Town and Country Planning Act 1990 (as amended)

The Developments of National Significance (Wales) Regulations 2016 (as amended)

The Developments of National Significance (Procedure) (Wales) Order 2016 (as amended)

Application by Rhoscrowther Wind Farm Limited

Land off Refinery Road, Hundleton, Pembrokeshire

Local Impact Report

Pembrokeshire County Council

10th January 2022

Contents

Glossary

DNS	Development of National Significance
EIA	Environmental Impact Assessment
ES	Environmental Statement
HER	Historic Environment Record
HRA	Habitat Regulations Assessment
HWEZ	Haven Waterway Enterprise Zone
LDP	Local Development Plan for Pembrokeshire (Adopted 28th February 2013)
LIR	Local Impact Report
LPA	Local Planning Authority
LSVIA	Landscape and Seascape Visual Impact Assessment
NRW	Natural Resources Wales
PCC	Pembrokeshire County Council
PCNP	Pembrokeshire Coast National Park
PCNPA	Pembrokeshire Coast National Park Authority
PEDW	Planning and Environment Decisions Wales
PCNT	Pembrokeshire Coast National Trail
SAC	Special Area of Conservation
SPA	Special Protection Area
SSSI	Site of Special Scientific Interest
TA	Transport Assessment
The Proposal	Construction and operation of three (3) wind turbines with maximum tip height of 135m together with ancillary development comprising substation compound, electricity transformers, control building, new site entrances, access tracks, crane hardstanding, temporary construction

	compound and associated works. The 3 turbines will have a total installed capacity of 12.9MW
The Regulations	Town and Country Planning, Wales - The Developments of National Significance (Wales) Regulations 2016 (as amended)
The Order	Town and Country Planning, Wales - The Developments of National Significance (Procedure) (Wales) Order 2016 (as amended)
The Site	Application Site - Land off Refinery Road, Hundleton, Pembrokeshire
ZTV	Zone of Theoretical Visibility

1. Introduction

1.1 In accordance with The Order, this LIR includes an analysis of likely impacts and an assessment of how these relate to local planning policies, a description of the planning history of the site, the identification of local designations, and recommendations for planning conditions (and, if considered necessary, planning obligations) as well as evidence of the requisite publicity required to be undertaken by the LPA.

1.2 In accordance with guidance issued by PEDW, the LIR has not examined the relationship with national policy and guidance but instead is focussed specifically on establishing the degree of local impact in relation to the main planning issues, having regard also to the local planning policy context. For each topic, in accordance with guidance, impacts have been expressed in terms of whether they are positive, neutral or negative; with the degree of impact, where relevant, being expressed as major, moderate or minor. However, in accordance with PEDW guidance, the LIR does not contain a balancing exercise between positives and negatives, nor does it come to a conclusion on the relative merits of the development itself.

2. Summary

2.1 There is in-principle local planning policy support for renewable energy development that would contribute to meeting obligations and policy objectives aimed at significantly increasing energy production from renewable sources. This sits within a local planning policy context whereby due consideration should be given to the impact upon the environment and local communities, particularly on designated areas and particularly to avoid irreversible harmful effects on the natural environment.

2.2 This LIR will identify major negative local impacts that relate to visual and landscape effects and the effect on the historic environment. As such the Development would fail to accord with policies GN.1 and GN.38 for the reasons addressed in this report. Furthermore, the Development would fail to comply with Policy GN.4 as the objective of delivering renewable energy development through environmentally acceptable solutions would not be achieved. In addition the development would not accord with Policy SP 16 which seeks to protect the landscape and natural and built environment of Pembrokeshire and adjoining areas.

2.3 Overall the impacts on biodiversity are unlikely to be significant and may be compliant with local LDP policy. However to have confidence in this conclusion further information is needed as recommended in this LIR. Other environmental effects are identified in the LIR albeit that these can be mitigated by the imposition of planning conditions.

3. Proposed Development

3.1 The development consists of three wind turbines, each with a height of up to 135m to tip. Each turbine would have a total installed capacity of up to 4.3MW. The turbines would be connected by underground electrical cables together with communication and low voltage cables. A hard core track used for construction of the turbines and to provide access for maintenance would be constructed extending to approximately 1.3km in length. In addition to the turbines, an electrical sub-station (48m x 25m) and a control building (9m x 9m) are proposed. The substation and control building would be located adjacent to the new western entrance. The applicant proposes a 50 metre micro-siting allowance for the turbines, access tracks and other infrastructure.

3.2 The application states that no specific make or model of turbine is being applied for, although visualisation and noise calculations are based on a Vestas V117 4.3MW model which the application states is a standard turbine within the class that it is intended to use. The turbines would be up to 76.5m to hub height, the blades would have a swept diameter of approximately 117m giving a maximum tip height of 135m. The turbine base would be cast from concrete and would be circular with a radius of approximately 16m to 18m.

3.3 During construction, a working area would be defined at each turbine base location to facilitate delivery and erection. The typical area extends to circa 60m x 25m. Hardstandings would be created next to the turbine bases and would be used as lay-down areas and as stable platforms for cranes and other vehicles to operate during construction activities. Turning heads would be required at Turbine 3 (T3) to allow the trailers to turn after being offloaded.

3.4 Underground electricity cables are to be installed in trenches to both supply electricity to the turbines and deliver the generated electricity to the sub-station.

3.5 On-site temporary works would be required and would include the formation of a site compound, the location of which would be adjacent to the easternmost site entrance. Office, storage and staff welfare facilities would be provided in modular-type accommodation.

3.6 Access to the site would be gained via two new entrances off the unclassified road to the north of the site.

4. Publicity

4.1 By official notice of acceptance letter dated 22nd November 2021, PEDW required the site notices (copies of which were included with that letter) to be erected in at least one place on or near the land to which the application relates and for a period of not less than 30 days. Site notices were erected at three locations on 22nd November 2021. The site notices remained for at least 30 days. Therefore, the LPA submits that they have complied with Regulation 19 of The Order.

4.2 The appendix to this report includes a copy of the site notice, a plan indicating the location of the site notices, and photographs of the site notices at each location. Therefore, the LPA submits that they have complied with Regulation 25 (2) (c) of The Order.

4.3 The LPA can also confirm that the documents required to be placed on the planning register, and described in PEDW official notice of acceptance letter dated 22nd November 2021, were placed on the planning register within the required 5 working days. Therefore, the LPA submits that they have complied with Regulation 20 of The Order.

5. Site & Surroundings

5.1 The Site occupies an area of approximately 11 hectares on land near to the village of Rhoscrowther, 9km west of Pembroke and 4km east of Angle. The site is within countryside to the south of the Haven Waterway in an area characterised by undulating farmland, dotted with farmsteads and occasional buildings sited alone or grouped in small clusters. It is located on the slopes of a shallow valley between two gently rolling low ridgelines that run east/west with the ridgeline to the north rising to approximately 63m AOD and that to the south rising to approximately 59m AOD. A stream passing through the site drains into the sea in Angle Bay approximately 1.3km to the west. There are some small ponds and a small patch of broadleaved woodland and marshy areas associated with this stream but the rest of the Site is a mix of improved grassland and arable land within a semi-regular pattern of small and medium sized fields bounded mainly by hedgerows.

5.2 The Valero Oil Refinery (the refinery) is located to the north of the site on rising land. It is a large industrial complex which includes six stacks up to 169m high, with buildings, a multitude of tanks, pipework, gantries and other structures including extensive car parking. There are solar farms at Hoplass and Wogaston Farms to the south east of the site and slightly further afield to the north east is the Pembroke Power Station (the power station) and electricity transmission lines. To the west of the site on the shores of Angle Bay are the remains of the former BP Oil Storage site.

5.3 The Site lies close to the boundary of the Pembrokeshire Coast National Park (PCNP). The boundary runs in a north-south direction a short distance to the west of the site, encompassing the eastern margins of Angle Bay and continuing south and east to include the Angle Peninsula and Freshwater West. The nearest turbine would be located approximately 700m from the PCNP boundary to the west.

5.4 There are no dwellings within the site. There are sporadic dwellings, including farmsteads, in the surrounding area including a cluster of properties at Wallaston Green and on the lane which runs to the south of the site. As a result of an incident at the refinery in the early 1990s most of the residents moved out of the village and many of the properties have been demolished. It is understood that only one dwelling in Rhoscrowther remains occupied.

5.5 There are no public rights of way across the Site. However, there is a network of rural roads in the surrounding area which includes the B4320, the main road between Pembroke and Angle, and the minor roads to the north and south of the site boundary, the former also providing access to the refinery. Other public rights of way in the area include the Pembrokeshire Coast National Trail (PCNT) that is also part of the Wales Coastal Path.

6. Relevant Planning History

Application Site

6.1 An application was refused planning permission on 21st January 2015 ("the previous application") for the following development on the same site as currently proposed:

> *Installation of 5 wind turbines (59m to hub height, 100m to blade tip height) together with ancillary development of substation, control building, accesses and tracks, hard standing and associated works*

There were two reasons for refusal:

1. The proposed development will result in a significant adverse visual amenity and landscape character impact (including on the historic environment and Pembrokeshire Coast National Park). As such, the proposal fails to accord with policies SP 16 (The Countryside), GN.1 (General Development Policy), GN.4 (Resource Efficiency and Renewable and Low-Carbon Energy Proposals) and GN.38 (Protection and Enhancement of the Historic Environment) of the Local Development Plan (adopted 28th February 2013), as well as related national planning policy. The level of adverse impact is not outweighed by planning policy objectives in relation to renewable energy development.

2. Available evidence supports the likelihood that important archaeological remains exist. The application does not include an archaeological field evaluation, the absence of which fails to accord with Planning Policy Wales (Edition 7) and WO Circular 60/96. Furthermore, the protection of a site of archaeological importance cannot be confirmed and, as such, the proposal fails to accord with policy GN.38 of the Local Development Plan (adopted 28th February 2013).

