



Adroddiad

Report

Ymchwiliad a gynhaliwyd ar 01-04/07/03, 07-
11/07/03 and 14/07/03

Ymweliad â safle a wnaed ar 15/07/03

Inquiry held on 01-04/07/03, 07-11/07/03 and
14/07/03

Site visit made on 15/07/03

gan/by Alwyn B Nixon BSc(Hons) MRTPI

**Arolygydd penodwyd gan Cynulliad
Cenedlaethol Cymru**

**an Inspector appointed by the National
Assembly for Wales**

Dyddiad/Date **05-09-2003**

TOWN AND COUNTRY PLANNING ACT 1990 - SECTION 78 APPEAL

APPEAL BY COMMUNITY POWER LTD

AGAINST THE DECISION OF NEATH PORT TALBOT COUNTY BOROUGH COUNCIL

PROPOSED ERECTION OF WIND TURBINES

**LAND AT TON MAWR FARM NEAR MARGAM AND CASTELL FARM NEAR
LLANGYNWYD**

Cyf ffeil/File ref: APP/Y6930/A/02/1103415

File Ref: APP/Y6930/A/02/1103415

Site address: Land at Ton Mawr Farm near Margam and Castell Farm near Llangynwyd

The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.

The appeal is made by Community Power Ltd against the decision of Neath Port Talbot County Borough Council.

The application (Ref. P/2002/538), dated 30 April 2002, was refused by notice dated 4 October 2002.

The development proposed is the erection of 11 3-bladed wind turbines, each with a hub height of 49m and a blade length of 26m; a length of new access track to turbine 10; a viewing platform on turbine 10; and associated cable routes.

Summary of Recommendation: The appeal be dismissed.

1. PREAMBLE AND PROCEDURAL MATTERS

1.1 The Report

1.1.1 This report concerns an inquiry into a proposal to erect wind turbines, held under the provisions of the Town & Country Planning (Inquiries Procedure) Rules 1992. A pre-inquiry meeting was held on 6 March 2003. The inquiry was held for a total of 10 days between 1 and 14 July 2003. An accompanied inspection of the site, nearby archaeological sites, Margam Park and Llangynwyd Village was undertaken on 15 July 2003. In addition, I carried out unaccompanied inspections of Coed Hirwaun and other viewpoints and locations referred to in the evidence, including a visit to turbines erected at Blaen Bowi, Carmarthenshire [*Doc 17.2*].

1.1.2 The appeal against the refusal to grant planning permission by Neath Port Talbot County Borough Council was "recovered" for decision by the National Assembly under section 79 of the Town and Country Planning Act 1990 on 22 November 2002. The reason for recovery for determination by the National Assembly rather than an Inspector was that the appeal relates to proposals to which another Assembly Department (Cadw) has raised major objections.

1.2 Summary of Proposals

1.2.1 The proposal is to erect 11 wind turbines on land at Mynydd Margam within the local authority administrative area of Neath Port Talbot County Borough Council ("the Council"). The proposal involves 2 strings of turbines. Turbines 1-5 ("the southern string") would be sited on the upper south-west facing slope of Moel Ton Mawr above Margam Park, on land which is part of Ton Mawr Farm. Turbines 6-11 ("the northern string") would be sited roughly 1.4km to the north-east, on top of the eastern ridge of Mynydd Margam, adjacent to the administrative boundary of Bridgend County Borough Council and above the village of Llangynwyd and the Llynfi Valley. These turbines would be on land forming part of Castell Farm, Llangynwyd [*Plan D Figures 1 & 3*].

1.2.2 The application, Ref. P/2002/538, [*Doc 2 CD2.1*] was refused by the Council by notice dated 4 October 2002 [*Doc 2 CD2.7*]. The Council refused permission for the following reasons:

- 1) The proposed wind turbines on the north-western side of Margam mountain would be visually dominant and overpowering to the detriment of the visual amenity and character of the Llynfi Valley and the setting of the Conservation Area of

Llangynwyd, contrary to policy EQ2 of the West Glamorgan Structure Plan (Review No. 2) and policy E27 of the draft Port Talbot Local Plan.

- 2) The proposed wind turbines on the south-western side of Margam mountain will adversely affect the general landscape of the area particularly the historic character and visual amenity of Margam Park listed as Grade 1 on the Register of Landscape, Parks and Gardens of Special Historic Interest in Wales by reason of their prominent siting near to the Park contrary to policy EQ2 of the West Glamorgan Structure Plan (Review No. 2 and policy E27 of the draft Port Talbot Local Plan).

1.2.3 The proposal was described on the application form submitted to the Council simply as "erection of wind turbines". Moreover, the physical extent of the development site was not shown clearly on the drawings submitted to the Council [*Doc 2 CD2.1 Drawing 1*] (when submitted, the red circled area of each turbine location was annotated "not to scale"). The planning application fee was calculated on the basis that the application site extended only to a discrete area of land on which each turbine would be sited, together with the area of a length of new access track proposed to turbine 10. In relation to this, the Campaign for the Protection of Rural Wales (CPRW) has drawn attention to inconsistencies in the way that wind turbine application site areas have been defined in this and other cases, and the implications of this for the application fee paid [*Doc 19.8*].

1.2.4 Because of this lack of clarity, the precise extent of the development for which permission is sought was confirmed at the inquiry. From the application form, submitted drawings and covering letter it is evident that the application sought permission for the erection of 11 wind turbines; associated cable routes; a viewing platform on turbine 10; and a length of access track about 120m long to turbine 10 from an existing track. Each turbine would be a 3-bladed machine, with a hub height of 49m and a rotor radius of 26m, giving a maximum height to blade tip of 75m. The positions of the turbines, subject to any micro-adjustment required by detailed archaeological investigations, would be in accordance with the grid coordinates identified in the Environmental Statement (ES) [*Doc 3 CD3.2, p.378*]. At the inquiry the application site boundary was amended in order to encompass the cable routes linking the individual turbines; and the defined area around each turbine was confirmed as being true to scale. Since the cable routes were clearly a part of the development comprised in the application submitted for the Council to consider [*Doc 2 CD2.1 Drawing 3*], I am satisfied that no prejudice to any party arises as a result of this procedural correction to the application documentation.

1.2.5 Precise details of the viewing platform for turbine 10 have not been submitted. However, an illustration of a possible platform design has been provided in the ES [*Photo 1 (Doc 3 CD3.3 Figure 4.2)*].

1.2.6 The application did not seek permission for any other development associated with the proposal. Any temporary vehicular surfacing required during construction, both in the vicinity of the turbines and to achieve access elsewhere where adequate road surfaces do not already exist, would be temporarily provided utilising geotextile matting laid on the existing ground surface and removed once no longer required. Such operations did not form part of the planning application, as it is believed they would not constitute development. Temporary provision of construction compounds, storage areas and site offices would normally benefit from deemed permission under the General Permitted Development Order 1995. However, Community Power Limited (CPL) would accept conditions regulating the detailed arrangements for such facilities.

1.2.7 Connection to the national grid would be via a line of 132kv pylons, some 30m high, which are not currently in use. These run from the ridge of Mynydd Margam in a southerly direction to the electricity sub-station facility at Pyle. Although a small sub-station or similar structure might be required at the connection point to the adjacent disused power line, this was not part of the current application. However, an illustration of a possible grid connection arrangement has been provided for information purposes [*Photo 2 Figure ALR11*].

1.3 Environmental Impact Assessment

1.3.1 An environmental statement has been produced in respect of the proposal under the Town and Country Planning (Environmental Impact Assessment) Regulations, 1999 [*Document 3 CD3.1 - CD3.6*]. The environmental information therein, as updated by evidence at the inquiry and qualified by scrutiny during the inquiry process, has been taken into account in arriving at my conclusions and recommendations.

1.4 Acronyms and Abbreviations

1.4.1 The following acronyms and abbreviations are used throughout the report:

AOD	Above Ordnance Datum (sea level)
ASIDOHL	Assessment of the Significance of Impact of Development on Historic Landscape Areas
Bridgend CBC	Bridgend County Borough Council
Bridgend UDP	Bridgend Unitary Development Plan deposit draft 2001
BWEA	British Wind Energy Association
CBGMLP	Cwmafan, Bryn, Goytre Valley and Rural Margam Local Plan 1989
CCW	Countryside Council for Wales
CPL	Community Power Limited
CPRW	Campaign for the Protection of Rural Wales
ES	Environmental Statement (Environmental Impact Assessment Regulations 1999)
GGAT	Glamorgan Gwent Archaeological Trust
HALT	Householders Against Llangynwyd Turbines
NFFO	Non-Fossil Fuel Obligation
NPT UDP	Neath Port Talbot Unitary Development Plan deposit draft January 2003
OBLP	Ogwr Borough Local Plan 1995
PPW	Planning Policy Wales (March 2002)
PTLP	Port Talbot Local Plan deposit draft written statement
SAM	Scheduled Ancient Monument
TAN (Wales)	Technical Advice Note (Wales)
WGSP	West Glamorgan Structure Plan Review No 2 September 1993
WO	Welsh Office

2. THE SITE AND SURROUNDINGS

- 2.1 The site is located on the upland ridge of Mynydd Margam/Moel Ton Mawr, between the coastal plain running between Pyle and Margam to the south-west and the Llynfi Valley below Maesteg to the north-east. The turbines would be arranged in 2 groups, forming offset, broadly parallel strings running north-west to south-east, roughly 1.5km apart. The southern string, comprising turbines 1-5, would be arranged across a swathe of enclosed upland pasture with their bases at elevations between 250m and 280m AOD on the upper western flank of Moel Ton Mawr, which rises to a summit height of about 320m AOD. The distance between turbine 1 and turbine 5 would be about 0.7km. The northern string, comprising turbines 6-11, would occupy a length of grassed upland ridge of approximately 1km, forming part of the summit plateau of Mynydd Margam, with turbine bases at elevations ranging between about 300m and 340m AOD [*Plan A sheet 1*].
- 2.2 The turbines would be situated in 2 distinct groups about 1.4km apart, separated by the partly forested plateau of Moel Ton Mawr/Mynydd Margam and consequently occupying a rural, upland, mixed pastoral and forested setting. All of the site is within the Mynydd Margam landscape of special historical interest identified in part 2.2 of the Register of Landscapes of Special Historic Interest in Wales [*Doc 7 CD7.7*].
- 2.3 The southern string of turbines would lie close to the upper boundary of Margam Park, which, besides forming part of the Mynydd Margam landscape area of special historic interest, is listed in Part 1 of the Register of Landscapes, Parks and Gardens of Special Historic Interest in Wales as a historic park of Grade 1 importance [*Doc 7 CD7.8*]. Beyond this, the southern part of the site overlooks the coastal strip containing the M4, A48 and the Swansea-London railway line; a range of residential and other developments in a predominantly rural setting; the industrial complex associated with the Port Talbot steelworks, some 4km to the west; and the settlements of Pyle, Kenfig Hill and Cefn Cribwr, 3-4km to the south.
- 2.4 The northern string of turbines would occupy the ridge-line forming part of the western watershed of the Llynfi Valley about 2km west of the small village of Llangynwyd, which is in the administrative area of Bridgend CBC. The village of Llangynwyd and its surrounding environs comprise the Llangynwyd Conservation Area, designated in 1973 [*Doc 13.4*]. Other settlements occupying the valley floor and slopes of the Llynfi Valley, including Maesteg and Bettws, lie at distances between about 2.5km and 7km from the site.
- 2.5 The nearest dwellings to the turbines occupied by persons unconnected with the scheme would be 2 properties at Gilfach Houses, some 900m east of turbine 10 [*Plan A sheet 1*]. This is also the closest road point to the site. However, there are public rights of way leading from Margam Park to the west, from the Llangynwyd-Aberbaiden road to the east, and along the Mynydd Margam ridge, which pass in close proximity to the turbine sites [*Docs 14.4 & 21.5*]. These include the Coed Morgannwg Way, a route of about 60km leading from Margam Park. This part of the Coed Morgannwg Way also forms the eastern end of St Iltyd's Way, a designated trail terminating at Pembrey, near Burry Port. The western end of the Ogwr Ridgeway, a footpath trail promoted by Bridgend CBC, terminates at the Coed Morgannwg Way in the vicinity of the proposed sites of turbines 10 and 11.

3. PLANNING POLICY

3.1 The development plan and other local policy considerations [Doc 4 CD4.1-4.7]

- 3.1.1 The development plan applicable to the site comprises the West Glamorgan Structure Plan (Review No 2) 1991-2006, adopted in 1996 (WGSP), and the Cwmafan, Bryn, Goytre Valley and Rural Margam Local Plan, adopted in 1989 (CBGMLP). The Port Talbot Local Plan (PTLP), which would in due course have replaced the CBGMLP, reached deposit draft stage in the mid-1990's but has not subsequently proceeded to adoption. Instead, work has been carried out on preparing the Neath Port Talbot Unitary Development Plan (NPT UDP) as the new development plan for the area. The NPT UDP deposit draft was initially published in January 2003. Although subsequently withdrawn for procedural reasons, it was re-published in unchanged form on 10 July 2003 [Doc 4 CD4.4].
- 3.1.2 The WGSP contains policies relating to protection of environmental quality and of the countryside (EQ2, EQ7, C1, C5) [Doc 4 CD4.7]. Policy EQ2 deals specifically with the development of renewable sources of energy, which is generally encouraged. However, it permits such developments provided that they comply with a range of criteria, seeking amongst other things to avoid harm to particular sites or locations of special landscape or heritage value and to residential amenity. Policy EQ7 seeks to secure the protection and enhancement of heritage features. It states that development which could adversely affect statutorily designated or other heritage features of national importance (including their settings) will only be permitted in the most exceptional circumstances. Policies C1 and C5 seek generally to protect the environment and natural beauty of the countryside and to resist non-essential forms of development in such locations. However, policy C5 allows for development essential for renewable energy regeneration.
- 3.1.3 The CBGMLP was published in 1989, before any significant onset of renewable energy developments in Britain. It contains countryside and environment policies which seek to resist development within the countryside lacking adequate justification (E1) and to guard against harm to ancient monuments (E7) [Doc 4 CD4.2].
- 3.1.4 The draft PTLP contains a range of environment policies, seeking to protect ancient monuments and their settings from harmful forms of development (E6) and to protect other sites recognised as having historical and archaeological importance (E7). Policy E8 seeks to ensure that there is archaeological evaluation of developments likely to affect significant archaeological sites prior to determination of such proposals, and that the development details pay full regard to such evaluation. Other policies (E9, E11) seek to protect the visual and landscape resource of the countryside in determining development proposals. Policy E18 seeks to resist harmful forms of development in landscape protection areas including the environs of Margam Park. E27 sets out criteria to be applied in assessing renewable energy proposals, covering a range of land-use, landscape, amenity, conservation and other considerations [Doc 4 CD4.6].
- 3.1.5 The deposit draft NPT UDP contains broad, Part 1, policies that seek to protect countryside and landscapes from development that would have unacceptable impacts on character and appearance (policy 1) and to protect the area's historic environment (policy 6). However, opportunities to create energy from renewable resources will be encouraged provided that unacceptable impacts would not result (policy 19). Part 2 includes policies

resisting development in the countryside other than in specified exceptional circumstances, including renewable energy generation (ENV1); resisting development with unacceptable impacts on the landscape, archaeology, environmental quality and amenity (ENV3, ENV17, ENV23, ENV30); and supporting proposals for the creation of renewable energy, provided their impacts are acceptable (IE4) [Doc 4 CD4.4].

- 3.1.6 The area east of the site lies within the Bridgend CBC area and is subject to a different development plan policy context, currently provided by the Mid Glamorgan Replacement Structure Plan 1991-2006 (Bridgend CBC) and the Ogwr Borough Local Plan 1995 (OBLP). These documents are in the process of being replaced by the Bridgend UDP, whose deposit draft was published in 2001. Whilst these plans do not relate to the appeal site, and so their policies do not directly apply to the proposed development, they contain policies alluding to designations for areas within the sphere of effects of the northern string of turbines (6-11). These designations are material to consideration of the landscape and visual effects of the proposed turbines on these areas.
- 3.1.7 Policy EV8 of the OBLP resists development which would adversely affect a range of locally designated areas, including the landscape conservation area of Upper Llangynwyd; the strategic coalfield plateau and associated valley sides; other important natural features, such as the coastline, valley sides, hilltops and ridgelines; and the landscape associated with the rural highway network. However, OBLP policy U5, which sets criteria for the consideration of renewable energy developments, does not identify these areas among those specified as warranting protection from the visual effects of such developments. Policy U5 does seek to protect conservation areas from adverse visual or other effects of renewable energy proposals. Policy EV10 of the deposit draft Bridgend UDP continues the restrictive stance in OBLP policy EV8 towards development that would adversely affect the range of special landscape areas outlined above. Bridgend UDP policy EV41 seeks to preserve or enhance the character or appearance of conservation areas and their settings when considering developments [Docs 4 CD4.5 and CD4.1].

3.2 The national policy context

- 3.2.1 Relevant national planning policy guidance is to be found in Planning Policy Wales (March 2002) (PPW) and associated Technical Advice Notes (Wales) (TANs), especially TAN 8 Renewable Energy [Doc 5 CD5.1-5.6]. Section 12.8 of PPW underlines the Welsh Assembly Government's recognition of the implications of climate change, to which the burning of fossil fuels and greenhouse gas emissions are seen as a major contributor. It notes the objective of the UK Government's energy policy to achieve a secure, diverse and sustainable supply of energy, consistent among other things with the full and proper protection of the local and global environment, and recognises the UK targets for increased supply of electricity from renewable energy sources. The Assembly Government intends to encourage the development of this sector and to promote energy efficiency and conservation in an economic, environmentally sound and socially acceptable way.
- 3.2.2 The Assembly's economic development committee has undertaken a review of energy in Wales, which is to be used to develop a strategic framework for achieving the optimum sustainable use and generation of energy in Wales up to 2020. The Assembly Government wishes to see the planning system play its part in contributing to the UK climate change programme and the objectives outlined above, enabling Wales to work towards an agreed target for its electricity and heat requirements from renewable sources by 2010.

- 3.2.3 Local planning authorities are advised to facilitate the development of all forms of renewable energy and energy efficiency and conservation measures where they are environmentally and socially acceptable. However, at the same time they should ensure that international and national statutory obligations to protect designated areas, species and habitats and the historic environment are protected from inappropriate development; and to ensure that environmental effects on local communities are minimised.
- 3.2.4 In relation to sustainable energy and development control, local planning authorities should consider the effects of any scheme and its associated infrastructure on the local environment. Where a development is likely to cause demonstrable harm to a designated area by virtue of having a significant adverse impact on the qualities for which the site was designated, consideration should be given to refusing the development if such effects cannot be overcome by planning conditions or agreements. Whilst having regard to the contribution of renewable energy use to wider planning goals such as the diversification of the rural economy, local planning authorities should ensure that any environmental effects on local communities are minimised, to safeguard quality of life for existing and future generations.
- 3.2.5 Chapter 6 of PPW sets out the Welsh Assembly Government's policy in relation to conserving the historic environment. It is important that the historic environment - encompassing archaeology and ancient monuments, listed buildings, conservation areas and historic parks, gardens and landscapes - is protected. The Assembly Government's objectives in this field are to preserve and enhance the historic environment, recognising its contribution to economic vitality and culture, civic pride and quality of life, and its importance as a resource for future generations. Its policies specifically seek to protect archaeological remains, which are a finite and non-renewable resource, part of the historical and cultural identity of Wales; and to ensure that conservation areas are protected and enhanced.
- 3.2.6 In relation to development control and the historic environment, the desirability of preserving an ancient monument and its setting is a material consideration in determining a planning application, whether that monument is scheduled or unscheduled. Where nationally important archaeological remains and their settings are likely to be affected by a proposed development there should be a presumption in favour of their physical preservation in situ. Local planning authorities should protect parks and gardens and their settings on the first part of the Register of Landscapes, Parks and Gardens of Special Historic Interest in Wales. Information on the landscapes in the second part of the Register should also be taken into account by local planning authorities in considering the implications of developments which are of such a scale that they would have a more than local impact on an area on the Register. The effect of proposed development on a park or garden contained in the Register, or on the setting of such a park or garden, may be a material consideration in the determination of a planning application. In relation to conservation areas, if a proposed development would conflict with the objective of preserving or enhancing the character or appearance of a conservation area, or its setting, there will be a strong presumption against the grant of planning permission. In exceptional cases the presumption may be over-ridden in favour of development deemed desirable on the grounds of some other public interest.
- 3.2.7 TAN 8 Renewable Energy provides broad advice on technical and operational factors applying to wind turbine developments. It identifies the distinctive features of wind turbines, which must be taken into account in planning and development control. These are:-
- the need to site the machines in open, exposed locations, with annual wind speeds generally of more than 7.5m/second at hub height, often in rural areas, which may also be in attractive landscapes;

- the nature of noise emissions from the turbines;
- the movement of the blades; and
- considerations relating to safety and electromagnetic interference.

3.2.8 TAN 8 also provides advice on siting considerations and the landscape. Local planning authorities must always weigh the desirability of exploiting a clean, renewable energy resource against the visual impact on the landscape of wind turbines. The advice emphasises that wind turbines present a distinctive vertical feature and have the characteristic of movement not normally present in man-made structures. In terms of visual impact, wind turbine generators must be assessed with their particular and unusual characteristics clearly in mind. The acceptability of wind turbine generators will be determined to a considerable extent by the form and pattern of the landscape within and adjoining a particular site. Other advice in TAN 8 deals with issues relating to the regulation of construction vehicle movements to and from the site, particularly by heavy vehicles, and to the type of conditions which may be appropriate in the case of wind turbine proposals.

3.2.9 Government guidance relevant to the principal issues raised by this appeal is also found in WO Circular 60/96 Planning and the Historic Environment: Archaeology, and WO Circular 61/96 Planning and the Historic Environment: Historic Buildings and Conservation Areas [*Doc 5 CD5.8 & 5.9*].

4. THE CASE FOR THE APPELLANT

The main points are:-

4.1 Site selection

- 4.1.1 CPL identified this site through a considered and thorough site selection exercise. They took a particularly careful and systematic approach, as set out in the ES [*Doc 3 CD3.2 Chapter 2*] and amplified in Mr Lloyd's evidence [*Doc 8 Proof*]. They recognised the sensitivities in terms of Part 1 and Part 2.2 of the Register of historic landscapes and the presence of SAMs at an early stage. They retained an experienced archaeologist and had dialogue with the Council's expert advisors, GGAT. They had scoping discussions with CCW and attempted to have pre-application discussions with Cadw [*Docs 8.2 & 8.3*]. As they were entitled to do, they took the Register at face value, including the emphasis on historic landscapes being living landscapes fashioned to accommodate current and evolving human needs, and they heeded government guidance concerning the Registers. They amended their scheme at pre-application stage to avoid the Park's Essential Setting and the setting of SAM GM57, omitting one turbine from the southern string and re-siting another, and they avoided all the Significant Views identified in relation to the Park.
- 4.1.2 CPL also took particular care over the aesthetics of the scheme, in terms of choosing turbines of an appropriate scale to the landscape, their positioning on the mountain, and reducing to a minimum the number of places from which both strings could be seen by using the landform. They reacted positively to comments on the scheme from other parties, where valid points were made [*Doc 8.4*]. However, the Committee report on the application was unbalanced and biased against CPL [*Doc 8.1*].
- 4.1.3 The site selection process followed by CPL stood up extremely well to the detailed questions during the inquiry, especially concerning archaeology. The fact that other sites considered less favourable than Margam are being actively considered by others or have been granted consent (in the case of Ffynon Oer) does not in any way invalidate the analysis.

4.2 The development plan

- 4.2.1 The West Glamorgan Structure Plan (Review No.2) 1991-2006 is adopted and relevant. It is the main part of the development plan. While the Cwmafan, Bryn, Goytre Valley and Rural Margam Local Plan 1989 is the adopted local plan, it has little relevance due to its age. Strictly, it is the other part of the development plan.
- 4.2.2 The deposit draft Neath Port Talbot UDP (2003) will have completed its deposit stage by the time the Assembly makes its decision. This completely supersedes the draft Port Talbot Local Plan. However, the weight to be given to the draft UDP as a material consideration is limited. As explained in Mr Stewart's proof [*Doc 9 Proof paragraph 9.4*], CPL have lodged various objections, seeking a more positive approach to renewable energy in the UDP, and taking issue with the way it promotes a single area for suitable sites.

- 4.2.3 Designations in the draft Bridgend UDP and predecessor Ogwr Local Plan cannot be read into the West Glamorgan Structure Plan, because the site falls under the Mid-Glamorgan Structure Plan. Nonetheless, consideration must be given to the landscape designations in the Bridgend area as a material consideration outside the development plan.
- 4.2.4 The reasons for refusal cite WGSP policy EQ2, and policy E27 of the draft PTLP which has since fallen away. The scheme satisfies policy EQ2, which encourages renewable developments with local economic benefits subject to provisos. In any event, any harm is outweighed by the scheme's benefits, which are material planning considerations, particularly the need to meet government targets. When applying policy EQ2 it is important to remember that the Register is not a statutory designation; that the PTLP has now disappeared; and that the designated landscape areas within Bridgend CBC are outside the WGSP area.
- 4.2.5 The WGSP is in year 12 of a 15 year life. Government energy policy has moved a long way in that period [*Doc 9.1a-c*], with a substantially greater emphasis being placed on renewable energy, of which onshore wind is the most important sector. The NPT UDP has a more positive stance towards renewable energy resource proposals, reflecting this change.
- 4.2.6 In terms of the emerging NPT UDP [*Doc 4 CD4.4*], which is a material consideration, the starting point is policy IE4 which encourages renewable energy schemes, as long as the impacts are acceptable [*Doc 9 Mr Stewart's proof at paragraphs 9.3 and 9.4*]. There is a different emphasis between Part 1 policy 19, which supports energy projects from renewable sources provided unacceptable impacts are not created, and Part 2 policy IE4, which supports the same provided their impacts are acceptable. In addition, the text of the UDP does not properly reflect a balanced approach to the renewables issue; and identifying one particular area as having potential for wind power development lacks justification.
- 4.2.7 The UDP carries little weight at this stage, especially as objections are being lodged in respect of its approach to renewables energy policy; but to the extent it receives weight an internally coherent approach to the balancing exercise between benefits and effects must be followed. Assessed in these terms, the scheme accords with the UDP. It is surprising the Council did not set out its case regarding the draft UDP in its proof of evidence or evidence in chief, leaving it to emerge only on re-examination of Mr Watkins.
- 4.2.8 Cadw draw attention to WGSP policy EQ7. This is not cited in the Council's reasons for refusal. CPL consider that where a comprehensive criteria-based policy such as EQ2 applies to a specific category of development, it is not appropriate to look to other policies as well. Heritage issues are among the criteria in policy EQ2.
- 4.2.9 In any event, policy EQ7 is written in extreme terms, citing a test of development that could adversely affect heritage features to determine that it will only be permitted in the most exceptional circumstances. Strictly applied, the policy is unworkable. If it is interpreted to refer to unacceptable impacts, then this proposal would satisfy the policy. In any event, given the handful of wind energy schemes in Neath Port Talbot and the urgency of approving schemes to meet national policy concerning the threat of global warming, there are "most exceptional circumstances" here. The scheme thus satisfies EQ7.

4.3 Benefits of the proposal

- 4.3.1 Core documents produced for the inquiry [*Doc 6 CD6.4-6.14*] and Mr Stewart's evidence for CPL [*Docs 9.1a-c, 9.6*] contain documentation concerning the threat of global warming,
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and the role that the UK government and the Assembly see for renewable energy in countering that threat. This includes reports and statements showing the evolving thrust of renewable energy policy in the UK and recently in Wales; the increasing targets for generation of electricity from renewable sources; the important role of on-shore wind energy in meeting these targets; and the resulting policy encouragement for schemes that contribute to this. Other documents show the contribution of wind energy to meeting this challenge, and its value as a "green" energy source [*Doc 9.2, 9.3, Doc 3 CD3.2 Chapter 4*]. Because much of this evidence was taken as read, there is a danger that the importance of these issues and the vital benefits of the scheme in this area are not fully recognised. The documentation cited by Mr Stewart on government policy and related research, especially the Energy White Paper [*Doc 6 CD6.4*] and the Royal Commission on Environmental Pollution report "Energy - the Changing Climate" [*Doc 6 CD6.10*], must be given due weight in balancing the various issues associated with the proposal.

- 4.3.2 UK Government targets seek 10% of electricity generated from renewable sources by 2010; the Energy White Paper proposes a doubling of this to 20% by 2020. The Assembly Government has made clear its intention that Wales should meet its share of this. It is anticipated that one third of the 2010 target could come from on-shore wind power. Many on-shore wind power schemes will be needed to meet this target.
- 4.3.3 The proposal would provide an estimated 9.35Mw of power output as a contribution to renewable energy targets. Although not a particularly large-scale scheme, most of the existing aggregate wind power capacity is made up of a large number of small schemes. Its modest scale is not a reason to reject the proposal, or belittle its contribution to national targets. The scheme would be highly meaningful in a local context, providing the energy equivalent of the domestic power needs of 6,600 households in the Neath Port Talbot area [*Doc 9 Proof p33*].
- 4.3.4 In addition to the contribution to government renewables targets, the scheme has significant benefits in terms of the economic benefit it will bring to the area, as detailed in the ES [*Doc 3 CD3.2 pp49-50*]. CPL's commitment to using local supplies, materials and labour to carry out development as far as practicable is not challenged.
- 4.3.5 CPL are serious about their wish for substantial community ownership of the scheme and their intention to offer local householders the chance to invest in the scheme. There are examples of this elsewhere, and no reason why it is not possible here. Whilst community involvement in the scheme is a material consideration, it is unlikely to be decisive by itself. It is accepted that there is no mechanism for guaranteeing it takes place; however, a section 106 agreement could not realistically be used for this purpose. HALT did not put forward a reasoned case why the proposal to involve the community could not be realised. CPL are content to have their next project judged (assuming permission is granted for this one) by whether they have kept to their public commitments at Margam.
- 4.3.6 There will be significant benefits to archaeology in terms of the further investigation and interpretative work that will be undertaken at the site. In addition, the viewing platform will be a major benefit to wider archaeological appreciation. Although the platform has attracted substantial scepticism from the Council, CCW and Cadw, it has much to offer in terms of education and awareness of archaeological and renewable energy issues. GGAT support the provision of a viewing platform and regard it as a significant benefit of the proposal [*Doc 11.4*]. Practical matters raised in objection, concerning access, use and management arrangements, can easily be resolved once planning permission is granted. Much of the

criticism by opponents is merely an exercise in trying to undermine this positive element of the scheme.

