from which it could be viewed from afar, command extensive views and be inter-visible with other barrows and cairns situated within the landscape.

Cadw have acknowledged that the scheduled monument is not physically impacted upon by the proposal but it could potentially be damaged if turbine No.2 were to collapse.

Photomontages of views from Ergyd Isaf Round Barrow (Viewpoint 11 northwest and viewpoint 12 southeast) depict the proposed turbines but not other infrastructure elements such as the trackways, substation and construction compound. From Viewpoint 11 the industrial sites at Baglan Bay are visible to the left of centre and Swansea further to the left, however, they are at a low level and the open landscape is the prominent feature of the view. There are also clear views across Mynydd Emroch to Mynydd Dinas and Mynydd y Gaer with the only discordant man-made features being two large electricity pylons.

On the summit of Mynydd Dinas is the round barrow of Twyn Disgwydfa. This monument is not scheduled, due to previous archaeological interventions, but is a ritual burial site that may be contemporary with the Ergyd Isaf Round Barrows. The Buarth y Gaer Round Barrow is located on the summit of Mynydd y Gaer and this, like Twyn Disgwydfa, is a ritual burial site that may be contemporary with the Ergyd Isaf Round Barrows. Buarth y Gaer Round Barrow is, however, also a scheduled ancient monument.

Cadw advise that the location of round barrows were located in prominent positions to be clearly visible and the visual relationships between the round barrows located on Mynydd Brombil, Mynydd Dinas and Mynydd y Gaer are therefore important when considering the impact of a proposed development on their settings. The photomontage for Viewpoint 11 shows that three turbines will be introduced into this view. Turbine No.2 will be located in close proximity to Ergyd Isaf Round Barrows. Most of Turbine No.1 and No.3 will be clearly visible further away.

Although it has been suggested by the applicant's archaeologists that the development will be visually permeable it is Cadw's view that the locations of turbines No.1 and No.2 in this view form a significant barrier to views towards Mynydd Dinas and the Twyn Disgwydfa round barrow. Viewpoint 12 looks towards the southwest and Swansea Bay with the steelworks at Port Talbot

visible in the middle distance. The landscape is more enclosed than from viewpoint 11 with hedges, fences and a ruined modern barn visible along with a modern conifer plantation and electricity pylon. The photomontage shows that most of turbines No.4 and No.5 will be visible in this view with turbine No.5 and the electricity pylon being seen close together.

Cadw conclude that Turbine No.2 will dominate views to and from Ergyd Isaf Round Barrows due to its location. It will add the presence of a high structure alongside the monument and unlike the existing pylons will add rotational movement and as such will therefore have a significantly damaging impact on the setting of the monument and reduce the overall significance of the monument.

Turbine No.2 and Turbine No.1 will also form a barrier to views towards Mynydd Dinas and the Twyn Disgwylfa round barrow that will have a significant impact on understanding the inter-visibility between the two monuments and therefore reduces the significance of the scheduled monument. Whilst the view towards the southeast is more enclosed, near views of the monument show that it is located in open countryside which, apart from the row of pylons, has few modern elements, although clearly longer views do show the modern conurbations. However, the introduction of the turbines and the associated infrastructure will add a considerable number of modern elements into the vicinity of the Ergyd Isaf Round Barrows and considerably alter the surrounding landscape.

As identified in the visual impacts section of this report, Cadw have also objected on the grounds that the proposed development will have a detrimental impact on the Grade 1 Registered Park and Garden.

Glamorgan Gwent Archaeological Trust advise that in order to mitigate archaeologically the proposals, all ground disturbing work should be undertaken under archaeological supervision so that features can be identified and recorded. The submitted Archaeological Assessment provides sufficient information to allow informed mitigation to be made and as a consequence GGAT recommends that a condition is imposed to any consent requiring the submission of a detailed programme of investigation for the archaeological.

Having regard to the objections from Cadw, it is concluded that the proposed development, by virtue of its scale and siting, would represent a very substantial visual addition which would have a visually dominant impact that would have a significant harmful effect on the setting of the Scheduled Ancient Monument Ergyd Isaf Round Barrows (GM160) (and how it is viewed within the wider historic landscape), both in itself and in adding weight to the views expressed earlier in this report that the impacts on the historic landscape

would be unacceptable. Accordingly the proposal would be contrary to Planning Policy Wales (2014), TAN8 and Policies 6, GC1, GC2, ENV3 and IE6 of the Neath Port Talbot Unitary Development Plan.

Residential Visual Amenity

It is widely accepted that the ‘Lavender Test’ conceived by the Inspector in the appeal decision at Burnthouse Farm (Cambridgeshire) and adopted in a large number of Inspector’s decisions since is the appropriate test to apply when considering the physical impact of turbines on the amenity of nearby properties.

This represents a “transparent and objective approach to assessing visual impact”, with Mr. Lavender, in determining the effect of a windfarm on receptors in the Enifer Downs appeal, considering 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”.

The ES Residential Visual Amenity Study concludes that there would be residential properties on a total of 79 roads and 7 individual properties to the north within 1.5 km of the proposed development, of these a total of 24 roads contained properties that would likely to experience a significant effect from some part of the residential property or its associated curtilage, with 55 roads likely to experience a moderate, moderate/minor, minor/moderate, minor or no visual effect that would be significant in nature.