6.2 A subsequent appeal under ref. APP/N6845/A/15/3025045 was refused by the relevant Welsh Minister on 20th April 2018. The overall conclusion in that decision was:

- *The Inspector is of the view the proposed development would cause substantial harm to landscape character and visual amenity in respect of significant parts of the nearby PCNP. The Inspector considers the existence of the refinery close to the site does not alleviate this visual harm, instead the proposal would substantially extend the current envelope of prominent development away from the Haven Waterway and into the relatively narrow buffer of the countryside bordering the PCNP. The Inspector concludes the scheme would have a visually harmful effect, rather than one of beneficial co-location (IR298). I agree with the Inspector.*
- *The statutory purposes of the National Park designation, in terms of conserving and enhancing its natural beauty, wildlife and cultural heritage, also fail to be considered. This duty applies to activities affecting the National Parks, whether those activities lie within or outside the designated area. In the light of this duty the Inspector attaches particular importance to the objective of protecting landscape character, quality and diversity in relation to the special qualities of the PCNP, as set out in the criterion 3 of Policy GN.1 of the LDP. The Inspector is of the view the proposal would not satisfy this policy requirement (IR299).*
- *In respect of the historic environment, the Inspector concludes the proposal would cause substantial harm to the setting of St Decumanus Church, the cross shaft and the church hall. She also considers there would be a limited adverse effect on the setting of Eastington Manor. Wallaston Round Burrows and Corston Beacon Round Burrow (IR300).*
- *The inspector has paid special regard to the desirability of preserving the setting of any listed building affected by the development and due to this statutory requirement the inspector is of the view the substantial harm identified to St Decumanus carries particular weight. The lesser harm to Eastington Manor, Wallaston Round Barrows and Corston*

Beacon Round Barrow also weighs in the balance. Overall the inspector considers the harm of the interests of heritage assets weigh significantly against the development. The inspector concludes the proposal would conflict with Policy GN.38 of the LDP which seeks to safeguard the settings of sites and landscape of architectural and/or historical merit (IR301). I agree with the inspector.

- *In light of the above, the inspector concludes the development would fail to comply with Policy GN.4 of the LDP as the objective of delivering renewable energy development through environmentally acceptable solutions would not be achieved. In addition the development would not accord with Policy SP 16 which seeks to protect the landscape and natural and built environment of Pembrokeshire and adjoining areas (IR302). I agree with the inspector.*
- *The inspector is of the view the proposal would bring substantial benefits arising from the delivery of the electrical power from a low carbon renewable source equivalent to the consumption of about 7000 homes and the consequent reduction in CO2 emissions throughout the operational life of the development. It would also help substantially towards meeting Government targets in relation to these matters. The inspector also acknowledges there are socio-economic benefits which would derive from the scheme, both locally and more widely across the county and beyond. These benefits are all important considerations, supported by the positive overall thrust of policy towards renewable energy production, including onshore wind and the inspector attributes significant weight to them in support of the appeal (IR303).*
- *However, on balance the inspector considers the harm which would be caused by the development clearly outweighs the benefits it would bring. Whilst the inspector acknowledges the omission of turbine 4 would reduce the level of harm, she does not consider it would be sufficient to outweigh the harm identified. Furthermore, it would result in the production of less electricity and would not achieve the reduction in level in CO2 emissions estimated for the five turbine scheme. The inspector has taken all other matters raised into account and finds nothing of any weight to justify altering her conclusion (IR 304)*

- *I remain committed to increasing renewable energy production in Wales. However, I recognise renewable generation must be in appropriate sites at an appropriate scale. I accept, in this case ,the harm identified by the inspector outweighs the benefit the proposal would bring in terms of renewable energy generation.*

Within Locality

6.3 With regard to applications for wind turbine development near the application site:

- Planning permission was refused at appeal for 3 turbines (73m to blade tip, total output 2.25MW) on 16th August 2001 on land at Wogaston Farm (to the south-east of the appeal site) (PINS ref. APPN6845/A/00/1050866; LPA ref. 99/0697/PA).
- Planning permission was refused at appeal on 31st July 2014 for a single turbine (39m to blade tip) at Broomhill Farm, Angle (within the National Park) (PINS ref. APP/L9503/A/13/2210821; PCNPA ref. NP/13/0325).
- Planning permission was refused at appeal on 24th August 2015 for the erection of 2No. wind turbines (35.5m to blade tip) on land south of the B4320 (to the south-east of the current appeal site) (PINS ref. APP/N6845/A/15/3018498; LPA ref.14/0781/PA).
- Planning permission was refused on 9th September 2015 for the erection of one 100kw wind turbine (24.5m to hub, 35.5m to blade tip) with associated infrastructure on land west of Wogaston Farm, Rhoscrowther (LPA ref. 15/0353/PA).

6.4 Planning permission was approved at appeal for a solar photovoltaic park (11 hectares; 5MW) on 16th April 2014 on land at Wogaston Farm (LPA ref.12/0906/PA). Planning permission was approved at appeal for a solar photovoltaic park (19.4 hectares; 10MW) on 16th April 2014 on land at Hoplass Farm (to the south-east of the current application site) (LPA ref.12/1000/PA). Both consents have been implemented.

6.5 As part of a development for an electricity interconnector linking the existing electricity grids in Great Britain and the Republic of Ireland (Greenlink), planning permissions were approved on 11th August 2020 for:

- Installation of underground electricity cables (including below ground jointing bays and three above ground link pillars) and underground fibre optic cables; temporary construction compound and construction haul roads; and permanent upgrade to existing Lambeeth Farm access road along a linear route extending from land at Neath Farm to the South of the existing National Grid Substation associated with Pembroke Power Station (LPA Ref.20/0044/PA).

- Development of a converter station and upgraded permanent access road from Wallaston Cross to the converter station. Plus associated landscaping, drainage and other supporting infrastructure associated with the development on land south of Pembroke Power Station, Lambeeth Farm (LPA ref.20/0041/PA). Reserved Matters Consent was approved on 22nd December 2021 (LPA ref. 21/0660/PA).

Details of the above planning permissions can be found at http://planning.pembrokeshire.gov.uk/swiftlg/apas/run/wphappcriteria.display under the above planning application references. The underground cable route would extend from Freshwater West to the proposed converter station. A separate full application has been approved by PCNPA for the approximate 3.2km of cable route between Freshwater West and Neath Farm that is within their jurisdiction.

6.6 Blue Gem Wind Ltd has very recently applied to the Welsh Ministers under Section 36 of the Electricity Act 1989, to construct and operate an offshore generating station, with deemed planning permission for the associated onshore transmission infrastructure (Erebus Floating Offshore Wind Farm). It is understood that the onshore infrastructure is to comprise a cable route to a new substation to the south of the converter station approved by reason of LPA

ref.20/0041/PA consent, albeit that it is understood that application has yet to be validated.

6.7 The LPA has received a pre-application enquiry (in relation to a DNS development) for a proposed solar farm and battery energy storage system (50MW export capacity). The solar farm is proposed to occupy land to the south of the application site and to the west of the existing solar farms referred to above. At the time of writing this pre-application had not been made valid by the receipt of the requisite fee.

6.8 For the avoidance of doubt, at para.5.6 of the ES Technical Summary it is stated "there is one permitted (but not yet built) renewable energy scheme (Blackberry Lane Solar Farm) which will be located to the east of Cosheston on the far east of the 11km study area. It will be located on the edge of the National Park and in the same landscape character area (LCA25) as the Development". This application was actually refused by the Minister for Climate Change on 27th October 2021 (DNS/3245065).

7. Local Planning Policy

7.1 The Development Plan for the area is the Local Development Plan (LDP) "Planning Pembrokeshire's Future (up to 2021)" that was adopted on 28th February 2013. The LDP relates to the County of Pembrokeshire excluding the area of Pembrokeshire Coast National Park (that is subject to its own LDP). The most relevant references and policies from the LDP, for the purposes of this appeal, are described below. The LDP can be found at https://www.pembrokeshire.gov.uk/local-development-plan.

7.2 The LDP provides the policy context for directing development to appropriate locations, conserving the natural, built and historic environment and providing a basis for rational and consistent decision-making on planning applications. Its overarching objective is to contribute to the achievement of sustainable development. Many of the LDP policies are inter-related and several policies relate to this case. As described in the LDP, it should be read as a whole (and used in conjunction with national policy and guidance, and local SPG).

7.3 The LDP recognises that Pembrokeshire is a predominantly rural county, with a strong maritime influence and has a history of development based on agriculture, tourism, defence, energy and port activities centred on the Milford Haven Waterway. The unique environment and strong sense of community is recognised as attractive to both residents and visitors, and provides a distinctive sense of place. Whilst the LDP recognises that the Pembrokeshire ports and the Haven Waterway are international assets, important to the future energy security of the UK, throughout the LDP it is also recognised that such development needs to be sensitively planned so that an appropriate balance between delivering acceptable development and protecting the environment, in the interests of securing the overarching objective of sustainable development, can be achieved.

7.4 The LDP Vision describes the type of place the Council would like Pembrokeshire to be in 2021.

"To ensure that Pembrokeshire is prosperous and that it remains vibrant and special by creating: a network of strong urban and rural communities in Hub Towns, Service Centres, Service and Local Villages supported by a robust, sustainable, diverse high value-adding economy underpinned by the Area's unique environment, maritime access to the Milford Haven Waterway and Fishguard Harbour and internationally important energy and tourism opportunities."

7.5 The key principle to deliver the LDP is identified as being sustainable development; the objectives that underpin this principle and the vision are identified. The key objectives, and how these are to be delivered, that are of most relevance to the determination of this application, are:

- The need to mitigate and respond to climate change (and thus to promote power generated from renewable resources).

To be delivered by criteria based policies to assess whether proposals are appropriate in nature and location.

- The need to protect (and enhance) the natural and built environment (including to conserve and enhance the historic environment and protect landscape, biodiversity and habitats).

To be delivered by criteria based policies and monitored to ensure that landscape quality, diversity and distinctiveness is maintained and a flourishing historic and built environment delivered.

Strategic Policies

7.6 The LDP Strategy is designed to deliver the Vision for Pembrokeshire, meet the objectives of the LDP and respond to the issues identified to deliver sustainable development. The strategy focuses on enabling development in accordance with the identified objectives. The Strategy is implemented

through development(s) that comply with 16 strategic policies; these are then supported by a number of general policies (and allocations). The strategic policies that are of most relevance to the appeal are described below.

7.7 The LDP recognises that the County has significant potential to provide energy from renewable sources and aims to encourage further use of renewables to produce energy in order to contribute to meeting government targets. Policies SP 1 (Sustainable Development) and SP 16 (The Countryside) both aim to ensure that sustainable development is achieved whilst protecting the landscape, and natural and built environment of Pembrokeshire and adjoining areas.

7.8 Policy SP 1 requires all development to demonstrate how positive economic, social and environmental impacts will be achieved and adverse impacts minimised. The main strategic drivers in relation to the Development are the obligations and national planning policy relating to the need for a greater proportion of energy production to be delivered from renewable sources. Delivering such development has wider social and economic advantages that are described in the relevant national policy and guidance. However, this LIR will conclude that environmental effects, most relevantly visual and landscape impact and effects on the historic environment, are not minimised.

