

SECTION A – MATTERS FOR DECISION

Planning Applications Recommended For Approval

<u>APPLICATION NO:</u> P2014/0825	<u>DATE:</u> 20/10/2014
PROPOSAL:	Installation of 13 wind turbines with a maximum tip height of 120m to generate up to 39 MW, together with ancillary development including substation and control building, on site underground electrical cables, stone site access tracks, temporary construction compounds, turbine foundations and temporary crane pads
LOCATION:	Foel Trawsnant, Bryn, Port Talbot
APPLICANT:	Mr Stuart Watcham
TYPE:	Full Plans
WARD:	Bryn & Cwmavon

BACKGROUND

The application is being brought before Committee due to its Strategic Importance. It is also noted that, had the application been received now, the scale of application would make it a 'Development of National Significance' (DNS) which would be determined by the National Infrastructure Directorate within PINS. Nevertheless this scheme remains to be considered locally by NPT.

SITE AND CONTEXT

The Foel Trawsnant Wind Farm site is located approximately 2.3km to the north-west of Maesteg, Bridgend (albeit the site lies entirely within the Neath Port Talbot Local Authority area).

The proposed turbines would be sited on currently open land used primarily for grazing of livestock. The development site rises to maximum height of approximately 371m AOD and occupies a position toward the northern end of the higher ground between the Afan and Llynfi Valleys. Access to the site will be via the B4282, between Bryn and Maesteg.

All of the 13 proposed turbines will be located within the refined Strategic Search Area (SSA) 'F' identified within the adopted Local Development Plan, as well as within a Special Landscape Area (SLA).

DESCRIPTION OF DEVELOPMENT

The applicant seeks full planning permission for the construction of 13 wind turbines, with a maximum hub height of 85m and height to blade tip of 120m.

Associated ancillary development including unit transformers at each turbine, access routes, electricity sub-station, and two temporary site compounds also form part of the application for consent.

The electrical output of the proposed wind farm is anticipated to be up to a maximum of 39MW. This would be sufficient on average to supply the equivalent of the domestic electricity needs of approximately 22,398 homes. The ES notes, however, that the candidate wind turbine selected is 2.3MW, which would result in the generating capacity being 29.9MW.

The proposed wind farm is designed to have an operational life of 25 years and permission is sought for this period of operation only. After this period the applicant proposes to fully restore the site to its original condition.

The application is accompanied by an [Environmental Statement](#) (ES) (and [Non-Technical Summary](#)) which deals with a range of issues, but primarily deals with the following:-

1. Introduction
2. Environmental Impact Assessment
3. Scoping and Consultation
4. Wind Farm Site Selection
5. Description of the Proposed Development
6. National Policy, Statutory Planning Guidance and the Development Plan Policies
7. Landscape and Visual
8. Historic Environment
9. Ecology and Nature Conservation
10. Ornithology
11. Noise
12. Water Resources and Ground Conditions
13. Traffic and Transport
14. Socio-economics including Recreation and Tourism, Electromagnetic Interference, Shadow Flicker, Telecommunications, Aviation and Health and Safety

Cumulative effect:

It is noted that the assessment of cumulative effects in the ES indicate that wind farms that fall within the scope of the cumulative assessment are as follows:

- Ffynnon Oer: 16 operational turbines, 91m high, approximately 3km to the north.
- Pen y Cymoedd: 76 consented turbines, 145m high, a minimum of 3km to the north and extending to the northeast
- Afan Llynfi: 12 consented turbines, 118m high, 4 km to the east
- Mynydd Brombil: 5 proposed turbines, 100m high, 7 km to the southwest.

All plans / documents submitted in respect of this application, including visualisations, can be viewed on the [Council's online register](#).

CONSULTATIONS

Glamorgan Gwent Archaeological Trust: No objections

National Grid Plant Protection: No reply

Windfarm Site Clearance – Operating Licensing: No reply

National Resources Wales: No objections

Wales and West Utilities: No objections

RSPB: No reply

Director of Airspace Policy: No reply

Welsh Water: No reply

Ministry of Defence: No objections

Head of Engineering and Transport (Highways): No objections

Head of Transport and Highways (Drainage): No objections

Biodiversity Unit: No objections

Footpaths: No objections

Pollution Control: No objections

Contaminated Land: No objections

Bridgend County Borough Council: Object to the development on the following summarised grounds:

- Maesteg Town Council raises concerns in respect of:-
 - Transport and highway disruption in the Valley during the installation and maintenance
 - Visual impact on the valley
 - Bridleways and footpaths will also be affected and must be maintained
- Bridgend County Borough Council concluded that although the landscape character area is a large-scale landscape with some existing development such as pylons, telecommunications masts and views of nearby development may indicate reduced sensitivity to wind energy development, namely:
 - The distinctive undulating upland topography, with largely undeveloped skyline forming a backdrop to views from nearby settlements.
 - Panoramic views from high ridgelines in the south of the County Borough
 - The scenic qualities of the upland landscape, traditionally grazed by sheep with high levels of tranquillity and predominantly pastoral landscape contributing to a locally valued rural character.

The Council (Bridgend) has suggested consideration should be given to either removing turbines 1, 2, 7 and 8 or repositioning the turbines towards the north of the site.

REPRESENTATIONS

The proposal was originally advertised by means of a press notice and the posting of 6 site notices.

In response, to date 3 letters of objection have been received objecting to the proposal for the following reasons:

- There are already too many turbines planned for this valley. The beautiful area is being spoiled by these “inefficient, ugly machines”
- Foel Trawsant is a designated Special Landscape Area which should have protected status. The wind turbines of 120m will be visible for many miles across a wide area due to the topography of the site. The Environmental Statement states that two Special Landscape Areas will “sustain significant effects”. There are a substantial number of properties in close proximity to the proposed development whose amenity will be adversely affected.
- Negative impact on tourism, biodiversity, access, visual amenity and the cumulative impact of existing wind farms.

Assessment

Having regard to the aims and objectives of the Adopted Local Development Plan, and National Planning Policy guidance, it is considered that the main issue in the determination of this application concern the landscape and visual impact of the proposed turbines on the character and appearance of the area. In addition, matters relating to ecology, heritage assets and the cultural heritage, 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.

Planning 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 9, November 2016)

Planning Policy Wales (PPW) sets out the land use planning policies of the Welsh Government (WG), and is supplemented by a series of Technical Advice Notes (TANs). PPW 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”.