The survey concludes that, having undertaken a thorough and objective assessment of the relationship between the proposed development and the residential properties in the locality of the turbines, “that the likely visual effects will not be against the public interest or result in an overbearing or overwhelming effect concerning residential amenity that might be so unpleasant as to make the residential property an unattractive place to live”.

Whilst it is acknowledged that the number of turbines which would be visible will vary depending on the location within the aforementioned settlements – and the visual impacts as a whole on many areas / properties / settlements would be significantly adverse – it is considered that the impacts on individual properties, while significant, would nevertheless not result in any specific property which would fail the ‘Lavender Test’ in terms of it becoming an “unsatisfactory (but not necessarily uninhabitable) place in which to live”.

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 and ISO9613-2 methodologies.

The background noise survey demonstrates a noise environment that is dominated by traffic noise from the M4 and the night time and quiet daytime noise limits derived from the background measurements using ETSU-R-97 methodology reflect this. The predicted turbine noise levels are lower than all calculated noise limits, often by a considerable margin.

It is therefore considered that due to the separation distances to the nearest residential properties, the proposed development will not have an adverse effect by virtue of noise either during construction or operation of the wind farm.

Air Quality:

The construction works have the potential to create dust, however the impacts are not anticipated to affect any residential properties or the Air Quality Management Areas (AQMA). There would be short-term increases in traffic levels during the construction period, although these would fall outside the AQMA similarly Air Quality Objectives for NO₂ and PM₁₀ along the B4282 would not be breached as a consequence of construction traffic. Consequently, the Pollution Control Officer (Air) has raised no objection to the proposal subject to the imposition of a condition requiring the submission of a Construction Method Statement.

Transport and Access:

The baseline conditions in relation to traffic movement along the preferred construction traffic route have been identified earlier in this report. The ES sets out the transportation requirement for each phase of development.

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 insufficient information has been submitted to assess the suitability of the Abnormal Indivisible Loads (AILs) route and the impact on highway safety and requested that a Trial Run is undertaken prior to the

determination of the application. 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.

In response, the Applicant has submitted as part of the Supplementary Environmental Information a Transport Statement which confirms that the route assessed in the Environmental Statement (ES) and the accompanying planning application documents is appropriate and the overall conclusions of the ES remain the same. The Applicant also makes reference to an Agreed Statement on the Delivery Process for Abnormal Indivisible Loads demonstrating that the management and delivery of AILs can be undertaken in an effective and co ordinated manner. A draft Traffic Management Plan which establishes both the protocol to be adopted for the delivery of the AILs and identifies any areas where temporary or permanent improvements will be required.

The traffic implications relating to the proposal have been further considered by The Head of Engineering and Transport (Highways) who have maintained their objection on the grounds that any traffic management plan should be based on documented trial runs that mimic the movement of the longest, widest and highest anticipated loads and the submitted information does not alleviate their original concerns in relation to a potential conflict with a highway wall and road structure.

Notwithstanding the above, as part of the appeal process the Head of Engineering and Transport (Highways) has agreed that, in this case, the requirement for a trial run can be satisfactorily addressed by the imposition of a suitably worded Grampian condition which requires that an Abnormal Indivisible Load Test Run is carried out, and the results approved by the local planning authority, before any development is commenced. This approach was considered to be reasonable by the Inspector at the recent Bryn Llewelyn Public Inquiry. The applicant (appellant) has also accepted the imposition of such a condition, and accepts that if the AILTR is unable to satisfactorily demonstrate that the chosen route can accommodate the AILs, that the development could not be implemented as approved.

In view of the above, it is considered that provided an appropriate Traffic Management Scheme is conditioned and implemented, along with other appropriate conditions, that the impacts of the proposal during the construction phase of the wind farm would not result in any unacceptable impact upon highway and pedestrian safety. The proposal accords with Policy T1 of the Neath Port Talbot Unitary Development Plan

Ecology and Ornithology:

Technical Advice Note 5: Nature Conservation and Planning states that; Biodiversity conservation and enhancement is an integral part of planning for sustainable development. The planning system has an important part to play in nature conservation. The use and development of land can pose threats to the conservation of natural features and wildlife. Past changes have contributed to the loss of integrity of habitat networks through land-take, fragmentation, severance, disturbance, hydrological changes and other adverse impacts.

But development can also present significant opportunities to enhance wildlife habitats and the enjoyment and understanding of the natural heritage. The planning system needs to be watchful of the cumulative effects of a series of small, perhaps occasional, apparently insignificant losses from the natural world, which can combine to seriously deplete the natural heritage, including essential hydrological and ecological systems; small scale opportunities for habitat creation and enhancement can be significant and can build into major contributions over time.

In addition it states; the development control process is a critical stage in delivering the protection and enhancement of nature conservation required by PPW. The following can help to achieve these objectives:

- adopting the five-point approach to decision-making - information, avoidance, mitigation, compensation and new benefits;
- ensuring that planning applications are submitted with adequate information, using early negotiation, checklists, requiring ecological surveys and appropriate consultation
- securing necessary measures to protect, enhance, mitigate and compensate through planning conditions and obligations;
- carrying out effective planning enforcement;
- identifying ways to build nature conservation into the design of new development.