7.9 Policy SP 2 (Port and Energy Related Development) is supportive of the principle of energy related development at the Port of Milford Haven. Notwithstanding the site's location within the HWEZ, the application site is not within the Port of Milford Haven policy SP 2 area.

General Policies

7.10 Of most relevance are policies GN.1 (General Development Policy), GN.4 (Resource Efficiency and Renewable and Low-Carbon Energy Proposals),

GN.37 (Protection & Enhancement of Biodiversity) and GN.38 (Protection and Enhancement of the Historic Environment).

7.11 Policy GN.1 provides a framework for the evaluation of potential development impacts. Policy GN.1 states that development will be permitted where the nature, location, siting and scale of the proposed development is compatible with the capacity and character of the site and the area within which it is located; and it would not adversely affect landscape character, quality or diversity; including the special qualities of the PCNP.

7.12 Policy GN.4 supports development which enables the supply of renewable energy through environmentally acceptable solutions. The development would clearly enable the supply of a greater proportion of renewable energy that is explicitly supported by reason of policy GN.4 but, in order to be acceptable, this must be achieved by “environmentally acceptable solutions”.

7.13 In combination, policies GN.1 and GN.4 support renewable energy developments through environmentally acceptable solutions. Policies GN.1 and GN.4 should be accorded equal weight. Normally with a planning application to be considered by the LPA, assessment against policy GN.1 needs to be weighed against establishing whether the scheme is ‘environmentally acceptable’ for the purposes of policy GN.4 that ‘aims to encourage further use of renewables’.

7.14 The accompanying text to LDP policy indicates that LANDMAP will be a relevant tool to be used in the decision making process. The accompanying text to Policy GN.4 states that landscape impact, individually and cumulatively, will clearly be a material consideration in the evaluation of renewable energy proposals. Establishing the level of impact including direct visual effects and impact on landscape character & specific designations is therefore critical.

7.15 Policy GN.1 also requires development to respect and protect “the natural environment including protected habitats and species”. Policy GN.37 (Protection & Enhancement of Biodiversity) states that development should demonstrate a positive approach to maintaining (and, wherever possible, enhancing) biodiversity; “development that would disturb or otherwise harm protected species or their habitats … will only be permitted in exceptional circumstances where the effects are minimised or mitigated through careful design, work scheduling or other appropriate measures”.

7.16 Policy GN.38 (Protection and Enhancement of the Historic Environment) states that any development that affects sites and landscapes of architectural and/or historical merit or archaeological importance, or their setting, will only be permitted if their character and integrity is protected or enhanced.

7.17 The LDP, in text that supports policy GN.38, recognises that Pembrokeshire has a rich and varied historic environment made up of architectural, historical and archaeological features that are integral to its quality and distinctiveness. The historic environment is seen as enhancing the quality of life, forging cultural identity and community cohesion, and is a major asset to Pembrokeshire’s visitor economy. The LDP recognises that the special qualities of the historic environment can be derived from numerous other factors, in addition to those listed in formal designations, including the visual composition of the landscape. As well as the focus on the protection of statutorily designated sites, the LDP seeks to ensure that necessary change is accommodated without sacrificing the essential integrity, coherence and character of the landscape and will have particular regard to potential developments that, alone or in combination, would have a significant impact on landscapes including those on the Register of Landscapes of Historic Interest in Wales.

Relevant SPG

7.18 A Renewable Energy SPG was adopted in October 2016. It elaborates on LDP policies seeking to balance the benefits that renewable energy development can have against the need to protect the natural and historic environment. It focuses primarily on solar, wind and biomass energy. The aim of the SPG is to assist and guide applicants and agents regarding information required at pre-application and planning application stages; assist case officers and planning committee members in making informed decisions on renewable energy applications; and to help ensure that the benefits resulting from renewable energy generation are balanced with economic, social and amenity impacts on local communities, and with environmental effects, including those on biodiversity and visual and landscape considerations. The SPG can be found at https://www.pembrokeshire.gov.uk/adopted-local-development-plan/ldp-supplementary-planning-guidance.

7.19 Proximity to the PCNP and / or whether it is likely to be clearly visible from PCNP locations is identified as a specific issue within the SPG with "special consideration" needed if the proposal is visible from prominent or well-used locations within the PCNP and if the proposal is likely to have effects on the 'special qualities' of the PCNP. Cultural and historic environment considerations are also identified within the SPG with special regard needed in respect of the visual impact of a proposal and its proximity to listed buildings (and their setting) and conservation areas.

7.20 The Consultation Draft Cumulative Impact of Wind Turbines SPG was issued for consultation 7th January 2022 by Pembrokeshire County Council and Pembrokeshire Coast National Park. Whilst of limited weight at this stage, the LPA will provide an update in respect of prospective adoption in due course and how it relates to this application. A copy of the draft SPG can be found at https://www.pembrokeshire.gov.uk/adopted-local-development-plan/ldp-supplementary-planning-guidance.

Statutory Provisions

7.21 In addition to policy GN.38, when assessing the effect of development on the historic environment, the Listed Buildings and Conservation Areas Act 1990 places a duty, in respect of listed buildings, to 'have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest it possesses' (and, in respect of conservation areas, to '... preserving or enhancing the character or appearance of that area'). In discharging this duty the Courts have recently emphasised that this special regard should be accorded considerable importance when weighing this factor in the balance with other material considerations that have not been given this special statutory status.

7.22 The listed buildings most affected are St Decumanus Church, Church Hall and Churchyard Cross (Church Grade I listed; Church Hall and Churchyard Cross Grade II listed), a group at Rhoscrowther, to the west of the appeal site) and Eastington Manor House (a Grade I listed building and Scheduled Ancient Monument) and Eastington Farmhouse (a Grade II listed building) located north west of the appeal site. The conservation area affected by the Development is Angle Conservation Area (the conservation area). Both Eastington Manor House and Eastington Farmhouse, and Angle Conservation Area, are situated within the PCNP.

7.23 PPW states that there exists a presumption in favour of the protection of the setting of Scheduled Ancient Monuments (SAMs). The Ancient Monuments and Archaeological Areas Act 1979 also seeks the protection of ancient monuments, both scheduled and unscheduled, but only in terms of direct impacts on the monuments themselves. Whilst the Act is silent on the matter of the protection of the setting of SAMs, PPW nevertheless states "the desirability of preserving an ancient monument and its setting is a material consideration in determining a planning application, whether that monument is scheduled or unscheduled". The impact of a development on the setting of a SAM is a material consideration (reflected in LDP policy

GN.38). Those SAMs most affected are Wallaston Round Barrows and Corston Beacon Round Barrow to the south-east of the Site and Eastington Manor House (also a Grade I listed building) to the north-west of the Site.

Other SPG

7.24 As well as the Renewable Energy SPG (October 2016), there are also adopted SPGs in relation to Biodiversity and the Historic Environment (Archaeology). These can be found at https://www.pembrokeshire.gov.uk/adopted-local-development-plan/ldp-supplementary-planning-guidance.

Replacement Local Development Plan

7.25 PCC is currently reviewing its LDP. The new Plan, LDP2, reached the Deposit stage in 2020 with a full draft made available for public consultation that ran from 15 January 2020 to 18 March 2020. In response to the current Covid-19 pandemic and associated Welsh Government guidance, PCC prepared a Covid-19 Impact Assessment (October 2020), is reviewing some parts of the evidence base for the new Plan and has published an amended Delivery Agreement (which was approved by PCC on 8th October 2020 and by Welsh Government on 30th October 2020). There have since been further delays resulting from the ongoing impacts of Covid-19 and the need to address other emerging issues such as the phosphate issue within certain river catchment areas and thus there is a pause on further progress. The current LDP will remain in force until LDP2 is adopted.

8. Landscape & Visual Effects

Site and Context

8.1 The Site is set within a relatively well defined gently rolling valley of pastoral landscape, with a small stream traversing the valley bottom. Narrow roads define the north, west and southern boundaries and hedgerows, ponds and small pockets of woodland are contained within the site. Beyond the Site immediately to the west is the village of Rhoscrowther, clustered around the listed St Decumanus Church, with a village hall and a few remaining houses (only one of which is still occupied).

8.2 To the north is the refinery, a major industrial installation of complex structures featuring pipe-work, tall chimneys and storage tanks, which comes to the edge of the road most prominently along its western half; to the east its presence diminishes to a more dispersed development pattern and car parking. The eastern boundary runs along natural landscape features of the agricultural valley, which continues eastwards and narrows, concluding at Wallaston Cross.

8.3 Clustered close to the east of the refinery is the power station whose chimneys stand only half the height of the refinery's chimneys, and whose bulky buildings are largely visually contained by local landform and woodland. Overhead power lines feed into the power station and extend eastwards across the landscape. A small natural valley of pasture and woodland separates the two industrial complexes connecting to Milford Haven Waterway in the north, and seamlessly into the broader agricultural landscape to the south, east and west, and connecting to the north-east corner of the application site.

8.4 One kilometre to the south, and adjoining half of the western boundary of the site, is the PCNP which forms a narrow strip of rough agricultural land wrapping around the western side of the refinery. The PCNP extends south and westwards adopting roads and hedges for its boundary, but neither of

which provide any visible definition to distinguish it from non-National Park areas.

8.5 The industrial developments of the refinery and power station, whilst being visible across a wide area owing to their height, have very strong and well-contained boundaries. The refinery is visible in all directions across the county, owing particularly to its tall chimneys, whereas the power station being roughly half the height and situated at a lower elevation and more enveloped in the local landform is far less visible, particularly from the south. As a result of these features, the agricultural landscape runs abruptly up to the edges of both industrial complexes with which it has a clear and strong distinction.

8.6 Of note within the nearby agricultural landscape are two solar farms, at Wogaston and Hoplass, the latter being as close as one field away beyond the south-east corner of the Site. Whilst these developments have a broad 'footprint' they only rise to 3m above ground level, and therefore have only localised visual impact.

8.7 As well as the immediate context of agricultural landscape alongside heavy industry, the wider area is enveloped around the west, north and east by the Milford Haven Waterway, a Special Area of Conservation (SAC), and a Site of Special Scientific Interest (SSSI), primarily for water-related wildlife. Additionally, the coast that wraps around the south of the peninsula to just west of the site in Angle Bay is defined as a Heritage Coast. As well as these designations, as illustrated at Figure 5.6 of the ES showing the LANDMAP Historic Landscape, the Site lies within an area of high historic interest with areas of outstanding historic interest lying in relatively close proximity to the south-west and south. In combination it is evident that the immediate landscape context is one that has many riches.