4.3.7 The overall economics of the scheme are affected by the considerable cost of the viewing platform. This is relevant because, notwithstanding CPL's case that all 11 turbines should be granted, the Assembly has the power to grant fewer, by way of a split decision. The smallest number of turbines to enable the scheme to proceed is 5 (made up of at least three turbines in either string approved). However, if only 5 turbines were to be permitted, it is unlikely the viewing platform would be built. Any condition requiring the viewing platform to be provided must therefore be imposed only if permission is granted for at least 6 turbines (including turbine 10, on which the viewing platform would be located).

4.4 Landscape and visual effects

4.4.1 CPL have considered visual and landscape effects at all stages of scheme design. Whilst taking a risk in doing the work themselves, this has been vindicated by the fact that Mr Soltys (with some minor criticisms) has been prepared to put his professional reputation behind CPL's work, and by the limited criticism from the Council.

4.4.2 Mr Soltys confirmed that the landscape and visual assessment work undertaken in the ES by CPL applied the extant advice contained in the guidelines published by the Landscape Institute and the Institute of Environmental Management and Assessment [*Doc 6 CD6.3*], and that this is demonstrated by the method and scope set out in the ES [*Doc 3 CD3.2 Chapter 9*]. In view of the fact that the proposal affected areas within different local authorities, and there were inconsistencies in the level of landscape character information available [*Doc 7 CD7.1-7.3*], CPL conducted its own assessment in accordance with the guidance in the LANDMAP Manual produced by CCW [*Doc 7 CD7.12*]. Apart from the criticism that the CPL assessment did not cover more distant areas, which has been rectified by additional work undertaken by Mr Soltys [*Doc 10.1, Photo 6 GS2-GS5*], the assessment and its findings are reliable.

4.4.3 In terms of landscape effects, none of the proposed development lies within the boundary of Margam Park or its Essential Setting. The turbines would exert no influence over the historic core of the Park, comprising Margam Castle, Abbey and the grounds to the north and west of the mansion. The influence on other parts of the Park would be neither overwhelming nor damaging to the character or historic features of the Park and would not degrade its recreational amenity. For people visiting the Park, views of the turbines could enrich their experience of Margam as a multi-layered historic landscape, with features from pre-historic times to the present day. The change in character to Margam Park would be low magnitude, with low/moderate significance.

4.4.4 Major effects on landscape character would only occur within the character area occupied by the turbines themselves, namely the upland area of Moel Ton Mawr. The topography and visual separation between the 2 strings of turbines means that from most lower lying locations, the impression would be of only one string of 5 or 6 turbines. This would considerably reduce overall visibility in the landscape. From the majority of surrounding lowland areas the scheme would be perceived as a small linear cluster on a small part of the mountain ridge.

- 4.4.5 Turning to visual effects, within 1.8km of the turbines (where visual intrusion is highest) only one group or other of the turbines would be visible apart from in the immediate neighbourhood of the site, due to topography/afforestation. Within about 4km (where visual intrusion can be classed as "clearly visible"), most locations would also have views of only one string. From more distant locations, where both strings would be seen, the visual intrusion is less (either "visible" or "belonging to a distant landscape") [*Plan D Figures 8.1-8.4 (ZVIs)*].
- 4.4.6 Although visually prominent, the turbines would not overwhelm or dominate the broad landscape of the Mynydd Margam ridge. They would not obstruct views to more distant horizons. On balance, there would not be a substantive loss or alteration to the baseline views from the mountain. The effect on the visual amenity of Mynydd Margam would be low/moderate, tending to moderate. Overall it would be low/moderate for the Coed Morgannwg Way and Ogwr Ridgeway walk, given that both routes pass close by or through the site [*Photos 3.14, 3.15*].
- 4.4.7 The effect on visual amenity within Margam Park would range from nil to moderate/major significance, depending on the location. However, there would be little impact on large parts of the Park, including the historic core; and the key historic views and Essential Setting would remain intact [*Photos 3.3-3.7, 5.1-5.2*].
- 4.4.8 From viewpoints within the coastal lowlands the southern string would be visible on the mountain skyline, but would fit well into the host landscape. From the Llynfi Valley the diverse visual amenity of the broad valley would be little affected. Where visible, the northern string of turbines would appear relatively small in relation to the scale of the valley. The general effects on visual amenity in these areas would be low. Impact for residents in most settlements would be low. The majority of properties in Coed Hirwaun would experience a low visual impact, although for a few properties on the edge of the development the effect would be moderate/major [*Doc 8.5*]. In Llangynwyd there would at worst be an effect of low/moderate significance on a few properties [*Photos 3.1-3.2, 3.8-3.13, 3.16-20, 6(GS2-5)*].
- 4.4.9 Mr Soltys has significant experience in relation to wind farm environmental statements. When fair points were put to him, he was prepared to acknowledge them, for example, that the landscape character areas could reasonably have been drawn differently and that the Eglwys Nynydd development should have been considered (responding to questions from Mr Sinclair). He was clear in his view that it was a normal and proper exercise of professional judgment to weigh the different elements of the effects at Margam Park in order to reach an overall conclusion on that matter. Mr Lloyd and Mr Soltys' evidence on landscape character assessment stood up extremely well to cross-examination.
- 4.4.10 Mr McComiskey has significant experience in baseline landscape characterisation, but virtually no experience in preparing environmental statements (he has been involved in one, for a road scheme) and no prior experience of reviewing them. His lack of practical experience led to a very theoretical or abstract approach to many of the issues he raised; this also applied to his approach to landscape characterisation. Many of his judgements of landscape quality and visual and landscape effects are mere assertion and are not supported by reasoning. This is in sharp contrast to the ES and Mr Soltys evidence, where clear reasons are given for each judgement [*Doc 3 CD3.2 chapter 9; Doc 10 Proof chapters 6-8*].
- 4.4.11 The Council's criticisms of CPL's approach to forest felling were largely dispelled by the additional information presented to the inquiry [*Plan E*]. Moreover, CPL cannot reasonably

be expected to inform its landscape characterisation study with studies which the Council stated in writing did not exist and which, in the case of the Bridgend Landmap exercise, was confirmed by Mr Soltys to be not readily available to the public. Mr McComiskey's conclusion that the ES did not follow the GLVIA and LANDMAP guidelines was not substantiated. As was apparent from the comments of Mr Sinclair, based on a review of approximately 100 wind farm environmental statements (compared to Mr McComiskey's one), there is no one approach to these matters, particularly as regards the GLVIA guidelines.

- 4.4.12 Mr McComiskey's evidence for the Council contained numerous errors. It mis-described landscape protection designations affecting Margam Park in the WGSP and draft PTLP [*Doc 13.5*]; and did not recognise that the PTLP designation would not be relevant to the Assembly's decision. The inclusion of the "designation" in the WGSP is remarkable given that it is the key part of the development plan applicable to this decision and there is no reference in the WGSP text to explain the annotation on the relevant figure [*Doc 4 CD4.7p36*].
- 4.4.13 While there is some force in his criticisms of the level of detail of CPL's approach to the cultural aspects of LANDMAP, it is far from obvious that this would have had any material effect on the conclusions of the assessment.
- 4.4.14 His criticisms of the approach to movement in the ES were demonstrably unfair; his claim that the two strings would overlap in views from Llangynwyd is readily shown to be wrong by placing a ruler on the map; and his comparison between the 5 clean and elegant wind turbines of the southern string and the messy, sprawling and smoky eyesore of Port Talbot steelworks is most surprising in someone claiming expertise in what things look like.
- 4.4.15 In conclusion, the evidence and assessment of Mr Soltys should be preferred over that of Mr McComiskey.
- 4.4.16 Bridgend CBC chose not to appear at the public inquiry, despite the fact that the effects of the northern string fall overwhelmingly within their administrative area. A detailed planning report was prepared for their Planning Committee [*Doc 2 CD2.3*], who approved the recommendation. It is a very telling document, whether or not each element in its reasoning was endorsed by the Planning Committee. The report considers all the landscape designations in the Bridgend area, and conducts a review of the other schemes which have been brought forward in the Bridgend area since 1992. It makes it clear that Bridgend's own LANDMAP evaluation of the affected areas was used to assess the proposal. It concludes that the scheme will have an adverse visual impact on parts of the Bridgend area, but goes on to say that "If there were an objection to this scheme from this Authority I believe it would be difficult to envisage that any wind energy scheme within this Authority's area would be acceptable".
- 4.4.17 Since any wind farm scheme will normally have some adverse visual impact, this comment provides substantial support for the northern string by the Bridgend Planning Department. The Department's assessment probably reflects the implications of designating virtually the whole of non-urban Bridgend as a Special Landscape Area. The Landscape Conservation Area of Upper Llangynwyd, which runs close to the northern string, has exactly the same level of protection under Policy EV10 of the draft Bridgend UDP as the huge area stippled yellow on Figure 6 of Mr McComiskey's proof [*Doc 13.4*].
- 4.4.18 Mr Sinclair for CPRW has re-scored the entire ES visual and landscape assessment and Mr Soltys's additional work, and added in a number of additional viewpoints [*Doc 19.6*].

However, the viewpoints in the ES are simply a representative sample. They were discussed and agreed with the Council, and additional viewpoints were included at the request of Bridgend Council. CPL themselves varied some viewpoints where this seemed to provide a fairer view. There will always be other views which could have been included. The ZVI plans (subject to the usual caveats) show them all. The additional viewpoints put forward by Mr Sinclair are not needed to provide a representative view, nor is his scoring accepted by CPL. The evidence of Mr Soltys and the ES should be preferred.

- 4.4.19 Mr Sinclair introduced his Index of Potential Visual Effect [*Doc 17.3*], which he argues provides a meaningful comparison between schemes. Under cross-examination it became clear that it is deeply flawed and does little except muddy the waters. Mr Soltys' analysis of cross-sectional areas for different turbine dimensions [*Doc 10.3*] gives a truer picture. The so-called Sinclair-Thomas matrix methodology has not been offered for independent peer review by professionals in the field, despite its existence since 1997. Mr Soltys produced wireframes [*Doc 10.2*] to dispel conclusively CPRW's claim [*Doc 17.4*] that the focal length used in the various photomontages gives a different perspective to that of a person standing in the landscape.
- 4.4.20 While CPRW's policy stance on on-shore windfarms [*Docs 18.1-2*] has the veneer of considered policies which one might find in a development plan, its practical effect would be a virtual ban on on-shore wind turbines on visual and landscape effect grounds. Mr Sinclair confirmed in cross-examination that the only commercial schemes to which CPRW have not objected are two single turbine projects. CPRW's submissions should be viewed in the light of their general hostility to on-shore wind projects.
- 4.4.21 Cumulative impact is not a significant feature in this case. This appeared to be accepted by CPRW, who are the only party to raise it [*Doc 19.1*]. Mr Soltys' evidence [*Doc 10 Proof chapter 8*] considers intervisibility between the development and other existing or approved windfarms, sequential visibility with the same and cumulative effects from footpaths and rights of way. ZVI information [*Plan D Figure 8.4 in Doc 3 CD3.3*] demonstrates that there would be relatively few areas from where the Rhondda Cynon Taff wind farm and the proposed scheme would both be visible; and very few places (mainly fragmented parcels of mountain plateau) from where both wind farms would be significant features in the landscape. Cumulative effects would be negligible, apart from a low/moderate effect along a short section of the Ogwr Ridgeway walk near Mynydd Baeden [*Photo 6 GS5*].
- 4.4.22 In considering all of the issues arising from the landscape and visual effects of the development it should be remembered that the turbines only have a limited expected operating life. Based on manufacturer's information, the turbines have a guaranteed life of 15 years; the expected operating life can reasonably be put at up to 25 years or thereabouts. All major equipment would be removed from the site and the turbine bases removed to a depth that would allow current agricultural practices to resume [*Doc 3 CD3.2p83*]. The new length of access track would also be restored. These measures can be secured by a condition if necessary. The short anticipated life of the development and the reversibility of the impacts of the development mean that any adverse environmental effects would be transient. This reduces their gravity as factors weighing against the development.

4.5 Mynydd Margam landscape of special historic interest

- 4.5.1 The scheme falls within the Mynydd Margam Landscape of Special Historic Interest. The difference of professional opinion concerning the effect of the scheme on the historic landscape is a major feature of this appeal.
- 4.5.2 GGAT, as expert advisors to the Council, advised that the effect of the proposed development on the archaeological and historical resource was insufficient for the current application to be refused, as long as the mitigation measures outlined in the ES were carried out [Doc 11.4].
- 4.5.3 CPL's specialist archaeological advisors - Archaeological Investigations Ltd - concluded that the scheme would have a "low archaeological impact" (which included consideration of historic landscape issues) based on the original ASIDOHL assessment contained in the ES [Doc 3 CD3.2 pp 158/159]. Indeed, they went further and said it could in fact be viewed - because of mitigation measures by way of research and interpretation, plus the viewing platform - as adding more to the historic landscape value than it took away. They later re-did the ASIDOHL under the revised rules and with the new provisional character areas, and concluded again that the effects of the scheme would be "low impact" and overall, using the ASIDOHL classification, said it could be classed as "slight to moderate." [Doc 11.3]
- 4.5.4 In their initial letter of representation [Doc 2 CD2.3], Cadw concluded that the effect of the northern string on the historic landscape was not sufficient to merit an objection. In relation to the southern string, they said in their conclusions that their concerns over the effect on Margam Park as a registered park and garden "are reinforced by the fact that (the southern string) would also lie within an Historic Landscape of Special Interest and diminish the value of that landscape, especially when viewed from the coastal plain". Cadw are a co-sponsor of the Part 2 Register and their analysis and conclusions regarding the Register are clearly a separate matter to their consideration of the SAMs.
- 4.5.5 The Ancient Monument Society concluded that there were no grounds for objection on archaeological or historic landscape grounds, commenting that although the turbines must "inevitably compromise the gentle contours of the mountain" they are "not particularly intrusive" [Doc 11.5]. The Royal Commission on Ancient and Historical Monuments in Wales did not object [Doc 11.6].
- 4.5.6 The only organisation to conclude that the entire scheme was unacceptable on historic landscape grounds was CCW.
- 4.5.7 The position of GGAT and CPL is to be preferred in this matter. GGAT visited the site with the turbine locations marked and, as CCW accept, understand the site's importance and the operation of the Register. It is a reputable organisation, having been retained by CCW to conduct the ASIDOHL at Tir Mostyn [Doc 9.22], and to give evidence at that inquiry on behalf of CCW. Furthermore, they are co-credited with the Guide to Good Practice on using the landscape Register [Doc 7 CD7.9] and charged with producing the historic character areas for Mynydd Margam. GGAT can reasonably be viewed as being detached from the Register, and thus more objective than CCW. There is no reason to doubt GGAT's credentials in relation to expressing an opinion on the effect of a development on the historic landscape.

- 4.5.8 While Mr Boucher conceded a significant number of errors in the second ASIDOHL concerning the scoring of indirect visual effects (some of which will have been balanced by deliberate overscoring, because of some of the limitations of the rules), he stands by his conclusions, because - as he explained - he was fully aware of the importance of indirect visual effects and took them into account in Stage 5, which involves an overall professional judgment. In Stage 5 of the Guide (page 37) it states "Although scoring has been used extensively in Stages 2, 3 and 4 it is not recommended that the scores from these stages are directly combined or "converted" to determine the final scores in this table. Rather, this should be a matter of professional interpretation and judgement, carefully weighing up those scores"[*Doc 7 CD7.9*].
- 4.5.9 Most of the errors by Mr Boucher are readily explained by one factor: not spotting that the new ASIDOHL guidelines had introduced additional indirect effects to be considered. No explanatory memorandum had been issued highlighting the changes between the two versions of the Guide; readers were therefore left to identify such changes on their own.
- 4.5.10 Mr Boucher was criticised for not using photomontages when considering the effect on the various SAMs, but he made it clear that he considered he was using something superior, namely a detailed site visit, with the turbine positions marked out, accompanied by a senior development control officer from GGAT and coupled with a visit to another wind farm.
- 4.5.11 CCW did not provide their own ASIDOHL at this inquiry, despite having done so in equivalent circumstances at Tir Mostyn, and despite this being the first time the final version of the Guide has come before a public inquiry. They have restricted themselves to looking for errors in CPL's ASIDOHLs, and claiming that the conclusions are somehow self-evidently wrong, despite GGAT reaching the same conclusion and Cadw agreeing in relation to the northern string.
- 4.5.12 CCW have a significant credibility problem in this case, having claimed that the proposal "would cause a further unacceptable deterioration in monument settings possibly to the point that the inclusion of Mynydd Margam on the Register could be challenged" in their original letter of objection to the Council dated 24 September 2002 [*Doc 2 CD2.3*]. If true, this would constitute the worst level of impact on the value of the historic landscape [*Doc 7 CD7.9 table on p36*]. This claim was no throwaway line, but part of a detailed and considered 5 page letter, coming almost five months after the application and following on from CCW involvement in the pre-application scoping stage. CCW could not defend this very serious claim at the inquiry, and in effect withdrew it.
- 4.5.13 CCW's credibility is further reduced by Mr Kelly's assertion that the visual impact of turbines should be assessed on the same basis as if the entire wind farm development site, including all the turbines and intervening spaces, was treated as a single, solid entity like, for example, a building [*Doc 16 Proof para 5.10*]. When challenged on this, he confirmed that he was envisaging a hypothetical building that would be one of the largest in Wales. He was unable to cite any published visual effects guidance to support this approach, which in any event flies in the face of common sense. Wind turbines should be assessed as wind turbines, not as hypothetical buildings.
- 4.5.14 CCW's case is further undermined by the lack of substance in Mr Kelly's claim in cross-examination that GGAT have simply "got it wrong". He first sought to justify this by reference to mistakes in the scoring in the new ASIDOHL, which was produced 12 months after GGAT expressed their view on the original application. When this was pointed out, he next suggested that they had applied intervisibility criteria to the enclosures as well as the

burial features. Even if this is true, he did not explain under questioning how this was somehow fatal to their overall assessment, since it merely added an additional consideration to those on Mr Kelly's checklist. CCW's stance is undermined still further by the inappropriate comparisons, during cross-examination, between the visual effects of the proposal on low lying SAMs and effects on tall, highly visible structures like Tintern Abbey and Caernarfon Castle.

- 4.5.15 Cadw chose not to present a case on historic landscape issues at the inquiry and they have never explicitly endorsed CCW's case, but it is clear that their assessment must have been very different. CCW's case relied in significant part on the possible connections between all of the relevant enclosures (GM058 and GM059 near the northern string and GM057 and GM090 near the southern string). It is clear from Cadw's letter (19 July 2002) [*Doc 2 CD2.3*] that they considered the two areas could legitimately be taken separately, as far as considering the merits of the two parts of the development. The level of Cadw's objection to the southern string is not very clear from their letter, but it appears to have been secondary to their concern over the effect on Margam Park as a registered park and garden.
- 4.5.16 In relation to the northern string, it is clear that, while Cadw consider some damage to the historic landscape will result, it does not warrant an objection. In contrast, CCW have a very strong objection, as they do to the southern string. Mr Kelly initially appeared to argue that Cadw were not competent to comment on the historic landscape aspects of this case, until he was referred to the very clear statement as to the scope of Cadw's representations [*Doc 15 Proof para 1.4*]. Little weight can be placed on Cadw's objection to the northern string in the absence of evidence to the inquiry on this question.
- 4.5.17 Mr Kelly was extremely dismissive of the Ancient Monuments Society representation [*Doc 2 CD2.3*], as an Anglo-centric, romantic "view from the balcony", as opposed to a sincere and serious letter from another body, whose *raison d'être* is to act in the interests of conservation. His remarks were inappropriate for an expert seeking to assist the inquiry and the Assembly in making its decision.
- 4.5.18 Had CCW been a main party at this inquiry, their conduct in relation to the "possible removal from the Register" claim (paragraph 4.5.12 above) would have given *prime facie* grounds for a partial costs award. This CCW letter was an important consideration when Council officers were formulating their recommendation to the Planning Committee. Accordingly, as Mr Kelly immediately conceded in cross-examination, the Council were seriously misled by this as to the anticipated effect of the proposal on the registered landscape. The fact that the claim was not used in the officers' report and did not appear in the reasons for refusal does not alter the seriousness of this misleading statement by CCW.
- 4.5.19 CPL stand by the essential conclusions of both ASIDOHLs. Crucially, in the case of the second ASIDOHL [*Doc 11.3*] this is because the scoring process is only a prelude to the application of professional judgement at Stage 5. However, even if the ASIDOHL assessments are wrong, they are not wrong to the degree of justifying an objection.
- 4.5.20 CCW's questioning of Mr Boucher appeared to start from the point that wind turbines must be able to attract consistently high or the highest scores - presumably because of the "hypothetical building" approach. Mr Boucher was far more credible than CCW on this point, as he applied the process on the correct assumption that there are developments that have a far more substantial effect than wind turbines (such as large buildings), and allowed room for the scoring to go higher in those cases. Mr Kelly is the principal author for CCW of the ASIDOHL methodology in its final form. However, the approach of simply publishing

the methodology, rather than at least seeking to win important stakeholders (such as developers) round to it through formal consultation, does not bode well for its successful application and acceptance in the future in the planning process.

- 4.5.21 Overall, in relation to the historic landscape matters CPL's case remains that this is a "Historic Diversity/Multi-period" landscape, with substantial modern elements such as commercial forestry, and that our scheme can be accommodated without material harm to that historic landscape. This stance is supported by the many statements in the introductory sections of the Part 2 Register [*Doc 7CD7.7*] that the Register is supposed to inform and not prevent change, including (at page xiii) that the Register "is not about fossilizing landscapes, reconstructing the past or curtailing change. Change has been the lifeblood of landscapes: it has brought them to their present condition, and the legacy that is the present landscape is not static as it continues to evolve to meet modern needs". This section includes a specific mention of power generation. The evidence shows that this approach has not been applied here by CCW.
- 4.5.22 The Register preface also says that "some historic landscapes may be more unusual or fragile than others and more vulnerable to change, while others will be more robust and better able to accommodate it". No case has been made out that Margam Mountain falls into this former category. It does not follow simply from the importance of the SAMs individually and as a group. Not least because it is a multi-period landscape, the direct physical damage is virtually nil, and the scheme will only be in place for a maximum of 25 years out of the 4,000 years it has taken the historic landscape to evolve to its present condition. It is not clear why the drawbridge on landscape history should be raised now. If it had been raised earlier, part of what we now value as part of history would not have been allowed to take place.

4.6 Margam Park

- 4.6.1 Cadw explained in their evidence that the effect on Margam Park as a Grade 1 park and garden in Part 1 of the Register [*Doc 7 CD7.8*] was the main thrust of their objection to the overall proposal.
- 4.6.2 The Part 1 Register explains (on page ix) that the information provided is intended to help owners, local planning authorities, developers and others to make informed decisions. The register contains detailed descriptions of the important features of each park and garden, with Margam Park's entry running to 11 pages, including a full-page map. It is reasonable for a developer considering a project to take the Register at face value, and not to have to look behind it, or retain an expert, particularly where a proposal is outside the Park itself.
- 4.6.3 Cadw explained that the main reason for creating the Register was to protect and conserve the parks and gardens themselves (ie within the park/garden boundary), to fill a "vacuum" of information and recognition, that had previously existed. Inappropriate development inside a registered park or garden could, of course, cause permanent loss of an important part of our historic heritage.
- 4.6.4 However, CPL's scheme is not within the Park and cannot, therefore, involve this type of direct and permanent loss. Its effects can only be indirect, as a result of the visibility of the scheme from parts of the Park. It must be fair to view this as a secondary consideration, behind the primary consideration of direct loss, even though this distinction is not explicitly made in PPW at paragraph 6.5.23.

- 4.6.5 From the Register's stated purpose and criteria for inclusion of parks and gardens its purpose relates exclusively to the historic importance of the registered parks and gardens.
- 4.6.6 The effect of a proposal on the setting of a registered park and garden can be a material planning consideration under paragraph 6.5.23 of PPW. While this is not restricted, in PPW, to the Essential Setting as specified in the Register, the extent of that Essential Setting must be significant in applying considerations of setting in general.
- 4.6.7 Cadw acknowledged in cross examination that in fixing the Essential Settings across the Glamorgan volume of the Register (and presumably the rest of the volumes as well), they have been prepared, where appropriate, to include Essential Settings which are larger in area than the park/garden itself, sometimes by a significant multiple; to include Essential Settings which surround or virtually surround the registered park/garden; and to include Essential Settings which cover large areas (regardless of the relationship to the size of the park/garden).
- 4.6.8 GGAT comment in their letter of 15 July 2002 [*Doc 2 CD 2.3*] that the Essential Settings were fixed in 1998 after "considerable deliberation and research", which is consistent with Cadw's evidence. There is evidence from CPRW [*Doc 17 Proof p8*] of the size of turbines in Wales and the UK at that time and previously, and clear evidence of a trend of increasing turbine sizes. Wind farm developments ought to have been in the contemplation of Cadw when fixing the Essential Settings. The purpose of the Register in this respect was to look ahead at what might happen in the future and what areas outside the park/garden needed safeguarding. Wind farms were a growing form of upland rural development, encouraged by government policy. They could and should have been taken into account, not least given the geography of this site.
- 4.6.9 Cadw's argument under cross-examination was that, if wind farms were to be included, the Essential Settings would extend unreasonably far as it would be necessary to prevent any view at all of a wind farm from a registered park. This is an unsustainable position; there must be a point at which a wind farm can be permitted to be visible from a registered park/garden, not least because it is a non-statutory Register.
- 4.6.10 Mrs Whittle's evidence at paragraph 3.4.4 refers to the buildings in the main conservation area as being the "core" of Margam Park [*Doc 15*]. She acknowledged that the deer park and the buildings in or near the core (which have changed in important respects over the years) have always been connected. The opening sentence of the register entry describes Margam Castle as being "set in a large park". While CPL accepts that the deer park has importance in its own right, it functions as a setting for the core of the Park. On this basis there are: core area; setting (i) (the eastern/deer park); setting (ii) (the Essential Setting in the Register) and setting (iii) (the wider setting beyond that). This is reinforced by the differing intensity of use of the deer park to the core area. Whilst there is only anecdotal evidence as to the typical intensity of use of the various parts of the Park, it is self evident to any visitor that the greatest intensity of use is in the core area, by a considerable margin.
- 4.6.11 Nonetheless, despite referring to the core of the Park herself, Mrs Whittle refused to accept that CPL's proposal would have a much lesser effect than a windfarm overlooking the core area itself (the Abbey, Orangery, Castle etc.). This flies in the face of common sense and her own use of the term "core".
- 4.6.12 Turning to the Essential Setting, if this was fixed to protect the core area the Register has succeeded in this case, because the Essential Setting has been respected and the scheme is only visible from Mynedd y Castell (which is not in fact in her definition of the core) and

(subject to the normal ZVI caveats) a small area near to the south of the Castle. Alternatively, if it was fixed to protect the entire Park, it would appear that the eastern park, away from the core, was considered not to require protection.

- 4.6.13 Dealing with the wider setting i.e. beyond the Essential Setting, the Register entry (written by Mrs Whittle) states that the Port Talbot steelworks and the M4 motorway have "considerably affected" the original picturesque setting (of the Castle)" [*Doc 7 CD7.8p.103*]. Most people arrive at the Park through this "considerably affected" setting. Mrs Whittle in her proof and in cross examination sought to minimise the effect of the M4 and the steelworks on the setting, but her original words in the entry are entirely apt, and reflect the numerous places - including the core - from which the steelworks and M4 can be seen (and heard).
- 4.6.14 The Significant Views (specified by clear arrows on the Register plan) each have specific historical justifications, which can be cross referenced in the text. Mrs Whittle acknowledged that none of the views come close to pointing to the southern string, and that none of the views are directed north. Either the Register entry is intended for its stated purpose "to help owners, local planning authorities, developers" or it is not. CPL has avoided these Significant Views and the Essential Setting.
- 4.6.15 CPL acknowledge that Margam Park is worthy of its Grade 1 status in the Register. However, the Register has achieved its intended purpose, in consultation with the local planning authority's specialist advisors. The core has been protected, the Essential Setting has been preserved and the specified Significant Views are not affected. In any event, it is not agreed that the turbines are "alien", or that they are necessarily damaging just because they can be seen.
- 4.6.16 Margam Park is part of the registered landscape of special historic interest. The statements in the Part 2.2 Register cited in paragraphs 4.4.21 and 4.4.22 above apply equally to this part of the historic landscape. Margam Park is potentially more vulnerable than the rest of Margam Mountain; however, the most important and vulnerable elements (comprising the core) have been consciously and carefully protected and conserved (the purpose of Part 1 of the Register). The remaining effect on the eastern part/deer park is acceptable, particularly given the existing effects of the M4 and the steelworks, and the minimal 25 year life of the development compared to the overall lifespan of the Park through the past and into the future.

4.7 Effect on scheduled ancient monuments

- 4.7.1 Cadw have put forward a very specific case in relation to 3 turbines which they consider adversely affect the relevant SAMs.
- 4.7.2 In relation to turbine 6, the key factor from Cadw's perspective is the view from the Bodvoc stone replica site (SAM GM 443) across to Twmpath Diwlith (SAM GM 557), as seen from the adjacent point on the Coed Morgannwg Way. There is some substance to this point. However, whilst a finely balanced judgement, CPL considers that the impact is not so great as to be unacceptable. GGAT consider the location of turbine 6 acceptable.
- 4.7.3 Cadw's case is undermined because the setting of both monuments is hemmed in by trees, already substantially harming the quality of intervisibility; the Bodvoc stone site appears neglected and compromised by forestry operations in the vicinity; and views to other tumuli in the forested area have not been preserved. Moreover, Cadw's evidence concedes that if the

location were moved just out of the view from the Coed Morgannwg Way then the turbine would be acceptable.

