The Planning Inspectorate
Yr Arolygiaeth Gynllunio

Penderfyniad ar yr Apêl

Ymchwiliad a gynhaliwyd ar 12 -15/05/2015 a 20 - 21/05/2015

Ymweliad â safle a wnaed ar 21/05/2015

gan Aidan McCooey BA MSc MRTPI

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 08/07/15

Appeal Decision

Inquiry held on 12 - 15/05/2015 & 20 - 21/05/2015

Site visit made on 21/05/2015

by Aidan McCooey BA MSc MRTPI

an Inspector appointed by the Welsh Ministers

Date: 08/07/15

Appeal Ref: APP/Y6930/A/14/2226525
Site address: Land at Mynydd Brombil, Brombil Farm, Margam, Port Talbot, SA13 2SR

The Welsh Ministers have transferred the authority to decide this appeal to me as the appointed Inspector.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
- The appeal is made by REG Windpower against Neath Port Talbot County Borough Council.
- The application Ref P2012/0638, is dated 28/06/2012.
- The development proposed is described as the erection of up to 5 wind turbines up to 100 metres tip height, access tracks, cables, electrical substation and associated ancillary equipment.

Decision

1. The appeal is allowed and planning permission is granted for 4 wind turbines (T1, T3, T4, & T5) up to 100 metres tip height, access tracks, cables, electrical substation and associated ancillary equipment Land at Mynydd Brombil, Brombil Farm, Margam, Port Talbot, SA13 2SR in accordance with the terms of the application Ref P2012/0638, dated 28 June 2012, subject to the schedule of conditions set out at the end of this decision.

Procedural Matters

2. The application was accompanied by an Environmental Statement (ES), comprising 3 volumes. Following requests by the Local Planning Authority under Regulation 19 of the Environmental Impact Assessment Regulations[1], Supplementary Environmental Information (SEI) was submitted in March 2013, September 2013 and January 2014. The ES was updated by final SEI submitted in August 2014. The ES was the subject of an Inspector's Assessment dated 7 January 2015. The Assessment concluded that the ES was adequate for the purposes of the above Regulations. The ES as supplemented and updated is considered to be adequate and has been advertised in accordance with

[1] The Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999, as amended.

the Regulations. I have taken the Environmental Information into account in arriving at my decision.

3. The final SEI submitted in August 2014 was accompanied by an amended site location plan. The site area was amended to correct some anomalies between the scheme as assessed and the original site location plan. This land included allowance for micrositing as assessed in the ES; an existing access track and borrow pit within the forest and land required for minor works to visibility splays. I am satisfied that these minor amendments do not change the character of the scheme and I will consider the proposal on the basis of the amended plan.

4. With the appellant's qualified agreement, I have determined the appeal on the basis of 4 turbines rather than the 5 originally proposed. For the reasons set out in the consideration of the second main issue, I have concluded that the effects of the proposed turbine T2 are unacceptable. Given this conclusion, the appellant expressed a willingness to forgo this turbine.

5. In addition to the accompanied site visit on 21 May 2015, I conducted unaccompanied site visits before and after the public inquiry. The weather conditions for the accompanied site visit were favourable for long distance views. The weather conditions for the unaccompanied site visits were favourable.

6. The appellant is offering to make financial contributions to a community benefit fund of £5,000 per MW per annum for the lifespan of the turbine. I was told that this could be addressed by an agreement which could be entered into post inquiry. It was agreed by all parties that community benefits were not a consideration to be taken into account in the determination of this appeal.

7. The appellant and landowners have completed an agreement with the Council under s.106 of the Town and Country Planning Act 1990. The signed agreement was submitted to the Inquiry and covers off-site habitat management by the appellant for the benefit of bird species (Dartford Warbler, Nightjar and Golden Plover). This involves land in the same ownership as the appeal site. I am satisfied that the agreement meets the requirements of Circular 13/97 – Planning Obligations and the statutory tests set out in Regulation 122 of the Community Infrastructure Regulations 2010 (as amended). I therefore give it significant weight.

8. Although this is an appeal against the Council's failure to give notice within the prescribed period of a decision, the appropriate Committee considered a detailed Officer report and subsequently resolved that it would have refused planning permission for the proposal because of its adverse impacts on the character and appearance of the area and on heritage assets and the cultural heritage of the area.

Main Issues

9. The main issues are:

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

Planning Policy

10. The development plan for the area is the Neath Port Talbot Unitary Development Plan, which was adopted in March 2008. The Plan has amongst its core aims landscape protection, resisting development that would adversely impact on the amenity of residential areas and mitigating the impacts of development on the environment and community. Strategic Policy 19 states that opportunities to create energy from renewable resources will be encouraged provided that unacceptable impacts are not created. More detailed policy is contained in Policy IE6 which states that proposals for the creation of renewable energy will be supported provided their impacts are acceptable and where appropriate they include measures to reinstate the land.

11. The other main Unitary Development Plan policies referred to included Policy ENV1 which indicates that development in the countryside will not be permitted unless it is for certain types of proposals including where it is development necessary for renewable energy generation. It also provides that development will not be permitted unless it would not create unacceptable impacts upon the character or appearance of the countryside or the amenities of neighbouring residents (amongst other things). Policy ENV3 resists proposals that would create an unacceptable impact on the landscape with particular emphasis placed on protecting significant skylines, views and panoramas, features which are important in terms of contributing to the character of the local landscape and landscapes, parks and gardens which are of special historic interest. Policy ENV19 sets out criteria for assessing proposals affecting Conservation Areas or the setting of listed buildings. Development will only be permitted where, inter alia, it will protect and enhance views, both in and out, and vistas and respect local and historic cultural traditions.

12. The two General Considerations policies draw together sets of criteria of general applicability to all proposals. The criteria of most relevance to the proposal are set out as follows. Policy GC1 refers to new structures which will not be permitted if the proposal would create an unacceptable impact in failing to take into account the topography and the site's role in terms of the landscape. Policy GC2 relates to engineering works and other operations which will not be permitted if they would create an unacceptable impact in a number of ways. The two criteria of most relevance to this appeal are a) respect the landscape, including its local topography, character and features and c) take into account local communities and their amenity including views.

13. The UK Government is committed to tackling climate change by increased use of renewable energy. The National Policy Statements (NPS) for energy include the Overarching NPS (EN-1) and Renewable Energy Infrastructure (EN-3), both dated July 2011. NPS apply directly to Nationally Significant Infrastructure Projects determined under the Planning Act 2008. It was agreed that they are also material considerations in the determination of planning applications. The weight to be given to them is a matter for the decision maker. EN-1 sets out the urgent need for new renewable electricity generation projects (3.4.5) and to dramatically increase the amount of capacity, much of which is likely to be wind generation in the short and medium term (3.3.10). It also states that it will not be possible to develop the necessary amounts of such infrastructure without some residual adverse impacts.

14. Planning Policy Wales[2] sets out the land use planning policies of the Welsh Government. The Welsh Government's aim in terms of renewable energy is to promote the generation and use of energy from renewable and low carbon energy sources at all scales. Planning Policy Wales confirms that the UK is subject to the requirements of the European Union Renewable Energy Directive 2009, which includes a UK target of 15% of energy from renewables by 2020. The Welsh Government is committed to playing its part by delivering an energy programme which contributes to reducing carbon emissions as part of the approach to tackling climate change. Planning policy at all levels should facilitate delivery of the ambition set out in Energy Wales[3] and UK/EU targets on renewable energy. Planning Policy Wales[4] states that wind energy continues to offer the greatest potential for delivering renewable energy. It is accepted that the introduction of new, often very large structures needs careful consideration to avoid and where possible minimise their impact. However, the need for wind energy is a key part of meeting the Welsh Government's vision for future renewable electricity production as set out in the Energy Policy Statement (2010) and should be taken into account by decision makers when determining such applications.

15. TAN 8 identifies 7 SSAs where, for efficiency and environmental reasons amongst others, large scale (over 25MW) onshore wind developments should be concentrated. The SSA boundaries are at a 'broad brush' scale. If land outside (but close to) the SSA is suitably unconstrained then they may wish to consider the possibility of wind farm development in these areas as well. Annex D to TAN 8 says that an overall study area of some 5 km radius from the margins of each SSA is recommended to allow consideration of technically feasible areas for possible wind turbines. These studies are known as refinement studies. The site is outside the boundary of SSA F and refined SSA F.

16. Planning Policy Wales[5] refers to Technical Advice Note 8[6] (TAN 8) which defines Strategic Search Areas (SSAs) as the most appropriate locations for large scale wind farm development. Development of a limited number of large scale wind energy developments in these areas will be required to contribute significantly to the Welsh Government's onshore wind energy aspiration for 2GW in total capacity by 2015/17. Within the SSAs, whilst cumulative impact can be a material consideration, it must be balanced against the need to meet the Welsh Government's aspiration for energy in Wales and the conclusions reached fully justified in any decisions taken. Developers will need to be sensitive to local circumstances, including siting in relation to local landform, proximity to dwellings and other planning considerations. The proposal falls within the Local Authority-wide scale as set out in Fig. 12.2. i.e. it is between 5 MW and 25 MW. Local Planning Authorities should facilitate this scale of proposal in development plans by undertaking an assessment of the opportunities and potential for renewable energy in the area[7].

