

REPORT OF THE HEAD OF DEVELOPMENT MANAGEMENT ON APPEALS

The following appeals have been lodged with the Authority and the current position of each is as follows:-

- NP/13/0071** Change of use of Fort to Visitor Centre – St Catherines Island, Tenby
Type Hearing
Current Position The appeal has been dismissed and a copy of the Inspectors decision is attached for your information.
- NP/13/0325** Installation of domestic 100kw wind turbine measuring 30m to hub and 39m to blade tip – Broomhill, Angle
Type Informal Hearing
Current Position The appeal has been dismissed and a copy of the Inspectors decision is attached for your information
- NP/13/0471** Erection of a single 10kw wind turbine measuring 20m to hub & 23.5m to blade tip, Parsonage Farm Caravan Park, Amroth.
Type: Hearing.
Current Position: The appeal has been dismissed and a copy of the Inspectors decision is attached for your information
- NP/13/0460** Dwelling, Plot 1 Blockett Lane, Little Haven
Type: Hearing.
Current Position: A hearing has been arranged for 24th September 2014.
- NP/13/0461** Dormer Cottage, Plot 2 Blockett Lane, Little Haven
Type: Hearing.
Current Position: A hearing has been arranged for 24th September 2014.
- NP/13/0462** Dwelling and Detached Garage, Plot 3 Blockett Lane, Little Haven
Type: Hearing.
Current Position: A hearing has been arranged for 24th September 2014.
- NP/13/0463** Dwelling, Plot 4 Blockett Lane, Little Haven
Type: Hearing.
Current Position: A hearing has been arranged for 24th September 2014.

Appeal Decisions – Pembrokeshire County Council Area

Proposal- Installation of 1 No.WTN 250kW Abergwaun community wind turbine, with an overall tip height of 45mand associated infrastructure including temporary access, at Trebover Farm, Llanychaer, Fishguard, SA65 9SA
Site address: Trebover Farm, Llanychaer, Fishguard, SA65 9SA

This application is outside of the Park but one where the Inspector disagreed with our objection. I attach the Inspectors decision notice.

The appeal was allowed

Proposal: The development proposed is the erection of a single wind turbine and associated works.

Site address: Land just North of Llanteg along, Crosslands Road, Llanteg, Pembrokeshire

We objected to this application and a subsequent one, which included the additional information on landscape referred to in the appeal on cumulative impact grounds (see attached responses). The Inspector agrees with our view and refers to the joint Cumulative Impact guidance. This is a useful decision with some good statements on how turbines are materially different from pylons (para 18), the creation of a visual belt around the NP (para 29) and the general consideration of cumulative impact.

I attach the comments of the National Park and the Inspectors decision notice.

The appeal was dismissed.

Penderfyniad ar gostau

Gwrandawriad a agorwyd ar 26/02/14
Ymweliad â safle a wnaed ar 03/03/14

gan **Robert Gardener BSc (TownPlan)**
MRTPI

Arolygydd a benodir gan Weinidogion Cymru
Dyddiad: 4 Awst 2014

Costs Decision

Hearing opened on 26/02/14
Site visit made on 03/03/14

by **Robert Gardener BSc (TownPlan)**
MRTPI

an Inspector appointed by the Welsh Ministers
Date: 4 August 2014

Costs application in relation to Appeal Ref: APP/L9503/A/13/2210367

Site address: St Catherine's Island, Castle Beach, Tenby, Pembrokeshire SA70 7BP

The Welsh Ministers have transferred the authority to decide this application for costs to me as the appointed Inspector.

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
- The application is made by the Pembrokeshire Coast National Park Authority (NPA) for a full award of costs against Mr Peter Prosser acting as The Tenby Island Project (TIP).
- The hearing was in connection with an appeal against the refusal of planning permission for the change of use of the fort and generator house to a visitor attraction with gift, food and drink retail, the construction of a private/security residence and a variety of works.
- The hearing sat for 3 days on 26-27/02/14 & 03/04/14.

Decision

1. The application for an award of costs is refused.

The submissions for Pembrokeshire Coast National Park Authority

2. The basis of the application is that of unreasonable behaviour with regard to the substance of the appellant's case, as set out in Annex 3 of Circular 23/93¹.
3. The NPA has been in discussion with the appellant since 2012 over the proposed re-use of the site. A number of issues had been identified that would need to be addressed in any application submitted. In particular "... *the need for a comprehensive approach to the project from the outset, centred on a clearly defined use of the fort and ancillary buildings ...*" was set out in response to a pre-application enquiry².
4. Despite this the application was submitted with conflicting information and a lack of the comprehensive detailing expected for a development of this nature. In particular:

¹ Circular 23/93 "The Award of Costs incurred in Planning and Other (including Compulsory Purchase Order) Proceedings"

² Ref: PA/12/0143, dated 18/05/12

- No business plan (or similar) has been provided setting out the overall strategy or financial viability of the project; this led to a lack of clarity of the development and the uses sought;
 - Supporting information to the application refers to overnight stays/hotel use but is not provided for in the (internal layout) plans;
 - Similarly, supporting information refers to weddings/entertainment uses but again such functions are not provided for in the plans;
 - Reference is made for a requirement for a bridge access from Castle Hill to the island as an integral part of the project but is not included in the application nor does it form a separate application at this time;
 - Specific details of architectural elements which are an essential component of the design and the acceptability of its impact on the wider area are lacking;
 - Sufficient detail of the boat landings and crane mountings are lacking in order to assess their potential impacts on the cliff face; and
 - Details of lighting on the roof are not given.
5. In addition, the NPA in its pre-application response clearly identified the need for full survey work in respect of protected species to be carried out over a number of seasons, as well as for mitigation measures where needed to be incorporated into the proposal. What is now Natural Resources Wales (NRW) provided a survey specification for this work which, together with the NPA's ecologist, was discussed with the appellant's ecological advisor.
6. Despite this, the protected species surveys provided and relied on for both the application and the appeal omitted elements of the agreed survey, including:
- Searches of bat records for the area through sources such as the West Wales Biodiversity Information Centre;
 - Not leaving bat detectors in place, or providing compensatory measures; and
 - Not covering all points of potential access in the emergence surveys.
- The surveys provided did not comply with the requests of the NPA's ecological advisor and NRW on several occasions.
7. Furthermore, the appellant's own survey work found evidence of some bat activity but then failed to provide any form of mitigation or give justification for not doing so.
8. Consequently, it was not possible for the NPA to fulfil its duty to have proper regard to the Habitats Directive when determining the application, and that remains the case in respect of the decision on the appeal. The appeal must fail accordingly.
9. It was unreasonable of the appellant to pursue the appeal when clear advice was repeatedly given both prior to the submission of the application and since on the type and level of information required, particularly in respect of protected species. The lack of information formed a refusal reason but nothing has been done by the appellant to address these matters as part of the appeal.
10. The NPA and other relevant organisations have been obliged to spend time and resources in defending the appeal, which must fail because of the lack of the required

information. That would have been avoided had the advice given from the outset been taken into account. The case lacked substance as a result and was unreasonably pursued.

The response by Mr Prosser

11. There is nothing to show that it was unreasonable to question the NPA's reasons for refusal or its case in support of them.

12. In respect of each of the first bullet points:

- Despite having had 3 main planning officers involved in the full consultation which has been carried out both before the application was made and since, not one asked for a business plan to be submitted. The application was accompanied by a wide range of reports and detailed plans. Many local developments have multiple uses. It is intended that the proposal will be a family attraction offering many things. That is difficult to tie down but it is denied that there was any lack of clarity in the proposal. It has clearly been designed as a visitor attraction as defined in the supporting documentation;
- The intention to provide for overnight stays for star gazing, for example, was discussed with the planning officers. No specific provision is made in the detailed layout since camp beds would be simply placed in the open spaces. This was known to the NPA's officers; it was at their insistence that the accommodation was termed a 'hotel' use. It is now unreasonable to criticise it being referred to as such;
- In the same way, the ability to offer the fort as a wedding venue is no different to other institutions such as the Natural History Museum. It is simply part of the possible multi-use of the fort and requires no special provision to be made in the plans;
- As to a bridge to the mainland, discussions have taken place both with the NPA and Cadw since 2012. Both have been given full details of a proposed bridge scheme. The public has been consulted and there has been both television and newspaper coverage of it. It is well known. However, it became clear that it may be a long drawn out affair. It is not appropriate to yet make an application because of legal and archaeological complications. Everything else in the scheme was applied for; the bridge was omitted as discussed with the NPA to be dealt with separately;
- There is no lack of architectural details. For example, detailed drawings of the windows and railings at 1:20 scale are given. The long lengths of railings are to be generic and only typical sections were given;
- Details of the boat landings are included, as are the means of bolting them to the cliff face. Pre-existing steps will be used to gain access. In any event, further details were not asked for; and
- It is correct to say that there are no details submitted of roof terrace lighting. That is because it is not planned or applied for at this stage but, like other matters, could have been covered by planning condition.

13. The issue over the presence of bats and the adequacy of the surveys has continued throughout the hearing. The clearest response is given in the Acer Ecology letter

provided during the hearing. The survey work has been carried out in accordance with the appropriate guidelines by a member of the Institute³.

14. The NPA knew of NRW concerns as early as March but did not tell us of them until 5 days before the Committee Meeting in July 2013. The NPA has never asked for anything extra to what was provided. Indeed, the same report was sufficient and acceptable for the application for Listed Building Consent for the generator house. Nothing contrary was said until July.
15. Advice as to what NPA required was not as clear as claimed nor has it been shown that it was.
16. Only 2 matters asked for were not provided – a Retail Impact Assessment (in fact not asked for until the application was presented to Committee) and support for a rural enterprise dwelling, as provided for in TAN 6. Full responses were subsequently given and agreed. There has been no lack of information to support the proposal when requested.

The final response for Pembrokeshire Coast National Park Authority

17. The issue is not whether there should have been one or two applications but is about the application stating clearly what is being applied for.
18. The application was considered to be valid when submitted but further information was needed to be clear on what was proposed.
19. It would not have been appropriate to seek incremental changes while such basic issues were unresolved. It was appropriate for the NPA to rely on what was provided and to operate within the time limits imposed. While individual issues may be criticised, they assemble into a bigger, problematic whole. There is still not a comprehensive and complete picture of what is proposed to allow the impacts which may arise from it to be understood. It was unreasonable to progress to appeal without making good those omissions.

Reasons

20. Circular 23/93 advises that, irrespective of the outcome of the appeal, costs may only be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.
21. The application relies specifically on Annex 3 of the Circular, which refers to "Unreasonable Behaviour Relating the Substance of the Case ...". The criticism of the appellant's behaviour in fact is of 2 types – (a) the substance of the case presented and, (b) whether or not it was obvious that the appeal had no reasonable prospect of success. Examples of the second type are given at paragraph 5 of Annex 3 and can be seen elsewhere in the circular⁴. Otherwise, for the most part the examples given in Annex 3 of unreasonable behaviour on the part of appellants do not directly apply to the circumstances faced here.

³ The Chartered Institute of Ecology and Environmental Management

⁴ At paragraph 5 of the Appendix (*Appellants are at risk...*) and at paragraph 11 of Annex 1

22. On (a), substance, paragraph 3 of Annex 3 points out that an appellant will be expected to produce substantial evidence to support any contention that there are material considerations which would justify an exception being made to the policies in the development plan. In this case, for the most part, while the NPA does allege conflict with the development plan, confusingly it also claims that the impact of the proposal cannot be assessed since the application is supported by "... contradictory, ambiguous and insufficient detail ..." (Reason for Refusal 1). That has continued to be at the forefront of the NPA's case; the application for an award does not apply to the appellant's response to other refusal reasons.
23. I do not agree that the application proposal was not adequately explained or, at least, not capable of being sufficiently understood to the extent that, if found to be otherwise acceptable, any shortcomings could not have been resolved either by further discussion or the use of planning conditions. Indeed, paragraph 28 of Annex 3 points out that a Local Planning Authority will be expected to have sought further details of an application if, from the detail supplied, they are unclear about the applicant's intentions. Furthermore, it may itself be considered to have acted unreasonably in refusing planning permission on the grounds of there being insufficient information. It is abundantly clear that the underlying concept of the use of the fort as a visitor attraction is generally acceptable to the NPA. I do not agree that this is an instance where 'incremental' changes could not or should not have been sought. While I appreciate that there are potentially conflicting considerations here, helping to ensure the future of such an important heritage asset by bringing it back into beneficial use warranted and deserved such an approach.
24. As to the individual examples of conflicting information or lack of detail, I accept fully the appellant's reasoned response to each. Other than concerning the presence or otherwise of bats, the 'missing' information was either not requested, was unnecessary, was sufficiently provided to allow adequate consideration or could have been resolved by planning condition. I do not share the NPA's view that its examples, even if taken together and had they been justified, resulted in the whole proposal being incapable of adequate assessment in relation to the development plan or other material considerations, or being made so. Neither the application package nor the appeal submissions on these matters lacked substance to the extent that it was unreasonable to have pursued the appeal.
25. As to (b), it relates specifically to the presence or otherwise of bats and the measures which might be required as a consequence. The NPA offers no other possible cause why it considers it obvious that the appeal was bound to fail. In this, as elsewhere, the question is not whether the appellant acted as advised by either the NPA or NRW, although the evidence is that in very large measure he did. Both organisations may advise but neither has prescriptive powers in these matters (see also below). The question to be asked is whether the actions taken by or for the appellant and the case made were reasonable under the circumstances.
26. The survey methodology to establish the use of the site by bats had been previously agreed by others but subsequently adopted by the appellant's ecologist, Acer Ecology. A request from that practice to vary it was also agreed, but with the proviso that the remainder of the survey must be adequate to compensate for the omission of, principally, the use of detectors. Again, although it is sound practice to act co-operatively in this way, neither the original survey nor the subsequent agreed deviation were mandatory requirements. Indeed, NRW's position was that it "*... looks to ecological consultants to scope out surveys appropriately using national guidance*

and their own experience and understanding of both the site and what is proposed in development terms."⁵. That appears to have been what Acer Ecology did.