PPW 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).

At paragraph 12.8.5 PPW advises¹ Local Planning Authorities, particularly those containing Strategic Search Areas (SSAs), should take the Welsh Government’s imperative for renewable energy into account. (emphasis added)

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

¹ In relation to “consultations for large scale onshore wind considered by the National Infrastructure Directorate within PINS” – i.e. ‘Developments of National Significance’ (DNS)

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](#)

PPW8 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.

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. The proposed turbines are located within two of three highest ranking zones in the TAN 8 Annex D Study. These are zones considered necessary to meet the (original) TAN 8 target of 2010. These are zones considered suitable as '*large scale, high relief landscapes capable of accommodating very large scale wind turbines*'

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 (2016) calls for a holistic design response to sustainable development. In doing so, the delivery of good design should be fit for purpose and delivers environmental sustainability, economic development and social inclusion. It calls for an interactive approach involving a proactive planning system with consideration given to such issues as landscape design, 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 18: Transport (2007) explains how transport impacts should be assessed and mitigated.

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

While outlining the maximum installation capacities for SSAs (which can be seen to be higher than the indicative capacities outlined in TAN8), he 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.”

Development Plan Policy

Adopted Local Development Plan (LDP)

The existing Development Plan comprises the Neath Port Talbot County Borough Council Local Development Plan (LDP) which was adopted in January 2016 and covers the period 2011-2026. The Development Plan is the primary document for consideration of land use planning in the County Borough, within which the following Policies are of relevance: -

- **Policy SP18** **Renewable and Low Carbon Energy**
A proportionate contribution to meeting national renewable energy targets and energy efficiency targets will be made while balancing the impact of development on the environment and communities.
- **Policy RE1** **Criteria for the Assessment of Renewable and Low Carbon Energy Development**
- **Policy SP1** **Climate Change**
The causes and consequences of climate change will be addressed.
- **Policy SP4** **Infrastructure**
Developments will be expected to make efficient use of existing infrastructure and where required make adequate provision for new infrastructure,

ensuring that there are no detrimental effects on the area and community.

- **Policy SP14** [The Countryside and the Undeveloped Coast](#)
The countryside and the undeveloped coast will be protected and where possible enhanced through the designation and protection of special landscape areas.
- **Policy SP15** [Biodiversity and Geodiversity](#)
Important habitats, species and sites of geological interest will be protected, conserved, enhanced and managed.
- **Policy SP16** [Environmental Protection](#)
Air, water and ground quality and the environment generally will be protected and where feasible improved.
- **Policy SP20** [Transport Network](#)
The transport system and infrastructure will be developed in a safe, efficient and sustainable manner.

Topic based Policies

- **Policy EN2** [Special Landscape Areas](#)
EN2/3 - Vale of Neath
- **Policy EN6** [Important Biodiversity and Geodiversity Sites](#)
- **Policy EN7** [Important Natural Features](#)
- **Policy EN8** [Pollution and Land Stability](#)
- **Policy TR2** [Design and Access of New Development](#)
- **Policy BE1** [Design](#)

Principle of Development

As noted above, Strategic Policy SP18 states that “a proportionate contribution to meeting national renewable energy targets and energy efficiency targets will be made while balancing the impact of development on the environment and communities”. **Policy RE1** then provides the following criterion-based policy which allows an assessment of the impacts of proposals for Renewable and Low Carbon Energy development.

Proposals for renewable and low carbon energy development will only be permitted subject to the following criteria:

1. Large scale wind farm developments (>25MW) will be expected to be located within the boundaries of the refined Strategic Search Areas.
2. Proposals for wind farms of any size outside the SSAs will only be permitted where it is demonstrated that there will be no unacceptable impact on visual amenity or landscape character through the number, scale, size, design and siting of turbines and associated infrastructure.
3. Small scale wind farm developments (<5MW) will be required to demonstrate that impacts are confined to the local scale.
4. All renewable energy or low carbon energy development proposals will be required to demonstrate that:
 - (a) Measures have been taken to minimise impacts on visual amenity and the natural environment;
 - (b) There will be no unacceptable impacts on residential amenity;
 - (c) The development will not compromise highway safety;
 - (d) The development would not interfere with radar, air traffic control systems, telecommunications links, television reception, radio communication and emergency services communications; and
 - (e) There are satisfactory proposals in place for site restoration as appropriate.

All of the proposed wind turbines are located within the 'refined' SSA 'F' boundary identified within the adopted Local Development Plan, and accordingly it is considered that the principle of such renewables development is acceptable under Policy RE1 subject to a detailed assessment of the 'acceptability' of the impacts. This is assessed in turn below, with the 'planning balance', having regard to need, considered subsequently.

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.

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.

Although no longer in effect or able to be afforded weight, the Council's previous Interim Planning Guidance (under the UDP) differentiated between the level of effects – prominent, dominant and overwhelming. Prominent was considered to mean something that can be seen and identified in the landscape without the need for closer examination; 'dominant' to describe the situation where that object draws the observer's eye to the extent that little else is seen, even in an attractive landscape; and 'Overwhelming' to 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 were stated as 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.

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.

Landscape Impact

There are a number of landscape assessment studies which have been carried out within the County Borough including the site. These include LANDMAP 2004, Landscape Assessment based on LANDMAP (2004) and TAN8 SSA refinement study.

In respect of the LANDMAP visual and sensory aspect, the site lies within the Foel Trawsnant Special Landscape Area (Policy EN2 refers) which is designated due to its high value landscape in terms of its underlying geology, cultural and historic heritage, ecology, visual amenity and sense of place.

When considering its impact the Planning Department must consider the effects on the site itself, Landscape Designations and residential visual amenity.

The proposal will generate some significant landscape effects due to the contrasting scale, form and movements of the turbines. The characteristics of the site however, are such that these effects would be limited to the site itself and open areas within approximately 1km where intervening topography would allow one or more turbines to be discernible. These discernible vantage points are restricted to seven open areas with all but one of the viewpoints located in the neighbouring borough of Bridgend. That being said whilst it is acknowledged that there would be significant landscape effects at these locations, no areas will experience above negligible magnitudes of landscape change.

