

Application By QPI Global Ventures for an order granting Development Consent for the South Hook Combined Heat and Power Station, South Hook, Herbrandston, Pembrokeshire

PINs REF: EN010054

Pembrokeshire Coast National Park Authority

Local Impact Report

November 2013



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1. Introduction

- 1.1 The Local Impact Report (LIR) has been prepared in accordance with the requirements of the Planning Act 2008, as amended by the Localism Act 2011. The LIR relates to an application by QPI Global Ventures Ltd for a Development Consent Order for the proposed South Hook Combined Heat and Power Station (CHP Plant).

2. Approach & Scope of LIR

- 2.1 The site, to which the application relates, covers 84 hectares and straddles the boundary between two local planning authorities (the LPAs): Pembrokeshire County Council (PCC) and the Pembrokeshire Coast National Park Authority (PCNPA). The vast majority of the site is within the jurisdiction of the Pembrokeshire Coast National Park Authority and this includes site of the proposed CHP Plant itself. A small part of the site is within the jurisdiction of Pembrokeshire County Council; this area primarily comprises land proposed for drainage attenuation, storage of excavated materials and temporary works associated with the construction phase.
- 2.2 There are clear interrelationships on relevant matters between the LPAs on which a joint view on impact can be established. However, there are also issues on which the two authorities have their own view in respect of impact that are specific to their respective areas, most notably matters relating to visual/landscape and nature conservation/biodiversity impacts. For this reason, separate LIRs have been prepared and approved by the respective authorities, but on the basis that a Statement of Common Ground will be prepared between the LPAs that will identify the matters which the authorities are in agreement on. In preparing the LIR, the impacts of any works taking place within the PCC area on the PCNPA area have been taken into account.
- 2.3 In accordance with guidance issued by PINS, the LIR has not examined the relationship with national policy and guidance (except for the policy tests laid down by the UK and Welsh governments in relation to major developments proposed for national parks).
- 2.4 The LIR seeks to establish the degree of direct local impact in relation to the main planning issues, having regard also to the local planning policy context. For each topic, in accordance with PINS guidance, impacts have been expressed in terms of whether they are positive, neutral or negative; with the degree of impact, where relevant, being expressed as major, moderate, minor or negligible.

2.5 The Local Development Plan for Pembrokeshire Coast National Park Authority (PCNPA LDP) was adopted in September 2010 and is the adopted development plan for the National Park area. Relevant extracts of the LDP, including planning policy text, are attached at Appendix 1. The complete text of the PCNPA LDP can be viewed at <http://www.pembrokeshirecoast.org.uk/default.asp?PID=102>.

3. Proposed Development

3.1 The proposed development is the construction and operation of a Combined Heat and Power Station (“the CHP Plant”) comprising the main generating plant and other integral infrastructure (with gross electrical output capacity of up to 500MWe) within the boundary of the existing South Hook Liquefied Natural Gas Terminal (“South Hook LNG”) near Herbrandston in Pembrokeshire. The proposed development is accurately described in the application and it is considered unnecessary to repeat here the full description of the proposed development.

4. Site and Surroundings

4.1 Within the wider locality, South Hook LNG is situated within an area of countryside typified by gently undulating hills and valleys. The PCNPA's Supplementary Planning Guidance (SPG) relating to Landscape Character defines the area (Character Area 11 – Herbrandston) as an area containing a mixture of industrial land and farmland, with an associated stretch of estuarine fringe along Milford Haven and its tributary, Sandy Haven Pill, at the edge of the National Park. Its main visual and sensory characteristics relate to an area of lowland rural landscape predominantly used for agriculture with woodland belts bordering small valleys, with small areas of coastal cliffs and shingle at its base along the edge of Milford Haven. The area has a single village and scattered farmsteads, dominated by the presence of very large scale industrial plants. These house vast oil refineries and chemical works with some small areas of agricultural field, coastal mud and settlements on the perimeters of the area. Extensive views of pylons and adjacent industrial sites and oil refineries act as significant visual detractors. The main vegetation and habitat characteristics include inter-tidal mud/sand, estuaries, saltmarsh and coastal scrub. The small tributary estuary of Sandy Haven supports several species of birds during the winter. (Extract from Landscape Character SPG is attached at Appendix 2; the full SPG can be accessed via the link in relation to the LDP above).

- 4.2 In terms of national designations, in addition to the National Park, the site is on the northern shore of the Milford Haven Waterway which is part of the Pembrokeshire Marine Special Area of Conservation (SAC) and a Site of Special Scientific Interest (SSSI). The site is also within the Milford Haven Waterway Landscape of Outstanding Historic Interest. There are two scheduled ancient monuments, South Hook Fort and South Hook Camp, in close proximity to the site.
- 4.3 The Pembrokeshire Coast Path (part of the Wales Coastal Path) also runs close to the site. The Coastal Path follows the northern and southern coastline of the Waterway and the western and southern boundary of South Hook LNG. Milford Haven Golf Club course borders the eastern boundary of South Hook LNG.
- 4.4 There are a number of small settlements close to the site including the small village of Herbrandston to the north, Hubberston and other residential areas of Milford Haven to the east, and Upper Neeston to the north east. A number of residential properties are within 1km. The town of Milford Haven is located to the east, with Neyland and Pembroke Dock beyond.
- 4.5 The proposed site of the CHP Plant itself is within the existing boundary of South Hook LNG plant, between the LNG storage tanks and the adjacent nature conservation area (subject to a Section 106 agreement with the PCNPA), towards the western boundary of the site and within the National Park.

5. Relevant Planning History

- 5.1 South Hook LNG was formerly occupied by the Esso Oil Refinery that was operational until the early 1980s. The oil refinery comprised a number of tank structures, process equipment, buildings, a drainage pond, sludge disposal pits, and a jetty into the Waterway. The refinery was closed in 1983 and was decommissioned by 1990.
- 5.2 South Hook LNG was constructed between 2005 and 2009 and comprises the reception, storage and gasification of liquefied natural gas. Copies of relevant planning permissions are annexed at Appendix 3. The permission for the LNG plant identified an area within the site to the west of the main industrial plant area for future expansion.

6. Main Impacts for Consideration

6.1 There are a number of issues that should be taken into account in assessing the likely impact of the proposed development on the area. The following will be considered within this LIR:

- Consideration of National Planning Policy in relation to the location of the proposal within a sensitive landscape area, namely a National Park
- Visual, Landscape and Seascape Impacts and Related Design Issues
- Impacts on Terrestrial Ecology
- Impacts on Cultural Heritage
- Impacts on Socio-Economic Issues including housing supply
- Transportation Impacts
- Impacts arising from Pollution and Hazardous Installations
- Impact of Associated Development, namely connection to Pembroke Power Station, Impact of future Carbon Capture Area and Cumulative Impacts
- Other Local Impacts

6.2 In addition, the LIR will consider the content of the Draft Development Consent Order (DCO) and its acceptability.

7. Consideration of National Planning Policy in relation to the location of the proposal within the National Park

Planning Policy

7.1 The overarching national policy statement for Energy (EN-1) issued by the Department of Energy and Climate Change discusses in Paragraphs 5.9.9 – 5.9.11 proposals for development within nationally designated landscapes including National Parks. It is stated that these have the highest status of protection in relation to landscape and scenic beauty and each has specific statutory purposes which help ensure their continued protection and which the

IPC should have regard to in its decisions. The conservation of the natural beauty of the landscape and countryside should be given substantial weight in deciding applications for development consent in these areas. The IPC may grant development consent in these areas in exceptional circumstances. The development should be demonstrated to be in the public interest and consideration of such applications should include an assessment of:

- *“the need for the development, including in terms of national considerations and the impact of consenting or not consenting it upon the local economy;*
- *The cost of, and scope for, developing elsewhere outside the designated area or meeting the need for it in some other way, taking account of the policy alternatives set out in Section 4.4; and*
- *Any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated”.*

7.2 The PCNPA LDP relies on the Welsh Government’s major development test set out in Planning Policy Wales (see paragraphs 4.94 and 4.95 of the LDP) for assessing the principle of allowing major developments within the National Park area. Hazardous Installations are to be considered under the major development test and Policy 19 of the Plan (see Section 13 below).

7.3 Major developments are defined in the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 and it is the potentially serious impact that a development may have that resulted in the title ‘Major Development’ being applied. In addition to needing to be in accordance with LDP policies, the proposal will have to fulfil national planning policy criteria known as ‘the major development test’ where such developments are to be situated within a National Park.

7.4 The application site is not allocated for development in the PCNPA LDP. Paragraph 4.179 of the LDP advises that the strategy for employment generation is to make small scale provision in the Park to enhance the socio-economic well-being of Park communities. Large scale proposals are not considered compatible with the National Park designation. Small scale proposals are seen as development involving less than 2 hectares of land for employment purposes. (A full analysis of the development with regard to employment impacts is carried out in Section 11 below).

7.5 Large scale employment opportunities are proposed in Pembrokeshire County Council’s Local Development Plan. Policy SP2 supports development at the port of Milford Haven including energy related development. Policy SP3 supports the development of strategic employment sites including 33.45 hectares at Blackbridge, Milford Haven.

7.6 The application site, along with the wider Haven area, is contained within the Welsh Government’s Enterprise Zone boundary which postdates the adoption

of the Local Development Plan. It lies on part of the site of the existing LNG Plant site which has been included in the Enterprise Zone.

- 7.7 The Enterprise Zone website advises that *‘the Enterprise Zone offers to both renewable and traditional energy companies an established industry base and supply chain together with a skilled workforce, an established distribution infrastructure, plus a variety of sites to suit a range of needs, and a network of universities with expertise in a range of energy-related fields.*

The availability of a deep sea port combined with marine conditions suited to both wave and tidal technologies plus the added benefit of having grid access makes Haven Waterway Enterprise Zone an especially attractive location for Marine Energy companies as they move to demonstrate small and larger arrays.’

- 7.8 Paragraph 5.5.6 of Planning Policy Wales advises *‘In National Parks or AONBs, special considerations apply to major development proposals which are more national (UK) than local in character. Major developments should not take place in National Parks or AONBs except in exceptional circumstances. This may arise where, after rigorous examination, there is demonstrated to be an overriding public need and refusal would be severely detrimental to the local economy and there is no potential for locating the development elsewhere or meeting the need in some other way. Any construction and restoration must be carried out to high environmental standards’.*

- 7.9 PPW requires consideration of applications for major developments to therefore include an assessment of the need with regard to three tests which are almost identical to those set out in EN-1 referred to above.

Assessment of Need

- 7.10 In light of the above it is necessary to consider each criterion in turn.

a. *The need for the development, in terms of national considerations, and the impact of permitting it or refusing it upon the local economy;*

- 7.11 The need for the development in terms of national considerations is set out in the applicant’s supporting documentation (Planning Statement, Document 1.16A). Reference is made to the overarching National Policy Statement for Energy which advises that the Infrastructure Planning Commission (now Planning Inspectorate - PINS) should start with a presumption in favour of granting consent to applications for energy nationally significant infrastructure projects (NSIPs) (paragraph 4.1.2 of the Overarching National Policy Statement for Energy – EN 1).

- 7.12 That presumption applies unless any more specific and relevant policies set out in the relevant National Policy Statements clearly indicate that consent should be refused. The presumption is also subject to the provisions of the Planning Act 2008 referred to at paragraph 1.1.2 of this NPS. (paragraph 4.1.2 of the overarching National Policy Statement for Energy)
- 7.13 The UK Government recognises that fossil fuels will be needed during the transition to a low carbon economy (paragraph 2.2.5 of the overarching National Policy Statement for Energy) and that timely private sector investment is required in power stations (paragraph 2.2.25 of the overarching National Policy Statement for Energy).
- 7.14 In terms of likely requirements (by 2025) the UK would need at least 113 GW of total electricity generating capacity (compared to around 85 GW now), of which at least 59 GW would be new build. A further breakdown of this figure in terms of new electricity generating infrastructure provision by technology type would be as follows:
- around 33 GW of the new capacity by 2025 would need to come from renewable sources
 - it would be for industry to determine the exact mix of the remaining 26 GW of required new electricity capacity,
 - of these figures of 33 GW and 26 GW respectively, around 2 GW of renewables and 8 GW of non-renewable technologies are already under construction. This leaves a balance of 18 GW to come from new non-renewable capacity; and
 - the Government would like a significant proportion of this balance to be filled by new low carbon generation (this would include gas) and believes that, in principle, new nuclear power should be free to contribute as much as possible towards meeting the need for around 18 GW of new non-renewable capacity by 2025. (paragraph 3.3.22 of the overarching National Policy Statement on Energy)
- 7.15 To minimise risks to energy security and resilience, the Government believes it is prudent to plan for a minimum need of 59 GW of new electricity capacity by 2025. (paragraph 3.3.23 of the overarching National Policy Statement on Energy) The Statement also advises though that it is not the Government's intention in presenting the above figures to set targets or limits on any new generating infrastructure to be consented in accordance with the energy NPSs. It is not the IPC's role to deliver specific amounts of generating capacity for each technology type. (paragraph 3.3.24 of the overarching National Policy Statement on Energy).
- 7.16 The Planning Statement submitted by the applicants does not provide a breakdown on progress generally in the UK to achieving the minimum need

set out in the overarching Policy Statement. It is therefore difficult to comment on whether it is needed if contributions from other developments in meeting the minimum need set out in the Government's Policy Statement are taken into account. Although it is appreciated that it is a minimum need set out in the Policy Statement some breakdown would have provided evidence that it was at least helping to meet that minimum need.

7.17 In terms of the impact of permitting the development or refusing it upon the local economy national and local policy considers the Haven area as internationally important for energy opportunities. This is considered in paragraphs 5.6.16 to 5.6.22 of the Planning Statement (Document 1.16A). Opportunities for growth for these forms of development are identified in the Pembrokeshire County Council's Local Development Plan rather than the PCNPA LDP.

7.18 The Planning Statement (Document 1.16A) at paragraph 5.2.20 bullet 7 refers to creating 30 full time equivalent posts at the plant once it is operational, and jobs for several hundred full time equivalents during construction over a period of 26 to 30 months. No commentary is provided in the Planning Statement regarding the impact of refusing consent.

7.19 In terms of employment generated the short term (30 months) construction employment is a significant contributor to the wider South Wales economy. As no commentary is provided on the impact of refusing consent no conclusions can be drawn beyond the potential loss of employment to the area should the project not go ahead. Without having any evidence provided on the cost of and scope for providing for the development outside the National Park or meeting the need for it in some other way (the second test below) then conclusions cannot be drawn as to whether it would be a loss to employment opportunity for the local area more generally.

Conclusion: There is insufficient information provided in the application to make a judgement on whether this development is needed..

b. *The cost of and scope for providing the development outside designated area or meeting the need for it in some other way;*

7.20 The Planning Statement (Document 1.16A) section 5.7 advises that given the synergistic relationship between the Combined Heat and Power Plant and the LNG terminal the only locations considered were all within the LNG Terminal site. Given the wider Enterprise Zone designation and support for larger scale employment proposals in the County Council's planning jurisdiction it is surprising that a wider geographical area, even if that was just within the Milford Haven area, was not scoped. It is noted that this project is capable of being a stand alone operation and is not wholly dependent on the existing

LNG plant to operate and as such consideration of other sites beyond the existing terminal should have been taken into account.

7.21 Notwithstanding this, a case has been presented for a location within the National Park and within the LNG terminal site itself. The applicant has determined this to be a more suitable location for various reasons including that it would not impact on possible future expansion of the LNG terminal in the east. The eastern side is discounted in so much as it is higher in the landscape and substantial excavation would be required. It would also be downwind of the storage tanks and would be closer to the shore, golf course and Hakin residents. A location in the west (as proposed) would also enable a more efficient interconnection with the LNG terminal (Paragraphs 3.2.6 and 3.2.7, Chapter 3, ES).

7.22 It is accepted that the location of the plant to the eastern side of the terminal (and thus outside the National Park) would have a number of logistical and physical constraints that would be more difficult to address than a site to the west (and thus inside the National Park). In addition, the landscape impacts may have been different (see below). However, no evidence has been presented to suggest that these difficulties were insurmountable for financial or other reasons as required by this test. In addition, meeting the need in some other way than within the terminal area is also not commented on in section 5.7 of the Planning Statement.

Conclusion: There is insufficient information provided in the application to make a judgement on whether this test has been fully carried out or whether it is met.

c. *Any detrimental effect on the environment and the landscape, and the extent to which that could be moderated.*

7.23 Section 8 below considers the effect of the proposed power plant in the landscape and concludes that the proposed the "2Rochdale envelope" submitted would have negative and major adverse impacts on the landscape of the National Park and would not meet the primary purpose of the designation and thus not meet adopted policy. It is however considered that some of the negative impacts could be mitigated to an extent through adopting the design principles presented in the application, and through further structural and local landscaping. However it is inevitable that the proposal will result in some detrimental impacts on the landscape for which no further mitigation is possible.

7.24 As stated above, the application has only considered other locations for the power plant within the LNG terminal area itself. No consideration has been given to other locations within the area or further afield which could have significantly different impacts (either positive or negative) on the character of

the National Park's landscape. Notwithstanding this, some assessment of the relative impacts of the proposal to the east or west of the National Park boundary but within the existing terminal confines has been presented in this application (Chapter 3 of the ES – Alternatives and Design Evolution) and follows discussions during the scoping of the ES and during pre-application stages. Little evidence has been provided with this application but it is generally accepted that a site to the eastern side of the National Park boundary would have had the advantages of being better related to existing industrial infrastructure. Notwithstanding this view, however, due to the topography of the site and the nature of the scale of the project it was considered that the siting of the plant to this side of the boundary may have had more significant visual impacts to the National Park than the chosen location, albeit being situated outside the National Park area. In the absence of a full Seascape, Landscape and Visual Appraisal (SLVIA) of this option however, this is an assertion based on illustrative material rather than through an evidence based analysis.

Conclusion: That the proposal will result in some major negative impacts on the National Park landscape which could not entirely be mitigated through design and landscaping.

Overall Conclusion on Need

- 7.25 In light of the above considerations and through applying the three tests set out in Planning Policy Wales, it is concluded that insufficient information has been presented to justify the development of the power station on a site within the National Park.

8. Visual, Landscape and Seascape Impacts and Related Design Issues

Local Planning Policy

- 8.1 National Park Authorities (NPAs) statutory functions are based on section 5 of the National Parks and Access to the Countryside Act 1949 which specifies two purposes. The first purpose is “to conserve and enhance the natural beauty, wildlife and cultural heritage of the National Parks” and the second is “to promote opportunities for the understanding and enjoyment of the special qualities by the public”. The Sandford¹ principle established that in the case of irreconcilable conflict the first purpose should be given primacy over the second. Under section 11A (1) of the 1949 Act there is also a duty on the NPAs is to foster the economic and social well being of local communities within the National Park.