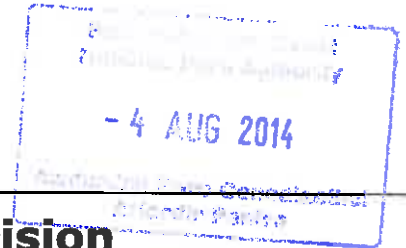
27. That the survey carried out followed the guidance set out by the Bat Conservation Trust for this purpose has not been seriously disputed nor has the relevance of the publication used to support Acer Ecology's interpretation of its survey results. Based on that, the conclusion was that there was no need for any further action under the Habitats Regulations. There is obviously professional disagreement over the significance of the survey results. That does not make the appellant's position untenable. It is perhaps unfortunate, bearing in mind paragraph 28 of Annex 3 of the costs circular, that the appellant was not informed for several months that NRW considered the survey inadequate particularly since, as expressed elsewhere, it felt that "*... the bat interest can almost certainly be accommodated ...*"⁶. By that time the application was already destined to be determined.
28. Having employed qualified ecologists, it was not unreasonable for the appellant to accept their advice. I have not been entirely persuaded by it, for the reasons I set out in my Appeal Decision, but it has not been shown that it was without substance or lacked merit. It could not have been anticipated that the outcome of this aspect of the appeal was either obvious or inevitable.
29. I do not consider that the appellant's behaviour in pursuing the appeal has been shown to have been unreasonable for any of the reasons claimed.

R G Gardener

Inspector

⁵ CCW response to Acer Ecology request to deviate from agreed survey methodology dated 30/7/12, repeated in later NRI advice to the appellant dated 26/7/2013

⁶ E.g. NRW consultation response to NPA 16/7/13



Penderfyniad ar yr Apêl

Gwrandawriad a agorwyd ar 26/02/14
Ymweliad â safle a wnaed ar 03/04/14

gan Robert Gardener BSc (TownPlan)
MRTPI

Arolygydd a benodir gan Weinidogion Cymru
Dyddiad: 4 Awst 2014

Appeal Decision

Hearing opened on 26/02/14
Site visit made on 03/04/14

by Robert Gardener BSc (TownPlan)
MRTPI

an Inspector appointed by the Welsh Ministers
Date: 4 August 2014

File Ref: APP/L9503/A/13/2210367

Site address: St Catherine's Island, Castle Beach, Tenby, Pembrokeshire SA70 7BP

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

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (T&CP Act 1990) against a refusal to grant planning permission.
- The appeal is made by Mr Peter Prosser acting as The Tenby Island Project (the appellant) against the decision of the Pembrokeshire Coast National Park Authority (NPA).
- The application Ref NP/13/0071, dated 15/01/2013, was refused by notice dated 17/07/2013.
- The development proposed is:-
 - Change of use of fort;
 - Change of use of generator house;
 - Restore/replace railings;
 - Install 2 cranes;
 - Install 2 boat landings;
 - Construction of security residence;
 - Construct toilet and pumping facilities;
 - Install cliff nature walk;
 - Install signage;
 - Install path lighting;
 - Install operational lighting;
 - Replace fort entrance bridge;
 - Install services;
 - Repair stairs and install new;
 - Install CCTV.
- Internal and external changes to Grade II* listed building, including new windows, new doors, removal of walls, installation of new stairs, creation of new partitions, installation of services, gas, electric, waste water, installation of replacement flagpole, installation of solar panels, water tanks, telescopes, railings and new roof rooms.
- The hearing sat for 3 days on 26-27/02/14 & 03/04/14.

Summary of Decision: The appeal is dismissed.

Procedural Matters

Costs Application

1. At the hearing an application for an award of costs was made by the NPA against the appellant. This is the subject of a separate Decision.

The description of proposed development

2. The description of the proposed development stated in the bullet points above is that given on the application form. It differs from that used by the NPA in its 'notice of refusal', which is:

Change of use of fort to a visitor attraction with gift, food and drink retail;
Change of use of generator house to ticket and retail facility;
Restore/replace railings;
Install 2 cranes;
Install 2 boat landings;
Construction of private/security residence;
Construct toilet and pumping facilities;
Install cliff nature walk;
Install signage;
Install path lighting;
Install operational lighting;
Replace fort entrance bridge;
Install services;
Repair stairs and install new;
Install CCTV.

3. I have underlined the amendments made. Despite suggestions to the contrary, I am satisfied that they were as agreed following a suggestion by the NPA¹. Importantly, they help to clarify the proposed change of use, originally undefined and a matter of debate which I address below.
4. The agreed description, adopted by the NPA, also omitted the final section commencing "*Internal and external changes to Grade II* listed building*" set out fully in the above opening points. This has implications since, while many of the items there described may not themselves amount to development requiring planning permission, several clearly do, most notably the solar panels, railings and new roof rooms. There is no reason given for this omission and nothing to suggest from either the appellant or the NPA that the items were to be removed from the application. Indeed, they feature significantly both in the officer's report on the application and the reasons for refusal given by the NPA.
5. I have considered the appeal on the basis of both the amended description and the additional works to the listed building set out.

Other consents

6. The fort is included on the list of buildings of special architectural or historic interest, Grade II*. The proposal includes works of alteration and extension to the fort which under other circumstances would require Listed Building Consent (LBC). In this instance, the fort is also a Scheduled Ancient Monument (SAM) and any works to it require Scheduled Monuments Consent (SMC). This requirement takes precedence; LBC as such is not also specifically required².
7. Cadw administers applications for SMC on behalf of the Welsh Ministers. It has made two grants of SMC for works to the fort. The first was granted, subject to conditions,

¹ E-mail exchange dated 25 February 2013

² s61 of the Listed Buildings Act 1990

on 05/11/12 and was for various works. Several, such as the replacement fort entrance bridge over the dry moat (see below), are included within the current appeal application and therefore the effect of those on the SAM has already been accepted.

8. The second application sought SMC for the remainder of the works in the appeal proposal and was being dealt with by Cadw in parallel with the NPA's consideration of the appeal application. However, Cadw did not issue a decision on the SMC application until 07/01/14, after the decision to refuse planning permission was made and after the appeal was lodged. When considering the appeal application, officers advised members of the NPA that Cadw objected to the proposed works. For the most part that was not correct, as Cadw then explained to the NPA. At that stage it was seeking further information. In the event, by letter dated 07/01/14, Cadw appeared to grant SMC for all of the works applied for.
9. That was certainly the understanding of both the NPA and the appellant at the hearing. However, that is now in question, particularly whether or not the SMC granted on 07/01/14 extended to the solar panels. Cadw had previously, on 04/12/13, indicated to the appellant that, while it was 'minded' to approve the SMC application, the solar panels had been excluded from consideration. Although Cadw has since stated³ that that was still its intention, it is not clear that the solar panels were in fact excluded from the SMC granted.
10. Cadw accepts that the validity of the SMC in this regard is ultimately a matter for the courts. However, the NPA's objection to the effect of the solar panels on the listed building, stated in its reasons for refusal, was mitigated by its belief that SMC had been granted. That can no longer be assumed to be the case. In addition, it is now apparent Cadw remains concerned at the visual impact implications of the solar panels on the scheduled monument. It has invited a further application in respect of the panels and offered to discuss them further. That being Cadw's position, it is a material consideration to be taken into account.
11. The SAM encompasses the fort itself, together with its defensive ditch, or dry moat, and the bridge over it, and the larger portion, but not all, of St Catherine's Island. However, the generator house, referred to in the description of development, is outside the limits of the SAM but has been treated as within the curtilage of the Grade II* listed fort. Although not separately included on the statutory list, it remains subject to the need for LBC⁴. The works to convert the generator house to a ticket and retail unit for which planning permission is sought in the appeal application were separately granted LBC by the NPA on 15/05/13, subject to conditions⁵.
12. Important consents are therefore already in place for most of the works proposed. Even so, the need of planning permission where development⁶ is involved remains. In accordance with s38(6) of the 1990 Act, as amended, the application is to be determined in accordance with the development plan unless other material considerations indicate otherwise.

³ By letter to Mr Prosser dated 02/07/14

⁴ s1(5) of the Planning (Listed Buildings and Conservation Areas) Act 1990

⁵ NPA Ref: NP/13/0031

⁶ s55 of the T&CP Act 1990, as amended

The Site and Surroundings

13. The appeal site is St Catherine's Island, a limestone outcrop up to 30m. high set a short distance off the mainland and Tenby town. Positioned prominently at its highest, south-west end is St Catherine's Fort, built between 1868 and 1870, one of a series known as a Palmerston forts, after the Prime Minister of the day, commissioned to defend ports and harbours around England and Wales.
14. The fort is a solid, rugged affair constructed of dressed and tooled limestone blocks with substantial granite additions which add to its imposing, austere character and appearance. Its main entrance is approached from the landward side, across the beach and island and by bridge over a dry moat cut through the rock. There are few openings, the main ones being on the seaward elevations to facilitate 6 internal gun emplacements, or casemates, 3 on each side of the main, ground floor hall. This part is rectangular, illuminated by skylights in the flat roof. This roof is set within deep parapets within which are proposed the 'roof rooms' (**the kiosks**) for food and drink with outside seating.
15. At the seaward end are 3 intermingled semi-circular bastions which provided sunken gun platforms at roof level, again within substantial perimeter parapets. The latter are wide, smooth and with shallow, outward facing slopes. It is on these surfaces that the solar panels are proposed. Within the thick walls below the gun level are a number of rooms down to ground level in which powder and shells were separately stored. There are also smaller rooms over 2 levels inside the entrance elevation. These continue down to an additional basement level, the outer face of which is exposed onto the floor of the dry moat. This is where the **toilet block** is proposed.
16. The island topography has been considerably re-modelled in places to accommodate various military and other installations, including paths to and from the beach which separates the island from the mainland, and elevated boat landings for deliveries. The **generator house**, a flat-topped concrete structure set high on the island between the fort and beach, is a 20thC addition. Adjoining that is a lower platform, on which can be seen the remains of what is said to have been an early 20thC chalet or summerhouse. Lower still is the site of wooden cabins erected when the fort was being built, shown in late 19thC photographs. It is on this site that the private/security residence is proposed (**the cabin**).
17. The fort was decommissioned in 1906 but resumed its military role during the Second World War. In between the wars and following, there is evidence that there was both a residential use in the form of the chalet as well as the adaption of the fort itself. However, its last use was as a zoo from 1968 until it closed in 1979, since when it has been vacant.
18. St Catherine's Island is separated from the mainland by Castle Beach, from which it is accessible for 6 hours twice each day at low tide but cut off at high tide. It is perhaps 100m from the mainland and Tenby town. At low tide, Castle Beach is a broad, sandy expanse which continues as South Beach to the south-west. To the north is Castle Hill, a high, rocky headland which juts out into the sea and, in turn, separates Castle Beach from the Harbour and North Beach beyond. As its name implies, Castle Hill is the site of a medieval fortification, now a public park with circuitous paths, a bandstand prominently positioned facing St Catherine's Island and surmounted by a statue to Prince Albert. The hill provides expansive and elevated public views of the island and there is a strong visual association between them, as there is between the island and the mainland development lining the cliffs which flank Castle Beach.

19. Unlike the physical and visual separation between St Catherine's Island and North Beach and Tenby harbour created by Castle Hill, around Castle Beach the enveloping effect of the headland and the mainland create a close relationship with the island. At this point the mainland buildings are principally late Georgian town houses, many of which are listed including Lexden Terrace, Grade II*, which front St Julian's Street but have elevations and gardens facing the sea. Most remain in residential use. They both define the edge of the town and face directly towards the island and its fort which feature prominently in the quite spectacular sea views available from both public and private vantage points. These give way southwards to large Victorian buildings, now mainly hotels and guest houses along Paragon and The Esplanade, both of which are along the cliff edge and also given wide public views of the island.