- 4.7.4 In relation to turbine 1 and SAM GM 057, the distance between the site of turbine 1 and the footpath close to GM 057 has been established during the inquiry as 20m [*Plan C sheet 2*]. Cadw's objection appeared to soften materially in the light of this. CPL acknowledge that Figure 3 of the ES volume 3 [*Doc 3 CD3.3*] incorrectly indicates that turbine 1 would be adjacent to the footpath with blades rotating over the footpath itself. CPL's case in favour of turbine 1 is unaltered; it will not interfere with views of the monument from the footpath, and will be seen in a different part of the landscape by virtue of the large hedge, fence and track between the two features. GGAT consider this location acceptable.
- 4.7.5 CPL did not deliberately site turbine 5 within the SAM area of GM 090. This has resulted from the extension of the scheduled area after the application was determined. CPL acknowledge that the tolerances for turbine micro-siting suggested in this case (suggested condition 3) would not enable the turbine to be located outside the scheduled area. Nonetheless, the case in favour of turbine 5 remains essentially unchanged, given that the "new" feature that led to the additional scheduled area is very hard to see on the ground. Cadw acknowledged in cross-examination that the main part of the monument cannot be discerned from the nearest public footpath. GGAT considered this location acceptable at the time of the application.
- 4.7.6 The turbine foundations and the cable run can be located with negligible or no physical damage to the archaeology [*Doc 7 CD7.5*]. The central enclosure of GM 090 is in a different field to the turbine location, and is down-slope, meaning that the criteria identified in paragraph 9.2 of Mr Boucher's proof (concerning interpretability etc) [*Doc 11 Proof*] are not materially affected. Accordingly, the turbine is acceptable in this location, despite being within a SAM.

4.8 Effect on Llangynwyd Conservation Area

- 4.8.1 Regardless of development plan policies, consideration of the effect on the Llangynwyd Conservation Area is a material consideration in any event. Llangynwyd deserves its conservation area status, and HALT, in particular, have dwelt on its cultural and historic importance. However, nothing has emerged in the inquiry to challenge the analysis contained in section 13.1 of Mr Stewart's proof [*Doc 9 Proof*], the essence of which is that the nature of the conservation area and the substantial distance (2.2 km) of the scheme from the village means that the setting is not materially affected. The photomontages from selected viewpoints demonstrate that the effects would not be serious [*Photo 3 16a, 16b, + Photo 4 16c and Doc 8.6*].
- 4.8.2 Moreover, the effect on the Llangynwyd Conservation Area was not identified as an issue in the Bridgend CBC report [*Doc 2 CD 2.3*]. For the Council to claim that Bridgend Council do not appreciate the significance of the Llangynwyd Conservation Area is very odd. The obvious explanation is that Bridgend Planning Department did not consider there was an effect because of the distance involved.

4.9 Other considerations

- 4.9.1 Residential amenity, in terms of noise and visual impact, forms no part of the Council's case. Residential amenity issues are raised by HALT and by Mr Sheppard, but no substantive evidence has been put forward to support their views. Few houses in the Coed Hirwaun development would have views of the turbines [Doc 8.5]. There has been no challenge to the noise assessment in the ES [Doc 3 CD3.2 Chapter 6], and all dwellings independent of the scheme comfortably exceed normally accepted separation distances.
- 4.9.2 Mr Stewart for CPL put forward evidence indicating that the overall effects of wind farms on tourism are either neutral or unproven [Docs 9.25-33 & 9.35-39]. Mr Sinclair had some quibbles in cross-examination of Mr Stewart regarding particular public attitude surveys, and Mr Watkins made some limited points regarding implications for use of Margam Park. However, these did not amount to a considered case that the scheme would affect tourism in the area, or Margam Park in particular. Mr Stewart's research-based evidence concerning effects on tourism should be accepted.
- 4.9.3 There will be a significant visual effect for walkers of footpaths in the vicinity of the development. Given the many public footpaths in upland rural locations, this is a feature of many such proposals; it would be difficult to find schemes which did not have this effect.
- 4.9.4 The position of the only relevant bridleway (no. 17, within Bridgend CBC's area) [Doc 14.4] cannot be said to pose a hazard for horse riders, as claimed by the British Horse Society [Doc 22.2]. Riders and horses would see the turbines for a considerable distance before they reach them. The evidence for use of this bridleway is extremely limited, and insufficient to support the British Horse Society's claim of a "much favoured riding trail". In any event, there is no coherent case for the 200m separation distance argued for by the Society.
- 4.9.5 In relation to Mr Clegg's claim [Doc 22.2] that the development would infringe his human rights to practice his religion at the site of Twmpath Diwlith, the land owner (part of Castell Farm) confirms that no public right of access to the site exists and no permission has been given to visit the site for this purpose. In the light of this, no question of infringement of human rights arises.

4.10 Conclusions

- 4.10.1 In conclusion, CPL consider that the scheme complies with the development plan (comprising the WGSP), which encourages renewable sources of energy, subject to various provisos. If wrong in this, and the scheme is held to fall foul of one or more of the provisos, then the balance of the other material considerations comes down in favour of the development. Particular weight must attach to the contribution to government renewable production targets, given the urgency and importance of this matter.
- 4.10.2 There is no absolute bar on wind farm schemes in AONBs or National Parks, as previous appeal decisions demonstrate [Docs 9.8-23]. Neither can there be such a bar in relation to Part 1 or Part 2 of the Register. The proposal complies fully with the spirit of the Register guidance. The Assembly has an opportunity in this case to show that the guidance in Part 2 of the Register (which covers Margam Mountain, including Margam Park) means what it says.

- 4.10.3 In relation to the general visual and landscape effects, any windfarm will have an impact on its surroundings because of its intrinsic scale, features and movement, coupled with site specific requirements. Landscape impact usually dominates at wind farm inquiries. However, the landscape and visual effects are the recognised price for the realisation of a resource (ie on-shore wind) which is a key part of the overall strategy on renewable energy. The locality in this case is not one of such compelling landscape importance so as to justify refusing a windfarm development within it.
- 4.10.4 With this project, CPL have gone out of their way to "fit" the turbines to the landscape, and consciously avoided much larger and more powerful turbines which are readily available. They have paid close attention to best practice regarding the aesthetics of the scheme, as explained in the ES, so that the turbines will fit as well as possible in this particular location.
- 4.10.5 The Council have not been able to substantiate the reasons for refusal as regards visual dominance and other adverse landscape and visual effects, and on the expert evidence CPL has put forward the scheme is acceptable in these respects. Even if this conclusion is wrong, on any proper application of the relevant balancing exercise (which the Council neglected to do, or at least neglected to explain to Members, when determining the application) planning permission should be granted.
- 4.10.6 The UK has set itself demanding targets for renewable energy production, which require urgent action. Wales must play its part, as Assembly Government guidance indicates. Wales and the UK need entrepreneurial companies like CPL. First, because they are prepared to bring forward smaller sites, which require more care and are likely to be less attractive to larger companies. Second, because they are serious about substantial community involvement in their projects. This project is make or break for CPL and its ambitions to bring forward other sites and create a significant Welsh business, with real community involvement. The scheme merits planning permission and the Assembly is requested to grant this.

5. THE CASE FOR THE COUNCIL

The main points are:-

5.1 Preamble

5.1.1 The thrust of the Council's case is based on the extent of the environmental objections to the scheme, as set out in the Council's decision. The 2 distinct areas of objection reflect the particular design of the development, namely 2 strings of turbines separated from each other by part of an upland ridge and overlooking different areas.

5.2 Turbines 1-5 (the southern string)

5.2.1 These would harm the general landscape of the area, in particular the historic character and visual amenity of Margam Park, by reason of their prominent siting near the Park.

5.2.2 Dealing with adverse effect on the general landscape, the Council relies significantly on the evidence of objecting residents and CPRW, who have identified more distant views and settlements that would be affected, and who represent a considerable body of local opposition [*Doc 12.2, Doc 2 CD2.4*]. In addition, the Council points to the dramatic contrast between the industrialised coast west of the M4 and the green and generally undeveloped slopes and uplands to the east. The introduction of wind turbines on the Margam Ridge would have the effect of extending the industrial landscape into the green uplands, reducing the contrast and having a landscape impact significance of low/moderate to moderate.

5.2.3 With regard to the effect of the turbines on the historic character of Margam Park, Cadw's witness Mrs Whittle considers that the turbines' height above sea level, character and size, and proximity to the Park would make them a dominating, alien and pervasive presence which would cause serious and unacceptable damage to the quality of the historic landscape.

5.2.4 Although Mr Boucher for CPL claims to have followed the Guide to Good Practice on Using the Register of Landscapes of Historic Interest in Wales [*Doc 7 CD7.9*] in assessing the visual impacts of the development on Margam Park, his analysis focuses narrowly on the Significant Views identified on the Register map for Margam Park, and only on the direction of view shown on the map. His analysis fails to consider whether views of the turbines from the key viewpoints of Mynydd y Castell and the Bro monument [*Photos 3.6 & 3.7*] would have a significant effect on the Park's character.

5.2.5 Views from key elements in the Park would be significantly altered by the introduction of the 5 turbines nearby on the hillside overlooking the Park [*Photos 3.4c, 3.6, 3.7*]. The alteration of a key element of these views would result in a change of medium magnitude, which in the light of the ES evaluation of the landscape as high value would give visual and landscape impacts on the Park of moderate/major significance. Considerable parts of the Park would be affected in this way. The turbines would thus have a significantly detrimental effect on the landscape character and visual amenity of the Park.

- 5.2.6 In cross-examination, Mr Boucher agreed that his ASIDOHL [*Doc 11.3*] underscored the significance of effects on a number of elements of the historic landscape. Assessment of the potential within the landscape for future historic landscape study and analysis, and the potential value of elements to be developed as a public educational and recreational amenity, were particularly weak. The analysis failed to recognise the current educational use of the Park, the guided walks through history, and the use of the deer park, and had not considered future potential. Assessments that the east half of the lower park and a part of the upper park had little rarity were based on a scant knowledge of other historic parks in Wales.
- 5.2.7 Mrs Whittle's evidence for Cadw in respect of the historic character of Margam Park should be preferred to Mr Boucher's, given her much more detailed knowledge of the subject.
- 5.2.8 When considering visual amenity all of the reasons people use Margam Park must be considered [*Doc 12.4*]. Its visual amenity is not purely dependant on its historic status, although the reasons for its current high quality may be closely related to its history. The use people make of it today is, in many ways, a public continuation of its historic use. They go there for exercise and recreation, to appreciate the picturesque landscape, to escape from the industrial towns. They enjoy, as the builder of the castle did, its historic associations and picturesque position at the foot of a wooded historic hill.
- 5.2.9 The wind turbines would have a significantly detrimental effect on the visual amenity of the Park which is visited by large numbers of people each year [*Doc 14.10*]. They would have a particularly damaging effect on the upper part of the park, which trail leaflets encourage visitors to the Park to experience and enjoy [*Doc 14.5*]. The Park also forms the starting point for 2 long-distance footpath routes, the Coed Morgannwg Way and St Illtyd's Walk [*Doc 12.1*]. This area has a free and open character, above and away from the industry of the coastal plain at Margam Moors. The turbines would destroy this quality, having a dominating, alien and intrusive presence. A recent survey in the South Wales Evening Post shows how the Park is valued and well-regarded locally [*Doc 14.7*].
- 5.2.10 There is no justifiable basis for ascribing different levels of importance to different parts of the Park, as Mr Soltys does. The ES defines the Park as a single landscape character area, the whole park is one definable entity. Whilst Mr Soltys sought to confine the visitor experience to what he called the "historic core", this does not accord with how the whole Park is perceived and used by the public. Mr Soltys, by splitting the Park into 3 managed to conclude that there would be a negligible effect on the western part of the Park, but assessed the effects as moderate/major in the east part and at the main entrance. The Council considers that the overall impact on visual amenity for the Park would be moderate/major.
- 5.2.11 Account should also be taken of the Council's Vision for Margam Park, based on its intrinsic qualities and its importance to the people of Neath Port Talbot [*Doc 12.3*]. It is the only venue large enough to host large cultural events as the Urdd Eisteddfod.
- 5.2.12 Mr Soltys accepted that the existing pylons detract from the landscape. They are some 30m high. The turbines would be moving structures, more than twice this scale, only 600m from the trail around the upper part of the Park [*cf Photo 3.7, at a distance of 1.4km*]. Furthermore the pylons would probably be removed if this development did not proceed.

5.3 Turbines 6-11 (the northern string)

- 5.3.1 The Council considers that the northern string of turbines would be visually dominant and overpowering, to the detriment of the visual amenity and character of the Llynfi Valley and the setting of the conservation area of Llangynwyd.
- 5.3.2 Impact on the Llynfi Valley has to be assessed against its general landscape character and its existing visual amenity. The Bridgend Landscape Strategy Assessment [*Doc 7 CD7.1*] evaluates its quality as moderate in the visual and sensory aspect area, which makes it an area of local importance, and high in both the history aspect area and the culture aspect, which makes it of regional/county importance. This landscape character area runs to the boundary of the County, next to the site of the turbines. It is described in the Assessment as "generally dramatic with extensive views across and out of the valley". The Assessment notes further that "The older settlement of Llangynwyd, which has strong associations with folklore... retains much of its character", in contrast to the other settlements in the valley floor. It recommends that historical elements and distinctive cultural associations are properly taken into account in considering development proposals. The area most closely affected by the proposal, between Llangynwyd and the site, is also within the Mynydd Margam Landscape of Special Historic Interest.
- 5.3.3 The ES [*Doc 3 CD3.2 p179*] demonstrates that this part of the Llynfi Valley would fall within the zone of dominant visual intrusion. However, the Council shares CPRW's view that the dominant and overbearing nature of the development will extend further than this. In the Jordanston appeal [*Doc 9.17*] it was accepted that 60m turbines within 2km would be of such a scale as to dominate close and distant views, and have the potential and capability to dominate the landscape between 2km and 5km. These turbines would be 15m higher and on a ridge skyline that forms a key element of the Llynfi Valley landscape. The proposal would, by introducing large, alien, incongruous structures onto the key element of the ridge, have a dominant, overpowering effect on the landscape, altering its rural, pre-industrial character.
- 5.3.4 In terms of effect on visual amenity, the issue is the implications for human receptors rather than the effect on the landscape itself. The Council's case is not about private or residential amenity. There are few windows of houses in Llangynwyd looking towards the turbines (hardly surprising in a small, nucleated village); but residents and visitors alike will perceive a reduction in visual amenity in the garden or the street, on the roads and paths to and from the village, or sitting on the public benches [*Photos 8.2, 9.1-9.7*]. The continual visual reminder and awareness of these huge features would be both dominant and overbearing. Press cuttings and the level of public objections to the application demonstrate the strength of feeling about the adverse impacts of the turbines [*Doc 12.2, Doc 2 CD2.4*]. The Council assesses the effect on visual amenity as moderate/major for residents and those making recreational use of the area.
- 5.3.5 The special character of Llangynwyd is also relevant to consideration of impact on the Llynfi Valley's visual amenity and character. This special character is both historic and architectural [*Docs 14.2, 14.3 & 21.9*]. The GGAT draft Historic Landscape Character Area describes the village as the focus of an important landscape [*Doc 11.1-2*]. These comments reinforce the unique distinctiveness and quality of the Llangynwyd locality. The turbines on the ridge would introduce a major modern component into this high value historic landscape and adversely alter its character.

- 5.3.6 As regards the setting of the Llangynwyd Conservation Area, the ridge reinforces the valley form within which the village sits. The appearance of large industrial structures on the skyline would affect the amenity, setting and character of the conservation area.
- 5.3.7 CPL argue that the undeveloped land around the village included within the Conservation Area comprises its setting. However, the Conservation Area is, as a matter of statute, the area designated under section 69 of the Planning (Listed Buildings and Conservation Areas) Act 1990. The setting of a conservation area must involve land outside the designated area and is a concept involving planning judgement. It is that area surrounding the conservation area which, whether viewed from outside or within, is capable of influencing the reasons for which the conservation area was designated.
- 5.3.8 In the case of Llangynwyd the setting must be taken to include at least the area containing those elements in the description described as its “immediate environs”: the hill fort constructed on the Roman Pattern (Y Bwlwarcaw) and the 13th Century Castle [*Doc 14.3*]. The view into Llangynwyd encompassing these elements, from the footpath that crosses the ridge, would be either through or in the presence of the turbines.
- 5.3.9 The evidence of HALT and Mr Einion [*Docs 21.7, 21.8, 22.1*] highlights the living history and culture of the area, founded on the past but alive today: the bardic tradition; the Welsh singing over the grave; the Mari Lwyd, only interrupted by war; the greatest love song in the Welsh language. The 1995 HTV programme [*Doc 21.7*] confirms how seriously the continuing traditions are upheld. Other evidence points to the numerous visitors who come to the village, not least apparently to research the 4000 buried dead in the biggest churchyard in Europe [*Doc 21.8*]. This is not history and culture for archaeologists and specialists, it is accessible and for the people. It is rare, well documented, and has survived through the centuries. Its importance is recognised by the LANDMAP process in Wales [*Doc 7 CD7.12*]; however, it was not considered by the CPL in the ES.
- 5.3.10 CPL has consistently failed to recognise the history and culture of Llangynwyd. Mr Soltys describes it simply as a “nucleated village of medieval origin” [*Doc 10 Proof para.6.38*]. He accepted that he would not have ignored the culture layer had he written the ES. Mr Boucher did not deal with the village at all. He only dealt with ancient monument GM 059 (Y Bwlwarcaw), which falls within the Llynfi Valley. The ES provisional historic landscape characterisation ignores everything outside the registered historic landscape and does not, therefore, consider the history or culture of the village and its close environs.
- 5.3.11 The landscape section of the ES [*Doc 3 CD3.2 p167*] says that in places within a 4km radius of the site the visual impacts may be deemed to have a significant indirect effect on landscape character. The ES claims that the Landscape Character Areas resulted from a landscape characterisation conducted according to the LANDMAP guidelines [*Doc 7 CD7.12*]. Yet the Llynfi Valley receives just 2 paragraphs [*Doc3 CD3.2 p190*]. Llangynwyd gets a brief mention that focuses on physical form and architecture and ignores its distinctive and important historical and cultural associations. This is a crucial flaw in CPL's assessment of impact upon landscape character. The assessment cannot be relied on since it is not based upon an accurate understanding of the character of the area. The only real evidence of the quality of the landscape of the Llynfi Valley, of its historic and cultural importance and of its amenity value, came from other parties to the appeal.

5.4 Site selection and Environmental Impact Assessment

- 5.4.1 W.O Circular 11/99 makes it clear that it is the developer's responsibility to prepare the ES. It should provide a full, factual description of the development and assess the main or significant effects; lesser impacts need only be treated briefly. The ES should be prepared on a realistic basis and without unnecessary elaboration. Where alternatives have been considered they should be recorded. Ideally this should begin with site selection so that the alternative environmental merits of practicable alternatives can be properly considered.
- 5.4.2 The evidence supporting the selection of the appeal site is badly flawed. There is no information on other sites investigated outside Neath Port Talbot. Within Neath Port Talbot, 37km² were identified as having a sufficiently viable wind resource to warrant detailed environmental impact assessment. This assessment, however, was carried out by the 2 directors of CPL, who are not appropriately qualified professionals. The chronology of events establishes that the site had been identified in 1996 and options taken up for its development in 1998, well before detailed discussions with the Council (November 2000), production of the ES in 2002 and involvement of outside professional expertise. This is contrary to the advice of the BWEA Guidelines [*Doc 6 CD6.1*], which urge consideration of the planning framework, preliminary consultation with LPA and major consultees at the site selection stage. This is to avoid wasting time and expense on unsuitable sites.
- 5.4.3 The lack of appropriate professional input at site selection stage and in preparing the ES has led to flaws and anomalies in the assessment. For instance, when assessing environmental receptor classifications, wind resource was included as a visual impact criterion. Environmental receptors including statutorily designated areas, history and archaeology, recreation and tourism, general landscape character and other landscape values were supposedly assessed. Yet, despite the close presence of a plethora of SAMs, a conservation area, a landscape conservation area, a registered historic landscape, and a Grade 1 Park and Garden the prediction of significance of environmental impacts was judged low.
- 5.4.4 Of other sites rejected as inferior, Ffynnon Oer was assessed by CPL as having a very high average fixed cost per turbine and moderate environmental impact. Yet this site has been pursued by others and has now gained consent. Thus, at least one site has been judged as a practicable alternative with greater environmental merit at local level, by those who know their area, its needs and sensitivities (see PPW paragraph 4.12.1). The expertise and objectivity of those producing the ES is dubious, given that they were the prospective developers and had decided on the site as far back as 1996 (confirmed by Mr Lloyd in cross-examination), and had no training relevant to the task.
- 5.4.5 The CPL LANDMAP assessment is flawed. It fails to take account of relevant background information and prior assessments [*Doc 7 CD7.1-CD7.3, Doc 13.3*]. It diverges from the Bridgend LANDMAP assessment of quality, which would give an overall landscape valuation of medium/high for the Llynfi Valley, rather than medium. It assesses layers at different levels of detail, which could skew the landscape character area boundaries. It omits the layer on culture and fails to evaluate the history of Llangynwyd. It places a value on various landscape elements, and imports that to the character area, without reference to the evaluated aspects, or their values, which defined the character areas (instead, a Stage 4 assessment should have been carried out following the characterisation process, including public participation). It employs no aspect experts except for an archaeologist (who did not

address either history or culture) and an ecologist. The ASIDOHL was flawed, and even as re-done was admittedly underscored. It did not classify the study area in accordance with the defined LANDMAP aspect layer methodology or definitions.

- 5.4.6 The ES undervalues the landscape, both in its visual and sensory qualities, including its historic importance and cultural significance. It fails at the data capture stage by omitting a layer; it fails to identify the correct boundaries to the landscape character areas; it arrives at a mistaken conclusion as to the landscape character areas. As a result its baseline is wrong. It underestimates the sensitivity of the landscape to change in terms of the key element of the ridge of Mynydd Margam, which forms the skyline to the areas identified in the grounds of refusal. As a result it understates the magnitude of the impact on landscape character and visual amenity. The assessment of impact on Llangynwyd confines itself to the issue of residential amenity, ignoring completely the significance of the conservation area and its setting, the approaches to the village and the overall effects on its setting, amenity and character [*Photo 8.1*]. The dominant appearance of the turbines on the nearby skyline would result in a visual impact of medium magnitude, rather than negligible/low as stated in the ES.
- 5.4.7 The failure to use experts led, amongst other things, to a failure to re-assess the agreed viewpoints on finding that little of the development would be visible from these. The object of an ES is to describe the significant effects. A professional on finding, based on desk examination of the ZVI, that the agreed viewpoints showed nothing of the site, would have cast about, just as he would have been alerted to significant cultural associations by GGAT and the amazing pub sign in Llangynwyd. Mr Soltys accepted that this was so.
- 5.4.8 By omitting, in whole or in part, relevant aspect layers the boundaries ascribed by CPL to the landscape character areas must be suspect. Furthermore, the placement of the site in a single readily identifiable character area is surprising, contrived and highly questionable in terms of the LANDMAP methodology. The site straddles the ridge, with land areas accommodating the 2 strings of turbines having completely different aspects overlooking different localities; the area of open upland linking the sites of the 2 strings is a narrow corridor between areas of extensive forested upland, insignificant in landscape terms. This goes beyond mere shades of detailed evaluation between professionals. The broad landscape character areas suggested by CPRW are a truer reflection of application of the LANDMAP methodology to the area.
- 5.4.9 CPL rely heavily on the consultation responses of GGAT and Bridgend CBC [*Doc 2 CD2.3*] at the application stage as endorsing their assessment of the proposal. However, GGAT's comments strayed beyond their role as archaeological advisor to the Council, outside their terms of reference and into areas that are the province of Cadw and CCW. Both of these bodies strongly oppose the proposals from their respective standpoints and responsibilities. Bridgend's response actually sought a reduction in the size of the turbines and/or their re-siting south-west and at a lower level. Its comments were made against the development plan background for its own area, not that of Neath Port Talbot. In consequence, these consultation comments carry little weight in favour of the proposal.

5.5 Balancing of considerations

- 5.5.1 National policy requires the stimulation of clean, renewable energy resources subject to the test of environmental acceptability and to balance it against the visual impact on the landscape of wind turbines. Local planning authorities should facilitate the development of

all forms of renewable energy and energy efficiency and conservation measures where they are environmentally and socially acceptable (PPW paragraph 12.8.9). In their plan and development control functions, whilst seeking to promote renewable energy development, they should ensure that international and national statutory obligations to protect designated areas and the historic environment are protected from inappropriate development and ensure that environmental effects on local communities are minimised (PPW paragraph 12.8.10).

- 5.5.2 In Wales the Economic Development Committee of the Assembly has proposed a benchmark of 4 TWh (terrawatt hours) per year by 2010, to be made up of roughly equal parts onshore wind, offshore wind and other renewable resources [*Doc 6 CD6.5*]. In pursuit of this it recommends that the Assembly “promotes renewable energy in such a way as to enhance industrial, rural and commercial opportunities in Wales without prejudicing tourism or areas of environmental significance.” If the Welsh production figure is used as the basis for establishing the 2010 10% requirement, roughly 1.3 TWh hours would be needed from on-shore. BWEA figures indicate that increasingly good progress is being made towards government targets [*Doc 14.1*].
- 5.5.3 The Council recognises its duty to contribute. Its policies encourage wind turbines in acceptable locations. It has had 4 planning applications for wind turbine development. This application, which it finds unacceptable, is designed to produce 9.35Mw. Fynnon Oer, Abercreggan, producing 20.8Mw, has been approved [*Doc 12.5*]. Crynant, an application for 2 second-hand 55m turbines (1.2Mw), was refused on amenity grounds. An application for a single, large, 4.5Mw turbine at Baglan is currently being considered [*Doc 14.8*]. This is at an early stage and consultee responses have yet to come in. However, it is an exciting and imaginative proposal to re-use a brown-field, industrial site. An application is also anticipated shortly for a local community scheme at Mynydd Uchaf (also rejected by CPL in favour of the appeal site), for 5 turbines producing about 5Mw. To date, 20.8Mw of wind energy have been approved, 10.55Mw refused.
- 5.5.4 CPL produced a “target” figure in the ES. As yet no policy target has been set at regional level. The Council has no target: it has a development plan policy to encourage wind turbine development in acceptable locations. It has already exceeded the ES figure. New applications will be judged against the development plan criteria and taking into account all material considerations. If by themselves, and cumulatively, they are judged not to cause environmental harm which outweighs their benefit to a green future, they will be approved.
- 5.5.5 Although Mr Stewart considers that turbines are not industrial structures, as a matter of plain English they are. They are structures designed to produce power for the power industry. They may be elegantly engineered; this doesn't prevent them being industrial. However, the Council recognises that this does not prevent them from being sited in the countryside if it is necessary and appropriate. It is unlikely that nationally there will be enough industrial or other brown-field sites to accommodate all on-shore wind power requirements. However, Neath Port Talbot has large tracts of post-industrial landscape: logic suggests that such sites are worth investigating in the interest of preserving the countryside from unnecessary development. The Baglan developer has certainly thought so. The draft NPT UDP [*Doc 4 CD4.4*], in accordance with PPW guidance (paragraph 12.9.4), identifies a large tract of upland in the Resolven/Glyneath/Glyncorrwng area as potentially suitable. In that area National Wind Power found their Ffynnon Oer site. So in their plan formulation the LPA acknowledge that some provision must be made for country locations.

- 5.5.6 Whilst TAN 8 indicates that turbines will often need to be in rural areas, which may also be attractive landscapes, this does not mean that schemes in such areas should always be approved. Turbines are distinctive vertical features and have characteristics of movement not normally present in man made structures. In terms of visual impact they must be assessed with their particular and unusual characteristics in mind (TAN 8 paragraph A48). The clear implication of this guidance is that their characteristics are more likely to cause harm than if they were less obviously vertical and mobile. TAN 8 also notes that the acceptability of wind turbines will be determined to a considerable extent by the form and pattern of the landscape within and adjoining a particular site. Notwithstanding this advice, and with 37km² of suitable wind resource available, CPL has chosen a site lying between an intimate, rural, historic valley and a Grade 1 listed parkland landscape.
- 5.5.7 The scheme offers no significant benefits beyond 9.35Mw of electricity. The "elegant" turbine design will not appreciably diminish visual impact. The purported "benefits" of an aesthetic arrangement within the landscape derives simply from the topography giving optimum wind harvesting from a linear arrangement following ridge crests.
- 5.5.8 The intention to issue a prospectus and offer shares in the development to the public is advanced as a benefit. However, CPL is a private company, which under S.81 of the Companies Act 1985 may not do so. It is said that there would be another vehicle for developing the wind farm. In any event, there is no section 106 undertaking to guarantee any benefit to the local community, nor does CPL seek a permission restricted to itself. Planning permission runs with the land: there is way of ensuring that this claimed benefit would materialise.
- 5.5.9 CPL advances a habitat improvement scheme. However, there will be no harm to ecology. A condition to provide for ecological enhancement would therefore be unnecessary and unrelated to the development permitted. Again there is no section 106 undertaking to ensure it would occur.
- 5.5.10 CPL proposes a viewing platform, said to give a view of the historic landscape. However, little of the landscape would be visible, either because of distance or because it would be obscured by the turbine strings. Cadw and CCW doubt that such a feature would be of any benefit to historic understanding. Again, there is no guarantee that this element would be installed, although CPL says that it will accept a condition to that effect. The Council doubts that the feature is necessary. If it is not, then a condition requiring its provision would be invalid.
- 5.5.11 Moreover, the Council considers that the installation of such an expensive element would result in efforts to maximise its use. The site is remote, with no real access or proximity to facilities at present. Health and safety and security/supervision considerations would be likely to require an attendant for the visitors and facilities on site for the accommodation of such staff, toilet facilities and parking. The only other such platform, at Swaffam [*Doc 14.9*], was associated with an eco-centre providing such facilities. The facilities at Margam Park are too distant to serve the site. If planning permission is granted and the viewing platform is constructed, the use of the site for informal parking, stationing of portacabins and so on will occur if it is not constrained by condition. If it is so constrained, there will probably be applications for further development to serve the visitors' needs.

