

SECTION B – MATTERS FOR INFORMATION

APPEALS DETERMINED

a) Planning Appeals

Appeal Ref: A2015/0001 **Planning Ref:** P2012/0638

PINS Ref: APP/Y6930/A/14/2226525

Applicant: REG Windpower

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)

Site Address: Land at Mynydd Brombil, Brombil Farm, Margam, Port Talbot

Appeal Method: Public Inquiry

Decision Date: 8th July 2015

Decision Code: Allowed

The main issues are:

- The landscape and visual impact of the proposed turbines on the character and appearance of the area;
- The effect of the proposal on heritage assets and the cultural heritage of the area; and
- Whether any harm identified in relation to the foregoing is outweighed by the benefits of the scheme in terms of its contribution to renewable energy production (the planning balance).

Landscape and Visual Impact on the Character and Appearance of the Area

Landscape Effects

Mynydd Brombil is one of three upland areas that comprise LCA 6. The

effect on the other two upland areas would be less significant as they are located away from the appeal site. Nevertheless there would be a detrimental effect on the landscape character of the appeal site. There is a line of pylons running from north to south across Mynydd Brombil through the location of the proposed turbines. The 4 closest pylons range in height between 35 and 50m (compared to a hub height of around 60m for the proposed turbines). They already have an effect on landscape character.

The Goytre Valley LCA 8. The Inspector did not consider the development would have a significant effect upon this area because of the number of turbines visible and the limited visibility of the turbines from this complex landscape. The effect on tranquillity would be purely a visual one as the background noise levels at Goytre Farm and Llety Piod are higher than the predicted noise levels for the turbines. There would be a moderate adverse effect that must be considered in the planning balance.

Margam Park LCA 3. The proposal is around 2 to 4 Km away from the Park. The impact would be in the range of slight to moderate because there is no development proposed in the park itself. The Inspector did not find the impact on landscape character to be significant because of the distance involved and the fact that there is already infrastructure present on the site area. He therefore considered that the impact of the proposal on the landscape character of the Park would be slight.

The landscape impacts of the proposal would be slight to moderate across the three character areas identified above. The local effect on landscape character in the area around the site itself would be significant.

Visual Impacts

The western and southern parts of **Margam** will potentially have views of the proposed turbines at distances of around 1 Km. However, there are many locations where the turbines will not be seen due to the screening effect of the buildings and the orientation of the streets. There are few locations where the entirety of any turbine will be seen. In most locations, parts of the towers of two turbines would be clearly seen, with the tips of another two visible. There are two viewpoints where three turbine hubs and part of the towers would be seen. Where seen the turbines would draw the eye because of their size and movement and their proximity to each other. Whilst they will be sited at a higher level not all of the towers would be seen. They would therefore be an element occupying a narrow arc of view in the overall vista. The Inspector also

acknowledged that views in this area are dominated by the steelworks and the mountain upon which there are existing pylons. Furthermore the rural backdrop is interrupted by the noise of the M4. For these reasons, the Inspector did not consider that they would dominate the view nor would they have a significant adverse visual impact on parts of the settlement of Margam.

Some locations within the small settlement of **Goytre** would have views of part of one turbine and the blade tip of another on top of the slope to the south. This is a more urban edge or semi-rural location and the slope is an important backdrop and there would be a significant adverse impact on parts of the settlement as a result of views of a single turbine. There are also existing pylons in these views.

A part of the small settlement of **Pen-y-Cae** would have clear views of a turbine and the hub and blades of another two at a distance of around 1.4 Km. The existing pylons and the steelworks are in these views at the moment. There would be adverse visual impacts on parts of Pen-y-Cae as a result of the proposal ameliorated by the extent of the views and the presence of the pylons.

The Inspector stated that the skyline around the site is not distinctive; it is typical of the edge of the upland plateau although it does form the backdrop to Margam and other settlements. He did not however consider that it conveys a sense of wilderness because of the presence of the M4 and the steelworks. The Inspector did not accept that the contrast between the coastal area and the slopes near the site increases the impression of wildness because of these factors. Its location cannot be considered to be remote, which is one of the key factors for wildness. The site also has a line of pylons running across it that breach the skyline. Whilst they are smaller in height, of a lattice construction and do not rotate, they represent significant infrastructure at this location. The Inspector therefore concludes that the impact on the skyline is of less significance in all these circumstances.