Reasons

Planning Policy

20. The Pembrokeshire Coast National Park Local Development Plan (**the LDP**) was adopted in September 2010. Policy 1 requires that development in the National Park is compatible with the conservation and enhancement of its natural beauty, wildlife and cultural heritage as well as with the public understanding and enjoyment of those qualities. This follows the statutory purposes and duties of the National Park designation. Due regard is also to be had to the need to foster the economic and social well being of its communities, where compatible with the statutory duty to protect the special qualities of the National Park.
21. LDP Policy 8 identifies and prioritises those special qualities of the National Park for protection. These include (a) its sense of remoteness and tranquillity, (b) the identity and character of its towns, (c) the pattern and diversity of its landscape, (d) its historic environment, (g) its species and habitats (for their amenity, landscape and biodiversity value) and (i), while avoiding the development of the undeveloped coast, safeguarding the developed coast for uses that need such a location. For the most part, these are cross-referenced to other policies which specifically target that priority.
22. In that way, for (a) Policy 9 seeks to limit light pollution while for (c) Policy 15 does not permit development which would adversely affect the qualities and special character of the National Park by, for instance, introducing a use which would be incompatible with its location or would fail to harmonise with the landform and landscape or incorporate traditional features. Policy 30 applies equivalent considerations where development would unacceptably impact on amenity where people live or visit, lead to noise or adverse light impacts or would be visually intrusive.
23. Policy 35 sets out the plan's strategy for the visitor economy which is to attract visitors outside the peak season while ensuring that the National Park's environment as a landscape of national and international importance is conserved and enhanced. Criterion (d) permits visitor attractions, for instance, in Tenby, defined at Policy 2 as the Local Service and Tourism Centre, and Local Centres. Outside these the need to be in a countryside location will need to be demonstrated and existing buildings should be used wherever possible.
24. I refer to other policies as necessary when considering the individual issues.
25. As stated St Catherine's Fort is a listed building (LB) and an ancient monument (SAM). It is also within the Tenby Conservation Area and within the setting of a wide range of other heritage assets, including the listed buildings in St Julian's Street mentioned, as

well as Castle Hill, the site of another SAM. As such, the Listed Buildings Act 1990⁷ imposes other statutory requirements:

- (a) s66(1) requires that, when considering whether to grant planning permission for development which affects a Listed Building or its setting, special regard is to be had to the desirability of preserving the building or its setting, or any features of special architectural or historic interest it possesses; and
- (b) s72(1) sets a general duty to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.

26. The island is set within and below high waterline level at least, and is part of the Tenby Cliffs and St Catherine's Island Site of Special Scientific Interest (SSSI). It is also part of the Carmarthen Bay and Estuaries Special Area of Conservation (SAC). I comment further on the reasons for those designations in due course, as I do on the likely presence on the island of internationally and/or nationally protected species and habitats. In addition to the Policy 8(g) requirement, LDP Policy 11 only permits development which would disturb or harm protected species or their habitats where the effects would be acceptably minimised or mitigated.

The main issues

27. From the representations received and the reasons for refusing planning permission given by the NPA, I consider that the main issues to be determined are:

Issue 1 whether the effects of the proposed use and/or works variously on:

- (a) the vitality and viability of Tenby's retail function;
- (b) the special architectural and historic interest of St Catherine's Fort;
- (c) the character or appearance of the Tenby Conservation Area;
- (d) the setting of nearby listed buildings;
- (e) the amenity of the area, including the living conditions of local residents;
- (f) nature conservation interests, and
- (g) overall, the special qualities of the National Park.

can be properly assessed from the information available. It follows that if such effects can be assessed, whether they are acceptable or not needs to be determined. This responds to Reason for Refusal 1;

Issue 2 is the impact of the proposed external lighting scheme, particularly in relation to interests (b)-(g) above;

Issue 3 is whether or not the private/security residence (cabin) is a justified inclusion within the scheme or, if necessary, as an acceptable exception to local and national policies which limit new dwellings in the countryside; and

⁷ The Planning (Listed Buildings and Conservation Areas) Act 1990

Issue 4, is the effect of the solar panels, the roof rooms (kiosks) and private/security residence (cabin) on the interests (b)-(e) and (g) above.

The latter 3 issues respond to Reasons for Refusal 2, 3 and 4 respectively.

28. In large measure these issues also cover matters raised in other representations received. However, 2 other particular matters are identified. The first concerns a pedestrian bridge which would link the island with the mainland. Although intended as part of the Tenby Island Project, a bridge scheme has been prepared and publicised, it is not included in the appeal or, at the time of the hearing, any other application. The second, related matter questions the viability of the project. The omission of the bridge at this stage is criticised in the officers' report to the NPA but neither of these matters features in the reasons for refusing planning permission. Nor has the NPA raised them subsequently as further main issues. I do not consider them to be determinative issues, although I comment on them below.

The principle of the use

29. The LDP identifies Tenby as a centre where visitor, recreational and leisure attractions are to be permitted. The plan records that it has suffered some decline in tourism and tourist attractions. St Catherine's Island, however, lies outside the built-up area of Tenby and so is in the countryside for this purpose. While the full extent of the proposed use needs to be explored, the NPA accepts that, as a visitor attraction, it falls within the limited range of developments which may be acceptable in accordance with Policies 7 and 35(d). Even so, it would normally still need to be demonstrated that the proposal requires a countryside location. In this case, however, because of the island's inherent links with Tenby, the NPA accepts the principle of its use as a visitor attraction without the need for further evidence.
30. I have no cause not to accept that pragmatic approach, one which may apply in other respects. Even had that not been the case, however, it seems to me that the proposal – dependent as it is on St Catherine's Island and fort – can only take place where it is. Its location is therefore dictated and consequentially essential. Moreover, it also involves the re-use of existing buildings and it is difficult to conclude other than that, in these terms at least, the proposal complies with Policies 7 and 35(d).
31. As a SAM and a Grade II* listed building, the fort is of both local and national importance. As I shall explain, its condition is of concern. There is a general presumption in favour of the preservation of listed buildings⁸ and recognition that new uses may provide the key to their preservation⁹. Cadw also supports bringing the building back into use and considers that the proposal may provide the potential means of doing this.
32. With these aspects in mind, I do not consider that the principle of re-use as a visitor attraction as such need be objectionable and may indeed offer benefits. The objections raised relate to more specific concerns.

⁸ Planning Policy Wales, Edition 7, July 2014

⁹ Circular 61/96 'Planning and the Historic Environment', paragraph 12

Issue 1 – the adequacy of the supporting information and the effect of the proposal

33. It is the NPA's contention, stated in Reason for Refusal 1, that the impact of the proposal cannot be comprehensively assessed because of contradictory, ambiguous and insufficient detail provided. If that is so, it is difficult to comprehend how the conclusion was also reached, again stated in the same refusal reason, that the proposal would necessarily be contrary to policy and detrimental to a number of interests. At the hearing the NPA identified those instances where its contention applied. They comprise 3 groups, relating to (i) the proposed mix of uses, (ii) the operational development (**the works**) and (iii) protected habitats and species. However, I have considered (iii) as part of (i).

On (i), the mixed use

34. The proposal has been variously described as a visitor, a family and a tourist attraction although no distinction was drawn between them for policy or other purposes. Although the application refers separately to the change of use of the fort and of the former generator house, they are part of the same overall proposal. Indeed, while inevitably individual activities referred to in the application and its supporting documents have attracted attention, it is important to retain in mind that together they would comprise a single composite, or mixed, use as a visitor attraction.
35. Concern has arisen, however, as to what that may involve. In turn, the resulting uncertainty has, it is contended, prevented the necessary assessment of whether it would be compatible with, for instance, the island, its heritage and its surroundings. That concern has been additionally and particularly expressed by the Lexden Terrace Conservation Group and by the Tenby Civic Society.
36. In response to the change of use to "... a visitor attraction with gift, food and drink retail", the application gives the floor areas to be given over to shops, cafés and storage within both the fort and the generator house. The location and distribution of these activities in both buildings are clearly shown and further described in plans to all floors, including the roof of the fort where food and drink would be available from the kiosks together with outside seating. Otherwise, the larger proportion of the floor areas is simply given as to be for 'other' purposes but which the floor plans describe as 'Exhibition Space'. This was clarified as being multi-use including space for display, interactive exhibits, interpretation, art installations, seating, viewing etc., as well as circulation routes and corridors to cover topics as diverse as the fort and its history and the marine environment of the island.
37. Externally, the location of footpaths and public access areas are given, together with restored boat landing areas and details of intended external lighting. To this extent at least I consider that the nature of the principle components and activities involved in the visitor attraction are clearly and sufficiently explained.
38. There are, however, other intended activities referred to and it is these, as well as operational questions, which appear to be the main cause of concern. While the forms deny that there would be hotel floor space or rooms, elsewhere¹⁰ it is said that the application seeks an umbrella use to include, as well as those already identified, elements of Class D2 'Assembly and Leisure' and Class C1 'Hotels' uses. These are, it is explained, to allow, for example, weddings and entertainment to take place (Class

¹⁰ "Planning Application 2 2012"

D2) and some overnight events, such as star gazing, when temporary sleeping arrangements would be provided (Class C1).

39. The number or frequency of such events is not stated, nor, beyond weddings, is the nature of the 'entertainments' which may be envisaged. This has inevitably led to speculation about what they might be and their possible implications in terms of, for instance, noise and disturbance on the area, particularly at unsocial hours, for the inherent character of the island and fort as an integral part of the local scene and through other intrusive effects such activities may have. That doubt is furthered since the application seeks to be open between 08.00 and midnight every day¹¹, to which must be anticipated overnight events outside of these times.

Issue 1(a) - the effect of the use on Tenby's retail function

40. The proposed mixed use includes a retail element. LDP Policy 49 establishes the retail hierarchy to be followed in the National Park while Policy 50 is intended to ensure the continued vitality, viability and diversity of town and district shopping centres. Proposals for retail development outside existing centres such as Tenby are to be restricted and those that would potentially damage or undermine their retail role resisted. The NPA considers that the proposal could potentially harm these interests.

41. An assessment of the impact of the retail element provided by the appellant¹² assessed that the Class A retail floorspace in the scheme would add only 0.7% to that available in the town centre, 0.4% to its comparison goods offer and 1.6% to the gift shop floorspace presence. In addition the proposed café would add 2.7% to the town's restaurant and café provision. Overall, it concluded that the impact of 'retail' activity of this scale on Tenby's town centre function would not be unacceptable. It also suggested that, for this purpose, the proposal should be treated as part of the town centre and so accord with the LDP intentions. As indicated, the NPA has in effect adopted that approach for the project in relation to its tourism policies. Whether or not the retail element of the project should be treated in the same way, and despite concern from some existing local traders, I have nothing of substance from the NPA or any other source to contradict the overall conclusion reached or to show that a more detailed impact assessment is needed. In my view, what has been provided is sufficient and adequate for a conclusion to be reached.

42. Moreover, as a potentially significant tourist attraction, the project may well have a positive impact for the town centre by generating further visitors, including out of season, an objective of Policy 35. The 'retail' floorspace as such is modest – the café element would be 76 m², gift shop 62 m² and the combined refreshment and retail use of the generator house some 62 m².¹³ Again, these would be components of the overall mixed use by providing directly for those attracted to the project rather than having a separate retail purpose. In the absence of a bridge link to the mainland, the restricted access caused by the tides would also limit the impact on Tenby town centre. These factors diminish further any potential threat which even the small scale retail component involved might have offered to Tenby's function in this regard. I do

¹¹ Application forms

¹² Retail Proposal Review, Avondale Management Dec 2012

¹³ There is some discrepancy between various documents and plans over the actual figures but not of such significance to affect my assessment

not consider that vitality and viability of the town would be materially damaged or undermined by the proposal.

Issue 1(b) - the effect of the use on the fort as a listed building/Scheduled Ancient Monument

43. PPW¹⁴ restates the statutory presumption in favour of the preservation of listed buildings¹⁵ and W.O. Circular 61/96¹⁶ advises that new uses may be the key to that process. Among the special qualities of the National Park, Policy 8 identifies the need to protect the historic environment. The fort is clearly a very important historic asset but now requires attention. Cadw has found that, while the masonry shell remains in good condition, it has suffered badly from weather and vandalism and that many parts of the building are badly decayed or damaged. The condition of iron and steel lintels over openings, in particular, may potentially lead to structural failure. Some may prefer to retain the island and fort's abandoned, almost forlorn, romantic state. While not without its attraction, such a possibility would not remedy the fort's current state of deterioration or safeguard it into the future.
44. As a possible means of helping to preserve the listed building, the principle of the re-use of the fort has much to commend it. While the continuation or reinstatement of the original use is favoured as the first option, PPW guidance recognises that not all such uses will be viable. There is no suggestion that the fort would resume either its original military purpose or its last use as a zoo. Cadw, in its dealing with the SAM, has given support to bringing the monument back into use, as has the NPA and others, and believes that the proposal is potentially a way of doing this. I consider the suitability of the works elsewhere but in overall terms the proposed internal and external adaptation to permit the use as a visitor attraction has been accepted. That it would offer a means of both securing the repair and reinstatement of the listed building and a beneficial use to help secure its future maintenance is a highly supportive factor. I see nothing in the proposal to either adapt or use it as a visitor attraction, as described, which detracts from its historic or architectural importance.

