Penderfyniadau Cynllunio ac Amgylchedd Cymru
Planning & Environment Decisions Wales

Report

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by Melissa Hall BA(Hons) BTP MSc MRTPI

an Inspector appointed by the Welsh Ministers

Report date: 23/08/2024

TOWN AND COUNTRY PLANNING ACT 1990, SECTIONS 62D

APPLICATION BY: DRAGON ENERGY LIMITED

LOCAL PLANNING AUTHORITY: PEMBROKESHIRE COUNTY COUNCIL

FOR: THE CONSTRUCTION, OPERATION AND MAINTENANCE, AND DECOMMISSIONING OF UP TO THREE WIND TURBINES, AND ANCILLARY EQUIPMENT AND INFRASTRUCTURE, TOGETHER WITH ACCESS IMPROVEMENTS, LANDSCAPING, ECOLOGICAL MITIGATION / ENHANCEMENT AND ASSOCIATED WORKS.

TOWN AND COUNTRY PLANNING ACT 1990, SECTIONS 62F

APPLICATION BY: DRAGON ENERGY LIMITED

LOCAL PLANNING AUTHORITY: PEMBROKESHIRE COUNTY COUNCIL

FOR: TEMPORARY ACCESS ROADS AND ASSOCIATED HIGHWAY AND LANDSCAPING WORKS TO FACILITATE DELIVERIES OF ABNORMAL INDIVISIBLE LOADS DURING CONSTRUCTION AND MAINTENANCE.

AT: LAND SOUTH OF THE DRAGON LNG TERMINAL, WATERSTON, MILFORD HAVEN, PEMBROKESHIRE

Ref: CAS-01859-K1M7Y6

The Development of National Significance (DNS) Application:

- The application dated 3 July 2023, was made under section 62D of the Town and Country Planning Act 1990 (as amended by the Planning (Wales) Act 2015).
- The applicant is Dragon Energy Limited.
- The application was confirmed as valid on 13 October 2023.
- Site visits took place on 15 July and 25 July 2024.
- The proposed development is the construction, operation and maintenance, and decommissioning of up to three wind turbines, and ancillary equipment and infrastructure, together with access improvements, landscaping, ecological mitigation / enhancement and associated works.

Secondary Consent Application:

- The secondary application dated 30 June 2023 was made under section 62F of the Town and Country Planning Act 1990 (as amended by the Planning (Wales) Act 2015).
- The application is made by Dragon Energy Limited.
- The application is for temporary access roads and associated highway and landscaping works to facilitate deliveries of abnormal indivisible loads during construction and maintenance.

Summary of Recommendations:

That the DNS application be granted subject to conditions.

That the secondary consent application be granted subject to planning permission being granted for the DNS Application.

Preliminary and Procedural Matters

1. Within the meaning of the Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2017, the proposed development is EIA development. Accordingly, the application is accompanied by an Environmental Statement (ES). As a consequence of the potential impact on the National Sites Network this report also includes a Habitats Regulations Assessment (HRA).
2. The application was suspended until July 2024. The first suspension enabled the applicant to provide additional information which included material to supplement the ES, which was submitted in January 2024 and was the subject of further publicity and consultation. The second suspension followed the postponement and subsequent cancellation of the hearing sessions. Owing to the resolutions reached between the parties during the period of suspension and that I was satisfied I could understand the parties' cases sufficiently, the Examination proceeded via Written Representations.
3. Following an unaccompanied site visit to extensive parts of the immediate and wider surroundings in weather of intermittent rain showers with varied levels of visibility, I undertook a second site visit to the site (access provided by the applicant) and surrounding area in dry weather conditions with good visibility.

Site and Surroundings

4. The site lies in south-west Pembrokeshire, approximately 3.2 km north-west of Pembroke Dock town centre and 2km to the south-east of Milford Haven town centre.

The Pembrokeshire Coast Path National Trail and Wales Coast Path runs immediately the north-west, west, south and east of the site.

5. The Dragon Liquified Natural Gas (DLNG) Terminal and the Valero Pembrokeshire Oil Terminal adjoin the site to the north-east which, together, cover an area of over 160 hectares and house a variety of petrochemical and Liquified Natural Gas (LNG) storage tanks and related infrastructure including LNG regasification facilities served by a jetty to receive specialist LNG transportation ships.

6. The application site covers an area of approximately 29.14 hectares (ha) and comprises 3 parcels of land. The main part lies adjacent to the DLNG Terminal together with existing access tracks connecting with the B4325 to the north, a second construction compound lies within the main Dragon LNG Terminal which can be accessed from the public highway via the existing main access gate and ecological mitigation land lies to the south of Venn Farm. Additional areas of land relate to the secondary consent application for off-site optional temporary turbine delivery access trackways.

7. The main part of the site comprises an operational solar farm set within grassland with surrounding fences and hedgerows, a large earth bund with planting, a small area of rough grazing and a network of existing access tracks that serve the existing Terminal and solar farm. It is bounded to the north and east by the DLNG Terminal/Valero Pembrokeshire Oil Terminal, to the south by the Milford Haven Waterway and jetties associated with the DLNG Terminal, to the west by a minor watercourse and decommissioned former Ministry of Defence land and to the north-west by agricultural farmland. A north-south central hedgerow divides the area within which the wind turbines are proposed into two distinct development parcels. The western parcel contains three visual navigation aids, located on the western boundary and central hedgerow, which are utilised by ships navigating Milford Haven.

8. There are operational wind turbine clusters and single turbines within the area. The closest cluster of four 100m turbines are located between 200m and 1km to the east of the site and make up the Wear Point Wind Farm. To the north of the site are six turbines; the Castle Pill Wind Farm forms the most westerly group of three turbines with a separation distance of around 1.2km from the nearest proposed wind turbine. To the east of this group is a single turbine at Lower Scoveston Farm and two turbines of Scoveston Park.

9. The site is separated from the nearest settlements of Blackbridge, Waterston and Hazelbeach by approximately 1km. However, there are a small number of groups of dwellings in the vicinity that are closer.

Proposal

DNS Application

10. The proposed development would consist of 3 no. turbines with a maximum blade tip height of 149.9m. Based on current turbine specifications, it is expected that each turbine would have an output of between 4.2MW and 4.5MW, giving a total maximum installed capacity of between 12.6MW and 13.5MW.

11. The turbine model chosen would depend on that available at the time of procurement with the aim of optimising renewable energy generation at the site. Nevertheless, for EIA purposes the Vestas V136 has been used as the reference wind turbine as this is the largest candidate machine in terms of tip height and rotor diameter.

12. The proposed development would also include the following infrastructure:

- turbine foundations, hardstandings and crane pads;

- tracks connecting each of the turbine locations;
- control building / substation;
- network of underground cables linking the turbines to a combined substation and control building;
- upgrades to the West Perimeter Road and southern patrol road;
- two temporary construction compounds;
- ecological mitigation and enhancement works.

13. Access to the proposed wind turbines from the public highway would be via the existing Terminal roads consisting of the West Perimeter Road, southern patrol road and the operational solar farm access. Some limited track upgrade is anticipated to be required along this route, at the junction with the public highway and also some widening of the track onto the existing verge and beyond at various corners and bends.

14. The proposal would assist with the decarbonisation and energy security of the Terminal. The expected annual energy generation from the development would be between 39,402 and 45,104 MWh of renewable power providing up to 39% of the Terminal's electricity needs every year. This renewable generation would eliminate between 7,620 and 8,722 tonnes of Scope II carbon emissions from the DLNG Terminal annually; over a 40 year period this would total between 304,800 and 348,880 tonnes.

Secondary Consent Application

15. Secondary consent is sought for a temporary route for wind turbine delivery vehicles transporting key component parts of the development which are abnormal indivisible loads (AILs) and associated highway works. The land subject to the secondary consent for the temporary access routes and associated highway works are located outside of the redline boundary of the DNS application at the following locations:

- Land to the south of the Sentry Cross Roundabout (A477/Scoveston Road junction) which comprises both highways land and agricultural land, together with boundary hedgerows; and
- Land to the north-east of Waterston village (B4325) which comprises highways land, agricultural land (together with boundary hedgerows) and a vacant/disused car park associated with the former Gulf Oil Refinery.

Policy Framework

National Policy

16. Future Wales – The National Plan 2040 (FW) forms part of the statutory development plan. It acknowledges the impacts of a climate emergency and an ecological emergency and identifies key priorities, risks and opportunities to achieve the sustainable management of natural resources, including addressing the climate emergency and reversing biodiversity decline.

17. In relation to climate change FW recognises that Wales' potential for wind generation, the Government's support for large-scale projects and a planning system that provides a strong lead for such development, establishes support to the renewable sector to attract new investment and to reduce carbon emissions. It also recognises that the need to reverse biodiversity decline and assist nature recovery is of imperative importance in its own right. Environmental pressures are causing global biodiversity decline at rates not previously encountered in human history and the rate of species extinction is accelerating.

18. Policy 9 of FW expects development proposals to demonstrate action towards securing the maintenance and enhancement of biodiversity to provide a net benefit, the resilience of ecosystems and green infrastructure assets through innovative, nature-based approaches to site planning and the design of the built environment.

19. Page 15 of FW explains that 'deciding where to locate renewable energy generation technology is a spatial issue of such significance that national ambitions are unlikely to be achieved without national planning policies'.

20. At page 96 it states 'As set out in legislation, applications for Developments of National Significance must be determined in accordance with Future Wales, which is the national development plan for Wales'. In relation to renewable energy it explains that 'generating renewable energy is a key part of our commitment to decarbonisation and tackling the climate emergency' and refers to the 'following ambitious targets':

    - For 70% of electricity consumption to be generated from renewable energy by 2030.
    - For one gigawatt of renewable energy capacity to be locally owned by 2030.
    - For new renewable energy projects to have at least an element of local ownership from 2020.

21. Policy 17, 'Renewable and Low Carbon Energy and Associated Infrastructure', emphasises that Welsh Government (WG) strongly supports the principle of developing renewable and low carbon energy from all technologies and at all scales to meet our future energy needs and states that decision makers must give significant weight to the need to meet Wales' international commitments and Government's 2030 target in order to combat the climate emergency.

22. Policy 18 permits Renewable and Low Carbon Energy Developments of National Significance subject to satisfying 11 criteria and the requirements of policy 17. The criteria include giving rise to no unacceptable impacts on nearby communities, protected nature conservation sites and species, built heritage assets, and outside Pre-Assessed Areas, the landscape. The cumulative impacts of existing and consented renewable energy schemes should also be considered.

23. Policy 32 Haven Waterway and Energy is supportive of new renewable and low carbon energy-related in Milford Haven, stating: '*The Welsh Government supports operations at Haven Waterway, and recognises its location for potential new renewable and low carbon energy-related development, innovation and investment. New energy-related development should support local and regional communities and provide jobs and investment in training and skills. In determining any applications for energy proposals, consideration should be given to the contribution it will make to decarbonising energy supplies, the impacts on the landscape, seascapes, natural and historic environment and the economic benefits they would bring to the region*'. It goes on to state that the Haven Waterway has the potential for new strategic development, including renewable and low carbon energy and that it is critically important to the future energy security of the UK.

24. Paragraph 6.4.5 of Planning Policy Wales (PPW) refers to the duty under Section 6 of the Environment (Wales) Act 2016 and advises that planning authorities must seek to maintain and enhance biodiversity. This includes not causing significant loss of habitats or populations of species and must provide a net biodiversity benefit and enable the improvement of the resilience of ecosystems by following the DECCA Framework ie taking into account the diversity, extent, condition, connections and adaptability of ecosystems.

25. Development should take the opportunity to develop green infrastructure where this would improve ecosystems resilience. Paragraph 6.4.12 explains that where enhancement proportionate to the scale and nature of the development is not proposed significant weight will be given to its absence, and unless other significant material considerations indicate otherwise, it will be necessary to refuse permission.

26. PPW recognises that Wales' topography lends itself to renewable energy generation and that overall power demand is expected to increase as a result of growing electrification of transport and heat. It describes the benefits of renewable and low carbon energy, as part of the overall commitment to tackle the climate emergency and increase energy security, as of paramount importance. The planning system should facilitate delivery of Welsh, UK and European renewable energy targets and the delivery of decarbonisation. It should also maximise the benefits to our economy and communities whilst minimising environmental and social impacts.

27. PPW is supplemented by Technical Advice Notes (TANs) which provide additional detail on a variety of topics. Of particular relevance to this case are: TAN5: Nature Conservation and Planning; TAN11: Noise; TAN12: Design; TAN18: Transport; and TAN24: The Historic Environment.

28. The Well-being of Future Generations (Wales) Act 2015 is concerned with improving the economic, social, environment and cultural well-being of Wales. It explains that action on climate change benefits both people and communities in Wales, whilst also contributing to the wider global effort to tackle the causes of climate change and reduce its effects.

29. The WG Energy Generation in Wales: 2021 recorded that renewables in Wales generated the equivalent of 55% of Wales' electricity use against a target of 70% by 2030 and note that deployment of renewables had slowed in Wales and the UK since 2015.

30. On 14 July 2023 the Minister for Climate Change adopted revised Welsh energy targets 'to meet the equivalent of 100% of our annual electricity consumption from renewable sources by 2035, and to continue to keep pace with consumption thereafter'.

Local Policy

31. The Pembrokeshire Local Development Plan (LDP) covers the period up to 2021 and was adopted in February 2013. The Council's Local Impact Report (LIR) identifies all relevant policies of the LDP. Also identified are the relevant Supplementary Planning Guidance (SPG) documents in relation to renewable energy and the cumulative impact of wind turbines on landscape and visual amenity.

32. Overall, Policies GN.1 and GN.4 are supportive of renewable energy developments through environmentally acceptable solutions. The accompanying text to Policy GN.4 states that landscape impact, individually and cumulatively, will be a material consideration in the evaluation of renewable energy proposals. Policy GN.1 requires development to respect and protect the natural environment including protected habitats and species, with Policy GN.37 requiring development to demonstrate a positive approach to maintaining and enhancing biodiversity. The text that supports policy GN.38 recognises that Pembrokeshire has a rich and varied historic environment made up of architectural, historical and archaeological features that are integral to its quality and distinctiveness. To this end, the policy states that any development that affects sites and landscapes of architectural and/or historical merit or archaeological importance, or their setting, will only be permitted if their character and integrity is protected or enhanced.