In relation to **Margam Country Park**; the proposal would not be visible from the lower part of the Park around the Castle, Orangery, Iron Age hill fort and main car parks due to the topography. The proposal would be clearly visible from the upper parts of the Park (above the Breast Plantations) and parts of the proposed turbines may be seen from the eastern gate and nearby area. The setting of the Park is already affected by the very large steelworks on the coast. The views of which have not significantly impacted on the character of the Park. Furthermore there

has been no attempt to screen the works from views within the Park either. The proposal would be around 3 Km away in these views and it must be acknowledged that there is also existing infrastructure on the site in the form of the pylons. The proposal would therefore have a moderate visual impact on the Park.

In relation to views from local **Public Rights of Way (PROW)**. The proposal would be clearly seen from stretches of the elevated section of the Wales Coastal path. However, there are existing pylons in the same view and one is acutely aware of the existence of the M4 and the steelworks below. The visual impact would be of relatively short duration on a noisy section of the route. Similar issues would apply to the views from local footpaths nearer the site. There is a similar context to more distant views from **Aberavon beach** and **Margam sands**. The direct views from the **M4** are for some distance on a straight stretch. These are distant views on very low sensitivity receptors. The proposal would occupy a very small arc of view on an extensive plateau. Turbines within refined SSA F would have a similar impact in this view. The local context is of pylons running alongside the motorway on one side and large scale industrial development on the other. In all these circumstances, this view and others in the area are not significant.

In summary, there would be significant visual impacts on parts of the settlements of Margam, Goytre and Pen-y-Cae. The other identified visual impacts are not significant. The significant impacts are in part ameliorated by the site's context and location in terms of its proximity to the M4 and the steelworks and the presence of pylons on the site. The remaining level of harm must be weighed in the balance against the benefits of the scheme in order to assess whether the impacts are unacceptable.

The effect of the proposal on heritage assets and the cultural heritage of the area

Effect on Ergyd Isaf Round Barrows

The conclusion was that the proposal (particularly T2) would have a visually dominant impact that would be significantly damaging to the setting of the monument. This would be unacceptably damaging to the setting of the SAM. The Inspector therefore considered that T2 should be omitted from the scheme for this reason. The remaining turbines would be around 400m – 600m away and on the other side of the line of pylons. In the context of the existing setting being much altered, this would be a less significant impact on the setting of the SAM.

The other issue is inter-visibility with other monuments on hilltops around 4-5 Km away. With the omission of T2 from the scheme, the only remaining turbine affecting visibility would be T1, around 500m away. The line of pylons and power lines are closer to the SAM in these views. The proposed tower and blades would cause an additional obstruction, but that would be less significant in the context of the existing situation and the distances involved. The impact on these views would not be so significant.

Effect on Mynydd Margam Historic Landscape Area

The Register recognises that landscapes are subject to change and seeks to inform choices about how that change can be accommodated so that key historic characteristics can be retained whilst still meeting modern needs. The Historic Landscape Area (HLA) is divided into 17 Historic Landscape Character Areas (HLCAs). The areas of particular interest were the small host area HLCA 4 – Mynydd Brombil and Ergyd Isaf, HLCA 10 – Margam Forest and HLCA 1 – Margam Country Park.

In most instances outside the host HCLA it was the indirect visual impacts that were the most significant on the HLA. The Inspector concluded that there would be an impact on HCLA 4 (the host area) and to a lesser degree on HCLA 10 and HCLA 1. This impact would not be so significant as to warrant refusal of the proposal.

Effect on Listed Buildings and Margam Country Park

The proposed turbines would not be visible from the Conservation Area. No concern was raised regarding any impact on the Conservation Area and as there are no views into or out of the Conservation Area from the site, the inspector concludes there would be no effect. The proposal would not be seen in any of Cadws' defined significant views from the Park, which are all in the opposite direction to the proposed turbines. The appeal site is not in the essential setting of the Park. The closest turbine would be between 1.9 and 3.9 Km from the identified critical viewpoints within the Park.