8.8 Section 5.51 to 5.58 of the Landscape and Seascape Visual Impact Assessment (LSVIA) describes the presence and context of the HWEZ, within which the Site is situated. The ES points out that a focus for the

HWEZ is the energy and environment sector. The LPA wish to point out that alternative energy projects could be undertaken in the HWEZ that would not have such significant visual and landscape effects, that the merits of the proposal are not dependant on being within or outside of the HWEZ, and that the previous appeal decision made it very clear that the HWEZ is not planning policy.

Baseline

8.9 The existing baseline condition is discussed throughout Chapter 5 of the ES and paragraphs 5.88 to 5.93 refer to likely changes to the landscape baseline as a result of climate change, primarily looking at changes to farming practices and the natural vegetation. It concludes however that the assessment would not assume any significant changes and would be based on what is currently the landscape baseline. The LPA consider this the appropriate approach as long as there is no bias towards the development owing to it being a renewable energy project.

Format (of the ES)

8.10 It is considered prudent to comment on the format of the ES. The ES is a lengthy and detailed document but unfortunately no contents appear to have been provided to assist the reader in navigation or 'place-checking' and a hierarchy of paragraphs and sub-paragraphs is not established. Owing to the similar nature of analysis across many areas, categories and timescale, it is easy to lose one's place in terms of precisely what is being written-about; it is therefore easy to feel 'lost' in relation to what broader category is being examined. Much scrolling backwards and forwards is needed to check on the context of any particular element being read. The numbering system of paragraphs is also not strict which does not help with the navigation or referencing. The language used is well composed however, and the report exhibits a good depth of research behind much of the context.

Methodology

8.11 The LSVIA references professional guidance and legislation that is followed in paragraphs 5.9 and 5.10. A ‘road-map’ of how the assessment has been undertaken is outlined in 5.11 where it describes each stage. At the end of 5.11 it references Section 5.11 as being the Summary and Conclusions (elsewhere within the ES), so this might get confusing in the assessment’s structure as there appears to be some duplication in the numbering.

Study area

8.12 The zones assessed for consideration of immediate surroundings of the Site refer to an area up to approximately 1.5km from the proposed wind turbines. Several different study areas have been considered, extending to 1.5km (residential), 3km (local rights of way), 6km (landscape) and 11km (visual) from the proposed wind turbines, with all distances quoted being from the nearest proposed wind turbine, unless specified otherwise.

Assessment of landscape character and sensitivity

8.13 Analysis of existing landscape character areas, and seascape character areas commences at 5.85 using a summary box format which provides succinct summaries and provides links to other documents, and suggests brief conclusions as to whether the proposed development is likely to be compatible or not with the character (Tables 5.1 to 5.5). This is a well-presented format.

Effects on landscape character

8.14 It is considered that all effects of the imposition of new turbines into the baseline landscape are considered as adverse impacts, either at construction phase or operational phase of the project. The project life is expected to be 35 years, after which the turbines would be dismantled and the site reinstated back to agricultural land.

8.15 Effects on landscape character are introduced at 5.151 commencing with Landscape Fabric. Effects on Landscape Character Areas , both within the PCNP and outside of it are described, with the Construction Phase, Operational Phase, and Decommissioning Phases all individually analysed. The results are summarised in Table 5.8.

Effects on landscape fabric of the site itself

8.16 In the ES, the construction phase is considered to include some long-term loss of landscape fabric where entrances are made, and tracks and turbine positions occur (negative long-term impact) but it considers there are beneficial effects where planting of gaps in hedgerows takes place. Paragraph 5.154 suggests that “no important, mature, diverse or distinctive landscape components would be lost, the short-term adverse effects would be partially mitigated and there would be some beneficial effects. Therefore, there would not be a significant adverse effect on landscape fabric as a consequence of the construction phase.” Although taking issue with the degree of beneficial effects the LPA are in general agreement with this conclusion regarding the landscape fabric. During construction there would be short-term localised landscape character impacts owing to disturbed soil, construction compounds etc; there would be no further disturbance during the operational phase, and the decommissioning phase would see some of the effects reinstated back to farmland.

8.17 Construction phase effects would be generated by site equipment, tall structures and disturbance to the ground landscape and would be similarly visible to the Operational Phase of the turbines in magnitude, although they would be of a temporary nature. Tall cranes would be on site for approximately 2 weeks of the 10 month construction programme. There would be some similar effects for the Decommissioning Phase, which would ultimately lead to a reinstatement of the site to agricultural land.

Effects of construction (on landscape character)

8.18 The Transport Report (chapter 12 of the ES) identifies various temporary removals of street furniture, railings, poles and features along the swept path of the route, necessary to get the turbine components to site. It also suggests some removal of vegetation, but is not too specific about type and extent. Some of these removals will take place within Pembroke Conservation Area.

8.19 The construction at the Site will require the overall loss of 150m of hedgerows to accommodate entrances and on-site tracks. This loss would be compensated by gap planting of existing hedgerows to create a suggested 175m of new hedgerows. The LPA wish to point out that successful re-planting of gaps within existing hedges is proven to be difficult, and does not properly compensate for the loss of linear features, and the habitat value they accrue where sections of hedge are removed.

8.20 In the ES section describing embedded mitigation:

- Paragraph 5.114.iv describes the aviation warning light (if required by the MoD) would be " night vision goggle (NVG) compatible infra-red lighting, mounted on top of each nacelle and angled above the horizontal, so not visible to receptors in the surrounding area." This is welcomed by the LPA, and it is suggested that a condition be imposed (in the event of consent being granted) that no visible aviation warning lights be permitted, as these can be very imposing over a wide area.

- Paragraph 5.121.iii explains "three wind turbines – these would be up to 135m in height, adjacent to and well below the height of the nearby Valero Oil Refinery chimneys (up to 169m) and so would appear close to and smaller than the chimneys in views from most locations." The LPA considers this an over-simplification of the situation. No detailed breakdown or comparison is provided in relation to the chimneys, which would be useful when making associations with possible impacts and

comparisons of a general nature of appropriateness of the nearby siting, throughout the document.

- Paragraph 5.121.vi “earthworks - the cut and fill slopes would be seeded or topped with the site derived topsoil and allowed to re-seed from the seed bank within the soil.” This approach is welcomed by the LPA to hopefully encourage reinstated surfaces that would benefit local biodiversity and visually provide a best-fit with the surrounding areas. It is suggested that this be required via a condition.

8.21 In the section Theoretical Visibility Analysis at paragraph 5.126 aspects of the Zones of Theoretical Visibility (ZTV) are discussed:

- Paragraph 5.127 explains that the maps have been provided using digital terrain modelling based on landform-only, and that they do not take account of the screening effects of surface features such as trees, hedgerow and buildings. This is well understood, and it happens that some of the greatest impacts will be experienced by users of the area where the landscape is more open and hedges are either absent or meagre in size, or at distance or lower elevation and thus little screening is provided. This occurs between VP 5 and 16, particularly in the National Park stretch of the B4120. This is also experienced from longer views such as on the Coastal Path, examples being VP 4, 9, 12, 14, 15, where impacts are greater and considered significant

- Paragraphs 5.138 to 5.144 usefully provides some explanation of the effects of cumulative ZTV, and notes Figure 5.14 where these can be viewed in plan form. These plans can be difficult to understand and this short section is helpful in understanding what is presented graphically. Figure 5.14 indicates a lot of area will be subject to cumulative effects from the proposed development, and the existing turbines clustered around Milford Haven. It is considered by the LPA that more noticeable cumulative effects will be experienced at locations from VP 13 at Pennar Point in an arc north and westwards along the north side of The Haven

stretching west of Milford Haven to Herbranston. In this arc the scale of existing turbines is apparent and the proposed turbines are likely to be visible. It will be felt at specific VP 21 Pembroke Castle. This is not apparent from the photomontage provided, as it was not taken from the higher area of the keep, which is off the photo to the right. From there a greater panorama is achievable and specific impacts of individual developments more legible. Cumulative effects will also be evident at VP 20 Cleddau Bridge where the Wear Point turbines will be particularly notable, and at VP 10 Milford Haven. The Wear Point turbines are just outside of the sweep of the photomontage for VP10 but can be seen clearly in this link taken from Google Streetview:
https://www.instantstreetview.com/@51.710312,-5.027232,151.76h,-7.35p,0.02z,gehtNEHQJMOf_GJA1AcS_w
It should also be noted that although a VP was not adopted in the settlement of Neyland on the north shore of The Haven, the waterfront is a popular leisure location for locals and from which there would be cumulative effects, as can be conceived from the Google Streetview link:
https://www.instantstreetview.com/@51.706587,-4.953609,229.94h,-8.5p,1z,a1A0aYboRvA5ys_9scFh4Q

Viewpoint Analysis

8.22 Within the ES, assessment has been undertaken from individual viewpoints (VPs) from which an appreciation of landscape character is derived, and the findings summarised in Appendix 5.5 Table 1. A breakdown of approximately how the significant effects are felt (combining magnitude of effect with sensitivity of receptor) is outlined in paragraph 5.149 which makes the point that significant effects will be experienced as follows:

i. High sensitivity receptors (residents, walkers of coast path, visitors to recreational areas and routes within the National Park) would be moderate+ or higher, occurring up to 5km from nearest turbine.

ii. High/medium sensitivity receptors (users of recreational areas and routes outside National Park) with effects of moderate+ or higher, up to 4km from nearest turbine.

iii. Medium sensitivity receptors (motorists outside the National Park) where effects are moderate+ or higher, occurring up to 2.5km from nearest turbine.

8.23 In Table A5.5/1 the ES lists all impacts, and the following are where it considers significant impacts will be encountered. These are all within 4.5km of the site.

- VP01 Bridleway north of Hoplass: Horse riders, walkers, cyclists, motorists:
- VP02 Lane to Rhoscrowther: Horse riders, walkers, cyclists, motorists:
- VP03 Entrance to Pembroke Power Station: Motorists
- VP04 Pembs/Wales coastal path west of Rhoscrowther: Walkers:
- VP05 Bridleway south of Wogaston: Horse riders, walkers, cyclists, motorists
- VP06 Nr Wallaston Green: Motorsists:
- VP07 B4320 south of Neath: Horse riders, walkers, cyclists, motorists:
- VP08 Castlemartin: Residents
- VP09 Pembs/Wales Coast Path, Angle Bay: Walkers
- VP11 Pembs/Wales Coast Path nr Gupton Farm: Walkers
- VP12 Old Point House pub on the coast path: Walkers and visitors to pub
- VP13 Military Road, Pennar Park: Residents
- VP14 East of St Mary's Church Angle: Walkers & visitors to beach
- VP15 Pembs and Wales Coast path, North Hill: Walkers

Of the above list VPs 2 and 5 are on or very close to the boundary of the PCNP, and VPs 4, 7, 8, 9, 11, 12, 14 and 15 are within the PCNP.