TAN 5 confirms that through the use of conditions, the delivery of a number of positive benefits to biodiversity beyond those of simply avoiding adverse effects are possible, including;

- The submission and agreement of a landscape scheme so that greater attention can be given to issues such as species composition;
- The maintenance of landscape planting for a five-year period, or longer, where the need for this can be justified;
- Habitat enhancement;

- The restoration and aftercare of a site where a positive approach to restoration and after-use required by conditions can produce significant biodiversity benefits in terms of habitat creation and enhancement.

Originally the Authority's Biodiversity Unit advised that the ecology chapter of the ES required further clarification in respect of the baseline information and evaluation of ecological receptors, construction impact assessment, operational impact assessment, monitoring and landscape. Following the submission of the ES Addendum further comments have been received which advises that the ecological information presented is satisfactory. Whilst there remain areas of concern, the baseline ecological information is adequate and appropriate condition can be imposed to ensure that mitigation measures are provided to address the potential loss of habitat as a result of the development/ The suggested condition is in respect of a Habitat Enhancement and Management Plan (HEMP), while in addition a S106 agreement is also recommended to secure the provision of off site heathland/ Nightjar habitat creation. This recommendation is supported by NRW.

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 the suggested condition and the signing of a Section 106 Agreement appropriate mitigation measures and positive habitat management will outweigh any negative ecological effects of the proposal. The development is therefore considered to accord with Policy ENV5 of the Unitary Development Plan.

Hydrology and Hydrogeology:

The wind farm has the potential to alter the hydrology and hydrogeology regime within the site. Impacts are possible as a result of tree removal and the construction of tracks, hardstandings, buildings and turbine foundations, including possible increased run off and sedimentation. The potential impacts will be managed through measures which would be fully detailed in a Construction Method Statement (which can be conditioned). The ES concludes that it is not considered that the proposed wind farm development will pose a significantly increased flood risk. As a consequence, NRW have raised no objection to the development on these grounds, however to prevent groundwater pollution of the environment a number of conditions are recommended.

Geology, Mining and Mineral Resources:

The proposed wind farm site lies within an area defined Development High Risk Area; therefore within the application site and surrounding area there are coal mining features and hazards which need to be considered. The Coal Authority originally acknowledged that the submitted ES affords due consideration to coal mining legacy and resulting ground conditions and that shallow mine workings pose a potential risk to the development and meets the requirements of Planning Policy Wales in demonstrating that the application site is or can be made safe and stable. As a consequence they suggested that prior to the commencement of development intrusive site investigation works are undertaken to ensure that appropriate remedial measures can be identified where necessary.

As the proposal falls within an area for which a Conditional Licence for underground coal mining has been granted to Tata Steel for the Margam Prospect it was recommended by The Coal Authority that an assessment is made of the potential sterilising effect of this proposal on future mining activities. The target Gellideg coal seam is located to the north east of the Steel Works and outside the application site. In response the applicant has submitted a revised Review of Mining Constraints Report (April 2014) which provides advice on risks from future deep mine workings and potential sterilisation effects on coal reserves. This Report identified that there is already sensitive surface development above this licence area namely Margam Abbey and associated ancient monuments, Margam Village and the M4 corridor and the report concludes that the proposed windfarm is within this corridor of sensitive development and could be included within this development restriction (exclusion) zone. No deep level longwall workings are present historically but there is some potential for effects due to future working of seams. The Report considers that there is little risk of any turbine locations being affected by ground subsidence related to underlying past deep mining activities which have occurred at depths ranging from 160m to 220m below the surface.

The Coal Authority advise that should there be any potential conflict between the deep coal mining and surface development a precautionary approach should be adopted with regard to the taking of financial security against any potential subsidence damage in case of default of the licensee as this could affect the viability of future coal mining in this part of the licensed area.

Members will recall that there is a current appeal in respect of this very issue, relating to the proposed siting of the Hirfynydd Windfarm above the Aberpergwm Mine. That appeal is being fought on the grounds that, due to the risk of damage to the wind turbines caused by mine-induced subsidence, it is likely that the proposal would adversely impact on future operations planned at Aberpergwm Mine, which would have the effect of sterilising a significant

proportion of coal in the Aberpergwm Mine which could otherwise be worked. In that case, the winning of the coal at Aberpergwm Mine is established and ongoing, and there are detailed proposals to mine coal beneath the appeal site in the near future (ref. Planning application P2014/0729).

National advice in Minerals Technical Advice Note 2 (Jan 2009) notes (para 227) that *“Mining is also a material consideration when considering the granting for surface development in mining areas. The MPA will need to consider the human, environmental and economic costs of subsidence. The effects must not be unduly deleterious, and may be a reason for refusal.”*

Para 228 then deals with matters relating to subsidence and its impacts on surface development, which is precisely the critical issue in the current appeal, stating that *“it is material to consider whether a development will be affected by subsidence and to consider the acceptability of proposed mitigation measures.”*

The Coal Authority asserts that *“Although it is argued that consent for wind farm turbine schemes is usually considered to be for a temporary period (often 25 years, as indicated in this case), this is a significant period of time.”* In terms of wind farms being considered development of a ‘temporary’ nature. Minerals Technical Advice (Wales) 2 Coal (MTAN2) identifies at paragraph 39 (in the context of safeguarding) that development of a temporary nature which can be completed and the site restored to a condition that does not inhibit extraction within a reasonable timescale includes wind farms.