The proposal would not be visible from the Castle or any of the listed buildings nearby. The turbines would not be seen in conjunction with the Castle (or Conservation Area as a whole). The Council and appellant agreed that the harm would be very small.

The proposal is concentrated in a relatively small portion of the wide sweep of the plateau well beyond the Park boundary. There are already

vertical structures in that area in the form of pylons, albeit smaller than the proposed turbines. The visual impacts would be reduced by the deletion of one turbine from the scheme. The context is again important:

- There are clear views from the Castle of the steelworks and the evidence was that this has not affected the historic interest of the Castle or Park to a significant degree.
- There has been no attempt to screen the industrial development from view by additional planting around the boundary of the Park.
- The construction of the M4 has physically and indirectly affected the Park.
- The refined SSA F area is adjacent to the site and 100 m turbines within the refined area were suggested as acceptable in the study. They could have a similar impact on the Park and setting of the Castle.

The Inspector concluded that in all these circumstances, the level of harm would be very small.

The Overall Planning Balance

There is clear policy support for the provision of further renewable energy at a national level. EN-1 states that substantial weight should be given to the contribution that any scheme would make.

The proposal would have an installed capacity of 10 MW and the evidence was that the proposed turbines can be readily connected to the electricity grid network. This is a significant benefit of the scheme which must weigh heavily in its favour. However, the Council considered that there was sufficient capacity in the pipeline to meet the Minister's target. However given that some of the schemes have not yet been approved the Inspector placed little weight on the possibility of the Minister's maximum being slightly exceeded. There is also the other argument of whether wind farms outside SSA F but within 5 km of the boundary should be counted towards the Ministerial maximum MW output for SSAs. All these factors lead the inspector to conclude that this matter is not determinative in this appeal.

Policy IE6 of the Unitary Development Plan supports proposals for the creation of renewable energy provided their impacts are acceptable. The other policies referred to have similar tests regarding the acceptability of

impacts (Policies 19, ENV1, ENV3, ENV19, GC1 and GC 2). The test is whether the proposal complies with the development plan as a whole, but Policy IE6 is the most relevant policy to the proposal. EN-1 states that it will not be possible to develop the necessary energy infrastructure without there being impacts and refers to there being significant residual impacts as described previously.

In terms of benefits, the Inspector attached weight to the site's location close to SSA F, and that the site is well-placed to speedily contribute to the target for wind energy production, as well as the potential shortfall across Wales in achieving future Welsh Government targets in this respect.

Policy IE6 aims to deliver renewable energy and the proposal would meet this objective. Furthermore the Inspector identified that several site specific circumstances would ameliorate the adverse impacts of the proposal.

- Firstly, the proximity of the site to existing major infrastructure and industrial development.
- Secondly, the presence of a line of electricity pylons on the site.
- Thirdly, the nearest settlements' location close to the bottom of a steep slope reduces the impact of the turbines by partially screening them from view.
- Fourthly, the proximity of the refined boundary of SSA F.
- Lastly, the removal of Turbine 2 from the scheme would reduce the impact on heritage assets.

The particular relationship of the reduced development to its surroundings led the inspector to conclude that the degree of harm arising from the identified landscape and visual impacts, and impacts on heritage assets and their settings would be outweighed by the benefit of the scheme in terms of wind energy generation. The scheme would therefore accord with Unitary Development Plan Policies 19, ENV1, ENV3, ENV19, GC1 and GC 2 and national planning policies. Thus, on balance, it would be in accord with Policy IE6 and the development plan as a whole.

Other Matters

Mining Resources and Subsidence

An objection was received from Tata Steel UK Ltd as conditional underground mining licence holders for an area of coalfield of approximately 80 Km². The objection refers to the risk of subsidence at the site which in turn might lead to an extensive area around the site being designated a subsidence exclusion zone. There was no evidence that the area had been surveyed and mining methods or viability explored. The method of working chosen will determine the risk of subsidence and so the proposal may not be affected. The Council also referred to the imposition of conditions requiring mitigation measures to safeguard the proposed turbines and the economic potential of the minerals reserves.