[2] Planning Policy Wales Edition 7 (July 2014), paragraphs 12.8.1 and 12.8.2
[3] Energy Wales: A Low Carbon Transition 2012
[4] Paragraph 12.8.12
[5] Paragraphs 12.8.13 and 12.8.14
[6] Technical Advice Note 8: Planning for Renewable Energy (2005)
[7] Fig. 12.2 and paragraph 12.8.18 on p. 170

17. A letter from the Minister for Environment and Sustainable Development, dated July 2011, confirms the WG's commitment to pursuing the aspirations set out above. The potential energy production estimated in the Energy Policy Statement (2010) is based on the maximum capacities considered appropriate for the SSAs in TAN 8 in 2005. In the case of SSA F the target was 290 MW generating capacity. The letter refers to the issue of maximum capacities for onshore wind within the SSAs. The identified maximum capacity for SSA F in the letter is stated as 430 MW, which was based on an assessment by independent consultants Garrad Hassan which informed TAN 8. There therefore needs to be some consideration of progress towards that maximum capacity in the case of SSA F.

18. The Neath Port Talbot CBC Local Development Plan has been submitted to the Welsh Government for examination. The examination was in progress at the time of the Inquiry and consequently the soundness of the Local Development Plan has not been established. The policies may be material considerations but are to be accorded little weight in advance of the Inspectors' report on the examination and adoption of the Plan. The Local Development Plan proposes that an extensive area around the site is designated as a Special Landscape Area (SLA) – Proposed SLA 4: Margam.

Reasons

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

Background

19. The LANDMAP methodology of landscape assessment is endorsed in Planning Policy Wales at paragraph 5.3.13. The LANDMAP information was used to arrive at wider character areas for the Neath Port Talbot County Borough in a report prepared for the Council and the Countryside Council for Wales[8]: Neath Port Talbot LANDMAP Landscape Assessment (NPTLLA). NPTLLA indicates that the character areas were derived from a combination of areas defined by the five aspect layers used in LANDMAP; led by the visual and sensory aspect layer. The use of these character areas was endorsed by the parties at the Inquiry. Concerns were raised regarding the effect on three landscape character areas near the site. LCA 6 – Mynydd Brombil (which contains the site itself), Mynydd Emroch and Mynydd Dinas; LCA 8 – Goytre Valley; and LCA 3 – Margam Country Park.

20. TAN 8 states[9] that "Not all the land within the SSAs may be technically, economically and/or environmentally suitable for major wind power proposals. It is a matter for local planning authorities to undertake local refinement within each of the SSAs in order to guide and optimise development within each of the areas." Annex D provides guidance for local planning authorities on the approach to be taken in undertaking local refinement. Section 8 of the Annex gives information on cumulative landscape and visual impact. Paragraph 8.4 states that "Within (and immediately adjacent) to SSAs, the implicit objective is to accept landscape change i.e. a significant change in landscape character from wind turbine development". This is stated in the context of advice to Local Planning Authorities undertaking refinement studies. Notwithstanding this context, it remains an expression of Welsh Government policy in relation to wind turbine development. I was advised that this paragraph has been quoted by Welsh Government representatives in the Local Development Plan Examination in regard to a

[8] Neath Port Talbot LANDMAP Landscape Assessment Final Report December 2004 by White Consultants for Neath Port Talbot CBC and CCW.
[9] Paragraph 2.4

proposed renewable energy policy being too restrictive. Paragraph 8.6 says "At the local level, accepted thresholds of change, having regard to nationally developed energy capacity targets, can be established by more detailed assessments".

21. A refinement study[10] for SSAs E and F has been undertaken for a consortium of South Wales Valleys Authorities including Neath Port Talbot CBC (the Arup Study). It must be remembered that this was looking at accommodating large scale windfarms in excess of 25 MW. The area was split into a number of zones, which were then assessed and ranked according to their suitability for wind farm development. The small zone F4 containing the site was chosen as part of the study area for the refinement exercise. Zone F4 was assessed and discounted because of the high landscape sensitivity of the area. The zone did not progress beyond the initial acceptability sift and so the mathematical errors in later stages of the process do not have any significance in this case. However, the basis for excluding zone F4 was explored at the Inquiry. The scoring system based on LANDMAP values did not reflect a high sensitivity and there was no explanation of the difference between F4 and the adjacent zones F2 and F3 that were also on the edge of the plateau but included in the refined area. Some errors in the method used were identified – ranking the zone as relatively tranquil when the M4 runs nearby and a ranking based on the lack of man-made vertical elements when there is a line of pylons in the zone. This calls into question the exclusion of F4 from the refined area. In the end, the Council maintained that the refined boundary was correct and the appellant maintained that the study had no relevance.

22. That said, the refined boundary for SSA F is relatively close by and includes Mynydd Margam. The boundary was chosen to meet the lower target set out in Table 1 of TAN8 of 290 MW generating capacity. The maximum capacity has since been revised in the Minister's letter to 430 MW (see paragraph 15 above). The Council adopted the recommendations of the Arup report in the form of Interim Planning Guidance (IPG)[11]. I was informed that this refined boundary is being taken forward in the new Local Development Plan. This is the outcome of the Local Planning Authority's assessment and indicates where turbines would be appropriate in general terms. It provides an objective assessment of the suitability of the appeal site and its surroundings for windfarm development. I note that the Mynydd Margam area was expected to provide 25-30 MW of the lower 290 MW capacity.

23. The area around the site generally accords with the SSA characteristics as set out in TAN8 – it is an edge of a large upland plateau (as can clearly be seen from distant views such as VP 14) and is generally sparsely populated in contrast to the densely populated coastal plain. There was considerable discussion at the Inquiry as to the performance of the proposal against the SNH Guidelines[12] and the criteria in the IPG document that appear to be based on that guidance. The landform is not in excess of 300m, but the IPG acknowledges that much of SSA F is below 300m. It would therefore be very difficult to achieve the aspiration of turbines being less than a third of the height of the landform in these circumstances. It is more relevant that turbines do not dwarf hills. The Arup Study states that one way to avoid this is to have a lower

[10] Ove Arup and Partners Limited (December 2006)
[11] Interim Planning Guidance – Wind Turbine Development
[12] Scottish Natural Heritage: Siting and Designing Windfarms in the Landscape Version 2, June 2014 and Version 1 2009

number of turbines e.g. 3 to 5, which could potentially reduce the potential visual and landscape impact.[13]

24. The appellant undertook a comparison exercise in order to assess the effects of a similar proposal within the refined SSA F boundary. This looked at the impact of a proposal of a similar scale sited within the refined SSA F boundary. Whilst the comparator turbines were 125m high (rather than the 100m high turbines proposed in this case) and they were positioned on the SSA boundary, a general comparison is valid as some turbines must be judged to have been acceptable in this area by the Council. I note that the Arup study refers to 100m maximum turbines being appropriate in this area and that locating turbines in the core and northern part of the area would be likely to have less effect. The references to a lower turbine density in this area and that proposals would be subject to careful examination were in the context of the impact on the historic landscape and cumulative impact with offshore wind farms. The impact on the historic landscape will be considered below. Cumulative impact with offshore windfarms has not been raised as a particular concern in this case.

25. There was no dispute that the Landscape and Visual Impact Assessment (LVIA) in the ES was carried out in accordance with the Guidelines for Landscape and Visual Impact Assessment that pertained at the time of the application. There were some differences in the opinions of the witnesses in terms of the significance of the impacts and the definitions of dominance that had been used in various guidance documents. Whilst these are useful definitions, turbines may be dominant in particular views but this does not mean that they would cause unacceptable harm. Visual effects may be tempered by other factors such as the nature of the views, the sensitivity of the landscape and the way that people perceive the views in terms of the context in which those views are experienced. Visual impact must of course be weighed in the balance with other material considerations.

26. The site comprises open farmland at the edge of the upland plateau overlooking the coastal plain near Port Talbot. The landform slopes down gradually towards the plateau edge above Margam. There is a line of electricity pylons traversing the site and a former agricultural building is located nearby. The plateau edge is incised in several places adjacent to the proposed development. The surrounding settlements are all at the bottom of the escarpment. The small villages of Goytre and Pen-y-cae are around 1 Km to the north. The M4 runs along the bottom of the scarp to the west of the site. Port Talbot town centre, Taibach and Margam are to the west of the motorway in a line from northeast to southwest of the site. The very large Port Talbot steelworks lies to the west of Margam/Taibach. To the south there is a small incised valley (Cwm-y-Brombil) then a ridge called Craig-y-Crugwyllt. Beyond this ridge lies Margam Castle and Margam Country Park, which is a Registered Park and Garden. To the east of the site is a major area of forest on Mynydd Margam.