- 8.2 Policy 1 of the PCNPA LDP requires all development to be compatible with the National Park purposes and is a key component of assessing development proposals within the National Park area. In addition, policies 8 (Special Qualities) and 15 (Conservation of the Pembrokeshire Coast National Park) and 30 (Amenity) require all development to protect and enhance the special qualities of the National Park and to not cause significant visual intrusion, be insensitively and unsympathetically sited within the landscape, introduce or intensify a use which is incompatible with its location, fail to harmonise with or enhance the landform and landscape character of the National Park, not to lose or fail to incorporate important traditional features and not to be of a scale incompatible with its surroundings.
- 8.3 Policy 29 of the LDP also requires proposals to demonstrate an integrated approach to design and construction and to be well designed in terms of place and distinctiveness, environment and biodiversity, community cohesion and health, accessibility, energy use, energy generation, materials and resources, water and drainage, waste and resilience to climate change.
- 8.4 The PCNPA has also adopted SPG on Landscape Character. Landscape Character Area 11 – Herbrandston is relevant to this proposal and the SPG is annexed at Appendix 2.

Assessment of Impact

- 8.5 PCNPA and Natural Resources Wales jointly commissioned external consultants to undertake an appraisal of the seascape, landscape and visual impact of the proposed CHP Plant. The appraisal is annexed at Appendix 4..
- 8.6 The report concludes that the Seascape, Landscape and Visual Impact Appraisal (SLVIA) undertaken by the applicants follows an appropriate methodology but failed to take account of the PCNPA's SPG on Landscape Character. This SPG was commissioned by PCNPA and the then Countryside Council for Wales (CCW) in 2006 and drew upon the baseline data in the LANDMAP methodology developed by CCW. The Welsh Government requires NPA's in their management plans to define what makes their areas special and unique and the SPG was developed for this purpose and to inform an understanding of the Park's landscape and settlement pattern and its individual landscape character areas for all its decision making.
- 8.7 The Landscape Character assessment process is not intended to duplicate LANDMAP but to provide a more detailed analysis of an area's character drawing on the baseline LANDMAP data and is the final stage of the LANDMAP process. The applicant's have responded to PCNPA's comment that the SPG should have been used to inform its SLVIA by stating that the

LANDMAP data is the most detailed and finest grained character assessment data available to construct a baseline on which the assessment of effects can be based. However, the SPG clearly provides a further tier of assessment that has not informed the SLVIA and subsequent Environmental Statement. It is therefore considered by the PCNPA that the absence of this document being taken into account calls into question some of the conclusions in the applicant's SLVIA.

8.8 The report identifies those areas where the conclusions of the SLVIA are questioned. In particular the impact of the proposal from Great Castle Head and by inference the area of the National Park extending from Sandy Haven to Great Castle Head are considered to be significant. This is due to the expansive views across to the site and the proximity to the development. It is also significant because the area does not currently appear industrialised from this location. The Herbrandston landscape character area is identified in the SPG is considered to provide a "buffer" function between the industrial development to the east and substantially unaffected areas of the National Park to the west. The introduction of the CHP plant in this landscape character area would result in the loss of this function. As such it is considered that the impacts to this area are major adverse and significant and not moderate and not significant as concluded in the SLVIA. This impact would result from the bulk of the buildings rather than the stack itself and the development would conflict with the management aims of the SPG in respect of Landscape Character area 11 which are to "promote careful management of ongoing landscape changes, with specific reference to the visual effects along the western and northern edges of the industrial installations under construction and their visual relationship with Herbrandston village and the surrounding edges of the National Park" and to "avoid further negative impact on the landscape that may result from infrastructure or industrial developments in the area and wider vicinity, especially upon the visual setting of the nationally significant historical sites".

8.9 It is also considered that there will be major negative visual impacts at close quarters to the site, in particular from the coast path to the south and west of the site as identified in the applicants SLVIA.

8.10 The application site is also situated within the Milford Haven Waterway Landscape of Outstanding Historic Interest in the register of such areas maintained by Cadw, the national heritage body for Wales. The landscape appraisal concurs with the findings of the SLVIA on the impacts which are found to be severe for the Esso Oil Refinery Historic Landscape Character Area, moderate for eight others and slight or very slight for the remaining fifteen.

- 8.11 However, the report does not agree with the conclusion with regard to the impact on the part of the Landscape of Outstanding Historic Interest between Sandy Haven and Great Castle Head as discussed above.
- 8.12 In respect of the impacts on the registered historic landscape specifically, it is considered that the introduction of the CHP plant would undermine the integrity of the prehistoric coastal promontory forts at Little Castle Head, Great Castle Head and Stack Rock Fort. These impacts are considered to be moderate negative. This view has also been supported by Dyfed Archaeological Trust which in particular draw attentions to the cumulative impact of this development and the proposed wind turbine at Sandy Haven which has been the subject of a screening opinion by the Authority in respect of the need for an EIA (reference NP/12/0018

Level of Impact

- 8.13 Having regard to the above, it is not considered that the proposal will comply with the National Park Authority's first purpose to conserve or enhance the natural beauty and cultural heritage of the Park, nor meet adopted policies with regard to the protection of the National Park's special qualities. It is considered that there will be major visual impacts arising from this development in particular when viewed from the south and west. In addition impacts on the registered historic landscape are considered to be moderate negative, and also when judged cumulatively with the proposed wind turbine at Sandy Haven.
- 8.14 It is noted that the DCO process is designed to accommodate a 'Rochdale Envelope' approach to EIA of built development whereby the maximum/worst case scenario in terms of design parameters is consulted upon and environmentally assessed and it is this that has informed the SLVIA and the subsequent impact appraisal above. The Rochdale Envelope is considerably more imposing than would be the case for a scheme where the visual appearance has been carefully designed. Considerable pre-application discussions have taken place with the applicant in order to reach agreement on the principles of detailed design. The indicative design that has been informed by the submitted Design and Access Statement provides a basis for achieving mitigation to alleviate some of the impacts identified above. This would be important for mitigating middle distance views (such as those from Sandy Haven to Great Castle Head) as well as near views because the physical scale of of the development is particularly apparent in those views. However, it is considered that the design principles statement is rather vague and focusses mainly on the roofs and not the overall size and massing of the buildings, merely confirming that the buildings will be within the Rochdale envelope parameters. There is a noticeable difference between the maximum

and minimum buildings parameters. This causes some difficulties in assessing the reality of the success of the design approach in mitigating visual impact. Requirement No.5 of Schedule B of the Draft DCO forms an initial basis for agreeing an appropriately worded condition and further comment will be made on the Draft DCO in Section 16 of this LIR.

- 8.15 In addition landscaping should form an integral part of the design approach. The benefit of landscaping mitigation, in the form of trees, appears to have been discounted on the basis that the coastal landscape is characteristically open (and trees struggle to grow). However, the application also states that landscaping can have a potentially positive effect to improve the quality of the development: “An opportunity exists to improve the character of the site through the use of a high quality architectural solution and the implementation of landscape proposals which reflect the wider rural landscape/seascape” (at 8.4.6 of ES). On this basis well designed landscaping mitigation that serves a specific purpose in reducing visual impact should be considered and should be incorporated into the landscaping requirements under Requirement No 6 of the Draft DCO. It is considered that this should be widened to explore the possibility of more structural planting as well as the landscaping indicated in the ES.
- 8.16 ES and the application drawings/visualisations for other developments along the Haven that have included large scale tanks have sometimes failed to illustrate the additional processing clutter that was required to be fitted to structures post-construction. This has led to deterioration in the visual appearance of plant that was not considered during the planning process. The success of this development in design terms is predicated by the need for a good quality final design. The applicant should provide assurances that all aspects of the development will be depicted in the final design to ensure that there will not be subsequent equipment installed that will reduce design quality and thus add to visual clutter and impact.
- 8.17 Subject to the above reservations, including the production of the “high quality architectural solution” envisaged by the applicants and appropriate landscaping mitigation, it is considered that some of the negative visual impact could be mitigated.. However, there will undoubtedly be an adverse impact on landscape quality and character which in some views will be a major negative impact, and which will impact on the qualities of the National Park and thus to the primary purpose of the National Park Authority and the requirements of its adopted development plan policies.

9. Impacts on Terrestrial Ecology

Local Planning Policy

- 9.1 The NPA has the purpose of ensuring that the natural beauty, wildlife and cultural heritage of the Park is conserved or enhanced. This is reflected in Policy 1 of the PCNPA LDP. Furthermore, policy 8 refers to the special qualities of the Park and in protecting and enhancing those qualities policy 8 includes the priority of ensuring that development restores or wherever possible enhances the National Park's ecosystems. The protection of links between sites or the creation of links where sites have become isolated is of particular importance. In addition local biodiversity action plan species and habitats should be protected for their amenity, landscape and biodiversity value.
- 9.2 Policy 10 (Local Sites of Nature Conservation or Geological Interest) and policy 11 (Protection of Biodiversity) are also relevant. Policy 10 requires development to only be permitted if it is liable to significantly harm the nature conservation value of a Local Nature Reserve or other site of nature conservation interest if the importance of the development outweighs the local value of the site and mitigation, minimisation or off setting has been investigated. Policy 11 requires development to only be permitted where it would disturb or otherwise harm protected species or their habitats or the integrity of other habitats, sites or features of importance to wildlife and individual species including Local Biodiversity Action Plan species and habitats where the effects will be acceptably minimised or mitigated through careful design, work scheduling or other measures.

Assessment of Impact

- 9.3 It is noted that the overall conclusion in the ES is that the proposal is unlikely to cause any significant impact on protected species or habitats provided appropriate mitigation is delivered. However, full details have not been provided with the application.
- 9.4 In this respect there are some concerns regarding the completeness of the survey work that has been carried out to inform the ES, in particular with regard to the presence of lesser horseshoe bats using South Hook fort as a day-roost and use of the fort by pipistrelle bats. Furthermore, there is a lack of information in the ES with regard to winter bat activity and as such there may have been an under-estimation of bat activity on/adjacent to the development site and the potential impacts of the development at different times of the year. Furthermore, there is evidence from CCTV footage that otters have been seen within the site at the skim pond and despite otters

being a protected species their presence on the site is dismissed in the ES. 9.5 In the absence of full survey work, and the appropriate mitigation measures identified arising therefrom, it is not clear how it is possible to screen the project for Likely Significant Effects and the PCNPA considers that the precautionary principle be applied and an Appropriate Assessment be carried out. It is noted that some mitigation measures have been put forward but in the absence of full survey work there may be further requirements. Any mitigation measures to be provided to inform the Appropriate Assessment should be clearly related to the survey work and the likely impacts of the project on protected species, be clear, have a reasonable expectation of success and be legally enforceable through the DCO.

Level of Impact

- 9.6 In the absence of the full survey work and mitigation measures to address those findings, it is not possible to assess the level of impact with regard to terrestrial ecology. Only with the benefit of such details can it be determined whether the impacts are permanent, or if they can be sufficiently and adequately mitigated or compensated for, and thus the level of impact and compliance, or otherwise, with policy can only then be confirmed.

10. Impacts on Cultural Heritage

Local Planning Policy

- 10.1 As discussed elsewhere the primary purpose of National Parks includes the conservation and enhancement of their cultural heritage. This purpose is reflected in PCNPA LDP Policy 1 and Policy 8 (Special Qualities) which requires the historic environment to be protected and where possible enhanced. Paragraphs 4.69 and 4.70 of the LDP are concerned with the historic environment and rely on Planning Policy Wales with regard to the preservation of listed buildings, conservation areas, historic landscapes, parks and gardens and scheduled ancient monuments and archaeological remains. These issues are also covered in paragraphs 5.8.11 – 5.8.22 of EN-1

Assessment of Impact

- 10.2 The impact of the proposals on the registered historic landscape is discussed in Section 8.
- 10.3 Due to the large scale development that has previously occupied this site it is considered that there will be little archaeological interest remaining within the site. However, areas 4 and 7 of the proposal (identified on document 1.10

Works Plan A) could potentially hold archaeological interest due to their previously largely undeveloped status.

- 10.4 Furthermore, due to the previous development that has taken part on the site it is not considered that there will be any significant impacts on the scheduled ancient monuments and their settings in the vicinity of the proposal. However, the impacts to South Hook Fort which is also a listed building could be potentially significant, particularly taking account of the Rochdale envelope parameters.

Level of Impact

- 10.5 In light of the above the development of the site is likely to have negligible impacts on the archaeological interests within the site, with the exception of Areas 4 and 7 which cannot be assessed in terms of impacts without further information. In this respect it is recommended that the DCO includes a requirement for a written scheme of investigation for these areas.
- 10.6 With regard to the potential impacts on South Hook Fort there could be moderate, negative impacts on its setting. However, it is considered that these could be mitigated for through adopting the design principles set out in document 1.22 of the project documents (Design Principles Statement) and implemented through Requirement 5 of the Draft DCO.

11. Impacts on Socio-Economic Issues including housing supply

Local Planning Policy

- 11.1 AThe duty of the NPA under section 11a(1) of the 1949 Act, already noted, requires authorities in determining proposals to have due regard to the need to foster the economic and social well being of the local communities within the Park, providing this is compatible with the purposes. This requirement is reflected in policy 1 of the PCNPA LDP – National Park Purposes and Duty.
- 11.2 In addition to this strategy policy, policies 17 (Shore Based Facilities), 42 (Employment Sites and Live/Work Units), 43 (Protection of Employment Sites and Buildings), and 45 (Affordable Housing) are relevant. Policy 17 allows for the development of shore based facilities in the developed areas of the coast where compatible with existing uses, whilst policies 42 and 43 are more generic policies seeking to direct employment uses to existing settlements and employment sites and protect those employment sites that are already in existence. As set out in Section 7 above the approach to employment

generation in the National Park is to make small scale provision in the Park to enhance the socio-economic well-being of the Park communities and to tackle seasonality issues in the employment profile of the area. Large scale proposals are not considered compatible with the National Park designation and therefore only small scale employment opportunities are identified in the Plan.

- 11.3 Policy 45 seeks to deliver affordable housing in all housing developments, setting a 50% target for schemes of two or more dwellings. In addition, commuted sums are sought for single dwellings and detailed advice on the delivery of affordable housing is found in the adopted SPG – Affordable Housing (annexed at Appendix 5).

Assessment of Impact

- 11.4 As the site is situated within the countryside for planning purposes and comprises a large scale industrial development the proposal would not conform to the PCNPA's general strategy in relation to employment as this scale of development would not be compatible with the National Park designation and would be situated in the countryside where development is strictly controlled. This issue of the acceptability of major developments in the National Park is dealt with in Section 7 of this LIR. However, for the purposes of assessing individual impacts it is accepted that the site is situated within the original site area for the LNG terminal and adjacent to the main buildings associated with this development. It is also accepted that the site is identified within the planning permission for LNG as an area for future expansion.
- 11.5 However, notwithstanding the above and with regard to economic impacts only, the application states that the development is likely to provide several hundred construction jobs and around 30 permanent jobs when complete and in operation. Whilst these figures are unable to be confirmed, it is clear that there will be some net benefit to the local economy and thus, in employment terms, impact is positive.
- 11.6 The development is also likely to add to the sustainability of South Hook LNG operations, as well as providing greater resilience in the local electricity supply system which serves the energy hub that is centred around the Haven Waterway. The site is also situated within the recently designated Haven Waterway Enterprise Zone (also discussed in Section 7).
- 11.7 The overall impact of the development on the tourism economy is also relevant to the employment considerations. The contribution of the tourism industry to the local economy is significant (some 4 million visitors per annum, and supporting the equivalent of 14,180 full time jobs²). As such any

proposals which undermine the tourism draw of the area need careful consideration.

- 11.8 In this respect the site is clearly visible from a number of viewpoints within the National Park, including from lengths of the Coastal Path which is an internationally and nationally important asset to the tourist economy. User surveys of the coastal path and National Park generally have found that the main reason for enjoyment is its wild and remote characteristics³ which are clearly not compatible with a large scale industrial development. The Coastal Path follows the southern fringe of the site and views of the site are available from both close proximity and from further afield, including views across the Haven from Angle. The visual effects of the development are considered under Section 8 of this LIR and conclude (as did the SLVIA) that there will be some major adverse effect on the coastal path and it is therefore reasonable to assume a related impact on the enjoyment of that path. However, it is also relevant that the proposals will be read in conjunction with the overall industrial character of this particular stretch of the Coastal Path and Haven and whilst there will be some additional impacts to users of the path in this location, it is considered that these impacts on enjoyment of the path and thus directly related impacts on tourism and its economic contribution, will be negligible and further outweighed by the positive economic contribution through potential job creation. As such it is considered that the impacts on the tourism economy are neutral and the overall economic benefits are positive.
- 11.8 With regard to other social impacts the impact of the development during the construction phase needs to be taken into account and the possible social impact in terms of increased pressure placed on affordable housing provision. In this respect, annexed to this document at Appendix 6 is an assessment of the housing impact of the proposed development across the county of Pembrokeshire. It is concluded that without the proposed mitigation detailed in the report, Option 4 being the preferred strategy, the proposal is likely to have a major negative impact on housing provision during the period of construction and, as a result, would prejudice delivery of the strategic housing policy objectives of the LDP in respect of affordable housing.

Level of Impact

- 11.9 It is considered that the development will have a minor positive economic impact to the National Park area (this conclusion being based on the fact that not all employees will necessarily be National Park residents) and a negative social impact arising from the construction phase and the associated displacement of tenants from affordable housing in the area. It is however considered that should Option 4 of Appendix 6 be required as part of the development there could be moderate positive social impact arising from this

development as a result of additional job creation and affordable housing provision.

12. Transportation Impacts

Local Planning Policy

- 12.1 The main relevant policies in the PCNPA LDP in relation to transportation are policy 48 (Community Facilities and Infrastructure Requirements), policy 52 (Sustainable Transport), policy 53 (Impacts of Traffic) and policy 54 (Cycleways). Policy 48 requires arrangements to be put in place for the provision or improvement of infrastructure, services and community facilities made necessary by the development. The Authority's SPG on Planning Obligations gives further guidance. Policy 52 seeks to ensure that opportunities are taken to improve and promote accessibility and reduce the need to travel by car by permitting proposals that assist in delivering improved traffic and parking management, improving public transport, ensuring new development is well designed with appropriate access for pedestrians, cyclists and vehicles and not permitting proposals that cause significant concerns about potential transport impacts which cannot be satisfactorily mitigated.
- 12.2 Policy 53 allows development where appropriate access can be achieved and will not allow development that generates unacceptable traffic impacts on congested areas or at times of peak traffic flows or at late night in residential areas, where there is an unacceptable impact on road safety and where significant environmental damage would be caused or cannot be mitigated. Policy 54 seeks to provide cycleways where they have as little adverse environmental impact as feasible, fulfil a strategic or local need, contribute to road safety improvements or opportunities for sustainable travel and reduce congestion in historic areas.

Assessment of Impact

- 12.3 The proposal is proposed to have a direct functional relationship with South Hook LNG, although it is acknowledged that it could operate as a stand alone facility. It is accepted that the proposal will impact on roads both within and without the National Park area. Whilst it is anticipated (as stated in the application) that the proposal will, once operative, employ in the region of 30 additional staff as well as a limited increase in other vehicle trips, the proposal is not considered to result in a negative impact in terms of accessibility that would be contrary to the above cited policies.