Regarding the potential effects of proposed wind farms on mineral resources, the Interim Planning Guidance – Wind Turbine Development paragraph 7.28 states that *“Where a proposed wind farm would be located on significant coal or other mineral resources (particularly those that might be worked by opencast quarry methods), the extent and scale of the reserves that would be sterilised or constrained should be identified. The authority will have to assess the relative benefits of allowing a wind farm to proceed against its duty of protecting coal and mineral resources. However, in some cases it may be feasible to consider extracting coal or other minerals before development of the wind farm.”*

The compatibility of wind farm development with coal mining operations has been considered within the locality as recently as May 2012, where the Secretary of State (SoS) considered the application at Pen y Cymoedd for a substantial Wind Farm. In considering the approach to potential sterilisation of resources, the decision of the SoS in that case accepted that due regard should be taken of the extent to which surface development would affect the ability to extract Minerals which represent a national asset; that the potential effects on the possibility of future coal extraction represents a material consideration of

importance to the objectives of national energy policy; and that decision-makers must take a precautionary approach in considering whether surface development may impact on future coal extraction.

Nevertheless, the SoS concluded in that case that any decision...should not preclude or pre-empt the potential exploitation of the coal reserves at Unity Mine. In this regard he explained that if it were accepted that the Unity Mine reserves would be extracted during the operational life of the Development (which the Secretary of State ultimately accepted could be a realistic prospect, albeit only toward the end of the Wind Farm's operational life) then *“it would be important to ensure that suitable mitigation would be incorporated at the outset rather than rely on remediation should subsidence or underground vibration occur in such a way as to affect the Development.”* He went on to state that *“any decision to grant consent for the Development should be conditional upon suitable mitigation measures being incorporated into the project to safeguard the physical integrity of the turbine structures and the economic potential of the sub-surface minerals.”* (emphasis added).

In the context of that appeal the Secretary of State was satisfied, on the basis of evidence before him that the foundation details could be designed to deal with potential subsidence risks and suitable compensatory arrangements could be arrived at to secure remediation of tile should this occur.

Mineral Planning Policy (2000) sets out the requirement to safeguard the minerals which society may need. Areas to be safeguarded should be identified on proposals maps. Additionally, the policy states that “to identify areas of safeguarding, it is necessary that the location and quality of the minerals is known and the environmental constraints associated with extraction have been considered.”

In this case, while there have been objections raised by TATA in respect of such matters, it is notable that there have been no planning applications lodged with the Authority for the extraction of coal beneath the application (appeal) site, nor are there any ongoing discussions in that regard. In addition there are no known technical, economic or environmental feasibility studies to demonstrate that the coal resources within the application area are capable of economic and sustainable exploitation.

Accordingly, while the need to protect coal reserves is in the public interest and is a material consideration of weight, it is considered that the recovery of such minerals would not in this case be unacceptably prejudiced or the resource be unacceptably sterilised such that it would warrant refusal of the application on such grounds. An appropriate condition could, however, be imposed to cover any need for mitigation measures to be incorporated into the

project to safeguard the physical integrity of the turbine structures and the economic potential of the sub-surface minerals.

It is also considered that that the applicant has satisfactorily demonstrated that the proposed layout of the development has been drawn up, with areas of known danger both for construction and operation of the wind farm having been avoided. Whilst it is emphasised that this is primarily a matter for the developer in conjunction with other agencies, there is no evidence to suggest that the erection of the turbines would cause ground instability.

As the wind farm is a temporary proposal and in the absence of a planning permission to extract coal within the area of the application site it is considered that there will be no unacceptable sterilisation of the mineral resource to warrant a refusal on these grounds.

Telecommunications:

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 CAA and no comments have been received from OFCOM and Swansea Airport.

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

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 occurring 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 800m of the proposed development. The results indicated that shadow flicker could be experienced at four properties for between 11.6 hours and 19.9 hours per annum.

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.

Tourism and Socio-economics:

In respect of tourism, in addition to many Studies relating to Scotland, the Welsh Government Study into the Potential economic Impact of Wind Farms and associated Grid Infrastructure on the Welsh Tourism Sector (Regeneris 2014) found no evidence of significant impacts either locally or in areas where there are established wind farms or nationally. Indeed 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 walker 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.

It is therefore considered that the development would have no unacceptable impacts on tourism.

Assessment having regard to the benefits of renewable energy (“the planning balance”)

The earlier parts of this assessment have concluded that there would be significant landscape and visual impacts, and impacts on cultural heritage. These impacts are assessed below having regard to the benefits of renewable energy, and in the context of Policy IE6 which requires that any such impacts are ‘acceptable’.

As emphasised earlier in this report, National policy supports the increased use of renewable energy both to address the concerns about climate change and to deliver national diversity of energy supplies, thus ensuring the UK is not dependent on any one type of fuel or power source.

Nationally, the UK has committed to sourcing 15% of its total energy from renewable sources by 2020 (UK Renewable Energy Strategy (2009)) and projections suggest that by 2020 about 30% or more of electricity generation could come from renewable sources. The UK Renewable Energy Roadmap

Update (2013) also emphasises that the UK Government remains committed to the delivery of further renewable energy, noting that the UK has made “very good progress” against the 15% target introduced in the 2009 EU Renewable Energy Directive. In 2012, 4.1% of UK energy consumption came from renewable sources, up from 3.8% in 2011.