33. Meanwhile, the Renewable Energy SPG, adopted in October 2016, expands upon LDP policies seeking to balance the benefits that renewable energy development can have against the need to protect the natural and historic environment. In particular, it acknowledges the proximity to the Pembrokeshire Coast National Park (PCNP) and advises that "special consideration" is needed if a proposal is visible from prominent or well-used locations within the PCNP and the proposal is likely to have effects on its 'special qualities'. The Cumulative Impact of Wind Turbines on Landscape and Visual Amenity SPG, adopted November 2022, sets out the agreed approach across three LPAs, Pembrokeshire Coast National Park Authority, Pembrokeshire County Council and Carmarthenshire County Council, to assessing the cumulative impact of onshore wind turbines on landscape and visual amenity.

Planning History

34. PCC advises in its LIR that there is an extensive planning history at Dragon LNG, albeit none is directly relevant to the current application. Nevertheless, it notes the solar farm granted planning permission in March 2022, which has been lawfully implemented and is operational on the site.

The Case for the Applicant

The application is supported by an Environmental Statement (ES) and Non-Technical Summary, and several other documents including a Planning, Design and Access Statement, a Transport Assessment, an Arboricultural Survey and a Socio-Economics Benefits Statement, and evidence of consultation efforts. The submission also includes documents to support the secondary consent application.

35. The ES describes the site and its designations, the proposal and the planning policy context. It explains the assessment process and methodology, including scoping and consultations. Site selection, including alternatives, and project evolution are described. It includes topic chapters that assess the scheme's effect on: ecology; ornithology; landscape; historic environment; noise; traffic and transport; safety; and mitigation measures.

36. In January 2024 the applicant submitted Further Information which included a Regulation 15 (2) response and appendices comprising a landscape and visual impact extent of agreement statement, a wind turbine technical note, details of bat habitat buffers, replacement illustrative views and a green infrastructure statement.

37. Among the applicant's documents that were submitted after the January 2024 submissions are its hearing statements and updated Statements of Common Ground with PCC and NRW, including the extent of agreement on PCC's suggested planning conditions.

Local Impact Report

The Local Impact Report (LIR) details the Council's factual and objective view regarding the likely impact of the proposed development. It should be noted that it was produced prior to the submission of the Further Information in January 2024. Consequently, the Council has amended its position on some of the matters it identified as at issue in its LIR following the submission of the Further Information and the subsequently updated SoCG. Its final position is therefore detailed in the relevant sections below.

38. The LIR provides detail on local planning policies and supplementary guidance together with relevant statutory provisions including the Planning (Listed Building & Conservation Areas Act) 1990 and the Environment (Wales) Act 2016. It also sets out the position

regarding the Replacement LDP, with a second Deposit Plan to be published in due course.

39. Its assessment of landscape and visual impact specifically considers the site's context, landscape character, designated landscapes and visual impact. It rates the effects as negative and major insofar as the development would not be compatible with the capacity and character of the site and the surrounding area, would result in a significant detrimental impact on visual amenities and would result in an adverse effect on the landscape including the PCNP.

40. In terms of heritage assets, it considers the principal effects of the proposal to be upon the setting of the Milford Haven Conservation Area (from Nelson/Mackerel Quay), West Martello Tower, Pembroke Dockyard (Grade II* Listed), St Katherine's Church, Milford Haven (Grade II* Listed) and Smoke House, Mackerel Quay (Grade II Listed). It assesses the adverse effects on these designated assets to be negative, major and severe. It states that the proposal would not protect or enhance the character and integrity of those sites of architectural and/or historical merit. The magnitude of impacts on the setting of other designated and non-designated historic assets are assessed as slight or neutral or, alternatively, low adverse based on the magnitude of impact according to the ES methodology. It defers to Cadw in respect of the potential effects on scheduled monuments, registered parks and gardens, and registered historic landscapes.

41. For biodiversity, and although the latest position is set out in the SoCG, the LIR considers that further information / clarification is required in respect of ecology and ornithology before the local impacts can be accurately identified, as follows:

- In terms of bats, further consideration should be given to results from both analysis methodologies and, where appropriate, a precautionary approach applied where there is a lack of confidence in the results.
- A clear summary of the risk at each turbine would also be useful, particularly as very little feathering is recommended and habitat manipulation doesn't necessarily have an immediate effect on bat flight lines.
- The figures show buffers for the 115m and 119m rotor diameters, but the buffer requirements for the maximum 133m rotor diameter have not been shown. This is required to demonstrate that the proposed habitat mitigation is proposed in suitable locations and that the new habitat areas provided would meet the required buffer for the largest proposed blades.
- Figure E of Appendix 5.4 show the proposed habitat manipulation, however there is no key to this figure and it is unclear to what extent habitat will be removed, particularly along the southern boundary.
- The lack of monitoring proposed is a substantive concern, particularly as the conclusions that the site is of low risk to bats have not been made using the precautionary principle and the Ecobat results have been disregarded.
- In respect of ornithology, all the survey data used to inform the ES was undertaken prior to the construction of the solar farm. Justification for not updating the surveys following a material change in the nature of the site should be made clear.
- A Biodiversity Enhancement Management Plan must be submitted which clearly details what is being provided as mitigation and what, in addition to this, is being provided as enhancement.

Overall the impacts on biodiversity may not be significant. However, to have confidence in this conclusion further information/clarification is required. The LPA would then be able to recommend appropriate planning conditions in relation to ecology and ornithology. The SoCG provides the most up to date position in respect of these matters.

42. In terms of other local effects, it considers that the traffic and transportation impacts are unlikely to be detrimental to highway safety subject to controls and mitigation secured by conditions, albeit a minor negative impact cannot be entirely discounted during the construction phase. Meanwhile, matters relating to air quality and dust during the construction phase could be suitably controlled by the Construction Environmental Management Plan (CEMP) required by way of a condition and standard good working practices would mitigate any unforeseen risks posed by contamination during construction. Suggested conditions in relation to noise would control and mitigate noise and amplitude modulation issues assessed within the ES. Similarly, the LIR confirms that it agrees with the findings of the ES in respect of safety (major accidents & disaster), water, aviation & radar, shadow flicker, telecommunications apparatus and flooding, subject to the suggested planning conditions.

Consultation responses

Responses were received from interested parties, including Natural Resources Wales (NRW), Pembrokeshire Coast National Park Authority (PCNPA), the Highways Authority and the Soil, Peatland and Agricultural Land Use Planning Unit of WG, *Dŵr Cymru / Welsh Water (DCWW) and Cadw in respect of the initial DNS public consultation exercise. However, following the submission of Further Information, interested parties were re-consulted. The main points raised in relation to the scheme in light of the Further Information are summarised below.*

Natural Resources Wales

43. A reduction in the height of the proposed turbines is requested to avoid the impacts from occurring or reduce those impacts to a degree where the effects on receptors within the PCNP would not be significant.

44. Concerns relate to various locations within the PCNP, including at Viewpoints 8 and 10 on the Angle Peninsula.

45. There is no detailed assessment of any receptor within the PCNP beyond a distance of 8km from the proposed development on the basis that changes to views beyond this distance would be negligible and the effects not significant. However, NRW disagrees that changes to views beyond 8km would be negligible.

46. There is disagreement with the assertion that differences in the appearance of the proposed turbines with existing turbines at Wear Point, as depicted in the photomontages, result from techniques required by best practice guidance. Whilst turbine blades would appear differently depending on their orientation, NRWs concern is that the rendering of the proposed turbines is fainter than neighbouring existing turbines.

47. Updates to Illustrative Views have been provided to correct software errors which led to inaccuracies in the previous images. Although the updated image for Illustrative Viewpoint A – Wales Coast Path is based on a screenshot from Google Street View and all images do not meet the standard visualisation guidance, it indicates the proposed turbines would be more noticeable than indicated in the previously submitted images.

48. NRW remains of the view that the Ecobat tool provides a peer reviewed, statistically robust, objective analysis of bat activity data collected at proposed wind turbine sites. It advises that this should be relied upon in preference to subjective assessments unless the latter can demonstrate that thresholds of impact equivalent to those used by Ecobat have been used. In this case, a precautionary approach should be applied to the operation of the wind turbines in the absence of Ecobat results.

49. If the utilisation of the 50m micro-siting allowance given with any planning consent is not sufficient to achieve the minimum 50m stand-off buffer for the Vestas V136 (or any turbine with rotor diameter >117m), clearance of coastal scrub would be proposed. As the mature scrub habitat provides suitable shelter and protection away from disturbance for otters to rest and breed, NRW advises against the removal of coastal habitat, in the absence of specific otter survey. At this time, the proposal to site a Vestas V136 at WTG3 could not achieve the required buffer at this location.

50. Blade feathering should be implemented for all turbines at all times irrespective of the final turbine location, any further pre-commencement surveys, or operational monitoring. However, as feathering alone would not reduce the potential collision risk to bats when flying in the vicinity of the wind turbines when the wind speed is above the cut-in speed, a planning condition which secures implementation of a curtailment programme restricting the operation of all the turbines between sunset and sunrise during April-October is recommended.

51. Further, a condition relating to post construction bat monitoring throughout the 40 year operational life of the development is recommended to assess the effectiveness of implemented mitigation, particularly turbine curtailment.

52. As the development would require security lighting and infra-red aviation warning lighting, a condition controlling external lighting is requested.

Pembrokeshire County Council

53. The impacts on the town of Milford Haven in eastward views and from VP1 (Coastal Path west of Dragon Energy Park), VP2 (The Rath) and VP3 (Mackerel Quay) are understated and the effects are of a significant scale.

54. The Local Planning Authority (LPA) defer to NRW to agree the mitigation required for the favourable conservation status of bat species, including matters relating to any necessary curtailment, feathering, monitoring, habitat manipulation and the size of the turbines and conditions in respect of monitoring and a bat risk management strategy.

55. Suitably worded conditions relating to a Habitat Management Plan, a Construction Environmental Management Plan (CEMP) and a Decommissioning Environmental Management Plan should be included on any consent.

56. It is accepted that policy 18 of FW offers the most up-to-date development plan policy position for the consideration of “Renewable and Low Carbon Energy Developments of National Significance” proposals.

57. There remains a difference of opinion in respect of the degree of impact on the setting of identified historic assets, with PCC alleging a greater impact than is assessed in the ES in respect of the Milford Haven Conservation Area (from Nelson/Mackerel Quay)and the Grade II* Listed West Martello Tower, the Grade II*Pembroke Dockyard, the Grade II* Listed St Katherine’s Church and the Grade II Listed Mackerel Quay.

PCNPA

58. The Landscape and Visual Impact chapter has not addressed the fundamental concerns raised in response to the draft ES. Much of the justification is based on the

proposed turbines being minor additions to the landscape in the context of the existing energy infrastructure, but it is considered that there are likely to be adverse landscape and visual impacts on the National Park during the operation of the turbines. Additionally, the cumulative impact of the proposed turbines has not been adequately addressed.

59. 'Designing Wind Farms in Wales' cautions against the juxtaposition of turbines of varying sizes. As such, the proposal does not comply with this guidance. The scale of the turbines should therefore be reduced and whilst there would still be a cumulative impact, the turbines would be less dominant in the landscape.

60. PCNPA therefore has significant concerns with the proposed development given that there are likely to be adverse landscape and visual impacts on the National Park during the operation of the turbines.

Cadw

61. Cadw confirms that it is satisfied with the methodology set out in the ES. It concurs with the conclusions in the ES that, apart from Pembroke Castle, the registered Orielton historic park and garden and the registered Milford Haven landscape of outstanding historic interest, the development would have no effect on any designated historic assets (including Listed Buildings, SMs, Registered Parks and Gardens and a Registered Historic Landscape). In terms of Pembroke Castle and the registered Orielton historic park and garden, it agrees with the ES that the effect would be negligible adverse but not significant, whilst the effect on the registered Milford Haven landscape of outstanding historic interest would be minor adverse but not significant.

Welsh Government Highways Authority

62. The Highways Authority does not object to the proposed development subject to conditions requiring: (i) a structural assessment of the capacity and impact on all structures along the highway network which would be utilised during the construction of the development together with details of any improvement works required to such structures as a result of construction of the development; (ii) condition surveys of the highway features which would be utilised during the construction of the development and details of liability for incidental damage; (iii) a Transport Management Plan; (iv) details of any highway works associated with the construction of layover areas, passing places and highway improvements; a Road Safety Audit; and a s278 Agreement.

Welsh Government Soil, Peatland and Agricultural Land Use Planning Unit

63. The Soil, Peatland and Agricultural Land Use Planning Unit notes that the site has recently been developed for a solar farm, with conditions on the permission relating to a 40-year temporary use and decommissioning, restoration and aftercare of the agricultural land on site. The current proposal would need to have acceptable provisions relating to the decommissioning of the development at the end of its lifetime, including the removal of infrastructure and effective restoration in line with FW Policy 18.

Ministry of Defence (MOD)

64. The MOD has no objection subject to the submission of sufficient information to ensure the development is accurately charted and a requirement for the submission, approval and implementation of an aviation lighting scheme.

Other representations

65. NATS has confirmed that the development would not conflict with its safeguarding criteria and, accordingly, has no safeguarding objection to the proposal. Mid and West

Wales Fire and Rescue Services, Dŵr Cymru / Welsh Water and National Gas raise no objection. Wales and West Utilities advises that safe digging practices must be used. JRC does not object in respect of radio link infrastructure operated by the local energy networks and Arqiva raises no objection to the proposal. Valero Pembrokeshire Oil Terminal Ltd does not object to the development, provided that the development is carried out so as not to cause a safety risk to Valero's facility.