12.4 The operation of the CHP Plant is likely to result in a relatively low impact on the highway network. Notwithstanding this, patterns of travel to access South Hook LNG have historically developed to use more direct routes on low standard rural roads. PCC is planning improvements to part of the preferred route, along Bulford Road, from Johnston to Tiers Cross (as referred to in PCC's LDP and which have planning permission). However, the proposed development will also impact on roads to the west of Tiers Cross which also provide a main access route to South Hook LNG and which are currently of a poor standard. In such cases the National Park Authority will seek off-site improvements such as new and improved road infrastructure, traffic calming, public transport improvements, cycleways, footpaths, bridleways, lighting and associated landscaping to mitigate the potential transport impact of the development and to provide for forms of transport other than the private car.

12.5 Whilst the operation of the CHP Plant site is likely to result in a relatively low impact, the construction traffic impact will be significant and will include deliveries of abnormal loads which cannot be catered for on the current highway network. Whilst PCC will be undertaking works to improve a substantial part of the Bulford Road link, to ensure the remaining road network is suitable for the construction and eventual operation, the following works are necessary that are directly related to the need generated by the development within the National Park and within the context of its adopted policies:

- Improvement from the new roundabout south of Tiers Cross to just north of the Robeston West Junction.
- Road improvement from Tiers Cross (south end where Bulford Road improvement ends) to Robeston West junction.
- Bus Lay-bys and uncontrolled crossing-island at Meadow View - a school transport risk assessment has concluded that it is unsafe to drop pupils off on the opposite side of the road and the impact upon safety will be exacerbated due to the increased traffic generation through the construction phase.
- Thornton Cross Visibility Improvement - There is substandard visibility at the Thornton junction which requires remedial works in order to mitigate the impact of the construction traffic.
- Shared Use Path - A SUP will be required from Tiers Cross to Neeston Junction (C3001). This would connect to the Milford to Herbrandston SUP, providing mitigation for the impact of the development on vulnerable road users and provide a long term sustainable access for

staff and others who may be impacted by the development. There is a potential opportunity to use a dismantled railway running on the east side of the highway adjacent to Murco.

- Signage and marking improvements – the existing lining and signing provision along the route need to be audited and suitable improvements provided.

12.6 The estimated cost of these works given by the Highway Authority is £2,051,500. These works need to be funded by the applicant either by way of a section 278 agreement under the Highways Act or a development consent obligation under section 106 of the Planning Act. This “planning obligation” is necessary to make the development acceptable in planning terms and is directly related to the development; and also fairly and reasonably related in scale and kind to the development (as required by relevant planning policy and legislation). The proposal will also accord with the Authority's SPG on Planning Obligations.

12.7 In addition to the above, and as referred to in the application, a full and detailed Travel Plan covering the construction phase should be submitted, approved and implemented. It is noted that this is proposed as requirement No. 20 of Schedule B of the Draft DCO.

Level of Impact

12.8 Subject to the above, including the necessary improvements to transportation infrastructure, the proposal, in terms of transportation, will have a negative, but minor, impact during the construction phase and a neutral impact for the duration of its operation; and the proposed development will not conflict with relevant policies of the PCNPA LDP.

13. Impacts arising from Pollution and Hazardous Substances

Local Planning Policy

13.1 The most relevant policies in the PCNPA LDP relating to these issues are policies 19 (Hazardous Installations), and Policy 30 (Amenity). Policy 19 allows for development within safeguarding zones for hazardous installations where there is no unacceptable risk to either public health or safety or the operation of the hazardous installations and access to the hazardous installations.

- 13.2 The PCNPA LDP does not expressly allocate land for hazardous substances development or potentially polluting activities and relies on the major development test for the primary policy context for the consideration of such proposals. (See section 7 of this LIR and paragraph 7.1 in particular).
- 13.3 Policy 30 is a general policy restricting development where it has an unacceptable impact on amenity particularly where the development is for a use inappropriate for where people live or visit and/or the development is of a scale incompatible with its surroundings and/or the development leads to an increase in traffic, noise, odour or light which has a significant adverse impact and/or the development is visually intrusive.

Assessment of Impact

- 13.3 This section of the LIR is concerned with those matters relating to hazardous installations and pollution issues rather than those issues of amenity associated with traffic and visual impact which are addressed elsewhere. The issues relating to the principle of allowing hazardous installations in the National Park are dealt with in Section 7. In respect of detailed matters relating to hazardous installations and pollution, the PCNPA would rely on the view of the relevant statutory consultees. For completeness this LIR covers the comments made by PCC in respect of these matters as set out below and which are of course relevant also to their context in the National Park. It is considered that the application, including the ES, address in appropriate terms the local impact in relation to air quality, noise and vibration, contamination and lighting.

Air Quality

- 13.3 Operational Phase: The modelled operational effects, as detailed in the application, are accepted and these demonstrate that no air quality objectives would be exceeded with the magnitude of the impact described as “negligible” and the sensitivity of the receptors would be “low” resulting in an impact with “negligible or minor” significance. Under abnormal operating conditions with all 15 Submerged Conversion Vaporiser units operating simultaneously at full capacity the air quality objectives would not be exceeded at any receptor locations.
- 13.4 Construction Phase: Subject to the implementation of dust suppression, as described in the application, the potential for any adverse impact from dust will be appropriately mitigated as advised by PCC’s Pollution Control team.

Noise

- 13.5 Operational Phase: It has been demonstrated that the development would not represent a source of noise nuisance above and beyond the existing noise climate associated with South Hook LNG and/or other existing local sources of noise. The BS4142 assessment and associated noise monitoring has not identified the potential for adverse impact from noise to be a significant issue at neighbouring residential dwellings and the associated housing containing the CHP unit would satisfactorily mitigate noise levels.
- 13.6 Construction Phase: The majority of construction activities would take place during the weekday daytime periods. Provided the construction activities mitigate noise in accordance with BS 5228 recommendations then there would be no unacceptable impact.

Contaminated Land

- 13.7 Assessment of impact at the local level is confined to the risk posed during the construction and operational phases to human health. Natural Resources Wales are the appropriate body to consider any risks to controlled waters. The baseline assessment has identified that during the ground investigation generally low levels of chemical contaminants were recorded with an overall negligible long term risk posed to human health. Subject to the proposed mitigation measures being in place, the effects on human health during both the construction and operational phases are considered to be negligible as advised by PCC's Pollution Control team.

Summary

- 13.8 In summary, the findings of the ES in relation to air quality, noise and land contamination associated with the construction and operational phases of the development proposal are accepted. Impact from external lighting can be appropriately mitigated subject to approval of a detailed lighting strategy (Requirement 16 of Schedule B of the Draft DCO forms the basis of an appropriately worded condition). There will be no significant vibration effects associated with the construction or operational phases.
- 13.9 Operational atmospheric dispersion modelling has predicted environmental concentrations of pollutants to be below the relevant air quality objectives at receptor locations. Also the ES concludes that the potential worst case effects of air quality would not represent a constraint upon the development. This conclusion is accepted.

- 13.10 Construction related effects are forecast to be negligible due to distance from receptors and utilising good practice controls during construction (provided these are controlled through the DCO). The operational noise emissions would be mitigated by the existing noise climate and the attenuation provided by the surrounding structural housing containing the CHP unit.
- 13.11 Mitigation measures to protect human health and controlled water during the construction phase will be delivered through the Health & Safety Plan, Safe Systems of Work (SSOW), Construction Contingency Plan (CCP) and the Construction Environmental Management Plan (CEMP). CDM Regulations will apply to the proposed development which will ensure safe working procedures to avoid contact with contaminated land during construction. Again, all these matters should be controlled through requirements of the DCO.

Level of Impact

- 13.12 Subject to the mitigation proposed as part of the application and requirements placed on the DCO as referred to above, the proposal is likely to have a minor to moderate negative impact during the construction phase in terms of noise and disturbance for local receptors and a neutral impact for the duration of the operation of the CHP Plant. The proposed development will not conflict with relevant policies of the LDP. In terms of policy 30 of the PCNPA LDP there will be no significant detrimental impact on local amenity with regard to these matters, again subject to the above reservations.. The Health and Safety Executive will be the appropriate body to comment on the issues relating to the safeguarding zone.

14. Impact of Associated Development, namely connection to Pembroke Power Station and Impact of future Carbon Capture Area and Cumulative Impacts

- 14.1 It is noted that this proposal does not include the means of connection to the electricity supply grid from the electricity generating station although a statement regarding this matter is included at 1.14A of the ES and this forms the basis for establishing final design proposals. However, it is unfortunate that due to the limitations on the types of nationally significant infrastructure that in Wales are subject to the NSIP procedure under the 2008 Act, proposals for the grid connection cannot be included in the current application and therefore impacts, including cumulative impacts with the proposed CHP Plant, cannot be appropriately assessed.

- 14.2 It is also acknowledged that a Carbon Capture and Readiness (CCR) assessment is required by the Department of Energy and Climate Change (all new combustion stations at or over 300MWe must be carbon capture ready). The application includes a CCR assessment that provides a “high-level” pre-feasibility study. The application states that the CHP Plant is designed with readiness for future retrofitting of a carbon capture system and that fitting a carbon capture system would allow the CHP Plant to continue to make significant emission reductions into the future. The level of detail submitted in this “high level” study does not allow for an appropriate assessment of likely future local impacts to be undertaken and could potentially have significant negative impacts on the National Park landscape.
- 14.3 In other respects the ES provides a satisfactory assessment of cumulative impacts.

15. Other Local Impacts

Flood Risk, Drainage, Water Quality and Marine Ecology

- 15.1 No objection is raised to the principle of the drainage strategy that is proposed. However, detailed assessment in relation to flood risk and water quality and its impacts on associated marine ecology is deferred to Natural Resources Wales.

Waste

- 15.2 The application includes only limited consideration of waste matters. In accordance with PCNPA LDP policy 31 (Minimising Waste) there should be a requirement for a waste management strategy to be submitted for approval, and subsequently implemented.

16. Comments with regard to the Draft DCO

- 16.1 Consideration has been given to the Draft DCO submitted by the applicants. The PCNPA has considered its content and annexed at Appendix 7 are the Authority’s comments with regard to the detailed articles and requirements. The Authority’s reserves its right to comment further should the Draft DCO be amended during the course of the examination
- 16.2 In addition to those matters set out in the Draft DCO, the Authority also considers that development consent obligations are required in respect of infrastructure (highway) improvements and affordable housing as detailed above. These are considered to meet the requirements of Circular 13/97

“Planning Obligations” as they are necessary (in the interests of road safety and social impacts that would arise in their absence), relevant to planning (the considerations of highways safety and impacts on affordable housing are material planning considerations), directly related to the proposed developments (the impacts that the obligations are mitigating for are direct results arising from the proposal) and fairly and reasonably relate in scale and kind to the development and are reasonable in all other respects. The development is a major application with considerable economic return to the developers but with significant impacts to the surrounding highway network and social well being of local populations. The requirements outlined for inclusion in development consent obligations are considered to be of a scale and kind commensurate with a development of this scale and are a reasonable request based on evidence. As such, these should form an integral part of the DCO and the PCNPA is happy to discuss these requirements as part of the examination process.

- 16.3 A further request for a Community Benefit scheme has been suggested to the PCNPA by the Marloes and St Brides Community Council. The scheme has been put forward is the provision of a a photovoltaic roof array (Community Solar Farm) on the main power station building, the energy and feed-in tariff from which would be gifted to a not for profit fund which would make contributions to local community projects or possibly individuals by providing (for example) student bursaries.
- 16.4 Whilst the PCNPA considers that this would be a worthwhile project of benefit to the local community, this would, regrettably, fail to meet the tests sets set out in Circular 13/97 referred to above.
- 16.5 However, it is noted that in terms of securing benefits under Section 106 of the Town and Country Planning Act 1990 it is possible for an applicant to provide that the benefits run with the land and agree to be bound under Section 106 notwithstanding that the matters covered in the agreement are not material to a determination of an application for planning permission.
- 16.6 It is PCNPA’s view therefore that should community benefits be offered then these are matters for the developer and the community council in the first instance. However this matter would need to be considered as a separate issue to the draft DCO and the obligation instrument would have to be separate from the development consent obligations that the PCNPA considers are necessary to make the development acceptable in planning terms.

17. Conclusions

17.1 The above analysis addresses the main issues relating to the proposed development in relation to its local impact on the area that falls within the jurisdiction of Pembrokeshire Coast National Park Authority.

17.2 In summary the impacts can be identified as:

1. There is insufficient information on how the proposal complies with national planning policy and the major development test to justify siting the development in a National Park.
2. There are likely to be major negative impacts to the National Park landscape arising from the development which cannot be fully mitigated through the design principles and the development will therefore conflict with the primary purpose of the National Park designation.
3. That the impacts on terrestrial ecology cannot be assessed due to a lack of information in relation to surveys and the associated mitigation to address the use of the site by protected species.
4. That the possible impacts to interests of cultural heritage can be appropriately mitigated for through requirements (i.e. "planning conditions") in the DCO to carry out a written scheme of investigation and for the development to comply with the identified design principles.
5. That there will be minor positive impacts to employment arising from the development but moderate negative impacts to the affordable housing stock during construction period estimates at 26 – 30 months. This negative impact could be mitigated for through the requirement for the applicant to enter into a development consent obligation to provide contractors housing which will become affordable housing on completion of the scheme and which would result in a moderate positive impact in the longer term.
6. That there will be minor negative impacts to transportation during construction, and neutral impacts once operational. The negative impacts can be mitigated for through the applicant entering into a development consent obligation to secure road improvements in the area.
7. That there will be minor to moderate negative impacts with regard to noise and disturbance during construction but neutral effects on noise, disturbance, air quality and contaminated land once operational
8. That a lack of information in relation to the connection to the grid and the details of the development in the carbon capture area make it difficult to fully assess the impacts of the cumulative developments.

17.3 PCNPA also seek the amendments to the Draft DCO set out in Appendix 7 and reserves its position to comment further on the draft should it be further amended during the Examination.

References

1. Lord Sandford, National Parks Policy Review Committee, 1974
2. Pembrokeshire County Council Tourism Industry Web-site, Facts of Tourism, 2012
3. Pembrokeshire Coast National Park Authority Management Plan, Visitor and Residents Survey, Background Paper, October 2007

Appendices

1. Local Development Plan Policies
2. Landscape Character Area 11 – Herbrandston (Extract from Landscape Character SPG)
3. Planning History – Copies of Planning Permissions
4. Evaluation of Seascape, Landscape and Visual Impact Assessment – Gillespies
5. Affordable Housing and Planning Obligations SPG
6. Combined Heat and Power Proposal – Housing Implications
7. DCO Provisions

APPENDIX 1

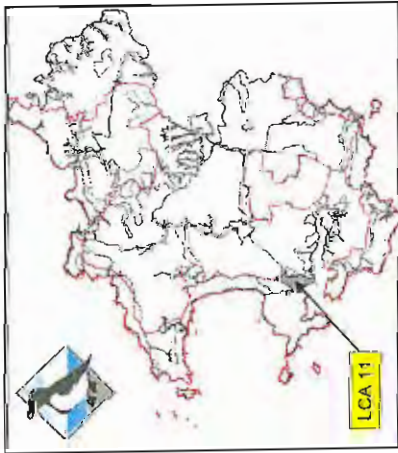
LOCAL DEVELOPMENT PLAN POLICIES

APPENDIX 2

LANDSCAPE CHARACTER AREA 11 – HERBRANDSTON

(EXTRACT FROM LANDSCAPE CHARACTER SPG)

Pembrokeshire Coast National Park
LCA 11 - HERBRANDSTON



Location, Context and Physical Characteristics

An area containing a mixture of industrial land and farmland, with an associated stretch of estuarine fringe along Milford Haven and its tributary, Sandy Haven Pili, at the edge of the National Park.

Visual and Sensory Characteristics

An area of lowland rural landscape predominantly used for agriculture with woodland belts bordering small valleys, with small areas of coastal cliffs and shingle at its base along the edge of Milford Haven. The area has a single village and scattered farmsteads, dominated by the presence of very large scale industrial plants. These house vast oil refineries and chemical works with some small areas of agricultural field, coastal mud and settlements on the perimeters of the area. Extensive views of pylons and adjacent industrial sites and oil refineries act as significant visual detractors.

Vegetation and Habitat Characteristics

Habitats include inter-tidal mud/sand, estuaries, saltmarsh and coastal scrub. The small tributary estuary of Sandy Haven supports several species of birds during the winter.

Geological Characteristics


Area north of Herbrandston is relatively level area at around 50-60m AOD and cut by stream valleys to give an undulating surface. Levelled and landscaped area for oil refinery in the south overlooking Milford Haven. Bedrock is Old Red Sandstone siltstones and sandstones (Silurian-Devonian).

Historic and Cultural Characteristics

There is a Neolithic chambered tomb, an Iron Age fort, and the South Hook fort and gun emplacement which are part of an extensive array of military fortifications within and around the waterway, constructed to defend the harbour of Milford Haven. Much of this LCA lies within the Milford Haven Waterway Registered Landscape of Outstanding Historic Interest in Wales.



Map Notation:

-  National Park Boundary
-  LCA Boundary
-  LCA Boundary defined by the National Park Boundary



Evaluation & Recommendations

LCA No.	Character Area	Visual & Sensory Aspect Areas	Geological Landscape Aspect Areas	Landscape Habitats Aspect Areas	Historic Landscape Aspect Areas	Cultural Landscape Aspect Areas
11	Herbrandston Refinery Fringe	68 - Low 77-High 90 - Low	152 - Low	365 - High 649 - Low 943 - Low	43880-Outstanding 43890-Outstanding 43902-Outstanding	003-Outstanding 007-High 196-Moderate

LANDMAP Aspect Evaluation Terms:

- Outstanding: Of International or National Importance
- High: Of Regional or County Importance
- Moderate: Of Local Importance
- Low: Of Little or No Importance

(The reference numbers in the table refer to the discrete Aspect Areas identified)

Special Qualities (Key Landscape Characteristics)

- The farmland in the western section of this area is peaceful and pleasant but there is an overwhelming presence of the nearby very large scale oil refinery and industrial plants which completely dominate the scene, especially the refinery on the higher ground to the north east of the area
- Only in views to the west does the refinery cease to have this influence over the sense of place
- There are habitats of high value along the shore of the estuary
- The low visual and sensory values of this landscape belie the outstanding historical and cultural value of much of the area, especially in relation to the shoreline of Milford Haven, which is of national significance. The Milford Haven Waterway Registered Landscape of Outstanding Historical Interest in Wales encompasses all of this LCA including Sandy Haven Pill. This river valley and estuary landscape has an unsurpassed concentration of remains, reflecting maritime conquest, settlement, commerce, fishing, defence and industry spanning the prehistoric to modern periods.

Discernible Landscape Trends

- The farmland and scattered residential settlements of the area are, in general, appropriately managed with some overgrown hedges present. However there is an underlying declining trend resulting from the domination of the landscape by the industrial works and related activities on adjacent land.
- The construction of the new Liquefied Natural Gas Terminal on the former oil refinery site south east of Herbrandston village is intensifying the encroachment of industry onto this edge of the National Park.

