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Eich cyf . Your ref EFH/28072/1/PFI

Ein cyf . Our ref A-PP153-99-003

Dyddiad . Date: 6 July 2004

Dear Sirs

Transport and Works Act 1992: Section 3

Application by United Utilities Scarweather Sands Ltd for the construction and operation of an offshore wind farm and associated works on the bed of Swansea Bay at Scarweather Sands, approximately 11 kms south of Port Talbot in the County Borough of Neath Port Talbot and on land within that County Borough

1. A Planning Decision Committee of the National Assembly for Wales (PDC (2) 2004/3) has considered the application for an Order, under section 3 of the 1992 Act, and an application for an associated deemed planning permission under section 90(2) of the Town and Country Planning Act 1990, submitted by United Utilities Scarweather Sands Ltd on 24 January 2003.
2. Consideration has been given to the report of the Inspector Mr S Wild MRTPI MCMI who held a public inquiry between 3 and 27 November 2003 into your client's application for 30 wind turbines and associated development on Scarweather Sands in Swansea Bay. A draft Order was submitted with your client's application.
3. On 22 June 2004 the National Assembly resolved that a committee to be known as Planning Decision Committee (2) 2004/3 be established in accordance with Assembly Standing Order 17 to discharge the

functions of the Assembly under section 6 of the Transport and Works Act 1992. Accordingly, the Planning Decision Committee has considered the application and, as required by Standing Order 17.16, the Chair of the Committee has signed this letter which the Committee has resolved to adopt.

4. The Inspector's overall conclusions are set out in paragraphs 121 to 128 of his report, and in paragraphs 60 to 66 of the addendum to the report. These conclusions and his recommendation, are reproduced as an Annex to this letter. The Inspector recommended that the Order should not be made and that deemed planning permission should be refused. For the reasons set out below, the Planning Decision Committee disagrees with his overall conclusions and recommendation and has taken the view that the Order should be made with modifications.

5. The Inspector considered the application in the context of a Statement of Matters prepared by the Assembly prior to the inquiry. Of these matters, or main issues, the Inspector concluded that none, either separately or together, raised sufficient concerns to warrant not making the Order, with one exception. The Inspector considered that effects of visual impact on both landscape and coastline would be significant and harmful and that concerns about this were sufficiently strong to warrant not making the Order.

6. The Committee has considered all the issues. It has given particular consideration to the Inspector's evaluation of the needs and benefits, alternative sites and visual impact issues. The Committee takes the view that these three issues when considered against national renewable energy policies and targets are the most important issues on which the decision should turn.

7. On the first issue - the needs and benefits of the scheme - the Inspector concluded that the proposal would have considerable benefits. The Welsh Assembly Government has set a target of 4TWh to be produced by renewable energy in order to meet the UK national target of producing 10% of its electrical power production by 2010. The Assembly will support renewable energy proposals which are economically attractive and environmentally acceptable.

8. On the matter of alternative sites, the Inspector noted that objections related almost solely to the suitability of this specific site. In terms of considering why this specific site was chosen the Inspector concluded that, from an engineering and technical point of view, the site is suitable. He noted that the limitations of the Crown Estate lease are that the turbines could only be moved by up to 50% out of the identified site. His view was that it was impossible to consider a re-configured windfarm further into Swansea Bay. The Committee agrees with these conclusions and has taken the view that, although the matter of alternative sites was considered at the inquiry, it is necessary only for it to consider the merits or otherwise of this specific proposal at this particular site.

9. On the matter of visual impact, although the Inspector has not made the point explicitly, it is the Committee's view that his emphasis on the significance of the visual effects of the proposal, on the landscape and seascape, relates directly to the particular configuration and confines of Swansea Bay.

10. The Inspector concluded overall that determining issues involve a balance between the benefits of the production of renewable energy against the dis-benefits of the effects of the proposal on the visual amenity of Porthcawl and its possible related impact on the tourism and outdoor recreation. The Committee agrees and, furthermore, considers that, although the Inspector has considered the possible visual effects on individual activities, it is the overall visual effect of the windfarm on public amenity throughout the coastal area which is significant and harmful. He concluded that it would be impossible to build the windfarm without it having a significant deleterious visual effect on the area and it is on that basis that his recommendation has been made.

11. The Committee takes the view that, although the windfarm will have a visual effect on public amenity in the area, it recognises that each individual's perception of that impact may be different. In this case the Committee has concluded that the visual effect on public amenity and the local tourism industry identified by the Inspector will be outweighed by the significant benefits arising from the development in terms of the production of renewable energy.

12. For the reasons set out in this letter, in the light of the conclusions of the Inspector, the Committee accepts the Inspector's consideration of the issues but disagrees with his overall conclusion and with his recommendation. It considers that the proposed Order should be made with the modifications presented by the Inspector, (inquiry document CD87 with inquiry document UU/0/02) and that deemed planning permission should be granted.

13. As a result of the Committee's decision a notice of intention will be issued to all Assembly Members, giving each 5 days to register dissatisfaction that the Order is to be made. This will be done as soon as possible after the Assembly's Summer Recess. If at least 10 Assembly Members are dissatisfied they may table a motion which will cause the Order not to be made. In the absence of such a motion the Assembly may proceed to make the Order. If a motion is tabled the Assembly will need to consider making the Order following the procedure set out in its Standing Orders 24.6 to 24.25.

A copy of this decision letter has been sent to all those persons and organisations represented at the inquiry and the relevant local coastal authorities.

Yours faithfully

Alun Ffred Jones AM

Chair, Planning Decision Committee (2) 2004/3

Enc; Leaflet "HC (TWA)"