66. Angle Community Council notes that the recent Rhoscrowther Wind Farm has been refused and comparisons can be drawn with this application. It is concerned about the size, location and proximity to the Angle peninsular which has its own sense of remoteness together with the cumulative impact with the existing Wear Point turbines. The development would therefore encroach on the Pembrokeshire Coast National Park and would not meet the aims and priorities of Policy 8 of PCNPA LDP2. The main purpose of this application is to offset their own energy requirements (rather than feed into the national grid). Further, there may be considerations in relation to shadow flicker and other disturbances. Finally, what measures would be put in place to prevent the installation of additional large turbines at the site and should LNG storage not be required in the future the need for turbines would be minimised.

Statements of Common Ground

67. Topic specific Statements of Common Ground (SoCG) between the applicant and PCC, PCNPA and NRW respectively were submitted in April 2024, which related to matters of landscape and visual impact, ecology and planning conditions.

68. In terms of landscape and visual impact, there is no substantive disagreement between the parties regarding baseline studies and adequacy of study areas, effects on landscape (including landscape character in the PCNP which are agreed to be not significant, effects on residential visual amenity and mitigation (noting that the parties are in agreement that further mitigation consisting of a reduction in the size of the turbines would reduce the significant landscape and visual effects, albeit the applicant maintains that this is not a feasible option)). The main areas of disagreement that remain are in respect of the following:

- The way in which effects on townscape character are considered for Milford Haven.
- The representation of the proposed turbines in photomontages for Viewpoints 10-13 inclusive.
- The extent of the cumulative assessment.
- The sensitivity of the Milford Haven Landscape Character Area and significance of effects on this receptor.
- Effects on landscape character areas within PCNP and its special qualities.
- Effects on visual receptors at Angle and Dale beach and between Gupton Burrows and St Twynells.

69. Turning to ecology, the SoCG with NRW confirms that there is agreement regarding the reliance that can be placed on the Bat Activity Surveys in the ES, the need for conditions relating to feathering, micro-siting, mitigation and enhancement measures. The main areas of disagreement that remained at the time of the production of the SoCG include:

- The application of the Ecobat tool for the interpretation of survey data.
- The basis of the Operational Bat Risk Mitigation Strategy.

- Whether turbine curtailment as mitigation is necessary.
- Wording of a condition relating to post construction bat monitoring.
- Extent of clearance of coastal scrub taking account of micro-siting.

70. The SoCG with PCC in respect of planning conditions notes agreement in respect of conditions dealing with a time limit for implementation and removal of turbines at the expiry of the permission, turbine details and ancillary infrastructure, tree and hedgerow protection, external lighting, decommissioning, Construction and Decommissioning Environmental Management Plans, Telecommunications / Utility / Shadow Flicker mitigation schemes, construction traffic and access (in part), surface water drainage and land contamination. It further records agreement to all the suggested conditions in respect of the secondary consent application. Nevertheless, disagreement remains regarding the wording of conditions relating to:

- List of approved plans.
- Ecological mitigation.
- Submission of a lighting plan
- Aviation charting and warning.
- Trigger for the duration of the consent.
- Noise.
- The timing of details of AIL associated with the development and its inclusion in a Transport Management Plan (TMP).
- Land contamination.

71. As already detailed, the parties have since liaised to narrow the areas of disagreement, with subsequent written submissions addressing the wording of conditions in relation to the list of approved plans, aviation charting and warning, duration of the consent, AIL and the TMP, noise and land contamination.

Planning Conditions

72. I have been provided with two draft lists of suggested conditions; the first in relation to the DNS application and the second in respect of the secondary consent application. The DNS application list has been revised to reflect discussions between the applicant, PCC and NRW, and I have been provided with the latest version of the list, up to 2 July 2024, in written representations.

73. I have considered the suite of suggested planning conditions having regard to the advice in WG Circular 16/2014: *The Use of Planning Conditions for Development Management* (October 2014) and with the exception of the conditions discussed below, the wording of the majority of the conditions remains unchanged save for minor amendments.

DNS application

74. There is disagreement between the applicant and NRW regarding bat mitigation, as reflected in the alternative wording of the suggested condition relating to an Operational Bat Risk Mitigation Strategy and the question of whether turbine curtailment is a necessary component. For the reasons outlined in the Ecology section of this Report, I consider that curtailment as mitigation should only be a requirement if the pre-construction surveys or monitoring show such a measure to be necessary.

75. Although a condition has been suggested to require details of surface water drainage, it is not necessary to duplicate other legislative controls insofar as SuDS approval would be required from the local authority in its role as SuDS Approval Body.

76. PCC takes issue with the suggested condition relating to aviation lighting insofar as the Ministry of Defence (MOD) requires, amongst other things, notification of commencement of works and the date the turbines will be brought into use. Whilst I do not dispute that the LPA is the competent authority for the purposes of agreement of conditions, the wording of the condition does not require details to be agreed by the MOD. Rather, it seeks only notification of the same. Given that the requirement would allow for the update of aviation charts / bespoke notifications to airspace users with the precise date of the commencement of construction, key stages of work and equipment heights, I find that it would be entirely reasonable.

77. Turning to the suggested condition requiring a Road Safety Audit to be undertaken. It has not been demonstrated why matters related to the safety audit of highways are relevant to the minor works proposed in this case. Neither does the condition as drafted require any action on the developer that would be enforceable. It would not therefore meet the tests outlined in the Circular.

Secondary consent application

78. In response to the EIA Scoping Report, Dyfed Archaeological Trust suggested an archaeological watching brief in relation to the secondary consent application only. Although the ES refers to the submission of a Written Scheme of Investigation (WSI), and the suggested conditions list includes such a requirement, I am not convinced that a WSI is necessary or proportionate given the relatively minor works being undertaken, no clear expectation of archaeological value and the response from the archaeological advisors. Consequently, I have amended the wording of the condition to require a watching brief.

Appraisal

79. The main considerations are:

(a) the effect of the proposed development on ecology;

(b) the effect on the landscape character and visual amenity of the area;

(c) the effect on the setting of historic assets; and

(d) whether any harm identified in relation to the foregoing considerations is outweighed by the benefits of the scheme, particularly its contribution to renewable energy generation and combating the effects of climate change.

Ecology

80. PPW identifies the planning system's key role in helping to reverse the decline in biodiversity and increasing the resilience of ecosystems, at various scales, by ensuring appropriate mechanisms would be in place to both protect against loss and to secure enhancement. Addressing the consequences of climate change should be a central part of any measures to conserve biodiversity and the resilience of ecosystems. It identifies the importance of supporting biodiversity, ensuring the protection of statutorily designated sites and protected and priority species, and to secure the enhancement of, and improvements to, ecosystem resilience by improving diversity, condition, extent and connectivity of ecological networks. Meanwhile, Policy 9 of FW identifies the importance of enhancing biodiversity and the resilience of ecosystems.

81. It is important to note that, in this particular case, changes in baseline ecology conditions (i.e. distributions and populations) will have resulted from the construction and operation of the approved solar farm that is co-located with the proposed development. The solar farm is now operational with habitats managed in line with the approved Landscape and Ecological Management Plan (LEMP). Landscape and ecological mitigation measures secured through the approved LEMP for the solar farm are thus considered as part of the future baseline.

82. The site does not form part of any designated site for nature conservation. It is, however, located adjacent to the Milford Haven Waterway Site of Special Scientific Interest (SSSI), within 5km of the Limestone Coast of South West Wales / Arfordir Calchfaen De Orllewin Cymru Special Area of Conservation (SAC), and within 10km of the Angle Peninsular Coast / Arfordir Penrhyn Angle SSSI and Pembrokeshire Bat Sites and Bosherton Lakes / Safleoedd Ystlum Sir Benfro a Llynnoedd Bosherton SAC, which have bat qualifying interests.

83. Pembrokeshire Marine / Sir Benfro Forol SAC lies adjacent to the site and lists otter as a qualifying interest, as does the Milford Haven Waterway SSSI.

84. Designated sites with ornithological qualifying interests include the Milford Haven Waterway SSSI, Castlemartin Coast Special Protection Area (SPA), Angle Peninsular Coast / Arfordir Penrhyn Angle SSSI and the Skomer, Skokholm and the Seas off Pembrokeshire / Sgomer, Sgogwm a Moroedd Penfro SPA.

85. By virtue of the static nature of the qualifying interests, spatial separation and absence of likely hydrological pathways of connectivity, I concur with the conclusions in the ES that the direct and indirect effects on all static qualifying features of the Pembrokeshire Marine SAC, the Milford Haven Waterway SSSI, Limestone Coast of South West Wales SAC, Angle Peninsular Coast SSSI and the Bosherton Lakes SAC need not be considered as part of the assessment. For the same reasons, potential effects on the Gweunydd Somerton SSSI and Broomhill Burrows SSSI have not been considered as part of the assessment.

86. I have set out in the HRA section of this Report and in the Appropriate Assessment at Annex C my reasons for concluding that the proposed development would not, either alone or in combination with other projects, have a likely significant effect on the integrity of any of the National Sites Network.

87. In terms of otter as a qualifying feature of both the Pembrokeshire Marine SAC and the Milford Haven Waterway SSSI, surveys established the absence of riparian habitats within the site. Whilst there is a waterbody 60m to the north-west of the site which has the potential to support both otter and water vole, connectivity between this waterbody and other suitable waterbodies is considered limited. Hence, although otter are known to be present locally, the site is not considered to provide any value for the species.

88. Whilst there would be some risk of disturbance and displacement of foraging and habitat loss associated with construction works and death due to collision during operation to ornithological interests, the effect is assessed as negligible adverse and not significant subject to the adoption of mitigation measures to ensure no significant adverse effects.

89. Overall, construction activities would be required to comply with a series of measures set out in a CEMP and a Decommissioning and Restoration Plan (DRP), including details of the engagement of an Ecological Clerk of Works, ecological mitigation measures and specifications for pre-construction surveys. Together with the CEMP & DRP, enhancement measures would be detailed in a Habitat Management Plan (HMP), and subject to approval by the LPA in planning conditions. Such measures would

ensure acceptable ecological impacts, including in relation to protected species on and around the site as well as designated sites.

90. However, there are matters of detail at issue between the parties, mainly in respect of bats and the basis of the Operational Bat Risk Mitigation Strategy (OBRMS), including whether turbine curtailment as mitigation is necessary.

91. During the course of the Examination, NRW sought further assessment of the bat activity data to establish whether the level of risks assessed for bat species applied to all monitoring/turbine locations each month. It also took issue with the methodology used for analysing the data insofar as the joint agency guidance '*Bats and Onshore Wind Turbines – Survey, Assessment and Mitigation (NatureScot et al., 2021),* recommends the use of the 'Ecobat' tool to provide an objective interpretation of the relative importance of bat activity levels recorded within the site.

92. As I understand it, due to the unavailability of Ecobat and its associated support services at the time of NRW's request (It has been offline for repair and maintenance for some time, and the timescales for its availability are unknown), the tool could not be used to obtain further presentations of bat activity levels for the site or individual monitoring locations. The applicant also states that the Ecobat tool has recognised limitations; this includes the amount of data in the database on a locational basis and therefore results should be regarded as indicative rather than conclusive evidence of the importance of a site for bats.

93. Hence the applicant has sought to rely on further analysis of bat activity data using the Bat Activity Indices (BAI), which shows an above low risk for species at medium or high risk of collision with wind turbines for Wind Turbine 1 (between July and September) and Wind Turbine 2 (in June). However, NRW notes that the assessment of bat activity across the site is generally described as low, which differs from the initial analysis of the same data using Ecobat. It therefore follows that it does not have confidence in the assessment of impacts on bats for individual turbine locations.

94. The applicant recognises that whilst it is not possible to compare the BAIs to the Ecobat reference range in assigning levels of high, moderate or low bat activity, NRW has not provided any specific comment on the acceptability of BAI percentiles proposed in the ES, including the more detailed analysis of the BAIs from 2021 monitoring stations within Appendix 5.4, which includes consideration of absence data. Neither has it provided an alternative suggestion for these percentiles based on its expert opinion.

95. On balance, and whilst mindful of the need to adopt a precautionary approach, I have no substantive basis on which to conclude that the analysis of bat activity data is not robust to the extent that it should not inform the consideration of mitigation measures.

96. As set out in the joint agency guidance, there are three mitigation options evidenced as reducing bat mortality at windfarms; these are habitat buffering, feathering and curtailment. Here, and given the recognition that there remains some disagreement over the potential risks posed to bat species, the mitigation measures proposed in the ES to reduce operational risks to bats consist of habitat buffering (including through manipulation and reinstatement) and feathering of Turbines 1 & 2 which would be secured through a condition requiring an Operational Bat Risk Mitigation Strategy (OBRMS).

97. To facilitate habitat manipulation, approximately 744m of new scrub/hedgerow planting is proposed as part of the HMP within a separate mitigation area, which would provide an alternative species-rich wildlife corridor around the proposed development and the Dragon LNG Solar Farm. The parties have also agreed a condition relating to feathering, which would require the turbine blades on all turbines to be feathered to

reduce rotation speeds to below 2 rpm while idling during the bat activity season from April –October.

98. Notwithstanding the above, NRW argues that the implementation of a curtailment programme restricting the operation of all the turbines between sunset and sunrise during April-October should also be secured through the condition requiring the submission of an OBRMS.

99. The applicant does not agree, considering that it represents the least sophisticated method of mitigation, and which would be contrary to the NatureScot guidance that very clearly acknowledges that mitigation strategies need not result in considerable unnecessary down time for turbines.

100. The NatureScot guidance advises that where feathering would not provide sufficient reduction in the risk to bats, curtailment of turbine blades should be considered. As I understand it, NRW has advised on the requirement for a curtailment programme for the proposed development due to the absence of information regarding cut-in/generating speeds for possible turbine models. As this information has been provided by the applicant in its Response to the Request for Further Information, NRW has not provided compelling reasons as to why this mitigation option is required in addition to habitat buffering and feathering to reduce the potential risks to bats in view of the level of activity assessed.