Management Guidance

- Conserve small areas of remnant 'wild' habitat, especially along the shores of Sandy Haven Pill
- Encourage landowners to participate in agri-environmental schemes, with particular emphasis on promotion of the restoration or rehabilitation of traditional field boundary hedges and stone walls at key visual locations
- Promote careful management of ongoing landscape changes, with specific reference to the visual effects along the western and northern edges of the industrial installations under construction and their visual relationship with Herbrandston village and the surrounding edges of the National Park
- Consider appropriate re-use of historic farm buildings at end of agricultural life and ensure that any new agricultural buildings respect the historical and cultural significance of the landscape in terms of their siting, layout, form and construction materials
- Provide public access to the South Hook fort
- Avoid further negative impact on the landscape that may result from infrastructure or industrial developments in the area and wider vicinity, especially upon the visual setting of the nationally significant historical sites.
- Ensure that as far as possible ancient monuments and remains are not lost or damaged.

APPENDIX 3

PLANNING HISTORY – COPIES OF PLANNING PERMISSIONS

PLANNING PERMISSION (FORM D)

Name and address of applicant

Qatar Petroleum & Exxonmobil
c/o St Catherine's House
2 Kingsway
London

Name and address of Agent (if any)

RPS PLC
Park House
Greyfriars Road
Cardiff
CF10 3AF

Part I - Particulars of application:

Date of application: 24/04/2003 Application Number: NP/03/225

Particulars and location of development: Reception storage area and Gasification of LNG
Former Esso Refinery, Milford Haven

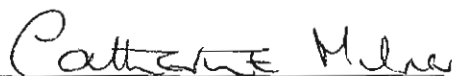
Part II - Particulars of decision:

The PEMBROKESHIRE COAST NATIONAL PARK AUTHORITY hereby give notice in pursuance of the provisions of the Town and Country Planning Act 1990 that PERMISSION HAS BEEN GRANTED for the carrying out of the development referred to in Part I hereof in accordance with the application and plans submitted subject to the following conditions:

1. The development hereby permitted shall be begun not later than the expiration of FIVE YEARS beginning with the date of this permission.
2. The development hereby permitted shall be carried out and thereafter maintained (i) in respect of the layout strictly in accordance with the deposited plans and (ii) in respect of the main buildings the amended plans received 27th September subject to the following conditions.
3. A schedule of external finishes and colours to be submitted to the National Park Authority for approval, in writing, prior to the commencement of work.
4. No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of works which has been submitted by the applicant and approved in writing by the National Park Authority.

Note:

The permission refers only to that required under the Town and Country Planning Acts and does not include any consent or approval under any other enactment, order or regulation.



For the National Park Authority

12 NOV 2003

Date:

Pembrokeshire Coast
National Park Authority

Winch Lane
Haverfordwest
Pembrokeshire SA61 1PY
Tel: 01437 - 764636
Fax: 01437 - 769045

Email: pcnp@pembrokeshirecoast.org.uk



5. A suitable and comprehensive scheme for the soft and hard landscaping of the site shall be submitted to the National Park Authority for approval, in writing, prior to the commencement of work. Such a scheme shall take full account of the natural trees and shrub species on the site, shall incorporate any mitigation required to offset any negative impacts of e.g. lighting on bats and should take account of new biodiversity opportunities. The scheme should also include the provision of a densely planted wetland corridor to link the western margin area to the Haven.
6. All planting, seeding and turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the buildings or the completion of development, whichever is the sooner; and any trees or plants which, within a period of five years from the completion of the development, fail, are removed, or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority give written consent to any variation.
7. Details of the proposed fencing and any security or other lighting shall be submitted to and approved by the Local Planning Authority before the development hereby permitted is commenced.
8. Development approved by this permission shall not be commenced until:-
 - a) A desk top study has been carried out which shall include the identification of previous site uses, potential contaminants that might reasonably be expected given those uses, and other relevant information, and using this information, a diagrammatic representation (Conceptual Model) for the site of all potential contaminant sources, pathways and receptors has been produced.
 - b) A site investigation scheme has been designed for the site (using the information obtained from the desk top study and Conceptual Model) and details submitted to and approved in writing by the Planning Authority, prior to that investigation being carried out on the site. The investigation must be sufficiently comprehensive to enable a risk assessment to be undertaken relative to the receptors associated with the proposed new use, those uses that will be retained (if any) and other receptors on and off the site that may be affected, and shall include for the refinement of the Conceptual Model, and the development of a Method Statement detailing the remediation requirements.
 - c) The site investigation has been undertaken in accordance with details approved by the Planning Authority and a risk assessment undertaken.
 - d) A Method Statement detailing the remediation requirements, using the information obtained from the site investigation has been submitted to and approved in writing by the Planning Authority, prior to that remediation being implemented.
9. No development approved by this permission shall be commenced until details of a scheme to monitor quality of groundwater/surface water (prior to, during and post remediation/site preparation) has been submitted to and approved in writing by the Planning Authority. The monitoring scheme shall include reference to the following:
 - number, location and depth of monitoring wells/sampling points
 - range of water quality determinands to be analysed
 - frequency and duration of sampling
 - method of decommissioning redundant monitoring wells

10. No development approved by this permission shall be commenced until a Waste Management Plan for control, management, storage and disposal of waste/excavated material during the construction phase of the development has been submitted to and approved in writing by the Planning Authority. The development shall be implemented strictly in accordance with the agreed plan.
11. No development approved by this permission shall be commenced until a Method Statement detailing measures for preventing pollution of controlled waters during the construction phase has been submitted to and approved in writing by the Planning Authority.
12. No development approved by this permission shall be commenced until a water features survey has been completed and a scheme detailing proposals for retention and/or change to those water features, has been submitted to and approved in writing by the Planning Authority.
13. No development approved by this permission shall be commenced until a scheme detailing the means of control and disposal of foul and surface water during the construction and operational phases of development has been submitted to and approved in writing by the Planning Authority. The scheme shall include the provision of petrol/oil interceptor as appropriate. The approved details shall be implemented to accommodate foul and surface water for the construction phase and shall thereafter be retained for the duration of the development.
14. Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound should be at least equivalent to the capacity of the tank plus 10%. All filling points, vents, gauges and sight glasses shall be located within the bund, which shall include a sealed drainage system. Associated pipework shall be located above ground and protected from accidental damage.
15. An environmental management plan covering both the construction and operational phases of the development shall be submitted to and agreed by the Local Planning Authority in writing before the development hereby permitted is commenced. This plan will include details of the facilities for monitoring and reporting in respect of the scheme.
16. Prior to the commencement of the use of the facility hereby permitted a scheme of decommissioning in the event of the cessation of the use of the facility hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. In the event that the facility ceased to be used it shall be decommissioned and dismantled and the land restored in accordance with the approved scheme which shall include a timetable for such operations.

Reasons:

1. Required to be imposed pursuant to Section 91 (1) of the Town and Country Planning Act 1990.
2. For the avoidance of doubt.
3. To preserve the character of the area.
4. To ensure that the remains are properly recorded
5. In the interests of amenity and nature conservation.
6. In the interests of maintaining a satisfactory scheme of landscaping and to protect the visual amenity of the area.
7. To ensure a proper standard of development and appearance in the interests of conserving the amenities and architectural character of the area.
8. To ensure that the proposed site investigation and remediation will not cause pollution to the environment.
9. To prevent pollution of the aquatic environment.
10. To control the movement of waste and ensure sustainable development.
- 11, 13, 14. Prevention of pollution.

12. For the protection of the environment.
15. In the interests of nature conservation.
16. To ensure that the site is properly re-instated.

Notes to Applicant:

The Environment Agency advises that:

1. This permission is subject to a Section 106 Agreement.
2. The Countryside Council for Wales and the National Park Authority will be pleased to liaise and assist in the preparation of the Environmental Management Plan and the landscaping scheme.
3. If the applicant proposes to use boreholes to dewater the site then a Notice must be served on the Agency under Section 30 of the Water Resources Act 1991. The Agency will respond by specifying measures to be taken to protect existing sources.
4. Development proposals, as far as reasonably practical, should incorporate measures to conserve energy and water, for example by ensuring the design of buildings include water saving features, rainwater harvesting etc.
5. Further, in consideration of the scale and location of the proposed development, the potential for earthworks/construction impacting upon controlled waters is also recognised. In this regard all clean surface water entering the site from above the working area should, where practical, be diverted away from contaminated surface water on the site (Consideration could be given to diverting the clean water to the proposed conservation area, thereby creating the opportunity for a wetland habitat.) Suitable facilities should be made available to treat contaminated surface water prior to discharge. It should be noted that the existing stilling pond, which served the former Esso development, is unlikely to be suitable for disposal of sediments generated as a result of these works. Any discharge will require the Agency's formal consent.

This decision is subject to a legal agreement under Section 106 of the Town & Country Planning Act 1990

Appeals to the Secretary of State:

If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State for Wales under Section 78 of the Town and Country Planning Act 1990.

If you want to appeal, then you must do so within six months of the date of this notice, using a form which you can get from the Planning Inspectorate, Welsh Office, Cathays Park, Cardiff CF1 3NQ.

The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to him that the local planning authority could not have granted permission for the proposed development or could not have been granted it without the conditions it imposed, having regard to the statutory requirements, to the provisions of the development order and to any directions giving under that order.

In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based its decision on a direction given by him.

Purchase Notes:

PLANNING PERMISSION (FORM D)

Name and address of applicant :

Name and address of Agent (if any) :

South Hook LNG Terminal Co Ltd
C/o Agent

Mr L Powell
RPS
Park House
Greyfriars Road
CARDIFF
CF10 3AF

Part I - Particulars of application :

Date of application : 27th October, 2005

Application number : NP/05/570

Particulars and location of development : Liquefied Natural Gas terminal at former Esso Refinery, Milford Haven (without compliance with condition 2 of planning permission NP/03/225)

Part II - Particulars of decision:

The PEMBROKESHIRE COAST NATIONAL PARK AUTHORITY hereby give notice in pursuance of the provisions of the Town and Country Planning Act 1990 that PERMISSION HAS BEEN GRANTED under S.73 of the Town and Country Planning Act 1990 for the carrying out of the development approved under planning permission NP/03/225 without compliance with Condition 2 of that permission in accordance with the application and plans submitted subject to the following conditions:

1. The development hereby permitted shall be begun not later than 12th November, 2008.
2. The development hereby permitted shall be carried out and thereafter maintained strictly in accordance with the submitted plans received on October 4th, 2005, JER2580-071L as amplified by letter from RPS dated 6th January, 2006.
3. A schedule of external finishes and colours for all buildings shall be submitted to the National Park Authority for approval, in writing, prior to the commencement of works on those buildings.
4. No development shall take place until the applicant, or their agent or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of works which has been submitted by the applicant and approved in writing by the National Park Authority.
5. A suitable and comprehensive scheme for the soft and hard landscaping of the site shall be submitted to the National Park Authority for approval, in writing, prior to the commencement of work. Such a scheme shall take full account of the natural trees and shrub species on the site, shall incorporate any mitigation required to off set any negative impacts of e.g. lighting on bats and should take account of new biodiversity opportunities. The scheme should also include the provision of a densely planted wetland corridor to link the western margin area to the Haven.
6. All planting, seeding and turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the buildings or the completion of development, whichever is the sooner; and any trees or plants which, within a period of five years from the completion of the development, fail, are removed, or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority give written consent to any variation.

Note :

This permission refers only to that required under the Town and Country Planning Acts and does not include any consent or approval under any other enactment, byelaw, order or regulation.


For the National Park Authority

Date: - 4 APR 2006

Pembrokeshire Coast
National Park Authority
Llanion Park
Pembroke Dock
Pembrokeshire
SA72 6DY
Tel.No. 08453457275
Fax.No.01646 689076



7. Details of the proposed fencing and any security or other lighting shall be submitted to and approved by the Local Planning Authority before the development hereby permitted is commenced.
8. Development approved by this permission shall not be commenced until:-
 - a) A desk top study has been carried out which shall include the identification of previous site uses, potential contaminants that might reasonably be expected given those uses, and other relevant information, and using this information, a diagrammatic representation (Conceptual Model) for the site of all potential contaminant sources, pathways and receptors has been produced.
 - b) A site investigation scheme has been designed for the site (using the information obtained from the desk top study and Conceptual Model) and details submitted to and approved in writing by the Planning Authority, prior to that investigation being carried out on the site. The investigation must be sufficiently comprehensive to enable a risk assessment to be undertaken relative to the receptors associated with the proposed new use, those uses that will be retained (if any) and other receptors on and off the site that may be affected, and shall include for the refinement of the Conceptual Model, and the development of a Method Statement detailing the remediation requirements.
 - c) The site investigation has been undertaken in accordance with details approved by the Planning Authority and a risk assessment undertaken.
 - d) A Method Statement detailing the remediation requirements, using the information obtained from the site investigation has been submitted to and approved in writing by the Planning Authority, prior to that remediation being implemented.
9. No development approved by this permission shall be commenced until details of a scheme to monitor quality of groundwater/surface water (during and post remediation/site preparation) has been submitted to and approved in writing by the Planning Authority. The monitoring scheme shall include reference to the following:
 - number, location and depth of monitoring wells/sampling points
 - range of water quality determinands to be analysed
 - frequency and duration of sampling
 - method of decommissioning redundant monitoring wells
10. No development approved by this permission shall be commenced until a Waste Management Plan for control, management, storage and disposal of waste/excavated material during the construction phase of the development has been submitted to and approved in writing by the Planning Authority. The development shall be implemented strictly in accordance with the agreed plan.

Appeals to the Secretary of State:

- If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State for Wales under Section 78 of the Town and Country Planning Act 1990.
- If you want to appeal, then you must do so within six months of the date of this notice, using a form which you can get from The Planning Inspectorate, Welsh Office, Cathays Park, Cardiff CF1 3NQ.
- The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to him that the local planning authority could not have granted permission for the proposed development or could not have granted it without the conditions it imposed, having regard to the statutory requirements, to the provisions of the development order and to any directions giving under that order.
- In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based its decision on a direction given by him.

Purchase Notes

- If either the local planning authority or the Secretary of State for Wales refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor can he render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.
- In these circumstances, the owner may serve a purchase notice on the Council in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

11. No development approved by this permission shall be commenced until a Method Statement detailing measures for preventing pollution of controlled waters during the construction phase has been submitted to and approved in writing by the Planning Authority.
12. No development approved by this permission shall be commenced until a water features survey has been completed and a scheme detailing proposals for retention and/or change to those water features, has been submitted to and approved in writing by the Planning Authority.
13. No development approved by this permission shall be commenced until a scheme detailing the means of control and disposal of foul and surface water during the construction and operational phases of development has been submitted to and approved in writing by the Planning Authority. The scheme shall include the provision of petrol/oil interceptor as appropriate. The approved details shall be implemented to accommodate foul and surface water for the construction phase and shall thereafter be retained for the duration of the development.
14. Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound should be at least equivalent to the capacity of the tank plus 10%. All filling points, vents, gauges and sight glasses shall be located within the bund, which shall include a sealed drainage system. Associated pipework shall be located above ground and protected from accidental damage.
15. An environmental management plan covering the operational phases of the development shall be submitted to and agreed by the Local Planning Authority in writing before the development hereby permitted is commenced. This plan will include details of the facilities for monitoring and reporting in respect of the scheme.
16. Prior to the commencement of the use of the facility hereby permitted a scheme of decommissioning in the event of the cessation of the use of the facility hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. In the event that the facility ceased to be used it shall be decommissioned and dismantled and the land restored in accordance with the approved scheme which shall include a timetable for such operations.

This permission has been granted after consideration of the environmental information (within the meaning of paragraph 2 of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 which accompanied the application and which was received by the Authority during consideration of the application.

The reasons for grant of permission are:

- (a) That the changes proposed, when compared to the approved development under planning permission NP/03/225, are acceptable because they do not give rise to further detrimental impact on the character and landscape of the National Park, compared to that consequent upon the development already approved under the existing permission.
- (b) That the decision is made in the knowledge that the existing permission (NP/03/225) has been implemented and is capable of being completed.

The reasons for the conditions are:

1. Required to be imposed pursuant to Section 91 (1) of the Town and Country Planning Act 1990.
2. For the avoidance of doubt.
3. To preserve the character of the area. (Dyfed Structure Plan Policies EN3 and EN13, PCNP Local Plan Policy GE1- Development in the National Park).
4. To ensure that the remains are properly recorded.
5. In the interests of amenity and nature conservation.
6. In the interests of maintaining a satisfactory scheme of landscaping and to protect the visual amenity of the area. (Dyfed Structure Plan EN13 PCNP Local Plan, Policy LA1 Conservation of Landscape Character).
7. To ensure a proper standard of development and appearance in the interests of conserving the amenities and architectural character of the area. (Dyfed Structure Plan Policies EN3 and EN13; PCNP Local Plan Policy GE1 - Development in the National Park).
8. To ensure that the proposed site investigation and remediation will not cause pollution to the environment.
9. To prevent pollution of the aquatic environment.
- 11-13 To prevent pollution of the water environment. (PCNP Local Plan, Policy PU3, Water Resources).
10. To control the movement of waste and ensure sustainable development.
14. For the protection of the environment.
15. In the interests of nature conservation.
16. To ensure that the site is properly re-instated.

(Hazardous Substances) Act 1990
(Hazardous Substances) Regulations 1992

NOTICE OF DECISION FOR HAZARDOUS SUBSTANCES CONSENT APPROVAL (subject to conditions)

Name and address of applicant

Qatar Petroleum & Exon Mobile
C/o St Catherine House
2 Kingsway
London

Name and address of Agent (if any)

Mr L Powell
RPS
Park House
Greyfriars Road
CARDIFF CF10 3AF

Part I - Particulars of application:

Date of application: 15th May, 2003 **Application Number:** NP/03/001/HS
Location: Former Esso Refinery, Milford Haven
Details: Storage and handling of hazardous substances

Part II - Particulars of decision:

The PEMBROKESHIRE COAST NATIONAL PARK AUTHORITY hereby give notice in pursuance of the provisions of The Planning (Hazardous Substances) Act 1990 that CONSENT HAS BEEN GRANTED for the carrying out of the development referred to in Part I hereof in accordance with the application and plans submitted subject to the following conditions:

1. The development hereby permitted shall be begun not later than the expiration of FIVE YEARS beginning with the date of this permission.
2. The development hereby permitted shall be carried out, and thereafter maintained, strictly in accordance with the deposited plans as amended by details received on 17th December, 2003 and subject to any following conditions:-
3. The hazardous substance shall not be kept or used other than in accordance with the particulars provided by the applicant on the form "General Application for Hazardous Substances Consent", nor out-side the areas marked for its storage and use on the plans that forms part of the applications.
4. The two LNG delivery pipelines shall have internal diameters no greater than 32" (32 inches).

Note:

The permission refers only to that required under the The Planning (Hazardous Substances) Act 1990 and does not include any consent or approval under any other enactment, order or regulation.