[13] Footnote 48 in Appendix J

Landscape Effects

27. The effect on Mynydd Brombil would turn it into a windfarm landscape in the words of the appellant's landscape witness. However, Mynydd Brombil is one of three upland areas that comprise LCA 6. The effect on the other two upland areas would be less significant as they are located away from the appeal site. Nevertheless there would be a detrimental effect on the landscape character of the appeal site. There is a line of pylons running from north to south across Mynydd Brombil through the location of the proposed turbines. The 4 closest pylons range in height between 35 and 50m (compared to a hub height of around 60m for the proposed turbines). They have an effect on landscape character.

28. The Goytre Valley LCA 8 lies to the north of the site. There would be no development within the LCA itself. The key features affected are the upland character and tranquillity of this enclosed and deeply incised valley. The important factor was the hill as a backdrop. The views from Goytre itself show the backdrop and there would be part of one turbine visible from half way up the tower, hub and blades. The blade tip of another turbine would be visible. I do not consider that this would have a significant effect because of the number of turbines visible and the limited visibility of the turbines from this complex landscape. The effect on tranquillity would be purely a visual one as the background noise levels at Goytre Farm and Llety Piod are higher than the predicted noise levels for the turbines[14]. There would be a moderate adverse effect that must be considered in the planning balance.

29. Margam Park LCA 3 contains a number of listed buildings and is a very large registered park and garden with a number of distinct areas. It is therefore of high sensitivity. The proposal is around 2 to 4 Km away from the Park. The impact would be in the range of slight to moderate because there is no development proposed in the park itself and because of the distance. I do not find the impact on landscape character to be significant because of the distance involved and the fact that there is already infrastructure present on the site area. I therefore consider that the impact of the proposal on the landscape character of the Park would be slight.

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

Visual Impacts

31. The settlement of Margam is at the bottom of a steep slope and has the steelworks on one side and the very busy M4 on the other. The settlement is hemmed in between the mountain and the steelworks. Policy and guidance refers to encirclement and hemming-in by turbines in such locations as the head of a valley. It does not refer to hemming in by other forms of development. In this case, the proposal would occupy a narrow arc of view with the tall stacks associated with the steelworks in the opposite direction. It is the landform that constrains the narrow coastal plain in this location. Despite the lack of public participation in the Inquiry or the limited numbers of objections, the proposal must be assessed on its own merits.

[14] Figures 9.14 to 9.17 of Volume 3 of the ES

32. The proposal would be on top of the steep slope, set back from the edge, apart from where there is a small incised valley called Cwm-y-Gelli. I have considered the material and photomontages supplied in the LVIA and the Residential Visual Amenity Study (RVAS), as well as the information supplied by the landscape witnesses. The western and southern parts of Margam will potentially have views of the proposed turbines at distances of around 1 Km. However, there are many locations where the turbines will not be seen due to the screening effect of the buildings and the orientation of the streets. There are few locations where the entirety of any turbine will be seen. In most locations, parts of the towers of two turbines would be clearly seen, with the tips of another two visible. There are two viewpoints where three turbine hubs and part of the towers would be seen. Where seen the turbines would draw the eye because of their size and movement. They would be quite close together. They would be at a higher level, but not all the tower would be seen. They would be an element occupying a narrow arc of view in the overall vista. Views in this area are dominated by the steelworks and the mountain. There are existing pylons on top of the mountain and the rural backdrop is interrupted by the noise of the M4. The view has to be given its proper context. For these reasons, I do not consider that they would dominate the view. Overall, I conclude that the proposal would have a significant adverse visual impact on parts of the settlement of Margam

33. Some locations within the small settlement of Goytre would have views of part of one turbine and the blade tip of another on top of the slope to the south. This is a more urban edge or semi-rural location and the slope is an important backdrop and there would be a significant adverse impact on parts of the settlement as a result of views of a single turbine. There are also existing pylons in these views. A part of the small settlement of Pen-y-Cae would have clear views of a turbine and the hub and blades of another two at a distance of around 1.4 Km. The existing pylons and the steelworks are in these views at the moment. There would be adverse visual impacts on parts of Pen-y-Cae as a result of the proposal ameliorated by the extent of the views and the presence of the pylons.

34. The Council refer to set back of proposed turbines so that the slope precludes visibility from below. This is partly a function of the distance that a viewpoint is from the proposal. Many of the critical views are very close to the slope itself so that the proposals do appear to be set back and it is rare for all of the towers to be seen. In much more distant views the proposals are seen in their totality and are of minor scale compared to sweeping views of the plateau. The skyline around the site is not distinctive; it is typical of the edge of the upland plateau. It does form the backdrop to Margam and other settlements. I do not consider that it conveys a sense of wilderness because of the presence of the M4 and the steelworks. I cannot agree that the contrast between the coastal area and the slopes near the site increases the impression of wildness because of these factors. Its location cannot be considered to be remote, which is one of the key factors for wildness. The site also has a line of pylons running across it that breach the skyline. I accept that they are smaller in height, lattice construction and do not rotate, but they represent significant infrastructure. I therefore conclude that the impact on the skyline is of less significance in all these circumstances.

35. The visual impact on Margam Country Park was raised as a concern. I have visited the Park and assessed the different views explored in evidence. The proposal would not be visible from the lower part of the Park around the Castle, Orangery, Iron Age hill fort and main car parks due to the topography. This was the area that appeared most visited by the public during my site visits. The proposal would be clearly visible from the upper parts of the Park (above the Breast Plantations) and parts of the proposed turbines may be seen from the eastern gate and nearby area. The setting of the Park is already affected by the very large steelworks on the coast. The views of the steelworks have not significantly impacted on the character of the Park. There has been no attempt to screen the works from view either. The proposal would be around 3 Km away in these views. There is existing infrastructure on the site in the form of the pylons. The refined SSA F area is adjacent to the site and 100 m turbines within the refined area were suggested as acceptable in the study. They could have a similar impact on views from the upper Park. The proposal would therefore have a moderate visual impact on the Park. I shall return to this issue in my consideration of the impact on heritage assets.

36. Similar considerations apply to the views from local Public Rights of Way (PROW). The most significant of these is undoubtedly the Wales Coast Path and I shall address this impact in detail. The Wales Coast Path splits into two south of Margam. The lower route remains on the coastal plain and goes through Margam itself. Views from Margam were discussed above. The upper route skirts the north of Margam Country Park and climbs onto the top of the scarp slope and then descends to run alongside the M4. The Council drew particular attention to this elevated portion of the path near Crugwyllt-fawr. I walked this route and the proposal would be clearly seen for stretches of the path when walking from south to north. However, there are the existing pylons in the same view and one is acutely aware of the M4 and the steelworks below. This context is important when assessing the effect. The visual impact would be of relatively short duration on a noisy section of the route. Similar issues would apply to the views from local footpaths nearer the site. There is a similar context to more distant views from Aberavon beach and Margam sands. The direct views from the M4 are for some distance on a straight stretch. These are distant views on very low sensitivity receptors. The proposal would occupy a very small arc of view on an extensive plateau. Turbines within refined SSA F would have a similar impact in this view. The local context is of pylons running alongside the motorway on one side and large scale industrial development on the other. In all these circumstances, this view and others in the area are not significant.

37. In summary, there would be significant visual impacts on parts of the settlements of Margam, Goytre and Pen-y-Cae. The other identified visual impacts are not significant for the reasons given above. The significant impacts are in part ameliorated by the site's context and location in terms of its proximity to the M4 and the steelworks and the presence of pylons on the site. The remaining level of harm that I have identified must be weighed in the balance against the benefits of the scheme in order to assess whether the impacts are unacceptable, as required by Policies IE6, GC1, GC2, ENV1 and ENV3 of the Unitary Development Plan.

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

Effect on Ergyd Isaf Round Barrows

38. The Ergyd Isaf pair of round barrows is a Scheduled Ancient Monument (SAM) dating from the Bronze Age. As a SAM it is nationally important. It was agreed at the Inquiry that the position of the nearest turbine (T2) would be fixed at a minimum of 70m from the scheduled area, which could be controlled by condition. NPS EN-1 states a presumption in favour of the conservation of heritage assets. Substantial harm to designated assets of the highest significance (including SAMs) should be wholly exceptional[15]. Planning Policy Wales and Circular 60/96 contain similar tests in relation to the desirability of preserving an ancient monument and its setting and a presumption in favour of their physical preservation in situ and against proposals which would have a significant impact on the setting of visible remains[16]. Unitary Development Plan Policy ENV22 reflects this national policy. It was agreed that there would be no physical impact on the monument itself. The impact would be on its setting, which is not in itself a designated heritage asset. The issue is the level of harm to the significance of the SAM by virtue of the change to its setting.

39. Cadw objected to the proposal on the basis that Turbine 2 would dominate views to and from the SAM due to its proximity. It would add a high structure next to the monument and unlike the pylons would add rotational movement and noise. It would have a significantly damaging impact on the setting of the monument and reduce its overall significance. Concerns were also raised that Turbines 1 and 2 would block views and harm the inter-visibility with Mynydd Dinas and the Twyn Disgwylfa round barrow thereon. This would again harm the significance of the SAM. The conclusion was that the proposal (particularly T2) would have a visually dominant impact that would be significantly damaging to the setting of the monument[17].