5.6 Planning policy and section 54A

- 5.6.1 Section 54A requires that determinations be made in accordance with the development plan unless material considerations indicate otherwise. At the time of the refusal the draft local plan was a material consideration: the draft NPT UDP has now taken over that role. It has entered its first stage as a deposit draft, with the full period of objection to run [*Doc 14.11*]. It should have little weight at this time.
- 5.6.2 Insofar as the NPT UDP does carry weight [*Doc 4 CD4.4*], attention is drawn to the proviso “provided their impacts are acceptable” in policy IE4, particularly in the light of the accompanying comment that “as a result of the County Borough's topography, many mountains, hills and ridges are particularly visible within the landscape and from nearby communities. Proposals for wind farms in such locations will be considered especially carefully. The policies in the Environment Chapter will be particularly relevant”(paragraph 14.8.4).
- 5.6.3 NPT UDP policy ENV 1(e), which deals with renewable energy development in the countryside and paragraph 7.5.7 recognises that some industries have specific land requirements that cannot be accommodated within settlements. However, any such proposals are to be assessed in terms of why they could not be located within a business park or on previously developed land before a greenfield site is considered favourably.
- 5.6.4 Further, policy ENV3 states that proposals that would create unacceptable impacts on the landscape will be resisted. Particular emphasis will be 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. Draft UDP paragraph 7.7.3 notes that views and panoramas are of particular importance to the countryside and within settlements. They contribute strongly to the sense of place of an area and can easily be degraded. Paragraph 7.7.6 extends protection to Margam Park and its setting: these will be protected. It refers to setting, not essential setting.
- 5.6.5 The only statutory development plan in force is the WGSP [*Doc 4 CD4.7*]. Policy EQ2 and paragraph 5.17 set out the relevant balancing exercise. Development of renewable energy is encouraged provided that the development would not adversely affect statutorily designated areas or sites of heritage conservation interest; areas of special landscape value defined in local plans; areas or facilities of special importance for tourism or recreation; the amenity of residential areas; or dominate any particular prominent skyline.
- 5.6.6 The definition of statutorily or nationally important areas or sites is as defined in policy EQ7(1) and includes Margam Park. Conservation Areas such as Llangynwyd, designated for its historic interest, and Scheduled Ancient Monuments, as nationally important features, equally come under this policy. For these the test is simply that development must not adversely affect the special character. The criteria for lesser areas apply tests of demonstrable harm and of domination. Thus, only a slight harm to special character of the nationally important elements is sufficient to render the proposal unacceptable. The special landscape area designated in the Ogwr Local Plan must not be demonstrably harmed. The skyline must not be dominated.

5.6.7 The proposal is contrary to the development plan. This is a very weighty consideration against it. Cadw's evidence demonstrates the unacceptable impacts on SAMs and the Grade 1 Park in their own right. CCW's evidence demonstrates the harm to the historic landscape. CPRW allege harm in terms of the wider landscape visibility of the development and in terms of residential amenity. Residents point to the effects on footpaths and on residential and public amenity, and the effect on a living culture which must approach national importance and is significantly undervalued by Bridgend CBC. Where else other than Llangynwyd does the Mari Lwyd fight to sing its way into the oldest pub in Wales? These considerations must all be given due weight, then balanced against 9.35Mw of energy, in circumstances where an amount exceeding this has subsequently been permitted in a less environmentally sensitive area within Neath Port Talbot.

5.6.8 Mr Stewart for CPL accepted that the essential test for such proposals as these, used by the Inspector in the Wogaston and Jordanston cases [*Docs 9.17 & 9.18*], can be formulated as “national policy requires the stimulation of clean renewable energy resources subject to the test of environmental acceptability and to balance it against the visual impact on the landscape of wind turbines.” The numerous appeal decisions reproduced by Mr Stewart [*Docs 9.8-9.23*] demonstrate that well-sited wind farms which do not cause unacceptable environmental harm frequently gain approval. Those that are unacceptable are refused. These cases are of little help in assessing the environmental aspects of a site: each case turns on its own merits. One knows from them exactly how much green power is proposed to be generated; but the other side of the coin, the environmental effects, can only be assessed by the Inspector dealing with the appeal.

6. THE CASE FOR CADW

The main points are:-

6.1 Overview

6.1.1 The proposal is to build a wind power station consisting of 11 turbines standing 75m high. It is a most unusual application in that the development has a range of direct and indirect impacts upon the well-preserved historic environment in which it is located.

6.1.2 The historic environment is described, designated, registered and protected in four different ways.

- (i) There are six scheduled ancient monuments (SAMs) in or immediately adjacent to the development area [*Docs 15.1 & 15.2*].
- (ii) The cluster of turbines 1-5 lies immediately outside an area of Essential Setting defined for Margam Park, a grade I site on the Register of Landscapes, Parks and Gardens of Special Historic Interest in Wales, part 1: Parks and Gardens [*Doc 7 CD7.8 pp102-112*].
- (iii) The whole development lies within the Mynydd Margam Historic Landscape on the Register of Landscapes of Special Historic Interest in Wales, part 2.2: Landscapes of Special Historic Interest [*Doc 7 CD7.7 pp59-63*].
- (iv) The cluster of turbines 6-11 lie in views looking west from the Llangynwyd Conservation Area [*Doc 21.9*].

6.1.3 This proposal is unique in the complexity of issues relating to the historic environment which it involves. Mr Stewart's evidence for CPL [*Doc 9 Proof and 9.8-9.23*] shows that many wind farm proposals have been sited in areas with general landscape designations such as National Parks, AONBs, ASLVs. However, only in one appeal, St Breok's Down, Cornwall [*Doc 9.34*] has the setting of a SAM been a material issue. The Tir Mostyn inquiry, Denbighshire [*Docs 9.22, 15.6, 16.6*] considered the impact of a wind farm on the setting of, rather than siting within, a Registered Historic Landscape, and did not concern effects on SAMs or their settings. No other wind farm inquiries seem to have dealt with either the setting of a Registered Park and Garden or of a Conservation Area.

6.1.4 Cadw's evidence limits itself to considering the effects of the proposal on the setting of Margam Park, and the direct and indirect effects on the SAMs and other archaeological features in the development area. It is for other parties to address the issue of the Historic Landscape and the Conservation Area.

6.2 Site selection [*Doc 3 CD3.2 pp7-16*]

6.2.1 Mr Lloyd's evidence for CPL explains in detail how the company had come to select this particular site within Neath Port Talbot [*Doc 8 Proof summary para 1.6 and ES site selection overlays Doc 3 CD3.4*]. Cadw accepts that a wind farm can only be sited in areas where there is a sufficiently reliable wind resource and a suitable landform, and is sufficiently distant from built-up areas and individual properties to meet government guidelines.

- 6.2.2 However, Cadw consider that CPL gave insufficient weight to the great historic importance of the landscape in which the proposal was finally sited. Crucially in paragraph 1.6 of his summary [*Doc 8*] Mr Lloyd makes no reference to archaeology and concludes that this is an area of relatively low general landscape value. Paragraph 1.7 identifies the site's proximity to Margam Park and that the site is in a landscape of recognised historic importance, but states that these issues can be dealt with by 'careful design' and 'suitable mitigation'. This assumption runs throughout the ES and the CPL evidence.
- 6.2.3 Mr Lloyd accepted in cross-examination that he and his partner Mr Innes undertook the site selection process from 1997-2000. Neither had any qualifications in, or particular experience of, landscape assessment or archaeology. Mr Boucher confirmed that Archaeological Investigations Ltd were first approached in 2000, by which time the site had been selected. Whilst his company's study led to the resiting of turbine 1 and the removal of a turbine from the southern string, it did not have the opportunity to influence the selection of the site itself. Mr Soltys was only employed to provide specialist landscape advice after the application was refused.
- 6.2.4 Examination of layers 1-3 in the Site Selection Overlays [*Doc 3 CD3.4*] show that there are a number of other locations within Neath Port Talbot where the combination of wind resource, natural and built land-cover suggests that a small/medium size wind farm could be sited. When layers 4-6 are added, only the Margam Mountain site shows a density of SAMs, a location within a historic landscape designation and an immediate juxtaposition with a registered park. The recent grant of permission for the Ffynnon Oer wind farm by the Council [*Doc 12.5*] supports the conclusion that there are less sensitive areas within Neath Port Talbot where a wind farm could be accommodated.
- 6.2.5 Cadw therefore conclude that there were serious flaws in the site selection process that would have been avoided if professional advice had been sought earlier in the process.

6.3 The form of the development

- 6.3.1 There has been clarification at the inquiry over exactly what the original application plan represented, what was contained in the application and what may be the subject of a later application. There have been discussions about the extent of micro-siting of turbines and, to a lesser extent, cable routes. If the application is approved in whole or part then these issues must be properly addressed in any permission granted.
- 6.3.2 Cadw have based their consultation advice and written statements of evidence upon the Site Plan [*Doc 2 CD2.1 Drawing 1*] and the form of the turbine and its base [*Doc 2 CD2.1 Drawings 2 & 3*]. In summary, the main conclusions are:
- i) the turbine bases, cable routes and access track to turbine 10 directly affect an area of land of 0.2ha within a site boundary enclosing about 2.5 km².
 - ii) the direct effects are negligible compared to the visual effects. Each turbine tower stands 49m with 3 rotor blades 52m in diameter. Given that the rotors turn with the wind the total volume affected is a sphere of 26m radius centred on the hub 49m above the ground. The turbines are clean-lined engineering machines with the unusual characteristic of motion when operating.
 - iii) the need to assess the siting and visual impact of any wind farm proposal has to be done with their particular and unusual characteristics clearly in mind (TAN 8

paragraph A48) [*Doc 5 CD5.4*]. Given their siting and characteristics these turbines would be visible and draw the eye over long distances. Close to, they would be heard as well as seen.

6.3.3 Cadw consider that micrositing of turbines and cable routes would have no effect upon their case for recommending refusal of turbines 1-5 because of their visual effect on the setting of Margam Park. It would not affect their concerns over the impact of turbine 6, nor remove turbine 5 from the scheduled area of GM 090. It could reduce the impact of turbine 1 on the setting of GM 057. However micrositing should be utilised, if the scheme proceeds, to reduce the direct impact of the other turbine bases and cable runs on significant archaeological features.

6.4 Impact on the setting of Margam Park

6.4.1 At the inquiry there was no dispute as to the historical importance of Margam Park, its grading or boundary as depicted in the Register [*Doc 7 CD7.8 pp102-112*]. As one of only 35 grade 1 historic parks and gardens in Wales on the Register, it is of exceptional interest not only in a Welsh but a UK-wide context.

6.4.2 Cadw emphasise that there are no subdivisions within the boundary of the registered area. It does contain numbers of statutorily protected listed buildings and SAMs [*Doc 15 Proof paras 3.4.2 and 3.4.3/Docs 15.3, 15.4 & 15.5*] and these reinforce the great importance of the Park. Many of these are concentrated in certain parts of the Park. However, the Register entry [*Doc 7 CD7.8 pp102-112*] also refers to other features, including the very fine walled deer park, under the primary reasons for the Park's grading. Cadw's objection is based on the impact of cluster 1-5 on the setting of the registered park as a whole, not the individual statutorily protected components it contains. The appellant tried during the inquiry to divide the park up into small entities such as "the historic core" and "the least and most visited parts of the park", but there is no justification for this in the Register entry.

6.4.3 Mrs Whittle described in evidence how the concept of "Essential Setting" was developed and how it was intended to safeguard registered parks and gardens from dilution or damage. It is determined in each case by a detailed appraisal of the historic and visual setting of each park and garden. Each entry in the Register usually retains surviving or natural boundaries that can be clearly defined. The essential setting lies outside these boundaries and would contain areas of former parkland or gardens no longer in their original use, or areas vital to views out of or into the registered area, which were important to those who laid out the park and garden originally or remain important today. Mrs Whittle explained how the essential setting of Margam Park formed part of the Upper Park clearly shown on Hall's survey of 1814 [*Plan D Figure 11.11 in ES Vol 3.3*] and provides the backdrop to the views out of the park to the north and east which are essentially unaltered by modern development.

6.4.4 Mrs Whittle also described how the concept of "Significant Views" was developed. Whilst this is not explained in the Register introduction, the historical significance of each view is given in the detailed Register entry. On the map accompanying each entry the origin of each arrow identifies the viewpoint and the point of each arrow the centre of the view. However, these viewpoints also provide a panorama, in which turbines 1-5 would be highly prominent as demonstrated by figures 9.5, 9.6 and 9.7 in the ES [*Photo 3.5, 3.6, 3.7*]. The turbines would also be prominent in important views from the SE quadrant of the park [*Photo*

3.4c]. The *claire-voies* of the garden around Twyn-yr-hydd are orientated to look towards where the turbines would stand.

- 6.4.5 Cadw accept that CPL has avoided the Essential Setting of Margam Park and the specific arrow directions of the significant views. However, Mr Boucher in cross-examination admitted that in his study he had limited himself to the consideration of the Essential Setting and the direction of the Significant Views shown in the Register entry. Whilst Cadw accepts his expertise as a field archaeologist, he seemed to have little knowledge of the contents and use of the Register and no experience in assessing the settings of historic parks and gardens.
- 6.4.6 Cross-examination of Mr Soltys focussed on the photomontages in the ES. He accepted that there were significant visual effects from turbines 1-5 from the viewpoint 4b in the centre of the lower part of the park [*Photo 3.4c*] and from Mynydd-y-Castell [*Photo 3.6*]. He also agreed that turbines 1-5 would be dominant from viewpoint 7 [*Photo 3.7*] on the ridge in the upper part of the deer park, and that the turbines would become increasingly dominating as receptors moved the 800m to the east boundary wall of the park.
- 6.4.7 The preparation of the first part of the Register covering Historic Parks and Gardens and its use in assessing or determining planning applications affecting registered parks and gardens and their setting is identified in planning guidance from 1995 (see WO Circular 61/96 paragraph 16 in particular) [*Doc 5 CD5.9*]. Provisional lists of register entries, including Margam Park, had been distributed to local authorities and other interested parties by that date. The register entry for Glamorgan and the very full description of Margam Park were published in 2000. In the light of this chronology, Cadw believes that CPL failed to give due weight to Margam Park and its setting in its site selection.
- 6.4.8 Given the size, prominent location and motion of the proposed turbines 1-5 Cadw believes that the appellant's archaeological adviser was naïve in taking account only of the Park's defined Essential Setting and Significant Views. Planning guidance in TAN 8 [*Doc 5 CD5.4*] refers both to setting and the particular and unusual characteristics of the visual impact of wind turbines, which demands a much wider consideration of effects.

6.5 Impact on scheduled ancient monuments (SAMs)

- 6.5.1 During the inquiry, it was established that the status and boundaries of the SAMs was not contentious. The position with regard to GMs 057, 058, 059 and 443 was straightforward. CPL also did not challenge that the new archaeological evidence for outer enclosures around GM 090 justified the extension of the scheduled area and that Twmpath Diwlith was worthy of scheduling as GM 557. The last two actions were undertaken by Cadw after the original application was refused but before proofs of evidence for the inquiry were submitted.
- 6.5.2 Cadw's consideration of the impacts of individual turbines on individual monuments was based upon the site plan which formed part of the application and ES (approx scale 1:10,000). Only at the inquiry were larger-scale plans produced [*Plans B & C*] for detailed assessment.
- 6.5.3 Turbine 5 lies directly over the outer bank and ditch discovered around the main enclosure of GM 090 [*Plan C sheet 1*]. This feature has been identified from aerial photographs and geophysical survey [*Plan D Figures 11.14-18*] and can be traced as a slight earthwork under favourable conditions. Each turbine base requires an excavation about 12m square and at least 2.3m deep. Such excavation will destroy all the archaeological remains within that area. CPL accepts that even if planning permission is granted for this turbine, scheduled monument

consent from Cadw would also be required. Paragraph 6.5.1 of PPW clearly puts the emphasis on physical preservation in situ of SAMs. Whilst micrositing of the turbine base may diminish the archaeological impact it cannot remove it.

- 6.5.4 Cadw raise no objection in terms of the impact of turbine 5 on the setting of GM 090, since the main earthwork is around 75m away and obscured by the topography of the slope; and, moreover, the two features are not readily observable simultaneously in the landscape.
- 6.5.5 The cable route also passes through the scheduled area of GM 058, along the line of an existing trackway. However, as the construction of the existing trackway has probably already removed any archaeological evidence in this area, SAM consent for these works would be likely to be granted.
- 6.5.6 The large-scale plan of the location of turbine 6 [*Plan C sheet 3*] shows its base only 57m from GM 557 and only 26m from the line of sight between GM 443 and GM 557. This latter measurement is exactly equivalent to the length of a rotor blade. This information reinforces Cadw's belief that turbine 6 would have a dominant and harmful effect on the setting of GM 557 and its view from GM 443. This view occurs at the point where the Coed Morgannwg Way emerges from the forestry, giving a clear view of both monuments [*Plan D Figure 13*].
- 6.5.7 The location of turbine 1 on the application site plan placed it immediately adjacent to the public right of way at the point where there is the closest view of the earthworks of GM 057 [*Plan D Figure 13*]. The zone of influence, both visual and audible, of the rotors would at times have passed over the observer into the field where GM 057 lies. The more detailed plan [*Plan C sheet 2*] indicates a position 20m SE of the footpath. This would lessen the impact on GM 057, but the effect would still be considerable. Moreover, as ES para 8.2.7.3 acknowledges [*Doc 3 CD3.2*], the footpath forms part of 'one of the best preserved medieval roads in Glamorgan' and so is an important monument in its own right. Cadw still recommend refusal of turbine 1 due to its effects on the settings of these two monuments.

6.6 Archaeological mitigation

- 6.6.1 The appellant in the ES recognises the need for archaeological mitigation on the sites of the turbine bases, cable routes and access track [*Doc 3 CD3.2 paras 8.3.6 and 8.3.7*]. In cross-examination Mr Boucher accepted that further study of the cable routes and the location of any other ancillary works would be necessary before that mitigation programme could be finalised. Micrositing of turbine bases and cable runs can be used to minimise archaeological damage and Cadw would recommend that this flexibility is retained if permission is granted. CPL is prepared to accept a condition covering archaeological mitigation in accordance with GGAT's advice to the Council [*Doc 11.4*] and planning guidance (PPW paragraph 6.5.3).
- 6.6.2 The viewing platform associated with turbine 10 has also been promoted as part of the archaeological mitigation at the site. Cadw accept that this is a genuine offer by the appellant. However Cadw are concerned about the practicalities of manning and maintaining such a facility over the life of the development without a public sector partner. This remarkable group of late prehistoric sites can be satisfactorily interpreted by interpretation boards alongside the footpaths, self-guided trails or guided walks.

6.7 Conclusions

- 6.7.1 Despite the extensive evidence at the inquiry, Cadw's conclusions remain unchanged. The fundamental problem is that insufficient weight was given to the great importance and multi-layered interest of the historic environment at the time of site selection. Only once the site was selected did the appellants seek professional advice, which has only made a limited contribution to mitigating the harmful effects of the wind turbines on the statutorily protected features and registered areas of interest.
- 6.7.2 Cadw objects to the cluster formed by turbines 1-5, which make up the south-western half of this development. The position, scale and character of turbines 1-5 would cause extensive and serious damage to the visual and historic character of the grade 1 Margam Park and its setting. The effect would be particularly damaging in the areas of parkland and setting closest to the turbines but extends over a wide area of parkland at a greater distance. The turbines would not only affect much of the parkland itself, but also key viewpoints from the Listed Buildings, Scheduled Ancient Monuments and Conservation Area within the Park. The damage caused would lessen the value of the park and its component features, and would contravene national and local policies designed to protect them. It is therefore Cadw's opinion that permission for the erection of turbine cluster 1-5 should be refused.
- 6.7.3 Cadw believes that the objection to turbines 1-5 is reinforced by the direct impact of turbine 5 on SAM GM 090 and the damaging effect of turbine 1 on the setting of SAM GM 057, especially from its principal public viewpoint from the footpath which is itself a well-preserved medieval roadway.
- 6.7.4 Cadw also considers that the siting of turbine 6 should be refused because of the direct effect on the setting of GM 557 and the effect upon the intervisibility between GM 443 and GM 557 when viewed from the Coed Morgannwg Way public footpath.

7. THE CASE FOR THE COUNTRYSIDE COUNCIL FOR WALES

The main points are:-

7.1 Preamble

7.1.1 CCW is the statutory advisor to government on sustaining natural beauty, wildlife and the opportunity for outdoor enjoyment throughout Wales and has statutory responsibilities relating to the protection of the landscape. It is the joint sponsor, along with Cadw and ICOMOS (the International Commission on Monuments and Sites) UK, of the Register of Landscapes of Historic Interest in Wales [*Doc 7 CD7.6 & 7.7*]. The Register forms part 2 of the Register of Landscapes, Parks and Gardens of Special Historic Interest in Wales. It was based on an extensive consultation exercise and reflects the consensus of over 60 experts in relevant specialist areas. The landscape within which the proposed development lies is contained in part 2.2 of the Register, which sets out landscapes of “special historic interest in Wales” [*Doc 7 CD7.7 - also produced as Doc 16.1*]. Part 2.1 of the Register deals with “outstanding” areas. However, the guide to good practice on using the Register [*Doc 7 CD7.9*] emphasises that both sets of landscapes are of national importance. The distinction between the two parts of the Register is one of type and not of quality of historic interest.

7.1.2 CCW has taken the leading role in promoting the use of the Register in the planning process and appeared at the Inquiry to this end. Impacts on historic landscapes in the Register have been judged to be an important consideration in other appeal decisions [*Doc 16.2*]. While CCW supports Cadw and the Council in their objections in relation to impacts upon scheduled ancient monuments, the historic park and garden at Margam Park and general landscape impacts, its evidence is confined to the specific issue of historic landscape. It attaches particular importance to this issue, in the context of the Register, in this case, considering it a key material consideration sufficient to justify refusal even without the other serious impacts identified by other parties.

7.2 The policy context

7.2.1 The development plan policy aimed specifically at protecting historic landscapes is WGSP EQ7 [*Doc 4 CD4.7*]. It provides a high degree of protection against developments which “could adversely affect” heritage features of national importance, including historic landscapes on the Register. Such developments will only be permitted in the “most exceptional circumstances”. CCW believes that it has been clearly demonstrated that this proposal will adversely affect the Mynydd Margam historic landscape. It does not consider that renewables policy is a “most exceptional circumstance” justifying overriding that adverse impact in this case. Even if it is, as a general proposition, capable of doing so, the nature and scale of adverse impacts demonstrated in this case tilt the balance towards refusal.

7.2.2 In addition, policy ENV 3 of the deposit draft NPT UDP [*Doc 4 CD4.4*] specifically incorporates reference to the Register. Although arguably slightly less restrictive than WGSP EQ7, it resists proposals that create unacceptable landscape impacts, with particular emphasis, amongst other things, on historic landscapes identified on the Register.

- 7.2.3 Even at the time of the Inquiry, Mr Boucher had no knowledge of the relevant development plan policy applicable to the development in the context of the historic landscape register. The policy is not aimed at “the preservation of the architectural monuments and features in situ...” as stated in the ES Volume 2 (paragraph 8.5.1.4) [*Doc 3 CD3.2*]. The entire content of historic landscape development plan policies seem to have been overlooked by CPL at the time of the environmental assessment.
- 7.2.4 Besides being a key issue in development plan terms, the Register is specifically recognised in PPW (paragraph 6.5.23) as a matter to be taken into account in considering large-scale developments. PPW paragraph 6.4.10 clearly indicates that power generation schemes are one such kind of development.
- 7.2.5 Applying section 54A of the Town & Country Planning Act 1990 to this issue, it is beyond doubt that adverse impact on a Register landscape is a key material consideration by way of application of the development plan and as an “other material consideration” arising out of national policy advice. In addition, impact on historic landscape is an important issue and a material consideration in its own right, irrespective of specific policy support.

7.3 The value of the historic landscape

- 7.3.1 Although not acknowledged in the ES or Mr Boucher’s proof of evidence, Mr Boucher accepted in cross-examination that the Mynydd Margam historic landscape is of national significance. This is the whole basis of the Register entry. The issue is the relative value of the affected part of that overall landscape.
- 7.3.2 The Assessment of Significance of Impact of Development on Historic Landscape areas on the Register (“ASIDOHL”) process is intended to assist in making this judgement [*Doc 7 CD7.9*]. However, it requires that the assessment takes account of the whole area affected (both directly and indirectly by a development). This must be the right approach, particularly in this case where indirect, visual, effects are the most significant. However, Mr Boucher’s ASIDOHL assessment [*Doc 11.3*] is fundamentally flawed because it does not take account of the area indirectly affected. It thus omits any consideration, in assessing the value of the area, of any of the 6 SAMs which form a crucial part of this value judgement. This is clear from paragraphs 3.1 to 3.4 of the ASIDOHL and from his cross examination.
- 7.3.3 In contrast Mr Kelly, with his extensive and probably unique experience of dealing with historic landscapes in Wales, places a very high value on these affected areas precisely because of the presence, relationship, type and state of preservation of these scheduled ancient monuments [*Doc 16 Proof*]. The value of the individual monuments is without doubt and is confirmed by Cadw’s evidence. The remarkable similarities in form and close proximity of the iron age enclosures GMs 057, 058 and 059 in particular brings an additional dimension which clearly creates value beyond the confines of each scheduled area and forms a key element in the wider historic landscape [*Doc 16.3*]. The additional immediate proximity of SAMs GM090, GM557 and GM443 in addition to the historic features to be found in Margam Park leave little doubt that the Mynydd Margam historic landscape is of national importance. Even with its acknowledged underscoring in stage 4, Mr Boucher’s ASIDOHL [*Doc 11.3*] ascribes “considerable value” to the area affected in the national context (section 3.5.5) and a medium to high overall value (section 4.5). CCW maintain that this underestimates the value of this part of the Mynydd Margam historic landscape.

7.4 Impact on the historic landscape

- 7.4.1 There are serious flaws in the ES and Mr Boucher's later ASIDOHL. The Guide to Good Practice on using the Register [*Doc 7 CD7.9 p23*] identifies fragmentation of historic character areas, visual intrusion and encroachment as potential indirect impacts. It also confirms that immediate and wider settings of key elements in the landscape must be considered. At pages 24-25 it sets out in detail particular types of visual impacts, including views to and from key elements to the landscape with particular reference to historic viewpoints and essential settings. Assessors are advised to identify each type of visual impact by using maps, figures, diagrams, elevations, photographs and photomontages.
- 7.4.2 Little regard has been had to the Guide here. Visual impacts on key elements of the landscape have not been analysed using specific illustrative material as advised. Reliance has instead been placed on setting out canes or poles at turbine locations. Views to and from monuments have only been considered in the most basic form, in the case of "views to" only from the turbine sites themselves. No regard has been paid to key historic viewpoints and essential settings. For instance, views to GM 059, Y Bwlwarcaw, were only considered from the turbine locations. This is neither a key viewpoint nor takes account of its essential setting. To assess this properly, views from points across the valley to the north of GM 059, where there are easily accessible viewpoints, should have been considered. Views from Llangynwyd are also extremely relevant as suggested by Mr Hart Jones for HALT. These key viewpoints would all provide a view with the northern string of 6 turbines as the main backdrop to GM 059. The resulting "negligible" assessment of impact on views to GM 059 in Mr Boucher's ASIDOHL is a major error in considering visual impact in historic character area 013, as is the complete omission of GM 058 from this table. Other scores on visual impact are also questionable, given the limited scope of the assessment.
- 7.4.3 In reality, severe to very severe visual impacts on all of the key elements in character areas 013 and 015 except GM 056 (currently within forestry) would be likely to occur. Each of the SAMs would be very close to the nearest turbine, measured by any reasonable standard. In the case of GM 090, turbine 5 would actually be within the scheduled area and around 80 metres from the earthworks [*Plan C sheet 1*]. GM 057 and GM 557 would be similar distances from turbines 1 and 6 respectively [*Plan C sheets 2 & 3*]. Views from all of the scheduled ancient monuments (again, excepting GM 056 while its forest cover remains) would be dominated, or at least seriously altered, by views of all or part of every turbine in the nearest turbine string. In the case of GM 057 and GM 058, the Fig 8.3 ZVI [*Doc 16.4*] shows that parts of 9-11 turbines, i.e. turbines in both strings, would be visible.
- 7.4.4 Views to all of the scheduled ancient monuments would be equally seriously affected. Turbines would either form the backdrop or the foreground to these views except where looking at the monument with one's back to the nearest turbine. This latter way may have been how CPL looked at views to the monuments but it is not how either a casual or informed visitor would view them. A 75m high moving engineering structure would present the starkest possible contrast to a low-level prehistoric feature on the ground. The turbines would be a major distraction and detractor from the SAMs which form key components of the area affected by the wind farm proposal and the wider historic landscape. It is thus not credible that the impact of this proposal on this historic landscape would be "low" and that the value of the landscape "remains essentially unchanged", as concluded by Mr Boucher's

ASIDOHL [*Doc 11.3*]. Mr Kelly's view of the high level and unacceptability of the adverse visual impacts of the development is a far more informed and convincing one.