Following consultation with the neighbouring borough of Bridgend the following visual amenity objection was received:

“The development is located in close proximity to populated areas on an elevated site above Nantyfyllon, Caerau and Maesteg. The turbines by virtue of their size, scale and appearance will represent an incongruous and dominating feature within the landscape and surrounding area and will be detrimental to visual amenity. As such the development is contrary to national policy in Planning Policy Wales and Technical Advice Notes 8 and Policies EN18 and SP2 of the Bridgend Local Development Plan.”

In response to this, the landscape assessment has considered the potential for effects on landscape features and elements as a result of

the operation of the windfarm, landscape designations and LANDMAP areas, and concluded that there will be significant landscape effects to just four of these 92 receptors, all of which are local to the development site, namely:-

- Local landscape designations- Neath Port Talbot Special Landscape Area 6: Foel Trawsnant;
- Local landscape designations- Bridgend Special Landscape Area 1: Foel y Dyffryn;
- Visual and sensory aspect areas- CynonVS473: Mynydd Baedan (northern part only); and
- Visual and sensory aspect areas- NPTVS358: Foel Trawsnant.

With regard to the Special Landscape Area designation within NPT, it is notable that the Strategic Search Area within the LDP was designated (refined from the TAN8 boundary) in full knowledge of the local landscape character, such that there was a degree of expectation that large-scale renewables infrastructure would be acceptable in principle in this area, not least due to its time limited (temporary) nature. In this regard, while there would undoubtedly be significant impacts on the landscape, they would nevertheless comply with the objectives of Policy RE1.

The area predicted to sustain significant landscape effects as a result of the development lies adjacent to SSA F, with neither the Foel y Dyffryn SLA nor the northern-most part of the Llangynwyd Rolling uplands LCA extending beyond approximately 1km from the SSA boundary. As such, the level of landscape effect arising from Foel Trawsnant Wind Farm is considered to be generally in accordance with the expectations of Welsh national policy. That significant landscape effects would be restricted to the immediate environs of SSA F is a reflection of the appropriateness of siting of the wind farm set back from the plateau edge to the east and the effectiveness of this design in limiting potential landscape effects.

Visual Impacts

The Bridgend Council objection goes into further detail to explain areas where the visual affect is considered to be negatively dominant. Specifically three destinations; Caerau, Nantyffyllon and the Public right of way on Mynydd Pwll yr Iwrch. This report responds to these concerns below:

Caerau

The viewpoint taken from the elevated location at the eastern end of the Blaencaerau estate represents the clearest viewpoint within the settlement. This view could be experienced from 11 of the most elevated properties. The photomontage however illustrates that the appearance of a wind farm in these views would not conform to the definition of dominant used in the Bridgend Councils response. It is considered, whilst highly prominent, at a distance of 2.4km, the influence of the turbines would not be such that it would subjugate that of all the other urban and rural elements in these views. As far as all the other viewpoints are concerned within the settlement, none qualify as having the potential for significant effects.

Nantylfyllon

The LVIA within the ES clearly states that even in the most clearest views at this location it is unlikely that more than the upper parts of two or possibly three wind turbines would be available. Once again no significant effects were predicted by these detailed assessments.

Other Visual Receptors / Public Right of Way

The assessment has noted that effects upon other visual receptors, including long-distance walking and cycle routes, settlements and tourist/recreation locations would be significant from locations along a maximum of 6 km of the route shared by two regional trails (Coed Morgannwg Way and St.Illtyd's Way), from less than 1 km of a national cycle route, from three of the 15 locally promoted mountain biking and walking routes and from some of the PRow's and open access areas within 3 km of the proposal site.

While the impacts on these receptors has been assessed as being likely to sustain significant level of visual effect, this is to be expected for this scale of development. In this respect, whilst it is accepted that the wind farm would be highly prominent, it is not considered that the influence of the turbines would be such that it would subjugate that of all the other urban and rural elements in the expansive views available from this location. The significance of these impacts is also considered below as part of the overall 'planning balance'

Other matters

Reference has been that significant landscape effects are expected in the SSA. Bridgend however has not undertaken its assessment having regard to the need to balance these inherent effects with the benefits of renewable energy. Moreover, Bridgend Council also refers to how consent for Foel Trawsnant would see an exceedance of capacity with SSA F. The issues of capacity and deliverability have been covered extensively earlier in this appraisal.

National Landscape Designations

The most extensive national landscape designation in the defined study area is the Brecon Beacons National Park over half of whose area is located within it. However, the ES states that the operation of the proposed development would have minimum effects upon the National Park and its key characteristics, due to a minimum separation distance of 14km and the low level of potential visibility from locations within the National Park. The turbine array would be discernible from less than 6% of the National Parks total area, with separation distances in excess of 17km, such that the distant presence of the turbines could only ever result in minor incremental effects in the National Parks southern setting. This assessment is accepted.

With regard to the two national designations that are found in the Gower, Officers accept the conclusions that : the separation distance of at least 25 km would be sufficient to ensure a minimal presence for the development; that the low level of the Glamorgan Heritage Coasts would ensure that the proposed turbine array could only be discernible from a moderate proportion of the Heritage Coast; that a minimum separation of 17km would result in the turbines only ever being very minor landscape elements; and their location to the north would ensure that they would not affect the key relationship between the seascapes and the coast.

Cumulative effects

The ES includes a cumulative assessment of impacts in order to evaluate the effects that could be generated were Foel Trawsnant Wind Farm to become operational along with some or all of the other wind farms that are either already operational, have been consented or are proposed i.e. within the planning system, in an extended 60 km radius cumulative study area.

Wind farms that fall within the scope of the cumulative assessment are as follows:

- Ffynnon Oer: 16 operational turbines, 91m high, approximately 3km to the north.
- Pen y Cymoedd: 76 consented turbines, 145m high, a minimum of 3km to the north and extending to the northeast
- Afan Llynfi: 12 consented turbines, 118m high, 4 km to the east
- Mynydd Brombil: 5 proposed turbines, 100m high, 7 km to the southwest.

The applicant's assessment concludes that, given the separation distances between wind farm developments, "the relationship between the other wind farms in this scenario and Foel Trawsnant Wind Farm would be too weak to give rise to any significant cumulative landscape effects". With regards cumulative visual effects, potential visual interactions between the developments at Foel Trawsnant and Mynydd Marchywel and Mynydd Brombil have been assessed as not being significant, either due to intervening forestry or built form, or separation distances. It is therefore concluded that the introduction of Foel Trawsnant Wind Farm into this scenario would not result in any significant cumulative effects.