The other factor of note in this case is that there is no planning permission and there have been no recent discussions with the Local Planning Authority, furthermore the minerals reserves in this area have not been surveyed.

The Inspector concluded that the wind farm would be a temporary development and therefore it is to be expected that the coal reserves could be worked without restriction in the future. The evidence suggests that these matters, where they arise can be addressed by suitable conditions.

Ecology

The ES and Supplementary Environmental Information (SEI) considered the impacts of the proposal on ecology. The Biodiversity Officer and Natural Resources Wales raised no objection subject to the proposed mitigation and enhancement measures as part of a Habitat Management Plan which could be secured by condition and a s106 agreement.

Transport

The traffic and transport effects of the proposal were considered in the ES and the Council confirmed that the effects were acceptable and could be controlled by conditions. However the delivery of Abnormal Indivisible Loads (AILs) was a particular concern of the Head of Engineering and Transport. As part of the Council's preparation for the appeal, the Head of Engineering and Transport agreed that the need for a trial run could be addressed by the imposition of a Grampian condition ie no development could take place until the trial run had been undertaken and the results approved by the Local Planning Authority. The Inspector accepted this suggested way forward.

Noise and shadow flicker

Overall, the noise levels could be controlled by the agreed conditions suggested by the main parties. The standard conditions are necessary because of the tonal quality of the noise generated and to ensure monitoring and compliance in the event of complaints.

In relation to shadow flicker, it was agreed that appropriate mitigating measures could be ensured by conditions requiring that the proposed turbines would be turned off during periods when shadow flicker may occur. These measures would address the concerns regarding the potential effect on the occupiers of the properties.

Other objections raised during the application process have been addressed in the Council's consideration of the proposal in the report to Committee. The Council concluded that there would not be a significant effect on the living conditions of local residents. This was also the conclusion of the Inspector.

Conclusion

Having considered all relevant matters raised, the Inspector concluded that the appeal for a reduced scheme consisting of 4 turbines should succeed because on balance the degree of harm that would be caused would be outweighed by the benefits resulting from the scheme in terms of wind energy generation.

Appeal Ref: A2015/0003 **Planning Ref:** P2013/0762

PINS Ref: APP/Y6930/A/15/3006199

Applicant: Nigel Thomas Plant Hire Ltd.

Proposal: Demolition of existing dwelling and construction of two pairs of semi-detached dwellings, land infill and associated works

Site Address: Dan-Y-Graig House, 36 Swansea Road Road, Pontardawe, Swansea, SA8 4AL

Appeal Method: Written representations

Decision Date: 8th July 2015

Decision Code: Dismissed

The three main issues in the determination of this appeal concerned the effect of the proposed development on the character and appearance of the area; the effect on highway safety along Swansea Road; and whether the appeal proposal should make a contribution towards affordable housing.

Character and appearance of the area

The inspector acknowledged the site would need to be raised by up to 3.2m by depositing 4000 tonnes of material and the construction of substantial engineering works. The Inspector concluded that these proposals would significantly alter the topography of the site and the proposals would materially increase its prominence particularly when viewed from the lower lying and open playing fields located to the south. The Inspector concluded that the proposals would result in an unsympathetic and incongruous form of development that would cause material harm to the character and appearance of the area.

Effect on highway safety along Swansea Road

The Inspector considered that the proposed development would incorporate inadequate visibility for vehicles exiting the site and fails to provide an adequate turning area within the site. Furthermore, it was

noted by the Inspector that the proximity of the appeal site to the existing access between Derw Road and Swansea Road would further increase existing conflict in this area to the detriment of both pedestrian and highway safety. The Inspector also noted that there had been two recorded personal injury accidents within close proximity between 2004 and 2013. The Inspector concluded that the proposed development would severely compromise highway safety along Swansea Road.

Contribution towards affordable housing

The Inspector noted that Policy H4 of the UDP and the adopted SPG seeks a 20% contribution towards affordable housing. The Inspector also noted that the appeal proposal makes no provision for such a contribution and that a viability Assessment was provided in an attempt to justify this.

However, the Inspector considered, that the viability information supporting the proposal lacked detail and had not been adequately articulated and, for this reason, concluded that the lack of any contribution towards affordable housing remains unjustified.