7.5 Benefits of the proposal

- 7.5.1 It is claimed that a proposed viewing platform on turbine 10 would provide benefits outweighing any damage to the historic landscape. However, there are no details of access to, or operation of, the proposed facility. It is thus impossible to quantify any benefits which might arise. In any event, because of intervening forestry, distance, the angles of view and the small vertical scale of the monuments, the platform would provide a coherent view of only one of the 6 key SAMs in the vicinity, GM 058 [*Plans F & G*]. A wider view of the general landscape would no doubt be available but such views can already be gained at ground level.
- 7.5.2 To count as a benefit in any case, there should be sufficient certainty that the facility would become available and remain so throughout the life of the wind farm. A Grampian condition might ensure that it was constructed but could not ensure its availability or the level of access for the next 25 years. The only way this could be achieved would be by way of a Section 106 Obligation clearly defining the terms of operation and funding for the next 25 years and who would be responsible for ensuring compliance. No such obligation exists.

7.6 Conclusions

- 7.6.1 This is an extremely important case in terms of the historic landscape Register. Comparisons have been made with the Tir Mostyn appeal [*Docs 9.22, 15.6, 16.6*]. There, the Register was relevant as one of a number of concerns expressed by CCW but the circumstances were not comparable. The site was outside the registered area, its immediate vicinity being dominated by the Llyn Brenig reservoir, and no SAMs were involved in terms of either direct impacts, impacts on their settings or impacts upon them as key elements in the historic landscape. The situation here is completely different. CCW regards it as a test case in terms of the weight to be given to the Register and to historic landscapes in Wales generally.
- 7.6.2 The status of the Register and the historic landscape issues are important material considerations in terms of the development plan, emerging local policy, PPW and in their own right. There is clear evidence on the particular historic value of the landscape affected by this proposal and the scale of the impact upon it. This evidence must weigh as a major factor against permission being granted in the necessary balance to be struck between adverse impacts and the pursuit of renewable energy policy. In CCW's view this is a clear example of the "right technology in the wrong place".

8. THE CASE FOR THE CAMPAIGN FOR THE PROTECTION OF RURAL WALES

The main points are:-

8.1 Preamble

- 8.1.1 In presenting its case at the inquiry, CPRW aligned its concerns about the landscape, visual and amenity effects of the proposed development with the concerns expressed by local residents, particularly those at Coed Hirwaun, a recent development of about 500 houses currently nearing completion to the south-east of Margam Park, and with the views expressed by HALT. Mr Sheppard gave evidence on behalf of residents of the Coed Hirwaun area opposed to the scheme in conjunction with the presentation of CPRW's case.
- 8.1.2 CPRW's evidence reflects the general and considered concerns of its subscribing membership and its democratically achieved policy. It objects to the proposal on the grounds of its adverse impact upon a recognised, unique and well enjoyed landscape and its disruption to residential and local amenity. Amenity is something capable of being enjoyed: it is not an abstract concept. The adverse impacts place the proposal in conflict with local and national planning policy for the protection of such assets, and with local and national planning guidance for the development of renewable energy. Such policy has never intended that even where projects might be economically attractive they should proceed where they would be environmentally unacceptable.
- 8.1.3 CPRW's policy stems from a position of supporting the need for renewable energy, coupled with cleaner technology across the sector and also restraint in use [*Docs 17.5 & 17.6*]. CPRW policy on wind energy installations is made robust by its formulation into on-shore and off-shore variants [*Docs 18.1 & 18.2*], and by developing government policies and targets for an increasingly wide portfolio of renewable energy technologies.
- 8.1.4 CPRW's aim is to encourage focus on areas, technologies and applications which combine consensual support with the prospect of realistic attainment of the targets set by government.
- 8.1.5 None of the evidence at the inquiry has changed the validity of CPRW's position; rather, it has exposed the superficiality of key parts of CPL's evidence, whilst that of the opposing parties has reinforced the conclusion that unacceptable adverse environmental impacts would result. Given the increasing development of other forms of renewable energy, of wind power at sea and on alternative brown-field or declining urban sites in the County Borough and elsewhere, there are no material considerations which override these objections. This is confirmed by the most recent government announcement (14 July 2003) of a massive expansion in the offshore wind sector to produce an extra 5% of electricity before 2010.

8.2 The merits of the site

- 8.2.1 CPL appears convinced that it has carried out an exhaustive site selection process and arrived at the best site for their scheme. It is highly coincidental that a site should be found with the unusual characteristic of being located on the route of a disused pylon line, and is

then by an intricate process of site selection confirmed as the best available, against obvious environmental evidence.

- 8.2.2 The genuine commitment of CPL to the proposal is not doubted. Some aspects of the environmental assessment are laudable. However, the belief that the scheme would have real benefits for the surrounding community is not mirrored in the widespread opposition from local people. Moreover, the concept of community participation in the scheme appears little more than skin-deep. It is not thought out, and possibly legally incapable of implementation.
- 8.2.3 CPRW considers that the proposed viewing platform would be extremely unlikely to materialise as a benefit. Its cost would be considerable, yet there is no evidence demonstrating that it would succeed as a commercial or even as a practical proposition. The location is isolated, with no associated attraction; there is no evidence of demand or usefulness. There is no information about arrangements to deal with routine matters such as public safety, car parking and toilets. Despite this, the developer appears content to accept a requirement to provide the platform, notwithstanding the evidence of the economic difficulties of the platform at Swaffham Eco-centre [*Doc 19.3*] and of the Gaia centre in Cornwall [*Doc 19.2*]. The evidence concerning those facilities suggests that a viewing platform in this location would not survive in the long term.
- 8.2.4 The dual character of the site and its identification as a single landscape character area is incapable of rational justification. It results in two areas on separate sides of the ridge connected by a narrow corridor between forestry just 75m wide. Mr Soltys accepted, despite his endorsement of the landscape character assessment, that a forest landscape area could rationally have been defined crossing the narrow corridor and extending past Moel Ton Mawr along the ridge [*Doc 19.5*].
- 8.2.5 The twin-aspect nature of the site is promoted by CPL as helping to minimise the impacts of the scheme. However, in reality it creates two sets of objections to the scheme, since it impacts on two separate sensitive landscape areas, two facets of history and archaeology, and engages two different sets of concerned residents and local planning authority areas. Given the resultant multiplicity of impacts and adverse consequences, highly persuasive evidence is needed, demonstrating that better ways do not exist of providing the equivalent energy from renewable sources, if the proposal is to succeed. CPRW is convinced that the overwhelming evidence of harm in a multiplicity of respects completely outweighs any conceivable benefits attributable to the proposal.

8.3 The evidence of harm

- 8.3.1 CPRW's evidence demonstrates the relative scale of the proposal compared to other schemes [*Doc 17.1*]. The turbines would be as large as any so far permitted in Wales. Given their size, ridgeline position and the elongated layout of the strings, the turbines would be highly visible over a large distance. CPRW strongly disputes Mr Soltys' view that turbine movement would be barely discernible at 7 or 10km, and that viewpoints beyond this range need not be selected; or that the visual impact of the turbines would cease to be intrusive beyond 1.8km [*Doc 17.3*].
- 8.3.2 CPRW considers that the photomontages of the turbines from the selected viewpoints do not adequately portray the true visual impact that the structures would have in the landscape [*Doc 17.4*]. Whilst it notes Mr Soltys' evidence that lenses of different focal lengths do not

alter the essential perspective of the photographic representation, it believes that the turbines would be much larger, more dominating elements in the landscape in reality than is suggested by the photomontages. This is readily demonstrated by comparing the photomontages with the actual view of the landscape when standing at the viewpoint itself. Turbines recently erected at Blaen Bowi in Carmarthenshire provide first-hand evidence of the actual visual impact of turbines of similar height at distances comparable to a number of the viewpoints used in this case [Doc 17.2].

- 8.3.3 The assessment of the landscape and visual effects adopts a conventional approach of assigning "major" and "major/moderate" impacts as "significant effects". CPRW recommends the additional incorporation of the concept of "progressive significance", which also takes into account the circumstances where an installation records impacts which are just below the "significant effects" threshold in a series of instances. Although not part of the assessment methodology conventionally adopted by landscape professionals, CPRW considers that such impacts slightly below the threshold of individual significance should logically be reflected in any thorough assessment of overall significance.
- 8.3.4 The forestry dimension of the proposal has received little attention from the appellant compared to some other cases [Doc 19.4]. The alternative forestry road access to the site has not been fully pursued. Little evidence was provided on the potential implications of management and felling regimes and forest design for the visual and landscaping effects of the turbines during their lifetime. Such evidence carried little conviction when provided under duress during the course of the inquiry.
- 8.3.5 CPRW is also concerned about cumulative visual effects when this proposal is considered along with other schemes [Docs 19.1 & 19.9]. There are existing turbines near Gilfach Goch. The proposal at Ffynnon Oer has been approved, and proposals at Werfa and Scarweather Sands are also currently being considered. The potential cumulative landscape and amenity effects of these schemes could be highly significant.

8.4 Effect on local residents

- 8.4.1 The analysis of potential effects on residential receptors is a major part of CPRW's case, supported by the detailed evidence of Mr Sheppard from Coed Hirwaun and from residents representing HALT. The information provided by the ES and the evidence from the appellant was notably deficient, in both data and analysis, in this respect. Additional viewpoints suggested by CPRW seek to redress this imbalance [Doc 19.6].
- 8.4.2 Residents in the Coed Hirwaun area are strongly opposed to the proposal, some 376 having signed a petition in response to consultation over the proposal and 40 residents having signed letters signalling their continued opposition in connection with the appeal [Doc. 20.1]. Many houses will have direct views of the turbines and they will also be visible from roads and designed spaces within the development and at its entrance from the A48 [Photo 3 viewpoint 8]. The attractive hillside surroundings of the development, which were highlighted by the developers as a major attribute of the locality [Doc. 20.2], would be completely spoilt by the position on the skyline of the 5 turbines of the southern string, completely out of scale and character with their surroundings [Photo 3.20].

- 8.4.3 As well as spoiling the landscape, the turbines could be a dangerous distraction to motorists, as they would be seen directly in front of drivers entering Coed Hirwaun, at a point where the road has a "give way to on-coming vehicles" feature requiring careful attention [*Photo 3.8*].
- 8.4.4 Many residents also have concerns about the possibility of distortion of television and other radio wave reception, arising from signal reflection off the turbine blades causing multi-path wave propagation [*Doc 20.3*].

8.5 Conclusions

- 8.5.1 The modest scale of the proposal, and of its consequent benefits, means that a relatively modest adverse impact may be correctly considered as sufficient to weigh against it.
- 8.5.2 In any event, in this case there is a major complex of adverse impacts. There is a whole range of interlocking negative effects across a wide spectrum of material considerations, distributed over two geographical areas on either side of the Margam Mountain ridge.
- 8.5.3 The benefits of the proposal are minor compared to those of the Ffynnon Oer scheme, while comparable benefits are readily attainable with less environmental harm from other potentially available sites within Neath Port Talbot, or from other technologies elsewhere. Analysed in these terms, there are sufficient and demonstrable grounds to dismiss the appeal, in line with the correctly-formulated reasons for refusal of planning permission.

9. THE CASE FOR HOUSEHOLDERS AGAINST LLANGYNWYD TURBINES

The main points are:-

- 9.1 HALT are Householders Against Llangynwyd Turbines, a group formed by people living in the Llangynwyd and Maesteg areas in 2002 to oppose the erection of wind turbines on Mynydd Margam.
- 9.2 Llangynwyd is a rare Glamorgan hilltop village of great age. The Church is thought to have been founded in the 7th century, although the present building dates from the 13th century. The adjacent churchyard is the largest in Europe, with about 4,000 graves. Several other buildings in the village are of great age - the Old House, for example, dates from 1147 and claims to be the oldest inn in Wales, and the layout of the village has remained unaltered since the 16th century. The village has had a strong bardic tradition and a former archdruid (Brinli) is buried here. It is the burial place of the three main characters in the well-known story of a Y Ferch O Gefn Ydfa, one of whom, Wil Hopcyn, wrote Wales' best-known love song Bugeilio'r Gwenith Gwyn, reputedly in the Corner House in the village. The ancient tradition of Y Fari Lwyd has been carried out here almost continuously for centuries, making it the only village in Wales with this distinction [*Docs 14.2, 21.7, 21.8*].
- 9.3 The village was made a conservation area in August 1973 [*Docs 13.4, 14.3, 21.4, 21.9*]. Known as Yr Hen Blwyf (the old parish), it is recognised as the religious focus of the Llynfi area, and receives thousands of visitors every year, from all over the world. The nearby castle, Castell Goch, is reputed to be the birthplace of Philippa, Countess of Salisbury, whose garter was the origin of the Order of the Garter in 1344. It was also the intended destination of Edward II in his last days of freedom before capture north of Llantrisant. In fact, he sought shelter in Gelli Lenor farm, where a stone commemorates this event of 1327.
- 9.4 The proposed northern string of turbines would stretch along a ridge only 2km from the centre of the village conservation area. The turbines would be a pervasive presence affecting many key locations within the village, including the memorial cross and the environs of the church and the Old House in the centre of the village; the churchyard with its seat at the eastern end directly facing the ridge; and the roadside seats looking towards the ridge above the iron age enclosure of Y Bwlwarcau [*Photo 9 Figs1-7; photo 7*]. The turbines would have a dominating, distracting presence that would detract from the character of Llangynwyd and its surroundings, to the detriment of the amenity of residents of the village and its many visitors.
- 9.5 Mr Lloyd for CPL accepted the existence of clearer views from Llangynwyd of the turbine locations on the Margam ridge to those shown in the viewpoints used by CPL [*Photo 3.16a-c & Photo 4*]. Mr Soltys' conclusion that "in the village of Llangynwyd at worst there would be an effect of low/moderate significance on the visual amenity of residential property that has a view of the proposed turbines" completely misses the true impact that the turbines would have on visual amenity. Comparison of the selected viewpoints in the ES with those provided by HALT and by Mr McComiskey for the Council confirmed of this point [*See*

- photo references above*]. The number of photomontages taken is irrelevant if the viewpoints are unrepresentative.
- 9.6 As such, the proposal is contrary to the policies of Bridgend CBC [*Doc 21.1, policies EV41, EV42*] and Neath Port Talbot UDP [*Doc 21.2*], and to the objectives of conservation areas outlined in WO Circular 61/96 [*Doc 21.3*]. These stress that the visual aspects of conservation areas should be protected or enhanced.
- 9.7 Upper Llangynwyd is designated as a landscape conservation area [*Doc 21.4*]. The policy of Bridgend CBC is not to have development that would adversely affect this area [*Doc 21.1, policy EV10*]. Turbines 6-11 would be on the boundary of the landscape conservation area, and have a significant, unacceptable visual impact.
- 9.8 Mr Boucher's consideration of the effects on the settings of SAMs [*Doc 11.3*] completely disregards the effect of the turbines on the important views of GM 059 Y Bwlwarcaw from Llangynwyd and its environs, which provide key viewpoints of the scheduled ancient monument on the slopes of the hillside [*Photo 9 Figures 2a, 2b, 7a, 7b*]. The turbines would occupy a ridge-top position immediately above the prehistoric fort.
- 9.9 The wind turbines in Gilfach Goch can already be seen from some properties in Llangynwyd, and there are likely further effects from turbines permitted at Ffynnon Oer. There is also a possibility of turbines at Werfa, which would also be visible to many in the area. A fourth development close by on Mynydd Margam would result in an unacceptable cumulative effect.
- 9.10 The noise from the turbines is difficult to anticipate. However, on a south-westerly breeze sound from the steelworks in Port Talbot can be heard. The nearest houses, Gilfach Cottages, are only 900m from turbine 11.
- 9.11 Turbines 6 to 11 would be on a ridge west of the village. There will be a flicker effect when the sun is setting, and this could be a serious problem to those living near to the development, for example at Gilfach Cottages.
- 9.12 CPL make little reference to footpaths and bridleways in the area. ES volume 3 figure 13 [*Plan D Figure 13*] shows only selected rights of way. Mynydd Margam has many footpaths and bridleways [*Doc 21.5*], some of great antiquity. There are 3 long-distance paths, the Ogwr Ridgeway path, St Illtyd's Way and the Coed Morgannwg Way, which meet in the vicinity of the development [*Plan D Figure 13*]. These paths are used and enjoyed by local people and visitors alike, whose enjoyment of Mynydd Margam would be seriously harmed by this industrial development. Although Mr Lloyd claimed to have seen only a small number of walkers or riders on the occasions he had visited the site, there was a lengthy period of access restrictions from February 2001 to 2002, due to the foot-and-mouth outbreak. Footpaths pass both strings of turbines, and a bridleway passes between turbines 9 and 10. The public safety implications of the turbines for users of these rights of way have not been properly considered.
- 9.13 CPL have failed to specify precisely which routes would be used to access the site. In most instances, road access to the site area is restricted to single tracks with few passing places. Walkers, cyclists and horse riders using the narrow roads to gain access to footpaths and bridleways will be disrupted during the 17 week construction period. After construction, additional movements will have an adverse effect on traffic on these narrow roads.

- 9.14 Access via Cwm Risca and across the historically important Mynydd Baiden, and across the archaeological areas closer to the site would risk damage to historical features. In addition, the viewing platform for visitors would encourage increased vehicular access to the top of the mountain, causing additional damage. Although it is claimed that geo-textile matting would be laid, and the ground thereby unharmed, there is concern that ancient trackways on Mynydd Baiden and Mynydd Margam, namely Heol y Moch and Ffordd y Gyfraith, would be harmed.
- 9.15 HALT considers that the claimed potential for the local community to share in the ownership of the development cannot be fulfilled, since CPL is a private limited company, which under section 81(1) of the Companies Act 1985 is not able to offer to the public any shares in or debentures of the company. To enable the public to share ownership a public company will need to be created, the terms and conditions of which are not known.
- 9.16 In conclusion, Llangynwyd, together with its settings and landscapes, is special not only to those fortunate to live there, but to many people in the Llynfi Valley and to visitors from elsewhere. The turbines, each 75m high, would dominate the historical village and its surrounding landscape, which planning policies and good sense demand should be preserved. Accordingly, the development should not be permitted.

10. OTHER REPRESENTATIONS

Mr I Einion

- 10.1 Mr Einion lives in Maesteg and gave oral evidence at the Inquiry, also supplying a written transcript [*Doc. 22.1*]. He is a member of the Gwyddon Tradition, a long-established tradition having links with numerous Druidic Groups, including the Gorsedd of Druids that were present in the Llynfi Valley for many centuries, known as Cadair Tir Iarll (the Chair of the Earl's Land). He objects to the development of wind turbine clusters on both religious and historical grounds. He refers to the recorded history of the Gorsedd, including the notable historical characters amongst its members at different times. The Chaining ceremony to select the President of Cadair Tir Iarll was normally held on Twmpath Diwlith (SAM GM 557) until the Chair became absorbed into the Chair of Morgannwg in the 19th century. However, after this, meetings continued to be held on Twmpath Diwlith.
- 10.2 Twmpath Diwlith is one of a group of 3 on Margam Mountain and aligned to the rising of the Pleiades, which would have marked the beginning of summer. Another tumulus is aligned to the Pleiades' setting, which would have marked the beginning of winter. In recent times there has been a huge resurgence in re-evaluating Wales' pre-Christian and post-Christian heritage, and a corresponding increase in understanding the importance of ancient sites as places either of pilgrimage, solitude or gathering for ritual purposes. The Twmpath is still a place for religious gatherings on significant dates of the Pagan year.
- 10.3 The proposed turbine development would seriously affect not just the area's beauty and peace, but also its religious and historical importance to those who continue or who are aware of those traditions today. To have this site's area disturbed by a wind farm is unacceptable. Mr Einion says his concerns are shared by many others, both in the area and further afield.

Written Representations [*Doc. 22.2*]

- 10.4 Peter Black, Assembly Member for South Wales West, **objects** to the proposal on the basis that the development would ruin the views and outlook of local residents and the noise of the turbines would be a constant nuisance.
- 10.5 Councillor J Jones, Leader of Bridgend CBC and a resident of the Llynfi Valley, **objects** to the proposal. He considers that the village of Llangynwyd is the historic heart of the valley's development, and that the village and its surrounding landscape is unique in South Wales and has the potential to become a major tourism attraction. The development of a wind farm in this location would be entirely inappropriate.
- 10.6 The Welsh Historic Gardens Trust (West Glamorgan Branch) **oppose** the development. The Branch seeks to ensure that historic gardens in its area retain their unique and irreplaceable character. It echoes criticisms of the ES made by others concerning deficiencies associated with the LANDMAP assessment; the failure of the ASIDOHL study to take into account indirect effects; the attempt to characterise some parts of the Park as having a lower value than others; and the confusing of the Park's Essential Setting with the wider issue of effects on setting generally. CPL's assertion that the masts on the ridge

would not appear visually dominant is a purely subjective statement, and must be placed against the views of others about the level of dominance.

- 10.7 Llynfi Valley Historical Society also **object**. Margam mountain and Llangynwyd have a rich heritage, attracting many tourists. The turbines would reduce tourism and visually harm this unique and beautiful landscape. Residents of the Llangynwyd and Margam areas are totally opposed. Wind turbines are an inefficient way of producing energy from renewable sources - thousands of turbines would be required in the upland areas of Wales to meet government targets. The new power station at Baglan will shortly be supplying 500Mw of electricity; there is no need for this additional capacity. The turbines could also interfere with radio wave transmissions.
- 10.8 Friends of the Earth Cymru **support** the scheme. They consider that the proposal conforms to their stance in relation to wind turbine power, which is broadly supportive of such technology. The development would be an attractive feature in the landscape and provide energy in a highly efficient and environmentally friendly manner in line with national energy policy, contributing to renewable energy targets. The community ownership and viewing platform elements are additional positive features. All environmental and aesthetic issues have been taken into account to produce a visually pleasing development that would do no harm. Statements that the turbines would cause visual harm and affect residents in other ways are misguided - market research carried out in 2002 reveals a high level of support for more Welsh wind farms, both on-shore and off-shore.
- 10.9 The British Horse Society expresses **concern** about the positions of proposed turbines 1, 2, 9 and 10 in relation to what they maintain is a much-favoured riding trail from the public highway at Ton Mawr Farm to the public bridleway on the county boundary and on to the road near Llangynwyd. They point out that horses may react instinctively if horse and/or rider is unfamiliar with an area and unexpectedly faced with the appearance of turning blades, sweeping shadows or the sound of the turbines. Such encounters could therefore be potentially dangerous. The Society recommend a distance of at least 3 times the height of the turbine be maintained between the turbine base and the right of way.
- 10.10 Mr D F Clegg of 169 Frederick Place, Llansamlet, Swansea is a Pagan by religion, and **objects** on similar grounds to Mr Einion. He makes reference to Twmpath Diwlith and Y Bwlwarcau as being sacred sites. However, he additionally claims that to permit the development to proceed would be an infringement of his human rights, in breach of Articles 9 and 14 of Schedule 1 of the Human Rights Act.
- 10.11 In addition, letters of **objection** have been submitted by the following residents of Coed Hirwaun: F A Howell, 10 Tir Celyn; G & B Davies, 6 Clos Onnen; K B Ward, 4 Tir Celyn; S Dando, 21 Min y Coed; K J & M J Hearse, 2 Llwyn Arian; and S Bates, 2 Cwrt yr Eos: and Mr & Mrs Williams of 2 Heol Maendy, North Cornelly. The main points in these representations concern topics discussed at the inquiry, and it is not necessary to repeat them here. In addition, some residents of Coed Hirwaun express fears that the turbines might give rise to noise causing sleep disturbance, and that there will be noise, dust and disturbance from contractors' traffic during the construction period.

11. CONCLUSIONS

11.1 Introduction

11.1.1 My conclusions first of all set out the significant elements of the policy framework against which the merits and effects of the proposal need to be judged. The following sections deal with the different aspects of the proposed development, in the light of the evidence. I then move to my overall conclusions as to the acceptability or otherwise of the proposal, in the light of the development plan and all other material considerations. The italicised references in brackets indicate the earlier sections of the report, together with any specific additional document references, on which my conclusions are based.

11.2 The policy context *[Sections 3, 4.2, 4.10.1, 5.6, 7.2, 8.1.2-8.1.4, 9.6-9.7]*

The development plan

11.2.1 The relevant part of the development plan is the West Glamorgan Structure Plan (Review No 2) 1991-2006, adopted in February 1996 (WGSP). Although the Cwmafan, Bryn, Goytre Valley and Rural Margam Local Plan technically remains part of the development plan, it was produced long ago, prior to the emergence of considerations relating to climate change and the development of national policies concerning energy production from renewable sources, including wind power. The local plan's policies thus do not deal with the issues central to the determination of this proposal.

11.2.2 The key policy of the WGSP *[Doc 4 CD4.7]* relating to this proposal is EQ2. Policies EQ7, C1 and C5 also form part of the relevant policy framework. Policy EQ2 sets out the plan's stance in relation to proposals for the development of renewable energy sources. Whilst generally encouraging such proposals, particularly where there are benefits to the local economy, EQ2 seeks to balance the contribution of such development towards national energy production and general sustainability objectives against any adverse effects on the local environment (WGSP paragraph 5.17). To this end, EQ2 states that development will be permitted subject to certain provisos. These include that the special character of statutorily designated areas or sites of heritage conservation interest should not be adversely affected; other areas of special landscape value or sites of special heritage interest, or the amenity of nearby dwellings or residential areas, should not be demonstrably harmed; and particularly prominent skylines, to be defined in local plans, should not be dominated.

11.2.3 Policy EQ7 articulates the stance of the development plan in relation to the protection of heritage features. Development that could adversely affect heritage features of national importance (including their settings) will only be permitted in the most exceptional circumstances. Such features are named in the plan as including scheduled ancient monuments, historic landscapes included in the Register of Landscapes, Parks and Gardens of Special Historic Interest in Wales, and conservation areas. Policies C1 and C5 set out the broad approach of the structure plan to development in the countryside, establishing principles of countryside protection and resistance to development other than where adequate justification exists.

Other local policy considerations

- 11.2.4 Policies of the draft Port Talbot Local Plan have also been referred to. However, whilst this plan was placed on deposit during the 1990s, and its policy E27 is cited in the Council's reasons for refusing planning permission, the Neath Port Talbot UDP has now been placed on deposit. Consequently the draft policies of the emerging UDP have overtaken those of the old draft local plan. In the light of this I consider that the draft PTLP policies are no longer a relevant material consideration.
- 11.2.5 The emerging Neath Port Talbot UDP contains draft policies relevant to the development. Its Part 1 policy 19 encourages opportunities to create energy from renewable resources, where unacceptable impacts would not result, alongside policies seeking to protect the countryside and landscapes from unacceptable forms of development and to protect the historic environment (policies 1 and 6). Its more detailed Part 2 policies articulate this stance in greater detail. Although CPL draw attention to the difference in wording between draft policies 19 and IE4 [4.2.6], I consider that there is no substantive difference between avoiding unacceptable impacts (policy 19) and ensuring that the impacts are acceptable (policy IE4). Whilst the supporting text to policy IE4 identifies one particular area within Neath Port Talbot that is perceived by the Council as having potential for a wind farm without generating unacceptable impacts, this does not preclude consideration of schemes in other locations on their merits.
- 11.2.6 Nonetheless, in the light of the plan's very early stage in the deposit process and the objections already lodged by CPL to its approach to renewable energy developments, reliance cannot be placed on this element of the plan eventually being adopted in its present form. The draft UDP therefore has little weight as a material consideration here.
- 11.2.7 Development plan policies for the Bridgend area and those in the emerging Bridgend UDP do not apply to the appeal site. Questions of conflict with these policies therefore do not directly arise in determining this appeal. I consider the landscape designations within these plans, to the extent that these are relevant to an assessment of the impacts of the development on areas within the Bridgend CBC administrative area, later in these conclusions.

National planning policies and guidance

- 11.2.8 The principal sources of current guidance relevant to this appeal are PPW and TAN 8. Section 12.8 of PPW makes clear the Welsh Assembly Government's recognition of the importance of climate change issues and its view that the planning system in Wales should contribute fully to the UK climate change programme and to UK objectives and targets for energy supply from renewable sources. Although the planned strategic framework for achieving the optimum sustainable use and generation of energy in Wales up to 2020 is not yet finalised, the present intention is that Wales should produce 10% of its electricity and heat requirements from renewable sources by 2010.
- 11.2.9 Against this background, local planning authorities are advised to facilitate the development of all forms of renewable energy and energy efficiency and conservation measures where they are environmentally and socially acceptable. However, due regard must also be paid to international and national statutory obligations designed to protect designated areas, species and habitats and the historic environment from inappropriate development; and to ensuring that environmental effects on local communities are minimised. Where a development is likely to cause demonstrable harm to a designated area by virtue of having a

significant adverse impact on the qualities for which the site was designated, consideration should be given to refusing the development if such effects cannot be overcome by planning conditions or agreements.

11.2.10 TAN 8 emphasises the particular, unusual characteristics of wind turbine developments, which influence siting considerations both from a technical/operational standpoint and from the perspective of their landscape, visual and other impacts. The advice recognises the balance that has to be struck between visual impact on what may frequently be attractive landscapes and the desirability of exploiting a clean, renewable energy resource. It also emphasises that in terms of visual impact, turbines must be assessed with their particular and unusual characteristics clearly in mind.

11.2.11 PPW also sets out, at Chapter 6, national policy in relation to conserving the historic environment. The Assembly Government's objectives in this area are to preserve and enhance the historic environment, recognising its importance and value as a resource in cultural, economic and other terms. The historic environment is specifically identified as encompassing archaeology and ancient monuments, historic parks, gardens and landscapes, and conservation areas. The advice refers specifically, when considering development proposals, to the desirability of preserving ancient monuments and their settings; to the presumption in favour of physical preservation of nationally important archaeological remains in situ; to the role of the first and second parts of the Register of Landscapes, Parks and Gardens of Special Historic Interest in Wales in considering the implications of proposed development; and to the desirability of preserving or enhancing the character or appearance of conservation areas and their settings.

11.2.12 In summary, national planning policy points in favour of the benefits of exploiting a clean, renewable energy resource, subject to the test of environmental and social acceptability, assessed in the light of the detailed guidance summarised above.