The influence of the proposed turbines upon the surrounding landscape and upon views would be limited. Whilst significant effects would occur (as is almost inevitable with commercial-scale wind turbines), such effects would be localised in extent and the incremental influence of the turbines upon the wider landscape would not be notable. As such, the presence of the thirteen proposed turbines at Foel Trawsnant would not exceed the capacity of the landscape to accommodate such development and would also be in accordance with the implicit objective of TAN 8 to accept landscape change within and immediately adjacent to SSAs.

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 residential visual assessment for Foel Trawsnant Wind Farm includes 14 groups of residential properties and seven more isolated individual properties, totalling 115 residential properties which could experience significant effects on views as a result of the operation of Foel Trawsnant Wind Farm.

This, however, is considered to represent a small number of properties when placed in the context of the relatively densely populated nature of the surrounding area - there are approximately 2,000 residential properties within 1.5 km of a proposed turbine location. Moreover, the applicants have submitted a detailed review of potential effects upon ‘residential visual amenity’ at these properties which considers the full range of views likely to be available to residents in the closest properties, including from inside properties and from gardens.

Having regard to the above, whilst it is acknowledged that the number of turbines which would be visible will vary depending on the location of the properties, this detailed assessment concludes that no residential properties would sustain effects upon their residential visual amenity such that the proposed turbines could be considered to be overbearing. Accordingly, Officers have concluded that the impacts on individual properties would 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”.

Summary of landscape and visual effects

The applicants have concluded that “the influence of the proposed turbines upon the surrounding landscape and upon views would be limited. Whilst significant effects would occur (as is almost inevitable with commercial-scale wind turbines), such effects would be localised in extent and the incremental influence of the turbines upon the wider landscape would not be notable. As such, the presence of the thirteen

proposed turbines at Foel Trawsnant would not exceed the capacity of the landscape to accommodate such development”.

Having regard to the above, it is considered that there would be some significant adverse effects both on the landscape and on visual amenity. The site is, however, located within a Strategic Search area (SSA F) where the implicit objective of TAN 8 is to accept landscape change, and Plict RE1 seeks to direct such large-scale renewables development. In this respect, while the planning balance will be assessed below, it is considered that the impacts of development on the area are, given the scale of the proposal, relatively limited and in line with expectations for such renewables development.

Noise Assessment

Noise issues relating to the potential impact of this wind farm scheme have been assessed in the ES, with operational noise assessed in accordance with the ETSU-R-97 Guidance for the daytime period, as recommended by Technical Advice Note 8 (TAN8).

The assessment modelled the predicted noise levels at eight residential properties in the area surrounding the site of the proposed wind turbines, and concluded that the operational noise levels from the wind farm would lie within the noise limits prescribed by the ETSU Guidance. It thus concluded that the relatively high separation distances between the construction activities and the nearest receptors is sufficient to ensure that any construction or decommissioning noise effects will be minimised. A cumulative assessment of the proposed development and Ffynnon Oer Wind Farm, Pen y Cymoedd Wind Farm, and Llynfi Afan Renewable Energy Park similarly demonstrated that all projects can operate concurrently without creating a significant noise effect at the nearest sensitive receptors.

The Head of Public Protection (Noise) has reviewed the submitted ES and concluded that they do not object to the proposal subject to conditions that will control noise levels during construction and operation of the development. As such the development subject to these conditions is not considered to have an adverse impact on the nearest residential properties.

Transport Assessment

Site Access

A Route Assessment Study (RAS) and Traffic Management Plan (TMP) accompanied the application and informed the choice of access to the site proposed via two transport routes. The first route is for the Abnormal Indivisible Loads (AIL's) and would be from the ports at Swansea or Port Talbot onto the M4 (junction 36) continuing north on the A4063 into Maesteg Town Centre and onto the B4282.

While HGVs can also use the first route, an alternative second route will be for general construction traffic (Heavy Goods Vehicles) directly from Junction 40 of the M4 onto the A4107, through Bryn. The highest concentration of HGV related to concrete and stone would be rerouted through the A4063 relative to the location of local quarries and batching plants. With regard to concrete / aggregate suppliers, a desk top study was undertaken by the applicant to identify potential local sites. The nearest four sites were identified as:

- *Green Circle Quarry (located east of Bridgend) – 14.6 miles from the site;*
- *Tarmac – Cornelly Quarry (South of Pyle) – 14.5 miles from the site;*
- *Tarmac - (South of Bridgend) - 13.1 miles from the site; and*
- *Minimix - Ewenny Quarry (South of Bridgend) 13.6 miles from site.*

The most direct access route for these suppliers is travelling to the site on route one (A4063/B4282).

The above provides two potential local sources of concrete and four potential sources of stone. The applicant has stressed that the requirements of the CTMP in terms of routing etc. would be followed in all cases. Nevertheless, the Planning Department believe it is important to attach a condition which requires full details of the source of the material and route taken to ensure highway and pedestrian safety is maintained at all times.

In this respect, Implementation of a Traffic Management Plan (TMP) as amended – detailing measures including temporary road signage, construction traffic routing, timing of deliveries, parking, trial runs - will seek to minimise adverse effects.

Impacts on Highway Network

In terms of impacts on traffic, it is considered that during the operational phase once the wind turbines are functional that the amount of traffic associated with the scheme would be minimal.

Until such time however, the construction activities will be restricted on site to Sundays and Bank holidays and outside the hours of 07.00 to 19.00 Mondays to Fridays on 08.00 to 13.00 on Saturdays.

The submitted Transport Assessment has been based on a 'worst case' scenario of all aggregate being imported by road, and no use of on site excavated material. As noted above, the exact source of material has not been identified to date but will be controlled through condition.

The total number of movements (in/out) is stated as 5126 (of which 143 are one-way AILs for turbine delivery – 286 total including return trip), the majority relating to delivery of stone and concrete.

A 12 month construction programme is expected, with total monthly movements ranging from 28 to 1132. The maximum traffic impact will be construction month 9 concerning concrete deliveries. During this month on four non-consecutive days 128 two way HGV trips are predicted on each working day.