8.24 The LPA considers that the evaluation has been undertaken in a fair and balanced manner, and the conclusions reached generally proportionate and accurate except where further refinement is proposed below, where the LPA considers the significance values of Table A5.5/1 should be increased into the 'significant' category, and the reasons are provided:

8.25 VP10: The Rath, Milford Haven: Residents, walkers. ES Value: Moderate (not significant). LPA opinion: Moderate+ (significant)

Much frontage of Milford Haven faces onto The Haven waterway, which presents a moderately serene vista with some maritime activity and staging associated with oil refining. As a backdrop is the landform of the Angle peninsular, with the refinery projecting above a well vegetated screen bund. Some dynamic is added by the plumes from the various stacks of the refineries, the plumes being intermittent and of varying scale dependent on a range of factors. There is a balanced visual association between the shipping activity, and the refinery assemblage, which is generally balanced and naturally extending from the ground. The turbines would add a constant and top-heavy visual contrast, always rotating, catching the eye and preventing any visual relief observers are accustomed to when looking across the water. It is quite likely the turbines will also be visible at night owing to light-spill from the refinery. For residents particularly, there would be the dynamic movement of large turbines present in all directions from the town where only a select corridor of view down the haven might provide relief from the rotation of turbine blades. This would apply to walkers also, but their sensitivity would be reduced by the contrast of coming into an urban area from the more coastal locations, and expectations would be altered accordingly. In this regard the number of people affected would be under-stated if it were just the walkers of the Coastal Path. However, there is a large population of residents and other visitors who would have constant and/or frequent views of the proposed turbines. Milford Haven

harbour area is increasingly being developed as a leisure and tourism venue, and substantial investment is underway to promote this and generally greater economic activity for the town. It is considered therefore that the significance of this view is under-stated in the ES and that the significance of the impact should be elevated to moderate+ (significant).

8.26 Viewpoint image 23 (photos and wire-frames) offer an idea of how surrounded by turbines the town of Milford Haven would become, where it lies hidden to the right of the refinery. One large turbine approximately 1km due north of Milford Haven has not been plotted and included within the assessment, neither have smaller turbines to the immediate west and east of the settlement. These add to the 'turbine-outlook' that prevails in or close to the town.

8.27 VP11 Coast Path near Gupton Farm within the National Park: Motorists. ES Value: Moderate (not significant). LPA Opinion: Moderate + (significant)

There is a need to recognise certain differences between motorists. The weighting of GLVIA tends to give motorists a lower sensitivity owing to the need for concentration on the road, and a sense of purpose of travel from A to B. However, a lot of the motorists on the B4319 and the B4320 that traverse the Angle Peninsula will be there for the scenic value of the PCNP. There are stretches where there are easy accessible views across the landscape from this location, and more significantly from mid-way between VP 16 and 7 eastwards. In both locations there is a uniqueness about the local landscape influenced directly by the wind-blown sand of the dunes and dune-slack landscape character areas (LANDMAP areas PMBRK VS081 and 118) and the open rolling and mosaic rolling lowland (LANDMAP areas PMBRK VS065 and 061 respectively). Being a peninsula, this is relatively inaccessible and the purpose of the visitors is to see this landscape and its various components. The imposition of turbines will therefore be notable and range in significance of impact dependent upon viewpoint. The samples of VP5, 7, 8, 11 and 16 give a flavour, although by the westerly end at VP16 hedges become more containing of

the view. From a point 100m west of the Rocket Cart House the views are predominantly open and the turbines appear detached from the refinery and strident in the landscape, adversely affecting visitors' perceptions of the area, as well as locals going-about their local journeys. The current situation of the oil refinery being very strongly defined will be dissipated by the effect of the turbines 'marching across the landscape' in an open vista where it is not possible to visually define the boundary of the PCNP landscape and distinguish it from the areas outside. In this sense it is felt by the LPA that the qualities of the PCNP are being compromised. This is therefore relevant when considering ES paragraphs 5.227 to 5.251.

8.28 Table 5.8: Summary of Effects on Landscape Fabric, Landscape Character, Seascape Character and Landscape Designations provides a summary indicating the following adverse significant impacts:-

- LCA 25 (outside PCNP) 0.3 - 2.5 km Major/moderate
- LCA 6 (inside PCNP) 0.7 - 1.9 km Major/moderate-moderate+
- LCA 7 (inside PCNP) 0.8 - 4.0 km Major/moderate-moderate+
- LCA 8 (inside PCNP) 1.6 – 2.6km Major/moderate

8.29 It is the LPA's opinion that only T1 has any kind of meaningful relationship with the scale and mass of the refinery, and that T2 and T3 can be viewed as significantly detached from it, especially when observing from the south-west or westerly directions, where the PCNP is closest.

8.30 Section 5 deals with Landscape Seascape Visual Impact Assessment. The summary of effects suggests at paragraph 5.8 that " . . . . the proposed wind turbines would not be visible from the majority of the park, and significant effects on landscape character and visual amenity within the National Park would be limited to a small area to the west and southwest of the site, which is already characterised by views of the nearby oil refinery. Consequently, the Development would not significantly affect the special qualities of the National Park and would not have a significant adverse or beneficial effect on the ability of the National Park to fulfil its purposes." The LPA considers

that this over-simplifies the principles of ‘impact’ where it assumes impacts are not over the whole of the National Park, so therefore they are acceptable in one portion of it. The Angle Peninsula and all its component elements are an area of the PCNP that people have to specifically seek out and travel to, owing to its remoteness. The ZTV, shown principally at Figure 5.15a but also on numerous other versions with additional information overlain, as well as the photomontages clearly indicate that the turbines will be visible from a wide area within the PCNP. It is likely therefore that the special qualities within the 11km study area will be affected to a greater or lesser degree.

8.31 As acknowledged in the ES the proposal would result in significant visual and landscape effects. These effects are also considered by the LPA, in part, to be understated as described above. Visual and landscape effects can therefore be considered to be adverse and major. The Proposal would not be compatible with the capacity and character of the site and the area within

which it is located (criterion 1 of policy GN.1), it would result in a significant detrimental impact on visual amenities (criterion 2 of policy GN.1) and would result in an adverse effect on the landscape including the PCNP (criterion 3 of policy GN.1). There would thus be conflict with policy GN.1.

9. Historic Environment

9.1 The LPA consider the principal effects of the Development on the historic environment to be upon the setting of the following historic assets:

- Rhoscrowther Church, Church Hall and Churchyard Cross. The Church was listed Grade I in 1970, after the construction of the refinery. The Church Hall at St Decumanus Church is an important feature of the setting of this Grade I listed building and is separately listed at Grade II. The Churchyard Cross within St Decumanus Churchyard, although nationally designated at Grade II appears to be of substantial architectural and historic importance due to its age.
- Eastington Manor House (Grade I listed and a Scheduled Ancient Monument) and Eastington Farmhouse (Grade II listed) (within the PCNP)
- Angle Conservation Area (within the PCNP)

Other than Eastington Manor House, those scheduled ancient monuments most affected are Wallaston Round Barrows and Corston Beacon Round Barrow to the south-east of the Site. The LPA defer to CADW in respect of effects on scheduled ancient monuments. The effect on other historic assets, as confirmed at the time of the previous application, would not be significant.

Setting of Rhoscrowther Church, Church Hall and Churchyard Cross

9.2 These three buildings form an intimate group, related visually and functionally. Despite the close proximity of the refinery, the intervening and wooded valley side gives screening, with only glimpses of the refinery possible from within the churchyard. From here, the mature trees limit views north-eastwards, reinforcing the sense of enclosure and isolation. A thin belt of semi-mature trees provides some screening of the Site to the east. The contrast between the secluded setting and the refinery group is very apparent to a visitor arriving via the refinery road.

9.3 The wider setting has changed over the last 50 years or so with the construction of the refinery in the early 1960s, the resultant growth of the village and then its sudden decline after an explosion at the refinery in 2004.

The explosion led to the evacuation and later demolition of much of the village (including the rectory adjacent to the church) and the closure of the church. Yet despite all of this change, the group of three listed buildings retains its immediate setting intact, retaining a very strong aesthetic value. The historical and evidential values are very high too – the churchyard site is probably Early Christian, as suggested by the dedication to the Decumanus (d. AD 706), the Welsh place-name (surviving the later Anglo-Norman settlement of the area) and the remains of a holy well nearby. The church was rebuilt from the 13th century, the developed plan containing at least four chapels or oratories serving the more prominent local families resident within the parish. The medieval churchyard cross is an integral feature, associated with medieval ritual, including Palm Sunday processions. Clearly, the church served a small but wealthy parish, situated within a fertile and temperate part of Wales, close to sea, then the main medieval mode of transport and trade. The village was evidently still viable enough to support a schoolroom (church hall), built in 1851 as a National School. Further village improvements came after the Second World War, when Local Authority housing was built, to serve an agricultural community that was soon to be transformed by the building and staffing of the refinery. After 2004, the church was taken in by the Friends of Friendless Churches.

9.4 Even to the most disinterested of visitors, the historic function of the group is clear, the group being of strong communal value – and still valued by both visitors and the local families the church once served. The peaceful enclosed setting reinforces the cultural heritage of the listed assets, this clearly valued and noted by visitors to the church.

9.5 Despite the demonstrable, and evident, attractiveness of the setting, the ES opines the following:-

- *The seclusion provided by the immediate setting is not authentic, in that the adjacent village has been largely abandoned, the empty plots overgrown with trees.*

This seems to be a matter of fact and degree in that much of the more significant tree growth is actually associated with the churchyard boundaries, well-established specimens or roadside hedges.

- *The refinery is readily noticed by the persistent background noise it generates.*

  This is not strictly the case. A low background hum is more correct, interspersed by intermittent disturbance during certain operations.

- *The church is no longer a dominant feature in the local landscape, despite the height of its tower, the only part of the church visible from outside the screening woodland, the nearby refinery the dominant feature.*

  This pre-supposes that medieval churches were built to dominate their parish or village. In many cases, the site was dictated, as here, by continuity, rather as St David's Cathedral occupies a deep valley due to the site of the cult monastery of David. The tower at Rhoscrowther was evidently built under local patronage to impress (and ring out service times) and when viewed from the south, it rises gracefully above the trees. It is considered that most onlookers would be mentally capable of placing both medieval church and modern refinery in their historic contexts as local landmarks, one as a religious building (still to an extent serving its original purpose), the other as a place of manufacture.