Consistency between the development plan and national policy guidance

11.2.13 The operative structure plan was adopted in February 1996. As CPL point out, UK renewables energy policy and the renewables energy industry have evolved significantly since then. This is reflected in current national planning policy guidance in PPW, which was produced much more recently than the WGSP. The approach in PPW to consideration of renewable energy proposals, based on facilitating renewable energy developments where they are environmentally and socially acceptable, reflects a more positive stance than WGSP policy EQ2, whose criteria for permitting developments are based on more severe tests of avoiding adverse effects and demonstrable harm.

11.2.14 In the light of this the proposal must be judged not simply in terms of whether the proposal would comply with the development plan, but also against whether it would accord with national planning policy guidance for sustainable energy development in Wales.

11.3 Benefits of the proposal

Energy benefits [4.3, 5.5, 8.1]

11.3.1 The proposal would result in the supply of an estimated 9.35Mw of electricity from a clean, renewable energy source. Although there is no quota system in terms of renewable energy production targets for individual areas, this is a significant generating capacity set in

the context of electricity consumption in the Neath Port Talbot area [4.3.3]. Whilst the 20.8Mw wind turbine development at Ffynnon Oer now has planning permission and a 4.5Mw turbine proposal is currently being considered at Baglan, [5.5.3] these do not diminish the value of the appeal proposal in providing energy from a renewable source.

11.3.2 Although the scheme would make only a modest contribution to UK Government targets for electricity generated from renewable sources by 2010, and to the share in Wales of this target, the same applies to most on-shore wind power schemes permitted so far. Whilst CPRW in particular point to the potential of off-shore wind power schemes and other technologies to make more significant contributions towards meeting government renewable energy targets at less environmental cost [8.1.5], it is difficult to say at present how far or fast these alternatives will develop.

11.3.3 Accordingly, I conclude that the proposal would have important benefits in terms of providing electricity from a sustainable energy source and helping to address issues of greenhouse gas emissions and climate change; and would contribute to achieving UK and Welsh Assembly Government objectives and targets concerning these matters. Notwithstanding the comparatively modest scale of the scheme when viewed against the overall scale of these targets, the benefits of the proposal in these terms is an important consideration, which should not be underestimated in reaching an overall conclusion as to whether permission should be withheld or granted.

Other benefits [4.3.4-4.3.7, 5.5.8-5.5.11, 6.6.2, 7.5, 8.2.3, 9.15]

11.3.4 There would be economic and employment benefits arising from the proposal, mainly associated with the construction phase of the development, based on the BWEA estimate that approximately 30% of the capital cost of a wind energy development is spent in the local area. In addition, it is estimated in the ES that the maintenance contract would create the equivalent of 2-3 full-time administrative jobs [Doc 3 3.2 p49].

11.3.5 I accept that the turbines would provide an opportunity, particularly if the viewing platform were provided, for first-hand study of sustainable power generation in a location close to Margam Park, which has an educational element as part of the range of activities that occur there. This would be an added benefit, although minor in planning terms.

11.3.6 It is also claimed in the ES that the operation of the viewing platform would create 2-3 full time jobs. However, examination of this at the inquiry revealed a marked uncertainty as to what this facility would involve in practice and how it would operate. Moreover, whilst too close a parallel should not be drawn with the viewing platform at Swaffham, which is part of a wider eco-centre, the financial difficulties encountered there demonstrate the difficulty of making such a facility financially viable. The poor access to the turbines and lack of investigation of the practicality of facility management, either independently or linked to management of Margam Country Park, add to my doubts in this respect. Given these factors, I consider that little reliance can be placed on this element of estimated job creation.

11.3.7 CPL also place considerable emphasis on the benefits arising from the opportunity for the local community to invest in the scheme. Although the Council and HALT point to legal restrictions arising from CPL's status under the Companies Act, I accept that CPL could create a development vehicle that would enable a stake in the project to be offered to members of the public. CPL's broad intent in this respect appears genuine. However, detailed thought has not been given as to the mechanism by which community involvement would be achieved. Moreover, there is no evidence of interest from the local community.

There is also no legal undertaking in place to ensure that this would occur in practice, particularly if the permission were eventually to be implemented by a party with different aspirations. I consider that little weight can be attached to this suggested benefit.

- 11.3.8 Whilst no firm details of the proposed viewing platform have been provided, the illustration of a typical facility in the ES [*Photo 1*], the reference in the ES to 2-3 full-time staff being involved and the tenor of discussions during the inquiry all suggest that this would be a substantial and fairly costly facility. The viewing platform would be far from visitor facilities at Margam Park and remote from any point of public vehicular access. Given the substantial cost of incorporating the facility into the development, it is likely that a fairly high level of use would be needed for its presence to be maintained. Moreover such use, if attained, would be likely to generate a demand for ancillary facilities in this remote location, which would itself place further pressures on the historic landscape. Whilst a condition could be imposed requiring provision of the viewing platform as part of the development, there is no way in which its long-term operation as an interpretative facility could be assured.
- 11.3.9 Moreover, the viewing platform would be of only limited benefit in improving opportunities to interpret and appreciate the historic landscape and its component archaeological features. CPL draw support for the benefits of a viewing platform in these terms from their archaeological witness Mr Boucher and from GGAT. However, these views are not shared by the expert archaeological witnesses representing Cadw and CCW, the bodies with statutory responsibility for the care and protection of ancient monuments and for advising on sustaining natural beauty and opportunities for outdoor enjoyment in Wales.
- 11.3.10 From the information provided during the course of the inquiry [*Plans C, F & G*] I consider that the positions of the SAMs in relation to a viewing platform at turbine 10 and the topography of the locality are such that good views would only be obtained of SAM GM 058 from the platform. Moreover, views towards monuments would be affected, according to weather conditions, by the rotating blades of turbine 10 itself and, in the case of SAMs GM 443 and GM 557, the blades of turbines 6, 7, 8 and 9. Although it was suggested that a webcam facility might relay camera views from other turbines, and the platform would provide an elevated view of the local landform, I consider that the facility would provide little advantage, in interpretation and appreciation terms, over well-designed ground level interpretative facilities. Such limited benefit would in my view be heavily outweighed by the distracting presence of the turbines within the landscape of archaeological features.
- 11.3.11 From the foregoing I conclude that the proposed viewing platform, even if considered likely to be maintained as an interpretative facility in the long-term, would be of negligible interpretative benefit; and that such benefit would be heavily outweighed by the distraction to appreciation of the archaeological features arising from the presence of the turbines.
- 11.3.12 It is also claimed that there would be significant benefits to archaeology in terms of the additional investigative and interpretative work that would be undertaken at the site, as part of the development. However, bearing in mind the presumption referred to in PPW paragraph 6.5.1 in favour of preservation of nationally important archaeological remains in situ, I view this "benefit" simply as necessary mitigation work to counterbalance harm.

11.4 Landscape and visual impact [4.4-4.6, 4.8, 5.2-5.4, 6.4, 7.3-7.4, 8.2-8.3, 9]

Preliminary observations

- 11.4.1 At the outset it is necessary to draw attention to some general points concerning the evidence forming the basis for conclusions about landscape and visual impact [*Doc 3 CD3.2pp162-3*].
- 11.4.2 An overall idea of the extent of geographical visibility of the turbines is given by the ZVI (zone of visual influence) analysis, which uses a computer programme and digitised terrain topography data together with the locations and physical dimensions of the turbines to produce the colour coded ZVI maps. The map illustrates the visibility of the development for each point on the map area, by indicating the number of turbines visible from that point. The ZVIs for the development [*Plan D Figures 8.1-8.3 within ES Volume 3 Doc 3 CD3.3*] show how many turbines would be fully visible (to within 5m of the tower base); how many would have hubs visible; and for how many turbines the blade tips would be seen.
- 11.4.3 However, ZVI analysis has a number of limitations. It only takes account of the contours of the landforms, ignoring the effects of land cover, such as trees, hedges, buildings and so on. It also assumes an unobstructed line of site and clear visibility. It therefore represents the maximum theoretical visibility of the site; the actual extent of visibility will often be much lower. Regard must also be paid to the extent of public accessibility within the area, and thus the true extent of locations where people will have views of the development in practice.
- 11.4.4 Because of these limitations, ZVI diagrams are most useful to identify general areas likely to experience effects, and to demonstrate the relative extent of effects in one area compared to effects in others at a similar distance from the development. They are not as useful for assessing the absolute magnitude of effects at any given location, although they do give a broad indication of the scale of effects on large areas.
- 11.4.5 The use of ZVIs is supplemented by photomontages, produced by combining a number of photographs from a particular viewpoint, matching this with a computerised wire frame image of the view to ensure accurate portrayal, and superimposing an accurate rendition of the turbines, taking into account their scale at the appropriate distance.
- 11.4.6 Photomontages are useful aids to assessing the absolute magnitude of visual effects, for particular points, when looking in particular directions. The viewpoints are selected for different localities and locations identified jointly with the Council to assist in assessing impacts in the surrounding area as a whole and also in considering effects in potentially significant locations. These latter viewpoints may be significant because of the sensitivity of the location; of visual receptors; or both.
- 11.4.7 However, there are factors that must be borne in mind when drawing conclusions from the photomontages. The viewpoints are only a selection of points from which the turbines are visible. Local features, such as trees/woodlands or buildings that may reduce the impact of turbines from a viewpoint may not do so from other positions in the same locality [*Photo 3, Viewpoints 4a, 20; Photo 4, Viewpoint 16c*]. Equally, the level of turbine visibility demonstrated by a photomontage may not be evident to the same extent from other positions nearby, for the same reason. In addition, the visual impact of turbines in the landscape, particularly where viewed against the sky, can vary dramatically according to light and

atmospheric conditions. This makes it difficult to generalise about the magnitude of impact of turbines at a given distance. Light conditions and quality of image reproduction can also affect the apparent magnitude of impact shown by a photomontage.

11.4.8 There are other limitations to photomontages as a means of demonstrating visual impacts. The human eye and mind focus much more on the subject at the centre of a view, and less on the periphery. The direction in which a potential viewer might be travelling in relation to the view of the turbines can thus affect the significance of the impact. In other circumstances receptors in a location might be there for the purpose of absorbing its special ambience or character, and thus be more highly sensitised to the impact of elements perceived as detracting from that quality. In addition, and importantly, wind turbines have the unusual characteristic of movement, increasing the extent to which they draw the eye. This increases their impact in the landscape; but cannot be shown by photomontages.

11.4.9 The photomontages need to be viewed at the distance at which they occupy the same proportion of the human field of view as the actual view from the viewpoint. Whilst the ES states (Volume 3.2 p163) that this is typically around 250mm from the page, the actual distance will vary according to the size of the image printed on the page and the field of view represented. The photomontages from the selected viewpoints 1-20 [*Photo 3*] have fields of view varying from 50° to 145°. Evidence from Mr Soltys [*Doc 10.2*] demonstrates that variation in the focal length of the camera lens does not affect the resulting perspective. Nonetheless, my own observations in the field, carefully comparing the photomontages at selected viewpoints with the scale of identifiable features in the landscape, and also comparing the rendered size of the turbines in photomontages at selected distances with the perceived scale of the turbines at Blaen Bowi at similar distances [*Doc 17.2*], lead me to the view that, to the human eye, the turbines would appear as significantly larger objects at a given distance than viewing the photomontages in isolation would suggest.

11.4.10 In view of these factors I consider that impressions of magnitude of impact obtained from the photomontages at a given distance or from a particular viewpoint or locality should not be relied upon uncritically in isolation as definitive. For these reasons my assessment of the photomontage information concerning the impact of the turbines in the landscape has been significantly informed by wider assessment in the field in arriving at my overall judgement.

General conclusions on landscape and visual impact evidence

11.4.11 During the inquiry there was a considerable amount of detailed scrutiny of the evidence supporting the assessment of the landscape and visual effects of the proposal. This ranged across examination of the information presented in the ES and underpinning its findings, including the application of the landscape and visual impact assessment methodologies, and the subsequent evidence put forward to demonstrate the robustness or otherwise of these findings. In this section of my conclusions I set out my overall conclusions on these aspects of the evidence. In arriving at these conclusions I have considered all of the many detailed points put forward concerning these matters. Given the number of these points, some of which in my view have more significance than others, I do not attempt to set out my findings on each individual point. Rather, I summarise my conclusions as to the robustness of the assessments in the ES and elsewhere, based on the balance of evidence as set out in the parties' cases, together with the reasons for my conclusions. The subsequent sections of my conclusions deal with the detailed effects of the proposal and their significance in relation to the different elements of the landscape identified as of particular importance in this case.

- 11.4.12 The chronology of identification of the appeal site and production of the ES, and the stages at which relevant expertise was engaged and discussions conducted with the Council [5.4.2], is significant. It is not mandatory for an ES to be prepared by professionals with particular qualifications or experience in environmental impact assessment. Moreover, the ES is a thorough and competent exercise in many respects. However, the appellants' lack of experience in environmental assessment, planning, and landscape and archaeological matters has led to serious flaws in the process of developing the proposal, which in my view significantly undermines the robustness of the assessment of its environmental effects.
- 11.4.13 CPL decided to select the Margam mountain site in 1996, and began detailed assessment in 1998. This considerably pre-dated discussions with the Council and involvement by specialist landscape and archaeological advice. The site selection exercise thus did not conform to the advice in the BWEA Guidelines [Doc 6 CD6.1], urging consideration of the planning framework, preliminary consultation with LPA and major consultees at site selection stage to avoid wasting time and expense on unsuitable sites [5.4.2]. Expert detailed archaeological input into the ES did not occur until January 2001 [Doc 3 CD3.2p138]. Landscape and visual impact consultants were only involved after the ES had been prepared. By these stages the site had long been selected by CPL, based on its prediction of slight overall significance of environmental impacts and low average fixed cost per turbine [Doc 3 CD3.2p14 table 2.3]. This external input did lead to some refinement of the detailed scheme design. However, issues of archaeological and historic landscape impacts, of central importance in this case, have essentially been dealt with as matters for mitigation at the detailed design stage rather than as fundamental aspects of the site selection process.
- 11.4.14 The lack of attention to the archaeological and historic landscape value of the area and the significance of these factors in terms of relevant planning policies and as material considerations in the planning process fundamentally weakens the site selection exercise in the ES and the claim that the site is the best overall option in the Neath Port Talbot area. There is no requirement to demonstrate that a proposed wind energy site is the best option in a particular area, and each site must be considered on its individual merits. Nonetheless, this defect undermines the suggestion that the green energy benefits derived from the scheme could not be obtained at less environmental cost elsewhere in the Neath Port Talbot area. The evidence of other schemes approved or being actively considered at Ffynnon Oer, Baglan and Mynydd Uchaf indicates that there may well be more appropriate sites in the area [5.5.3].
- 11.4.15 After site selection, the detailed assessment of landscape and visual impact effects contained in the ES was undertaken by CPL without outside expertise. Soltys Consulting later reviewed this assessment and supported its methodology and overall results at the inquiry. I accept that the recognised guidelines for landscape and visual impact assessment should not be interpreted over-prescriptively, to the extent that any slight deviation in methodology is viewed as necessarily invalidating the assessment results. The circumstances of a case may justify some variation in detailed approach. In this case there clearly were practical difficulties in obtaining consistent baseline landscape character information for the area in question, because of the split in local planning authority administrative areas and the differing levels of information available in each.
- 11.4.16 However, whilst CPL's decision to carry out its own LANDMAP exercise was to some extent understandable, there were significant departures from the recommended LANDMAP methodology. Crucially, in my view, the culture and history aspects of the landscapes were not evaluated, meaning that data on the historic importance and cultural significance aspects of the landscape did not properly inform the process. As a result, the historical and cultural

dimensions of the Llynfi Valley, including the village of Llangynwyd and its surroundings, were not properly taken into account by the impact evaluation process. The evaluation also underestimates the significance of change to the Margam mountain ridge, which forms the skyline to both of the areas identified in the reasons for refusal. I consider that these factors seriously undermine the integrity and reliability of the impact assessment.

- 11.4.17 Although CPL subsequently engaged archaeological consultants to assist in the detailed assessment process, the ASIDOHL carried out as part of the ES and later re-done in the light of revised guidelines and the definition of draft historic landscape character areas by GGAT is also deficient in important respects. There is no evident recognition of the planning policies concerning historic landscapes in the development area. The significance of inclusion of Mynydd Margam and Margam Park in parts 1 and 2.2 of the Register of Landscapes, Parks and Gardens of Special Historic Interest in Wales, as an historic landscape and historic park respectively, is largely overlooked.
- 11.4.18 Overall, the assessment of impact of the turbines on the landscape and on individual monuments and their settings has been carried out in a very limited fashion, resulting in a tendency to underestimate impacts on key elements and their settings and the significance of these. As a result, the magnitude of visual impacts of the turbines on the historic landscape character areas within which they would be sited is understated; and assessment of their impact on the adjacent historic character area comprising Margam Park has not been included. Although it is claimed that these omissions are counterbalanced by over-scoring in other respects and by the separate final evaluation of significance of impacts (ASIDOHL stage 5), the overall conclusions of low impact on the historic landscape and that the value of the landscape remains essentially unchanged do not support this contention.
- 11.4.19 In considering the issues arising from the landscape and visual effects of the development I have borne in mind the points made concerning the anticipated life of the scheme and the subsequent reversibility of the development [4.4.22]. It is expected that the turbines might provide power for around 25 years, if permitted, before reaching the end of their useful life. A condition could reasonably be imposed requiring the removal of the turbines at such time as they permanently ceased to produce electricity. This would plainly be beneficial in avoiding longer-term harm from obsolete, deteriorating structures in the landscape.
- 11.4.20 However, I do not consider that the limited life expectancy of the turbines significantly alters the approach to landscape and visual effects that should be taken in this case. In my view 25 years is a sufficiently long time-span to consider the turbines as permanent, rather than transient features in the landscape, so far as the experience of them by individuals is concerned. Moreover, although permission would be required for any scheme to replace the turbines with new machines at a later date, and it is not presently known how likely that might be in the future, I consider that it could well be difficult to resist a future re-powering scheme with a similar order of environmental impact against a background of approval for the current proposal. For these reasons I consider that the development should be judged strictly on the merits of its landscape and visual effects during the operating period of the development, rather than applying a lower threshold of acceptability on the basis of a limited life expectancy for the scheme.

Cumulative visual impact

- 11.4.21 Cumulative visual impact is raised as an issue by CPRW and by HALT [8.3.5, 9.9]. Although proposals at different stages of the planning process are referred to, only one of these (in Rhondda Cynon Taff) is operational, and so already present in the landscape.

Planning permission has also been granted for the scheme at Ffynnon Oer. However, at this time there are no permissions for the other proposals cited, at Werfa and Scarweather Sands. It would be inappropriate to include developments without permission in considering whether there are significant objections to this proposal on grounds of cumulative effects.

11.4.22 CPL's visual impact evidence [4.4.21], which has not been seriously challenged, shows that there would be relatively few areas from where the Rhondda Cynon Taff wind farm and the proposed scheme would both be visible; and very few places (mainly fragmented parcels of mountain plateau) from where both wind farms would be significant features in the landscape. The Ffynnon Oer wind farm, if built, would not introduce significant additional cumulative effect implications. I find no reason to disagree with this evidence. I consider that there is no sustainable objection to the proposal in terms of cumulative visual impact.

11.5 **The effect on Margam Park** [4.5, 5.2, 6.4]

11.5.1 Margam Park is one of only 35 grade 1 historic parks and gardens on part 1 of the Register of Landscapes, Parks and Gardens of Special Historic Interest in Wales [6.4.1]. As such, it is assessed by Cadw as of exceptional interest not only in a Welsh but in a UK-wide context. The Register entry [Doc 7 CD7.8 pp102-113] includes a map defining the Park boundary. Cadw have produced The Register in partnership with the International Council on Monuments and Sites.

11.5.2 The map forming part of the Register entry also shows an area around the northern and north-eastern edges of the Park identified as comprising Essential Setting. The explanatory notes at the beginning of the Register describe the concept of Essential Setting as designed to "safeguard areas adjacent to the historic parks and gardens which, although outside them, form an essential part of their immediate background and without which, in their present state, the historic character of the site in question would be diluted and damaged".

11.5.3 The primary reasons for the Park's grading are cited as its status as a "multi-layered site of outstanding historical importance", containing features ranging through prehistoric remains, medieval ecclesiastical remains, and Tudor, 18th century and 19th century garden and landscaping phases. Various elements and features are mentioned of being particular importance, including the "very fine walled deer park". The site type is characterised as "deer and landscape park; pleasure grounds; gardens; former kitchen garden".

11.5.4 Margam Park is managed as a country park, supporting a wide range of recreational, cultural and other events as well as being enjoyed generally by the population at large as a recreational and cultural resource of historical significance. The Council has produced evidence of the large numbers of visitors to the park each year, and the high level of public awareness of the Park. Whilst people clearly visit the Park for a variety of purposes, enjoyment of the Park's special historic interest and character must certainly form, in varying degrees, an integral part of people's appreciation of their experience.

11.5.5 The proposed southern string (turbines 1-5) would be located on the slopes of Moel Ton Mawr, east of and at a higher elevation than the north-east, upper sector of Margam Park comprising part of the deer park [Doc 3 CD3.3 fig14]. Turbines 1-5 would be sited at distances ranging between 550m and 1km of the park boundary; and would all be highly visible from much of the open landscape of the upper deer park.

- 11.5.6 This area includes the important viewpoint of the Bro Monument, on the edge of the ridge above the breast plantations [*Photo 3.7*], from where much of the full height of turbines 1-5 would be visible, with turbine 2 the closest at a distance of 1.3km. This viewpoint, at the highest point of the waymarked Pulpit Walk, is a critical part of many visitors' experience of the upper part of the Park. Although CPL claim that the main aspect of this viewpoint, based on the directional arrows showing this as a Significant View on the map in the Register, is towards the coastal plain below, I consider that most people reaching this point, and indeed walking to and from it, would also observe and enjoy the fine landscape of the upper deer park and its setting comprising the upland pastoral slopes beyond. In addition, others enjoying the unconfined spaces of the upper deer park, whether by using the waymarked and publicised trails, taking part in organised walks, informally exploring the upper part of the Park or gaining access to the old road leading over the mountain beyond, would experience the turbines at closer quarters than the Bro viewpoint.
- 11.5.7 In my judgement the turbines, with an overall height of 75m and, when operating, the additional and unusual characteristic of blade movement, would have a dominant visual effect on this part of the Park. This was accepted by CPL's landscape witness during cross-examination [*6.4.6*]. I consider that their dominant visual effect would have a highly deleterious effect on the ambience of this part of the Park, seriously detracting from its setting and from its historic character.
- 11.5.8 Turbines 1-5 would also be seen from other parts of the Park. They would have a significant visual impact from the hilltop of Mynydd y Castell [*Photo 3.6*], another noted historic viewpoint within the Park and also a scheduled monument, from where they would appear directly behind the fine view across the upper deer park. They would also have a significant impact on substantial parts of the lower deer park and the central, landscaped parkland area of the Park [*Photos 3.4a-c*] [*6.4.6*]. Whilst turbines 1-5 would not be very visible in other areas, I consider that, overall, they would significantly affect substantial parts of the Park.
- 11.5.9 Turbines in the northern string would also be partly visible from certain higher parts of the Park [*Plan D fig 8.3, Photos 3.6 & 3.7*]. However, neither the Council nor Cadw argue that these turbines would have an unacceptable impact in these terms. They would be much further from the Park and only partly visible due to the topography and the screening effects of forestry. Even if wholesale felling occurred during the life of the turbines, the visibility of these turbines would not be significantly increased [*Plan E*]. Whilst the presence of turbines 6-11 would add to the overall visual effects of the development on the Park, I do not consider that their effects would be so significant as to harm the historic character of the Park.
- 11.5.10 CPL's contention that turbines 1-5 would not adversely affect the historic character of the Park rests principally on its analysis of impact in terms of the Essential Setting and Significant Views in the Register entry for Margam Park and on its argument that there would be little visual effect on the most important parts of the Park. However, I consider that CPL's stance in relation to these matters is flawed.
- 11.5.11 The concept of Essential Setting is explained in the Register, and is applied individually to each Register entry. It is designed to highlight areas in relation to each park or garden which are of such importance to it, by way of being an essential part of its immediate background, that changes to its present state would dilute and damage the historic character of the registered area. The Essential Setting thus defines areas of particular sensitivity. However, this does not mean, in my opinion, that all areas outside the Essential Setting, so

defined, therefore do not comprise part of the Park's overall setting in planning terms. Nor does it mean that all development outside the Essential Setting, of whatever nature, must therefore be regarded as not affecting either the Park or its setting.

- 11.5.12 The proposal design has avoided direct, physical impact on the Essential Setting, by making changes to the turbine layout originally envisaged. However, this does not alter my view, based on the evidence, that the proposed structures, because of their scale, character and position must rationally be concluded as having a highly significant impact on the Park. Indeed, the fact that turbines 1 and 2 are proposed immediately adjacent to the area defined as Essential Setting in the Register reinforces my view that their effects, in particular, would have a major impact on the Park and its setting.
- 11.5.13 The concept of Significant Views, as employed in the Register, is not explained in its introduction. However, the historical significance of each view can be deduced from the Register entry. I consider it an artificially narrow approach to consider the effect on views from within the Park only in terms of the views identified in the Register as significant from a historical perspective; and moreover to consider these only in terms of the particular direction of view indicated on the Register entry map. Whilst these are clearly important in the terms described in the Register, they are by no means the only views that users of the Park experience and appreciate. Visitors seeking out the locations of the Significant Views at the Bro monument and Mynydd y Castell would no doubt also take in the sweep of view in other directions, including towards the site of turbines 1-5 [*Photos 3.6, 3.7*].
- 11.5.14 Margam Park covers a large area and contains parts of differing character, historical interest and types of use by visitors. However, the whole park is registered as of grade 1 importance; the primary reasons for grading emphasise its multi-layered historical facets and specifically identify all areas of the Park within this summary. Cadw emphasise that there are no boundaries or subdivisions within the boundary of the registered area; it should be considered as a whole.
- 11.5.15 I conclude that turbines 1-5 would have dominant or significant visual effects on large parts of the upper and lower deer parks, the important hilltop of Mynydd y Castell, and the landscaped parkland area comprising the central part of the Park and the setting to Margam Castle. CPL emphasise that the turbines would have much lesser visual effects on what it regards as the "core area", containing the conservation area and most of the listed buildings including Margam Castle. However, the proposal would have a major effect on significant parts of the Park forming part of the area accorded Grade 1 status in the Register. In my judgement its effect on the Park, viewed as a single multi-faceted entity, would be very considerable.
- 11.5.16 The extent of visibility of turbines 1-5 from various parts of the Park, and in particular their impact at close quarters on the area of the upper deer park as extremely large, dominant, moving elements in the landscape, leads me to conclude that they would have a highly harmful effect on its historic character and setting. They would cause demonstrable harm to the qualities for which Margam Park was included in the Register. As such, this element of the development would conflict with WGSP policy EQ2 and with the objective in national planning guidance (PPW paragraph 6.5.23) of protecting parks and gardens and their settings on the first part of the Register of Landscapes, Parks and Gardens of Special Historic Interest in Wales.
- 11.5.17 In reaching my conclusion on this issue, I have taken into account the existing effect on the character and setting of Margam Park of other development, including the nearby M4 and

Port Talbot steelworks [*Photo 5.1*]. I had particular regard to these matters when evaluating Margam Park and its setting as part of my inspection of the site and its surroundings. However, I do not regard these existing features as detracting from the Park or its setting to the extent that the harm from proposed turbines 1-5 should be ignored.

11.6 Effects on scheduled ancient monuments and their settings [4.7, 6.5]

Turbine 5 and GM 090 [Doc 15.2]

- 11.6.1 The proposed location of turbine 5 is directly over an outer bank and ditch around the main enclosure of GM 090 recently identified from aerial photographs and geophysical survey. At the time the application was determined the location of turbine 5 was outside the scheduled area; however, the identification of the outer earthwork has led to the scheduled area being enlarged to include it. The proposed location for turbine 5 is now approximately 25m inside the boundary of the scheduled area [*Plan C sheet 1*]. As presently sited, scheduled ancient monument consent would also be required for the works associated with turbine 5. However, consideration of an application for such consent is a separate matter, for which Cadw would be responsible.
- 11.6.2 The turbine base would require an excavation about 12m square and 2.3m deep. Such an excavation would destroy all the archaeological remains in that area. In addition, excavation of a linear trench 0.7m wide x 1m deep [*Plan A, sheet 3*] would be required for the cable route to the turbine. National planning guidance, in PPW paragraph 6.5.1, establishes a presumption in favour of preservation of nationally important remains, whether scheduled or not, and their settings in situ. WGSP policy EQ2 also reflects these principles of protection of important archaeological remains and their preservation in situ where possible.
- 11.6.3 In this instance, Cadw raise no objection in terms of the impact of the turbine on the setting of the monument, since the main earthwork is around 75m away and obscured by the topography of the slope; and, moreover, the two features are not readily observable simultaneously in the landscape. Nonetheless, the siting of turbine 5 as proposed in the development details would have a destructive effect on nationally important archaeological remains and would thus conflict with the aims underpinning national planning guidance and WGSP policy EQ2.
- 11.6.4 Consideration was given during the inquiry to the potential to avoid harm to this or other important archaeological remains by imposing a condition relating to the detailed siting of turbines. There was consensus amongst the participants at the inquiry that, given the level of accuracy provided by the OS grid coordinates used to define the proposed turbine positions in the ES (giving accuracy to the nearest 5m), a condition allowing flexibility in the positioning of the turbine by up to an additional 10m in any direction would be acceptable in the circumstances of the case. A condition allowing greater flexibility in the case of turbine 5, to enable exploration of a position just outside the scheduled area, or an amendment to the proposal to achieve the same end, was not sought; and in my view would have raised procedural difficulties in view of the constrained manner in which the development site is defined [*Plan A Drawing 1*]. Accordingly, I have concluded that the proposal, judged in the form in which it has been submitted for determination, would cause demonstrable harm in terms of its direct effect on nationally important archaeological remains comprised within SAM GM 090.