Issue 1(c) & (d) – the effect of the use on the character or appearance of the Tenby Conservation Area and on the setting of listed buildings

45. St Catherine's Island and its fort are prominent in the maritime environs which have influenced much of the development of Tenby. They are significant contributors to the character and appearance of the Tenby Conservation Area as well as principal components of the setting of the fringe of listed buildings and the ancient monuments facing it. For the most part, they fall within Zone 1 of the conservation area, the Walled Town and St Catherine's Island, identified within Tenby Conservation Area Proposals¹⁷. However, there is also a significant visual interaction between Zone 3, The Esplanade, and the island. The main character distinction between the two zones derives from their different periods of development. Zone 1 is characterised by its medieval street pattern and, particularly close to the island, the late-Georgian/Regency architecture which lines much of the cliff tops, almost entirely

¹⁴ Planning Policy Wales, Edition 7, July 2014

¹⁵ s66 of the Planning (Listed Buildings and Conservation Areas) Act 1990

¹⁶ "Planning and the Historic Environment: Historic Buildings and Conservation Areas"

¹⁷ Supplementary Planning Guidance adopted by the NPA 12/10/2011

listed. Zone 2 has a later, more typically regular 19thC street scape and buildings. From my inspection, the island does not obviously accord with the character of either area but is nevertheless historically and visually linked closely to both, a view supported by the appellant's historic environment inter-visibility assessment¹⁸.

46. The proposals document, in fact, is almost silent on the presence or contribution of St Catherine's Island and fort within the conservation area. While opportunities for development and enhancement are identified elsewhere within the conservation area, despite its prominence and long period of neglect the island is not included. Although identified as a landmark building, it is not identified as a priority amongst the buildings, areas and themes which contribute most to the special qualities of the conservation area. Insofar as comment is made on any development opportunity the island may offer, the inference is that it should be low-key and sensitive with improved access and interpretation.
47. Although now open to the public on a limited basis, St Catherine's Island has been unused for a sufficiently long period that it has assumed a passive, quiet if not brooding, presence. Bringing it back into use would inevitably have implications for the way in which it currently co-exists with its surroundings. Despite the already strong role that tourism plays in Tenby, it is relatively restrained such that the architectural and historic integrity of the conservation area remains dominant. I agree with those who are concerned that, in this setting, the island should not become an over-developed 'theme' park. However, the current 'nil-use' situation is unlikely to be sustainable if the historic asset is to be effectively preserved and any benefit which it may offer to Tenby's tourist function realised.
48. The proposal would provide the improved public access and interpretation referred to in the NPA's Conservation Area Proposals, as well as promote the public understanding and enjoyment of the fort as encouraged by the National Park's designated purpose. Its use as a visitor attraction, as the application sets out, is a practical and sensitive response to the building's history and place; it could be appropriately low-key and not over-intrusive. It offers an acceptable balance of possibly competing interests, if suitably controlled. In that way, while I have yet to deal with the works and external illumination, I consider that the use would enhance both the character and appearance of the conservation area without detracting from the setting of either the fort itself or the listed buildings and ancient monuments in the vicinity.

Issue (e) – the effect of the use on amenity

49. Policy 30 states that development which would have an unacceptable impact on amenity, as enjoyed in people's homes, workspaces and recreational areas, will not be permitted. In this instance, the proposed change of use will have implications for both the significant residential presence on the mainland, notably on St Julian's Street, as well as the public using Castle Beach and other attractions nearby. It was pointed out to me that noise from, for instance, music from the bandstand on Castle Hill and people playing on the beach can be heard by local residents. Generally, although no doubt there are wide seasonal variations, during the day, when the beach and other tourist facilities are also busy, there is already a large visitor presence with associated noise and possible disturbance. I recognise also that visitors and deliveries would need to pass through St Julian's Street or other Tenby centre streets to the island.

¹⁸ Tenby Island Project Phase I, Historic Environment Desk-based Assessment, Trysor September 2012

However, during normal daylight hours at least, there is little if anything to establish that the proposal would unacceptably increase the existing level of activity in the area or that its associated effects would adversely detract from the amenity the locality provides for residents or visitors.

50. At other times, however, the area is relatively quiet, particularly at night and the early morning and particularly on the seaward side, overlooking the beach and the island. An assessment has been provided of the noise likely to be generated by construction work but not by the proposed mixture of uses. Residents of Lexden Terrace refer to noise from public houses and other activities on the town side being experienced until closing time, around 11.00pm. The seaward side, however, is quiet. The amenity of the area outside such times would be more sensitive to even modest change, both from movements to and from the island and from the use of the island itself. The application proposes extensive opening hours, from 08.00 to 12.00 midnight, although the purpose of public access during such extensive hours is not fully clear. As explained, other activities could go on beyond that time while the likelihood of staff arriving and departing outside these times has also been raised.
51. Coupled with the unspecified extent of the other, Class D2 and Class C1, uses the speculation and concern over what may be intended or may evolve is understandable. That in part is attributable to the attempt to categorise each component of the mixed use. I am in no doubt for instance that the reference to a 'hotel' use, highlighted as a particular issue in the officers' report, does not accurately reflect the casual overnight arrangements explained or intended and has served to cloud the matter. In addition, despite its external bulk, the internal floorspace of the fort is not extensive and it is clear that what there is would need to be shared if all these various activities are to be accommodated. It seems to me that the scope for such activities to predominate, outside its principle use as a visitor attraction, is very limited. Even so, the scope for other events within the 'entertainment' category is broad, the effects of which, particularly in the evening and late at night, can only yet be guessed at.

Issue (f) – the effect of the use on protected species and habitats

52. Among its special qualities, LDP Policy 8 requires the species and habitats of the National Park to be protected and enhanced while Policy 11 states that development which would disturb or harm protected species or their habitats will only be permitted where effects can be suitably minimised or mitigated. These policy requirements reflect the statutory obligations which apply to European and national protected species and habitats, notably set out in the Species and Habitats Regulations 2010 (the Habitats Regulations).
53. In this case St Catherine's Island is situated within two important ecological designations, being the Tenby Cliffs and St Catherine's Island Site of Special Scientific Interest (SSSI) and the Carmarthen Bay and Estuaries Marine Special Area of Conservation (SAC), a designation of European significance. In addition to the requirements of the LDP, the Habitats Regulations state that any plan or project should not normally be agreed unless it is apparent beyond reasonable scientific doubt that it will not affect the integrity of a SAC.
54. The SSSI comprises the cliffs and the foreshore around Tenby. Its special interest is for its littoral rock and sandy shore communities, an assemblage of nationally rare and scarce plants and 2 areas of geological importance, identified as South Cliffs and North Beach, not St Catherine's Island. Nor is it apparent that the island is host to the other items of special interest. However, the designation also includes specialised cave and

overhang communities for which the island is particularly identified. While elsewhere it is not apparent that the extent of the SSSI is confined to the intertidal zone, as the appellant claims, in the case of the island it would seem to be so and has not been disputed.

55. The SSSI is part of the much more extensive SAC which also applies to the beach and sea-bed around the island. Most of the island, that part above high tide level, is consequently not subject to the obligations imposed by these designations. The SAC has been designated because it contains, and has a high diversity of, habitat types and/or species which are rare or threatened within a European context. In addition to the various species identified as being of European interest (Annex 11 species), the significant habitats are salt meadows, estuaries, sandbanks and intertidal mudflats and sandflats not covered by seawater at low tide (Annex 1 habitats).
56. The appellant has identified 4 items within the proposal which may have implications for the ecological interests of the SAC. These are the renewal of the boat landings, areas of replacement railings, the placing of underwater cameras and the laying of services across Castle Beach since they enter the marine zone below high water level. These works items, it is said, were prepared in consultation with the appropriate bodies¹⁹. These formerly included the Countryside Commission for Wales (CCW), now part of Natural Resources Wales (NRW). For convenience I use NRW to refer to both incarnations involved in consideration of the project.
57. The application was supported by a Protected Species Survey which, although referring to the numerous tidal caves, concentrated on the above high water level implications of the project and gave little attention to any marine habitats which may be affected. Even so, neither the NPA nor NRW has suggested that any of the special ecological interests or the integrity of the SAC would be specifically threatened, nor did the officers' report set out such an objection. Here also, however, the contention is that there is insufficient information on which to make such an assessment.
58. While the main attention at the hearing and since has been given to the use of the island by bats, to which I turn shortly, little of substance has been added - scientific or otherwise - to suggest that either the SSSI or SAC is likely to be threatened. It seems that the laying of services across Castle Beach, a busy tourist beach in any event, has been accepted as unlikely to have any significant adverse effect on the marine life within it. The NPA felt that the fixing of the boat landings and railings had not been sufficiently explained to determine their impact on the rock faces but I share the appellants' view that they are adequately explained in the drawings and supporting statements. What is proposed is no more than drilling and bolting to hold the pre-formed sections in place. The method of installation for the underwater cameras is also fully set out and would involve placing cameras fixed to concrete slabs on the sea bed with cables to the island following natural features and clipped to the cliff surface. Again, with such detail available, it has not been shown that significant adverse effects would result. Indeed, the NPA's ecologist felt that there was sufficient information to carry out a screening of Likely Significant Effects for purposes of Regulation 61 of the Habitats Regulations²⁰. It does not appear that it was carried out but for the purposes

¹⁹ Countryside Commission for Wales, Environment Agency Wales (both now Natural Resources Wales)(NRW), as well as the Crown Commission.

²⁰ Memorandum, Jane Hodges to Julia Evans, 09 May 2013, the NPA is a 'competent authority' for this purpose

of this appeal I am satisfied that the proposal would not prejudice either the integrity of the SAC by affecting the features which led to its designation or damage the special interest of the SSSI. This matter would not justify withholding planning permission.

59. The principal remaining concern relates to the use of the island, but particularly the fort, by bats. All species of bats and their roosting sites are protected by both United Kingdom and European legislation and the presence of a protected species is a material consideration when considering development proposals. As well as the Protected Species Survey, a specific Bat Survey was also undertaken following desk and field study work. While a number of bat species had been recorded in the vicinity in recent years, no previous records of bats on the site were found. The field survey work found that 2 species of bat – common pipistrelle and soprano pipistrelle – were foraging in low numbers over the island's grassland. Within the fort, during survey periods in July a single brown long-eared bat dropping was found which was very old and was felt to be the result of casual or adventive access. No further signs of bat use of the building were evident during August but in September four fresher droppings of lesser horseshoe bats were found. During this period 3 dusk emergence surveys and 1 dawn survey were carried out. No bats were recorded returning to roost in the fort and no bats were seen flying within it. A habitation survey was undertaken later, in February the following year. Again, there was no evidence of bats being present.
60. The conclusion reached by the appellant's ecologist was that, while there was evidence of historic and current use of the fort by bats, it was indicative of casual use by a foraging individual rather than indicative of regular roosting behaviour. Neither the NPA nor NRW have contradictory evidence of their own but consider that the survey work was inadequate, that the results are insufficient to arrive at the conclusions reached and that further investigation should take place. On that basis, they contend that it cannot yet be assessed whether or not the proposal would be likely to result in disturbance or harm to bats or the habitat the fort may provide or what mitigation may be required.
61. As TAN 5²¹ points out, it is considered best practice to carry out survey work to establish the presence or otherwise of protected species before submitting an application for planning permission. That practice was followed here. Moreover, when commenced, the survey methodology was as agreed as appropriate with NRW, albeit with a previous ecologist for the appellant. However, there were then 2 deviations from what had been agreed, excluding the fact that the hibernation survey due in November/December was not undertaken until February, but still within the Bat Conservation Trust (BCT) guideline period.
62. The first deviation was that the desk study, to determine the location of known roosts in the locality, did not include all available records, notably those kept by the West Wales Biodiversity Information Centre (WWBIC). A data trawl of such organisations is also advocated as best practice by BCT²² and should include data up to 10km. from the site where, as in this case, there are designated sites such as SACs or SSSIs.
63. A principal purpose of such a study is to devise an appropriate survey methodology. Since the agreed survey had been prepared taking into account the importance of the area for bats, it was felt that the need for the search had been circumvented. While I

²¹ Technical Advice Note 5 'Nature Conservation and Planning' 2009

²² "Bat Surveys, Good Practice Guidelines"

understand that view, it is apparent from the data provided by the NPA, sourced from WWBIC, that the importance of the area for bats may be more significant than had been assumed. Although the initial survey methodology had already been agreed, such information would – and should – have influenced later events.