- *The screening of trees effectively disconnects the church group from the wider landscape, longer-range views out from the church making no material contribution to its significance.*

  The late medieval builder of the tower may beg to disagree. Like many church towers, it has an obvious functional use (to house a belfry), its four storeys also permitting other uses, perhaps as a vestry or even schoolroom. Its height permitted the sound of bells to permeate the valley beyond (a lesson learned at St Davids Cathedral, where a separate bell-tower was built for that very purpose) and probably conveyed a sense of local patronage and power in that such towers were

often funded by an influential local. In this context, views of the tower from anywhere within the rural parish backdrop of the church – irrespective of whether they are gained from public roads (which are not necessarily related to the networks of paths and tracks used by the medieval parishioners of Rhoscrowther). The relationship of a medieval parish church to its surrounding landscape is a very subtle one, not solely based on inter-visibility – there is a rather wider sensory context. In any case, it is incorrect to say that the church cannot be readily appreciated in distant views due to the trees. It can actually be seen in a wide range of views from the south and south-west, as well as from the road entry points to the village from the south and north-east. From the north-east (near the refinery), there are views of the top of the tower and from the south, the tower rises above the trees. From further south-west (the coastal road leading to Popton) there are distant views of the tower with the development site rising behind.

The secluded setting of the buildings permits outward views, these limited to the upper slopes of the rural valley to the east – the area where the proposed turbines are to be sited. The Development would introduce new modern structures into the rural surroundings of the church, although it is appreciated that from various vantage points within the churchyard and immediate surroundings, the existing trees would largely screen the turbines but only when in full leaf.

9.6 The LPA do not agree that the impact on the setting of the three heritage assets would be of no more than slight magnitude, for the following reasons:-

9.6.1 The analysis within the ES is heavily predicated on an assessment of aesthetic impact - the Welsh guidance on assessing setting is clear that there is a wider sensory context. Chapter 1 of *Managing Setting of Historic Assets in Wales* may be paraphrased thus:-

The setting of a historic asset includes the surroundings in which it is understood, experienced and appreciated, embracing present

and past relationships to the surrounding landscape. Its extent is not fixed and may change as the asset and its surroundings evolve.

Setting often extends beyond the property boundary of a historic asset and into the surrounding landscape or townscape.

The setting of a historic asset can also include less tangible elements. These may include function, sensory perceptions or historical, artistic, literary and scenic associations.

Although views to and from a historic asset are often the most obvious factors, other sensory elements can also affect setting…….. Such elements can be more subjective and more difficult to assess than physical factors, but might also contribute to the setting of a historic asset.

Setting may include a range of factors - functional and physical relationships with other structures/historic assets and how these have changed over time - topographic features that influenced its location - physical character of the surrounding landscape or townscape, including any formal design or land use

Views to, from and across the historic asset or place - formal or planned vistas - the prominence of the historic asset in views throughout the surrounding area - views associated with the aesthetic, functional or ceremonial purpose of the asset; for example, defensive sites, beacons or designed landscapes - historical, artistic, literary, place name, cultural or scenic associations might all contribute to the significance of a historic asset

There is insufficient consideration made of the church in its wider historic and communal contexts – and in aesthetic terms, it is quite clear that the church will be seen in close proximity with the turbines, especially from the south-west.

9.6.2 The assessment made in the ES and the conclusion reached is largely reliant on the presence of the trees to the east of the heritage assets. However:

- The margin of error is very tight indeed in terms of screening. A site inspection in December 2021 showed that the group of trees east of the churchyard shown in ES fig 8.6 comprise thinly populated copse, with a roadside fringe of young ash and a few mature trees within the copse, mainly overgrown leylandii/conifers/shrubs from the former gardens of demolished houses.

- The assessment of the view from the south of the church (ES fig 8.6) was made when the trees were in full leaf. Even in that scenario, the blade movement would be visible, as demonstrated by the model, especially those of T1 and 3. An evaluation of the site made in December 2021, when the deciduous trees were bare, suggest that a greater extent of the turbines would be clearly visible from the churchyard.

- Turning to the view from the north of the church - where all three assets are inter-visible - the revolving blades of T3 would be visible (ES fig 8.5), much of the rest hidden by the more mature trees to the north-east of the churchyard, across the road. Figures 1 and 2 below show the view modelled within the ES and a photo taken 8/12/21 when the trees were bare. During much of the year, T1 and 2 would be clearly visible in views across the three heritage assets. The 8/12/21 photo also shows how thin a screen the trees form. The trees lie outside of the site's red line.

- There would be no control over retention / replacement of these trees. Furthermore, several of the trees relied on for screening appear to be relatively young or semi-mature ash,

likely to be victim to ash dieback and eventual removal in terms of highway safety.

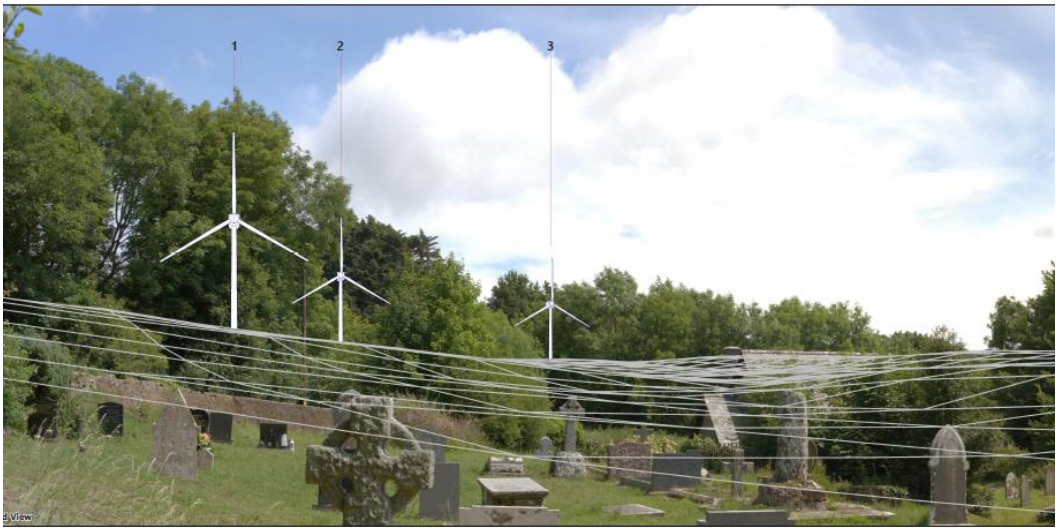

Figure 1 - clip from fig 8.5 of submitted Environmental Statement

Figure 2 - photo taken 8/12/21

9.6.3 The revolving blades would be visible of two of the turbines, thus introducing an element of visual disturbance. The impact on setting would be substantial, effectively severing the last outward visual link between the setting of the church and its rural parish setting. Additionally, the inclusion of movement into the view, together with the scale and visual dominance of the turbines in close proximity to the church would marginalise the church group in surrounding views.

9.7 Given the somewhat narrow focus on 'setting' and the weaknesses identified in terms of the tree-screening, which is considered as critical within the assessment that is contained within the ES, the three listed assets (receptors) are considered to be of high importance and sensitivity with the magnitude of impact on their setting being high and the predicted

impact as EIA significant. In terms of Wales guidance, the impact on the setting of these historic assets would be high negative.

Setting of Eastington farmhouse and outbuildings

9.8 This is a substantial 18th century farmhouse situated within the PCNP, attached to the remains of a medieval hall house, originally one of the main residences in Rhoscrowther parish. The house stands on a south-west facing slope overlooking Angle Bay – and this gives a historic context to its setting (initially in terms of defence against coastal attack and later to enjoy views), also being the principal aspect. The setting has changed dramatically with the construction of the refinery, which is clearly seen in all but close views of the house. From some vantage points, the refinery is dominant. There are limited views eastwards to the Site the fore of the house, these contained by a hedge at close quarters, a copse of trees. Model 8.8 shows how the turbines would appear in a tight cluster with perhaps two sets of blades visible above hedges and trees. As with the concerns regarding the listed group at Rhoscrowther, much is predicated on the future management of the trees, also outside of the Site. Without the copse of trees, the turbines would be very prominent, particularly so when the blades are turning.

9.9 The assessment of setting within the ES does not go far enough. Eastington can be seen from various vantage points along the B4320 between Newton and Middle Hill. From this angle, Eastington still has a strongly rural setting (foreground and backdrop), the main complex of the refinery with its stacks and towers set away from it, to the east. This setting still defines Eastington as a former working farm within a farmed landscape - and from these vantage points, the turbines would be prominently visible, effectively extending the complex of vertical features towards the farm, a sharp contrast to the existing relatively low-lying refinery structures behind the farmstead which currently do not unduly disturb the skyline.

9.10 Further, there are views from the road to the south of Eastington, leading to the shore and Popton Fort, where oblique views and side-on of the house may be gained. In this rural setting, the turbine blades may be visible.

9.11 Much of the discussion in the ES is based on the opinion that the coast-ward setting of Eastington remains preserved and that otherwise the presence of the refinery has a dominating presence. This is not strictly true – despite encroachment of the refinery westwards. Eastington still preserves a good degree of a rural setting when viewed from the B4320 – and the turbines will add a distinctly new note, even when viewed against a backdrop of low-lying industrial structures.

9.12 The LPA do not agree with the conclusion of no impact. Instead the impact on the setting of Eastington would be an adverse impact of no more than slight magnitude. The asset is considered to be of high importance but the predicted impact is considered not EIA significant. In terms of the Welsh guidance, low negative.

Effect on Angle Conservation Area

9.13 The majority of Angle village and its surrounding land was designated a conservation area in 1997. It is within the PCNP. The settlement is a fine example of a Norman 'planted' village of a village street with long burgage plots, a striking system of enclosed strip fields and an early quay. At the core is the medieval church of St Mary and a fortified tower house. A number of dwellings retain some early fabric. Most houses were rebuilt during the C19, some re-fronted c. 1900 in colonial style for Angle Estate. Some areas of the streetscape were redeveloped in the C20 to provide local authority housing.

9.14 Due to the size of the conservation area, much of what may be considered as 'setting' lies within the conservation area itself, but elements of the wider landscape are also important in this context. It is noted that the neighbouring PCNPA's The Angle Conservation Area Proposals Document has been revised as new SPG in tandem with their LDP2 – the Angle Conservation Area Appraisal and Management Plan that is currently out to consultation. The PCNPA may comment in this regard within their representation on the application. Nevertheless, the special qualities of the PCNP are material to the consideration of the merits of the proposal for the purposes of this LIR.

9.15 Model 5.32 within the ES quite clearly shows the three turbines prominent on the skyline, the effect to the eye extending the industrial complex significantly southwards in a linear fashion, the rotation of the blades rather more insistent than the sporadic emissions of steam or use of the flares at the refinery. This is also shown on model 5.34.