Turbine 6 and GMs 443 and 557 [Doc 15.2]

- 11.6.5 The detailed plan of the location of turbine 6 [Plan C sheet 3] shows that its position would be 57m from GM 557 Twmpath Diwlith [photo 10 plates 1 & 2], a prehistoric round barrow, and 26m off the direct line between GM 557 and GM 443, a ring cairn and the original site of the Bodvoc Stone, some 150m away. The Bodvoc stone is a 6/7th century inscribed stone, the original of which is in the Margam Abbey Museum. A replica stands in its place at GM 443.
- 11.6.6 The SAMs are located close to the point where the Coed Morgannwg Way, which is also part of the St Illyd's Walk at this point, comes to the edge of the forest and then turns back between the trees. GM 443 is immediately adjacent to the track, in a small cleared area within the forest boundary fence; GM 557 is on the open grassland plateau beyond. Although there is no definitive right of way from the forest edge to GM 557, there is a stile crossing the boundary fence at this point; and the mound of GM 557 is plainly visible from the Coed Morgannwg Way and the location of GM 443. Notwithstanding the extensive forestry planting which has occurred in the vicinity, the settings of the monuments convey an impression of relative remoteness from modern man-made development.
- 11.6.7 Viewed from this public access point and the site of GM 443, turbine 6 would have a highly dominant effect on the scene. The scale of the turbine, the movement and extent of sweep of the rotor blades, together with the noise of the blades at such close quarters, would result in a pervasive and distracting presence. From my first-hand observations I consider that the existing forestry planting close to GM 443 would not significantly reduce the visual effect of the turbine, or its effect on the intervisibility between GMs 443 and 557. Given its closeness to the line of sight between GM 443 and GM 557, and its proximity to each of the monuments, it would dominate and seriously detract from the setting of both SAMs. I consider that the damaging consequences of this impact could not be addressed by a minor adjustment in the proposed position of turbine 6.
- 11.6.8 Whilst the current state of SAM GM 443 and its immediate setting is unprepossessing and appears to have been compromised to some degree by recent activities in the area [4.7.3], this is not a coherent argument to permit development that would have a much more harmful effect on the settings of these two SAMs.
- 11.6.9 I conclude that turbine 6 would have a highly damaging effect on the settings of SAMs GM 557 and GM 443, and that as such the proposal would conflict with the objectives expressed in the development plan (WGSP policy EQ2) and PPW (paragraph 6.5.1) concerning protection of the settings of nationally important archaeological remains.

Turbine 1 and GM 057 [Doc 15.2, Plan C sheet 2]

- 11.6.10 The detailed plans produced during the inquiry have fixed the position of turbine 1 20m away from the well-defined track forming the old road over the mountain from Margam to Llangynwyd (public right of way No 58), at the point where the track passes closest (around 60m) to the well-preserved late-prehistoric earthwork of GM 057 Caer Cwm Philip [Doc 15.2; Photo 10 plate 3; aerial photo in Doc 16.3].
- 11.6.11 From the track there are good views of the earthwork for around 400m of its length, from the vicinity of the proposed position of turbine 1 to the point where it meets the edge of the forest corridor leading towards the northern string of turbines [aerial photo in Doc 16.3]. The larger scale plans demonstrate that the turbine would be 20m away from the track (and this

distance could increase slightly under the terms of the condition suggested to enable direct impacts on any archaeological features to be avoided). Even so, I consider that the height of turbine 1 and the moving sweep of its blades in the landscape would, in the proposed position close to the track, significantly detract from the setting of SAM GM 057, particularly as experienced by persons walking along the track.

11.6.12 In addition, I share Cadw's view that the close presence of turbine 1 to the ancient roadway from Margam to Glamorgan, described in the ES as "one of the best preserved medieval roads in Glamorgan", also detracts from the setting of this important archaeological monument. My site inspection confirmed the undoubted historic character of this section of the track, which possesses substantial sections of surviving stone and earth hedgebank supporting mature trees.

11.6.13 I conclude that turbine 1 would have a significant adverse effect on the setting of archaeological monuments of national importance, and that as such the proposal would conflict with the objectives expressed in the development plan (WGSP policy EQ2) and PPW (paragraph 6.5.1) concerning protection of the settings of nationally important archaeological remains.

Other matters

11.6.14 The cable route also passes through the scheduled area of GM 058. However, this would be along the route of an existing track, which has probably already removed any archaeological evidence in this area, and Cadw voice no objection. I conclude that this aspect of the proposal would not be detrimental to established planning objectives concerning protection of ancient monuments and their settings.

11.6.15 Attention was drawn to an appeal decision at St Breock Downs, Cornwall [*Doc 9.34*], where the Inspector decided that a development of 11 turbines would be acceptable, despite acknowledged effects on the settings of ancient monuments in the area and concerns raised by English Heritage about the effect on one monument in particular. The Inspector felt that the turbines would be neither alien nor intrusive, but would enhance the setting of the monuments, constituting "a complementary and appropriately awesome presence in the vicinity of the scheduled monuments". However, that decision was taken in 1993, against the policy background of that particular time and place. The decision identified no development plan policies or national policy guidance on wind energy development, although there was non-statutory interim policy guidance on the subject. In my view the decision reflects a period when wind turbine developments may frequently have been regarded as innovative proposals at the forefront of modern technology, before a more measured policy framework had emerged. In any case, that single decision cannot rationally, in my view, be seen as weighing significantly against a detailed evaluation of the current proposal on its own merits.

11.7 Effect on the historic landscape[4.4, 7]

11.7.1 Mynydd Margam landscape of special historic interest is included in part 2.2 of the Register of Landscapes, Parks and Gardens of Special Historic Interest in Wales. The whole of the appeal site lies within the defined area. Part 2.1 of the Register records landscapes of outstanding historic interest; part 2.2 contains landscapes of special historic interest. However, the Register makes clear that the difference between "outstanding" and "special" historic interest is one of type, rather than quality. Although the landscapes included in Part

- 2.1 generally cover larger geographical areas, and for that reason often possess a greater number of elements contributing to their overall historic character, the smaller areas of special historic character are regarded as equally valuable and important. Landscapes in Parts 2.1 and 2.2 of the Register are both considered to be of national importance [*Doc 7 CD7.7*].
- 11.7.2 CCW, who presented the detailed evidence in relation to the historic landscape issue at the inquiry, say that the proposal conflicts with WGSP policy EQ7 in terms of this matter in relation to the development plan. CPL say that the relevant development plan policy is EQ2, pointing in support of its view to the Council's decision notice, which does not refer to EQ7 [*Doc 2 CD2.7*]. However, it is clear from the Committee report on the application that the Council paid little attention to the historic landscape issue, confining its detailed analysis to effects on individual SAMs and their settings, the effect on Margam Park, and general landscape/visual effects. Policy EQ7 was not mentioned in the officers' appraisal of the proposal, including the section concerning policy [*Doc 2 CD2.6*].
- 11.7.3 I agree that policy EQ2, which sets out the structure plan's stance concerning development of renewable sources of energy, including in relation to features of heritage significance, is central to consideration of the proposal in relation to the development plan. However, the content of policy EQ7, which deals with the protection of heritage features, is plainly also relevant. In my view a balanced conclusion as to conflict or otherwise with the development plan must be reached in the light of both policies [*Doc 4 CD4.7*].
- 11.7.4 Policy EQ2 points, amongst other things, to the avoidance of harm to sites of heritage interest where renewable energy developments are proposed. Policy EQ7 states that development which could adversely affect statutorily designated or other heritage features of national importance will only be permitted in the most exceptional circumstances. The term "heritage features" is stated to include landscapes of historic significance.
- 11.7.5 Whilst inclusion on the Register does not constitute a statutory designation, I consider that the inclusion of Mynydd Margam in Part 2 of the Register plainly demonstrates the national significance of the area as an historic landscape. National planning guidance, at paragraph 6.5.23 of PPW, states that information on the landscapes in the second part of the Register should be taken into account in considering developments which are of such a scale that they would have a more than local impact on an area on the Register. I consider that the scale of this proposal, taking into account the geographical spread of the development, the number and scale of the individual elements and their consequent wide extent of visual influence, compounded by the unusual characteristic of movement, would have a more than local impact on the Mynydd Margam landscape of special historic interest, as defined in the Register. The Guide to Good Practice on Using the Register [*Doc 7 CD7.9 p7*] includes power generation projects in its summary of development types likely to have a more than local impact.
- 11.7.6 The Register entry for Mynydd Margam [*Doc 7 CD7.7 pp59-63*] sets out the reasons for the area's inclusion as a landscape of special historic interest and identifies the principal elements and features that contribute to its importance in these terms. The entry summary [*p63*] identifies its key significance as a discrete area displaying continuity, density and diversity of human occupation from the prehistoric period to the recent past. The summary lists Bronze Age ritual and funerary monuments, large Iron Age hillforts, settlements, enclosures and trackways, Early Christian inscribed stone monuments, and the range of features contained within Margam Park amongst the key features of the landscape.

- 11.7.7 The detailed text of the Register entry refers to the number of single, and groups of, Bronze Age cairns and barrows. SAMs GM 443 and GM 557, close to the proposed location of turbine 6, form part of such a group. GM 443 has additional significance as the original site of the 6/7th century inscribed Bodvoc Stone. The text refers to the "unusual concentration" of distinctive Iron Age hill forts, enclosures and habitation sites, and the trackways connecting them, specifically identifying Mynydd y Castell in Margam Park, Caer Cwm Philip (GM 057) and Y Bwlwarcau (GM 059) as "a chain of strongholds defending the strategically important route corridor across the southern flanks of the mountain". The entry also refers to the possible stock-raising function of Y Bwlwarcau. The evidence of Mr Kelly and Mr Turner for CCW and Cadw pointed to the unusual concentration of well-preserved, important archaeological features comprising Y Bwlwarcau, Caer Blaen y Cwm and Caer Cwm Philip (GMs 059, 058 and 057) and the hollow-ways and trackways in this area. In addition, the detailed text highlights the significance of the features of Margam Park as part of the wider defined landscape of special historic interest.
- 11.7.8 The Guide to Good Practice on using the Register [*Doc 7 CD7.9*] has been prepared by Cadw in conjunction with CCW and the Welsh Archaeological Trusts. Its purpose is to assist those involved in the development process to bring forward proposals that are likely to have the least possible impact on historic landscape areas on the register; and to assist decision makers in deciding how much weight to give to information in the register when determining planning applications. It makes observations on a range of matters, intended to assist in using the Register within the development and planning process. It also refers to the historic landscape characterisation programme being undertaken by Cadw and the Welsh Archaeological Trusts, intended to gather more detailed historical and archaeological information about each area on the Register and divide each landscape into smaller "historic character areas".
- 11.7.9 Amongst other things, this information is intended to inform a detailed Assessment of the Significance of the Impact of Development on the Historic Landscape (ASIDOHL). In summary, the ASIDOHL is a staged process comprising: 1) Provision of contextual information; 2) Assessment of Direct, physical impacts of development on the historic character area(s) affected; 3) Assessment of indirect, physical and non-physical (visual) impacts; 4) Evaluation of relative importance of the parts of the historic character area(s) affected in relation to (i) the whole of those character areas and (ii) the whole of the historic landscape; 5) Assessment of overall significance of impact [*Doc 7 CD7.9 Technical Annex*].
- 11.7.10 Whilst the ASIDOHL process is not mandatory in the evaluation of the planning merits of a proposal in terms of historic landscape issues, I attach significant weight to the fact that it is being developed by bodies with a statutory remit in this sphere. However, the process is clearly still evolving, to the extent that a final draft has only just been produced (24 June 2003). These factors must be borne in mind when considering how far the ASIDOHL should influence the conclusions drawn in terms of the historic landscape impact issue.
- 11.7.11 The ASIDOHL exercise undertaken in the ES was based on an earlier (September 2001) draft of the Guide to Good Practice [*Doc 7 CD7.9A*] and devised historic character areas in the absence of any prepared by GGAT at that time. The ASIDOHL was subsequently re-done in the light of updated draft guidance (February 2003) and provisional historic character areas provided by GGAT [*Doc 11.3*]. However, based on the examination of the evidence during the inquiry, I take the view that both ASIDOHLs seriously underestimate the indirect, visual impacts of the development on the historic character areas concerned. Since, in the case of this development, visual impacts comprise the main element of the effects of the

development on the landscape, the assessment is fundamentally flawed. Its conclusions as to the extent and significance of impacts arising from the development thus cannot be relied on.

- 11.7.12 From the evidence and my inspection of the site and its surroundings, I concur with the assessment of CCW that there would be severe to very severe visual impacts on all of the key elements in character areas 013 and 015, except for GM 056 which is currently within forestry. In the case of SAMs GM 090, GM 057, GM 058, GM 059, GM 443 and GM 557, there would be major visual effects arising from the proximity of the nearest turbine(s) and/or their position(s) in relation to key views towards the monuments [7.4.2-7.4.4].
- 11.7.13 Equally importantly, the visual impacts of the turbines would seriously impinge upon these parts of the historic landscape as a whole, because of the extent to which they would be interspersed between individual archaeological sites and features in the landscape. In my view this would significantly blur the visual coherence of the historic elements of the landscape which give it its special importance and value. From a straightforward reading of the Register entry and the particular features of the historic landscape that it identifies, there can be no doubt as to the importance of the area of the proposed turbines as a key component of the historic landscape as a whole. This is underscored by the choice of lead illustration for the Register entry for Mynydd Margam, focusing on Y Bwlwarcau (GM 059) and also showing the area containing GMs 057, 058 and the intervening holloways and trackways [Doc 7 CD7.7, p59]. From this photograph the close relationship of the proposed sites of turbines 8-11 and 1-5 to historic features in this part of the landscape is also illustrated.
- 11.7.14 In addition, turbines 1-5 would have a significant indirect, visual impact on historic character area 001, Margam Park. The collection of historic features contained within the Park also feature prominently in the Register entry, confirming their importance as elements in the evidence of continuity, density and diversity of human occupation within the historic landscape area through the ages. The substantial extent of the visual impacts upon key features of the Park, namely the upper and lower deer park, the central landscaped parkland area of the Park, and the Iron Age hill fort of Mynydd y Castell, is summarised in section 11.4 of my conclusions. I consider that these impacts also represent serious harm to the historic landscape of Mynydd Margam, due to the importance of the historic character area affected to the significance and value of the landscape of special historic interest as a whole.
- 11.7.15 I have considered the various arguments put forward on behalf of CPL in support of its stance on this issue. Whilst I note the references in the Register to the dynamic nature of landscapes and the need to accommodate continuing change, this does not mean that all proposed change should be accepted. Although wind turbines are undeniably examples of modern human activity, I do not view them as features of human occupation of the area that would continue the historic theme underpinning the primary reason for identifying the area and seeking to protect its special character. This therefore does not alter my view that the turbines would seriously detract from, rather than merely add a new layer to, the special historic interest of the landscape.
- 11.7.16 I have also considered the divergence of views, at the application stage, between various consultees on the merits of the proposal from a historic landscape perspective. GGAT's observations [Doc 11.4] were more supportive of the proposal than CCW - although their conclusion was that the effect on the archaeological and historical resource would be insufficient for the current application to be refused. This is a rather negative endorsement. Moreover, it is evident that this conclusion was based, in part, on the findings of the ASIDOHL conducted for CPL and on the view that the viewing platform would be a

significant benefit. For the reasons I have given, I do not share GGAT's view on either of these matters. GGAT have not made any further representations, as part of the appeal process. Since they did not appear at the inquiry it was not possible to examine the reasons for their views, or whether these would remain unchanged in the light of other evidence. Moreover, their observations on the application must be considered in the context of their standing and the scope of their particular remit as a consultee. The views of the Ancient Monument Society and the Royal Commission on Ancient and Historical Monuments in Wales at application stage [4.5.5, Docs 11.5, 11.6] must be evaluated within the context of their particular terms of reference as consultees, and as views expressed at a distance, without detailed on-the-ground assessment.

- 11.7.17 CCW, on the other hand, has a clear statutory remit with regard to these matters; and its evidence, in my view, represents a sound and convincing case in terms of this issue. The views expressed by these other bodies do not alter my conclusions. Whilst Cadw are silent on the matter of effects on the historic landscape, their evidence emphasises that it is confined to the issue of effects on each monument and its setting, reflecting the differing remits of Cadw and CCW. This cannot, therefore, be interpreted as disagreement with CCW in relation to this issue, as claimed by CPL.
- 11.7.18 Attention was drawn to the appeal decision permitting a wind farm development at Tir Mostyn/Foel Goch [Docs 9.22, 16.6 & 15.6], which involved historic landscape issues. However, the site of that proposal lay outside the boundary of the historic landscape (paragraph 133 of report) and did not raise issues of effects on SAMs or their settings. That case is not comparable to this proposal.
- 11.7.19 On this matter, therefore, I conclude that the proposed development would cause a major degree of demonstrable harm to the historic character of the landscape in the Register in terms of the particular characteristics for which the Mynydd Margam area was selected for inclusion. In the light of the detailed effects identified, this applies to both strings of turbines, Nos. 1-5 and Nos. 6-11. Even though the proposal would have an expected life of only 25 years, I consider that the importance of the landscape and the level of harm I have identified represents a compelling objection to the development.
- 11.7.20 CPL accept that there will be a significant visual effect for walkers of footpaths in the vicinity of the development [9.12, 4.9.3]. However, I consider that the claim that this would be a consequence of almost any wind farm proposal in an upland location is questionable. In my experience there are many upland areas in Wales that have much less well-developed networks of public rights of way. In addition I consider it significant that there are no less than 3 promoted trails (the Coed Morgannwg Way, the Ogwr Ridgeway Walk and St Iltyd's Walk), together with historically significant ancient routes through the historic landscape of Mynydd Margam, which pass close to proposed turbine positions. In my view many users of these routes are likely to particularly appreciate and value the special character and connection with past ages possessed by this landscape of special historic interest, coupled with its scenic qualities and comparative remoteness from development. In my judgement the proposed turbines would detract heavily from these qualities, marring the experience and enjoyment of many users of the area.
- 11.7.21 I consider that both strings of turbines comprised within the proposal would conflict with the provisions of the development plan, as expressed by the terms of policies EQ2 and EQ7. The proposal would cause serious, demonstrable harm to an area of special heritage interest, contrary to proviso ii) of policy EQ2. Nothing in the evidence suggests that "most

exceptional circumstances", as required by WGSP policy EQ7 in relation to development of renewable energy sources adversely affecting heritage features of national importance, exist in this case to outweigh the harm I have identified. In particular, the Council's evidence indicates, contrary to the ES site selection process, that more environmentally acceptable sites may well exist elsewhere in the Neath Port Talbot area [5.5.3].

- 11.7.22 Whilst national policy guidance requires a generally positive approach to wind energy developments, its thrust equally seeks to avoid unacceptable environmental impact. Impacts of a more than local nature on landscapes in the Register are confirmed as relevant to consideration of development proposals. PPW paragraph 12.10.1 states that where a sustainable energy development is likely to cause demonstrable harm to a designated area by having a significant adverse impact on the qualities for which the site was designated, consideration should be given to refusing the application if such effects cannot be overcome by planning conditions or agreements. In my view the proposal would clearly conflict with the thrust of national policy guidance in terms of this issue.

11.8 Effect on Llangynwyd Conservation Area and setting [4.8, 5.3, 9]

- 11.8.1 Llangynwyd Conservation Area was designated in 1973 [Docs 14.3 & 21.9]. The designation covers the whole village and a considerable envelope of land around its buildings. In the east this land comprises the large churchyard, much of which is separated from the church by a village street.
- 11.8.2 Llangynwyd is a small, nucleated settlement of roughly 25 dwellings, centred on the church of St Cynwyd and The Old House and Corner House public houses grouped around the Memorial, which commemorates illustrious poets, artists and writers of the locality. Although there is some more recent development, the village retains its strong character as an exposed hill village above the Llynfi Valley, with high stone walls enclosing the extensive churchyard and lining the narrow village lanes. Also significant to its character is its setting in the surrounding landscape of farms, fields, wooded areas and stream valleys, which to the west is bounded by the extensive ridgeline of Margam mountain, 2-2.5km away.
- 11.8.3 The evidence of HALT and the Council describes some of the historical, literary and cultural associations of Llangynwyd, which are also referred to in the Conservation Area description [Doc 14.3]. These include the long history of the village as a centre of religious importance far in excess of the size of the settlement, contributing to its possessing the largest graveyard in Europe, and the historical and cultural links with Wil Hopcyn, the Maid of Cefn Ydfa and Bugeilio'r Gwenith Gwyn. In addition, the village is notable for The Old House, reputed to be the oldest inn in Wales, and its continuation of the Mari Lwyd tradition. These associations make a particular contribution to the special character of Llangynwyd that set it apart from hill villages with a comparable built form and architectural character.
- 11.8.4 The northern string of turbines (6-11) would be spaced in a line along the ridge of Mynydd Margam, at intervals of about 200m with a distance of approximately 1km between turbine 1 and turbine 6. They would be roughly equidistant from the village, at distances ranging from about 2.2km (turbine 10) to 2.5km (turbine 6). The turbine bases would be at elevations of 300-340m AOD, compared to an elevation of about 195m AOD at the village centre.
- 11.8.5 The hilltop, skyline position of the turbines, on a ridgeline forming a prominent topographical feature in defining the setting of Llangynwyd in the landscape, accentuates their impact on the setting of the village. The ES analysis of zones of visual intrusion [Doc 3 CD3.2p179] indicates that at a range of 1.8-3.6km turbines of this size would be "clearly visible" (characterised as appearing fairly large in scale, but without dominating the view, and with rotor blade movements attracting the eye). In this case the elevated, skyline position of the turbines and their position towards the lower end of the range given would result in an impact towards the upper end of this level of intrusion.
- 11.8.6 There would be views of the turbines from a number of significant viewpoints within Llangynwyd Conservation Area. These include from the centre of the village in the vicinity of the memorial, also comprising the village street in front of The Old House and the main entrance gateway into St Cynwyd's Church; and from the seat at the eastern, upper end of the churchyard, from where there is a vista due west over the churchyard and past the church and village core to the Margam mountain ridge beyond. The turbines would also be prominent from the roadside seats on Llan Road at the edge of the village, which look towards Margam

mountain, with the fort of Y Bwlwarcau prominent on the slopes below the ridgeline, and from the main entry routes into the conservation area from the Llynfi Valley.

- 11.8.7 It was argued by Mr Stewart that the "real" setting of the conservation area is defined by the area outside the built confines of Llangynwyd but included within the line on the conservation area map. This cannot be the case; the whole area identified on the designation map is definitively the Conservation Area itself. The proposal is plainly located a considerable way outside the Conservation Area, well beyond the distance where development outside a conservation area might usually be held to affect its character or appearance. However, I consider that, due to the scale of the turbines, their elevated, ridgeline position in relation to the village and the turning movement of their rotors, they would have an intrusive and distracting visual effect that would significantly detract from the historic character and appearance of the Conservation Area and its setting.
- 11.8.8 In my view the significance of the impact of the development on the character and appearance of Llangynwyd Conservation Area and its setting is increased by the unusually rich historical and cultural associations that are an important part of its character. From the evidence it is clear that these associations draw many visitors who would be receptors especially sensitive to development so at odds with the pre-industrial past in which these associations are rooted, and which the village still largely reflects today.
- 11.8.9 Paragraph 6.5.15 of PPW states that if any proposed development would conflict with the objective of preserving or enhancing the character or appearance of a conservation area, or its setting, there will be a strong presumption against the grant of planning permission. This consideration clearly militates strongly against the grant of permission in these circumstances, given the significant level of harm to the conservation area and its setting I have identified. Paragraph 6.5.15 does go on to say that in exceptional cases the presumption may be overridden in favour of development deemed desirable on the grounds of some other public interest. However, I consider that the level of harm in this case, taken with the clear evidence that the green energy benefits accruing from the development could be provided elsewhere in a less environmentally harmful manner, does not suggest that the balance of considerations lie in favour of the proposal.
- 11.8.10 WGSP policy EQ2 is clearly oriented against permitting the development of renewable energy sources where this would adversely affect statutorily designated sites of heritage interest. Such sites are confirmed elsewhere in the plan as including conservation areas.
- 11.8.11 CPL draw support for the proposal in relation to this issue from the stance of Bridgend CBC. However, the report to Bridgend's Development Control Committee gives no indication that the issue of potential effect on the Llangynwyd Conservation Area or its setting was evaluated in any detail in reaching the recommendation that was endorsed by the Committee. Moreover, the decision was not that Bridgend CBC should support, or even confirm no objection to the proposal. The authority sought a reduction in size and/or a repositioning of the turbines, in order to reduce their visual impact. In consequence, I do not view that authority's stance as weighing in favour of the proposal, in relation to this issue or in more general terms [*Doc 2 CD2.3*].
- 11.8.12 I conclude on this matter that the proposal would significantly harm the character and the appearance of the Llangynwyd Conservation Area and its setting, contrary to the general thrust of national guidance in PPW and to structure plan policy EQ2.
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11.9 Effect on visual amenity and character of the Llynfi Valley [4.4, 5.3, 9]

11.9.1 It is not in dispute that the development would have some visual impact and effect on landscape character. For CPL, the Llynfi Valley landscape is assessed as of medium value, and the magnitude of the change in character as a result of the turbines is assessed as low [Doc 10 Proof pp26-7]. I agree with this assessment. It is a varied landscape with a significant number of valued elements which all combine to give a positive character. However, there are also substantial parts that have been altered through development and industry. The turbines would be located on a relatively small part of a long mountain ridge, on the edge of the character area, which is also characterised by extensive blocks of forestry. The 6 turbines of the northern string would not have a significant influence on the overall character of the valley, given the scale of the development relative to the broad scale of the valley and the scale of its principal landscape components.

11.9.2 The Council point to the Bridgend LANDMAP assessment, which ascribes a moderate visual and sensory value to much of the Llynfi Valley, but a high value to Llangynwyd and the area north of Cwm Cerdin, extending to the mountain ridge to the north of the site. They also emphasise the historical and cultural associations of Llangynwyd, which were omitted from CPL's LANDMAP assessment, and the importance of the Margam mountain ridge as an element enclosing the valley and defining its landscape setting. I have considered these points. However, I consider that their real significance lies in the more localised context of consideration of the effects on Llangynwyd and its place in the landscape. As such, whilst they are highly relevant to the issue of effects on Llangynwyd and its setting, which I have dealt with above, they are much less forceful arguments in terms of the landscape character and amenity of the much larger and more diverse entity of the Llynfi Valley. Although the mountain ridge where the turbines would be sited is a key landscape element in the setting of Llangynwyd, it is a much less significant element in relation to the main Llynfi Valley settlements and travel routes on the valley floor.

11.9.3 I have also taken into account the local landscape designations of the Upper Llangynwyd Landscape Conservation Area and the special landscape area [Doc 13.4]. Policy EV10 of the deposit draft Bridgend UDP states that development that adversely affects such areas will not be favoured. However, such designations are of much lower significance than National Parks or AONBs, which reflect the national importance of the landscapes included within them. Even in the latter, such designation does not necessarily mean that there is no prospect of an acceptable location for wind power development being found. Moreover, policy EV10 applies to virtually all of the Llynfi Valley area, and most of the geographical area of Bridgend CBC. The existence of these landscape designations does not alter the underlying requirement to assess a scheme on its particular merits, and to balance adverse environmental effects against its benefits.

11.9.4 I conclude on this issue that whilst there would be some adverse effects on the landscape character and visual amenity of the Llynfi Valley, these effects would be relatively modest in the context of the area as a whole.

11.10 Other matters [4.4, 4.8-4.9, 5.2, 8.4, 9, 10]

- 11.10.1 I have considered the question of landscape and visual impact on other areas. The southern string of turbines would be clearly visible from locations within the coastal plain to the south-west of the site, from where they would be seen at a distance of around 2-4km [*Photo 3 Figures 9.8-10*]. Their impact on the landscape, which is assessed as low to medium landscape value, would in my view be moderate, as would the significance of the visual effect for receptors, including residents in this area. Residents of the Coed Hirwaun development would be closer, around 1.7km. However, few of the houses would have views of the turbines, because of the layout of development and the orientation of dwellings, topography and the screening effects of surrounding trees. Whilst a small number of dwellings would have clear views of the turbines from some windows [*Doc 8.5*], the impact on residential amenity arising from visual effects would be relatively moderate.
- 11.10.2 Although some residents at Gilfach Houses near Llangynwyd and at Coed Hirwaun have objected because of concerns about disturbance from turbine noise, a technical assessment of turbine noise effects was included with the ES [*Doc 3 CD3.2 Chapter 6*]. This concludes that the noise from the wind turbines will not have a significant effect on the amenity of occupiers of any existing dwellings. A computer simulation of the turbines has demonstrated that compliance with normally accepted noise limits can be guaranteed. The Council does not take issue with this assessment, and no other party has produced evidence to challenge this analysis. There is thus no sustainable objection to the proposal on noise grounds [*4.9.1*].
- 11.10.3 HALT express concern over the proposed access details to the site [*9.13*]. The roads leading to the site across Mynydd Baeden are narrow country roads; however, they are lightly trafficked, and significant traffic movements are only likely during the construction period of 17 weeks. The proposed access route [*Plan D Figure 7.1*] has been considered by the highway authority, who raise no objection to the proposal. The particularly difficult road section onto Mynydd Baeden would be avoided by utilising a route already agreed over private land, utilising geotextile matting laid on the ground to provide a temporary surface. A similar method would be used for temporary trackways in the area of the turbines themselves. CPL maintain that this would not constitute development; this is not disputed by the Council, and would be a matter for them and Bridgend CBC. There is no evidence that this procedure would harm sites of archaeological interest. Transport of turbine components to the site would involve liaison with the highway authority. In my view the proposed access arrangements to the site would not cause unacceptable disruption to the relatively few road users affected, and would not have a significant effect on highway safety.
- 11.10.4 Whilst there are a number of rights of way crossing Margam mountain in the vicinity of the site, only right of way No.17, from the Llangynwyd road to the Bridgend CBC boundary at the top of the ridge, is a bridleway. The continuation of this route to the public highway near Ton Mawr farm is not so designated. There is no substantive evidence, or evidence in terms of the physical state of the route, to support the British Horse Society's claim that this is a much-favoured riding trail [*10.9*]. In any event, any riders and horses would have clear advance views of turbines 9, 10, 1 and 2; as such, they would be unlikely to be caught unawares by unexpected close-range blade movements. No evidence has been put forward to support any suggestion that there would be safety implications for footpath users. I consider that no significant public safety issue would arise from the turbine positions relative to public rights of way [*10.9, 9.12, 4.9.4*].