101. It seems to me that efficacy of habitat manipulation and feathering can be monitored via the OBRMS. Where necessary, the mitigation measures could be adjusted following the presentation of results which show higher levels of activity / collision / mortality than was previously anticipated based on the information available at that time. Such a change might include a requirement for a turbine curtailment strategy. Provided these provisions are secured by the condition, I have no reason to conclude that the mitigation measures would not reduce the potential risks to bats.

102. Having regard to *inter alia* the duties set out in Section 6 of the Environment (Wales) Act to maintain and enhance biodiversity, I consider that it is appropriate to require a curtailment strategy only if it is determined to be necessary following pre-construction bat activity surveys at the final turbine locations, and which would be secured by condition. This would ensure that the strategy is efficient at preventing bat casualties whilst also minimising turbine downtime.

103. Cumulative effects have also been assessed. I am satisfied this assessment demonstrates that no significant cumulative construction or operational effects on ecologically sensitive receptors are considered likely.

104. The ecological impacts associated with the installation and use of the temporary access tracks sought through the Secondary Consent application will be discussed later in my Report. In summary, however, the habitat loss associated with the tracks is minimal. Nevertheless, as the ecological receptors potentially affected by the temporary tracks are different to those affected by all other elements of the proposed development due to the separation distance between the areas, I agree that the installation and use of the temporary tracks would not alter the ecological effects of the development on the main site.

105. I am therefore satisfied that with the implementation of mitigation, the construction and operational phases of the development would have no significant adverse effects on ecologically or ornithologically sensitive receptors, which in this case involve protected species, habitats, and designated sites and their qualifying features.

Other Ecological Matters

106. The expectation in PPW that planning applications are accompanied by a Green Infrastructure (GI) Statement had not been introduced at the time of the submission of this application. However, the applicant provided such a statement in January 2024 as part of the Response to the Further Information request. The GI Statement, with reference to PCC's guidance on how developers should use the GI Assessment for Pembrokeshire, provides a completed GI checklist of relevance to ecological matters and demonstrates compliance with the step-wise approach and proposed enhancement measures to support the delivery of GI interventions identified within the Pembrokeshire GI Assessment.

107. Turning to the matter of arboriculture. A further expectation in PPW is that replacement tree planting is provided on a 3:1 basis. The submitted 'Report on Trees in relation to a Proposed Development at Dragon LNG….' dated October 2022, shows that 13no. Category B trees require removal and 2no. Category C trees require coppicing while most of another tree group in the same category requires removal. Although the Report concludes that the overall impact of the proposed development is moderate and therefore tolerable given the amenity value of a number of the impacted trees is already in decline due to Ash dieback disease, the mitigation proposed consists, in part, of the planting of 12 semi-mature ornamental trees. Whilst such an approach would be inconsistent with the requirements of PPW in this respect, I consider that this matter could be addressed by the recommended conditions requiring (i) a Habitat Management Plan (HMP) outlining proposed new planting and hedgerows and (ii) details of the implementation of the methodology, tree and hedgerow protection measures and proposed planting.

108. In conclusion on this main issue, I find that, subject to the imposition of recommended conditions, the scheme would have a positive effect on ecological interests and as such aligns with PPW12, FW policies 9 and 18 and LDP policy GN.37.

Habitat Regulations Assessment (HRA)

109. Regulation 63 of the Conservation of Habitats and Species Regulations 2017, as amended, imposes a requirement to consider the potential effects of a proposed development on the National Sites Network. In this case, the sites where potential likely significant effects have been identified are Pembrokeshire Marine / Sir Benfro Forol Special Area of Conservation (SAC), the Limestone Coast of South West Wales / Arfordir Calchfaen De Orllewin Cymru SAC and the Pembrokeshire Bat Sites and Bosherton Lakes / Safleoedd Ystlum Sir Benfro a Llynnoedd Bosherton SAC.

110. The application was accompanied by a 'Report to Inform a Habitats Regulation Assessment'. As there are some LSE in relation to the SACs which can only be avoided through mitigation measures it is necessary for the decision maker to undertake an Appropriate Assessment (AA).

111. At Annex C I have set out an AA for the Welsh Ministers. It is informed by the Report to Inform HRA, the advice of NRW in its role as the statutory nature conservation body, and the comments received by other parties in response to the application. The AA concludes that the scheme, either alone or in combination with other projects, would not have an adverse effect on the integrity of the SACs.

Landscape and Visual Impact

112. Chapter 7 of the ES sets out the Landscape and Visual Impact Assessment (LVIA), including how the significance of effects are judged. The LVIA has assessed the construction, operational and decommissioning phases of the development. I accept

that the construction and decommissioning phases would, at certain times, have a greater impact than during its operation. However, as construction and decommissioning are likely to be relatively short-lived, I have focussed mainly on the operational period of the project.

113. I also note parties' concerns regarding the representation of the turbines in the photomontages for Viewpoints 11-13 in relation to the LVIA of the ES. Although the applicant has provided an explanation for the lighter shading of the blades depending on orientation, I consider that this element of the overall submissions is only one way of expressing the landscape and visual impact of the scheme and is not the sole basis on which my recommendations are made.

114. The proposed wind turbines would be sited on an area of land between the Dragon LNG Terminal and the Milford Haven Waterway, approximately 1 km to the southeast of Milford Haven. The coastlines on both sides of the estuary in this area include the Port of Milford Haven, oil refineries and the Pembroke gas-fired power station creating an environment with notable influence from large scale infrastructure. There are four existing wind turbines at Wear Point which are 100 m tip height and located some 0.3 km to the east.

115. The DLNG Terminal and the estuary provide the immediate visual context to the site. The Wales Coast Path passes largely around the western and southern site boundaries and along the opposite side of the estuary as it passes Pembroke Oil Refinery. Close views from within 1-2 km towards the site from the north are limited by the DLNG Terminal and vegetation along the B4325. Beyond this, more open views can be gained, which includes the large industrial structures associated with the DLNG Terminal and the wind turbines at Wear Point. The solar farm which is co-located on the site can be seen in views from the south, east and west, across the estuary and from the Wales Coast Path as it passes around the site boundary.

116. The site is located within the Milford Haven Waterway Registered Landscape of Outstanding Historic Interest (LOHI), National Landscape Character Area (NLCA) 48: Milford Haven and Pembrokeshire County Landscape Character Area (LCA) 10: The Haven North. I have dealt with the issues arising from the LOHI in the Heritage Assets section of this Report. The ES explains that as the local studies are both more detailed and recent, the national character area descriptions provide context only with the local studies used to identify landscape character receptors.

117. On this basis, Landscape Character Area (LCA)10 The Haven North is described as "*rolling pastoral and arable land interspersed with numerous energy-related developments*" in the character description. The ES concludes that whilst the wider site surroundings broadly meet this description, the site itself is more dominated by energy development than the wider character area which wraps around Milford Haven and extends eastwards to Neyland. Consequently, it concludes that no significant effects would be likely to arise on landscape character areas and designations.

118. The nearest nationally designated landscape is the PCNP, located 2.5 km to the southwest, 4.9 km to the west and 5.5 km to the east of the proposed turbine locations. The ES states that effects on the PCNP would be limited (in both degree and geographic area) to the special qualities of 'Coastal splendour', 'Cultural heritage', and 'Rich historic environment' around the north coast of the Angle Peninsula, where the turbines would be an addition to the existing energy-scape which may distract from the appreciation of these special qualities. As such, the magnitude of change has been assessed as Small/Negligible and effects would be Minor/Minimal, Adverse and not significant.

119. My attention has been drawn to the Guidelines for Landscape and Visual Impact Assessment, with its key message that professional judgement is applied in an assessment, albeit such judgements might differ. To this end, I am aware that parties take issue with the interpretation regarding the effects of the development on landscape character and visual impact.

120. For example, PCNPA disagrees with this assessment, insofar as it argues that the scale of effect on 'Coastal splendour', 'Diversity of landscape and the diversity of experience' and 'Remoteness, tranquillity and wilderness' is considered to be at least Moderate and the effect on 'Islands' and 'Space to Breathe' as at least Small rather than Negligible. Similarly, I note that NRW argued that the effects on the PCNP would be 'Moderate', 'Adverse' and 'Significant', although it does not give details of the supporting methodology or analysis to substantiate this conclusion.

121. I have had regard to PCC's Renewable Energy SPG, which acknowledges the proximity to the Pembrokeshire Coast National Park (PCNP) and advises that "special consideration" is needed if a proposal is visible from prominent or well-used locations within the PCNP and the proposal is likely to have effects on its 'Special Qualities'. In my opinion, there is no compelling evidence that the ES assessment is flawed or inaccurate in terms of the effect on the Special Qualities of PCNP. For example, in terms of 'Coastal Splendour', I saw that the key views of the development are from the north coast of the Angle peninsular; given that they are already affected by the existing oil refinery structures and the Wear Point turbines, the introduction of additional turbines would not detract from the sense of splendour. Similarly, the addition of turbines resulting in further changes to a landscape that is already diverse is unlikely to affect the 'Diversity of Landscape' special quality. Hence, I do not consider that the development would seriously alter or erode the Special Qualities of the PCNP.

122. In respect of visual impact, there is no dispute that significant, adverse effects on visual receptors would arise for users of the Wales Coast Path as it passes the site (on both sides of the estuary) together with residents of and visitors to Waterston, Milford Haven, Blackbridge and the rural area between A477/Neyland Road and the B4325. These effects would arise as a result of close views of the development alongside the existing wind turbines at Castle Pill and Wear Point from locations where they would be closer or equidistant and obviously larger than the operational turbines. In PCNPA's opinion, there would also be 'Major / moderate' effects (the ES says 'minor / minimal' and not significant) on visual receptors to the PCNP.

123. As already noted, the applicant has sought to engage with PCC, PCNPA and NRW during the course of the application and subsequent suspensions of the examination to fully understand the basis of the concerns and to seek to narrow the extent of disagreement over landscape and visual effects. It appears that some of the concerns related to a misunderstanding of the terminology used and relevance to the part of the assessment referenced. The remaining points of disagreement mainly relate to degrees of judgement as to whether the effect falls within one or another category. However, it seems to me that while judgements are categorised for ease of understanding, the measure of effect is, in reality, on a continuum such that the step from one category to another may be a very fine distinction.

124. In the context of the above, I do not consider that the differences in judgement are significant in an overall appraisal of the landscape effects of the scheme. In my opinion, the host landscape's sensitivity to the introduction of more turbines is reduced by the presence of existing ones and other industrial structures in the vicinity so that any effect is not significant. Although I recognise that they would result in a change to the existing

landscape, as a composition, I do not consider that this change would be a significant one in landscape character terms.

125. In my consideration of this matter, my attention has also been drawn to the Rhoscrowther Wind Farm DNS application, which was refused in January 2023. In that case, the site is inland on the opposite side of the Milford Haven Waterway, situated to the south of the Valero Oil Refinery. Although the Inspector concluded that the proposed turbines would have a significant impact on the landscape for several kilometres and from key viewpoints (including from within PCNP), he also notes that to the north of the site and the Haven Waterway (Neyland through to Milford Haven), there would be no significant effects. He adds that '*In landscape terms the context is significantly different to the lands on the south side of application site, with the mixture of urban areas, various wind farm developments, the power station and the Valero site playing a more visually significant role'*. As such, I consider that there are distinct differences in terms of context here and the refusal of the Rhoscrowther application does not alter my recommendations.

126. Although the Residential Visual Amenity Assessment (RVAA) appended to the ES contains an error in its summary, the applicant has subsequently clarified that 4no. individual properties and 4no. groups of properties would experience a 'Large / Medium' magnitude of change. However, it reinforces the conclusion that none of the properties assessed would experience the highest magnitude of change such that further consideration of individual properties is required to identify whether the RVA threshold would be reached. Consequently, I do not consider that the impact would be so significant on any property as to make the places unpleasant in which to live.

127. Turning to the assessment of cumulative effects, in particular in relation to concerns relating to the inclusion of existing infrastructure, such as the Valero oil chimneys. The applicant has confirmed that the Planning Inspectorate Advice Note 17 (PINS Note) has been followed which, although dealing with Nationally Significant Infrastructure Projects in England, is helpful insofar as it specifically directs that existing development be included as part of the baseline and not within the assessment of cumulative effects. As PCNPA's SPG might indicate a different approach, the implication arising is that its judgements of impact will lean towards 'higher' than those in the ES LVIA as it is reflective of the effects arising from the combination of existing development with the proposed development. For clarity, I have approached the assessment of cumulative effects in a manner consistent with the advise in the PINS Note.

128. With this in mind, 'Designing Wind Farms in Wales' 2014 has also been cited insofar as it cautions against the juxtaposition of turbines of varying sizes as it can alter the perception of vertical scale and sense of distance. The applicant advises that the 2014 guidance is now replaced with 'Designing for Renewable Energy in Wales' (November 2023), is less prescriptive than the previous version and no longer includes the point referenced regarding the juxtaposition of turbines of varying sizes. Rather, the guidance now advises '*As size increases, there will need to be a change of emphasis from turbines considered as features in a landscape to turbines much more defining the landscape character'* and that '*The layout of a wind farm should relate to the specific characteristics of the landscape and it is here that the design process can be used to influence installations so that they respond well to their context. Once the site(s) is chosen, aside from turbine height and blade lengths, the horizontal and vertical geometric alignment of turbines is perhaps the primary landscape and visual design consideration'.* I am therefore satisfied that the development would not result in significant cumulative visual effects.

129. My site visit and consideration of the evidence, including the subsequent written submissions, confirms that the ES has robustly assessed and identified the significant landscape character and visual impacts of the proposal. Given their nature, the remaining differences between the assessments and representations made by the parties do not undermine my findings in this respect.

130. On this main consideration, therefore, whilst I accept that there would inevitably be some degree of landscape change, I do not find that it would significantly alter the distinctive landscape character. Nonetheless, I recognise that the proposed development would have significant, adverse effects on visual receptors including users of the Wales Coast Path and residents of/ visitors to Waterston, Milford Haven, Blackbridge and the rural area between A477/Neyland Road and the B4325. Such effects would be long-term (albeit reversible) and adverse for those receptors affected, in conflict with LDP Policy GN.1. Be that as it may, overall and in the context of FW policy 18, I take the view that the limited extent of the harm in relation to a renewable energy project of this scale does not reach the bar of an unacceptable adverse impact. Nonetheless there is an appreciable degree of harm that should be weighed in the overall balance of the scheme.