As set out earlier in this report, PPW Edition 7 (2014) clearly supports the policy aims set out in the Energy Policy Statement (2010) to facilitate the delivery of renewable energy targets, with paragraph 12.8.12 of PPW 7 emphasising the role wind energy can play when it states that “... *the need for wind energy is a key part of meeting the Welsh Government’s vision for future renewable electricity production ...and should be taken into account by decision makers when determining such applications.*”

The Welsh Government has also stated that its aim is to have 4.5 KWh/d/p of installed onshore wind generation capacity ‘in the main’ by 2015/2017.....by optimising the use of existing Strategic Search Areas as set out in TAN 8 on Planning for Renewable Energy keeping the TAN under review in the light of progress towards these targets.”

Within this context, the proposal would contribute up to 12.5 MW towards the UK target of 15% of energy to be derived from renewable sources by 2020 and the WG’s aim of having 4.5KWh/d/p of installed onshore wind capacity in the main by 2015/2017. The need for this development having regard to such targets is addressed later in this report.

Neath Port Talbot Council has, over the years, demonstrated considerable support for the Welsh Government’s policies and targets for renewable energy, and has approved and hosts a number of major renewable energy schemes including a significant number of on-shore wind, biomass and solar schemes. The Council’s support and commitment towards such schemes has, however, been dependent upon the appropriateness of such development having regard not only to national policy imperatives, but also to local and site-specific circumstances. In considering each case on its respective planning merits, therefore, it is necessary to consider local or wider impacts arising from any development proposals and to balance these against the benefits of generating electricity from renewable onshore wind.

The approach of the Council in this regard is consistent with national policy which, whilst recognising the important role wind energy has in achieving energy security and meeting established targets for energy generation from renewables, does not give an open invitation to site wind farms without regard to their impacts, even within Strategic Search Areas.

In particular, the drive towards renewable energy by onshore wind is balanced

in PPW 7 and TAN8 both of which emphasise the need for proposals to comply with adopted Development Plan policy and for decision-makers to have regard to local circumstances and other planning considerations.

PPW 7 notes that *“infrastructure which is...badly located can exacerbate problems rather than solving them”* (para 12.1). Para 12.8.14 reinforces the need for a site-specific assessment of impacts by stating that *“Developers will need to be sensitive to local circumstances, including siting in relation to local landform, proximity to dwellings and other planning considerations”* and, at para. 12.10.3, explaining that *“Developers for renewable and low carbon energy developments should seek to avoid or where possible minimise adverse impacts through careful consideration of location, scale, design and other measures”*.

TAN 8, whilst recognising that in the short term onshore wind provides the greatest potential to increase renewable energy in Wales and that, in general, onshore wind farms should be concentrated within Strategic Search Areas (SSAs), nevertheless goes on to state that *“Not all of the land within SSAs may be technically, economically and/or environmentally suitable for major wind power proposals (para 2.4)”*(my emphasis). This guidance remains pertinent whether or not the capacity for each SSA has been met.

The proposition that the acceptability of windfarm development, even in SSAs, is to be considered on a site-specific basis is also supported by the letter from John Griffiths, AC/AM, Minister for Environment and Sustainable Development (July 2011) which, while outlining the maximum installation capacities for SSAs which were higher than the indicative capacities outlined in TAN8, nevertheless accepted that there remains a need *“to ensure that windfarm development within the SSAs is proportionate and balanced with other development needs in these areas.”*

Nevertheless, while TAN 8 explains that within (and immediately adjacent) to SSAs, *“the implicit objective is to accept landscape change i.e. a significant change in landscape character from wind turbine development.”* this does not automatically mean that all wind farms even within SSAs are appropriate or acceptable, either in themselves or when considering the need to adopt such a balanced approach.

This view was endorsed by the appeal Inspector at Hirwaun (PINS ref. **APP/L6940/A/07/2058755**) who, whilst noting that *“the imperative of delivering on-shore wind energy production is clear”* and accepting that *“the TAN makes it clear that there is a need to balance the conflicting objectives of increasing production against landscape protection”*, nevertheless noted that *“this need - even within an SSA - does not justify a ‘development at all costs’ approach”* (emphasis added).

In this case, the site is located outside of the TAN 8 SSA boundary and outside of the refined SSA identified in the IPG, albeit wholly within the 5km buffer. TAN 8 indicates (at para 2.4) the ‘broad brush’ nature of the SSA boundaries and emphasises that “it is a matter for local planning authorities to undertake local refinement within each of the SSAs in order to guide and optimise development within each of the areas”.

In considering such refinement, para 2.4 also states that “if there is robust evidence that land outside (but close to) the SSA is suitably unconstrained local planning authorities might wish to consider the possibility of development of wind farms in these areas as well”. The refinement exercise undertaken by ARUP (and the weight to be attached to it) is referred to elsewhere in this report, but it is noted here that the inference within TAN 8 is clearly that where a site falls just outside the SSAs (as this site does), ‘robust evidence’ will be needed to demonstrate that the land is ‘suitably unconstrained’.

Irrespective of the above, however, for the reasons expanded upon in this report it is considered that the proposal is unacceptable on the basis of its site-specific impacts.

Having regard to this, the question is the degree that landscape change is acceptable, given that national guidance states that damage should be minimised.