64. The second deviation is that static detectors, planned to monitor activity at the fort during 2 periods of several weeks in early August and late September, were not used. This was because the size of the building and the number of potential roosting points would have required a high number of detectors, which would have been vulnerable to those gaining unauthorised entry to the island, a known problem. Moreover, it was felt that the results would not necessarily have indicated that bats were roosting rather than simply investigating the building. The omission of the detectors was agreed with NRW, but on the clear understanding that the remaining survey work should more than adequately compensate for it, particularly since parts of the exterior of the fort are difficult to view and access externally but lend themselves to the use of static detectors.
65. It is not apparent that the remaining survey work was then materially upgraded to compensate for the lack of the detectors originally agreed. More directly, the fresher lesser horseshoe bat droppings were found in the fort late in September, after it had been decided to omit the detectors early in August. The appellant points out that the Lesser Horseshoe Handbook advises that the presence of very small numbers of droppings in a building should be treated with caution and, without other evidence, should not be interpreted as establishing a roost and may be of little significance. The level and commitment to the survey work is also said to have been commensurate with that of the BCT guidelines. Even so, I consider that the finding of the fresher droppings was sufficiently significant to cause doubt as to the level and purpose of the use of the fort by bats and to strongly indicate the need for further assessment.
66. There are other factors which support that conclusion. The island is close to the Pembrokeshire Bats and Bosherton Lakes SAC for which greater horseshoe bats are a primary reason for its selection and lesser horseshoe bats a qualifying feature. In particular, it includes, at Beech Cottage, Waterwynch SSSI, only 1.8km away, a large and very important nursery of the lesser horseshoe bat in Pembrokeshire. In accordance with BCT guidelines, the presence of such a protected SAC species is likely to have required a greater level of survey effort. In addition, the scale, layout and number of rooms involved added to the complexity of the surveillance required which has led to the adequacy of the number of surveyors involved – 2 internally and 2 covering the exterior – being questioned. The NPA contend that the fort is a building type preferred by lesser horseshoe bats which also adds to the potential for that species to be present. The appellant's ecologist contends that the building's exposure to the elements and the cold and draughty conditions which exist limit its attraction as a roost²³, particularly as a hibernation roost. At best the issue is unresolved. However, the appellant's survey does recognise that the building has a high to moderate potential for supporting day and night roosting bats and that butterflies and moths are present which are known to occur in buildings where bats are found.
67. Having established that the possible presence of protected species and habitats is a material consideration, TAN 5 advises that decisions must be informed by adequate

²³ In this context, 'roost' may be of several different types and includes perches and resting places. This does not alter the materiality of the issue.

information in order that any possible detrimental effect on protected species is properly addressed. Otherwise a decision may be open to legal challenge. In this instance, while I appreciate that the survey work undertaken has revealed only limited evidence of bat use of the fort, I consider that the various factors I have outlined strongly suggest that the level of the survey effort was an insufficient response. The appeal proposal would result in wholesale changes to both the exterior and interior of the fort, as well as its re-occupation and consequent increased level of activity, as well as internal and external illumination. That would have obvious consequences of the potential, if not actual, use by a protected species. Without information to adequately assess the potential harm, TAN 5 again advises that planning permission should be refused if significant adverse effects on nature conservation interests are possible. My conclusion is that that is the case here.

68. This is an unfortunate situation particularly since NRW accept that it is likely that relatively simple mitigation measures could be put in place and the appellant has indicated a willingness to do that. There is also clearly a difference of professional opinion. Even so, until the scale and nature of the use of the fort by bats has been more reliably established, the need for and suitability of such a solution, and the form it might take, is unknown. For that reason, I do not consider that such important considerations should reasonably be left to be resolved by planning condition. For the same reason, it is not yet possible to determine whether the potential benefits which the project offers, as I have previously described, might outweigh the potential nature conservation interests engaged here.

(g) – the effect of the use on the special qualities of the National Park

69. I have left this matter to now since in most respects the special qualities of the National Park which the NPA has identified as potentially under threat in its Reason for Refusal 1 are those already addressed – notably the historic environment (Policy 8(d)) and local biodiversity (Policy 8(g)), the latter furthered by Policy 11. I do not need to repeat my views on those. Policy 15 is also referred to, the purpose of which is to ensure that the qualities of the National Park’s landscape are not lost to future generations. The matters to be considered include visitor intrusion and uses incompatible with their location, but from a landscape perspective. Although questions of impact on amenity and character and appearance have been raised and considered, on this issue I do not consider that the proposed use would have adverse consequences for the landscape as such. The effect of the proposed works, together with the lighting scheme, the cabin and additions to the fort I deal with below.

Summary of the effect of the use

70. In almost all respects the application has been supported by adequate and satisfactory supporting information to permit the impact of the use on a wide range of interests to be assessed, as I have explained. That is not the case in relation to the protected species and habitats which may be directly affected, as I have explained. That reason alone is sufficient to warrant planning permission being withheld.

71. The principle use proposed is that of a visitor attraction and for that also the information provided has led me to the view that it is acceptable. Indeed, in terms of potential tourism benefits and helping to safeguard the future of the historic fort, there is much to commend it. Where there is doubt over the use, suitable controls could be introduced by, for instance, limiting the activities and layout to those proposed in the application. As to the ‘other’ uses the appellant has asked to be included, they are not in the agreed description of development. The application as

such does not include use as either a hotel or for entertainment in the terms of either Use Class D2 or C1.

72. Even so, the term 'visitor attraction' is not defined and a wide range of activities may plausibly fall within it. In addition, potentially harmful limited period, temporary uses could also take place without planning permission²⁴ unless controlled. I agree that there is need for further clarification and definition but which could properly be dealt with by condition rather than require outright rejection. Indeed, I consider that on these matters the way forward should be by imposing an appropriate degree of control over, for instance, the range of activities permissible and such operational matters as frequency of events, hours of use and deliveries, noise (including from music) or outside activities. These would need to be agreed in response to proposals put forward but I have no reason from what was said at the hearing that there is an unwillingness to do so. As discussed at the hearing, other controlling measures such as the need for alcohol and music licences may also apply. In these ways, what I believe to be a most worthwhile project could receive a level of support, would allow it and maintenance of the fort to progress. It is unfortunate, as the Fortress Study Group comments, that the use of conditions in the decision was not taken further.

On (ii) – the operational development (the works)

73. As well as the conversion of the fort and generator house, the works for both of which have been in large part accepted, there are 2 new buildings proposed, being the new toilet block in the dry moat, and the cabin. There is nothing lacking or uncertain in the proposals for those or concerning the roof-top kiosks or solar panels. Indeed, based on the application details the NPA was able to come to firm conclusions on those proposals. Consequently, they are not included amongst those matters which cannot be assessed because of contradictory, ambiguous and insufficient information.
74. At the hearing this criticism was identified as being limited to the lack of specific details on architectural elements said to be essential components of the design. Of those, it was clarified that concern at fixings for the boat landings and crane mountings on the cliff faces is related to the effect on the island's ecology, which I have dealt with elsewhere. The works to the generator house, having already been granted LBC, are not in dispute. There were, however, 2 instances exemplified where a comprehensive assessment could not be made. The first is the railings being proposed to line the footpaths around the island, as well as on the roof of the fort. The NPA says that, for instance, the profile of the uprights and handrails is not clear. The second concerns details of replacement windows and other joinery items to the fort.
75. Circular 61/96²⁵ states that adequate information should be available to assess the effect of proposed works on a listed building before granting consent. However, it also advises that conditions may be imposed requiring the subsequent approval of specified details if there is sufficient detail to assess the impact of the proposals on the building as a whole. In this instance, as pointed out, Cadw has been able to assess, and grant SMC for the works in question within the SAM with, for instance, a condition requiring details of the railings to be agreed. In addition, the NPA was able to grant LBC for similarly detailed drawings for works to the generator house, also including sections of the same railings.

²⁴ by the Town and Country Planning (General Permitted Development) Order 1995

²⁵ Paragraph 111

76. The application here, of course, is not for listed building consent and, notwithstanding s66 of the LB&CA Act 1990, should not be treated as such. In my view there is sufficient detail in the scheme drawings for the works to be adequately assessed for planning permission purposes. Typical railing details are shown on Drawing SCF-OB1-09/12²⁶ at a large scale of 1:20. Similarly, the proportions, style and materials of the intended windows and other joinery items which would affect the external appearance of any of the buildings can be readily gauged from the application drawings. Even were further detail required, the same ability to impose conditions to remedy any uncertainty exists. I do not consider that the works have been inadequately described or that proper assessments cannot be made. This criticism is not justified.

The effect of the works

77. As to their effect on the fort, the railings are a safety feature and also a consequence of permitting public access to the roof areas. They share a common design with railings proposed elsewhere, are suitably plain and robust for both this former military building yet sufficiently slender and refined not to unduly disfigure the characteristic smooth profile of the fort or its island setting. That is assisted by the fact that they would be positioned mainly at the south-eastern end of the building, by the gun emplacements, furthest away from the mainland and views of the island.
78. In addition, portions of the family of railings have already been accepted in connection with the approved works to the generator house, grant of LBC NP/13/0031. To my mind they are consistent with the restrained and reasoned approach reflected in the overall scheme. Similarly, the replacement windows and so on are suitably robust for the rugged, military character of the fort in its own right, as well as the Tenby Conservation Area, the setting of the other listed buildings in the mainland and the special qualities of the National Park.
79. As to other works, subject to agreement of details and following acceptance by Cadw, the NPA considers that other alterations to the fort and the replacement bridge over the dry moat are acceptable, as do I. The toilet block in the dry moat, however, has not been universally welcomed, including by the Victorian Society. Cadw considers that it would be largely hidden in the cutting, which would be the case. As such it would have little discernible impact on either the remainder of the Conservation Area, the setting of the fort and other listed buildings when seen from the surrounding area or for the various qualities of the National Park. Nevertheless, the immediate setting of the fort would inevitably change.
80. Placing the building in the dry moat would both physically and visually obstruct a full appreciation of the scale and purpose of this historic feature, integral to the defensive design of the fort. However, important characteristics of the moat, including its plan form and considerable depth, would still be clearly apparent. In addition, the contemporary design and relatively lightweight appearance of the toilet block, incorporating timber and metal cladding, would immediately identify it as a modern intervention, sitting within but not part of the moat and separate to the bulky stone mass of the fort. It has not been suggested that such facilities could be acceptably provided within the fort nor has a suitable, possibly less harmful alternative location on the island been identified. Indeed, the lack of another suitable location influenced Cadw's acceptance of this part of the scheme.

²⁶ Drawing 10 as assembled for the hearing

Summary of the effect of the works

81. The supporting information is more than adequate to allow full assessment and has shown that the impact of the works, beyond the specific issues to follow, is acceptable.

Issue 2, the proposed lighting scheme

82. As LDP Policy 9 requires, the application includes a full and extensive lighting scheme. Its main features are the external illumination of the main fort elevation which faces the mainland and of outside areas, mainly footpaths, by a mix of lamp standards and bollard lights. In addition, several spotlights are proposed to illuminate the jetty and landing areas when those are in use. The effect of lighting large areas of the island has been a particular objection.
83. As I saw, at night the island is in virtual darkness, which adds to its air of isolation and mystery. While the harbour and North Beach areas have noticeably higher levels of illumination, lighting on the mainland opposite the island is more subdued and muted in effect. Overly intense or widespread illumination such a short distance off-shore could be extremely intrusive in this dark setting, disruptive and harmful to the existing night-time character and contrary to those policies and requirements to safeguard and protect the special qualities of the National Park and its historic heritage. The protection of the sense of remoteness and tranquillity of the National Park, identified as one of its special qualities, is to be achieved in part through the minimal impact of lighting on the night sky.
84. Even so, Policy 9, directed at managing light pollution, permits proposals involving lighting where, firstly, it relates to the purpose of the proposed development and, secondly, will not have a significant adverse impact on the character of the area, other users and the visibility of the night sky. As to the first consideration, much of the lighting proposed would be functional, either for the safe use of the footpaths and landing areas or to draw attention to the island and fort as local features. Its impact on the locality is in question but the scheme is firmly related to the purpose of the project. As to the second consideration, the essential ingredients of the lighting scheme could significantly add to the drama of the island and its fort after dark, much as the illumination of Castle Hill and St Mary's Church has done, as the appellant suggests. This could enhance their contribution to the local scene but is a matter of balance. If not carefully controlled, illuminating the island could be intrusive and out of keeping with its essential character. However, while it would change the outlook for local residents, it is unlikely to adversely affect their living conditions as such.
85. I accept that the lighting scheme has been carefully designed. Other than perhaps for the fort, the light effect would be directional rather than spread, would be low key and low energy. The array and disposition of the fixtures and fittings are shown so that paths would be illuminated by low bollard lighting with higher columns only at intersections. It is proposed that the lighting would be switched off when not in use while those occasions when, for instance, sky watching is taking place would be further self-limiting because of the disruptive effect of light pollution. In that regard, the washing of the fort may particularly affect the night sky. Even so, as indicated, there is potential merit in highlighting the main elevation of the fort for the added drama it would create, even if only on an occasional basis. Such considerations support the scheme. Even so, the impact of the totality of the combined illumination on the locality is difficult to gauge particularly since it would be depend considerably on the intensity of the light produced and, importantly, frequency and duration of use.