40. The site is farmland and is not a relict landscape. The original setting of the SAM has been changed by farming practices. I note, for example, that there is a fence running through the SAM. The setting is also altered by the presence of the pylons and an awareness of the steelworks/M4 below. The resultant background noise levels mean that this is not as critical an issue as it would be in a more remote and tranquil location. However, the proposed T2 would be in close proximity to the barrows and would dominate them visually. This would be unacceptably damaging to the setting of the SAM. The appellant indicated that if that was my conclusion then this turbine could be considered for deletion from the proposal. This would address the concerns raised regarding the impact on the immediate setting of the SAM. I consider that T2 should be omitted from the scheme for this reason. The remaining turbines would be around 400m – 600m away and on the other side of the line of pylons. In the context of the existing setting being much altered, I consider that this would be a less significant impact on the setting of the SAM. I also note that there are many such monuments in the refined SSA F boundary and so some degree of impact upon them would be inevitable.

[15] Paragraph 5.8.14
[16] Paragraph 6.5.1 of PPW and paragraph 17 of circular 60/96 Planning and the Historic Environment: Archaeology
[17] Cadw letter of 6 October 2014

41. The other issue is inter-visibility with other monuments on hilltops around 4-5 Km away. The concern was inter-visibility with two other barrows on Mynydd Dinas and to a lesser extent on Mynydd y Gaer. No connection with the Cairn at Foel Fynaddau was raised. It was merely a convenient vantage point used by the Council's heritage witness to assess inter-visibility. I note the appellant's points regarding an academic study disputing the importance of inter-visibility and the Council's citation of another study concluding that inter-visibility was important. I also note the appellant's point that some connection with the monuments to the east in the forest was more likely. The actual visibility between the monuments (on the site, on Mynydd Dinas and on Mynydd y Gaer) was disputed. Whatever the outcome of that debate, it appears likely that there was some association between the three sites and at the end of the day, the issue has been raised by the responsible statutory body – Cadw. I shall therefore consider the impact of the proposal on inter-visibility.

42. With the omission of T2 from the scheme, the only remaining turbine affecting visibility would be T1, around 500m away. The line of pylons (in particular P2 and P3[18]) and power lines are closer to the SAM in these views. The proposed tower and blades would cause an additional obstruction, but that would be less significant in the context of the existing situation and the distances involved. The other views to and from the monument and the designed monumentality issue were not raised by Cadw. The impact on these views would not be so significant, for the reasons already given relating to the context of the existing setting. The appellant offered to provide heritage interpretation information on the site as part of the development. The historical development of the area including the Ergyd Isaf Barrows would be explained. This would be a benefit of the proposal.

Effect on Mynydd Margam Historic Landscape Area

43. The site is within the Mynydd Margam Historic Landscape Area (HLA) which is in the Register of Landscapes of Historic Interest in Wales and thus is subject to Policy in EN-1 and Planning Policy Wales that where a development is of such a scale that it would have more than a local impact on the area, the implications of the development may be taken into account by the decision-maker. The appellant has carried out an Assessment of Significance of the Impacts of the Development on the Historic Landscape (ASIDOHL) in accordance with the guidance and procedures in the Good Practice Guide[19]. The HLA is large and extends from Goytre to Margam Country Park and across to Maesteg. A large part of the HLA is within refined SSA F and therefore some change in terms of wind turbines must have been anticipated. The Register recognises that landscapes are subject to change and seeks to inform choices about how that change can be accommodated so that key historic characteristics can be retained whilst still meeting modern needs. The HLA is divided into 17 Historic Landscape Character Areas (HLCAs). The areas of particular interest were the small host area HLCA 4 – Mynydd Brombil and Ergyd Isaf, HLCA 10 – Margam Forest and HLCA 1 – Margam Country Park. The Council conceded that the perceived impact on another area (i.e. HCLA 3) was mistaken because it was based on noise impact. it emerged that the background noise levels would be higher than the noise impacts of the proposal. NRW maintained its objection on this basis, but did not explain the basis for that objection.

[18] As shown on the submitted Pylon Context Plan.
[19] Guide to Good Practice in using the Register of Landscapes of Historic Interest in Wales in the Planning and Development Process. Revised 2nd Edition 2007.

44. The host HLCA 4 is small and there would be a substantial local impact as discussed above. However, this impact on the historic landscape would be lessened by the factors discussed above in relation to the impact on the Ergyd Isaf SAM, which is a key characteristic of the area. The only additional features are the pillow mounds and an enclosure of unknown origin, which are minor features and not key historical characteristics of the area. They are located closer to the scarp slope and the pylons. Consequently their context is already affected by the industrial landscape below and the pylons.

45. In most instances outside the host HCLA it was the indirect visual impacts that were the most significant on the HLA. It became clear that the Council's witness had over-estimated the visual impact by basing his analysis on the bare earth Zone of Theoretical Visibility (ZTV) rather than the screened ZTV which took account of screening by vegetation and buildings. When this information is taken into account the impact on the HLA is limited. The visual impact from Margam Forest (HCLA 10) is significantly reduced by the trees. The area closest to the site has been cleared and would be subject to visual impact and some increase in noise. Most of the large HCLA would be unaffected. There may be tree felling in the future, but no details of any felling plans were provided. I can only base my assessment on the situation as it exists in the absence of any evidence of planned changes. It appears that the impact on other HCLAs as assessed by the Council was increased on the basis of erroneous data. This also applies to HCLA 1 Margam Country Park, the detailed aspects of which I shall consider further below. I conclude that there would be an impact on HCLA 4 (the host area) and to a lesser degree on HCLA 10 and HCLA 1. This impact would not be so significant as to warrant refusal of the proposal.

46. Cumulative impact on the HLA was raised as an issue by NRW. The evidence consisted of statements that there would be cumulative adverse effects from a particular viewpoint. There was no explanation of how the HLA would be harmed by the combination of the proposal and other turbines located on the coastal plain. The other windfarm on the upland plateau mentioned was Foel Trawsnant. This proposal has not received planning permission. There was no analysis of how it would affect the HLA in combination with the appeal proposal. These issues were not relied upon by the Council in its evidence. I do not find them significant on the basis of the unsubstantiated evidence supplied.

Effect on Listed Buildings and Margam Country Park

47. Margam Country Park is a Grade 1 Registered Park. Planning Policy Wales states that the impact of development on the setting of such a Park may be a material consideration[20]. Cadw has defined an essential setting to the Park around the northern and eastern boundary. The park contains a Conservation Area around the Castle and many listed buildings, mainly located near the Castle also. Sections 16 (2) and 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the decision maker to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Section 72 requires that special attention is paid to desirability of preserving or enhancing the character or appearance of a Conservation Area.

[20] Paragraph 6.5.25 of PPW7

48. The proposed turbines would not be visible from the Conservation Area. No concern was raised regarding any impact on the Conservation Area and as there are no views into or out of the Conservation Area from the site, I conclude that there would be no effect. The proposal would not be seen in any of Cadws' defined significant views from the Park, which are all in the opposite direction to the proposed turbines. The appeal site is not in the essential setting of the Park. The closest turbine would be between 1.9 and 3.9 Km from the identified critical viewpoints within the Park. Concerns related to the visual impact of the proposal on a high sensitivity receptor. I consider that the impact on the Park would be low for the reasons given above in relation to visual impact. The appellant's heritage witness raised the issue that the setting of the Castle and the Park would be affected by the proposal in terms of a small impact on the distant designed frame view.

49. I am conscious of the special duty under section 66 and give that considerable importance and weight. The level of harm must be assessed so that it can be weighed in the balance. The proposal would not be visible from the Castle or any of the listed buildings nearby. The turbines would not be seen in conjunction with the Castle (or Conservation Area as a whole). The Council and appellant agreed that the harm would be very small. The proposal is concentrated in a relatively small portion of the wide sweep of the plateau well beyond the Park boundary. There are already vertical structures in that area in the form of pylons, albeit smaller than the proposed turbines. The visual impacts that I have discussed above would be reduced by the deletion of one turbine from the scheme. The context is again important. There are clear views from the Castle of the steelworks and the evidence was that this has not affected the historic interest of the Castle or Park to a significant degree. There has been no attempt to screen the industrial development from view by additional planting around the boundary of the Park. The construction of the M4 has physically and indirectly affected the Park. The refined SSA F area is adjacent to the site and 100 m turbines within the refined area were suggested as acceptable in the study. They could have a similar impact on the Park and setting of the Castle. I do not base this assessment on the appellant's alternative, but on say 100m high turbines within the Mynydd Margam area. In all these circumstances, the level of harm would be very small and I shall weigh it on that basis in the context of the statutory duty.

The Overall Planning Balance

50. There is a clear policy support for the provision of further renewable energy. EN-1 states that substantial weight should be given to the contribution that any scheme would make[21]. This must be proportionate to the size of the contribution, but in counterpoint, larger schemes will also have larger effects. These aims are echoed in Planning Policy Wales as discussed above.