Turbine delivery will take place during months 6-9; during these months there will be 11 AIL movements per turbine (22 2-way movements, albeit no longer than an AIL). It is anticipated that three turbines would be delivered to site during months 6, 7 and 8, and four turbines during month 9. Therefore, the maximum number of AIL (one way) movements in one month would be 44 during month 9. Based on a 22-day month (as used in the TMP and ES assessments) this would equate to 2 AIL movements per day although this may vary depending on agreements with South Wales Police, the South Wales Trunk Road Agency, Neath Port Talbot CBC and Bridgend CBC.

Post Construction

Visits to the site to carry out preventative and reactive maintenance shall only amount to one or two visits per week. It is the construction period whereby environmental effects from traffic may be anticipated.

Head of Engineering and Transport Assessment

In view of the above the supporting documents have been carefully considered by the Head of Engineering and Transport (Highways) who has confirmed that they do not object to the proposal.

They have requested that conditions be imposed to ensure that delivery routes are undertaken in accordance with the Construction Management Plan and mitigation for the control of abnormal traffic flows and the maintenance of the road condition.

Bridgend County Borough Council has commented on the proposed delivery route of the abnormal loads being located in Maesteg. They have expressed concerns with regard to the suitability of the route and the road networks actual capacity to accommodate the construction traffic. In the consultee response they have highlighted what they consider to be potential issues and have suggested potential mitigation. That being said, Neath Port Talbot Council is of the understanding that discussions have taken place between the applicant and the neighbouring Local Authority. The Head of Engineering and Transport (Highways) offers no comment on issues outside the borough.

It is therefore concluded that the proposal during the construction, operational and decommissioning phases of the wind farm there will not be any unacceptable impact upon highway and pedestrian safety which cannot be mitigated by condition.

Shadow Flicker:

In terms of shadow flicker, the ES confirms that potential effects were considered at the scoping stage.

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 confirms that up to 66 properties have been identified which have the potential to experience some level of shadow flicker. Therefore mitigation measures should be put in place to switch off turbines during conditions when shadow flicker may occur, thus protecting residential amenity. In order to ensure that the proposal will

not result in adverse impacts on residential amenity it is considered that an adequately worded condition to prevent shadow flicker from the development be added to the decision notice should planning permission be granted.

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 and ornithology chapter of the ES required further information in relation to Honey Buzzards and clarification in respect of the analysis of results and the impact assessment, together with further information in relation to mitigation, compensation and enhancement proposals. This additional information was duly provided by the applicant.

In conclusion, it is considered that the original ES and the subsequent information demonstrate 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 conditions and S106 requirements and appropriate mitigation measures and positive habitat management will outweigh any negative ecological effects of the proposal. Some of the ecological mitigation will need to be undertaken via a S106 agreement as the applicant has outlined the application boundary in yellow which has no designation in planning terms. The yellow boundary is within the control of the applicant. The use of appropriate mitigation and pollution controls is supported by NRW. The development is therefore considered to accord with Policies SP15, SP16 and EN6 of the Adopted Local Development Plan.

Human Environment and Land Use Assessment

Land Use (Socio-Economic, Tourism and Recreation)

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 walkers 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. It has been confirmed by our Right of Way Officer that footpaths 26 and 40, Bridleway 39 and byway 37 enter and skirt the site. An adequately worded condition detailing the requirements for a scheme to protect the bridleway and public rights of way shall be submitted to the Local Planning Authority and an informative will be added to the decision notice.

Hydrology and Surface Water Assessment

The applicant has undertaken a full hydrology assessment and the project assumptions and mitigations are clearly outlined within the ES. NRW and the Council's Drainage section have indicated that they do not object to the proposal subject to adequate measures being put in place to ensure that there are no adverse impacts on surface water drainage. In order to ensure that appropriate measures are put in place a condition is recommended requiring approval of a construction method statement which will include a requirement for full drainage scheme.

Cultural Heritage and Archaeology

Cultural Heritage has been extensively covered within the ES. In summary, there are no Registered Parks and Gardens within 5km of the proposed development, there are however 24 Listed Buildings within 2km of the application site. The ES has concluded that given the distance, intervening topography, vegetation cover and other developments the impact of the turbines on their setting will be, at most low, which is a conclusion shared by CADW, the Cultural Heritage statutory consultee.

With regard to archaeology, in order to ensure the impact on the archaeological resource is minimised a condition requiring the applicant to submit a written scheme of investigation for a programme of work to protect the resource will be attached to any consent granted.

Telecommunications and Aviation Assessment:

As part of the iterative design process the applicant has taken into account effects on aviation and electromagnetic interference. No objection has been received from OFCOM and the MOD, whilst no comments have been received from CAA. It is therefore considered that the proposal will not have a detrimental impact on telecommunications and aviation.

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

The earlier parts of this assessment have concluded that there would be some significant impacts arising from this development. These impacts are assessed below having regard to the benefits of renewable energy, and in the context of Policy RE1 which requires that there are no ‘unacceptable impacts’.

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 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 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 39 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.

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 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 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). 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**”*.

In this case, the application site is located inside of the TAN 8 SSA boundary and the refined SSA identified in the adopted LDP. 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". This refinement process has been formally ratified through the adopted LDP.

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

The balance struck by national planning policy is reflected in adopted LDP policy, primarily through **Policy RE1 – Criteria for the Assessment of Renewable and Low Carbon Energy Development** – which supports the need for renewable energy in locations where development does not have unacceptable impacts and emphasises the need, when appraising and determining such proposals, to satisfy all the specified criteria which include the need to minimise impact on visual amenity, the natural environment, residential amenity, highway safety and the proposal would not interfere with radar, air traffic control, telecommunications, television reception or radio communications.

Onshore Wind - Current Need / Provision

While the Secretary of State (SoS), Amber Rudd, in announcing the end of new subsidies for onshore wind on 18th June 2015, stated that "*we now have enough onshore wind in the pipeline for onshore wind to play a significant part in meeting our renewable energy commitments*", the Welsh Government remain committed to the delivery of renewable energy through suitably deployed wind farms.

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 2016 TAN 8 Review of Wind Farm Development confirms that there was (at April 2016) a total of **938.6 MW** of operational or consented wind power within SSAs with a further **147.5MW** outside

SSAs (all relating to post-2005 / TAN8 approvals). Pre-2005 operational farms add a further 293.8MW (116.7MW within SSAs and 177.1MW outside) to the total. A further 637.4 MW (430MW within SSAs) was ‘awaiting determination’

This demonstrates that Wales is being reasonably successful in bringing forward appropriate onshore wind projects within SSAs, but there remains a need for new windfarms to meet national targets.