For the National Park Authority

19 AUG 2004

Pembrokeshire Coast
National Park Authority

Llanion Park
Pembroke Dock
Pembrokeshire SA72 6DY
Tel: 0845 345 7275
Fax: 01646 689076
Email: pcnp@pembrokeshirecoast.org.uk



5. Each of the two LNG delivery pipelines shall be fitted with emergency isolation valves at the shoreline, midway between the shoreline and the jetty head, and at the jetty head. Emergency closure of the valves shall be initiated automatically on detection of a major release from a pipeline and the valves shall be fully closed within one minute of the start of that release. Pumps delivering LNG into the delivery pipelines shall be fully stopped by the same time. This protection is to be available at all times that the delivery pipelines contain LNG, and the reliability performance of the entire system, including but not limited to sensors, electrical/electronic equipment, actuators and valves, shall be assured in line with the SIL2 requirements of IEC 61508.
6. The applicant shall provide the hazardous substances authority in due course with (a) Independent Third Party Certification to confirm that their implemented design and operating procedures do indeed meet the Requirements stipulated in Condition 3 above over their entire lifecycle, and (b) a copy of the reports of the Tests that are required to be performed in order to comply with the SIL2 standards.

The reasons for the conditions are:-

1. Required to be imposed pursuant to Section 91 (1) of the Town and Country Planning Act 1990.
2. To ensure a proper standard of development and appearance in the interests of conserving the amenities and architectural character of the area.
- 3-6. As required by the Health and Safety Executive and in the interests of safety.

APPENDIX 4

***EVALUATION OF SEASCAPE, LANDSCAPE AND VISUAL IMPACT
ASSESSMENT - GILLESPIES***



**Combined Heat and Power Plant
South Hook, Herbrandston, Pembrokeshire**

Evaluation of Seascape, Landscape and Visual Impact Assessment

PREPARED FOR:

**Natural Resources Wales &
Pembrokeshire Coast National Park Authority**

October 2013

Prepared by:

Michelle Bolger, Senior Associate, Gillespies LLP

Qualifications:

Chartered Landscape Architect CMLI, Dip.LA, BA (Hons) LA, PGCE, BA (Hons) Eng

Date of issue:

May 2013

Revised October 2013 – Paragraphs 4.29 and 4.31 revised.

Additional pages from the Pembrokeshire Coast National Park Authority
Landscape Character Assessment added

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REFERENCES

1 Introduction

Scope of this report

- 1.1 In April 2013 Gillespies was instructed by Natural Resources Wales (NRW) and Pembrokeshire Coast National Park (PCNP) Authority to prepare a review of the draft seascape landscape and visual impact assessment (SLVIA) contained within the Draft ES for a Combined Heat and Power (CHP) Plant at South Hook, Herbrandston, Pembrokeshire.
- 1.2 A desktop review of the draft ES was undertaken combined with a desktop study of published landscape character and other landscape assessments including LANDMAP data for the area. This was followed by a site visit to the site and the surrounding area in May 2013.

2 Executive Summary

Summary

- 2.1 With regard to the seascape, landscape and visual impact three key issues have been identified:
- 1- The proposals are not capable of supporting the purpose of the PCNP designation
 - 2- The proposals do not appear to be consistent with the *Landscape Character Assessment of the Pembrokeshire Coast National Park* (PCNP Landscape Character Assessment) Supplementary Planning Guidance (SPG) (Adopted 2011)
 - 3- The Rochdale Parameters scheme proposals would be visually intrusive. Mitigation through design has been offered and it does appear to have the potential to reduce some of the adverse visual impacts but currently it does not form part of scheme for which consent is being sought.
- 2.2 Although some major adverse visual impacts will remain, even with mitigation through design, these will be limited in their geographical extent. The harm is a consequence of the mass of the

buildings rather than the height of the stack. The degree of harm, if appropriate design mitigation is put in place, will only be significant in the vicinity of the CHP Plant and this may be considered acceptable when balanced against national need and fostering the economic well-being of the local communities.

Purpose of the PCNP designation

- 2.3 The current proposals are not in line with the purposes of the PCNP designation. The proposals are not consistent with the PCNP Authority policies; neither the natural beauty (Policy 1) nor the special qualities (Policy 8) of the PCNP are preserved or enhanced. In addition there is some significant visual intrusion in the PCNP (Policy 15). However the geographical extent of these impacts is limited.

PCNP Landscape Character Assessment SPG

- 2.4 The SLVIA does not assess the proposals against the PCNP Landscape Character Assessment SPG. The current proposals do not support the SPG recommendation for Herbrandston LCA to *'Avoid further negative impact on the landscape that may result from infrastructure or industrial developments in the area and wider vicinity, especially upon the visual setting of the nationally significant historical sites.'* However there appears to be an inconsistency between this recommendation and the identification of the site as a future expansion area.

- 2.5 In terms of the objectives of the PCNP Landscape Character Assessment SPG the current proposals would have negative impacts on:
- the role of this LCA as a buffer between industrial development and the PCNP;
 - the landscape; and
 - the setting of South Hook Fort (acknowledged in Chapter 13).

Rochdale Parameters

- 2.6 If the scheme as defined by the Rochdale Parameters were implemented there would be major adverse impacts on the PCNP, on the Pembrokeshire Coast Path National Trail (the Coast Path) and on visual amenity. The NSIPs guidance on the Rochdale Parameters Approach (February 2011) recognises the need for some projects to evolve and for the EIA to take account of such evolution within the parameters set. However it is unclear how a robust assessment can be agreed when the key mitigation measure is technically not part of the proposals for which consent is being sought.

Additional mitigation

- 2.7 The following additional mitigation measures should be considered:
- further mitigation in the form of earth mounding and planting to soften the very open views from the Coast Path I north of South Hook (Viewpoint 1);
 - consider whether off site planting could mitigate some visual impacts from Herbrandston (Viewpoint 2);
 - the appearance of the CHP from Sandy Haven to Great Castle Head should be a key consideration of the development of the design mitigation; and
 - investigate whether there are any planting proposals that could reduce the visual impact from Sandy Haven to Great Castle Head.

Suggested Position for NRW/PCNPA

- 2.8 The proposals are contrary to the purpose of the PCNP designation and the Authority's own SPG although the latter does seem to be in conflict with the previous identification of the site as a future expansion site. However, the geographical extent of major adverse impacts is limited and the Authority may consider that the economic importance of the proposals, combined with the limited significant impacts, is sufficient to outweigh those conflicts.
- 2.9 Support for the proposals should be dependent on the ability of the detailed design mitigation to reduce the potential visual impact. In order to make a fully informed decision on the likely visual impacts of the proposals when the DCO application is submitted, it is recommended that the following additional information is required:
- the likelihood of the maximum extents of the Rochdale Parameters being required; and
 - clarification of the means by which appropriate design can be secured.

3 Review of Methodology: Seascape, Landscape and Visual Impact Assessment

Summary of Methodological Approach

3.1 The table below sets out a summary of the whether the SLVIA has applied the appropriate methodologies. The only significant area of concern regards the fact that the PCNP Landscape Character Assessment SPG has not been considered

3.2 Table 1 - Summary of Methodological Approach

<i>Reference</i>	<i>Application within the ES</i>
Best practice guidance as set out in "Guidelines for Landscape and Visual Impact Assessment" [GLVIA], Second Edition, Landscape Institute and IEMA, 2002 [to be superseded by GLVIA Third Edition, due April 2013]	Approach adopted is consistent with the GLVIA guidance although there is a lack of clarity with regard to how significant effects have been identified.
The correct use of the LANDMAP methodology – has a reasonable attempt been made to follow the CCW LANDMAP Guidance and has the planning application given due regard to each of the LANDMAP Aspect Area data sets (2012 version).	Generally appropriate and comprehensive use of LANDMAP
Seascape character assessment - Welsh seascapes and their sensitivity to offshore developments, Briggs, J.H.W. & White, S, CCW Policy Research Report No. 08/5, January 2009. seascape unit	The Seascape areas identified in this study have been assessed. The sensitivity assessments in this study refer to off shore development so are not applicable
Draft seascape character assessment for PCNPA – refer to the PCNPA for further details.	Not yet available

Reference	Application within the ES
Pembrokeshire Coast National Park Authority's adopted Local Development Plan, in particular policies 1, 8, and 15	SLVIA refers to the PCNP policies and there is a detailed consideration of the special qualities of the PCNP (Policy 8) but there is no direct evaluation of whether the proposals are consistent with the policies,
Adopted Supplementary Planning Guidance published by PCNPA on Landscape Character Assessment	Although mentioned and listed in references no assessment has been undertaken with regard to the PCNP Landscape Character Areas (LCA).

Appraisal of the methodology used in the LVIA

- 3.3 The methodology as set out in Appendix 8.1 is generally appropriate and in accordance with current best practice. *Guidelines for Landscape and Visual Impact Assessment (GLVIA)*, Second Edition, Landscape Institute and IEMA, 2002. Although this guidance has now been superseded by the third edition GLVIA, April 2013, the Landscape Institute has advised that it is sufficient for assessments undertaken prior to the third edition to be consistent with the Second Edition.
- 3.4 The significance matrix used (Table 3.7) is not standard. Effects are considered significant only if they are major or substantial effects. The table provides 'alternatives' for a number of situations. For example a medium magnitude of change on a high sensitive receptor can be either a moderate or major effect. However there is no explanation, either in the methodology or in the text of the assessment, of how in this situation the decision is made between moderate and major. This is an important distinction as major impacts are considered to be EIA significant and moderate ones are not. I support the approach that professional judgement is more important than following a rigid matrix but the reasoning must be transparent. Generally I would consider a medium magnitude of change on a highly sensitive receptor (often described as a moderate/major impact) to be significant.
- 3.5 Having reviewed the overall conclusion I consider that there has been some underestimation of impacts from the landscape to the west of the site and this is in part due to the significance

matrix. Generally elsewhere the reasons for the overall significance assessment are clear. The third edition GLVIA recommends that narrative explanations are often preferable to the use of matrices.

3.6 The correct approach to seascape assessment has been adopted. The SLVIA notes that it is possible to judge the visual impact from the water on account of the nature of Milford Haven. I agree.

3.7 The methodology contains some comments that are specific to wind turbine development and renewable energy that are not applicable to this assessment. (Appendix 8.1 Paragraphs 2.2.8 and 3.2.14)

Landscape Sensitivity

3.8 The SLVIA has not considered the PDNP Landscape Character SPG but has focused instead on considering the LANDMAP aspect areas. In particular the key values in the Landmap Aspect Areas within 10km of the site. An overall landscape sensitivity is derived from an 'average' of the value of the five different layers. This is not the approach recommended in LANDMAP Information Guidance Note 3 which recommends a less complicated approach. Although the SLVIA appears to be a reasonable attempt to include all LANDMAP aspects it comes to different conclusions with respect to the land immediately surrounding the site than the PNCP Landscape Assessment SPG.

3.9 The Briggs, J.H.W. & White, S, CCW Policy Research Report No. 08/5, January 2009 identifies the seascape areas. The correct seascape areas have been identified and the impacts on these seascape areas have been assessed appropriately. The sensitivity assessment within the study is concerned with the sensitivity of the Welsh landscape to offshore development and is therefore not relevant to this assessment.

3.10 The draft seascape character assessment for the PCNPA had not yet been published

PCNP Planning Policies

3.11 The SLVIA makes reference to the PCNP Pembrokeshire Coast National Park Authority's adopted Local Development Plan (LDP) and in particular Policies 1, 8 & 15 but there is no evaluation as to whether the proposals are consistent with the policies.

3.12 The nature of the proposals means that they cannot support the central objective of Policy 1 to conserve or enhance the natural beauty and cultural heritage of the Park. However the geographical extent of significant adverse impacts, if appropriate design mitigation is put in

place, will be limited and may be considered acceptable when balanced against national need and fostering the economic well-being of the local communities.

- 3.13 Policy 8 relates to the protection of the special qualities of the Pembrokeshire Coast National Park. The ES considers the special qualities (Table 8.8 Assessment of Effects on PCNP Special Qualities) and concludes that *'if sympathetically designed...the overall coastal splendour of the PCNP would be maintained'*. This reinforces the importance of the design mitigation and tacitly acknowledges that there will be some harm to the 'coastal splendour', one of the special qualities, although not within the most sensitive parts of the PCNP.
- 3.14 With regard to 'Distinctive settlement character' the SLVIA states that *'the stacks and tops of larger buildings would be visible from some locations within the village in the context of existing development at the LNG Terminal.'* In fact Viewpoint 2 shows that there will be clear views from Herbrandston of most of the CHP plant in a sector of the horizon that is currently free from large scale industrial development. Herbrandston is already dominated by large industrial structures but the CHP plant will be a significant addition.
- 3.15 With regard to 'Space to Breathe' the SLVIA acknowledges that there will be major impacts the section of the Coast Path at the South Hook peninsula and concludes that *'The intensification of industrial uses at the site would have a very small direct impact on the national park, although users of the park would not experience a significant reduction in the overall sense of space and openness.'* In addition to the impacts on the South Hook Peninsula identified in the SLVIA I consider that there would be significant adverse impacts on the facing peninsula (From Sandy Haven to Great Castle Head) from where there would be a more noticeable intensification of industrial use.
- 3.16 The SLVIA acknowledges that there would be some adverse impacts on the sense of 'Remoteness, Tranquillity and Wildness'. From most locations the CHP plan would be seen entirely in the context of existing large scale industrial development but from the South Hook peninsula and from Sandy Haven to Great Castle Head there will be a noticeable extension of large scale industrial development towards the PCNP.
- 3.17 In summary the proposals will not protect and enhance the special qualities of the PCNP but the degree of harm, if appropriate design mitigation is put in place, will not be great except in the vicinity of the proposals and may be considered acceptable when balanced against national need.

3.18 Conformity with Policy 15 Conservation of the Pembrokeshire Coast National Park is not evaluated in the SLVIA but is considered in Table 2 below.

3.19 Table 2 – Conformity with Policy 15

Development will not be permitted where this would adversely affect the qualities and special character of the Pembrokeshire Coast National Park by:	
<i>Policy</i>	<i>Evaluation</i>
a) causing significant visual intrusion; and/or,	There will be a limited number of locations from which the CHP will appear as a significant visual intrusion.
b) being insensitively and unsympathetically sited within the landscape; and/or	The siting of the CHP on a previously developed site close to the existing LNG Terminal appears to be an appropriate location
c) introducing or intensifying a use which is incompatible with its location; and/or	Although intensified use is proposed it is not incompatible with the location.
d) failing to harmonise with, or enhance the landform and landscape character of the National Park; and/or	The proposals do not enhance the landform or landscape character but detailed design mitigation should be assessed on whether, as far as is possible, it reflects the local landform and landscape character
e) losing or failing to incorporate important traditional features.	No loss of important traditional features. Detailed design mitigation will determine whether important tradition materials can be incorporated into the appearance of the CHP plan.

Photomontages

3.20 The photomontages have been prepared in accordance with the Landscape Institute Guidance (LI Advice Note 1/11) and in accordance with the Scottish Natural Heritage Guidance (Envision for SNH *Visual Representation of Wind Farms Good Practice Guide (2007)*). However it is important to recognise that there is current debate concerning whether photomontages produced according to this guidance truly reflect what can be seen in the landscape. I consider that although the photomontages have been prepared according to the above guidance the impact of the proposals would be noticeably greater than they appear. This can be gauged by comparing how existing features in the landscape appear in reality, compared to how they appear in the photomontages. Major adverse visual impacts have been identified from three locations and additional photomontages prepared in accordance with Highlands Council *Visualisation Standards for Wind Energy 2010* would help to accurately understand the impact of the proposals from these three sensitive locations.

4 Seascape, Landscape and Visual Impacts

Overview

- 4.1 The Seascape Character Areas have been correctly identified and the assessment of impacts is reasoned and fair.
- 4.2 The LANDMAP aspect areas have been correctly identified but the PCNP LCAs have not been identified or assessed.

Key Issues

- 4.3 The proposed CHP plant is located within the PCNP but on land that has had a previous industrial use. Adjacent to an existing large scale industrial use (LNG Terminal) and close to a large and very prominent industrial use (Murco Oil Refinery). To the east within the Milford Haven Waterway there are other large scale, visually prominent industrial structures. Amongst other industrial structures a second oil refinery to the south (Valero/Texaco Refinery) is extremely prominent both during the day and at night.
- 4.4 The proposed development lies at the edge of the industrial landscape of Milford Haven and adjacent to the wild and unspoilt landscape of PCNP. The PDNP Landscape Character Assessment SPG identifies that the proximity of the site to the unspoilt landscape increases the potential for adverse impacts on the sensitive and highly valued landscape of the PCNP. The Coast Path which forms part of the Wales Coast Path runs around the South Hook peninsula.
- 4.5 In many case the CHP plant will be seen against or surrounded by existing large scale, visually prominent industrial structures. This is true when seen from the south from the Angle peninsula from where the LNG tanks and the Murco Refinery are very dominant. The night time impact will not be significant because of the prominent lighting already present in the landscape, in particular from the nearby Murco Refinery.
- 4.6 The proposals will appear to be less surrounded by existing large scale visually prominent industrial structures when seen from some of the closest areas. The three areas most affected will be:
- the village of Herbrandston;
 - the coast line at South Hook Point; and
 - the coast line from Sandy Haven around to the Great Castle Head.

Herbrandston

- 4.7 This village is currently visually dominated by the Murco oil refinery to the north east which is particularly visually intrusive at night. The LNG tanks are not particularly visually intrusive as they are set down into the landscape. Vp 2 shows how the CHP plant will introduce large scale industrial buildings into a view that is currently free from them. This is one of the views in which the mitigation by design is essential to limit the harsh impact of the Rochdale Parameter proposal.
- 4.8 The SLVIA acknowledges that the impact on this view would be major adverse (SLVIA Paragraph 8.7.62) there appears to have been no consideration whether off-site planting might mitigate this view to some extent.

South Hook Point

- 4.9 Viewpoint 1 from South Hook Point shows the closest view of the CHP plant from the Coast Path within the PCNP and the SLVIA acknowledges that the impact would be major adverse. However there is only one short stretch of the coast path from which such open views are possible. Elsewhere although there will be views, particularly of the stack, the natural topography, and the embankments that remain from the previous use of the site limit open views.
- 4.10 It is not clear from the SLVIA whether further mitigation in the form of earth mounding and planting have been considered to soften the very open views from this short section of the Coast Path. East of the South Hook Point the south facing section of the Coast Path is dominated by the jetty for the LNG Terminal and there are clear views of the LNG tanks. However the Coast Path beyond the Point, travelling north and facing west, is currently much less affected by the industrial structures of Milford Haven and more focused on the unspoilt PCNP landscape to the west. The CHP plant will extend the industrial influence into this area.

Sandy Haven to the Great Castle Head.

- 4.11 Whereas the SLVIA acknowledges that the impact on the above two areas will be major adverse the visual impact on Viewpoint 10, Great Castle Head and by inference on the section of the PCNP from Sandy Haven to the Great Castle Head is assessed as moderate and not significant (a small magnitude of change for a high sensitivity receptor). I do not agree with this assessment.