9.16 The ES states that the presence of the wind turbines would 'add more large modern structures to a part of the landscape already dominated by the equally tall structures of the oil refinery' and finds that the setting – the relationship between Angle, its quay and the wider setting of the Haven – would be unaffected'. However, the turbines when viewed from East Angle visually extend the industrial group and increases its overall presence. The refinery is arguably not that dominant when viewed from East Angle (as opposed say when viewed from the B4320 where it is viewed at closer quarters, commanding the skyline (and dramatically illuminated at night). The views from East Angle are more distant and in the context of an expansive coastal setting with far-reaching views and a big sky-line. The proposal has a distracting impact on the sensory contrast between ancient and modern sea-based industry, wind turbines falling outside of that context (in that they are not tide reliant). Visually, the turbines would be prominent, especially when in motion, adding a wholly new and alien ingredient to what is an attractive setting, the refinery taking its place amid mudflats, boats, a wide agricultural hinterland and a low skyline.

9.17 Paragraph 8.159 is quite right in concluding that the proposal would not affect the historic character and appearance of Angle Conservation Area – but that is not in question. The issue is setting. The annexes supporting TAN 24 - notably *The Setting of Historic Assets in Wales* (May 2017) are clear that the setting of heritage assets – which include conservation areas – is a material consideration.

9.18 The LPA do not agree with the conclusion of no impact and consider that the analysis is somewhat singular. The impact on setting on an asset of high heritage value, visually and in a wider sensory context, is considered

to be high in terms of magnitude and the predicted impact considered to be EIA significant.

Summary

9.19 For the above reasons, the effect on the historic environment can be considered to be adverse and major. The Proposal would not protect or enhance the character and integrity of those sites and landscapes of architectural and/or historical merit that have been identified and thus would fail to accord with policy GN.38.

10.0 Other Local Effects

Archaeology

10.1 A Desk-based Assessment is included at Chapter 8 of the ES. The report concludes that one recorded historic asset would be affected by construction of the Development – the remains of a possible Iron Age enclosure (PRN 11,0477), identified from the geophysics survey in 2014 and evaluated by Wessex Archaeology (April 2015). It is proposed that "*any adverse impacts can be reduced through micro-siting of T2 and its crane pad to avoid the enclosure; the associated access track would also be micro-sited or raised to allow for preservation of the enclosure. However, it remains possible (despite this mitigation) that there would be some unavoidable loss of archaeological deposits peripheral to the enclosure".* The LPA, in consultation with its appointed consultants Dyfed Archaeological Trust, are satisfied that the potential impacts of the proposed development on archaeology have been adequately addressed. However, an archaeological condition is recommended to mitigate potential damage/destruction of archaeological deposits associated with the possible Iron Age enclosure.

Nature Conservation

10.2 Although the results of the bat surveys have been summarised in the ES, the bat survey report itself, which should include the details of each survey

and results, does not appear to be available either in the main ES or within any of the appendices. This information is required in order to assess the appropriateness and reliability of the survey methodology and results.

10.3 Noctule bats have been found to fly at greater heights than many other species, the ES does state that noctules were found to be present, but in low numbers. As only ground level surveys were undertaken it cannot be determined with confidence that the presence of noctule at greater heights is not of more significance. It should therefore be confirmed that the distance from blade tip to flight lines and commuting corridors is greater than 50m as recommended in the NatureScot Bats and onshore wind turbines guidance version August 2021.

10.4 The report briefly justifies why dormouse surveys are not necessary. However there doesn't appear to be anywhere that details exactly how much vegetation/hedgerow would require removal and/or disturbance and where this might occur. Section 3.73 (i) of the ES states that 100m of hedgerow would be lost for the installation of access tracks, however there are no details as to the exact location of this loss and the Ecology section only appears to reference temporary loss of small gaps in hedgerows. As there are dormouse records close by, any works to vegetation would need to be accurately outlined in order to determine whether or not dormouse surveys would be necessary.

10.5 It should also be noted that although the ES has included a section on biodiversity enhancements (7.176) none of the recommendations have been included in sufficient detail to be considered deliverable. Enhancement is a requirement under the Environment (Wales) Act 2016 and should be proportionate to the scale of the scheme. There are many opportunities to enhance the land surrounding the turbine sites and a biodiversity enhancement scheme should be submitted to secure this. The lack of species present during the breeding and winter bird surveys is an indication that the site could be improved and support a greater diversity of habitats and species.

10.6 The ecology chapter has also not considered the potential impacts from operational lighting at the substation. If no lighting is required at the substation this should be clarified. Should external lighting be required then a suitable lighting scheme must be submitted which avoid upward light spill and the lighting of the adjacent hedgerow.

10.7 Overall the impacts on biodiversity may not be significant and may be compliant with local LDP policy. However to have confidence in this conclusion further information is needed as recommended in the above comments.

Transportation

10.8 The Traffic Management Plan for the delivery route of the Abnormal Loads from Pembroke Dock Port includes analysis of junctions with swept paths all to accommodate the size of turbines that are proposed. The route is 95% along County Highways. The drawings show where the wheels of the lorries would overrun footways and traffic islands, and indicating what signs and posts will need moving, and where services will need protecting. Similarly the plans show where the blades will overhang Highway verges, where bushes might need to be lowered, or tree canopies raised; as well as potential problems with overhead service cables, and the low Railway Bridge in Pembroke has had specific analysis.

10.9 The application acknowledges that there would be specific organisation needed with stakeholders before starting delivery of abnormal loads, and that there would be a test run that would determine if all of the mitigating measures would be needed. There would be advance warning signs before these movements take place as well as publicity.

10.10 The abnormal loads would only amount to 24 one-way trips, but the application lists all the ordinary heavy goods vehicle deliveries needed for road stone, concrete and all other construction materials. All lorry trips are

recorded as being two-way, loaded and unloaded. Importantly the document confirms that there would be surveys before and after construction commences, to ensure that the cost of abnormal wear to the route by all HGV vehicles would be recompensed. These matters can be subject to an appropriately worded planning condition as part of a Construction Traffic Management Plan.

10.11 With the required mitigation to be assured by planning conditions, the Proposal is unlikely to result in a detrimental highway impact (criterion 5 of policy GN.5) albeit a minor negative impact cannot be entirely discounted during the construction phase.

Pollution

10.12 The ES appears to rely on studies and conclusions from the previous application but there are likely to be variations in noise generation particularly as individual turbine design is not confirmed and the turbines are in any case larger than those previously evaluated. Those conditions recommended at the time of the previous application by the Inspector are repeated.

10.13 With regard to the potential for shadow flicker, the ES (Chapter 13) indicates that there could be adverse effects. It describes the causes and possible mitigation (by shutting-down the turbines at specific times under specific conditions) and indicates:-" it is proposed that a planning condition will be imposed which requires a shadow flicker management plan to be submitted to, and agreed by, the Local Planning Authority." This summary report should perhaps be expanded to provide a fuller description of the possible consequences. With regard to lighting, if there is to be the need for aviation lighting then this should be agreed by planning condition.

10.14 With regard to the potential for on-site contamination, there is a former landfill that would be likely to be encountered during the construction of the access track. Whilst this is listed as inert it is noted on the records that it also accepted commercial and household waste. There is therefore a high level of uncertainty regarding the contamination status and potential to

impact on construction and future users of the site, neither of which have been addressed within the ES. The ES recommends a preliminary risk assessment supported by a site investigation. Without such an investigation and assessment it is not possible to ascertain whether there is any risk posed by potential contamination and whether remediation is required in the interest of protecting human health, ecology and waters on and off site. In this respect, a planning condition is recommended.

10.15 With regard to dust emissions during the construction phase, 8.7.1 of Section 8 of the ES addresses dust mitigation methods. The methods detailed therein should form part of the Construction Environmental Management Plan (CEMP) to be approved by condition.

Social and Economic Effects

10.16 Pembrokeshire's economy has three main pillars: energy, agriculture and tourism. The county is surrounded on three sides by sea and is blessed with a fine deepwater harbour that is home to the UK's third busiest port. This has enabled the energy industry to develop around the Haven Waterway. The HWEZ seeks to promote energy related development within spatially defined areas. Whilst the HWEZ is designed to create the best possible conditions for business to thrive, it does not represent planning policy - development still needs to comply with the policies and criteria of the LDP. In terms of local socio-economic effects, these are addressed at Chapter 6 of the ES albeit that the potential benefits clearly cannot be verified. Overall effects are likely to be minor positive and, to a degree, meet some of the strategic objectives of the LDP.

10.17 The commitment to a community benefit scheme is noted but cannot be given any material weight. The provision of any benefits is on a purely voluntary basis with no connection to the planning application process and carries no weight in its determination. Note that at Table 6.4 in Chapter 6, £m figures are indicated at head of columns but the figures appear actual figures and not to the £m.

Mineral Resource

10.18 A majority of the Site would be situated within an area of mineral resource where the prior extraction of any economic reserves must be achieved, where appropriate, prior to commencement of development to accord with policy GN.22. Having regard to the nature of the Proposal including being for a 35-year period as well as the environmental issues that may preclude the acceptability of prior extraction in this instance, the Proposal would not conflict with the objectives of policy GN.22.

Other Matters

10.19 With regard to potential effect on television reception, the planning condition recommended at the time of the previous application is recommended. The LPA do not have any comment to add to the assessments contained within the ES on other potential local effects in relation to the water environment, residential visual amenity, hydrology & hydrogeology, and geology/soils. There does not appear to be any assessment in relation to the loss of agricultural land albeit that the conclusions of the Inspector at the time of the previous application is noted.

11. Planning Conditions

11.1 Without prejudice to the determination of the application or the matters raised in this LIR, the following planning conditions are recommended (in addition to the standard 5-year for commencement of development and the standard approved plans/documents conditions). These are consistent with those conditions recommended by the Inspector at the time of the previous application.

1. No development shall commence until full details of the design (including colour), make and model of the wind turbines has been submitted to and approved in writing by the local planning authority. The wind turbines shall not exceed the following dimensions: the maximum hub height shall be 76.5 metres; the maximum height to

top of blade tip shall be 135 metres; and the maximum blade swept diameter shall be 117m.

2. The development shall be carried out in accordance with the approved details. All of the wind turbines shall rotate in the same direction and there shall be no display of name, sign, symbol or logo on any external surface of the wind turbines unless required by law or for health and safety reasons.