51. The proposal would have an installed capacity of 10 MW and the evidence was that the proposed turbines can be readily connected to the electricity grid network. This is a significant benefit of the scheme which must weigh heavily in its favour. However, the Council considered that there was sufficient capacity in the pipeline to meet the Minister's target. Some of the other schemes have not been approved. I therefore place little weight on the possibility of the Minister's maximum being slightly exceeded because that depends on the approval of all the other schemes and all the consented schemes being built and/or higher rated turbines being used. There is also the other argument of whether wind farms outside SSA F but within 5 km of the boundary

[21] Paragraphs 3.1.3, 3.4.1 and 3.4.5

should be counted towards the Ministerial maximum MW output for SSAs. All these factors lead me to conclude that this matter is not determinative in this appeal.

52. The Welsh Government has stated that good progress is being made towards meeting the 2015/17 targets. That statement was the subject of debate at the Inquiry. Whatever the progress towards meeting that target, the subsequent 2020 targets and beyond are more challenging. It is clear that targets for other forms of renewable energy will not be met. There will be a need for more renewable energy projects to meet them. I therefore accept that there is a clear need for further wind energy development nationally and in this area. This is a clear policy imperative of both the UK and Welsh Government.

53. Policy IE6 of the Unitary Development Plan supports proposals for the creation of renewable energy provided their impacts are acceptable. The other policies referred to have similar tests regarding the acceptability of impacts (Policies 19, ENV1, ENV3, ENV19, GC1 and GC 2). The test is whether the proposal complies with the development plan as a whole, but Policy IE6 is the most relevant policy to the proposal. EN-1 states that it will not be possible to develop the necessary energy infrastructure without there being impacts and refers to there being significant residual impacts[22]. To my mind this is merely re-stating that there will have to be a balancing exercise where the harm is weighed against the benefits.

54. I have concluded that there would be adverse impacts on landscape character, principally on part of the host LCA 6. There would be moderate impacts on Goytre Valley LCA 8 and Margam Park LCA 3. I have concluded that the proposal would have a significant adverse visual impact on parts of the settlement of Margam. There would be significant adverse visual impacts on parts of Goytre as a result of one prominent turbine. There would be an adverse visual impact on part of Pen-y-Cae, which would be reduced by the deletion of one turbine from the scheme. I have concluded that the site's performance in terms of published guidance, the criteria in TAN8 and its impact on skylines and views from PROWs is satisfactory.

55. The proposal as submitted would have a substantial adverse impact on the setting of the Ergyd Isaf SAM. I have concluded that the removal of T2 from the scheme would reduce that impact significantly. This level of impact informs the scale of the effect on the small HLCA 4 within the HLA. The effect on other HCLAs would be low and so I conclude that the overall effect on the HLA is low. I have considered the impact on the Margam Park and the listed buildings therein. In the context of the existing setting of the Park and Castle and the low impact of the proposal, I have concluded that the level of harm would be very small. The visual impacts would be reduced by the deletion of T2 from the scheme. In overall terms, I conclude that the harm to heritage assets would be less than substantial. In the light of this conclusion the wholly exceptional clause[23] in EN-1 does not apply. Nevertheless, I give this harm considerable weight in the balancing exercise.

[22] Paragraph 3.2.3

[23] Paragraph 5.8.14 – substantial harm to or loss of designated heritage assets of the highest significance (SAMs and Grade 1 or 2* listed buildings or registered parks) should be wholly exceptional.

56. The benefits of the proposal in meeting the acknowledged need for further onshore wind energy, which is a policy imperative for Welsh Government, are set out above. I attach weight to the site's location close to SSA F, and that the site is well-placed to speedily contribute to the target for wind energy production, as well as the potential shortfall across Wales in achieving future Welsh Government targets in this respect. Policy IE6 aims to deliver renewable energy and the proposal would meet this objective. I have found that several site specific circumstances would ameliorate the adverse impacts of the proposal. Firstly, the proximity of the site to existing major infrastructure and industrial development. Secondly, the presence of a line of electricity pylons on the site. Thirdly, the nearest settlements' location close to the bottom of a steep slope reduces the impact of the turbines by partially screening them from view. Fourthly, the proximity of the refined boundary of SSA F. Fifthly, the removal of Turbine 2 from the scheme thereby reducing the impact on heritage assets. The particular relationship of the reduced development to its surroundings leads me to find that the degree of harm arising from the identified landscape and visual impacts, and impacts on heritage assets and their settings would be outweighed by the benefit of the scheme in terms of wind energy generation. I find that the scheme would accord with Unitary Development Plan Policies 19, ENV1, ENV3, ENV19, GC1 and GC 2 and national planning policies. Thus, on balance, it would be in accord with Policy IE6 and the development plan as a whole.

Other Matters

Mining Resources and Subsidence

57. An objection was received from Tata Steel UK Ltd as conditional underground mining licence holders for an area of coalfield of approximately 80 Km^2. The area contains good quality coking coal that could be widely used in the Tata steelworks at Port Talbot. Mining this coal would have significant benefits for the company and avoid the need for 2.5 million tonnes being imported annually. The concern relates to the potential sterilisation of coal reserves as a result of the proposal. Minerals Planning Policy Wales requires that the impacts of development proposals on the potential extraction of mineral resources must be considered. Minerals TAN 2 refers to the risk of subsidence and the need to consider the acceptability of proposed mitigation measures. Unitary Development Plan policy IE6 and the IPG also require that such impacts are assessed.

58. The objection refers to the risk of subsidence at the site might lead to an extensive area around the site being designated a subsidence exclusion zone. There was no evidence that the area has been surveyed and mining methods or viability explored. The method of working chosen will determine the risk of subsidence and so the proposal may not be affected. If it is, then there are sensitive features in the area that would have to be protected in any event, such as scarp slopes, the M4 and heritage assets. This would reduce the impact on mining as a result of the proposal alone. The Council also referred to the imposition of conditions requiring mitigation measures to safeguard the proposed turbines and the economic potential of the minerals reserves. Conditions of this nature were imposed by the Secretary of State for Energy and Climate Change in the case of the very large Pen y Cymoedd wind farm[24], where there was an active deep mine beneath part of the site. I note that remediation measures to address the risk of subsidence from past and future mining activities are the subject of a suggested condition agreed between the Local Planning

[24] 01.08.10.04/448C Decision dated 8 May 2012

Authority and the appellant. The other factor of note in this case is that there is no planning permission and there have been no discussions with the Local Planning Authority. The minerals reserves in this area have not been surveyed. The appellant's expert evidence points to the more workable reserves being to the east and this is the more likely early phase. The area under the site presents more geotechnical challenges, which would rule out early development. Thus the other objection that the proposal would prevent early winning of coal in the western part of the licence area is not supported by the evidence. The wind farm would be a temporary development and therefore it is to be expected that the coal reserves could be worked without restriction in the future. The Local Planning Authority considers that the objection is not a reason to refuse planning permission. The evidence suggests that these matters, where they arise can be addressed by suitable conditions.

Ecology

59. The ES and Supplementary Environmental Information (SEI) considered the impacts of the proposal on ecology. The effects on bird species including Dartford Warbler, Nightjar, Honey Buzzard and Golden Plover were considered. No badgers were found on the site. The Council consulted its Biodiversity Officer and Natural Resources Wales (and its predecessor), who were satisfied that the information provided was adequate. These consultees had no objection subject to the proposed mitigation and enhancement measures as part of a Habitat Management Plan. The Council and NRW were satisfied that these measures could be addressed by the imposition of suitable conditions and a s106 agreement. The fact that management was proposed for a period of 15 years was welcomed by the Council's Biodiversity Unit [25]. A signed s106 agreement was submitted to the Inquiry to require off-site habitat management for the benefit of bird species (Dartford Warbler, Nightjar and Golden Plover). I have not been presented with any convincing evidence to outweigh these expert views from the statutory consultees.

Transport

60. The traffic and transport effects of the proposal were considered in the ES and the Council confirmed that the effects were acceptable and could be controlled by conditions. The delivery of Abnormal Indivisible Loads (AILs) was a particular concern of the Head of Engineering and Transport. AILs are inevitable in the construction of wind turbines and the Highway Authority is concerned that their delivery could cause damage to highway structures. It considered that a trial run to ensure that the vehicles could traverse the intended route should be undertaken before granting planning permission. As part of the Council's preparation for the appeal, the Head of Engineering and Transport agreed that a trial run could be addressed by a Grampian condition. As such no development could take place until the trial run had been undertaken and the results approved by the Local Planning Authority. Such a condition is commonly attached to planning permissions for windfarms and would be appropriate in this case.

[25] Comments dated 26/03/2014

Noise and shadow flicker

61. A noise impact assessment of the proposed development was undertaken in accordance with the advised standard ETSU-R-97: *The Assessment and Rating of Noise from Wind Farms*. Background noise levels are high due to traffic and industrial noise. The predicted noise levels were assessed and it was concluded that the noise levels would meet the noise limits as advised within ETSU-R-97; often by a considerable margin. The Council considered that these conclusions were correct and I have no reason to disagree. Noise from access construction could be suitably controlled also and short term impacts addressed. Overall, the noise levels could be controlled by the agreed conditions suggested by the main parties. The standard conditions are necessary because of the tonal quality of the noise generated and to ensure monitoring and compliance in the event of complaints.