Heritage Assets

131. The historic environment chapter of the ES assesses the likely significant effects from the construction and operation of the development on designated historic assets (including listed buildings, conservation areas and scheduled monuments), non-designated heritage assets (such as archaeological remains) and historic landscape character.

132. The site lies within the Scoveston and Burton Historic Landscape Character Area (HLCA) of the Milford Haven Waterway Registered Landscape of Outstanding Historic Interest (LOHI). It adjoins the Gulf Oil Refinery HLCA which, at the time the landscape was registered, comprised the structures of the late 20th century industrial complex including railways and jetties. The Milford Haven HLCA lies to the west, which is a late 18th century grid-pattern planned town with docks dating to the late 19th century.

133. In terms of designated historic assets, the ES records 1no. Grade II* Registered Park and Garden (Castle Hall) and 1no. Grade II Registered Park and Garden (Great Harmeston), together with 22no.Scheduled Monuments, 4no. Grade I Listed Buildings, 25no. Grade II* Listed Buildings and 239no. Grade II Listed Buildings within 5km of the site. It goes on to conclude that the construction and operation of the wind turbines would not result in significant effects on designated historic assets in the wider surroundings given that the majority of assets draw little significance from their wider landscape surroundings or would experience no visual change to their settings as a result of the wind farm. Of those assets which do draw significance from their wider surroundings and for which the turbines could result in visual change that would diminish the contribution that this setting makes to the significance of the asset, the assessment finds that introducing the proposed turbines into their settings would have a negligible adverse impact on their significance and would result in a negligible adverse effect.

134. Although Cadw confirms in its written representations that it concurs with the conclusions in the ES regarding the effects of the proposed development on historic assets, I note PCCs concerns in its LIR that the principal harmful effects of the proposal would be on the setting of the Milford Haven Conservation Area, the Grade II* Listed St Katherine's Church at Milford Haven and the Grade II Listed Smoke House at Mackerel / Nelson Quay.

135. In subsequent written representations, the applicant argues that the heritage significance of the Church of St Katharine derives from its evidential value as an example of early 19th century ecclesiastical building, its historic associative value due to it being part of Greville's design for the town, and its communal value as a place of worship. The building is particularly notable for its internal fixtures and fittings and its rarity as a Georgian Gothic church in south-west Wales. At my site visit I saw that the church's architectural interest is appreciated both in close proximity within Milford Haven, particularly on the approach from the southwest along Hamilton Terrace and in longer range views including from Mackerel/Nelson Quay. The church's setting on higher ground above the Haven makes a contribution to its significance. Viewpoint VP3 in the LVIA shows that the turbines would be at a significant separation from the church in views from Mackerel Quay. As a consequence, I concur that the development, in particular the movement of the turbine blades, would result in minimal distraction from the landmark qualities of the church and its heritage significance would be unaffected. It would continue to be experienced as the tallest structure on the hillside above the Haven and the movement of the blades at this separation distance from the building would not affect the ability to appreciate the architectural interest inherent in the Gothic qualities of the building.

136. Turning to the effect of the development on the setting of the Smoke House, which is an early 20th century fish-smoking house, deriving significance from its evidential value as an example of this type of industrial building, the first of its kind built at Milford. The applicant states that the positive contribution that setting makes to the significance of this building is its physical and functional relationship with the docks, being located on the north side of the entrance to the docks. I share the view that this relationship would be unaltered by the presence of turbines in the wider landscape and that there would be no effect on the heritage significance of this building.

137. I note that St Katherine's Church, the Smoke House and Nelson/Mackerel Quay are all located within the Milford Haven Conservation Area (CA). The ES assesses the potential for effects on the character and appearance of the CA, having regard to its characteristics as a 19th century planned port with a linear plan form focused on a main axial street terminated by the church and on the docks with its collection of associated buildings and structures. The physical relationship with the river and with its "sister" settlement of Pembroke Dock on the opposite side of the river makes a positive contribution to the character and appearance (and therefore heritage significance) of the CA. The character and appearance of the conservation area as a planned maritime town and dock would be unaffected by the presence of turbines in the wider area, which would also be seen in the context of the later industrial development of the land upstream of Milford Haven.

138. The LIR goes on to state that "*the magnitude of impacts on the setting of other designated and non-designated historic assets are considered to be slight or neutral or, alternatively, low adverse based on the magnitude of impact according to the ES methodology*". This differs from the conclusions in the ES, which find that there would be a negligible adverse effect on Pembroke Castle and the Registered Orielton Historic Park and Garden with its listed banqueting tower, a minor adverse impact on the registered Milford Haven Waterway LOHI and no effect on any other designated historic assets.

139. I do not dispute that the significance of the Western Martello Tower (Grade II* and a Scheduled Monument) as a remnant of the 19th century defences at Pembroke Dock and forming one of a pair of gun towers (the other lying to the northeast of the dockyard) intended to defend the docks. Nevertheless, the presence of turbines on the opposite

side of the river, also mindful that they would be sited adjacent to existing turbines, would have a negligible effect on the understanding or appreciation of the evidential value of this asset, nor on its relationships with the more contemporary defensive structures.

140. The Assessment of Significance of the Impact of Development on Historic Landscape (ASIDOHL) concludes that the significance of effect on the Milford Haven Waterway LOHI would be moderate. Accordingly, it concludes that as moderate is the third point in a six-point scale of effects in the ASIDOHL methodology, it is considered to be not significant in EIA terms. I have no reason to disagree with this assessment and I find that the industrialised nature of the surrounding area, with its late 20th century industrial structures including railways and jetties, is such that it has the capacity to accommodate the proposed development.

141. The ES concludes that there is low potential for archaeological remains within the site and construction of the wind farm would have no significant adverse effects on known historic assets within the site as these are of low importance, comprising evidence of former field boundaries. The impacts are therefore considered to be of a minor magnitude. To offset the potential effects on unknown historic assets disturbed by construction works associated with the secondary consent application for temporary access routes and highway works in locations remote from the application site, an archaeological watching brief condition is recommended.

142. There is no evidence before me that leads me to disagree with the findings of the ES that the heritage significance of the assessed listed buildings and the contribution made to that significance by their setting is predominantly associated with their location, historic function, and relationship to the surrounding communities. There are no effects on designated or non-designated historic assets or historic landscape character that would harm their significance. As such, it would align with criterion 1 of FW policy 18. It would also meet the aims of paragraph 6.1.7 of PPW which identifies the importance of the planning system to protect, conserve and enhance the significance of historic assets, and ensure that any change is managed in a sensitive and sustainable way.

Benefits of the Scheme

143. The Socio-Economic Benefits Statement dated June 2023 states that Dragon LNG forms a critical part of the nation's energy infrastructure, supplying up to 10% of the UK's energy. The Terminal currently uses a significant amount of electrical power for on-site processes which is currently sourced from the UK electricity grid. The expected annual energy generation from the development is between 39,402 and 45,104 MWh of renewable power, which would provide up to 39% of the Terminal's electricity needs every year (based on 2020 energy consumption), rising to 47% when combined with the operational solar project, and will help in moving closer to their ambition of becoming a Net Zero LNG Terminal by 2029, to be a provider of renewable energy in the Milford Haven waterway, improve its long-term energy resilience and help to support both local and national net-zero ambitions.

144. This renewable generation would eliminate between 7,620 and 8,722 tonnes of Scope II carbon emissions from the DLNG Terminal annually. During periods of low site demand, any excess electricity would feed into the local network, further supporting the businesses' resilience and supporting low-cost power.

145. It would also contribute to the Port of Milford Haven's shared vision (Milford Haven Waterway Future Energy Cluster) to be a significant exporter of low carbon electricity and hydrogen by the 2040's, which could add an additional 3,000 Welsh jobs, whilst significantly reducing emissions.

146. In addition to sustaining existing and supporting future employment growth within Dragon LNG and Milford Haven, construction and operation of the development would support direct and indirect employment. Other economic benefits would be realised at the development and planning stages, the construction, operational and decommissioning phases, and through community benefits and business rates.

147. Further, the Statement contends that comparable schemes suggest that the development would generate between £1.5m – £1.6m in capital costs through the planning and development stage and between £12.7m and £13.6m across the construction phase.

Other Considerations

148. In relation to traffic and transportation, chapter 10 of the ES assesses the potential effects on users of roads. The peak month of construction traffic would see an average of 72 HGV movements and 13 car/ LGV movements per day. This would represent a temporary and short-term increase in traffic during construction and the ES confirms that the likely construction effects would be minor and not significant. In line with the advice of WG Highway Authority and PCC, conditions are recommended to mitigate the potential for effects as far as is reasonably possible. These include details of traffic management measures in the form of a detailed Construction Traffic Management Plan (CTMP), a requirement that Abnormal Indivisible Load (AIL) shall be delivered strictly in accordance with a Transport Management Plan (TMP), means of dealing with incidental damage and any necessary highway works along the agreed AIL route.

149. I note the concerns raised regarding the potential for shadow flicker and /or other disturbances. The submitted Shadow Flicker Impact Assessment demonstrates that, even adopting a worst-case scenario, the predicted incidence would be three dwellings receiving shadow flicker effects for more than the reference limit of 30 minutes per day and/or 30 hours per year and may therefore require mitigation. As such, a condition is recommended to require mitigation by implementation of a turbine control system in the event that complaints of flicker arise.

150. In terms of air quality and dust, the inclusion of such matters in the CEMP would ensure that there would be no adverse effects arising. Similarly, the recommended conditions dealing with noise would ensure that any effects would be within acceptable levels.

151. The ES includes a Water Framework Directive assessment, with the CEMP providing an opportunity to ensure that any potential pollution instances during construction are controlled. Similarly, a condition is recommended to deal with any contamination not previously identified at the site, requiring the submission of a remediation strategy before any further development is carried out.

152. In respect of the ES chapters on safety (major accidents and disasters, aviation and radar, telecommunications apparatus and flooding, I am satisfied that there would be no significant adverse effects subject to the recommended planning conditions.

153. I do not dispute that the main purpose of the development would be to offset DLNG's own energy requirements, rather than feed into the national grid or generate electricity for homes. However, there would be significant economic and renewable energy benefits to doing so, which have already been set out in this Report.

154. I also note the concerns regarding a potential requirement for the installation of additional large turbines at the site and / or the need for turbines in the event that LNG storage is not required in the future. The development has a limited lifetime of 40 years, after which, the development would be removed in accordance with a decommissioning plan secured by condition as well as a provision that all infrastructure and associated

works be removed in the event of the permanent cessation of the generation of electricity by the scheme. Whether or not additional, or indeed, replacement turbines of a larger scale would be required in the future would be a matter for consideration with any subsequent application.

Planning Balance and Overall Conclusion

155. FW is clear that decision makers must give significant weight to the need to meet Wales' international commitments and to generate 70% of energy used from renewable sources by 2030 and that the Haven Waterway is critically important to the future energy security of the UK with the potential for new strategic energy development. The subsequent July 2023 target is for 100% electricity from renewables sources by 2035. It is clear that on-shore wind energy has an important role to play in meeting the Government's renewable energy targets.

156. The proposed development would see the generation of between 39,402 and 45,104 MWh of renewable power, which would provide up to 39% of the Terminal's electricity needs every year, rising to 47% when combined with the operational solar project that is co-located on the site. It would therefore make a meaningful contribution to WG's commitment to developing large scale renewable and low carbon energy to meet future energy needs, combat the climate emergency and recognising the important role of the Haven Waterway in energy security. In addition, the development would offer social and economic benefits as outlined above. Whilst I attach considerable weight to the scheme's contribution to renewable energy production, such benefits have to be balanced against any adverse impacts.

157. FW Policy 32 (Haven Waterway and Energy) is supportive of new renewable and low carbon energy-related development in Milford Haven. It is evident that Milford Haven Port already accommodates major energy-related installations and infrastructure and both national and local planning policy recognises the role of clean and sustainable energy related development in future growth. The proposed development would significantly add to the Country's renewable energy generation capacity and assist with the decarbonisation and energy security of the DLG Terminal. It would also support local and regional communities and provide job and investment opportunities. It is therefore a matter to which I afford considerable weight.

158. The development would not have an unacceptable adverse effect on any internationally designated sites for nature conservation, alone or cumulatively. Furthermore, subject to conditions, there would be no unacceptable adverse impacts on nationally designated sites for nature conservation, habitats or species. Ecological protection, monitoring and enhancement measures would be provided through relevant planning conditions. The overall effects would thus be positive to which I attach moderate weight.

159. Whilst the RVAA finds that there is no change that would lead to the residential areas becoming an unattractive place to live when judged objectively and in the public interest, the visual effects of the development would be locally significant and adverse. Thus, overall, I afford this harm moderate weight.

160. It has been demonstrated that noise impacts and shadow flicker could be effectively mitigated through the imposition of suitably worded planning conditions. I therefore find that the development would not cause any material harm to the living conditions of the occupiers of nearby residential properties by reason of noise impact or shadow flicker. Similarly, the development would not give rise to any unacceptable traffic or highway safety issues subject to details being agreed and implemented through planning conditions. Hence, I consider matters of noise impacts, shadow flicker and highway safety to be neutral in the planning balance.

161. Policies 17 and 18 of FW set out WG's approach to promoting the increased production of renewable energy in a way that seeks to strike an appropriate balance with the protection of other relevant interests. Likewise, Policy 32 recognises the balance that needs to be struck between the contribution that energy proposals would make to decarbonising energy supplies and impacts on the landscape, seascapes, natural and historic environment and the economic benefits they would bring to the region. As FW is the most recently adopted part of the Development Plan containing the most directly relevant policy to renewable energy projects of national significance, and the harms I have identified are localised and represent relatively minor to moderate conflict with the LDP policies, I conclude that the proposal would comply with the Development Plan as a whole. There are no material planning considerations that indicate the application should be determined other than in accordance with the Development Plan.