National policy is clear. Whilst in principle there is a significant degree of support for onshore wind, it does not amount to a ‘carte blanche’ for proposed wind farms, even those located within SSAs. In each case the decision-maker must have regard to local and site-specific planning considerations. In some cases, such as this, such considerations will outweigh the policy imperatives in favour of wind energy.

The balance struck by national planning policy is reflected in local planning policy, primarily through **Policy IE6 – Renewable Energy** – which supports the need for renewable energy in locations where development does not have unacceptable impacts. Such a presumptive policy, however, still requires a balancing exercise to assess the effect of such proposal, given the acceptance that any development for renewable energy is likely to have impacts.

This balance is largely provided by **Policy GC2 - Engineering works and operations (including minerals and waste)** – which emphasises the need, when appraising and determining such proposals, to satisfy all the specified criteria which include the need to respect the landscape, seascape and/or townscape including its local topography, character, features, and archaeological remains (criterion (a))

In recognising the competing demands of renewable and mineral energy policy, the Council's **Interim Planning Guidance – Wind Turbine Development (2008)** (see above) provides guidance on consideration of the potential impact.

Onshore Wind - Current Need / Provision

Whilst the demonstrable need for more onshore wind energy, both at national and local level, is acknowledged, to which particular weight should be given, it is considered that this is tempered to some degree by the fact that good progress is being made at both a national and local level in achieving renewable energy targets.

At a UK level, of particular relevance is the published information from the UK Renewable Energy Roadmap Update (November 2013) which represents one of the most recent measures of national performance against renewable energy objectives. Here the Government expresses its confidence that the current pipeline will fulfill the targets set in the 2011 Roadmap for onshore wind capacity by 2020 and states:

“Since the publication of the last Update in 2012, the UK has made very good progress towards our challenging 2020 renewable target, to deliver the 15% of our energy demand from renewable sources. We are fully committed to achieving this target and have seen a significant amount of deployment to date, particularly in the renewable electricity sector. This was demonstrated in 2012 when more than 4% of the UK’s energy came from renewable sources – above our interim target. We will continue to monitor our progress towards the target, ensuring that we have measures in place to reach our goal.” (page 4)

The Roadmap Update (2013) indicates that, as at June 2013, 13.5 GW onshore wind was already built, under construction or consented, with a further 6GW comprising planning applications yet to be determined.

Later RESTATS figures (DECC - Data Sheet Electricity) at June 2014 confirm that the position has further improved, with some 14.5 GW on shore wind capacity already operational, under construction or awaiting construction, and a further 6.42 GW ‘pre-consent’ in planning and S36 applications awaiting determination.

In Wales, the Ministerial letter of July 2011 provided clarity on the issue of **maximum** installation capacities for onshore wind within the Strategic Search Areas (SSAs) identified in TAN 8 in 2005. These indicate identified maximum capacities of a total of 1666 megawatts of onshore wind across all our SSAs (the remaining 300+MW to come from smaller schemes, micro-generation etc).

The 2013 TAN 8 Review of Wind Farm Development (WG – situation at 1 April 2013) advised that in Wales a total of 440 MW (233.7MW within SSAs) of onshore wind capacity was operational, with a further 590 MW (501MW within SSAs) consented and 911MW (639MW within SSAs) ‘awaiting determination’.

The 2014 TAN 8 Review (update) was published by WG in November and has confirmed that there was (at April 2014) a total of **906.5MW¹** (up from 734.7MW in 2013) of operational or consented wind power within SSAs as of 1 April 2014 amounting to 81% (up from 65.6 % in 2013) of the TAN 8 capacity of 1120 MW (with a further 413.2MW (up from 295.7MW) outside SSAs).

This demonstrates that Wales is being reasonably successful in bringing forward appropriate onshore wind projects within SSAs. Moreover, the overall potential total of 1688.7MW (up from 1373.7MW) from windfarms within SSAs² (which includes 782.2MW awaiting determination, a proportion of which it is accepted is likely to be considered unacceptable for varying reasons) - amounts to 100% of the maximum installation capacities (July 2011) within SSAs.

While Officers are aware that the wind energy sector have expressed concerns over the accuracy of some of these figures, these official Welsh Government figures nevertheless support the contention that good progress is being made Nationally towards achieving the SSA Capacities. Moreover, while the 2017 (‘in the main’) target is unlikely to be met, it is therefore considered that the “bleak picture” painted by the renewable energy companies is not supported by the evidence. Moreover, any failure to meet what was a challenging target in the specified timescale, does not in any event provide a justification for the approval of this (or any) unacceptable scheme on that basis.

Current Position in respect of SSA F

Based on the WG 2014 Update (but with figures adjusted to reflect the current position in February 2015 based on additional information available from NPT and other surrounding Authorities), the current position in SSA F is as follows:-

	Development	Max. Capacity (MW)
Built / operational (built capacity)	Ffynnon Oer	32 (included in WG)

¹ 2014 Figures: 285.97MW operational; 620.6MW consented = 906.5MW

2013 Figures : 233.7MW operational; 501MW consented = 734.7MW

² 2014 Figures: 285.9MW operational; 620.6MW consented; 782.2MW ‘awtg det’n’ = 1688.7MW