62. The ES assessed shadow flicker as recommended in TAN 8 and found that it could be a problem at 4 properties within 800m of the proposed turbines for between 11.6 and 20 hours annually. It was agreed that appropriate mitigating measures could be ensured by conditions requiring that the proposed turbines would be turned off during periods when shadow flicker may occur. These measures would address the concerns regarding the potential effect on the occupiers of the properties.

63. Other objections raised during the application process have been addressed in the Council's consideration of the proposal in the report to Committee. The Council concluded that there would not be a significant effect on the living conditions of local residents. I have considered the report and conclude that this is the case. There are no other issues raised that would lead to a conclusion that planning permission should be refused. The proposal is for a temporary period of 25 years. Conditions can control that period and require de-commissioning and re-instatement of the site. Any proposal to extend that period would require planning permission and could be assessed in the context of prevailing planning policy at the time.

Conditions

64. A list of suggested conditions agreed between the appellant and the Council was submitted at the Inquiry. They arise from the matters raised in the consultation responses and the control and mitigation measures referred to above. These conditions were discussed and it was agreed that some should be revised. A revised version was submitted , which I have considered and applied as appropriate to address the concerns raised as noted throughout this decision. I have considered the conditions in the light of guidance in Welsh Government Circular 016/2014[26] and made minor adjustments as necessary.

65. For reasons already set out above conditions in relation to archaeology, noise, shadow flicker, an AIL trial run, mining subsidence and de-commissioning/reinstatement of the land are necessary. I consider that the impacts of the proposal on habitats, the environment and traffic must be controlled to comply with the ES. The ES makes allowance for micrositing and the limits of this must be controlled by conditions. The external appearance of the turbines and the movement of the blades should be controlled. A scheme to address any interference with TV or radio reception is necessary to protect these facilities for the occupiers of premises affected. A condition

[26] The Use of Planning Conditions for Development Management, Welsh Government October 2014

requiring details and implementation of the heritage interpretation scheme offered by the appellant is necessary.

66. Conditions relating to the provision of a financial mechanism to ensure that there are funds available to complete decommissioning and site restoration were agreed as necessary by the parties. The concern was the potential liability to the public purse in the event of the developer going into liquidation. The model conditions requiring decommissioning and site restoration to be undertaken are included in the schedule below. These conditions are enforceable against the landowner in the event of any default by the developer. In the light of the relatively small scale of this scheme and the decommissioning and site restoration conditions, I do not consider that these financial conditions are necessary or reasonable in this case. I do not therefore include them.

Conclusion

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

Aidan McCooey

Inspector

Schedule of Planning Conditions

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

(2) The development shall be carried out in accordance with the following approved plans and documents (save that Turbine 2 and the track leading to it are not approved and shall not be constructed):

Site Context Plan – C.0349_02-A (23rd August 2011)

Site Location Plan - 005_0.03 (July 2014)

Elevation (front) of typical candidate turbine NTS (27th November 2011)

Elevation (side) of typical candidate turbine NTS (27th November 2011)

Turbine Foundation XEREG19-01 (April 2012)

Site Layout Plan C612/01 (November 2011)

Site Layout Plan C612/08 (June 2011)

Site Layout Plan C612/09 (June 2011)

Site Layout Plan C612/10 (June 2011)

Substation Plan 0001-REGGDD-01 (7th November 2011)

AIL Route C612/03 (April 2012)

Swept Path Analysis C612/05 (April 2012)

General Construction Access C612/04 (April 2012)

(3) Notwithstanding the approved plans, the planning permission hereby granted is for 4 turbines only, namely turbine numbers T1, T3, T4 and T5, as shown on the approved plans.

(4) No development or site clearance shall commence until the local planning authority has been informed in writing of the name of a professionally qualified archaeologist who is to be present during the undertaking of any excavations in the development area so that a watching brief can be conducted. No work shall commence until the local planning authority has confirmed in writing that the proposed archaeologist is suitably qualified. A copy of the watching brief report shall be submitted to the local planning authority within two months of the archaeological fieldwork being completed.

(5) The developer shall afford access at all reasonable times to an archaeologist nominated by the local planning authority, and shall allow him/her to observe the excavations and record items of interest and finds during the periods of construction and decommissioning.

(6) No development shall take place until written confirmation to the Local Planning Authority has been provided confirming that the Ministry of Defence and the Civil Aviation Authority have been given written notice of the proposed date of commencement and completion of the development and the maximum extension of height of any construction equipment or structures and the height above ground level and the Ordinance

(7) Within 6 months after the commencement of any works on site, including vegetation removal, a Habitat Management Plan (HMP) shall be submitted to and approved in writing by the Local Planning Authority. Prior to first export date, the HMP will be implemented for a period of 15 years.

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

(9) No development shall commence until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The Construction Method Statement shall be implemented as approved and shall address the following matters:

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

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

iii. Details of the design and construction methods of the access tracks including drainage provisions, and the pollution prevention measures to be implemented to ensure there are no polluting discharges from tracks and disturbed areas including provision to ensure that no polluting discharge from the access tracks and disturbed areas enters any water course.

iv. Details of the nature, type and quantity of materials to be imported on site for backfilling operations or construction of access tracks.

v. Pollution control and prevention methods measures including sediment control measures, protection of watercourses, ground water and soils, bunding of fuel, oil and chemical storage areas, sewage disposal

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

vii. Details of the timing of works and construction of construction compound and substation.

viii. Dust management.

ix. Disposal of surplus materials.

x. A construction noise management plan (including identification of access routes, locations of materials lay-down areas, details of equipment to be employed, operations to be carried out, mitigation measures and a scheme for the monitoring of noise).

xi. Temporary site illumination.

xii. Wheel cleaning facilities.

xiii. Post-construction restoration and reinstatement of the working areas including removal of construction equipment and the construction compound.

xiv. Details for the protection of Scheduled Ancient Monuments adjacent to the site.

xv. Details of any proposed temporary site compounds for storage of materials, machinery and operative/visitor parking within the site, to include the siting of temporary buildings and all means of enclosure and oil/fuel and chemical storage.

xvi. Details of the method of borrow pit working including means of extraction, handling, storage and re use of soil, drainage control and restoration.

xvii. The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate.

xviii. A scheme for recycling/disposing of waste resulting from construction works.

xix. Details of the final track alignments.

xx. Arrangements to prevent wildlife becoming trapped in excavation works.

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

(i) the proposed route(s);

(ii) time(s) and date(s) of the test run;

(iii) type of vehicles to be used;

(iv) the methods of recording the test run; and

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

The AILTR shall be undertaken as approved.

The AILTTRR shall include:

a. a written summary of the dry run;

b. copies of records as agreed in (iv) above;

c. a schedule of additional works not previously listed in (v) above; and

d. a conclusion.

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

i. the proposed construction route(s);

ii. arrangements for road maintenance and cleaning;

iii. the reduction of the speed limit to 30mph either side of the proposed access, including details of speed checkers and road markings required during and following construction phase

iv. the timing of construction traffic movements during the construction period, wheel cleaning/dirt control arrangements at key stages of construction;

v. provision of temporary signs, street furniture, traffic control (including provision of any traffic signal control required during the construction phase) and any carriage way works;

vi. informative road signage warning other road users of forthcoming construction traffic movements, days and times of proposed deliveries;

vii. all streetworks and signage to be removed during the transport of large loads;

viii. proposed traffic orders including removal of on street parking, temporary speed reductions and road closure orders;

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

x. predicted daily traffic flow for all vehicles during the construction phase of the development.

The development shall be carried out in compliance with the approved scheme.

(12) No development shall commence until a detailed surface water drainage system (including means of pollution control) have been submitted to and approved in writing by the Local Planning Authority. The surface water system must then be constructed in accordance with the approved details.

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

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

(15) Within the year prior to decommissioning of the site, but no later than 6 months prior to decommissioning, a full ecological survey of the site shall be undertaken to inform decommissioning. A survey report shall be submitted to and approved in writing by the local planning authority prior to the commencement of decommissioning and then implemented as approved. The report shall include ecological mitigation measures, as

appropriate, based on the ecological assessment findings to be followed during decommissioning, and beyond.

(16) In the event of any wind turbine failing to produce electricity supplied to the local grid for a continuous period of 12 months, then it will be deemed to have ceased to be required, the turbine and its ancillary equipment shall be dismantled and removed from the site within 6 months of the deemed cessation date and the site restored to its former condition.

(17) No later than 12 months before the expiry date of the planning permission hereby granted a decommissioning and site restoration scheme shall be submitted in writing to the local planning authority. The scheme shall include:

i. Details of the removal of all the wind turbines and the surface elements of the development plus one metre of the turbine bases below ground level.

ii. A de-construction method statement.