Appraisal - Secondary Consent Application

162. The secondary application is for temporary access roads and associated highway and landscaping works to facilitate deliveries of abnormal indivisible loads during construction and maintenance.

163. A preliminary Route Survey Report is included in the Transport Assessment (ES Appendix 10.1, Annex A) confirms two potential routes for the AIL delivery. Neither delivery route would require significant works beyond the boundary of the public highway, albeit works associated with the formation of temporary turbine delivery access tracks would be required at two locations:

- Land to the south of the Sentry Cross Roundabout (A477/Scoveston Road junction), which comprises both highways and agricultural land together with boundary hedgerows; and
- Land to the north east of Waterston village (B4325), which comprises highways land, agricultural land and boundary hedgerows and a vacant/disused car park (previously used when the Gulf Oil Refinery was operational up until 1998).

164. The impacts of the temporary access tracks are considered in the Planning, Design and Access Statement and the ES that accompanies the DNS application. Although the impacts of the development on landscape and visual and cultural heritage have been identified as areas where potential effects might occur, the main considerations in this case are:

- The effect of the works on highway safety;
- The effect of the works on ecology; and
- Whether any identified harm would be justified by other relevant matters, including the benefits arising from the development proposed through the associated DNS application.

Highway safety

165. The works required at the two locations include vegetation clearance, localised temporary works to provide a level surface and the installation of a temporary aluminium or plastic trackway/roadway.

166. Although the effect of these works would be an increase in the quantity of materials required to be imported during construction and in increase in the movement of loads, the works to create the Sentry Cross section would be completed in two days (resulting in 6 HGV movements and 2 LGV movements in that period) and up to four days to

complete the Waterston section works (attracting 10 HGV movements and 2 LGV movements in that period).

167. I am therefore of the view that the small scale nature of the works is such that there would be no significant traffic effects or unacceptable highway safety implications arising from this element of the scheme, subject to the imposition of appropriately worded conditions. It would therefore be consistent with the aims of LDP Policy GN.1 and FW policy 18.

Ecology

168. The track layout has been designed to minimise environmental disturbance, avoiding vegetation removal / trimming and using a temporary aluminium trackway. The works would result in the temporary loss of improved pasture, lengths of hedgerow and a corridor of gorse scrub.

169. The ES concludes that the works would result in a very small magnitude of impact on ecological receptors of low and medium sensitivity, likely to result in effects of negligible adverse significance.

170. Moreover, as the habitats present were identified as providing low ornithological value in the extended Phase 1 habitat survey undertaken in 2022, the potential for impacts to ornithological features would be localised to breeding bird disturbance and loss of nesting habitat.

171. Where scrub and hedgerow removal is required however, details of measures to protect habitats would be contained within a CEMP, which would include good practice construction measures (such as that seeking to protect retained habitats, a requirement for pre-construction surveys and the appointment of an ecological clerk of works), replanting and pollution prevention controls and monitoring, amongst other things.

172. To this end, I consider that this element of the development would involve minor loss of limited habitat and that the risk of displacement and/or disturbance of protected species would be of very short or reversible duration, such that it would result in very small effects of negligible adverse significance in the context of the associated DNS scheme. Hence, I am satisfied that there would be no significant ecological or ornithological effects arising from these proposed works. I therefore consider that subject to the imposition of recommended conditions, the proposal would accord with PPW12, FW policies 9 and 18 and LDP policy GN.37.

Other Relevant Matters, including the Benefits of the Development

173. The appraisal of the DNS application sets out the benefits and other matters in favour of the proposed wind farm development. This includes providing a direct supply of renewable energy to the Dragon LNG Terminal, which would form a key component in achieving the ambition to become a net zero LNG terminal by 2029 and a provider of renewable energy in the Milford Haven waterway. The policy section of this report outlines the support for developing renewable and low carbon energy to meet future needs, with national policy stating that significant weight should be attributed to the need to meet Wales' international commitments and WG's target of generating 70% of its consumed electricity by renewable means by 2030 and the subsequent target for 100% electricity from renewables sources by 2035 in order to combat the climate emergency.

174. The scheme's contribution to combating the climate emergency is afforded considerable weight in favour of allowing the secondary application. I also attach significant weight to the development's contribution in ensuring that Dragon LNG remains competitive and

can sustain its vital role as a key employer and investor in the local community, thereby realising its social and economic benefits.

Overall Conclusions – Secondary Consent Application

175. Therefore, having considered all matters raised, I conclude that the application should be allowed, subject to planning permission being granted for the development proposed through the DNS application.

Recommendations

DNS Application

176. That planning permission be granted for the development proposed under the DNS application, subject to the planning conditions set out at Annex A.

Secondary Consent Application

177. That the secondary consent application be granted, subject to planning permission being granted for the DNS application and the recommended conditions at Annex B.

178. In making these recommendations, I have taken into account the requirements of sections 3 and 5 of the Well-Being of Future Generations (Wales) Act 2015. I consider that the recommendations are in accordance with the Act's sustainable development principle through its contribution towards one or more of the Welsh Ministers' well-being objectives.

Melissa Hall

INSPECTOR

ANNEX A: Schedule of Recommended Planning Conditions

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

   Reason: To comply with Sections 91 and 93 of the Town and Country Planning Act 1990.

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

   - Drawing RL001 Site Location Plan
   - ES Fig. 2.7 Infrastructure Layout
   - ES Fig.2.9 Typical Turbine Foundations
   - ES Fig. 2.10 Typical Crane Hardstanding
   - ES Figs.2.11A, 2.11B, 2.11C Typical Hardstanding and Track
   - ES Fig 2.14 Typical Cable Trenching

   Reason: For the avoidance of doubt as to the approved plans and to accord with WG Circular 016/2014 'The Use of Planning Conditions for Development Management'.

3. No development shall commence until full details of the proposed wind turbines hereby permitted, including design, colour, make and model has been submitted to and approved in writing by the local planning authority. The wind turbines shall not exceed a maximum height to top of blade tip of 149.9 metres. All of the wind turbines shall rotate in the same direction and there shall be no display of name, sign, symbol or logo on any external surface of the wind turbines unless required by law or for health and safety reasons or as otherwise agreed in writing by the local planning authority. The wind turbines shall accord with the approved details.

   Reason: In the interests of visual amenity and in compliance with policy GN.1 of the LDP.

4. No development shall commence on the substation/control building or access track upgrades until full details of the final location, configuration, external dimensions, facing materials and drainage arrangements, have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

   Reason: In the interests of visual amenity, safety and securing appropriate drainage arrangements in compliance with policy GN.1 of the LDP.

5. The final location of wind turbines, buildings, areas of hardstanding and tracks may be adjusted by micro-siting from the locations shown in ES Figure 2.7 Infrastructure layout in accordance with a micro-siting protocol to be submitted and approved in writing by the Local Planning Authority prior to the commencement of development, including vegetation clearance. The micro-siting protocol shall ensure that:

   i. the micro-siting of all wind turbines and other wind farm infrastructure complies with the joint agency guidance on 'Bats and Onshore Wind Turbines – Survey, Assessment and Mitigation' (Nature Scot et al, August 2021) and in particular paragraph 7.1.2 thereof;

   ii. no coastal scrub to the south of the site requires removal;

   iii. the micro-siting appropriately considers the constraints identified in ES Figure 3.3-3.6; and,

   iv. the micro-siting is not by more than 50 metres.

The micro-siting details shall clarify any changes to the extent of the permanent/temporary land take and/or changes that would result in degradation and/or loss of habitat, and the relevant turbine stand-off buffer within which vegetation is to be removed or managed to protect bats.

Reason: to comply with the terms of the application

6. During the bat activity season from April –October, the turbine blades on all turbines shall, at all times, be feathered to reduce rotation speeds to below 2 rpm while idling, in accordance with paragraph 7.1.3(a) of the joint agency guidance 'Bats and Onshore Wind Turbines – Survey, Assessment and Mitigation' (Nature Scot et al, August 2021).

   Reason: to secure measures for the conservation and enhancement of biodiversity in accordance with Part 1 Section 6 of the Environment (Wales) Act 2016, Planning Policy Wales (February 2023) and Tan 5 Nature Conservation and Planning (2009).

7. Prior to any turbine being brought into operation, an OBRMS shall be submitted to and approved in writing by the Local Planning Authority. The OBRMS shall accord with joint agency guidance 'Bats and Onshore Wind Turbines – Survey, Assessment and Mitigation (NatureScot et al., 2021). The operational bat monitoring strategy will be defined in the OBRMS and will outline the following:

   i. Acoustic monitoring methods including timing, static detector location and equipment to be used;

   ii. Methodology for searching for injured bats and bat carcasses;

   iii. Timing and duration of monitoring;

   iv. Appropriate persons responsible for implementing the monitoring;

   v. Frequency and format for presenting and dissemination of monitoring results including submission to all data relevant stakeholders and ecological records databases;

   vi. Remedial measures to reduce any impacts of the scheme identified through monitoring, which may include a Turbine Curtailment Strategy as detailed in Condition 8.

   The OBRMS shall be implemented in accordance with the approved details upon commencement of operation of one or more of the turbines, with a written report of the effectiveness of the OBRMS provided to the LPA every 5 years of the operational phase, and any arising revisions of the plan to be agreed in writing with the LPA prior to implementation.

   Reason: to secure measures for the conservation and enhancement of biodiversity in accordance with Part 1 Section 6 of the Environment (Wales) Act 2016, Planning Policy Wales (February 2023) and Tan 5 Nature Conservation and Planning (2009).

8. If the LPA considers turbine curtailment to be necessary as a result of pre-construction bat activity surveys at the final turbine locations, the timing and frequency of which shall first be submitted to and agreed in wiring by the Local Planning Authority, a Turbine Curtailment Strategy shall be prepared which shall outline the following:

   i. The turbines for which curtailment will apply, including their locations;

   ii. The times of day and year within the bat activity season when curtailment will restrict operations at these turbines;

iii. The weather conditions (e.g., temperature/wind speed) when curtailment will restrict turbine operation;

iv. Confirmation as to how the required curtailment shall be implemented whether SMART technologies will be used to implement curtailment; and,

v. Procedures to ensure that the curtailment strategy is reviewed and adapted as required, based on the monitoring data.

The Turbine Curtailment Strategy shall be implemented in accordance with the approved detail and shall be used to inform an update to the OBRMS under Condition 7.

Reason: to secure measures for the conservation and enhancement of biodiversity in accordance with Part 1 Section 6 of the Environment (Wales) Act 2016, Planning Policy Wales (February 2023) and Tan 5 Nature Conservation and Planning (2009)

9. No development shall commence until a Habitat Management Plan ("HMP"), has been submitted to, and approved in writing by the local planning authority. The HMP shall include:

   i. details of the proposed new planting and hedgerow according with the principles set out in ES Appendix 2.3 and ES Appendix 2.7, including details of planting specifications and timing of implementation;

   ii. details of immediate aftercare of new planting and on-going habitat management of all habitats across the site during the construction, operation and decommissioning phases; and

   iii. details of measures to ensure that stand-off buffers for bats at all turbines will not be left to successionally develop into habitat which may attract foraging bats.

   The HMP shall be implemented in accordance with the approved details upon commencement of operation of the development, with a written report of the effectiveness of the plan provided to the LPA every 5 years from the commencement of the operational phase for written approval.

   Reason: to secure measures for the conservation and enhancement of biodiversity in accordance with policy GN.37 of the LDP, Part 1 Section 6 of the Environment (Wales) Act 2016, Planning Policy Wales (February 2023) and TAN 5 Nature Conservation and Planning (2009).

10. No development shall commence until a Construction and Environmental Management Plan (CEMP) has been submitted to, and approved in writing by, the local planning authority. The construction of the development shall accord with the approved CEMP. The CEMP shall provide for those relevant matters proposed to be included in a CEMP at Table 12.1 of the ES and the outline CEMP provided at ES Appendix 2.1 including:

    i. details of the storage of plant and materials to be used in constructing the development and the construction compound layout;

    ii. measures to control the emission of dust and dirt during ground works and construction as set out in ES Table 12.1;

    iii. a scheme for the recycling/disposing of waste;

    iv. a scheme for the storage and management of excavated soil on site;

    v. details of any external lighting during the construction period;

    vi. working hours and delivery times;

vii. details of how the construction phase will be monitored so that the above matters are complied with and a methodology for addressing any unforeseen circumstances that may occur during the construction period;

viii. a Public Footpath Management Plan;

ix. surface water drainage arrangements;

x. measures to protect hydrology, as set out in ES Table 12.1;

xi. measures to protect sensitive ecological and ornithological species and habitat as set out in ES Table 12.1;

xii. measures to protect residential amenity from construction noise, as set out in ES Table 12.1.

Reason: In the interests of highway safety and pollution control and to secure measures for the conservation and enhancement of biodiversity in accordance with policies GN.1 and GN.37 of the LDP Part 1 Section 6 of the Environment (Wales) Act 2016, Planning Policy Wales (February 2023) and TAN 5 Nature Conservation and Planning (2009).

11. Prior to commencement of onsite works, details of the implementation of the methodology, tree and hedgerow protection measures and proposed planting (including implementation timetable for all works) (outline measures set out at Appendix 2.3 and 2.7 of the ES) shall be submitted to, and approved in writing by, the Local Planning Authority. All works shall be undertaken in accordance with the approved details.

Reason: In the interests of visual amenity and to secure measures for the conservation and enhancement of biodiversity in accordance with policies GN.1 and GN.37 of the LDP, Part 1 Section 6 of the Environment (Wales) Act 2016, Planning Policy Wales (February 2023) and TAN 5 Nature Conservation and Planning (2009).

12. No development shall commence above ground level until details of any external illumination (during the operational phase), including measures to control light spillage, have been submitted to and approved in writing by the local planning authority. The Lighting Plan shall include:

• Details of the siting and type of external lighting to be used (including security lighting)

• Drawings setting out light spillage in key sensitive areas (e.g. hedgerows running across the site, coastal fringe and foreshore)

The development shall be carried out in accordance with the approved details. Any lighting shall be installed and retained only as approved in the Lighting Plan.