In that respect, the inference is that the illumination would need to be switched on up to midnight if the attraction is to remain open to that time of day.

86. Bringing the fort and island into public use is desirable and therefore a level of illumination is inevitable for both safety and security. The scheme is a good attempt to meet these objectives but its impact cannot be fully assessed. The appellant accepted that further consideration should be given and this, too, could be the subject of a planning condition.
87. This would also allow the implications of illuminating the island and fort for their use by bats, once that is more clearly established, to be taken into account.

Issue 3 – the private/security residence/cabin

88. The NPA considers that the cabin should be treated as a dwelling. There is support for doing so since the application documents refer to it variously not only as a private/security residence but also as a 'Class C3 dwelling' and a 'security dwelling'²⁷. As the island is in the countryside for planning policy purposes, LDP Policy 7 applies and permits only housing for essential farming or forestry needs. Clearly that is not the intention here. TAN 6²⁸ advises that new dwellings in the open countryside may be more widely justified to support rural enterprises where it is essential for workers to live at, or close to, their place of work. Whether a dwelling is essential is dependant on the needs of the enterprise concerned and robust evidence of that is required. It would reasonable to treat the project as such a 'rural enterprise' but the various tests and appraisals set out in TAN 6 for new dwellings on new enterprises such as this have not been applied, a criticism made in Reason for Refusal 3.
89. The appellant, however, contends that such considerations are not applicable to the circumstances here. I tend to agree, but not because of any historic but now long gone residential use or because the chosen site has the characteristics of Previously Developed Land²⁹, as the appellant contends. Although the cabin design shows that it would have the essential facilities for day to day living, it would be a multi-purpose building the function of which would be supportive of and ancillary to the main visitor attraction use. It would, for instance, be used by staff when cut-off from the mainland, as a first aid and medical room, as accommodation for security staff providing 24-hours supervision as well as, for example, visiting experts teaching on astronomy courses, and as a staff room and an office. Importantly, it is not evident that the cabin would be occupied as a sole or main residence; indeed, such a range of shared activities may not be conducive to that possibility.
90. The appellant contends that the cabin would meet essential functional requirements, particularly to ensure the security of the project. The island and fort have been subject to vandalism. In the absence of contradictory evidence I have no reason not to accept that such a need would exist. The NPA has questioned why such accommodation, if required, could not be provided in the fort itself, a reference to one of the criteria set out in TAN 6. As mentioned previously, despite its obvious bulk, the internal space is limited. The internal layout of the various rooms is also such that it is not obvious how similar accommodation could be provided inside the building

²⁷ see for e.g. Planning Application 2 2012 and Design and Access Statement Revised 12/2012

²⁸ Technical Advice Note 6 'Planning for Sustainable Rural Communities'

²⁹ As defined in Planning Policy Wales, Edition 7, July 2014

without both significantly reducing the space available for the visitor attraction and interfering with public access and appreciation of a significant portion of the fort.

91. There are considerations here which set the proposed cabin outside the normal local and national policy restriction on new housing in the countryside. Partly that is because of the island's inherent links to the town of Tenby, a factor which the NPA has adopted for the visitor attraction itself but not for either its retail element or the supporting cabin. It seems to me that the project should be treated as a whole and subject to the same reasoning. However, the most significant factor is because the cabin would be multi-purpose, ancillary to the visitor attraction rather for permanent occupation as a dwelling. However, that relationship would need to be maintained in order to justify permitting it. Although the appellant has indicated that its use should be 'without restriction', preventing its use as a sole or main residence and/or ensuring that it would only be used as part of the visitor attraction could and should be secured by condition. On that basis, I consider that addition of the cabin and the facilities it would provide is acceptable.

Issue 4 - the cabin, roof top kiosks and solar panels

The cabin

92. This new building is proposed on an existing terrace or platform cut into the island topography above the cliffs on the north side, relatively close to the generator house. It is shown as a single storey, mono-pitch structure with walls of vertical timber cladding and a simulated lead roof the design of which is similar to that of the rooftop kiosks. It would sit on concrete or similar supports above existing ground levels and have a small balcony jettied towards the sea.
93. In this exposed position, the cabin would be open to view from the shore, particularly Castle Hill, as well as from Castle Beach below. Its position on the terrace, cut into the slope, and its low profile mean that it would not break the island profile in most views but would sit into the landform. As pointed out, this was the location of workmen's huts during the construction of the fort and adjoins the site of the later 1920's summerhouse. While they provide some historic reference, they are long gone and their relevance is limited. Even so, the chosen site has the advantage of utilising the now mature re-modelling of this part of the island and avoids disturbing the topography elsewhere. Although it would add another structure on the island, as the NPA points out, clustered as it would be with the generator house, the spread of buildings would be relatively contained.
94. The NPA considers that the design and materials of the cabin are inappropriate since they make no reference to this historic location or setting of the fort. However, it is not immediately apparent where alternative design references should be taken from. The architectural and historic character of the island development is different to that of the mainland. Nor, to my mind, does the robust, military presence of the fort offer any obvious guidance for such a modest structure. The squat, utilitarian generator house could be followed since it is of a scale which equates more readily to what is required and has historical credentials. While it could be followed, it could result in a far more solid and potentially greater, permanent presence on the island which I do not consider necessary. The cabin mimics the original workmen's huts, a concept seemingly supported by Cadw although it would be outside the SAM. The historic association with the huts is tenuous but not without merit. The building would sit lightly on the island and, while unlikely to be seen together, would be consistent with the design theme and materials chosen for structures proposed elsewhere.

95. There is a justified need for the accommodation provided by the cabin and the selected site and design an appropriate response to the constraints which exist. It would inevitably be a new feature in the immediate setting of the fort. However, its impact would be limited by its position and small scale and could be further mitigated by suitable colour finish, as the appellant's Historic Environment Desk-based Assessment suggests. The character and appearance of the wider conservation area would be preserved, adverse consequences for the setting of other listed buildings have not been claimed, or for the corresponding qualities of the National Park.

The roof top kiosks

96. The pair of kiosks would offer refreshments at roof top level, where the island location can be appreciated and from where excellent views of Tenby and the mainland can be gained by the public. They would, however, be positioned in the sunken area of the roof, behind enclosing parapets. In this area are the rooflights and chimneys over the main hall which the kiosks would flank rather than mask. As with the toilet block, there has been no attempt to mimic the stone construction of the fort. The kiosks would be lightweight, clad in timber with shallow, mono-pitch roofs covered in simulated lead sheeting, much as the cabin. While neither the design nor the materials reflect the host building, such seemingly flimsy 'sheds' would not compete with solidity of the fort or overpower the architecture of the sunken roof. This approach would not be invasive since the works would be easily reversible and cause less change than would structures replicating existing materials and features. As with the toilet block, the concept acceptably differentiates between old and new. Cadw has also accepted this approach.

97. As observed during the site inspection, being set in the sunken roof area, deep inside the parapets, neither the kiosks nor the accompanying retractable awnings would breach the profile of the fort or feature in views from the mainland. Consequently, the contribution of the fort to the character and appearance of the conservation area and the setting of the mainland listed buildings and ancient monuments would be preserved. As with the cabin, while no doubt other solutions are possible, I consider that the kiosks are an appropriate response to the design issues faced. They would also assist the public appreciation, enjoyment and attraction of this aspect of the fort and its maritime setting.

The solar panels

98. The proposed array of 263 solar panels would be positioned at the extreme south-east corner of the fort in 3 concentric rows following the curved plan form. They would literally cover the wide outside parapets around the roof-top gun emplacements. The parapets are currently bitumen capped, flat but set to a shallow, outward slope. The panels would be relatively thin, some 100mm, set close on the parapet and at the same shallow slope. As such, they would be at a considerably flatter angle than that required for optimum efficiency but are presented as a compromise.

99. The solar panels are intended to contribute to the energy needs of the fort as a visitor attraction. The array may reasonably be treated as a small scale renewable energy scheme to be favourably considered in accordance with LDP Policy 33, so long as it would have no over-riding environmental or amenity considerations.

100. As explained, Cadw's position is that this aspect of the scheme requires further discussion because of the potential impact on the setting of the ancient monument, although it had assessed the visual impacts of these and other works from Castle Hill,

from the beaches and elevated coastal vantage points to be limited. As such, the proposed solar panels have been neither accepted nor rejected in respect of the SAM.

101. From such distant public viewpoints I am satisfied that the profile of the fort would not be unduly altered or marred. As such, the contribution of the fort to the conservation area and to the setting of the mainland listed buildings would not be materially affected. When seen from the roof, by those visiting the fort, however, they would undoubtedly appear as an alien feature, which the NPA describes as an anomaly. My view is that, from the point of view of planning permission, the panels are an unfortunate but justifiable addition to the listed building.

Other matters

Bridge link to the mainland – access for all

102. It is intended that the Tenby Island Project would, in due course, be linked to the mainland by a pedestrian bridge, currently planned to span to Castle Hill. The appeal proposal - the conversion and use of the fort and island - has been referred to as the first phase of the project, with the bridge being the second. A scheme has been prepared which has received publicity. As a result, there has been both support for the principle of the bridge, including from the NPA's officers, and objection to it.

103. A number of reasons were given for it not being included now, with the appeal application. In essence, they are that there are outstanding issues, notably concerning archaeology, and it was felt that the two phases should be dealt with separately. Whatever the cause, both the proposal for a bridge and the absence of a bridge as part of the application scheme has featured in the representations made. Indeed, it is contended that a bridge link to the mainland would destroy the essential remoteness of the island while its omission is alleged to undermine the commercial viability of the project. However, it is not part of the application or, consequently, the appeal proposal.

104. At the hearing, the appellant acknowledged the importance of the bridge to the project since it would help to both ensure access to the island at all times, not just at low tide as now, but also for the less able members of society. The Design and Access Statement provided acknowledges that currently there is no disabled access to the island due to the beach and cliff path access and that a second application, for the bridge, would be to ensure access for all abilities. It follows that without a bridge link the project would not be fully accessible. Although, when referring to a bridge link, the officers' report contends that it would be premature to grant planning permission unless access for all can be achieved, the NPA's reasons for refusal do not. Objectors, however, suggest that the proposal fails to comply with LDP Policy 52, Sustainable Transport, and particularly criterion (c) which requires that new development should provide appropriate access for pedestrians, cyclists and vehicles. It is not apparent that this policy is specifically to safeguard the interests of the less able but the desirability of 'Ensuring Access for All' is set out in PPW³⁰. The aim should be to ensure adequate accessibility for all, although the difficulties presented by, for instance, historic buildings are recognised.

105. I accept that, because of the island's topography and its separation from the mainland, access for all to the project cannot be secured unless and until a bridge link

³⁰ Section 3.4

is provided. While no doubt the desirability of providing such access will be a matter to take into consideration if and when an application for a bridge is made, the acceptability of such a solution is by no means assured. Also as indicated, leaving the fort unused is unlikely to secure its future or safeguard it as an important heritage asset. Access for all is a difficulty likely to be faced by most proposals for the re-use of the fort and island, and almost certainly by any use promoting public access and thereby contributing to local tourism, significant supporting factors. Consequently, I do not consider that such potentially wide-ranging benefits should be foregone because of lack of access for all, highly desirable as that undoubtedly is. Insofar as Policy 52(c) is applicable, having regard to the obvious physical and natural access restriction which exist, the access is appropriate.

Bridge link to the mainland - viability

106. In my view whether or not the project is viable is a matter principally for those promoting it. The absence of a Business Plan has been remarked on, although the appellant says one was not requested, but no evidence has been presented that the project would not be viable with or without a bridge to the mainland. At the hearing, the appellant confirmed that a bridge link is important to the project for the reasons already set out but that it was not essential. I have no cause to consider otherwise.
107. The guidance in PPW is that the aim should be to identify the optimum viable use for a listed building that is compatible with its character and setting. However, it also advises on the need for flexibility where new uses have to be considered to ensure a building's survival. The concern expressed in this case is that, should the project fail, the buildings – indeed, the island – may become unsightly with consequent harm to the amenity of the area. However, should that situation arise the fort, the generator house and island would have undergone considerable restoration and renovation. That alone would have helped to secure the preservation and enhancement of important heritage assets and contributors to the local scene, all of which have been neglected for a long time. I do not consider that the question of viability is a principle issue in this case or one which is not overwhelmingly outweighed by the potential benefits which the scheme offers.
108. For all of these reasons I believe that the inclusion of a bridge to the mainland is neither critical to the project nor does it prevent the favourable determination of the appeal should other reasons favour it.