3. No development shall commence until full details of the external facing materials to be used for the control building, and the configuration of the sub-station have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

4. No development shall commence until a micro-siting protocol has been submitted to, and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details. The protocol shall set out a methodology for deciding on micro-siting of all development to minimise the impact of the development. All turbines, crane pads and access tracks shall be located within 50m of the locations shown on the approved plan in accordance with the protocol established by reason of this condition.

5. No development shall commence until a Construction and Environmental Plan (CEMP) has been submitted to, and approved in writing by, the local planning authority. The construction of the development shall accord entirely with the approved CEMP. The CEMP shall provide for:

i) access arrangements onto the site and routing plan to the site (including times when turbine components and abnormal loads will be delivered)

ii) the parking of vehicles of site operatives and visitors;

iii) loading and unloading of plant and materials and a scheme for controlling lorry movements to and from the site;

iv) storage of plant and materials used in constructing the development;

v) the erection and maintenance of security hoarding;

vi) wheel washing facilities;

vii) measures to control the emission of dust and dirt during ground works and construction;

viii) a scheme for the recycling/disposing of waste; and a scheme for the storage of excavated soil on site (to be re-used at the time of site restoration);

ix) a methodology for the investigation of any potential contamination, and mitigation where found necessary;
x) details of any external lighting during the construction period;
xi) working hours and delivery times;
xii) details of how the construction phase will be monitored so that the above matters are complied with and a methodology for addressing any unforeseen circumstances that may occur during the construction period.

6. No development shall commence until details of any external illumination (during the operational phase), including measures to control light spillage, have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details. There shall be no visible aviation warning lights (consistent with paragraph 5.114.iv of the ES)

7. No development shall commence until a scheme of landscaping has been submitted to and approved in writing by the local planning authority. The scheme shall include: a survey of all existing trees and hedgerows within the red line boundary (as shown on the Site Location Plan) and details of any to be retained, together with measures for their protection during construction and their retention; proposed planting (and times of planting); details of changes to existing levels; boundary treatments and areas of hard-surfacing. The scheme shall also include details of tree planting at the western boundary of the site with Rhoscrowther village to include a management plan. The development shall accord with the details so approved.

8. No development shall commence until details of a scheme for the disposal of surface water has been submitted to and approved in writing by the local planning authority. The scheme shall be implemented in accordance with the approved details prior to the first exportation of electricity.

9. No development shall commence until a written scheme of investigation (WSI) has been submitted to, and approved in writing by, the local planning authority. On completion of the approved WSI, and prior to development commencing, the final report shall be submitted to, and approved in writing by, the local planning authority.

10. The permission hereby granted shall endure for a period of 35 years from the date when electricity is first exported to the grid. Written

confirmation of the first export date shall be sent to the local planning authority within one month of the first export date.

11. At the expiry of the permission hereby granted or on the permanent cessation of the generation of electricity by the scheme, whichever is the earlier, the wind turbines and all associated above ground works and equipment shall be dismantled and removed from the site and the land restored to its former condition in accordance with a Decommissioning and Restoration Plan (DRP). The DRP shall be submitted to and approved in writing by the local planning authority prior to the expiration of 34 years from the date when electricity is first exported to the grid and shall include a timescale of not more than 9 months for the carrying out of the decommissioning works. Decommissioning shall be implemented in its entirety in accordance with the approved DRP.

12. If any wind turbine fails to deliver electricity to the grid for a period of 6 months then, unless the local planning authority is provided with evidence that the turbine awaits repair and agrees a timescale for such repair, a Decommissioning and Restoration Plan (DRP) for its removal shall be submitted to the local planning authority for its written approval within 9 months of the date the turbine first fails to deliver electricity. The DRP shall include a timescale for undertaking all works. Decommissioning shall be implemented in accordance with the approved DRP.

13. Within the year prior to decommissioning of the site a full ecological assessment of the site shall be undertaken in order to inform the Decommissioning and Restoration Plan. The assessment shall be submitted with the Decommissioning and Restoration Plan required by condition 12 for the written approval of the local planning authority and the Decommissioning and Restoration Plan shall be implemented as approved.

14. No development shall commence until details of the routing of all cabling between the turbines, and between the turbines and the substation, have been submitted to and approved in writing by the local planning authority. All such cabling shall be laid underground. The development shall be carried out in accordance with the approved details.

15. Prior to the erection of any wind turbine a scheme providing for the post-development investigation and alleviation of any interference to television reception caused by the operation of the turbines shall be

submitted to and approved in writing by the local planning authority. The scheme shall provide for the investigation by a qualified independent television engineer of any complaint of interference with television reception at a lawfully occupied dwelling (defined for the purposes of this condition as a building within Use Classes C3 and C4 of the Use Classes Order) which lawfully exists or had planning permission at the date of this permission (and also any lawfully occupied visitor accommodation, including camping and caravan parks which lawfully exist or have planning permission at the date of this permission), where such complaint is notified to the developer by the local planning authority within 24 months of the first export date. The qualified television engineer shall prepare a report, with proposed recommendations, to be submitted to and approved in writing by the local planning authority within one month of the written confirmation of the complaint by the local planning authority and where impairment is determined by the qualified television engineer to be attributable to the development, recommendations in the report shall include mitigation works and a timescale for such works which shall then be carried out in accordance with the scheme which has been approved in writing by the local planning authority.

16. Prior to the erection of any wind turbine a report providing for the post-development investigation and alleviation of any shadow flicker effects caused by the operation of the turbines shall be submitted to and approved in writing by the local planning authority. The scheme shall provide for the investigation by a qualified independent analyst of any complaint regarding shadow flicker at a lawfully occupied dwelling (defined for the purposes of this condition as a building within Use Classes C3 and C4 of the Use Classes Order) which lawfully exist or had planning permission at the date of this permission, where such complaint is notified to the developer by the local planning authority within 24 months of the first export date. Where shadow flicker effects are determined by the analyst to be attributable to the development, alleviation works (and a timescale for such works) shall be included in the submitted report and shall be carried out in accordance with the approved report.

17. No development shall commence until an assessment of the nature and extent of contamination has been submitted to, and approved in writing by, the local planning authority. The report of the findings shall include: (i) a desk top study to identify all previous uses at the site and potential contaminants associated with those uses and the impacts from those contaminants on land and controlled waters. The desk study shall establish a ‘conceptual site model’ (CSM) which

identifies and assesses all identified potential source, pathway, and receptor linkages; (ii) an intrusive investigation to assess the extent, scale and nature of contamination which may be present, if identified as required by the desk top study; (iii) an assessment of the potential risks to: human health, groundwater and surface waters, adjoining land, property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes, ecological systems, archaeological sites and ancient monuments; and any other receptors identified at (i); and (iv) an appraisal of remedial options, and justification for the preferred remedial option(s). (Informative Note: all work and submissions carried out for the purposes of this condition must be conducted in accordance with Welsh Local Government Association and the Environment Agency Wales' 'Development of Land Affected by Contamination: A guide for Developers' (2012)).

18. No development shall commence until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment has been submitted to, and approved in writing by, the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures (Informative Note: the scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990, The Contaminated Land (Wales) Regulations 2006 in relation to the intended use of the land after remediation). The detailed remediation scheme shall not be submitted until written approval in respect of condition 17 has been issued by the Local Planning Authority. The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than those works required to be carried out by the remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out shall be submitted to, and approved in writing by, the Local Planning Authority prior to any other development commencing.

19. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it

must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 17, and where remediation is necessary a remediation scheme and verification report must be prepared, approved and implemented in accordance with the requirements of conditions 17 and 18.

20. Following the procedures and protocols set out in the Institute of Acoustics document "A Good Practice Guide to the Application of ETSU-R-97 for the Assessment and Rating of Wind Turbine Noise", the level of noise emissions from the wind turbines hereby permitted shall not exceed:
    - at any dwelling without a financial interest in the scheme, the greater of 35dB L90,10min or 5dB above the LA90 background noise level at wind speeds not exceeding 10 metres per second at a height of 10m above ground level; or
    - at any dwelling with a financial interest in the scheme, the greater of 40dB L90,10min or 5dB above the LA90 background noise level at wind speeds not exceeding 10 metres per second at a height of 10m above ground level.

    For the avoidance of doubt, for the purposes of this condition “dwelling” shall refer to any residential property, including to the boundary of the curtilage, lawfully existing, or with the benefit of planning permission, at the date of this permission.

21. At the request of the local planning authority, following a complaint to it from an occupant of a dwelling alleging noise disturbance at that dwelling, the operator of the development shall measure and assess at its expense the level of noise emissions from each wind turbine generator following the procedures described in the Department of Trade and Industry Report 'The Assessment and Rating of Noise from Wind Farms’ (ETSU-R-97). The noise emission assessment shall be submitted to the local planning authority within 8 weeks of the date of the request, or within any other timescale as agreed in writing with the local planning authority.

    In the event that the results of the noise emission assessment undertaken show that the noise levels as stated in condition 20 are exceeded, the operator shall produce a written scheme of mitigation detailing measures to address the unacceptable noise levels as well as details of a timescale for their implementation, which shall be submitted to and approved in writing by the local planning authority concurrently with the noise emission assessment. The mitigation shall be carried out in accordance with the approved details and the approved timescale.

In the event that the submitted scheme of mitigation is unacceptable, or not provided within the 8 week period (or any other timescale as agreed in writing with the local planning authority), the turbine or turbines that have been shown to exceed the noise levels as stated in condition 20 shall cease operation until such time as an acceptable scheme has been agreed in writing with the local planning authority. The scheme so agreed shall be implemented in accordance with the approved scheme and within such timescale as may be specified within that scheme.

22. Prior to commencement of onsite works a Construction Traffic Management Plan (CTMP) shall be submitted to, and approved in writing by, the Local Planning Authority. All construction work, including off-site mitigation (including works to facilitate all deliveries to the site) shall be undertaken in accordance with the approved CTMP.

23. Prior to development commencing, an Ecological Conservation & Enhancement Plan shall be submitted to and approved in writing by the local planning authority. The Plan shall include:

- A plan showing habitats, landscape and ecological features to be lost/habitat to be created/areas to be retained which shall identify the extent and location on an appropriate scale
- Details of protective measures to be taken to minimise the impacts
- Details of timing, phasing and duration of construction activities and conservation measures
- Timetable for implementation demonstrating that works are aligned with the proposed phasing of the development
- Details of initial aftercare and long-term maintenance
- Details of short and long-term management, monitoring and maintenance of new and existing landscape and ecological features at the site
- Actions to be taken in event previously unidentified species are found
- Persons responsible for implementing the works
- Details of measures to prevent or reduce incidental capture or killing

The Ecological Conservation & Enhancement Plan shall be carried out in accordance with the approved details for the duration of the operation of the development.