(18) No development shall take place until details of the external finish of the turbines hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

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

(20) All electricity and control cables between the turbines and the site control building shall be laid underground and alongside tracks which are constructed on the site as part of the development. Any variation shall be submitted to and approved in writing before development commences. Development shall be carried out in accordance with the approved details

(21) The turbines and associated crane pads shall be erected within 30m of the following coordinates and shall also lie within the constraints of the red line plan (drawing 005 – May 2014):

T1	279039	188991
T3	278755	188772
T4	278858	188496
T5	279129	188272

The access tracks, construction compound and substation shall be sited within 5m of the approved location, coordinates and shall also lie within the constraints of the red line plan (drawing 005 – dated May 2014).

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

(23) The erection of the turbines shall not commence until a scheme has been submitted to and approved in writing by the Local Planning Authority to secure the investigation and alleviation of any electromagnetic interference to television or radio reception caused by the Development at premises lawfully in existence at the date of this permission. The scheme and any alleviation measures shall be implemented as approved.

(24) None of the wind turbines hereby permitted shall be erected until a written scheme has been submitted to and approved in writing by the local planning authority, setting out a protocol for the assessment of shadow flicker in the event of any complaint to the local planning authority from the owner or occupier of any dwelling (defined for the purposes of this condition as a building within Use Class C3 of the Use Classes Order) which lawfully exists or had planning permission at the date of this permission. The written scheme shall include remedial measures to alleviate any shadow flicker attributable to the development and the timescales for their implementation. The written scheme shall be implemented in accordance with the approved details and thereafter retained. Operation of the wind turbines shall take place in accordance with the approved scheme unless the Local Planning Authority gives its prior written consent to any variation.

(25) Prior to the excavation of any foundations, a Stability Report shall be submitted to, and approved in writing by the Local Planning Authority. The purpose of this report shall be to prescribe construction methods for the turbines that will ensure that reasonably foreseeable risks arising from any past, present or future mining activity do not adversely affect their safety, stability or operational effectiveness. The report shall also include foundation details of any associated buildings erected on the site and a completion report containing full information on the investigation and treatment of the site, including, where relevant, arrangements for the longer-term monitoring of any subsidence and maintenance of the integrity of any foundations and structures. The construction of each turbine shall be carried out in accordance with the approved Stability Report.

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

(27) Prior to the commencement of development, details of a heritage interpretation scheme shall be submitted to the Local Planning Authority. The proposal shall include details which will summarise the historical development of the area, including the Bronze Age round barrows. The scheme as approved shall be implemented prior to the first connection of the proposed development to the grid, and shall be maintained until the proposed development is decommissioned.

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

The CEMP shall include:

(i) a pre construction ecology survey to include badgers, breeding and schedule 1 listed birds

(ii) details of the methods for the conservation of reptiles and amphibians

(iii) details of mitigation measures for the protection of existing habitats including hedges and trees; wildlife such as nesting birds

(iv) measures for the treatment of invasive non-native species on site

(v) details of the appointment and role of an Ecological Clerk of Works.

(29) The rating level of noise emissions from the combined effects of the wind turbines (including the application of any tonal penalty) when determined in accordance with the attached Guidance Notes (to this condition), shall not exceed the values for the relevant integer wind speed set out in, or derived from, the tables attached to this condition at any dwelling which is lawfully existing or has planning permission at the date of this permission and:

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

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

c) Within 21 days from receipt of a written request from the Local Planning Authority following a complaint to it from an occupant of a dwelling alleging noise disturbance at that dwelling, the wind farm operator shall, at its expense, employ a consultant approved by the Local Planning Authority to assess the level of noise emissions from the wind farm at the complainant's property in accordance with the procedures described in the attached Guidance Notes. The written request from the Local Planning Authority shall set out at least the date, time and location that the complaint relates to and any identified atmospheric conditions, including wind direction, and include a statement as to whether, in the opinion of the Local Planning Authority, the noise giving rise to the complaint contains or is likely to contain a tonal component.

d) The assessment of the rating level of noise emissions shall be undertaken in accordance with an assessment protocol that shall previously have been submitted to and approved in writing by the Local Planning Authority. The protocol shall include the proposed measurement location identified in accordance with the Guidance Notes where measurements for compliance checking purposes shall be undertaken and also the range of meteorological and operational conditions (which shall include the range of wind speeds, wind directions, power generation and times

of day) to determine the assessment of rating level of noise emissions. The proposed range of conditions shall be those which prevailed during times when the complainant alleges there was disturbance due to noise, having regard to the written request of the Local Planning Authority under paragraph (c), and such others as the independent consultant considers likely to result in a breach of the noise limits. The proposed range of conditions shall be those which prevailed during times when the complainant alleges there was disturbance due to noise, having regard to the written request of the Local Planning Authority under paragraph (c), and such others as the independent consultant considers likely to result in a breach of the noise limits.

e) Where a dwelling to which a complaint is related is not listed in the tables attached to these conditions, the wind farm operator shall submit to the Local Planning Authority for written approval proposed noise limits selected from those listed in the Tables to be adopted at the complainant's dwelling for compliance checking purposes. The proposed noise limits are to be those limits selected from the Tables specified for a listed location which the independent consultant considers as being likely to experience the most similar background noise environment to that experienced at the complainant's dwelling. The rating level of noise emissions resulting from the combined effects of the wind turbines when determined in accordance with the attached Guidance Notes shall not exceed the noise limits approved in writing by the Local Planning Authority for the complainant's dwelling.

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

g) Where a further assessment of the rating level of noise emissions from the wind farm is required pursuant to Guidance Note 4(c), the wind farm operator shall submit a copy of the further assessment within 21 days of submission of the independent consultant's assessment pursuant to paragraph (d) above unless the time limit has been extended in writing by the Local Planning Authority.

Table 1: Noise Limits

Location	Noise limit period	Noise limit in dB $L_{A90,\ 10\ min}$ at Standardised 10m height Wind Speed (m/s)												
		0	1	2	3	4	5	6	7	8	9	10	11	12
16 Glan y Mor Avenue	Night (2300-0700)	52	52	52	52	52	52	53	54	55	56	56	57	57
	Day (0700-2300)	49	50	51	52	53	54	55	55	56	56	57	57	57

18 Pellau Road	Night (2300-0700)	51	51	51	51	51	51	52	53	54	55	56	56	56
	Day (0700-2300)	44	49	53	55	57	58	58	58	58	58	57	57	58
Goytre Farm	Night (2300-0700)	44	44	44	44	44	44	45	45	46	47	48	49	51
	Day (0700-2300)	46	46	46	46	46	46	46	46	47	48	48	48	48
Llety Piod	Night (2300-0700)	46	46	46	46	46	46	46	46	47	48	50	52	55
	Day (0700-2300)	49	49	49	49	49	49	49	49	50	51	51	52	52
Tyla Farm	Night (2300-0700)	49	50	51	51	52	52	52	52	52	53	54	55	57
	Day (0700-2300)	49	51	52	53	53	54	54	55	55	55	55	55	55

Table 2: Coordinate locations of the properties listed in Table 1

Property Name	Easting	Northing	Noise Level (dB LA90)
16 Glan y Mor Avenue	278042	187893	38.1
18 Pellau Road	278257	188110	41.0
Goytre Farm	278859	189692	40.1
Llety Piod	278412	189336	41.5
Tyla Farm	279186	187643	40.8

Guidance Notes for Noise Conditions

These notes are to be read with and form part of the noise condition. They further explain the condition and specify the methods to be employed in the assessment of complaints about noise emissions from the wind farm. The rating level at each integer wind speed is the arithmetic sum of the wind farm noise level as determined from the best-fit curve described in Guidance Note 2 of these Guidance Notes and any tonal penalty applied in accordance with Guidance Note 3. Reference to ETSU-R-97 refers to the publication entitled "The Assessment and Rating of Noise from Wind Farms" (1997) published by the Energy Technology Support Unit (ETSU) for the Department of Trade and Industry (DTI).

Guidance Note 1

(a) Values of the $L_{A90,10\ minute}$ noise statistic should be measured at the complainant's property, using a sound level meter of EN 60651/BS EN 60804 Type 1, or BS EN 61672 Class 1 quality (or the equivalent UK adopted standard in force at the time of the measurements) set to measure using the fast time weighted response as specified in BS EN 60651/BS EN 60804 or BS EN 61672-1 (or the equivalent UK adopted standard in force at the time of the measurements). This should be calibrated in accordance with the procedure specified in BS 4142: 1997 (or the equivalent UK adopted standard in force at the time of the measurements). Measurements shall be undertaken in such a manner to enable a tonal penalty to be applied in accordance with Guidance Note 3.

(b) The microphone should be mounted at 1.2 – 1.5 metres above ground level, fitted with a two-layer windshield or suitable equivalent approved in writing by the Local Planning Authority, and placed outside the complainant's dwelling. Measurements should be made in "free field" conditions. To achieve this, the microphone should be placed at least 3.5 metres away from the building facade or any reflecting surface except the ground at the approved measurement location. In the event that the consent of the complainant for access to his or her property to undertake compliance measurements is withheld, the wind farm operator shall submit for the written approval of the Local Planning Authority details of the proposed alternative representative measurement location prior to the commencement of measurements and the measurements shall be undertaken at the approved alternative representative measurement location.