Current Position in respect of SSA F

Based on the WG 2016 Update the current position (at April 2016) in SSA F is as follows: -

Awaiting Determination (MW)	Consented (MW)	operational		Grand Total (MW)
		pre-2005	post-2005	
63.0	237.0	32.0	86.5	418.5

The ‘operational and consented’ Post-2005 total within SSA ‘F’ at April 2016 is **332.5MW**, which is some way short of the maximum capacity (430 MW) identified in the Ministerial Letter dated July 2011.

In NPT we have also resolved to grant planning permission at Melin Court (ref. **P2014/0883** - subject to s106) for 5 turbines with a maximum generating capacity of 18MW.

Even taking into account this resolution, however, there remains ‘headroom’ within SSA ‘F’ before the maximum capacity (430 MW) identified in the Ministerial Letter dated July 2011 is reached.

In the context of this need and the levels of harm identified in this report it is concluded that the benefits of the proposal in meeting the acknowledged need for further onshore wind energy, which is a policy imperative of Welsh Government, positively weighs in the planning balance. Therefore, it is considered that the site’s location in SSA F, means that it 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.

It is therefore concluded that there is an overriding need for this development, and any benefits in terms of additional energy generation would outweigh any harm identified earlier in this report in respect of landscape, visual and ecology matters.

For this reason, the proposal accords with Policies SP4, TR2, BE1, EN6 and EN7 but also Policy RE1 – Criteria for the Assessment of Renewable and Low Carbon Energy Development – given that the impacts of the development would be acceptable, in themselves and within the wider context of the generally permissive policy approach towards renewables.

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.

Notwithstanding the above, for Members’ information the applicant has had extensive and positive discussions with the Council regarding community benefit, which is expected to result in a contribution of £5000 per installed MW per year (amounting to up to £195k per year) which will be secured through a separate community legal agreement.

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.

Having regard to the landscape and visual impacts identified earlier in this report and the location of the proposed windfarm, it is considered that the siting of the turbines would have significant landscape and visual impacts, nevertheless the level of harm associated with the development would be outweighed by its contribution to the target for wind energy production.

The proposal is therefore considered to accord with Planning Policy Wales, TAN8: Renewable Energy, and Policies SP1, SP4, SP15, SP16, SP18, SP20 TR2, BE1, SP18, RE1, EN6, EN7, and EN8 of the Neath Port Talbot Adopted Local Development Plan.

Recommendation: **APPROVAL** subject to a section 106 agreement with the following heads of terms:

1. To ensure the completion of ecological works which includes the following:
 - The submission of Habitat Management Plan (HMP). The HMP shall be substantially in accordance with the Outline Habitat Management Plan dated July 2016 and implemented within the site boundary area marked on Figure 3.1 of that document for a minimum of 15 years after commissioning of the wind farm, and shall include, although not limited to:
 - Details of all habitat creation and management works, including locations and methods.
 - Details and programme of ecological mitigation and enhancement success monitoring including habitat and species monitoring; along with details mechanisms to undertake remedial action if significant issues are reported by monitoring.
 - Details of bird monitoring in line with the Scottish Natural Heritage Guidance on Methods for Monitoring Bird Populations at Onshore Wind Farms 2009

- Details of bat monitoring in line with the most up to date guidelines
- The developer, or landowner where most appropriate, shall undertake the works detailed in the HMP and shall ensure that appropriate funds are available to do so.
- An ecological steering group shall be set up to advise on the HMP works; this shall include representatives from Pennant Walters (FoelT) Ltd and NPTCBC. Details of the terms of reference for the group shall be included in the HMP. The group shall meet a minimum of once every 2 years starting the first year of HMP implementation.

2. To secure a bond to cover the scenario that the applicant cannot fulfil its obligation for the decommissioning of the scheme.

And the following conditions:

CONDITIONS

Time Limit Conditions

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

Reason

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

Approved Plans

(2) The development shall be carried out in accordance with the following approved plans and documents:

- Site Location 24311 Shr294a
- Planning Application Boundary 24311 Shr312
- Typical Wind Turbine 24311 Shr281
- Site Access Plan 24311 Shr282
- Site Road Cross Section 24311 Shr283
- Culvert Detail 24311 Shr2844
- Turbine Pad Foundation 24311 Shr285
- Crane Hardstanding 24311 Shr286
- Cable Trench Detail 24311 Shr287
- Site Control Building and Substation Compound 24311 Shr288
- Environmental Statement
- Planning Statement

- Design and Access Statement
- Non Technical Summary

Reason

In the interests of clarity.

Pre-Commencement Conditions

(3) Before beginning any development at the site, you must do the following: -

a) Notify the Local Planning Authority in writing that you intend to commence development by submitting a Formal Notice under Article 24B of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 (DMPWO) in the form set out in Schedule 5A (a newly inserted Schedule) of the DMPWO (or in a form substantially to the like effect); and

b) Display a Site Notice (as required by Section 71ZB of the 1990 Act) in the form set out in Schedule 5B (a newly inserted Schedule) of the DMPWO (or in a form substantially to the like effect), such Notice to be firmly affixed and displayed in a prominent place, be legible and easily visible, and be printed on durable material. Such Notice must thereafter be displayed at all times when development is being carried out.

Reason:

To comply with procedural requirements in accordance with Article 24B of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 (DMPWO) and Section 71ZB of the Town and Country Planning Act 1990.

NOTE: Templates of the required Notice and Site Notice are available to download at www.npt.gov.uk/planning

(4) No development shall take place, including vegetation clearance, until such time as a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall provide full details of the works to be undertaken including the construction timetable, details of the means of avoidance and mitigation of any impacts on species and habitats as set out in table 9.9 in the Environmental Statement and throughout the Further Ecological Information dated July 2016, and the pollution prevention measures to be implemented during the site preparation and construction phases of the development. The CEMP shall be implemented as approved.

Reason

In the interest of the environment / ecology

(5) Notwithstanding the submitted Constructed Transport Management Plan (CTMP), no development shall commence until an amended CTMP, to include full details of the source of aggregate/concrete/materials and their associated transport route, has been submitted to and approved in writing by the local planning authority. Development shall only be undertaken in full accordance with the approved CTMP.