2013 Figures : 233.7MW operational; 501MW consented; 639MW ‘awtg det’ = 1373.7MW

		2014update but now noted to be Pre-TAN8 so should not be counted)
	Maerdy	24
	PYW: Pant-y-wal	25
	PYW: Mynydd Pwllyrheb / Fforch Nest (BCBC)	10
	PYW: Fforch Nest (RCT)	17.5
	Ferndale (5km buffer)	6.4
	Taff Ely (5km buffer)	9
	Mynydd Portref (5km buffer)	9.35
TOTAL BUILT/ OPERATIONAL		101.25MW (76.5MW excluding sites wholly within 5km buffer)
Consented (maximum capacity)	Llynfi Afan Renewable Energy Park	6
	Mynydd y Gelli / Llynfi Afan	24
	Pen y Cymmoedd	228MW (299 max but under construction so 228MW counted by NPT)
	Hirwaun (Mynydd Bwllfa) * under construction	22.5
TOTAL CONSENTED		280.5MW
TOTAL BUILT/ OPERATIONAL AND CONSENTED		381.75MW 357MW (excluding 5km buffer)

Table 1: Strategic Search Area ‘F’ Developments and Capacities – Built/Operational and Consented

From Table 1, it is clear that the Built and Consented Output of 381.75MW is already greater than the indicative capacity (290 MW) in TAN 8 for SSA F and is closing in on the maximum capacity (430 MW) identified in the Ministerial Letter dated July 2011.

The **381.75MW** of capacity which has been approved or is operational (and this takes Pen y Cymmoedd as contributing 228MW not the maximum 299MW which was approved) equates to **88.8%** of the 430MW overall

capacity for SSA F. Even if you discount the wind farms which lie within the ‘5km buffer’ (24.75MW total) – which it is considered is not appropriate but is nevertheless often argued by the energy companies - **357MW** of capacity has been approved or is operational, which equates to **83 %** of the 430MW overall capacity for SSA F.

Moreover, as can be seen from Table 2 below, whilst the Griffiths maximum capacity has yet to be reached, and the proposed development will make a positive contribution in this regard, opportunities exist elsewhere within the SSA to meet the 48.25MW shortfall (or 73MW shortfall if you exclude sites wholly within the 5km buffer).

In Planning (maximum capacity)	Pant-y-Wal Wind Farm extension (BCBC)	36MW
	Foel Trawsnant (Pennant Walters)	39MW
	Abergorki (RCT)	7.5MW
	Melin Court	18MW
	Mynydd Brombil (subject of current appeal) (5km buffer)	12.5 MW
	Mynydd Portref Extension (5km buffer) *RCT resolution to approve Dec 2014	12MW
	Headwind Taff Ely (5km buffer) * RCT resolution to grant April 2013 (awaiting s106)	17.5MW
SUB-TOTAL IN PLANNING		142.5MW (101.5 excluding 5km buffer)
Total POTENTIAL	EXCLUDING 5KM BUFFER	458.5MW (357 + 101.5MW)
	INCLUDING 5KM BUFFER	524.25MW (381.75 + 142.5)

Table 2: Strategic Search Area ‘F’ Developments ‘In Planning’ and Capacities, plus total overall potential capacity

In particular, it is emphasised that 29.5MW has already been resolved to be granted permission by RCT (2 sites within the 5km buffer), with a further

113MW ‘in planning’ (including the appeal proposal). These developments which are in the ‘pipeline’ demonstrate that there is future potential to meet the targets and these have been acknowledged in the 2014 TAN 8 Update.

In concluding on need, whilst substantial weight should be given to the potential contribution of the proposals to securing electricity from renewable sources, it is nevertheless considered that the rapidly accelerating performance of on-shore wind capacity provision within the UK, Wales and NPT, as evidenced above, is an important factor to be weighed in the planning balance.

In light of the current and proposed capacities in SSA F identified above, it is considered that excellent progress is being made in SSA F, such that there is every expectation that the maximum capacity of 430MW for SSA F will be reached by schemes which are currently ‘in planning’ and which lie wholly or partially within the SSA F boundaries (as envisaged by TAN8 and by the refined IPG boundaries). Indeed, the combined total of schemes above is such that weight must be placed on the possibility of the maximum capacities being exceeded.

In the context of this need and the unacceptable levels of harm identified in this report it is thus concluded that there are no justifiable grounds to conclude that the benefits in terms of renewable energy generation outweigh the impacts of the development.

Having regard to the above policy imperative, it is thus also considered that the national renewable energy targets will not be materially prejudiced by the dismissal of this scheme because there remains a strong push towards meeting the renewables – and particularly onshore wind – at local and national level.

It is therefore concluded that there is no overriding need for this development, and in any respect the benefits in terms of additional energy generation would not outweigh the clear harm identified earlier in this report on landscape / historic character grounds. For this reason, the proposal not only fails to accord with Policies ENV3, GC1 and GC2 but also Policy IE6 – Renewable Energy – given that the impacts of the development would be unacceptable, in themselves and within the wider context of the generally permissive policy approach towards renewables.

Others (including objections):

In respect of the objections raised by local residents and **Suzy Davies AM** it is considered that the concerns relating to planning policy, visual amenity, noise and disturbance, stability, ecology, traffic implications, highway safety, shadow flicker, cumulative impact, impact on tourism and socio economic, impact on , historic features and energy production have been addressed in the

report.