Reason: In the interests of visual amenity and to secure measures for the conservation and enhancement of biodiversity in accordance with policies GN.1 and GN.37 of the LDP, Part 1 Section 6 of the Environment (Wales) Act 2016, Planning Policy Wales (February 2023) and TAN 5 Nature Conservation and Planning (2009).

13. Prior to commencing construction of any wind turbine generators, or deploying any construction equipment or temporary structure(s) 50 metres or more in height (above ground level) an aviation lighting scheme must be submitted for the approval of the Local Planning Authority defining how the development will be lit throughout its life to maintain civil and military aviation safety requirements as determined necessary for aviation safety by the Ministry of Defence. This shall set out:

i. details of any construction equipment and temporal structures with a total height of 50 metres or greater (above ground level) that will be deployed during the construction of wind turbine generators and details of any aviation warning lighting that they will be fitted with; and

ii. the locations and heights of all wind turbine generators featured in the development identifying those that will be fitted with aviation warning lighting identifying the position of the lights on the wind turbine generators; the type(s) of lights that will be fitted and the performance specification(s) of the lighting type(s) to be used.

Thereafter, the development shall be carried out in accordance with the approved details. The lighting installed shall remain operational for the lifetime of the development.

Reason: In the interests of aviation safety, and in compliance with policy GN.1 of the LDP and policy 18 of Future Wales.

14. The developer must notify the Ministry of Defence, at least 14 days prior to the commencement of the works, in writing of the following information:

i. the date of the commencement of the erection of wind turbine generators;

ii. the maximum height of any construction equipment to be used in the erection of the wind turbines;

iii. the date any wind turbine generators are brought into use;

iv. the latitude and longitude and maximum heights of each wind turbine generator, and any anemometer mast(s).

The Ministry of Defence must be notified of any changes to the information previously supplied in accordance with this condition.

Reason: In the interests of aviation safety, and in compliance with policy GN.1 of the LDP and policy 18 of Future Wales.

15. The permission hereby granted shall endure for a period of 40 years from the date when turbine commissioning is completed and electricity is first exported from the site. Written confirmation of the first export date shall be sent to the local planning authority within one month of the first export date.

Reason: The proposal is time limited and in the interests of visual amenity and to comply with policy 18 of Future Wales and policy GN.1 of the LDP.

16. Not less than 12 months before the expiry of this permission, a Decommissioning and Restoration Plan (DRP) based on the outline measures at ES Appendix 2.1 shall be submitted to and approved in writing by the local planning authority. The scheme shall be implemented as approved and be completed within 9 months from the expiry of this permission. The scheme shall include, but not be limited to, details of:

i. the dismantling and removal of the wind turbines and all associated above ground works and equipment;

ii. a full ecological assessment of the site;

iii. the means of removal, including how this will avoid ecological effects; and

iv. restoration of the land to its former condition.

Reason: In the interests of pollution control and to secure measures for the conservation and enhancement of biodiversity in accordance with policy 18 of Future Wales and policy GN.1 of the LDP , Part 1 Section 6 of the Environment (Wales) Act 2016, Planning Policy Wales (February 2023) and Tan 5 Nature Conservation and Planning (2009).

17. If any wind turbine fails to generate electricity for export from the site for a continuous period of 6 months then, unless the local planning authority is provided with evidence that the turbine awaits repair and agrees a timescale for such repair, a Decommissioning and

Restoration Plan (DRP) for its removal shall be submitted to the local planning authority for its written approval within 9 months of the date the turbine first fails to deliver electricity. The DRP shall include a timescale for undertaking all works and shall be based on the outline measures at ES Appendix 2.1. Decommissioning shall be implemented in accordance with the approved DRP.

Reason: In the interests of visual amenity, ecology, and pollution control and to comply with policy 18 of Future Wales and policy GN.1 of the LDP.

18. Prior to the operation of any wind turbine a scheme providing for the post-development investigation and alleviation of any interference to the UHF link to the ship navigation aids by the operation of the turbines shall be submitted to and approved in writing by the local planning authority. A report shall be prepared, with proposed recommendations, to be submitted to and approved in writing by the local planning authority within one month of the written confirmation of the notification of a complaint to the developer by the local planning authority and where impairment is determined to be attributable to the development. Recommendations in the report shall include mitigation works and a timescale for such works which shall then be carried out in accordance with the scheme which has been approved in writing by the local planning authority.

    Reason: In the interests of ship navigation safety and to comply with policy GN.1 of the LDP.

19. Prior to the operation of any wind turbine a scheme providing for the post-development investigation and alleviation of any interference to television reception caused by the operation of the turbines shall be submitted to and approved in writing by the local planning authority. The scheme shall provide for the investigation by a qualified independent television engineer of any complaint of interference with television reception at a lawfully occupied dwelling (defined for the purposes of this condition as a building within Use Classes C3, C4, C5 and C6 of the Use Classes Order) which lawfully exists or had planning permission at the date of this permission (and also any lawfully occupied visitor accommodation, including camping and caravan parks which lawfully exist or have planning permission at the date of this permission), where such complaint is notified to the developer by the local planning authority within 24 months of the first export date.
    The qualified television engineer shall prepare a report, with proposed recommendations, to be submitted to and approved in writing by the local planning authority within one month of the written confirmation of the complaint by the local planning authority and where impairment is determined by the qualified television engineer to be attributable to the development, recommendations in the report shall include mitigation works and a timescale for such works which shall then be carried out in accordance with the scheme which has been approved in writing by the local planning authority.

    Reason: In the interests of residential amenity and to comply with policy GN.1 of the LDP.

20. Prior to the operation of any wind turbine a report providing for the post-development investigation and alleviation of any shadow flicker effects caused by the operation of the turbines shall be submitted to and approved in writing by the local planning authority. The scheme shall provide for the investigation by a qualified independent analyst of any complaint regarding shadow flicker at a lawfully occupied dwelling (defined for the purposes of this condition as a building within Use Classes C3, C4, C5 and C6 of the Use Classes Order) which lawfully exist or had planning permission at the date of this permission, where such complaint is notified to the developer by the local planning authority within 24 months of the first export date. Where shadow flicker effects are determined by the analyst to be attributable to the development, alleviation works (and a timescale for such works) shall be included in the submitted report and shall be carried out in accordance with the approved report.

Reason: In the interests of residential amenity and to comply with policy GN.1 of the LDP.

21. The rating level of noise immissions from the combined effects of the wind turbines (including the application of any tonal penalty) when determined in accordance with the attached Guidance Notes (to this planning condition), shall not exceed the values in the table attached to this planning condition at any dwelling which is lawfully existing or has planning permission at the date of this permission and:

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

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

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

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

    v. The wind farm operator shall provide to the Local Planning Authority the independent consultant's assessment of the rating level of noise immissions undertaken in accordance with the Guidance Notes within 2 months of the date of the written request of the Local Planning Authority for compliance measurements to be made under paragraph (iii), unless the time limit is extended in writing by the Local Planning Authority. Unless otherwise agreed in writing by the Local Planning Authority, the assessment shall be accompanied by all data collected for the purposes of undertaking the compliance measurements, such data to be provided in the format set out in Guidance Note 1(e) of the Guidance Notes with the exception of audio data which shall be supplied in the format in which it is recorded. The instrumentation used to undertake the measurements shall be calibrated in

accordance with Guidance Note 1(a) and certificates of calibration shall be submitted to the Local Planning Authority with the independent consultant's assessment of the rating level of noise immissions.

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

Table 1 – Noise limits to apply at all times and wind speeds up to a standardised 10 m height wind speed of 12 m/s

Location Name	**Easting**	**Northing**	**Noise limit to apply at all times (dB L_{A90})**
Venn Farm	192391	205471	44
Copybush	192956	205766	37
All other dwellings	-	-	35

Note: For the purposes of this planning condition, a "dwelling" is a building within Use Class C3 & C4 of the Town and Country Planning (Use Classes) Order 1987 which lawfully exists or had planning permission at the date of this consent. The geographical coordinate references are provided for the purpose of identifying the general location of dwellings to which a given set of noise limits applies. Reason: To protect the amenity of the area.

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

Reason: In the interests of highway safety and to comply with policy GN.1 of the LDP.

23. AIL associated with the development shall be delivered strictly in accordance with a Transport Management Plan (TMP) to be first submitted to and approved in writing by the local planning authority. The TMP shall include:

a. proposals for transporting AIL from their point of entry to the site that minimise any impact on the safety and free flow of trunk road traffic;

b. evidence of trial runs that mimic the movement of the worst case AILs along the access route where appropriate, at the discretion of the Highway Authority;

c. number and size of AIL, including loaded dimensions and weights;

d. number and composition of AIL convoys, including anticipated escort arrangements;

e. methodology for managing trunk road traffic during AIL deliveries, including identification of passing places and holding areas as necessary;

f. convoy contingency plans in the event of incidents or emergencies;

g. estimated convoy journey durations and timings along the route, including release of forecast traffic queues;

h. swept path analysis modelling the movement of the worst case AILs at all potential horizontal and vertical constraints along the access route where appropriate, at the discretion of the Highway Authority;

i. proposals for the temporary or permanent modification of any affected street furniture along the access route and details of how this would be managed;

j. plans for the reinstatement of any temporary works after completion of the construction phase;

k. land ownership must be clarified on all drawings showing proposed highway modifications where the works extend beyond the limit of road adoption. The developer shall be responsible for the acquisition and reinstatement of all third party land including reinstatement of boundary features;

l. proposals to liaise with all relevant stakeholders and members of the public regarding construction traffic and AIL movements;

m. consideration of the cumulative impact of other abnormal load generating schemes proposing to use all or part of the same access route;

n. the appointment and role of a transport coordinator to administer the abnormal indivisible load delivery strategy;

o. temporary traffic diversions and traffic hold points;

p. details of banksmen and escorts for abnormal loads;

q. management and maintenance of layover areas, junctions, passing places, public rights of way and welfare facilities while AIL deliveries take place; and

r. details of temporary signage.

AIL associated with the maintenance and decommissioning of the development shall leave the site strictly in accordance with a TMP that shall be submitted to, and approved in writing by, the local planning authority.

Reason: In the interests of highway safety and to comply with policy GN.1 of the LDP.

24. Prior to commencement of onsite works, full details of the Site Access junction upgrade (indicative layout provided at Appendix 10.1B) (including timetable for construction) shall be submitted to, and approved in writing by, the Local Planning Authority. All works shall be undertaken in accordance with the approved details.

Reason: In the interests of highway safety and to comply with policy GN.1 of the LDP.

25. No AIL delivery shall be undertaken until:

a. an assessment of the capacity and impact on all structures along those parts of the highway network which shall be utilised during the construction of the development including bridges, culverts, retaining walls, embankments, and

b. details of any improvement works required to such structures as a result of construction of the development.

have been submitted to and approved in writing by the local planning authority following consultation with the WG as Welsh trunk road highway authority or other relevant highway authority (as appropriate). The required improvement works identified in the assessment shall be completed prior to the commencement of any Abnormal Indivisible Load (AIL) deliveries to the development site.

Reason: In the interests of highway safety and to comply with policy GN.1 of the LDP.

26. Condition surveys of all highway features along those parts of the highway network which shall be utilised during the construction of the development shall be undertaken prior to, during and on completion of the construction phase of the development. The survey reports shall be submitted to the local planning authority within 28 days of the surveys.

    Reason: In the interests of highway safety and to comply with policy GN.1 of the LDP.

27. Prior to any AIL deliveries, a scheme to provide for the remediation of any incidental damage directly attributable to the development to the parts of the highway network which will be utilised during the construction of the development including street furniture, structures, highway verge and carriageway surfaces shall be submitted to and approved in writing by the local planning authority. The scheme shall be implemented as approved.

    Reason: In the interests of highway safety and to comply with policy GN.1 of the LDP.

28. No AIL deliveries shall be undertaken until full details of any highway works associated with the construction of layover areas, passing places and highway including:

    a. the detailed design of any works;

    b. geometric layout;

    c. construction methods;

    d. drainage, and

    e. street lighting

    have been submitted to and approved in writing by the local planning authority. The highway works shall be completed in accordance with the approved details prior to the commencement of any AIL deliveries to the development site.

    Reason: In the interests of highway safety and to comply with policy GN.1 of the LDP.

29. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until a remediation strategy detailing how this unsuspected contamination shall be dealt with has been submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall be carried out as approved.

    Reason: In the interests of pollution control and to comply with policy GN.1 of the LDP.

Guidance Notes for Noise Condition for Operational Noise

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

Guidance Note 1

(a) Values of the LA90,10 minute noise statistic should be measured at the complainant's property, using a sound level meter of EN 60651/BS EN 60804 Type 1, or BS EN 61672 Class 1 quality (or the equivalent UK adopted standard in force at the time of the measurements) set to measure using the fast time weighted response as specified in BS EN 60651/BS EN 60804 or BS EN 61672-1 (or the equivalent UK adopted standard in force at the time of the measurements). This should be calibrated in accordance with the procedure specified in BS 4142: 1997 (or the equivalent UK adopted standard in force at the time of the measurements). Measurements shall be undertaken in such a manner to enable a tonal penalty to be applied in accordance with Guidance Note 3.

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

(c) The LA90,10 minute measurements should be synchronised with measurements of the 10-minute arithmetic mean wind and operational data logged in accordance with Guidance Note 1(d), including the power generation data from the turbine control systems of the wind farm.

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

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

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

Guidance Note 2

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

(b) Valid data points are those measured in the conditions specified in the agreed written protocol under paragraph (d) of the noise planning condition, but excluding any periods of rainfall measured in the vicinity of the sound level meter. Rainfall shall be assessed by use of a rain gauge that shall log the occurrence of rainfall in each 10-minute period concurrent with the measurement periods set out in Guidance Note 1.