- 4.12 From the east facing stretch of this coast there are clear views across to South Hook. Although large scale industrial development such as the Valero / Texaco Refinery near Angle Bay on the south side of the Haven is already clearly visible it is more distant and the LNG terminal and the Murco oil refinery and CHP are less intrusive in these views. Viewpoint 9 is illustrative of how the South Hook peninsula does not appear industrialised from this location. It is also indicative of the 'buffer' function that the PCNP landscape assessment SPG identifies for the Herbrandston LCA. As a result of the introduction of the CHP Plant this buffer function will be lost and I consider that the impact will be major adverse and significant.
- 4.13 The stack itself, although higher than the building, will be less intrusive than the bulk of the building itself, because there are so many other stacks that can be seen in the wider landscape. In many cases the stacks are higher and in greater numbers. The addition of one more stack to this landscape will not have a significant impact.
- 4.14 From this section of the PCNP and Coast Path the key mitigation will be through design and the reduction in the overall height and bulk of the CHP. This is a location from which the benefits of using a built form that incorporates long, low, sloping wedge shaped buildings to reflect the topography of the South Hook plateau could be significant. They could also be combined with rooflines that reflect the very gently curves of the existing shapes in the surrounding landscape.
- 4.15 It is recommended that in the development of the design mitigation the appearance of the CHP from Sandy Haven to Great Castle Head should be a key consideration. It is also recommended that the possibility of establishing some structural landscaping should be investigated. The SLVIA considers that planting would be very difficult to establish but the LNG Terminal incorporates a range of planting areas that have used various techniques to overcome the difficult conditions. The possibility of establishing planting that would soften views from the Sandy Haven to the Great Castle Head coast line should be further explored.

Pembrokeshire Coast National Park Landscape Character Assessment SDP

- 4.16 The PCNP Landscape Character Assessment is the final stage of the LANDMAP process; it synthesizes the LANDMAP aspect area assessments, identifies LCAs and provides Management Guidance for the LCAs identified. It was prepared by John Campion Associates Ltd, (published December 2007) and was adopted as SPG for the PCNP in June 2011. Although the SLVIA makes reference to the study it has not been used in the assessment.
- 4.17 Within the PCNP Landscape Character Assessment the Site lies within LCA 11 Herbrandston a small LCA which in the LCA summary descriptions is described as '*acting as a buffer zone,*

providing a degree of separation from substantially unaffected areas of the National Park to the west and as such required special attention in respect of any development of land management decisions which might have effects on the landscape.' (Page 8) The LCA description for LCA 11 is attached to this report.

4.18 Among the Special Qualities of this LCA it is noted that: *'The low visual and sensory values of this landscape (within Landmap) belie the outstanding historical and cultural value of much of the area, especially in relation to the shoreline of Milford Haven, which is of national significance. The Milford Haven Waterway Registered Landscape of Outstanding Historical Interest in Wales encompasses all of this LCA including Sandy Haven Pill. This river valley and estuary landscape has an unsurpassed concentration of remains, reflecting maritime conquest, settlement, commerce, fishing, defence and industry spanning the prehistoric to modern periods.'*

4.19 Among Discernible Landscape Trends it is noted that: *'The construction of the new Liquefied Natural Gas Terminal on the former oil refinery site south east of Herbrandston village is intensifying the encroachment of industry onto this edge of the National Park.'*

4.20 Amongst the Management Guidance is recommended to

- *'Promote careful management of ongoing landscape changes, with specific reference to the visual effects along the western and northern edges of the industrial installations under construction and their visual relationship with Herbrandston village and the surrounding edges of the National Park'*
- *Provide public access to the South Hook fort*
- *Avoid further negative impact on the landscape that may result from infrastructure or industrial developments in the area and wider vicinity, especially upon the visual setting of the nationally significant historical sites*

4.21 The current proposals do not support the Management Guidance as set out in the PCNP Landscape Character Assessment SPG as it recommends that infrastructure or industrial developments that results in further negative impact on the landscape or the setting of nationally significant historical sites within this LCA should be avoided. The current proposals would have negative impacts on

- the role of this LCA as a buffer between industrial development and the PCNP;
- the landscape; and
- the setting of the nationally significant historical sites (South Hook Fort as identified in Chapter 13 of the Draft ES).

- 4.22 The objectives outlined above for LCA 11 Herbrandston, however, appear to be inconsistent with the fact stated in the ES (Chapter 2) that the site of the CHP plant was identified in the previous planning permission granted for the LNG Terminal as one of the 'future expansion' areas.
- 4.23 As mentioned above the SLVIA does not consider PCNP landscape character assessment SPG. The degree of impact identified is generally correct however, the importance of adverse landscape impacts is not given the weight that is recommended in the PCNP Landscape Character Assessment SPG.

Registered historic landscape (Milford Haven Waterway)

- 4.24 The registered historic landscape (Milford Haven Waterway) is described in the SLVIA but the Assessment of Significance of the Impact of Development on the Historic Landscape (ASIDOHL) is found in Appendix 13.3 to the Cultural Heritage Chapter. The ASIDOHL assessment has been carried out thoroughly and in accordance with the guidance. It concludes that *'the overall significance of the impact of the proposed Scheme has been assessed as 'fairly severe' for the Esso Oil Refinery HLCA, 'moderate' for eight HLCAs and 'slight' or 'very slight' for the remaining fifteen HLCAs that were assessed.'*
- 4.25 I agree with these overall conclusions but I consider that the impact on the area between from Sandy Haven to Great Castle has been underestimated. This area falls within the 'Monkhaven to Gelliswick Coastal Strip' historic aspect area which also encompasses the South Hook coastal strip. As quoted above the PCNP Landscape Character Assessment SPG describes the historic importance of this area as follows: *'The low visual and sensory values of this landscape (within Landmap) belie the outstanding historical and cultural value of much of the area, especially in relation to the shoreline of Milford Haven, which is of national significance...This river valley and estuary landscape has an unsurpassed concentration of remains, reflecting maritime conquest, settlement, commerce, fishing, defence and industry spanning the prehistoric to modern periods.'*
- 4.26 Despite the presence of the LNG Terminal and the Murco Refinery the South Hook peninsula currently still appears relatively undeveloped when viewed across the estuary to Sandyhaven Pill. The area includes key individual features of historic interest such as the prehistoric coastal promontory forts at Little Castle Head and Great Castle Head as well as the mid-19th century Stack Rock Fort. Currently they are not entirely in the shadow of large scale industrial development and can be appreciated within the Milford Haven Waterway. With the CHP plant in

place the influence of large scale industrial development on the area would be significantly increased.

The Rochdale Parameters

- 4.27 The design evolution chapter of the Draft ES (Chapter 3) acknowledges that it was recognised that *'the visual impact of the size and mass of the CHP Plant could not be successfully mitigated just by a combination of vegetation screening, bunding and lowering the CHP Plan relative to the surrounding landscape.'* (Draft ES 3.3.1) Therefore an alternative approach was adopted *'to 'mitigate by design' and architecturally design the CHP Plan such that is sympathetic to its location at South Hook in the PCNP.'*
- 4.28 At the same time the 'Rochdale Parameters' approach was adopted which established maximum dimensions. Those dimensions in simple angular block form are shown on the photomontages. The Rochdale Parameters is an accepted approach however, where it is adopted, the EIA must assess the impacts of the Rochdale Parameters scheme as this is the scheme that would be granted permission. If the Rochdale Parameters for the current proposals were implemented they would have unacceptable visual impacts as the mitigation required to make the proposals visually acceptable would not be in place. The conclusion of this review is that the CHP Plant could be acceptable but not the Rochdale Parameters scheme per se.
- 4.29 The photomontages show three different iterations of the CHP Plant. The maximum extent of the Rochdale Parameter limits are shown as green blocks on the same images that show the minimum extent of the Rochdale Parameter as grey blocks. The illustrative architectural view is shown on separate photomontages. Viewpoint 2 is illustrative of the differences between the Rochdale Parameters and the mitigation through design. It is not merely exterior finishes and the shape of the roof that are different but the maximum extent of the Rochdale Parameter limits (green) is significantly greater than either the minimum extents (grey) or the illustrative architectural view. Should the maximum extent of the Rochdale Parameters be permitted the impact would be considerably more significant, even with the proposed architectural finishes. This is also the case from Viewpoints 2, 2a and 9

Cumulative Impacts

4.30 Cumulative impacts are usually considered to be adverse where additional development will act as a tipping point. For example the introduction of major improvements to a motorway junction can turn a landscape that contains a motorway into a landscape that is dominated by the motorway and its infrastructure. With the current proposals the landscape at Milford Haven is already dominated by large scale industrial development and I agree with the SLVIA that there will be no cumulative issues that are in addition to landscape and visual impacts of the proposals. It is rather the reverse, as it is the presence of the existing development that enables the CHP plant to be accommodated with only limited significant adverse impacts.

Additional Information required

- 4.31 The following additional information would be helpful:
- an assessment of the impact of the proposals on the landscape character areas in the PCNP Landscape Character Assessment SPG;
 - information on how the design mitigation will be secured;
 - Clarification of the likelihood that the maximum Rochdale Parameter will be required as there is considerable difference between the maximum and minimum building parameters and the DCO is being sought for the maximum building parameters; and
 - Landscape Proposals. The SLVIA refers to Landscape Proposals Figure 8.58 (Par 8.5.6) but this figure has not been provided.

Associated Structures

4.32 No detail of other associated structures is currently available.

Key Issues

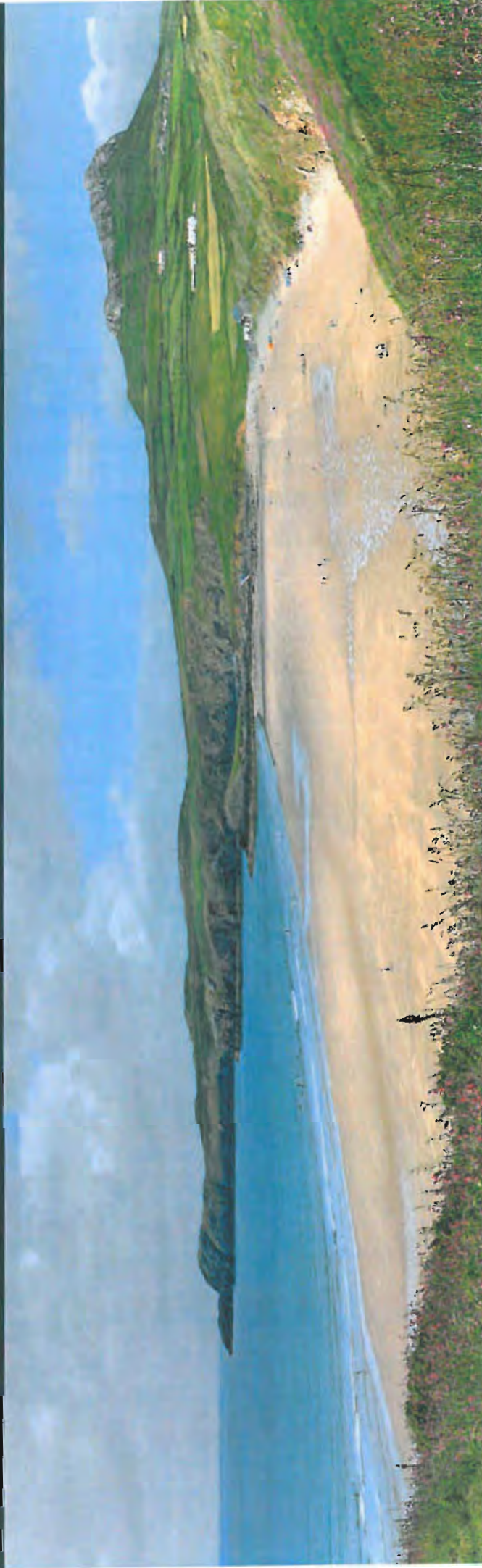
- 4.33 As described above the detailed design mitigation aims to improve the integration between the development and the landscape and coastal setting. Achieving a better integration will be fundamental to reducing the visual impact.
- 4.34 Key landscape issues are:
- The bulk of the buildings rather than the presence or height of the stack
 - the visibility of the proposals from the west within the PCNP
 - the conformity of the proposals with the objectives of the PCNP Landscape Character Assessment SPG
 - the impact on the village of Herbrandston
- 4.35 The bulk and angularity of the Rochdale Parameters would be unacceptable in this location and the mitigation by design which the ES proposes is fundamental to reducing the landscape/seascape/ visual issues associated with the current proposals.
- 4.36 Insufficient information has been provided to know whether the proposed electricity grid connections would have significant adverse landscape and visual impacts. The approach adopted is that the grid connection will be subject to a separate application.
- 4.37 Additional mitigation measures, over and above the mitigation by design have been identified in this review.

References

- Landscape Institute/Institute of Environmental Management and Assessment *Guidelines for Landscape and Visual Impact Assessment, Second Edition 2002 (GLVIA) (Third Edition Published 2013)*
- Countryside Agency Landscape Character Assessment Series *Topic Paper 6: Techniques and Criteria for Judging Capacity and Sensitivity* (2004)
- Envision for SNH *Visual Representation of Wind Farms Good Practice Guide* (2007)
- Landscape Institute Advice Note 01/09 *Use of Photography and Photomontages in Landscape and Visual Assessment.* (2009)
- Highlands Council *Visualisation Standards for Wind Energy* 2010
- LANDMAP Guidance for Wales, *Overview to LANDMAP 2012*
- LANDMAP Information Guidance Note 3
- John Campion Associates *Landscape Character Assessment of the Pembrokeshire Coast National Park Supplementary Planning Document* (Adopted 2011)
- Briggs, J.H.W. & White S, *Welsh seascapes and their sensitivity to offshore developments*, CCW Policy Research Report No. 08/5, January 2009.
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Pembrokeshire Coast National Park Authority

Landscape Character Assessment



Supplementary Planning Guidance
to the Local Development Plan for the
Pembrokeshire Coast National Park

Working Draft

Adopted 22 June 2011



Parc Cenedlaethol
Arfordir Penfro
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1. Executive Summary

This Landscape Character Assessment Study was commissioned by the Pembrokeshire Coast National Park Authority in October 2006.

The Study was managed by a Steering Group comprised of officers of the National Park Authority and the co-sponsors of the Study, the Countryside Council for Wales.

Baseline data from the evaluated aspects surveyed in Pembrokeshire by specialists using the LANDMAP methodology was provided by the Countryside Council for Wales. This data was reviewed in detail and used as a common base, supplemented by further field work, in order to identify and demarcate candidate areas of common landscape character – *Landscape Character Areas*. These were mapped and described and the findings presented to the Steering Group for review and refinement through an iterative process of discussion and amendments, before final confirmation of their names, geographical extent and the position of their boundaries.

In all, 28 Landscape Character Areas of varying size have been identified within the National Park. In many cases, the landward boundary of the Landscape Character Area does not correspond with the National Park boundary, meaning that the same landscape character continues into the administrative area of Pembrokeshire beyond the Park, implying that sensitive areas of high value landscapes may also lie outside the National Park although adjacent to it.

Data Sheets have been produced for each Landscape Character Area. Within these sheets, detailed descriptions of the main attributes are included, under the topics of Visual & Sensory Landscape, Geological Landscape, Landscape Habitats, Historical and Cultural Landscape. Representative photographs taken within the Landscape Character Area are included to illustrate its general appearance. The Study has also identified in some detail the special qualities of each Landscape Character Area by identifying and describing the key landscape characteristics present in each case. In addition, any trends in the state of the management of the landscape which can be readily discerned have been noted, such as the changes in field boundaries resulting from different agricultural practices, or the establishment of

forestry plantations on open land. Finally, management guidance notes for each Landscape Character Area have also been set out, noting the main points to be taken into account in both the land use planning and land management processes.

The special qualities of the landscape have also been described in summary form, drawing upon information gleaned from visitors and residents' surveys undertaken during 2006 and from the desk study and field assessment work carried out for this Study. These are important in determining planning policy objectives in the emerging Local Development Plan and informing the production of the new National Park Management Plan.

This document is supplementary planning guidance to the Local Development Plan.

2. Introduction

2.1 This study was commissioned by the Pembrokeshire Coast National Park Authority (PCNPA) in October 2006, working in partnership with the Countryside Council for Wales (CCW). The study brief was drafted jointly by PCNPA and CCW and the Study Methodology was refined in collaboration with – and was approved by – the Project Steering Group, following detailed discussion.

2.2 The Study Methodology draws upon baseline data gathered by CCW using the LANDMAP methodology developed by CCW and used throughout Wales for the systematic assessment of landscape character to aid policy formulation, development control decisions and the evolution of land management policies.

2.3 The study encompasses all of the area of the Pembrokeshire Coast National Park. Where the Landscape Character Areas identified and defined extend across the National Park boundary into the adjacent parts of the County of Pembrokeshire, this is shown with a dashed line at the National Park boundary.

Local Development Plan for the Pembrokeshire Coast National Park

2.4 The Pembrokeshire Coast National Park Authority has adopted the Local Development Plan. The new planning framework requires a sound evidence base and a key issue for plan preparation will be landscape, especially its character and sensitivity to development, and its capacity to absorb change without detriment to its character. The National Park Authority is also required to put in place a Management Plan.

2.5 This Supplementary Planning Guidance provides more detailed guidance on the way in which the Local Development Plan policies (in particular, Policy 8 Special Qualities and Policy 15 'Conservation of the Pembrokeshire Coast National Park') are applied. Supplementary Planning Guidance does not form part of the Local Development Plan,

but as it has been adopted¹ has significant weight in deciding whether a proposal can receive planning permission. A report of consultations detailing how the Guidance was consulted upon is available to view on the Authorities website²

¹ By resolution of the National Park Authority on the 22nd June 2011.
² <http://www.pembrokeshirecoast.org.uk/default.asp?PID=183> weblink to report of consultations

6. Landscape Character Areas

Study Approach to LCA Identification

6.1 The LANDMAP methodology for landscape characterisation (dated 10th June 2002) requires the assessor to overlay the mapped Aspect data in the following sequence: Visual & Sensory Aspect (to identify candidate LCAs), Geological Landscapes, Landscape Habitats, Historic Landscape and Cultural Landscape. Clearly, the timely availability of the Visual & Sensory Aspect and Landscape Habitats data has allowed for the definition of LCAs, which were submitted to the Project Steering Group in draft form at two stages of the project. These have therefore been subject to officer and member comment within PCNPA and specialist comment by CCW's LANDMAP Co-ordinator.

Landscape Character Areas in the National Park

6.2.1 The Landscape Character Assessment Study has identified and mapped 28 distinct Landscape Character Areas within the National Park.

6.2.2 Boundary definition is a key element of the assessment. The justification for boundary definition for each LCA is described in relation to the National Park boundary and the adjacent LCAs, with reference to the relevant evaluated Aspect Area boundaries. The detailed justification for the definition of the boundary of each LCA is set out in *Appendix 8.2, q.v.*, with notes on key relationships between particular Visual & Sensory and 'natural' Aspects data also included. For each LCA, the Visual & Sensory Aspect Area(s) which have been identified within the locality form the basic starting point for the identification and justification of the boundaries and the evolution of the final LCA.

6.2.3 Each of the LCAs is described in general terms below. In addition, for ease of use and interpretation, the landscape information for each LCA defined has been condensed into a two-page data sheet. These data sheets are set out in *section 6.3, below*.