Archaeology

109. The NPA's reasons for refusal also refer to the detrimental impact of the scheme on the special archaeological interest of the island and fort. The consequences for the above ground remains – the fort and so on – have already been addressed. In other respects, it seems that the construction of the fort and its dry moat together with other structures is likely to have removed whatever remains might have existed, including St Catherine's Chapel from which the island takes its name. The Dyfed Archaeological Trust has also referred to the long history of occupation, however, and has requested a 'catch-all' condition requiring archaeological investigation before any works are commenced. The NPA appears to have accepted that advice. This matter would not justify planning permission not being granted.

Conclusions

110. There is a clear need to balance potentially competing interests. The proposal would have a number of benefits including the securing of the restoration and future use of the historic fort while adding a potentially significant visitor attraction to the Tenby offer, for both of which there is LDP support. The island and its immediate surroundings, however, are historically, environmentally and residentially sensitive and the undoubted amenity they provide for those that live in and visit the area demands significant protection. I do not agree that, in very large part, the application does not provide the sufficient and satisfactory information needed to enable an appropriate level of assessment of the impact of the proposal on those interests. The principle use proposed is that as a visitor attraction for which the activities involved have been described, including in detailed layout plans for the fort, generator house and island. For the reasons I have given, and subject to other factors, I consider that use is acceptable. The omission of a bridge link to the mainland and lack of a business plan to establish viability do not alter that conclusion.
111. The appellant's request, made outside the application forms and plans, for other possible activities to take place, has clouded consideration of the development proposed. Understandably, that has caused considerable uncertainty of what may be involved and what its effect might be. In such a sensitive location the impact of potentially incompatible uses could be severe. Even so, I consider that that uncertainty, together with other operational concerns, could be resolved satisfactorily by the use of planning condition(s).
112. That, however, is not the case in respect of protected species and/or habitats. Although professional opinion is divided, I am satisfied that there is sufficient evidence to indicate that there is on-going use of the fort by bats but insufficient, on a precautionary basis, to establish to what extent or to assess the impact of the project on that use. Despite there appearing to be little doubt that the potential impact could be mitigated, it would not be appropriate to leave this matter to be dealt with by planning conditions. For that reason, planning permission should not yet be granted.
113. In my view the proposed works are also suitably and adequately explained for proper assessment to take place. The NPA was unable to identify instances otherwise which could not also be safely left to be dealt with by planning conditions. The alterations to the fort and additions within the Scheduled Ancient Monument, as well as to the generator house, have been subject to separate scrutiny and consents, I have concluded that they would have no unacceptably adverse consequences for the heritage assets on the island, their setting or the setting of the listed buildings and ancient monuments on the mainland. The character and appearance of the Tenby Conservation Area would be preserved and, beyond uncertainty over the impact on bats, the special qualities of the National park protected and in some respects enhanced. The creation of a visitor attraction offers considerable potential for improved public understanding and enjoyment of the natural beauty, wildlife and cultural heritage of the 'Park.
114. As to the more specific objections raised, the proposed lighting scheme (Issue 2) would inevitably have a significant impact on the local scene. The island would be far more conspicuous during the hours of darkness than it currently is. Here also there is a balance required between enhancing the potential drama of the island and fort and maintaining their existing low-key contribution. Further consideration is required and this, too, could be the subject of a planning condition.

115. The cabin (Issue 3) would have a multi-purpose role in support of the visitor attraction. Insofar as it would have a residential use, it would be for members of staff and visitors required to stay overnight when needed. In so doing I am satisfied that it would provide necessary security for the project. Since it has not been presented as a permanent dwelling I do not consider that the tests normally applicable to new dwellings in the countryside are relevant. Rather, as an integral part of the visitor attraction the NPA's acceptance that further evidence of the need for a countryside location is not required should also apply.
116. For the reasons given, I consider the effect of the cabin, the roof-top kiosks and solar panels (Issue 4), the subject of particular objections by the NPA, on the range of interests already addressed would be satisfactory.

Formal Decision

117. The appeal is dismissed.

R G Gardener

Inspector

APPEARANCES

FOR THE APPELLANT:

Mr P Prosser Appellant, owner and manager of the Tenby Island project
Mr T Prosser Appellant's brother

FOR THE LOCAL PLANNING AUTHORITY:

Mrs V Hirst Head of Development Management
Mr R Scourfield Building Conservation Officer
Mrs L Lawrie Ecologist to the National Park Authority
Mr C Lawrence Natural Resources Wales

INTERESTED PERSONS:

Mr D Fraser The Lexden Terrace Conservation Group

DOCUMENTS (provided at the hearing and since)

- 1 Letter of Notification of the Hearing dated 10/02/14 (Typical sample)
- 2 Letter dated 17/03/14, comments of Tenby Civic Society, presented at Hearing
- 3 Copy of letter dated 18/02/14 from the Fortress Study Group (Appellant)
- 4 Cross-referenced lists of Refused Drawing Reference Numbers ((a) & (b))(NPA)
- 5 E-mail exchange 25 February 2013, NPA and Mr Prosser re: amendment to description of the proposal (NPA)
- 6 Report to Development Management Committee, 17/04/13 – Application NP/13/0031, Listed Building Consent for works to generator house together with application documents, including Acer Ecology Bat Surveys October 2012 and March 2013 (NPA)
- 7 2 Photographs, original cabin and artist's impression of proposed new cabin (Appellant)
- 8 3 photographs, Tenby Harbour and Tenby South Esplanade (Appellant)
- 9 E-mail exchange Mr Lawrence and PCNPPA dated 15/03/14 re: agreed bat survey with Kite Ecology (NPA)
- 10 'Bat Survey Position' Statement, 26/02/14, together with Letter from Acer Ecology, 26/02/14, e-mail exchange between Mr Prosser and Mr Scourfield and exchange of correspondence between Mr Hudson (Acer Ecology) and J A Garner (then CCW)

(Appellant)

- 11 Application for Scheduled Monument Consent (Request document, 08/08/2012), together with list of Application Document Index (Appellant)
- 12 e-mail dated 02/03/14 from Mr Fraser (Lexden Terrace Conservation Group), re: possible condition for closing times
- 13 Suggested 'Ecological Conditions' (NPA)
- 14 Response to Ecological Conditions (Appellant)
- 15 List of 'contradictory, ambiguous and insufficient information' (NPA)
- 16 Further submissions dated 14/03/14 re: protected species, together with Appendices A, B and Bat Species Records: 10Km buffer, St. Catherine's Island (NPA)
- 17 Acer Ecology letter dated 19/03/14 in response to PCNPA submissions of 14/03/14 (Appellant)
- 18 Response dated 20/03/14 to PCNPA Submission of 14/03/14 with Acer Ecology letter dated 19/03/14 (Appellant)
- 19 Letter from Cadw to Mr Prosser dated 02/07/14 re: solar panels (Appellant)
- 20 Bundle of documents submitted fro Scheduled Ancient Monuments Consent 29/01/2013 (Appellant)



Penderfyniad ar yr Apêl

Gwrandawriad a gynhaliwyd ar 25/06/14
Ymweliad â safle a wnaed ar 25/06/14

gan **Kay Sheffield BA(Hons) DipTP MRTPI**

Arolygydd a benodir gan Weinidogion Cymru
Dyddiad: 31 Gorffennaf 2014

Appeal Decision

Hearing held on 25/06/14
Site visit made on 25/06/14

by **Kay Sheffield BA(Hons) DipTP MRTPI**

an Inspector appointed by the Welsh Ministers
Date: 31 July 2014

Appeal Ref: APP/L9503/A/13/2210821

Site address: Broomhill Farm, Angle, Pembroke, Pembrokeshire, SA71 5AH

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

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr Barry Hathway against the decision of Pembrokeshire Coast National Park Authority.
- The application Ref NP/13/0325, dated 5 April 2013, was refused by notice dated 16 September 2013.
- The development proposed is the installation of a domestic 100kW wind turbine measuring 30 metres to hub and 39 metres to blade tip.

Decision

1. The appeal is dismissed.

Procedural matters

2. When I opened the Hearing neither the appellant nor his agent were present. Enquiries to ascertain whether the agent was to attend were unsuccessful. Contact was made with the appellant and whilst it was apparent that he had no knowledge that the event was due to take place, he attended the venue immediately. The appellant was advised of the options open to him and after he had time to consider the matter he confirmed that he wished the case to continue on the basis of written representations rather than the Hearing be postponed. I therefore closed the Hearing and made an accompanied visit to the site and a nearby property at the request of the owner. I subsequently made an unaccompanied visit of the surrounding area including the viewpoints referred to in evidence. The agent for the appellant has been advised of proceedings and has made no comment.
3. There is some discrepancy in the submission from the appellant regarding the size of the turbine proposed. However, I have based my decision on the description given in the planning application which corresponds with that given on the appeal form. It is also consistent with the description given by the Park Authority in its report on the application.
4. In order to confirm statements made in the written evidence of the Park Authority I had requested that extracts of certain documents be made available at the Hearing. These documents, which are contained in the document list at the end of my decision,

have been received from the Park Authority. The parties have been given the opportunity to comment on these documents, with regard to the case as presented by them. No comments have been received.

5. I am satisfied that I am able to fully assess and reach a reasoned decision on the written evidence and the additional documents referred to above without requiring to test the evidence at a Hearing.

Main Issues

6. The main issues are the landscape and visual effects of the proposal on the special qualities of the Pembrokeshire Coast National Park; the potential cumulative effect with regard to similar proposals and other forms of development in the area; the effect of the development on the archaeological and historical interest of the site and the surrounding area; and the effect of the development with regard to noise.

Reasons

The site and its surroundings

7. The site of the proposed turbine lies within a stretch of open coastal countryside close to the mouth of the estuary of Milford Haven and between Angle in the west and Rhoscrowther in the east. Vehicular access to Broomhill Farm is gained from the B4320 which lies to the south of the farm and runs in a generally east to west direction along a ridgeline. The land falls gently away from the B4320 towards Angle Bay in the north. The Pembrokeshire Coast Path follows the coastline.
8. The site is located within the Pembrokeshire Coast National Park, the nearest boundary being approximately 2km to the east and marked by the minor road from the B4320 to Rhoscrowther. The site is also within the Registered Historic Landscape of Milford Haven Waterway, the nearest boundary of which lies between the site of the proposed turbine and the B4320. In addition there are several identified sites of historical and archaeological importance within a short distance of the site.
9. The area surrounding the site is characterised by an undulating landscape. There is a distinct linear field pattern and although the field boundaries are mainly hedges, there are some stone walls found primarily along sections of B4320. There are some areas of woodland and a scattering of farms, buildings and residential properties. The nearest property is Middle Hill Farm which is less than 500m to the west. In contrast to the general sense of openness of the landscape in the immediate vicinity of the site, the area to the north of Rhoscrowther and the northern side of the estuary are significantly more developed. The various oil refineries and associated structures, together with several wind turbines create an industrial landscape on the border of the National Park.
10. The proposed turbine would be a 2 bladed 100kW model measuring 30 metres to the hub and 39 metres to blade tip with a rotor diameter of 18 metres. Access to the site would be via the existing farm track to the field gateway and from that point transport would be via vehicles suitable for crossing the field.

Policy background

11. The Welsh Government is committed to delivering renewable energy as part of its objective of combating climate change, and wind energy is recognised as offering the greatest potential in the short to medium term for delivering renewable energy. However in paragraph 12.8.12 of Planning Policy Wales Edition 6, February 2014 (PPW

6) the Welsh Government "accepts that the introduction of new, often very large structures for onshore wind needs careful consideration to avoid and where possible minimise their impact". Whilst some of the evidence submitted by the parties referred to earlier editions of Planning Policy Wales, I am satisfied that the main aims of the Welsh Government with regard to renewable energy and the requirements of PPW 6 set out above remain essentially unchanged.

12. Whilst the site does not fall within a Strategic Search Area (SSA) as set out in Planning Policy Wales Technical Advice Note 8: Planning for Renewable Energy, 2005 (TAN 8), the guidance recognises the contribution smaller schemes outside of SSA's could make to delivering renewable energy. However, it recognises in paragraph 2.13 that outside the SSA's "there is a balance to be struck between the desirability of renewable energy and landscape protection". Also in paragraph 8.4 of Appendix D the guidance points to an implicit objective in areas outside SSA's to "maintain the integrity and quality of the landscape within the National Parks".
13. Policies 1, 8, 15 and 29 of the Pembrokeshire Coast National Park Local Development Plan, 2010 (LDP) seek to balance the desire for renewable energy with the need to conserve and enhance the natural beauty, wildlife and cultural heritage of the National Park. Policy 15 in particular does not support development which would adversely affect the qualities and special character of the National Park by, amongst other things, causing significant visual intrusion and/or failing to harmonise with, or enhance the landform and landscape character of the National Park. Furthermore, Policy 30 does not support development which would be visually intrusive or lead to an increase in noise which has a significant adverse impact. Whilst Policy 33 of the LDP supports proposals for small and medium scale renewable energy schemes this is subject to there being no over-riding environmental and amenity considerations. It also states that where there are other renewable energy schemes already operating in the area, cumulative impacts will be an important consideration.