Reason

In the interest of highway safety

(6) No development shall commence on site until such time as a scheme detailing a programme for updating the bird surveys has been submitted to and approved in writing by the local planning authority, and all such survey work has been undertaken in accordance with an agreed timetable.

Reason: In the interest of ecology, to ensure an appropriate monitoring baseline is available

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

Reason

In the interest of aviation safety

(8) No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Local Planning Authority.

Reason

To identify and record any features of archaeological interest discovered during the works, in order to mitigate the impact of the works on the archaeological resource.

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

- A full drainage scheme for the management of surface water. This shall detail both the temporary and permanent drainage strategy and include details of the hydraulic calculations to control flow rates and detail measures to be implemented.
- Details of the timing of the works and methods of working for cable trenches and foundation works
- Disposal of surplus material
- The construction of the access into the site and the creation and maintenance of the visibility splays and to include temporary speed reduction measures in the vicinity of the site access
- Wheel cleaning facilities
- Arrangements for keeping the site entrance and adjacent public highway clean.
- All activities associated with the construction of the development shall be carried out in accordance with British Standard 5228, 2009: Code of Practice for Noise and Vibration Control on Construction and Open Sites -Part 1 -Noise, Part 2 - Vibration.
- A scheme for the protection and conservation of soil at the site in order to prevent pollution of the water environment. The scheme shall include the pollution prevention techniques to be deployed during the construction and restoration phase.

- Details of the timing of works and methods of working for cable trenches and foundation works.
- Details of the timing of works and construction of construction compound and substation
- Dust management.
- Disposal of surplus materials.
- A construction noise management plan (including identification of access routes, locations of materials lay-down areas, details of equipment to be employed, operations to be carried out, mitigation measures and a scheme for the monitoring of noise).
- Temporary site illumination.
- Post-construction restoration and reinstatement of the working areas including removal of construction equipment and the construction compound.
- Details of any proposed temporary site compounds for storage of materials, machinery and operative/visitor parking within the site, to include the siting of temporary buildings and all means of enclosure and oil/fuel and chemical storage.
- Details of the method of borrow pit working including means of extraction, handling, storage and re use of soil, drainage control and restoration.
- A scheme for recycling/disposing of waste resulting from construction works.
- Arrangements to prevent wildlife becoming trapped in excavation works.
- Programme of works
- Working site speed limit

Reason

In the interest of highway safety and to prevent pollution and to avoid damage to the natural environment.

(10) No works hereby permitted shall be commenced until a surface water drainage strategy has been implemented in accordance with details that shall first have been submitted to and approved in writing by the local planning authority. Before these details are submitted an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system in accordance with the principles set out in Appendix 4 of TAN 15 (or any subsequent version), and the results of the assessment provided to the local planning authority. The drainage strategy shall include:

- i. provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
- ii. Include a timetable for its implementation; and
- iii. Provide a management and maintenance plan for the lifetime of the development.

Reason

In the interest of good land drainage

(11) No development shall take place until a scheme for the protection of Public Rights of Way during the construction period within the site and including safety signage has been submitted to and approved in writing by the Local Planning Authority. During the construction period the development shall be carried out in accordance with the approved details.

Reason:

In the interest of safety and to protect rights of way.

Action Conditions

(12) None of the wind turbines hereby permitted shall be erected until a written scheme has been submitted to and approved in writing by the Local Planning Authority, setting out a protocol for the assessment of shadow flicker in the event of any complaint to the local planning authority from the owner or occupier of any dwelling (defined for the purposes of this condition as a building within Use Class C3 of the Use Classes Order) which lawfully exists or had planning permission at the date of this permission. The written scheme shall be implemented in accordance with the approved details.

Reason

To ensure that shadow flicker does not unacceptably affect existing residents.

(13) The permission hereby granted shall endure for a period of 25 years from the date when electricity is first exported from any wind turbine. Written confirmation of the first export date shall be sent to Local Planning Authority within one month of the first export date.

Reason

In the interest of visual amenity and safety

(14) Any micro-siting of turbines, associated infrastructure and tracks shall minimise impacts on S7/BAP habitats and avoid deep peat deposits no greater than 0.5m in depth.

Reason

In the interest of ecology

(15) The development shall be carried out in substantial accordance with the principles and mitigation measures as set out within the Environmental Statement and Supplementary Environmental Information accompanying the application.

Reason

The proposed development is the subject of an Environmental Impact Assessment and due regard must be had to the principle impacts of the development in the preparation of detailed design and the operation of the site. Any material alteration to the proposal may have an impact which has not been assessed by the process.

(16) Prior to the erection of any turbine, details of the external finish of the turbines hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason

In the interest of visual amenity.

(17) Within 25 calendar years from the date when electricity is first generated to the grid, or within 12 months of cessation of electricity generation by the wind farm facility, whichever is sooner, the wind farm and all associated works/equipment shall be dismantled and removed from the site and the land restored to its former condition in accordance with the decommissioning and site restoration scheme as approved by the Local Planning Authority.

Reason

In the interest of visual amenity

(18) No later than 12 months before the expiry date of the planning permission hereby granted a decommissioning and site restoration scheme shall be resubmitted to and approved in writing by the Local Planning Authority. The scheme shall include:

- Details of the removal of all the wind turbines and the surface elements of the development plus one metre of the turbine bases below ground level
- A de-construction method statement

- Details of measures to prevent/minimise impacts upon important habitats and species
- Details of all habitat restoration measures including methods and any seed mixes.

The scheme shall be fully implemented as approved.

Reason

To ensure the development is properly decommissioned after it ceases to generate electricity and site reinstated.

(19) If during the course of development, any unexpected land instability issues are found which were not previously identified, measures for their remediation in the form of a remediation scheme shall be submitted to and approved in writing by the Local Planning Authority. The remediation of the site shall incorporate the approved measures which shall be retained thereafter.

Reason

In the interest of safety.

(20) In the event of any wind turbine failing to produce electricity supplied to the local grid for a continuous period of 12 months, then it will be deemed to have ceased to be required, the turbine and its ancillary equipment shall be dismantled and removed from site within 3 months of the deemed cessation date and site restored to its former condition.

Reason

In the interest of visual amenity

(21) The blades of all the wind turbines shall rotate in the same direction.