LCA1 – Saundersfoot Settled Coast

6.2.4 This LCA is the easternmost section of the National Park, running northwards from the northern outskirts of Tenby, through Saundersfoot, then north eastwards through Wiseman's Bridge, Pleasant Valley, Summerhill and Amroth to the eastern boundary of the National Park. Although quite densely settled, the rolling landform with small river valleys running to the coast and the amount of woodland cover and intervening agricultural land mean that the built form is not generally intrusive.

LCA2 – Tenby

6.2.5 The Tenby LCA not only includes the town of Tenby but also the associated coastal areas of The Burrows, stretching south of the town to Giltar Point, together with a part of the lower Ritec valley. The character of outer parts of the town belies the attractions of the high quality architecture and distinctive atmosphere of the old town core and its town walls, the traditional harbour and the castle.

LCA3 – Caldey Island

6.2.6 This LCA is defined by the foreshore of the island lying south east of Tenby, off Giltar Point and entirely follows the National Park boundary. The unique monastic history and cultural value of the settled and long-cultivated island, together with its physical separation, warrant a separate LCA.

LCA4 – Manorbier/Freshwater East

6.2.7 This is a large coastal LCA running eastwards from Stackpole Warren as far as the southern outskirts of Penally, including the coastal villages of Manorbier and Freshwater East. There are marked contrasts in the character of the settlements here, ranging from the exceptional historical attributes of the manorial landscape around Manorbier and the village of Lamphey, to the modern tourism-related developments at Freshwater East. The historic strip-field system either side of The Ridgeway between Lamphey and St. Florence are remarkable surviving elements of past agricultural management.

LCA5 – Stackpole

6.2.8 The Stackpole LCA boundary is tightly drawn around the complex estuary and valleys of Boshaston and Stackpole, Stackpole Warren, and Broad Haven and Barafundle Bay. There are strongly contrasting landscapes

here within a small area of land, ranging from intimate sheltered river valleys with artificial lakes and pools to exposed cliff top and dunes and broad bays with sandy beaches.

LCA6 – Castlemartin/Merrion Ranges

6.2.9 The MOD firing ranges form the greater part of this extensive coastal LCA which runs from the southern extremity of the beach at Freshwater Bay south to Linney Head, then eastwards to St. Govan's Head, thence north east to Stackpole Warren. This area also encompasses the small villages of Castlemartin, Warren and Merrion. The long-established military training use has created a unique character and, ironically given the live-firing activities, preserved a great deal of historical and archaeological features in the landscape. The prominent churches along the ridge between St. Petrox and Castlemartin are still key elements in the landscape, in spite of the military range infrastructure which is intrusive in some areas.

LCA7 – Angle Peninsula

6.2.10 The Angle Peninsula LCA marks not only the Angle peninsula itself but includes Angle Bay and the land to the east as far as the National Park boundary adjacent to the Texaco oil refinery and Rhoscrowther, and to the south east as far as the sand dunes of Kilpaison Burrows and the northern end of the beach at Freshwater West. The exceptional historical value of Angle village as fine example of a planned Medieval village within a largely surviving old field system, and its distinctive later architecture, underpins the strong sense of place on this promontory, with its extensive views along the coast and across the mouth of Milford Haven. There is a long association with the defence of the Milford Haven anchorage, as evidenced by the forts at Chapel Bay and Thorn Island.

LCA8 – Freshwater West/Brownslade Burrows

6.2.11 This LCA was defined in response to a specific suggestion from the Steering Group. It encompasses the extensive inland sand dune systems of Kilpaison Burrows, Broomhill Burrows, Gupton Burrows, Brownslade Burrows and Linney Burrows, together with the broad valley wetlands of Castlemartin Corse, all of which form the backdrop to the dramatic sweep of sandy beach in the bay of Freshwater West. It has markedly contrasting features and is strongly characterised by the sight and sound of the sea along the great sandy beach. The sand dune systems backing the

beach are some of the most extensive in the National Park, contrasting strongly with the low-lying marshy valley of Castlemartin Corse in the immediate hinterland.

LCA9 – Marfoes Peninsula

6.2.12 This large and broad peninsula is bounded by the open coast to the north, west and south and the shores of the Milford Haven estuary to the south east. It retains a sense of remoteness - a tract of land dominated by agricultural use and with a scattered settlement pattern, but a long history of settlement, especially defensive features - from prehistoric times to World War 2. The cliff coastline is a strongly recurrent presence with views of the islands of Skomer and Skokholm and the St. Ann's Head lighthouse as key focal points, as well as panoramic views to the north across the wide sweep of St. Brides Bay.

LCA10 – Skomer & Skokholm

6.2.13 These islands lying off the western extremity of the Marfoes peninsula are a separate LCA, defined by the National Park boundary in the first instance. These islands have long been valued for their natural history, with bird reserves on the islands, and the stretch of sea around the islands has been declared a Marine Nature Reserve, the only such reserve designation currently within Wales.

LCA11 – Herbrandston

6.2.14 This small LCA lies between the narrow incised river valley of Sandy Haven Piff, which runs southwards from Watwyn's Castle to join the Milford Haven estuary, and the National Park boundary to the west of Milford Haven. This area, along the fringe of the former Herbrandston refinery (now being developed as a Liquid Natural Gas terminal) was identified as a separate LCA because of its unique position in relation to the adjacent LNG complex. Industrial petrochemical complexes have been developed here before and since the designation of the National Park. This position, together with its largely open character and the scale of the nearby industrial developments, results in the landscape being characterised to a great extent by industrial features which are either outside the Park or within the Park but with a brownfield character under recent industrial redevelopment. Effectively, this LCA is acting as a buffer zone, providing a degree of separation from substantially unaffected areas of the National Park to the west, and as such requires special attention in respect of any

development or land management decision which might have effects upon the landscape.

LCA12 – St Brides Bay

6.2.15 This very extensive coastal LCA runs from the eastern boundary of the Solva Valley in the north west around the great arc of St. Brides Bay, embracing Newgale, Broad Haven and on to Little Haven in the south. These villages have important tourism facilities and the sheer scale of the bay allows these to be assimilated into the scene with very little visual intrusion, except in localised areas. The agricultural hinterland is sparsely settled and remains relatively unspoilt, with traditional hedgebanks marking most of the field boundaries.

LCA13 – Brandy Brook

6.2.16 This is a small inland LCA comprised of a series of small river valleys incised into the lowland coastal plateau and which has no physical connection to the coast, lying north east of the village of Roch to the east of Newgale. The south western section of this LCA forms an important part of the setting of Roch Castle, a Grade 1 Listed Building. It is sparsely settled, being predominantly an agricultural area, but has a long history of settlement and is noted for its prehistoric survivals.

LCA14 – Solva Valley

6.2.17 This small LCA is strongly founded upon the physical form of the enclosed Solva valley, incised into the coastal plateau and running to the sea on the north coast of St Brides Bay, Solva, with its traditional harbour and distinctive local architecture, is now very popular with the sailing fraternity, which belies its past importance as a commercial port associated with the local lime industry and related coastal trade.

LCA15 – Dowrog & Tretio Commons

6.1.18 This is a large tract of inland plateau lying north east of the city of St. David's. It is substantially open and includes the large areas of open access land on the Dowrog and Tretio Commons, which are owned by the National Trust. These relatively flat low-lying open moorland areas, are rare within the National Park and form part of the St. David's headland, with its huge historical and cultural significance within Wales and the Christian church, and has strong links to the city. There is a very long history of settlement and a distinctive local vernacular architecture.

LCA16 – Carn Llidi

6.2.19 These highly distinctive hills, with their stark and rocky silhouettes, visible for a considerable distance, form the basis of this largely upland coastal LCA which runs eastwards along the coast from St David's Head. There is an extensive area of open access land in National Trust ownership. This landscape has an enormously important prehistoric component, with many features and areas not strongly overlain by modern land uses. Much of the high ground of the Carn Llidi LCA and the St. David's Head and its hinterland are designated as open access land.⁴

LCA17 – St David's

6.2.20 This LCA is tightly drawn around the urban area of the city of St. David's, with an extension south westwards down the valley of the River Alun, Merry Vale, a long-established link from the city to the sea and an important transport link for commercial traffic during the height of lime production in the area. The wealth of Medieval buildings and features contained within the cathedral close are a major defining characteristic and reflect the international significance of St. David's in the Christian church.

LCA18 – St David's Headland

6.2.21 This is a very large LCA occupying much of the coastal plateau headland to the west of the city of St. David's, and stretching along the coast eastwards of St. David's to meet the Solva valley. The whole headland has strong visual, historical and cultural links with the city of St. David's, which this LCA almost surrounds. There are large stretches of this coastline which are owned by the National Trust and the greater part of the coastal strip of this land has unrestricted public access.

LCA19 – Ramsey Island

6.2.22 The Ramsey Island LCA lies a short distance west of the St. David's Headland LCA, across Ramsey Sound, and its boundary is defined by its largely rocky and indented foreshore. Although the north eastern part of the island has enclosed fields, the greater part is covered by open heathland, scrub and grassland. The island has little development and is managed as a bird reserve.

⁴ *Countryside and Rights of Way Act, 2000*



Pembroke Coast National Park

7. LANDSCAPE CHARACTER AREAS

DATA SHEETS

Pembrokeshire Coast National Park

LCA 11 - HERBRANDSTON



Location, Context and Physical Characteristics

An area containing a mixture of industrial land and farmland, with an associated stretch of estuarine fringe along Milford Haven and its tributary, Sandy Haven Pili, at the edge of the National Park.

Visual and Sensory Characteristics

An area of lowland rural landscape predominantly used for agriculture with woodland belts bordering small valleys, with small areas of coastal cliffs and shingle at its base along the edge of Milford Haven. The area has a single village and scattered farmsteads, dominated by the presence of very large scale industrial plants. These house vast oil refineries and chemical works with some small areas of agricultural field, coastal mud and settlements on the perimeters of the area. Extensive views of pylons and adjacent industrial sites and oil refineries act as significant visual detractors.

Vegetation and Habitat Characteristics

Habitats include inter-tidal mud/sand, estuaries, saltmarsh and coastal scrub. The small tributary estuary of Sandy Haven supports several species of birds during the winter.

Geological Characteristics




Area north of Herbrandston is relatively level area at around 50-60m AOD and cut by stream valleys to give an undulating surface. Levelled and landscaped area for oil refinery in the south overlooking Milford Haven. Bedrock is Old Red Sandstone siltstones and sandstones (Silurian-Devonian).

Historic and Cultural Characteristics

There is a Neolithic chambered tomb, an Iron Age fort, and the South Hook fort and gun emplacement which are part of an extensive array of military fortifications within and around the waterway, constructed to defend the harbour of Milford Haven. Much of this LCA lies within the Milford Haven Waterway Registered Landscape of Outstanding Historic Interest in Wales.



Map Notation:

-  National Park Boundary
-  LCA Boundary
-  LCA Boundary defined by the National Park Boundary



Evaluation & Recommendations

LCA No.	Character Area	Visual & Sensory Aspect Areas	Geological Landscape Aspect Areas	Landscape Habitats Aspect Areas	Historic Landscape Aspect Areas	Cultural Landscape Aspect Areas
11	Herbrandston Refinery Fringe	68 - Low 77-High 90 - Low	152 - Low	365 - High 649 - Low 943 - Low	43880-Outstanding 43890-Outstanding 43902-Outstanding	003-Outstanding 007-High 196-Moderate

LANDMAP Aspect Evaluation Terms:

Outstanding: Of International or National Importance

High: Of Regional or County Importance

Moderate: Of Local Importance

Low: Of Little or No Importance

(The reference numbers in the table refer to the discrete Aspect Areas identified)

Special Qualities (Key Landscape Characteristics)

- The farmland in the western section of this area is peaceful and pleasant but there is an overwhelming presence of the nearby very large scale oil refinery and industrial plants which completely dominate the scene, especially the refinery on the higher ground to the north east of the area
- Only in views to the west does the refinery cease to have this influence over the sense of place
- There are habitats of high value along the shore of the estuary
- The low visual and sensory values of this landscape belie the outstanding historical and cultural value of much of the area, especially in relation to the shoreline of Milford Haven, which is of national significance. The Milford Haven Waterway Registered Landscape of Outstanding Historical Interest in Wales encompasses all of this LCA including Sandy Haven Pill. This river valley and estuary landscape has an unsurpassed concentration of remains, reflecting maritime conquest, settlement, commerce, fishing, defence and industry spanning the prehistoric to modern periods.

Discernible Landscape Trends

- The farmland and scattered residential settlements of the area are, in general, appropriately managed with some overgrown hedges present. However there is an underlying declining trend resulting from the domination of the landscape by the industrial works and related activities on adjacent land
- The construction of the new Liquefied Natural Gas Terminal on the former oil refinery site south east of Herbrandston village is intensifying the encroachment of industry onto this edge of the National Park.

Management Guidance

- Conserve small areas of remnant 'wild' habitat, especially along the shores of Sandy Haven Pill
- Encourage landowners to participate in agri-environmental schemes, with particular emphasis on promotion of the restoration or rehabilitation of traditional field boundary hedgebanks and stone walls at key visual locations
- Promote careful management of ongoing landscape changes, with specific reference to the visual effects along the western and northern edges of the industrial installations under construction and their visual relationship with Herbrandston village and the surrounding edges of the National Park
- Consider appropriate re-use of historic farm buildings at end of agricultural life and ensure that any new agricultural buildings respect the historical and cultural significance of the landscape in terms of their siting, layout, form and construction materials
- Provide public access to the South Hook fort
- Avoid further negative impact on the landscape that may result from infrastructure or industrial developments in the area and wider vicinity, especially upon the visual setting of the nationally significant historical sites.
- Ensure that as far as possible ancient monuments and remains are not lost or damaged.

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APPENDIX 5

AFFORDABLE HOUSING AND PLANNING OBLIGATIONS SPG

APPENDIX 6

***COMBINED HEAT AND POWER PROPOSAL
HOUSING IMPLICATIONS***

COMBINED HEAT AND POWER PROPOSAL – HOUSING IMPLICATIONS

1. In November 2005 the Pembrokeshire Haven Spatial Plan Planning Group prepared a report advising that there was a widespread concern that developments taking place in the UK national interest were having adverse, but unquantified impacts on the community and on local services.
2. A scoping report was produced for the ministerial meeting on 20 July 2005 which set out the likely scale of activity and some of the principle impacts, following consultation with the Community Planning partnership in Pembrokeshire and Carmarthenshire County Council. It was agreed that a more detailed analysis of potential impacts and associated issues be presented to the Ministerial Group meeting on 1 December 2005 together with an Action Plan. At the time it was widely acknowledged that the development of LNG facilities and a wider cluster of energy related industry will have both positive and negative impacts on the local community.
3. The report has provided a useful backdrop for analysing the potential impacts of the current Combined Heat and Power proposal. A second report prepared on behalf of the Isle of Anglesey County Council on 'Wylfa Nuclear New Build: Construction Workers Accommodation' March 2011 has also provided a useful reference point.
4. The current construction programme for South Hook Combined Heat and Power is set out in the proposal's Environmental Statement. It is expected to be under construction over a period of 26 to 30 months (commencing mid to late 2014). It is estimated that the average number of employees during the construction period will be between 400 and 500.¹ It is likely that a proportion of the labour force will come in from outside the area (area includes the administrative area of Swansea and Neath Port Talbot).² The number of workers from away is not specified. It concluded that those from away can be accommodated in hotels, bed and breakfast establishments and holiday accommodation. No onsite accommodation for workers will be provided.
5. Using past experiences of the impact of large energy construction projects in Pembrokeshire the private rented sector will also be utilised by workers from away in addition to the accommodation listed in the Environmental Statement.
6. Table 2 of the Spatial Plan Report sets out what were considered likely to be the employment impacts of previous energy related projects in Pembrokeshire. These types of projects were expected to employ 58% local people (i.e. workers with a permanent address within a radius stretching from Milford Haven to Swansea, travelling men were in temporary accommodation (42%).

Table 1 Local 'versus' Travelling Workers Energy Related Projects in the Haven (Pembrokeshire Spatial Plan report)

Count of Local Employees	Count of Travelling Employees	Total Count
19130	13950	33080
58%	42%	100%

7. If a similar pattern occurs with the construction of the Combined Heat and Power Plant then this would mean that between 168 (42% of 400) and 210 (42% of 500) travelling workers will

¹ Paragraph 15.6.2, pages 15 to 17, Environmental Statement Document 1.3.1

² Paragraph 15.6.6, pages 15 to 18, Environmental Statement Document 1.3.1

be requiring accommodation. The latest Isle of Anglesey Report refers to construction workers being likely to travel up to 90 minutes drive time daily, but workers with higher skills are frequently sought from outside this catchment. The Report suggests that in general the local recruitment ranges from 30 to 40% in each case study. Case study experiences were from three other energy infrastructure projects – Sizewell B, Suffolk; Milford Haven Pembrokeshire; and Hinkley Point C, Somerset.³ Using these figures the number of travelling employees for the Combined Heat and Power construction phase are set out below.

Tables 2a and 2b Local ‘versus’ Travelling (Isle of Anglesey Report percentages)

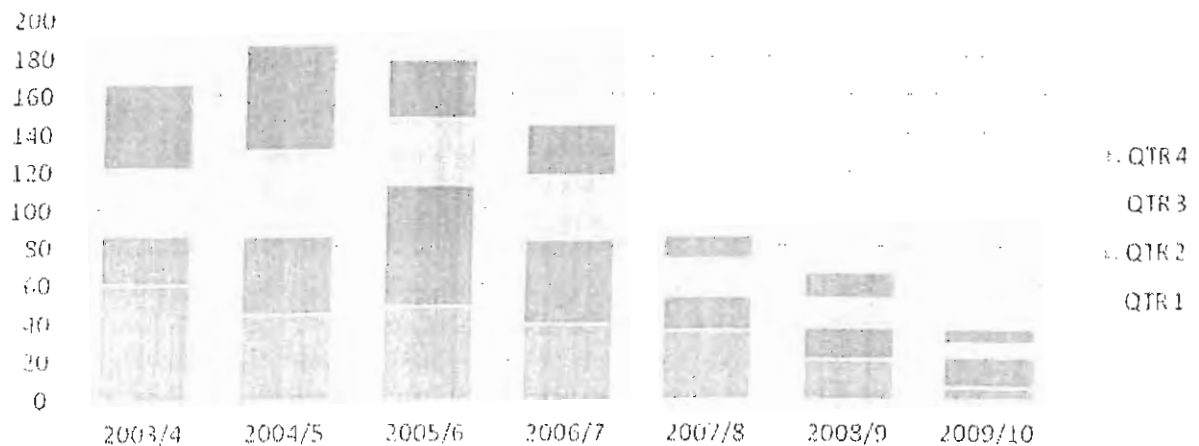
Count of Local Employees	Count of Travelling Employees	Total Count
120 to 160	240 to 280	400
30% to 40%	60% to 70%	100%

Count of Local Employees	Count of Travelling Employees	Total Count
150 to 200	300 to 350	500
30% to 40%	60% to 70%	100%

8. These proportions would suggest a demand for between 240 and 350 travelling workers requiring accommodation for the Combined Heat and Power project.
9. Pressures for housing in 2005 were felt on the private rented sector as the Pembrokeshire Spatial Plan Report goes on to describe.
10. When the Pembrokeshire Spatial Plan report was prepared a series of telephone interviews were undertaken, initially in Milford Haven and subsequently further afield. These are attached as Appendix 1 to that report.
11. Issues were raised in the interviews regarding:
 - Stimulating the buy to let market for renting to construction workers
 - Increasing house prices by up to 20% for properties below £150k
 - Increasing rental levels with a knock-on effect on homelessness.
12. At the time of the previous report homelessness figures were analysed. Pembrokeshire County Council’s Homelessness Team saw an increase in households presenting to them due to loss of private rented accommodation (other than rent arrears). The following table shows this increase which led up to the start of construction in the final quarter of 2005 and then reduced during construction:

³ Paragraph 2.10 page 7, The Isle of Anglesey, Wylfa Nuclear New Build: Construction Workers Accommodation, Position Statement, Isle of Anglesey County Council, March 2011.