(c) The $L_{A90,10\ minute}$ measurements should be synchronised with measurements of the 10-minute arithmetic mean wind and operational data logged in accordance with Guidance Note 1(d), including the power generation data from the turbine control systems of the wind farm.

(d) To enable compliance with the conditions to be evaluated, the wind farm operator shall continuously log arithmetic mean wind speed in metres per second and wind direction in degrees from north at hub height for each turbine and arithmetic mean power generated by each turbine, all in successive 10-minute periods. Unless an alternative procedure is previously agreed in writing with the Planning Authority, this hub height wind speed, averaged across all operating wind turbines, shall be used as the basis for the analysis. All 10 minute arithmetic average mean wind speed data measured at hub height shall be 'standardised' to a reference height of 10 metres as described in ETSU-R-97 at page 120 using a reference roughness length of 0.05 metres . It is this standardised 10 metre height wind speed data, which is correlated with the noise measurements determined as valid in accordance with Guidance Note 2, such correlation to be undertaken in the manner described in Guidance Note 2. All 10-minute periods shall commence on the hour and in 10- minute increments thereafter.

(e) Data provided to the Local Planning Authority in accordance with the noise condition shall be provided in comma separated values in electronic format.

(f) A data logging rain gauge shall be installed in the course of the assessment of the levels of noise emissions. The gauge shall record over successive 10-minute periods synchronised with the periods of data recorded in accordance with Note 1(d).

Guidance Note 2

(a) The noise measurements shall be made so as to provide not less than 20 valid data points as defined in Guidance Note 2 (b)

(b) Valid data points are those measured in the conditions specified in the agreed written protocol under paragraph (d) of the noise condition, but excluding any periods of rainfall measured in the vicinity of the sound level meter. Rainfall shall be assessed by use of a rain gauge that shall log the occurrence of rainfall in each 10 minute period concurrent with the measurement periods set out in Guidance Note 1. In specifying such conditions the Local Planning Authority shall have regard to those conditions which prevailed during times when the complainant alleges there was disturbance due to noise or which are considered likely to result in a breach of the limits.

(c) For those data points considered valid in accordance with Guidance Note 2(b), values of the $L_{A90,10\ minute}$ noise measurements and corresponding values of the 10- minute wind speed, as derived from the standardised ten metre height wind speed averaged across all operating wind turbines using the procedure specified in Guidance Note 1(d), shall be plotted on an XY chart with noise level on the Y-axis and the standardised mean wind speed on the X-axis. A least squares, "best fit" curve of an order deemed appropriate by the independent

consultant (but which may not be higher than a fourth order) should be fitted to the data points and define the wind farm noise level at each integer speed.

Guidance Note 3

(a) Where, in accordance with the approved assessment protocol under paragraph (d) of the noise condition, noise emissions at the location or locations where compliance measurements are being undertaken contain or are likely to contain a tonal component, a tonal penalty is to be calculated and applied using the following rating procedure.

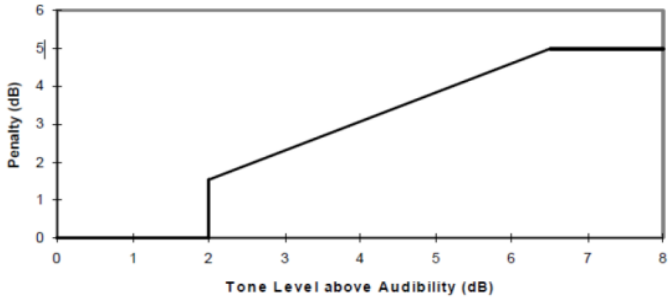
(b) For each 10 minute interval for which $L_{A90,10\ minute}$ data have been determined as valid in accordance with Guidance Note 2 a tonal assessment shall be performed on noise emissions during 2 minutes of each 10 minute period. The 2 minute periods should be spaced at 10 minute intervals provided that uninterrupted uncorrupted data are available ("the standard procedure"). Where uncorrupted data are not available, the first available uninterrupted clean 2 minute period out of the affected overall 10 minute period shall be selected. Any such deviations from the standard procedure shall be reported.

(c) For each of the 2 minute samples the tone level above or below audibility shall be calculated by comparison with the audibility criterion given in Section 2.1 on pages 104109 of ETSU-R-97.

(d) The tone level above audibility shall be plotted against wind speed for each of the 2 minute samples. Samples for which the tones were below the audibility criterion or no tone was identified, a value of zero audibility shall be used.

(e) The average tone level above audibility shall be calculated for wind speed bins (each bin being 1 metre per second wide and centred on integer wind speeds) using an arithmetic average of the data points. This process shall be repeated for each integer wind speed for which there is an assessment of overall levels in accordance with Guidance Note 2.

(f) The tonal penalty for each integer wind speed is derived from the margin above audibility of the tone according to the figure below.



Guidance Note 4

(a) If a tonal penalty is to be applied in accordance with Guidance Note 3 the rating level of the turbine noise at each wind speed is the arithmetic sum of the measured noise level as determined from the best fit curve described in Guidance Note 2 and the penalty for tonal noise as derived in accordance with Guidance Note 3 at each integer wind speed within the range specified by the Local Planning Authority in its written protocol under paragraph (d) of the noise condition.

(b) If no tonal penalty is to be applied then the rating level of the turbine noise at each wind speed is equal to the measured noise level as determined from the best fit curve described in Guidance Note 2.

(c) In the event that the rating level is above the limit(s) set out in the Tables attached to the noise conditions or the noise limits for a complainant's dwelling approved in accordance with paragraph (e) of the noise condition, the independent consultant shall undertake a further assessment of the rating level to correct for background noise so that the rating level relates to wind turbine noise emission only.

(d) The wind farm operator shall ensure that all the wind turbines in the development are turned off for such period as the independent consultant requires undertaking the further assessment. The further assessment shall be undertaken in accordance with the following steps:

(e) Repeating the steps in Guidance Note 2, with the wind farm switched off, and determining the background noise (L_3) at each integer wind speed within the range requested by the Local Planning Authority in its written request under paragraph (c) and the approved protocol under paragraph (d) of the noise condition.

(f) The wind farm noise (L_1) at this speed shall then be calculated as follows where L_2 is the measured level with turbines running but without the addition of any tonal penalty:

$$L_1 = 10 \log\left[10^{L_2/10} - 10^{L_3/10}\right]$$

(g) The rating level shall be re-calculated by adding arithmetically the tonal penalty (if any is applied in accordance with Note 3) to the derived wind farm noise L_1 at that integer wind speed.

(h) If the rating level after adjustment for background noise contribution and adjustment for tonal penalty (if required in accordance with note 3 above) at any integer wind speed lies at or below the values set out in the Tables attached to the conditions or at or below the noise limits approved by the Local Planning Authority for a complainant's dwelling in accordance with paragraph (e) of the noise condition then no further action is necessary. If the rating level at any integer wind speed exceeds the values set out in the Tables attached to the conditions or the noise limits approved by the Local Planning Authority for a complainant's dwelling in accordance with paragraph (e) of the noise condition then the development fails to comply with the conditions.

[End of Conditions]

APPEARANCES

FOR THE APPELLANT

Mr Vincent Fraser QC	instructed by Eversheds LLP
He called:	
Mr Andrew Cook BA (Hons) MLD CMLI CEnv MIEMA	Director – Pegasus Group
Mr Richard Morton BA (Hons) MCIfA	Principal Heritage Consultant Cotswold Archaeology
Mr Paul Burrell BSc (Hons) DipUP MRTPI	Director – Pegasus Group

FOR THE LOCAL PLANNING AUTHORITY

Mr Robert Williams of Counsel	instructed by Mr. David Michael Solicitor Neath Port Talbot CBC
He called:	
Mr Simon White DipLA DipUD (Dist) MA CMLI	Principal – White Consultants
Mr Richard Kelly MA FSA MCIfa	Heritage Advisor
Ms Helen Bowen BA (Hons) BTP MRTPI	Senior Planner, Neath Port Talbot CBC

INTERESTED PERSONS

Ms Olwen Maidment MA CMLI	Natural Resources Wales
Cllr R Jones	Chair of Planning, speaking as Ward Member for Margam

DOCUMENTS SUBMITTED TO THE INQUIRY

Plan showing Wind Farms in SSA F of TAN 8 – C.0349_96-A (3 sheets)

Pylon Context Plan – C.0349_101-A

Welsh Government response to Neath Port Talbot Local Development Plan, Examination Hearing Statement on Matter 7 Environment and Resources, 16th April 2015

Letter of notification of the Inquiry arrangements

Excavations in the Brenig Valley, Frances Lynch. Cambrian Archaeological Monographs No. 5, Cambrian Archaeological Association/Cadw, 1993

NRW Representation to the Inquiry

Completed Section106 Agreement dated 18th May 2015 (Introduced by Appellant and LPA on 18/05/15)

Agreed Draft Condition Schedule (Introduced by Appellant and LPA on 19/05/15)