Reason

In the interest of visual amenity

(22) Unless required for health and safety purposes, or for aviation purposes, no part of the Development shall display any name, logo, sign or advertisement or means of illumination without the prior written approval of the Local Planning Authority.

Reason

In the interest of visual amenity and safety

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

Reason

In the interests of the character and appearance, as well as the biodiversity of the area.

(24) In line with item 4.6 of the Construction Traffic Management Plan there shall be no HGV movements through the village of Bryn between 08.15 to 09.15 and 15.00 to 16.00 hours

Reason

In the interest of highway safety

(25) All vehicular movements shall be in accordance with the Construction Traffic Management Plan dated 15th August 2014.

Reason

In the interest of highway safety

(26) Any gate or barrier erected across the main access off the B4282 shall be set back a minimum 20 metres from the nearest edge of the metalled highway.

Reason

In the interest of highway safety.

(27) The proposed access of the B4282 shall be metalled for the first 20 metres measured back from back edge of highway and provide with drainage to prevent surface water discharging onto or over the highway.

Reason

In the interest of highway safety

(28) The level of noise emissions generated by the operation of the Development, hereby approved, measured at dwellings which lawfully exist or having planning permission for construction at the date of this permission, and when determined in accordance with the attached guidance notes, shall not exceed the values set out in Table 1 or Table 2 (as appropriate) when measured and calculated in accordance with the attached Guidance Notes. The coordinate locations to be used in determining the location of each of the dwellings listed in Tables 1 and 2 shall be those listed in Table 3 (Refer to appendix A). No electricity

shall be exported until the wind farm operator has submitted to the Local Planning Authority for written approval additional background noise data for receptors at Nant-yr-Hwyaid Farm and Tycanol, and the level of noise emissions set out in Tables 1 and 2 amended as necessary. The developer shall submit a scheme under this condition for the approval in writing of the Local Planning Authority:

i. The wind farm operator shall continuously log power production, wind speed and wind direction, all in accordance with Guidance Note 1(d). This data shall be retained for a period of not less than 24 months. The wind farm operator shall provide this information in the format set out in Guidance Note 1€ to the Local Planning Authority on its request, within 14 days of receipt in writing of such a request.

li. No electricity shall be exported until the wind farm operator has submitted to the Local Planning Authority for written approval a list of proposed independent consultants who may undertake compliance measures in accordance with this condition. Amendments to the list of approved consultants shall be made only with the prior written approval of the Local Planning Authority.

lii. The commissioning of the development shall not take place until details of a nominated company representative (including arrangements for notifying and approving a subsequent change in nominated representative) have been submitted to and approved in writing by the Local Planning Authority. The nominated representative shall also have responsibility for liaison with the Local Planning Authority in connection with any noise complaint(s) made during the operation of the development;

iv. Within 21 days from receipt of a written request from the Local Planning Authority following a complaint to it from an occupant of a dwelling alleging noise disturbance at that dwelling, the wind farm operator shall, at its own expense, employ a consultant approved by the Local Planning Authority to assess the level of noise emissions from the wind farm at the complainant's property in accordance with the procedures described in the attached guidance notes. The written request from the Local Planning Authority shall set out at least the date, time and location that the complaint relates to and any identified atmospheric conditions, including wind direction.

V. Prior to the submission of the independent consultant's assessment of the rating level of noise emissions, the wind farm operator shall

submit to the Local Planning Authority for written approval a proposed assessment protocol, as developed in association with the independent consultant. The protocol shall include the proposed measurement location identified in accordance with the Guidance Notes where measurements for compliance checking purposes shall be undertaken and also the range of meteorological and operational conditions (which shall include the range of wind speeds, wind directions, power generation and times of day) to determine the assessment of rating level of noise emissions. The proposed range of conditions shall be those which prevailed during times when the complainant alleges there was disturbance due to noise, having regard to the written request of the Local Planning Authority under Paragraph iv, and such others as the independent consultant considers likely to result in a breach of the noise limits. The assessment of the rating level of noise emissions shall be undertaken in accordance with the assessment protocol approved in writing by the Local Planning Authority.

Vi. Where a dwelling to which a complaint is related is not covered by the levels listed in the Tables in Appendix A, the noise limits shall be those of the physically closest location. For such dwellings, the wind farm operator may submit to the Local Planning Authority for written approval proposed noise limits selected from the values, to be adopted at the complainant's dwelling for compliance checking purposes. The rating level of noise emissions resulting from the combined effects of the wind turbines when determined in accordance with the attached Guidance Notes shall not exceed the noise limits approved in writing by the Local Planning Authority for the complainant's dwelling.

Vii. The wind farm operator shall provide to the Local Planning Authority the independent consultant's assessment of the rating level of noise emissions undertaken in accordance with the Guidance Notes within 2 months of the date of the written request of the Local Planning Authority for compliance measures to be made under paragraph iv, unless the time limit is extended in writing by the Local Planning Authority. The assessment shall include all data collected for the purposes of undertaking the compliance measures, such data to be provided in the format set out in Guidance Note 1e of the Guidance Notes. The instrumentation used to undertake the measurements shall be calibrated in accordance with Guidance Note 1a and certificates of calibration shall be submitted to the Local Planning Authority with the independent consultant's assessment of the rating level of noise emissions.

Reason

In the interest of residential amenity.

(29) All cabling within the site shall be installed underground. Any variation shall be submitted to and approved in writing by the Local Planning Authority before development commences.

Reason: In the interests of visual amenity.

REASON FOR GRANTING PLANNING PERMISSION

The decision to grant planning permission has been taken in accordance with Section 38 of the Planning and Compulsory Purchase Act 2004, which requires that, in determining a planning application the determination must be in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan comprises the Neath Port Talbot Local Development Plan adopted January 2016

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.

Having regard to the landscape and visual impacts identified earlier in this report and the location of the proposed windfarm, it is considered that the siting of the turbines would have significant landscape and visual impacts, the level of harm associated with the development would be outweighed its contribution to the target for wind energy production.

The proposal is considered to accord with Planning Policy Wales 2016, TAN8: Renewable Energy, policies SP1, SP4, SP15, SP16, SP18, SP20 TR2, BE1, SP18, RE1, EN6, EN7, EN8 of the Neath Port Talbot Adopted Local Development Plan.