- 11.10.5 Arguments that the proposal would harm tourism in the area [10.7, 5.2.10] are not substantiated by any hard evidence. Mr Stewart's evidence that the overall effects of wind farm development on tourism are either neutral or unproven was essentially unchallenged [4.9.2]. There is no hard evidence in this case about existing tourism patterns or levels, or about the likely effect of the proposed development on these.
- 11.10.6 Although it is recognised that tall structures such as wind turbine towers are capable, in certain circumstances, of causing electromagnetic interference to television and other signals [8.4.4], enquiries by CPL with relevant bodies do not reveal a significant likelihood of such problems in this case. The turbines would be of a design that gives rise to minimal problems of this nature; moreover, a condition could be imposed to ensure that any such effects are eliminated before the turbines are brought into use [Doc 3 CD3.2p271; Doc D additional condition 3 suggested by CPL].
- 11.10.7 Whilst concern is expressed about possible flicker effect caused by the shadows of the moving turbine blades, there is no evidence to demonstrate that the positions of the turbines would be likely to cause such a problem for any particular dwelling [9.11].
- 11.10.8 Concerns that residents of Coed Hirwaun would suffer noise, dust and disturbance from contractors' traffic during the construction period [10.11] are baseless, since the access route to the development site would be far away from these dwellings.
- 11.10.9 I have also considered the claim by Mr Clegg [10.10] that to permit the development would violate his rights under the Human Rights Act, because it would interfere with his ability to practice his Pagan religion at the site of Twmpath Diwlith. However, since Twmpath Diwlith is on private land (part of Castell Farm) without public right of access, and no permission has been given for Mr Clegg to visit Twmpath Diwlith for this purpose, there is no right in law for the activity in question in this instance [4.9.5].

11.11 Balancing of considerations and overall conclusions

- 11.11.1 Section 54A of the Town and Country Planning Act 1990 requires that, in making any determination under the act, regard is had to the development plan, so far as relevant; and that the determination be made in accordance with the provisions of the plan, unless material considerations indicate otherwise.
- 11.11.2 In this case policies EQ2 and EQ7 of the West Glamorgan Structure Plan Review No 2 are the key elements of the development plan. However, these policies must be applied in the light of more recent national policy guidance in PPW (March 2002), which reflects the subsequent development of UK and Welsh Assembly Government policy concerning climate change and greenhouse gas issues and the need to develop a more environmentally sustainable approach to energy production and use. TAN 8 Renewable Energy (November 1996) is also an important material consideration, setting out key technical and environmental considerations relevant to the assessment of wind turbine developments.
- 11.11.3 WGSP policy EQ2 effectively resists renewable energy production developments where there would be adverse effects on any statutorily designated area or site of heritage conservation interest, or demonstrable harm to any other area of special landscape value or site of special heritage interest. However, this is a more restrictive stance towards renewable energy developments than that adopted by government policy guidance. Government policy seeks to facilitate the development of all forms of renewable energy where this is

environmentally and socially acceptable. Wind turbine developments for energy production on a commercial scale will almost inevitably have significant environmental effects. The central question is whether these effects are so adverse as to be environmentally unacceptable, taking into account the important benefits of such schemes in terms of environmentally sustainable energy production, contributing to Government renewable energy production objectives and targets, and any other benefits identified.

- 11.11.4 The proposed development would have clear and considerable benefits in terms of the amount of energy produced from a sustainable energy source. The importance of this should not be underestimated. The scheme would assist towards meeting government objectives and renewable energy production targets within sustainable energy strategies in a Wales and a UK context. I also attach weight to the associated economic and employment benefits. However, for the reasons given, I do not regard the proposed viewing platform or the additional archaeological investigations that might occur as weighing in favour of the proposal. The intent to provide an opportunity for local people to have a stake in the development does not, on the evidence, add materially to the argument for permission. The educational potential of such development close to existing activities at Margam Park may also be a benefit; but it is one that carries little weight in planning terms, in my view.
- 11.11.5 On the other hand the development would have serious and highly significant adverse environmental impacts, in terms of its effects on the character of Margam Park and its setting; its effects on the settings of individual scheduled ancient monuments and, in one case, on the scheduled monument area itself; and its effects on the Mynydd Margam landscape of special historic interest. In my judgement the extent and nature of the effects on these aspects of the area's special historical heritage and value, which make it of national significance, would be unacceptable. The development would also have a significant adverse impact on the character of the Llangynwyd Conservation Area and its setting. This also weighs significantly against the proposal.
- 11.11.6 These are compelling objections to the scheme. They are unacceptable environmental effects, which far outweigh the factors in favour of the scheme and render the development contrary to the provisions of the development plan, particularly policies EQ2 and EQ7. The development moreover would not accord with national policy guidance which, whilst encouraging renewable energy development schemes, seeks to do so in an environmentally sound manner. In particular, PPW paragraph 12.10.1 states that where such a development is likely to cause demonstrable harm to a designated area by having a significant adverse impact on the qualities for which the site was designated, consideration should be given to refusing the development if such effects cannot be overcome by planning conditions or agreements. In my view this is such a case. For the reasons given in detail above, there are clear, compelling objections to the development as regards both strings of turbines.
- 11.11.7 In arriving at my overall conclusion I have taken into account all other matters raised. However, nothing else is sufficient to outweigh the factors leading to my recommendation.

12. Conditions in the event of a decision to approve

- 12.1 During the inquiry there was extensive discussion with the parties about conditions to be imposed on any permission granted in the event that my recommendation is not accepted and permission is granted in respect of all or some of the development. The Council suggest 20 conditions [*Document D part 1*] as necessary in the event that permission is

granted. These are to ensure that the development is acceptable as regards the manner of implementation; the details of development and operation through its life; and the removal of the turbines and restoration of the site at the end of their operational life.

- 12.2 CPL confirm their agreement to these conditions, if considered necessary, with the exception of condition 13 concerning hours of working and construction traffic movements. CPL consider this condition unreasonably restrictive; but would accept a restriction on the times of heavy construction traffic movements if considered necessary, as set out in their suggested condition 1 [*Document D part 2*]. They also suggest conditions to secure provision of the viewing platform and to address concerns voiced over possible electromagnetic interference caused by the turbines.
- 12.3 I have considered the justification for these conditions, having regard to the advice on use of conditions in planning permissions contained in Circular WO 35/95, PPW and TAN 8 [*Docs 5 CD5.7, CD5.1 and CD5.4 (paras A57, A58)*]. I consider conditions 1-8, 10-12 and 14-20 as suggested by the Council, together with condition 3 put forward by CPL, to be both necessary and reasonable if permission is granted for the development.
- 12.4 However, having regard to the advice in TAN 8 paragraph A57 concerning the scope and need for controls over construction traffic movements, I consider that suggested condition 9 is inappropriate. Given physical highway constraints, it is unlikely that large vehicles would attempt any route to the site other than those shown in the ES. Vehicle routes should in any event be controlled, where necessary, under road traffic regulation legislation. Given the distance from dwellings and the low level of conflict or disturbance likely to arise from movements to and from the site, neither the Council's suggested condition 13 nor CPL's suggested alternative would be necessary, in my view. I see no need for CPL's suggested condition 2, given my conclusion that the viewing platform would not be a benefit and thus is not essential to the scheme's acceptability.

13. RECOMMENDATION

13.1 I recommend that the appeal be dismissed.

Inspector

FOR CADW:

Mr R C Turner MA(Cantab) Inspector of Ancient Monuments, CADW

He gave evidence himself
and also called

Mrs E H Whittle Inspector of Historic Parks and Gardens, CADW
BA/MA(Cantab) FSAL

FOR CAMPAIGN FOR THE PROTECTION OF RURAL WALES:

Mr G A Sinclair Principal, Environment Information Services and part-time Consultant to CPRW

He gave evidence himself,
and also called

Mr R Sheppard 25 Llwyn Arian, Coed Hirwaun, Margam, Port Talbot
SA13 2UP (giving evidence on behalf of residents
of Coed Hirwaun)

FOR HOUSEHOLDERS AGAINST LLANGYNWYD TURBINES (H A L T):

Mr A Thomas Y Babell, Llangynwyd, Maesteg CF34 9SF

He called

Mr R Hart-Jones Llys Hen Lanciau, Llangynwyd, Maesteg CF34 9SB

INTERESTED PERSONS:

Mr I Einion Ty Gwyn Bach, Talbot Terrace, Maesteg CF34 9YA

DOCUMENTS

Document	A	Note of pre-inquiry meeting and attendance list
Document	B	Inquiry attendance lists
Document	C	Inquiry notification letter and associated notices
Document	D	List of conditions suggested by LPA and appellant
Document	1	Core Documents - Legislation
	CD1.1	Ancient Monuments and Archaeological Areas Act 1979
	CD1.2	Electricity Act 1989
	CD1.3	Town and Country Planning Act 1990 (as amended)
	CD1.4	Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999
Document	2	Core Documents - Planning Application and Decision
	CD2.1	Application forms and Article 7 certificate Drawing 1 Site Plan Drawing 2 Turbine Details Drawing 3 Turbine Foundations and Cable Trenches Applicant's letter of 30 April 2002
	CD2.2	CPL proposal fact pack July 2002
	CD2.3	Statutory consultation letters and responses
	CD2.4	Letters of objection
	CD2.5	Letters of support
	CD2.6	Report to Development Control Committee 4 October 2002
	CD2.7	Notice of refusal of planning permission 4 October 2002
Document	3	Core Documents - Environmental Statement
	CD3.1	Vol 1 - Non-Technical Summary April 2002
	CD3.2	Vol 2 - Environmental Assessment April 2002
	CD3.3	Vol 3 - Figures and Plans April 2002
	CD3.4	Vol 4 - Site Selection Overlays March 2002
	CD3.5	Supplement 1 - Assessment of Seascape Effects June 2002
	CD3.6	Supplement 2 - Additional Ecology Surveys August 2002
Document	4	Core Documents UDPs, Structure Plans and Local Plans
	CD4.1	Bridgend CBC UDP Deposit Draft 2001
	CD4.2	Cwmafan, Bryn, Goytre Valley and Rural Margam Local Plan 1989
	CD4.3	Mid Glamorgan Replacement Structure Plan 1991-2006 (Bridgend CBC)
	CD4.4	Neath Port Talbot UDP Deposit Draft January 2003
	CD4.5	Ogwr Borough Local Plan 1995
	CD4.6	Port Talbot Local Plan Deposit Draft Written Statement
	CD4.7	West Glamorgan Structure Plan Review No 2 (February 1996)

Document	5	Core Documents - Government Planning Guidance
	CD5.1	Planning Policy Wales March 2002
	CD5.2	TAN (Wales) 5 Nature Conservation and Planning
	CD5.3	TAN (Wales) 6 Agricultural and Rural Development
	CD5.4	TAN (Wales) 8 Renewable Energy
	CD5.5	TAN (Wales) 11 Noise
	CD5.6	TAN (Wales) 17 Environmental Assessment
	CD5.7	Welsh Office Circular 35/95 The Use of Conditions in Planning Permissions
	CD5.8	Welsh Office Circular 60/96 Planning and the Historic Environment: Archaeology
	CD5.9	Welsh Office Circular 61/96 Planning and the Historic Environment: Historic Buildings and Conservation Areas (extract)
	CD5.10	PPG 22 Renewable Energy (October 1994)
Document	6	Core Documents - Other Documents Relevant to Windfarm Development and Energy Policy
	CD6.1	Best practice guidelines for wind energy development (BWEA 1994)
	CD6.2	No document provided
	CD6.3	Guidelines for landscape and visual impact assessment, Landscape Institute and the Institute of Environmental Assessment (E and F N Spon 1995 and 2nd Edn 2002)
	CD6.4	Foreword, Ch. 1 and Ch 4 : Energy white paper: "Our energy future - creating a low carbon economy" (DTI, February 2003)
	CD6.5	Review of energy policy for Wales: Renewable energy - a final report (NAW Economic Development Committee, January 2003)
	CD6.6	"A sustainable energy strategy? Renewables and the PIU review - Government response to the select committee's 5th report of session 2001-2" House of Commons environmental audit committee second special report of session 2002-3 HC471 (2003)
	CD6.7	Statement on the energy programme by Andrew Davies, Minister for Economic Development (NAW, 26 February 2003)
	CD6.8	Foreword and executive summary, The Energy Review, a Performance and Innovation Unit report (February 2002)
	CD6.9	The future role of renewable energy (NAW short debate Nov 2000)
	CD6.10	Summary of "Energy - the changing climate", Royal Commission on Environmental Pollution (June 2000)
	CD6.11	Climate change (NAW debate, 10 May 2000)
	CD6.12	"A sustainable Wales - learning to live differently" (January 2000, NAW consultation)
	CD6.13	"A better quality of life: a strategy for sustainable development for the UK" (May 1999)
	CD6.14	Government response to "Electricity from renewables", in the 12th Report (1998-99 session) of the House of Lords Select Committee on the European Communities
	CD6.15	"Renewable energy in Wales - the views of the Countryside Council for Wales" (January 2002)

Document	7	Core Documents - Other relevant Landscape and Environment Documents
	CD7.1	Caerphilly/Rhondda-Cynon-Taff/Bridgend Landscape Strategy (LANDMAP)
	CD7.2	WDA Landscapes "Working for the valleys of Neath Port Talbot"
	CD7.3	WDA Landscapes "Working for Wales, landscape strategy for Port Talbot"
	CD7.4	"Caring for historic landscapes" (Cadw 2003)
	CD7.5	"Proposed wind cluster, Mynydd Margam" - Archaeological impact assessment part 2, Geophysical survey and reconnaissance (Archaeological Investigations Ltd, (Hereford archaeology series 521, March 2002)
	CD7.6	Register of landscapes of outstanding historic interest in Wales (Cadw, 1998) [part 2.1 of the overall Register]
	CD7.7	Register of landscapes of special historic interest in Wales (Cadw, 2001)(including entry for Margam Mountain, pp 59-63) [part 2.2 of the overall Register]
	CD7.8	Register of landscapes of special historic interest in Wales - Glamorgan (Cadw, 2000)(including entry on Margam Park, pp 102- 112)[part 1 (Glamorgan) of the overall Register]
	CD7.9	Guide to good practice on using the Register of landscapes of historic interest in Wales in the planning and development process (Feb 2003 version and June 2003 final draft)
	CD7.9A	September 2001 Draft Version 1
	CD7.10	Valuing our environment - Economic impact of the environment in Wales (CCW et al, 2001)
	CD7.11	Valuing our environment - Economic impact of the environment in Wales, technical summary (CCW et al, 2002)
	CD7.12	Extracts from LANDMAP Guidelines 1 st Ed. 2001
 Document	 8	 Proofs/Appendices to Mr Lloyd's evidence for CPL:
	8	Mr Lloyd's proof
	8.1	Letter to LPA Development Control Committee, 3 October 2002
	8.2	Details of CPL pre-application meetings and correspondence
	8.3	Letter to CADW requesting pre-application meeting
	8.4	CPL summary of consultation responses, clarification and rebuttal
	8.5	Estimate of Coed Hirwaun house windows with views to turbine 2
	8.6	Supplementary evidence explaining initial error in visualisation for viewpoint 16c and subsequent correction

Document	9	Proof/Appendices to Mr Stewart's evidence for CPL:
	9	Mr Stewart's proof
	9.1a-1c	Government policy statements on renewable energy
	9.2	NFFO contracts undertaken
	9.3	Life cycle emissions table
	9.4,5	Commentaries on Planning Policy Wales 2002 and TAN (Wales) 8
	9.6	Government response to Welsh Affairs Select Committee
	9.7	Comments on Countryside Commission and CCW policy statements
	9.7A	Extracts from CPRW magazine (introduced in x-x of Mr Sinclair)
	9.8-23	Sample appeal and call-in decisions
	9.24	Plan of sites involving cumulative visual effects issues
	9.25	Gaia Energy Centre brochure, Delabole
	9.26	Swaffham turbine letters
	9.27-32	Tourism figures and surveys for various areas (Appendices 27-32)
	9.33	Dovey footpath brochure
	9.34	Appeal decision - St Breock, Cornwall
	9.35-39	Windfarm public perception surveys (Appendices 35-39)
Document	10	Proof/Appendices to Mr Soltys' evidence for CPL:
	10	Mr Soltys' proof
	10.1	GS1 Landscape character areas
	10.2	GS7 Wireframes demonstrating effects of lens focal length on perspective and field of view
	10.3	GS9 Relative turbine sizes: comparison of cross-sectional areas
Document	11	Proof/Appendices to Mr Boucher's evidence for CPL:
	11	Mr Boucher's proof
	11.1-2	GGAT draft historic character areas
	11.3	Revised ASIDOHL for proposed development (June 2003)
	11.4	Application consultation response from GGAT
	11.5	Application consultation response from AMS
	11.6	Application consultation response from RCHM
Document	12	Proof/Appendices to Mr Watkins' evidence for the LPA:
	12	Mr Watkins' proof
	12.1	Details of Coed Morgannwg Way and St Illtyd's Walk
	12.2	Press cuttings concerning proposed development
	12.3	Margam Park Development Strategy: The Vision (March 2003)
	12.4	Neath Port Talbot web site information - Margam Country Park
	12.5	Planning and Development Control Committee report on Ffynnon Oer Windfarm, May 2003

Document	13	Proof/Appendices to Mr McComiskey's evidence for the LPA:
	13	Mr McComiskey's proof
	13.1	Margam forest - future felling programme (follows page 3 of proof)
	13.2	Potential impact of turbines on public footpaths at 2021 (follows page 4 of proof)
	13.3	Bridgend CBC Llynfi Valley LANDMAP visual and sensory aspect areas (follows page 14 of proof)
	13.4	Llynfi Valley - landscape/conservation designations (follows page 21 of proof)
	13.5	Margam Mountain - landscape designations (after page 29 of proof)
	13.6	Council version of landscape character area boundaries
Document	14	Additional Documents submitted by the LPA at the Inquiry:
	14.1	BWEA statistics on wind power progress through the planning system (April 2003)
	14.2	Background information on the Mari Lwyd and Llangynwyd
	14.3	Information on designation of Llangynwyd Conservation Area
	14.4	Extracts from definitive rights of way maps and statements, Neath Port Talbot and Bridgend areas
	14.5	Extract from Margam Park trail routes leaflet
	14.6	Comparisons of ES, Soltys and McComiskey Llynfi Valley landscape and visual impact assessments
	14.7	South Wales Evening Post Neath Port Talbot area public awareness survey 17 March 2003
	14.8	Details of 4.5MW turbine proposal at Baglan Bay (May 2003)
	14.9	Swaffham EcoTech centre information, October 2002
	14.10	Visitor numbers Margam Park 1978-2002 and publicity leaflet
	14.11	Notice of Deposit of Neath Port Talbot UDP 10 July 2003
Document	15	Proof/Appendices to Mr Turner/Mrs Whittle's evidence for CADW:
		Mr Turner and Mrs Whittle's combined proof
	15	Copy of Fox C and Fox A "Forts and Farms on Margam Mountain, Glamorgan" - Antiquity Vol 8 pp 395-413 (1934)
	15.1	Summary scheduling entries, maplets, aerial photographs of scheduled ancient monuments GM 057, GM 058, GM 059, GM 090, GM 443 and GM 557
	15.2	Listed building records for Margam Park
	15.3	Summary scheduling entry and maplet for scheduled ancient monument GM 162 Mynydd y Castell Camp (Margam Park)
	15.4	Margam Park Conservation Area map
	15.5	Location of scheduled ancient monuments relative to Tir Mostyn/Foel
	15.6	Goch windfarm proposal, Denbighshire

Document	16	Proof/Appendices to Mr Kelly's evidence for CCW:
	16	Mr Kelly's proof
	16.1	Part 2.2 pp59-63 of Register of Landscapes of Special Historic Interest in Wales - Entry for Margam Mountain
	16.2	Extract from appeal report to NAW concerning site within Gwent Levels landscape of special historic interest
	16.3	Map, aerial photographs, field descriptions and plans of late prehistoric enclosures GMs 057, 058, 059 and 090
	16.4	ES ZVI blades tips visibility map with boundary of Margam Mountain landscape of special historic interest
	16.5	Margam Mountain landscape of special historic interest and GGAT landscape character areas
	16.6	Extracts from Inspector's report on proposed windfarm at Tir Mostyn/Foel Goch, Nantglyn, near Denbigh
Document	17	Proof/Appendices to Mr Sinclair's evidence for CPRW:
	17	Mr Sinclair's proof
	17.1	Wind power installations in the UK to 2002
	17.2	Itinerary for comparative visit to Blaen Bowi wind turbines
	17.3	Potential visual impact of wind turbines in relation to distance
	17.4	Photography and turbine depiction issues
	17.5	CPRW commentary on Energy White Paper
	17.6	Summary of CPRW submission to WAG Economic Development Committee Consultation Paper on Renewable Energy
Document	18	Proof/Appendices to Mr William's evidence for CPRW
	18	Mr William's proof
	18.1	CPRW policies ON 1 - ON 3 for on-shore wind power generating proposals
	18.2	CPRW policies for off-shore wind power generating proposals
Document	19	Additional documents submitted by CPRW at the Inquiry:
	19.1	Table of other schemes relevant to consideration of cumulative effects
	19.2	Press report - Gaia Renewable Energy Centre, Delabole, Cornwall
	19.3	Information on viability of Ecotec Centre, Swaffham, Norfolk
	19.4	Minch Moor Wind Farm - Incorporation of felling plan information
	19.5	Diagram of CPRW's alternative landscape character assessment areas
	19.6	CPRW additional relevant viewpoint locations
	19.7	Ordnance Survey national GPS network information
	19.8	Note concerning calculation of planning application fees
	19.9	Background information on Scarweather Sands off-shore proposal

- Document 20** Proof/Appendices to Mr Sheppard's evidence for Coed Hirwaun residents
- 20 Mr Sheppard's proof
 - 20.1 List of Coed Hirwaun signatories to letter of objection
 - 20.2 Extracts from Coed Hirwaun developers' promotional material
 - 20.3 Note on multi-path propagation and radio wave interference
- Document 21** Appendices to Mr Hart-Jones' evidence for HALT
- 21 Mr Hart-Jones' proof
 - 21.1 Extracts from Bridgend CBC draft UDP 2001 (See also Doc 4 CD4.1)
 - 21.2 Extracts from Neath Port Talbot CBC UDP deposit draft 2003 (See also Doc 4 CD4.4)
 - 21.3 Extracts from Circular WO 61/96 (See also Doc 5 CD5.9)
 - 21.4 Map of conservation areas in the vicinity of the proposal
 - 21.5 Map of footpaths/bridleways in the vicinity of the proposal
 - 21.6 Extract from NAW Economic Development Committee Review of Energy Policy in Wales Renewable Energy - Final Report (January 2003) (See also Doc 6 CD6.5)
 - 21.7 Video of HTV programme on Llangynwyd (1995)
 - 21.8 Leaflet - Llangynwyd Village Trail
 - 21.9 Llangynwyd Conservation Area description and map (1973)
- Document 22** Other Representations made to the inquiry
- 22.1 Transcript of Mr Einion's oral evidence
 - 22.2 Written representations from other parties and individuals

PLANS

- Plan A** Application drawings:
Drawing 1 Site Plan
Drawing 2 Turbine Details
Drawing 3 Turbine Foundations and Cable Trenches
- Plan B** Supplementary plans produced by Council and agreed by CPL during inquiry showing turbine positions relative to ancient monuments and rights of way
- Plan C** Supplementary plans produced by CPL during inquiry confirming detailed positions of proposed turbines 1, 5 & 6
- Plan D** **Figures from Volume 3 of Environmental Statement (see Document 3 CD3.3):**
Figure 1 Site location
Figure 3 Site design and layout
Figure 6 Grid connection
Figure 7.1 Site access Option 1

Figure 7.2 Site access Option 2 - Main route
Figure 7.3 Site access Option 2 - Secondary route
Figure 8.1 ZVI analysis - Number of turbine towers visible (to within 5m of base)
Figure 8.2 ZVI analysis - Number of turbine hubs visible
Figure 8.3 ZVI analysis - Number of turbines with blade tips visible
Figure 8.4 ZVI analysis - Cumulative visual effects
Figure 9 Viewpoint locations 1-20 (see Photo 3)
Figure 10.1 Noise prediction contours - maximum power output
Figure 10.2 Noise prediction contours - reduced noise levels
Figure 11.1 Archaeology - site location plan
Figures 11.2-5 Archaeology - extracts from historic maps
Figure 11.6 Archaeology - location and period of sites within study area
Figure 11.7 Archaeology - sites and hollow ways within study area
Figure 11.8 Archaeology - 1884 Ordnance Survey extract
Figure 11.9 Archaeology - earthworks around Caer Blaen y Cwm
Figure 11.10 Archaeology - location of hollow ways in central and southern areas
Figure 11.11 Archaeology - features and boundaries of 1814 Wright Hall survey
Figure 11.12 Archaeology - locations of scheduled ancient monuments (SAMs) and Margam Park area of essential setting
Figures 11.14-18 Archaeology - geophysical surveys
Figure 11.19 Archaeology - provisional character areas
Figure 12.1 Ecology - phase 1 habitat plan
Figure 13 - Selected rights of way
Figure 14 - Local recreational activity
Figures 15.1-15.2 - Landmap landscape characterisation steps

Plan E Additional ZVI analysis submitted by Mr Soltys for CPL (Fig GS6):
Figure 8.5 - Blade tip visibility assuming zero forest cover on Margam mountain

Plan F Visibility of ancient monuments from viewing platform (CPL Figure ALR9)

Plan G Cross-sections showing estimated views of SAMs from Turbine 10 (LPA)

PHOTOGRAPHS AND VISUALISATIONS

Photo 1 Illustrative turbine viewing platform arrangement (ES Vol 3 Figure 4.2)
(Document 3 CD3.3)

Photo 2 Possible connection arrangement to existing disused pylon line (Figure ALR11)

Photo 3 Viewpoints 1-20 (ES Vol 3 Figures 9.1-9.20) **(Document 3 CD3.3):**

- 1 Margam works
- 2 M4 junction 38, start of A48
- 3 Entrance to Margam Park
- 4a Centre of Margam Park
- 4b 360° panorama, centre of Margam Park
- 4c Point of maximum visibility within Margam Park
- 5 Margam House
- 6 Mynydd y Castell (fort above Margam House)
- 7 Bro viewpoint within Margam Park (edge of ridge above breast plantations)

- 8 A48 at entrance to Coed Hirwaun development
- 9 Main line railway at intersection with M4
- 10 M4Pyle junction
- 11 Bridgend rail station
- 12 B4281, Kenfig Hill
- 13 B4281, Cefn Cross
- 14 Coed Morgannwg Way on top of ridge
- 15 Top of ridge at northern end of site
- 16a Llangynwyd Churchyard
- 16b Llangynwyd south end of village (grounds of the Old Inn)
- 16c Llangynwyd Memorial Cross (see Photo 4 and Document 8.9)
- 17 No photo (ZVI shows no visibility of any part of turbines from this viewpoint)
- 18 Bettws
- 19 Maesteg
- 20 Within Coed Hirwaun development

Photo 4 Corrected viewpoint 16c Llangynwyd Memorial Cross (**see Document 8.6**)

Photo 5 Additional photos submitted by Mr Lloyd for CPL

5.1 Views from Mynydd y Castell (hill fort above Margam Castle) (Fig ALR1)

5.2 Wide angle view from viewpoint 7, including towards turbines 6-11 (Fig ALR10)

Photo 6 Additional viewpoint photos/wirelines appended to Mr Soltys' evidence for CPL (**see Document 10.1/10.2**):

GS2 Wireline and photo from Heol Shon, Cefn Cribwr

GS3 Wireline and photo from southern edge of Bettws

GS4 Photo from B4283 leaving Pyle

GS5 View across Llynfi Valley from Ogwr Ridgeway Walk

Photo 7 Views of site from Llangynwyd included in Mr McComiskey's evidence for the Council (**see following page 16 of proof, Document 13**)

Photo 8 Supplementary photos submitted by Mr McComiskey for the Council

8.1 Landscape and visual impacts of proposal viewed from Mawdlam

8.2 Landscape and visual impacts of proposal viewed from Llangynwyd

Photo 9 Photographs and visualisations from Llangynwyd viewpoints selected by HALT (Appendix 7 to HALT Evidence - **see Document 21**):

Figure 1a/1b - From public seat on Llan Road

Figure 2a/2b - From same viewpoint but with wider lens to give expanded view

Figure 3a/3b - From edge of village on road leading towards Aberbaiden

Figure 4a/4b - From Gilfach Cottages facing due west

Figure 5a/5b - From village telephone box (by Memorial Cross)

Figure 6a/6b - From same viewpoint but with wider lens to give expanded view

(Inspector's note: Figure 5a/5b is actually the wider view)

Figure 7a/7b - From Lamb and Flag house on road to Cwmfelin

Photo 10 Archaeological sites (ES Vol 3 Figure 11.13) (**see Document 3 CD3.3**):

Plate 1 - View north to Twmpath Diwlith (SAM GM557)

Plate 2 - View south from Twmpath Diwlith

Plate 3 - View south-west towards Caer Cwm Philip (SAM GM57)

Plate 4 - View west to Caer Blaen y Cwm (SAM GM58)