Homeless due to loss of private rented accommodation
(other than rent arrears)



13. Anecdotal evidence from homeless customers at the time indicated that a number of landlords had terminated tenancies to let to LNG workers at higher rents than can be paid by the former tenants.
14. There is currently insufficient affordable housing to meet the needs of existing resident households in Pembrokeshire. The current Local Housing Market Assessment published in 2012 (LHMA) for Pembrokeshire showed that to meet the current and future need for affordable housing there would need to be an additional 1656 affordable homes built every year for the next 10 years. The average annual delivery over the last 3 years is 53 new affordable homes.
15. Another issue affecting the housing market is that households receiving welfare benefits are just beginning to deal with the impact of welfare reforms. Social tenants have been affected by the removal of the bedroom subsidy or 'bedroom tax'. However the full impact of this has not yet been felt and we are only starting to see movement by tenants in larger properties to smaller properties.
16. The combined effect of existing unmet need coupled with the increasing need for smaller properties as a result of welfare reforms means that households are looking to the private rented sector as their only alternative. The impact of workers from away who are willing to pay higher rents than are affordable to local residents taking over private rented accommodation could be significant.
17. The previous report considered that there was an on-going requirement for approximately 500-600 bed spaces during the LNG phase doubling if both power stations proceeded i.e. over the period 2005 to 2011. It was suggested that figures may be supplemented by:
 - Pembrokeshire returners also requiring accommodation
 - Short term specialist sub-contractors' requirements
 - It was estimated that approximately 10% may bring families
 - Maintenance shut-downs at the refineries will require additional bed spaces for 1-2 months.
18. To mitigate the likely impact of this current proposal, given that providing workers accommodation for the site by the applicant is not possible, the following options have been considered:

19. **Option 1:** The company commits to providing funding for the accommodation of housing any homeless arising from displacement.

Commentary: This is not considered to be a very proactive or socially responsible way forward.

20. **Option 2:** The company builds and constructs a workers camp in the Milford Haven area. To be pre-emptive this would need to be coming on stream mid 2014. The Anglesey Report refers to Sizewell accommodating 30% of demand in this way.⁴

Commentary: 30% of demand would mean that between 120 and 150 workers would be accommodated in workers camps. The Anglesey Report refers to purpose built work camps being considered good practice as a key mitigation strategy in minimising negative impacts on housing markets and the wider community and providing a useful first point of call for arriving workers.⁵

21. **Option 3:** The company assists in funding affordable housing delivery in the Milford Haven area by providing an affordable housing contribution which is equivalent to setting up a workers camp. This would allow Council and Housing Association long term projects to come on stream at an early stage. Again this would need to be pre-emptive and deliverable by mid 2014.

Commentary: This would be a lasting legacy for the local community.

22. **Option 4:** The company builds and constructs a workers camp in the Milford Haven area that can serve a dual purpose as affordable housing provision in the long term. To be pre-emptive this would need to be coming on stream mid 2014.

Commentary: This would have an immediate and direct impact as a mitigation measure and would provide a lasting legacy to the community. This is the preferred option.

⁴ Bullet 3 page 8, The Isle of Anglesey, Wylfa Nuclear New Build: Construction Workers Accommodation, Position Statement, Isle of Anglesey County Council, March 2011.

⁵ Also bullet 3 page 8, The Isle of Anglesey, Wylfa Nuclear New Build: Construction Workers Accommodation, Position Statement, Isle of Anglesey County Council, March 2011.

APPENDIX 7

DEVELOPMENT CONSENT ORDER PROVISIONS

APPENDIX 7 – DCO Provisions

Project: South Hook CHP Plant

Provision	Heading (Please amend colour to indicate status)	Commentary	Suggested amendment ¹
Main Body - Articles			
A 1	Citation and Commencement	The order will specify when it comes into force. This will usually be on the date the Secretary of State makes the Order (i.e. approves it) or shortly afterwards.	It would assist PCNPA, as the one of the enforcing local planning authorities to know whether the applicant intends the order to come into force immediately it is made or on a later date to be specified.
A 2	Interpretation	The definition of "commissioning" the plant only refers to the design and requirements of the operator ("the undertaker"). There will also be requirements from the relevant planning authorities and other regulators. A definition is required of "commencement of development". Unless there are good reasons for varying it the definition of "development" in s.55 Town and Country Planning Act 1990 should be used.	To include assurance that the requirements of the local planning authorities and other regulatory bodies have been complied with. Define "development" and "commencement of development" by reference to s.55 Town and Country Planning Act 1990.
A 3	Development of consent etc granted by Order	A "limits of deviation" approach is usual for projects where consent is given by legislation (in this case the Development Consent Order, which is a Statutory Instrument). The limits of deviation of the buildings are the "Rochdale Envelope". The actual design within the limits will depend upon PCNPA's approval of the detailed design in accordance with the "Design principles" referred to in Schedule 2 Requirement (ie planning condition 5)	No amendment proposed

¹ The comments in the amendments section are not drafted in terms of the specific amendments to the order but express the point that an amendment should address. The applicant should respond with amended drafting if the principle is accepted.

A 4	Procedure in relation to certain approvals	<p>This provision means that the requirements in Schedule 2 are to be treated for as planning conditions. This means that the ability to appeal against a refusal approval of details under a planning condition or on grounds on non determination also apply to requirements.</p> <p>Although not a model provision, the principle that the requirements should be treated as planning conditions in all respects should be welcomed.</p> <p>However, it should be made clear on the face of the provision as to where the to the appeal lies. This application falls under the jurisdiction of the UK Secretary of State, whereas planning and thus the determination of appeals is a subject devolved to the Welsh Ministers. It is recommended that the right of appeal should be to the Welsh Ministers</p>	<p>Add a provision to make it clear that where the provisions referred to in article 4 (a) and (b) confer a right of appeal and that right of appeal would be to the Welsh Ministers then for the avoidance of doubt nothing in article 4 should be taken as altering that position.</p>
A 5	Maintenance of authorised project	Model provision. No comment.	
A 6	Operation of a generating station	Model provision. No comment.	
A 7	Consent to transfer benefit of Order	<p>The ExA at question 5 to the Article 8 letter (which sets out the timetable for the examination and contains the EX's list issues and initial questions of the applicant and the interested parties and relevant authorities and regulators) queries whether this provision is within the powers under the Planning Act 2008, in particular section 156.</p> <p>We agree with the ExA's doubts. Under section 156 for any successor the applicant to have the benefit and be bound by the terms of the order they must have a right or interest in the land. Where there is such a right then s.156 applies and no provision is required in the Order</p>	Delete the provision.

A 8	Defence to proceedings in respect of statutory nuisance	<p>This is a complex provision, but one which follows a well precedented model and prevents civil claims for nuisance arising out of the construction or maintenance of the works.</p> <p>This immunity applies provided that the noise attenuation scheme required is followed and the notice and consent provisions of the Control of Pollution Act 1974 followed, or that the noise cannot be reasonably avoided.</p> <p>It is pertinent to note that similar provisions are found in the private Acts that authorised the original construction of the oil refineries on the Haven.</p>	None
A 9	Access to works	Model provision. No comment.	None
A 10	Discharge of water	Model clause with some updating. No comment.	None
A 11	Authority to survey and investigate the land	<p>This is a model provision and includes matters that might otherwise require planning permission such as engineering operations to remediate land. The power is subject to controls by the PCNPA in the requirements in Schedule B (the planning conditions) requirements 9 (contaminated land and groundwater), 10 (archaeology) and 11 (ecological management plan).</p>	None
A 12	Application of landlord and tenant law	<p>Enables the undertaker to lease the authorised development on terms that override normal landlord and tenant law (for example the rights of security of tenure conferred on lessees of commercial premises). This is a model clause and the arrangement reflects the specialised nature of national infrastructure projects and arrangements for their operation and management..</p>	None
A 13	Operational land for purposes of the 1990 Act	<p>This provision gives the development the status of a statutory electricity undertaker for the purposes of the Planning Acts. This is a model clause and consistent with nature of the development.</p>	None

A 14	Carbon Capture Readiness	<p>The DCO does not require the detailed design and siting of any carbon capture equipment/buildings/plant to be agreed with the NPA. This is considered necessary due to the visual impacts that could arise, and which are of concern as identified in the PCNPA LIR. This may also require additional landscaping which should be the subject of approval.</p> <p>The provisions of this clause (which follows a model issued by the Department for Energy and Climate Change) requires the reservation of a site for a carbon capture and storage facility and imposes certain reporting obligations on the undertaker to keep under review the feasibility of carbon capture and storage technology.</p> <p>Work No 3A of the authorised works only comprises the reservation and preparation of the ground and temporary provision of construction storage and rainwater attenuation. The construction of a carbon capture and storage plant would require a further application for planning permission at some point in the future.</p>	<p>A requirement should be included in the DCO to require these details to be approved with the NPA in writing prior to commencement of such works and for the works to be carried out in accordance with the approved details.</p> <p>To clarify for the avoidance of doubt that the construction of CCS (as opposed to the reservation of a site) is subject to future approval by way of planning permission.</p>
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A 15	Certification of plans etc	<p>As PCNPA is one of the enforcing authorities, copies of the maps and plans referred to should be sent at the same time to the PCNPA (and Pembrokeshire CC).</p> <p>In view of the comments above under Article 4 about the decision maker in respect of any planning appeals copies should also be sent to the Welsh Ministers.</p> <p>The definition of "design principles" in Article 2 refers to certification of a copy by the Secretary of State. The document should therefore also be covered by this provision so it can clearly be identified in future.</p> <p>The same principle applies to the "environmental statement", the "South Hook LNG permits" and the "transport assessment" all referred to in Schedule B requirement 1 – Interpretation and the "Draft Code of Construction Practice" referred to in requirement 12.</p> <p>These are all key documents for the development control of the works and there should be no doubts as to which are the relevant texts.</p> <p>All these documents should be certified before the commencement of development.</p>	<p>Copies to be sent at the same time to each relevant local authority and to the Welsh Ministers.</p> <p>Add a reference at article 15 (1) to the design principles, the environmental statement, the South Hook LNG permits, the, transport assessment and the draft code of Construction Practice..</p> <p>Provide for documents to be submitted to the Secretary of State for certification prior to the start of development,</p>
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1. The article specifies arbitration as the means of settling all disputes "differences" under the Order. This appears to be inconsistent with the application of the planning appeals process to approvals and consents relating to the planning requirements of the Order under Article 4.. The same principle should apply to any other regulatory regime where there is a system of statutory appeals or dispute resolution.
2. If the principle in the previous paragraph is accepted it would assist if the applicant could identify the areas where "differences" might arise and be submitted to arbitration. The transfer of benefit and leasing provisions appear to be the only obvious ones.
3. The provision that the seat of the arbitration should be in London is inconsistent with both decide cases and practice in relation to public law cases arising in Wales. Infrastructure planning is a system of regulation subject to public law.
Any legal challenges to the Order would fall to be determined in the Administrative Court in Wales under Practice Direction 54D Administrative Court (Venue) http://www.justice.gov.uk/courts/procedure-rules/civil/rules/part54/pd_part54d#IDACDH2
The dicta of HHJ Higginbottom (as he then was) in *Deepdock* [2007] EWHC 3347 (Admin) and Richards LJ in *Condron* [2006] EWCA Civ 1573 also support the principle that disputes of a public law nature arising in Wales should be heard in Wales.
4. By the same token as this is a scheme situated in Wales the seat of any arbitration under the Order should be in Cardiff or elsewhere in Wales.
The Order relates to a project in Wales. The Welsh language is an official language with equal status in Wales under the Welsh language (Wales) Measure 2011. The languages of the arbitration should therefore be Welsh and English.
5. There is no explanation as to why the International Chamber of Commerce rules should apply to the resolution of differences. We note the EXA's request for an explanation.

Saving for matters where the resolution of disputes is by way of appeal under the Planning Acts or under any other applicable regulatory regime.

Arbitration provision should specify the Articles that may give rise to differences that it will apply to.

The seat of any arbitration should be Cardiff or elsewhere in Wales.

The languages of the arbitration should be English or Welsh.

Schedule A – Authorised Development			
Description of Authorised Development	The definition of re-instatement of temporary car park is misleading – it no longer exists and will be a new development	Replacement of “re-instatement of former” with “construction of”	
Schedule B - Requirements			
R 1	Interpretation	See comments above in relation to Article 15	None
R 2	Time limits	None	None
R 3	Commencement of authorised development	<p>It is considered that a notice of commencement of the development should be given in advance not within a time from the commencement. This will enable the PCNPA to be aware that the development is imminent and to put necessary monitoring procedures in place. It will also enable any missing information in respect of the requirements of the DCO to be discussed prior to commencement and to avoid possible implications from an unauthorised start.</p> <p>It is also suggested that a minimum of 14 days be given to allow a reasonable amount of time for the PCNPA to put the procedures referred to above in place.</p>	Re-word that notice of commencement shall be given no less than fourteen days prior to the start of the commencement of the development.
R 4	Commencement and completion of commissioning	In relation to 4(1) as above. The relevant planning authorities should be given notice that commissioning is to begin, not after the event.	As above

R 5	Detailed design approval	<p>As identified in the LIR there is concern that the design principles statement is rather vague and needs considerably more focus on the detail of the final design than is currently provided. Whilst the maximum parameters are given, details on massing, the curvature of the roofs and thus the eaves heights, the palette of materials and colours to be used could form further details. In addition, the details of all related plant that may accrue on the subject buildings needs to be included in the final design.</p> <p>The requirement also needs to relate to future buildings/equipment etc in association with the carbon capture area as identified under Article 14.</p> <p>See comments at Article 14 in relation to future authorisation of carbon capture plant.</p>	<p>The content of the requirement may be acceptable if the design principles document is tightened up in line with the commentary given here.</p> <p>The requirement should however also expressly relate to those buildings etc for the carbon capture and require their approval prior to their construction.</p>
R 6	Provision, implementation and maintenance of landscaping	<p>The landscaping scheme should include some reference to structural planting to mitigate visual impacts are referred to in the LIR.</p> <p>The levels should also include details of finished floor levels not just external ground levels.</p>	<p>Amend clause a to refer to "including structural planting as mitigation for the visual impacts arising from the buildings/plant".</p> <p>Inclusion of reference to finished floor levels</p> <p>A definition of "structural planting" is needed.</p>
R 7	Fencing and other means of enclosure	No comment	
R 8	Drainage	No comment	
R 9	Contaminated land and groundwater	<p>The drafting should make it clear that "significant harm" has the same meaning as in Part IIA of the Environmental protection Act 1990 and the statutory guidance issued from time to time by the Welsh Ministers.</p>	<p>Refer to "significant harm" as defined in Part IIA of the EPA 1990 and the Contaminated Land Statutory Guidance for Wales 2012, or any amending or replacing provision.</p>
R 10	Archaeology	Dyfed Archaeological Trust has also identified Area 7 of the Works Plan to be of possible archaeological interest	To include Area 7 in the Written Scheme of Investigation

R 11	Ecological management plan	In view of the comments in the LIR that identify survey work and mitigation to be lacking the NPA would reserve comment on the content of this	
R 12	Code of Construction Practice	See comment in relation to certification of the draft under Article 15 above.	
R 13	Construction Environmental Management Plan	No comment	
R 14	Construction Traffic Management Plan	No Comment	
R 15	Local Liaison Committee	<p>The setting up of a liaison committee is welcomed. However, this should be clearly set up with terms of reference agreed and the appropriate mechanisms for acting on areas of concern should they arise be incorporated into those terms.</p> <p>I think that this is an overly prescriptive and lengthy provision. Recommend its replacement with a requirement to submit a Scheme for the approval of the relevant planning authorities for communicating with the local community and interested parties during the construction, operation and decommissioning of the plant including the establishment of a local liaison committee. The scheme should be allowed to be varied from time to time with the prior written approval of the relevant planning authorities.</p>	<p>Wording amended to require the group to set up and agree terms of reference and agreed mechanisms for acting on areas of concern.</p> <p>Amend to require the submission and approval prior to commencement of development of a Scheme for communicating with the local community and interested parties, including the establishment of a local liaison committee.</p>
R 16	External lighting	No comment	No comment

R 17	Construction hours	<p>Agreed but need to define more clearly "non intrusive" activities, as access to and from the site will create some disturbance irrespective of the activities on the site itself.</p> <p>The details of operations and activities that are part of the construction work but which may be carried out without harming the amenity of the area around the development may take place outside the specified hours under a Scheme agreed in writing from time to time by the relevant planning authorities.</p>	<p>Include definition of non-intrusive activities, or require non intrusive working to be the subject of a Scheme agreed with the relevant planning authorities.</p>
R 18	Control of noise during operational phase	<p>Requirement 18 may require explanation or clarification. Is there a distinction between "routine" steam purging (say, for maintenance) and an emergency discharge? The reference to "incident" would appear to refer to an unexpected or emergency situation.</p>	<p>Amendment may be needed to sub paragraph (2) in the light of the response to the comment to further differentiate "routine" purging from "emergencies".</p>
R 19	Accumulations and deposits	<p>It is not completely clear what Work 10 A is. The term "storage" suggests future re-use yet it is defined a permanent work. If it is permanent work then shouldn't it be subject to further approval of details to ensure any contamination is managed and the deposit landscaped?</p>	
R 20	Travel plan	<p>Consider adding flexibility for the plan to be amended from time to time by agreement with the planning authorities within the principles of the transport assessment appendix F</p>	
R 21	European protected species	<p>As set out in the LIR full mitigation needs to be identified prior to approval not as a requirement of the permission.</p>	<p>The requirement will need to be amended to require implementation of the mitigation measures identified prior to approval and which form part of the basis for approval.</p>
R 22	Restoration of land used temporarily for construction	<p>No comment.</p>	
R 23	Decommissioning	<p>No comment.</p>	

R 24	Requirement for written approval	No comment other than to note as a matter of drafting that this is blanket provision so any references in individual articles to written approval can be removed.	
R 25	Amendments to approved details	This is another blanket provision.	It may be helpful to clarify that on this context "details" means any matter referred to in a requirement as necessitating the submission of information for the subsequent or further approval of a relevant planning authority.