In respect of other matters raised:

- There is no justifiable evidence that the wind farm would devalue property;
- During construction and decommissioning, healthy and safety requirements will make it necessary to manage paths PRoW and other permissive routes where these trails come close to infrastructure. The applicant may request temporary closure orders in consultation with local authorities and providing temporary alternative routes where possible. Notices would be posted in publicly available documents and the routes will be demarcated with warning signs to discourage persons from entering the construction area. During the operation of the wind farm, no restrictions would be placed on the movement of walkers, cyclists and horseback riders using the existing rights of way across the whole site;
- Government Policy considers wind energy to have the greatest potential in the short/medium terms to provide renewable energy;
- At the expiry of the consent or the end of the wind farm's useful life, it is proposed that the turbines, transformers and on site substation would be removed. Therefore, in the event that planning permission was granted, a condition could be imposed requiring the submission of a decommissioning statement requiring the land to be re-instated once the turbines have been de-commissioned;

The comments raised by TATA have been addressed earlier in this report.

Community Benefit

Developers in consultation with local planning authorities should take an active role in engaging with the local community on renewable energy proposals. Experience has shown that there are opportunities to achieve community benefits through major wind farm development. Local Planning Authorities, where reasonably practical, should facilitate and encourage such proposals. However, such contributions should not enable permission to be given to a proposal that otherwise would be unacceptable in planning terms.

TAN 8 Renewable Energy (2005) considers "Community Involvement and Benefits" and recognises the opportunities that large developments provide in making contribution that benefit the community. These include where developers offer benefits not directly related to the planning process. However, such contributions should not impact on the decision making process, and as stated above 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 indicated in Section 16 of the ES that a community benefit package/scheme will be offered through which an annual payment per megawatt installed will be paid and applied directly within the local community. Such matters will be discussed as part of the ongoing appeal, but it should be noted however, that the community benefit is not put forward as mitigation and must not be taken into consideration in the determination 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.

The submitted scheme demonstrates that there are no unacceptable detrimental effects in relation to Ecology, 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.

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. 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 outweighs the need to provide a renewable form of energy to meet national targets.

Having regard to the landscape and visual impacts identified earlier in this

report and the relationship of the application site to a number of settlements, it is considered that the prominent siting of the turbines would unacceptably dominate the skyline of the landform upon which they are proposed to be located and the backcloth to the adjacent settlements would result in the introduction of visually incongruous structures which would have a significant adverse effect, and detract from the character and value of the Mynydd margam / margam mountain registered landscape of special historic interest. It is further considered that by virtue of their overall size, the substantial vertical impact of their moving blades that the proposed development will have a visually dominant impact that is significantly damaging to the setting of the Scheduled Ancient Monuments Ergyd Isaf Round Barrows and the Grade I Registered Park and Garden. The proposal would not safeguard or enhance the character or appearance of the site or its surroundings and would have a significant detrimental impact which could not be satisfactorily mitigated.

Given the prominence and impacts identified within the submitted ES and the high sensitivity to change in the settlements of Margam and Goytre, it is concluded that views from these settlements would substantially change, and the quality of life and experience of residents and visitors would alter to an unacceptable degree. As a consequence, the visual impacts of the proposal would be unacceptably dominant on persons living in and moving through these areas.

While the benefits of the proposal in meeting the acknowledged need for further onshore wind energy is acknowledged, this does not justify a 'development at all costs' approach. In this respect, the site is located outside of the SSA F boundary as defined by TAN8 and the refined boundary within the Councils approved Interim Planning Guidance. Moreover, SSA F is well advanced towards meeting the capacities set out by the Minister in July 2011, with significant future potential 'in the pipeline' which are likely to be less harmful than the development subject of this proposal. Having regard to this, it is considered that the proposal would cause a degree of harm that would not be justified by the benefit of the scheme towards energy generation.

Accordingly, the proposal is considered to be contrary to Planning Policy Wales 2014, TAN8: Renewable Energy, Policies 1 and 6, Policies GC1, GC2, ENV1, ENV3 and IE6 of the Neath Port Talbot Adopted Unitary Development Plan, and the Council's approved Interim Planning Guidance : Wind Turbine Development(2008).

Recommendation : That, had the Council been in a position to determine the application, planning permission would have been REFUSED on the following grounds: -

1. The proposed development would result in the introduction of incongruous, dominating, and visually prominent structures which would : -

- (a) Have an unacceptable impact on the character and value of the Mynydd margam / margam mountain registered landscape of special historic interest
- (b) Have a visually dominant impact that would have a significant harmful effect on the setting of the Scheduled Ancient Monument Ergyd Isaf Round Barrows (GM160); and
- (c) Have unacceptable adverse landscape and visual impacts, primarily on the settlements of Margan and Goytre, and on the setting of the Grade I Registered Park and Garden at Margam;

Having regard to the location of the site outside of the boundary of the Strategic Search Area F, both as defined by TAN 8 and by the refined boundary within the Council's approved Interim Planning Guidance : Wind Turbine Development (2008), and the unacceptable landscape and visual impacts, and impacts on historic assets, it is considered that the proposal would cause a degree of harm that would not be outweighed by the benefits of the scheme in terms of wind energy generation. As a consequence the development would be contrary to Planning Policy Wales (2014), TAN8 : Planning for Renewable Energy (2005), Policies 1, 5, 6, 19, GC1, GC2, ENV1, ENV3 and IE6 of the Neath Port Talbot Unitary Development Plan, and the Neath Port Talbot Interim Planning Guidance : Wind Turbine Development (2008).