(c) For those data points considered valid in accordance with Guidance Note 2(b), values of the LA90,10 minute noise measurements and corresponding values of the 10- minute standardised ten metre height wind speed, as derived from the site measured wind speed source(s) agreed in writing with the Local Planning Authority in accordance with Guidance Note 1(d), shall be plotted on an XY chart with noise level on the Y-axis and the standardised mean wind speed on the X-axis. A least squares, "best fit" curve of an order deemed appropriate by the independent consultant (but which may not be higher than a fourth order) should be fitted to the data points and define the wind farm noise level at each integer speed.

Guidance Note 3

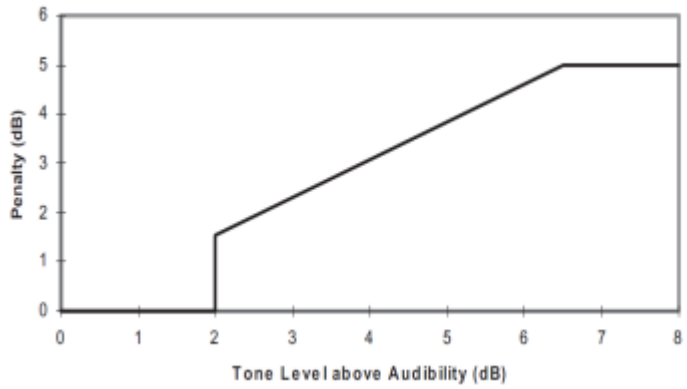
(a) Where, in accordance with the approved assessment protocol under paragraph (d) of the noise planning conditions, noise immissions at the location or locations where compliance measurements are being undertaken contain or are likely to contain a tonal component, a tonal penalty is to be calculated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

(b) For each 10-minute interval for which LA90,10 minute data have been determined as valid in accordance with Guidance Note 2 a tonal assessment shall be performed on noise immissions during 2 minutes of each 10 minute period. The 2-minute periods should be spaced at 10-minute intervals provided that uninterrupted uncorrupted data are available ("the standard procedure"). Where uncorrupted data are not available, the first available uninterrupted clean 2-minute period out of the affected overall 10-minute period shall be selected. Any such deviations from the standard procedure, as described in Section 2.1 on pages 104-109 of ETSU-R-97, shall be reported.

(c) For each of the 2-minute samples the tone level above or below audibility shall be calculated by comparison with the audibility criterion given in Section 2.1 on pages 104 to 109 of ETSU-R-97.

(d) The average tone level above audibility shall be calculated for each wind speed bin, each bin being 1 metre per second wide and centred on integer wind speeds. Samples for which the tones were below the audibility criterion or no tone was identified, a value of zero audibility shall be substituted.

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



Guidance Note 4

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

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

(c) In the event that the rating level is above the limit(s) set out in the Table attached to the noise planning condition, the independent consultant shall undertake a further assessment of the rating level to correct for background noise so that the rating level relates to wind turbine noise immission only.

(d) The wind farm operator shall ensure that all necessary wind turbines in the development are turned off for such period as the independent consultant requires to undertake any further noise measurements required under Guidance Note 4(c). If the number of turbines to be turned off are less than the total number of turbines on the site then this shall be agreed in advance with the Local Planning Authority.

(e) To this end, the steps in Guidance Note 2 shall be repeated with the required number of turbines shut-down in accordance with Guidance Note 4(d) in order to determine the background noise (L3) at each integer wind speed within the range requested by the Local Planning Authority in its written request under paragraph (c) and the approved protocol under paragraph (d) of the noise planning condition. (f) The wind farm noise (L1) at this speed shall then be calculated as follows where L2 is the measured level with turbines running but without the addition of any tonal penalty:

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

(g) The rating level shall be re-calculated by adding arithmetically the tonal penalty (if any is applied in accordance with Note 3) to the derived wind farm noise L1 at that integer wind speed.

(h) If the rating level after adjustment for background noise contribution and adjustment for tonal penalty (if required in accordance with Guidance Note 3 above) at any integer wind speed lies at or below the values set out in the Table attached to the planning condition then no further action is necessary. If the rating level at any integer wind speed exceeds the values set out in the Tables attached to the planning condition then the development fails to comply with the planning condition.

ANNEX B: Schedule of Recommended Conditions – Secondary Consent Application

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

   Reason: to comply with Sections 91 and 93 of the Town and Country Planning Act 1990.

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

   Sentry Cross – Red Line Site Location Plan – Drawing SC-01

   - Vestas V136 tower and blade (Overrun and Oversail) – Drawing SK07-01 (indicative)
   - Vestas V136 tower and blade (load bearing surface) – Drawing SK07A-01 (indicative)
   - Vestas V136 tower and blade (temporary trackway panels / load bearing widening construction) – Drawing SK07B-01 (indicative)

   North East of Wateston Red Line Site Location Plan – Drawing NE-01

   - Vestas V136 tower and blade (Overrun and Oversail) – Drawing SK09-01 (indicative)
   - Vestas V136 tower and blade (load bearing surface) – Drawing SK09A-01 (indicative)
   - Vestas V136 tower and blade (temporary trackway panels / load bearing widening construction) – Drawing SK09B-01 (indicative)

   Reason: For the avoidance of doubt as to the approved plans and to accord with Circular 016/2014 on The Use of Planning Conditions for Development Management.

3. Prior to commencement of development, full details of the temporary trackways (including their removal post-development) shall be submitted to, and approved in writing by, the Local Planning Authority. All works shall be undertaken in accordance with the approved details.

   Reason: In the interests of amenity, to comply with policy GN.1 of the LDP.

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

   Reason: In the interests of safeguarding potential archaeological remains on the site and in compliance with policy GN.1 of the LDP.

5. No development shall commence until a Construction and Environmental Management Plan (CEMP) has been submitted to, and approved in writing by, the local planning authority. The construction of the development shall accord entirely with the approved CEMP. The CEMP shall provide for those relevant matters proposed to be included in a CEMP at Table 12.1 of the ES and the OTTDAT assessment provided at ES Appendix 2.4.

Reason: In the interests of highway safety and pollution control and to secure measures for the conservation and enhancement of biodiversity in accordance with policies GN.1 and GN.37 of the LDP Part 1 Section 6 of the Environment (Wales) Act 2016, Planning Policy Wales (February 2023) and TAN 5 Nature Conservation and Planning (2009).

6. Prior to commencement of onsite works, details of the implementation of the methodology, tree and hedgerow protection measures and proposed planting (including implementation timetable for all works) (outline measures set out at Appendix 2.4 and 2.7 of the ES) shall be submitted to, and approved in writing by, the Local Planning Authority. All works shall be undertaken in accordance with the approved details.

   Reason: In the interests of visual amenity and ecology, and in compliance with policy GN.1 of the LDP.

7. Prior to commencement of onsite works a Construction Traffic Management Plan (CTMP) shall be submitted to, and approved in writing by, the Local Planning Authority. All construction work shall be undertaken in accordance with the approved CTMP.

   Reason: In the interests of highway safety and to comply with policy GN.1 of the LDP.

ANNEX C: Appropriate Assessment

Preliminary Matters

1. The purpose of this Annex is to report on the impacts of the scheme on the Pembrokeshire Marine / Sir Benfro Forol Special Area of Conservation (SAC) and the Limestone Coast of South West Wales / Arfordir Calchfaen De Orllewin Cymru SAC and the Pembrokeshire Bat Sites and Bosherton Lakes / Safleoedd Ystlum Sir Benfro a Llynnoedd Bosherton SAC.

2. This annex takes the form of an Appropriate Assessment (AA) for consideration by the Welsh Ministers in their role as the competent authority and has been prepared in accordance with the requirements of Regulation 63 of the Conservation of Habitats and Species Regulations 2017, as amended. In light of the requirements of Regulation 63(3) in carrying out my assessment I have had regard to the comments of Natural Resources Wales (NRW) in its letters dated 17 November 2023 and 21 February 2024.

3. To inform this Habitats Regulations Assessment (HRA) the application was accompanied by a 'Report to Inform a Habitats Regulation Assessment' (Appendix 5.5 of the ES).

Likely Significant Effects

4. The application site is located adjacent to Pembrokeshire Marine / Sir Benfro Forol SAC, within 5km of the Limestone Coast of South West Wales / Arfordir Calchfaen De Orllewin Cymru SAC and within 10km of the Pembrokeshire Bat Sites and Bosherton Lakes / Safleoedd Ystlum Sir Benfro a Llynnoedd Bosherton SAC.

5. Although the site is also within 5km of the Castlemartin Coast Ranges SPA and 13km of the Skomer, Skokholm and the Seas of Pembrokeshire SPA, NRW concurs that there are unlikely to be likely significant effects (LSE) on the qualifying features of these European sites. Hence there is no need to consider these sites further. Accordingly, the potential for LSE upon these European sites as a result of the proposed development in-combination with relevant projects is unlikely.

6. The HRA Report identifies the qualifying features of the Pembrokeshire Marine / Sir Benfro Forol SAC as allis and twaite shad, river and sea lamprey, grey seal, otter and shore dock with potential for LSEs arising from release of contaminants leading to death, disturbance and injury to otter and disturbance to breeding sites during the construction phase together with the release of contaminants during the operational phase. In particular, NRW advises that consideration should be given to the potential effects of the habitat manipulation proposals on otter and that the retention of the coastal fringe of mature scrub south of the application site should be secured.

7. In terms of the Limestone Coast of South West Wales / Arfordir Calchfaen De Orllewin Cymru SAC, potential for LSEs on the greater horseshoe bat qualifying feature could arise from vegetation removal resulting in habitat severance and disturbance / displacement from lighting during the construction phase and turbine operation resulting in collision mortality during the operational phase.

8. The qualifying features of the Pembrokeshire Bat Sites and Bosherton Lakes / Safleoedd Ystlum Sir Benfro a Llynnoedd Bosherton SAC are the greater horseshoe bat and lesser horseshoe bat with the potential for LSEs arising from vegetation removal resulting in habitat severance and disturbance / displacement from lighting during the construction phase and turbine operation resulting in collision mortality during the operational phase.

9. NRW notes that the Pembrokeshire Bats Sites and Bosherston Lakes SAC and Limestone Coast of South-West Wales SAC are both notified for their horseshoe bat populations. Thus, it is important that habitat features are retained which enable the bats to continue to move through the site, and that such features remain unaffected by artificial light spill from any artificial lighting associated with the development. It further advises that the coastal fringe of mature vegetation on the southern part of the application site is retained and not subject to habitat removal as it may be used by horseshoe bats moving along the coast, particularly along the sheltered Pembrokeshire Coast Path.

10. In the context of the above, and as LSEs cannot be ruled out for the SACs, I shall carry out an Appropriate Assessment of the effect on the designated areas.

Appropriate Assessment

11. Partly in response to the identified LSE on the SACs, a series of mitigation measures are proposed. These have been developed by the applicant in consultation with the Council and NRW over the course of the application.

12. Such measures include the implementation of a CEMP and DRP, and which would include pollution prevention controls, sediment and water management measures in line with Guidance for Pollution Prevention. A wildlife sensitive lighting scheme would also be included within the CEMP and DRP, as would a condition requiring details of any external illumination(during the operational phase and measures to enable legislative compliance in relation to the protection of otters as a European Protected Species (EPS) and a requirement for pre-commencement surveys to establish the presence or likely presence of otter within and adjacent to working areas.

13. The implementation of measures contained within a Habitats Management Plan (HMP), including in relation to compensatory and enhancement hedgerow and scrub planting. Such planting, together with other measures detailed within the HMP, would also seek to maintain and improve the connectivity of green infrastructure for wildlife around operational infrastructure.

14. An Operational Bat Risk Mitigation Strategy secured by condition would detail those measures required to enable the potential risks to bat species to be reduced through habitat manipulation and reinstatement and feathering of WTG 1 (July to September) and WTG 2 (June).

15. NRW is of the view that the proposed development is unlikely to significantly affect the above SACs providing that: (i) the wind turbines are sited in accordance with the joint agency guidance on ‘Bats and Onshore Wind Turbines – Survey, Assessment and Mitigation’ (Nature Scot et al, August 2021); (ii) the implementation of the hedgerow replanting, and reinstatement indicated in section 4.5 (Works Specification) of Appendix 2.7 to the ES; (iii) the agreement of a lighting scheme for the development prior to works commencing on site, to cover construction and operational phases; (iv) the retention of the coastal fringe of mature vegetation south of the application site; (v) the use of temporary fencing to close hedgerow gaps created by the secondary consent works; and (vi) the submission and implementation of a finalised CEMP and DRP.

16. The requirements contained in conditions that secure the above are standard practice in schemes of this nature. Specialist contractors are accustomed to carrying out their work in a responsible manner to avoid unacceptable impacts on the sensitive environment of the site and the wider area. Similarly, the Council will be familiar with discharging similar conditions in relation to comparable projects and it has confirmed its agreement

to the wording of the relevant conditions in the SoCG and subsequent written submissions.

17. I consider that the suite of measures proposed to mitigate any harmful effect on the SACs can be relied upon to be effective. The Council would be in a position to secure any additional information it requires to ensure that harmful effects are avoided. In the circumstances it is reasonable to assume that the conditions' requirements would be complied with and monitored effectively, particularly given the potentially serious environmental consequences of not doing so.

18. Furthermore, on the basis of spatial separation and measures which have been embedded and/or will be implemented as part of the proposed development and projects considered, the potential for the proposal to contribute to potentially significant adverse cumulative effects on any European site is unlikely to occur.

19. I have taken into account all the available evidence and I have adopted the precautionary principle in carrying out my assessment. I conclude that it is beyond reasonable scientific doubt that the scheme, either alone or in combination with other projects, would not have an adverse effect on the integrity of the SACs. This conclusion is predicated on securing the identified mitigation measures through the imposition of the recommended planning conditions.

Recommendation

20. For the reasons given above, and having had regard to all other matters raised, I recommend that this report be accepted as an Appropriate Assessment which complies with the requirements of Regulation 63 of the Conservation of Habitats and Species Regulations 2017, as amended.

Melissa Hall

INSPECTOR