Landscape and visual effects

14. Whilst the appellant submitted a LANDMAP Assessment as part of the planning application, relevant extracts have not been submitted in support of the statement. However the Park Authority's Supplementary Planning Guidance: Landscape Character Assessment, 2011, which draws on baseline data gathered using the LANDMAP methodology, identifies the site as lying within Landscape Character Area 7 - Angle Peninsula (LCA 7).
15. The Park Authority's Supplementary Planning Guidance: Renewable Energy, 2012 (SPG) identifies four sizes of wind turbine which have been classified to reflect the landscape sensitivities of the National Park. The proposed turbine falls within the medium category which covers turbines ranging in height from 25m to 65m and in energy output from 50kW to 330kW. Figure 9.2 of the SPG identifies the landscape within LCA 7 as having a high sensitivity to medium scale wind turbines. This is supported by the assessment of the sensitivity of LCA 7 given in Annex 2 which identifies the key landscape attributes that could be sensitive to wind turbine development of any scale to include its exposed and undeveloped skyline, with sensitive coastal views; the small scale of the landscape with a strong sense of tranquillity; and the outstanding historical and cultural value including the presence of nationally important historic and archaeological sites, including Milford Haven Waterway.

16. Whilst the assessment concludes that a majority of LCA 7 is unsuitable for large or medium scale turbines, it recognises that there may be limited opportunity for a single or small cluster of medium or large (less than 100m to blade tip) scale turbines on land close to existing oil refinery chimneys to provide a new point of focus. However the guidance suggests that they would need to be sited away from the undeveloped coastal edge; ensure traditional agricultural field patterns with hedges and hedge banks are not affected; and not sacrifice the essential integrity, coherence and character of the landscape or the special qualities of the National Park.
17. The submitted Zone of Theoretical Visibility map (ZTV) indicates that although the turbine would be visible over a relatively small geographical area it would be visible from within the National Park and the Historic Landscape of Milford Haven Waterway as well as from Angle and the northern side of the estuary. However, the ZTV is based on bare terrain topographical data and does not take into account the screening effects of minor topographical features, vegetation such as trees and built structures. In reality surface features reduce the amount of the turbine which would be visible from any one location.
18. The visual impact analysis submitted by the appellant relies on a limited number of wireframes and a series of photomontages. Beyond this information there is limited analysis of the character and context of the site, its susceptibility to change, the nature and sensitivity of the various visual receptors and the significance of the effect of the development, either individually or cumulatively, in these terms. The Park Authority has also submitted a series of wireframes from various viewpoints which supplement those submitted by the appellant. Whilst the information accompanying the application was limited, the Park Authority was content that the information before it was sufficient to reach a reasoned decision with regard to the landscape and visual effects of the development. I have no reason to conclude otherwise.
19. Due to its height and the open character of the area within which it would be sited, the turbine would be visible within the local landscape. As demonstrated by the submitted viewpoints and from my own observations I am concerned that clear views of the turbine would be possible from large sections of the coastal path around Angle Bay as well as from the northern side of the estuary, including higher ground above Gelliswick Bay. In most of these views the oil refineries are prominent in the landscape with the chimneys and flare stacks giving a vertical emphasis.
20. However the turbine would be some distance from the oil refinery at Rhoscrowther and in most of the viewpoints the turbine would appear separate and distinct from this large scale development which lies outside the National Park. Also the estuary would separate it from the refineries to the north and whilst these would form the backdrop to some views, the water would create a strong physical separation. Moreover, from some viewpoints the local topography screens most of the buildings associated with both Broomhill and Middle Hill Farms, reinforcing the visual isolation of the turbine in the undeveloped coastal edge of the National Park which forms its immediate setting. Although the turbine would provide a new point of focus, it would not be sufficiently close to the existing oil refinery chimneys to satisfy the guidance in the SPG.
21. Although from more distant viewpoints the specific detail of the turbine would not be visible, in the majority of the views the height of the turbine and the movement of the rotor blades would be discernable. I acknowledge that there are electricity poles which form a line across the landscape close to the B4320. However, their height is significantly less than the proposed turbine, which would appear dominant in this context.

22. A number of properties in Angle look out across Angle Bay towards the site as well as several properties on the B4320 and Little Neath Barn, which I visited during my accompanied site visit. The extent of the view from each of these properties would differ due to their orientation, distance from the site and the intervening topography and landscaping. Notwithstanding this the turbine would create a dominant feature in the landscape which would disrupt the character of National Park.
23. For those travelling along the B4320 and along other roads in the locality views of the turbine would be intermittent. The lower section of the turbine would be screened by the boundary walls and hedges and the local topography would screen it further from some directions. Nevertheless the upper section of the turbine would be visible and although it would not be in the direction of view for those travelling along the B4320, the turbine would be visible intermittently and in some viewpoints would appear isolated from the industrial character of the oil refinery to the north and east.
24. The turbine would sit in an open rural landscape and although it would be some distance from the refineries they would feature on the periphery of many of the views of the appeal proposal. I have already expressed my concern that the separation of the proposed turbine from these other developments would result in it being seen in isolation. However, the dominance of the turbine in this view is partly due to its height and on this basis I consider that the proposed development has the potential to cause unacceptable harm to the landscape and visual amenity of the area.
25. The evidence therefore leads me to conclude that the turbine would create a dominant feature within the National Park, which would cause unacceptable harm to the character of the landscape and the visual amenity of the area, contrary to LDP Policies 1, 8, 13, 15, 29, 30 and 33.

Cumulative effect with regard to similar proposals and other forms of development

26. In addition to the existing turbines to the north of the estuary at Wear Point and close to the Murco Oil Refinery to the east of Herbrandston, the Park Authority has confirmed that further turbines are proposed to the east of Rhoscrowther on land to the south of the refinery which would be outside the National Park. Whilst I have not had confirmation of the height of turbines at the Murco Refinery, the others cited are or would be 100m to blade tip. Although no decision has been reached in respect of the proposed turbines, they are still relevant to my consideration of the cumulative effect of the development, together with the solar farms allowed on land between the B4320 and the refinery.
27. I share the concerns of the Park Authority that no cumulative assessment of the turbine in association with these other developments has been submitted and that it is therefore difficult to assess the cumulative impact the proposed turbine would have in association with the similar developments referred to above.
28. In addition to the concerns I have already expressed about the turbine being viewed in isolation it would also have the effect of extending this type of development further from the oil refinery east of Rhoscrowther. This incremental spread could potentially cause a change in the character of the landscape of the National Park and have consequences for its visual amenity when viewed from various points within the area, including the coastal path and the B4320.
29. The evidence therefore leads me to conclude that the propose turbine, in association with similar developments in the area, has the potential to cause cumulative harm to

the character of the landscape and the visual amenity of the area, contrary to LDP Policies 1, 8, 13, 15, 29, 30 and 33.

Effects on archaeological and historical interests

30. The site is within the Registered Historic Landscape of Milford Haven Waterway and within a short distance of several sites of historical and archaeological interest. In seeking to protect and enhance the special qualities of the National Park, Policy 8 of the LDP also requires that the historic environment be protected and where possible enhanced. In addition the Park Authority's Supplementary Planning Guidance: Historic Environment (Archaeology), 2011 sets out the need to assess the impact of proposals on archaeological sites at an early stage in the planning process.
31. The Park Authority has expressed concern that insufficient information has been submitted in order to assess the potential effect of the development on the historic environment. The planning application was not accompanied by any assessment of the effects of the development on archaeological interests in the area and although in his grounds of appeal the appellant contends that the matter could be addressed by an appropriate appraisal, no assessment has been submitted in evidence.
32. On the evidence before me it is not possible to understand the character, date, condition and value of the resource or make an assessment of suitable and reasonable mitigation to protect it. I therefore agree with the Park Authority that insufficient information has been submitted to allow the effect of the development on sites of historical and archaeological interest to be fully assessed. On this basis I conclude that the development would fail to protect or enhance the historic environment as one of the recognised special qualities of the National Park, contrary to Policies 1, 8, 13, 15, 29, 30 and 33 of the LDP.

Effect from noise

33. Wind turbines have the potential to create noise from the mechanics of the turbine itself and the movement of the rotor blades through the air and the Park Authority expressed concern that insufficient information had been submitted to properly assess the potential impact of the turbine from noise. Although noise reports were submitted as part of the planning application they were not supported by any analysis based on background noise level readings at noise sensitive properties and no further explanation has been submitted as part of the appeal.
34. As well as having the potential to harm the tranquillity of the National Park, noise generated by the turbine could also affect the living conditions of local residents. Apart from the residential accommodation associated with Broomhill Farm, the nearest residential properties to the site are Middle Hill Farm, Broomhill Cottage, Four Winds, Neath Farm and Rocket Cart House. Of these it is only Middle Hill which is identified as being within 500m of the site, the distance generally used as a guide to avoid unacceptable noise impacts. It would therefore imply that the occupants of Middle Hill Farm might be subject to disturbance from noise.
35. Paragraphs 2.14 to 2.16 of Annex C to TAN 8 offer guidance on the assessment of the actual effects of noise on residential amenity and recognises the recommendations made by ETSU-R-97¹ as relevant guidance on good practice. ETSU-R-97 in turn

¹ The Assessment and Rating of Noise from Wind Farms, ETSU-R-97

indicates that without a background noise survey there can be no certainty that noise generated by the turbine would be at an acceptable level around noise sensitive developments.

36. The submitted evidence does not confirm that the noise at all sensitive receptors would be below the limits set out in ETSU-R-97. Although conditions can be used to ensure that recommendations on noise levels would not be exceeded in practice, on the evidence before me I am not satisfied that the potential noise impact of the turbine could be satisfactorily contained within these limits, to the detriment of the amenity of the National Park and the living conditions of local residents, contrary to Policies 1, 8, 15, 29, 30 and 33 of the LDP.

Other material considerations

37. The production of renewable energy is one of the recognised forms of farm diversification listed in paragraph 3.7.2 of Technical Advice Note 6: Planning for Sustainable Rural Communities, 2010. I understand that the electricity generated by the turbine would be used to operate cold storage facilities on the farm with any surplus being exported to the national grid. I have not been furnished with evidence of the financial contribution the electricity generated by the turbine would make to the operation of the cold store or the revenue which would be generated by the export of any surplus. However, the evidence includes letters of support from local businesses who are supplied with produce by the appellant and who in turn supply leading supermarkets that look to suppliers to reduce their carbon footprint. I do not dispute that the electricity generated by the turbine would help reduce the carbon footprint of the farm and that the agricultural use of the land would benefit from an additional income over the lifetime of the development.
38. In addition to the matters already addressed the representations made by interested parties also raised concerns regarding the effect of the development on outlook and tourism. In respect of outlook, I acknowledge that the turbine would be seen from several dwellings and the movement of the rotor blades would draw attention to it. Nevertheless I am satisfied that the separation distance between the turbine and the affected residences together with the local topography would be sufficient to ensure that the outlook from these properties would not be unacceptably affected.
39. With regard to the effect of the turbine on the local tourist industry, a recent report published by the Welsh Government² states that "*while individuals vary widely in their reaction to wind farms, a clear majority do not react negatively to them in the landscape and will not change their destination choice on account of the presence of wind farms*". The report recognises that there are certain locations which are, on balance, more sensitive to wind farm development and this is particularly the case where people are visiting for the tranquillity, remoteness and natural scenery offered in some parts of Wales. However, in these locations the study has concluded that the potential negative effect on visitor numbers may still be low overall, but in some circumstances could be moderate. Nevertheless there is clearly a great deal of uncertainty around the potential impact which might arise in practice. Whilst I have identified concerns regarding the effect noise from the turbine could potentially have on the tranquillity of the area there is no substantive evidence before me that this would in turn affect tourism.

² Study into the Potential Economic Impact of Wind Farms and Associated Grid Infrastructure on the Welsh Tourism Sector, February 2014.

Conclusions

40. On the main issues I conclude that the proposed development would have an unacceptably harmful effect on the landscape character and visual amenity of the Pembrokeshire Coast National Park. Moreover, I am not satisfied by the evidence that the development would not harm historical and archaeological interest in the area or that the potential effect from noise would be within acceptable limits. All these matters carry weight against the appeal.
41. Whilst I am satisfied that there would be no harm to local residents in terms of shadow flicker and there would be benefits in terms of a contribution to energy production from a renewable source, these do not outweigh the harm I have identified. On this basis I conclude that the development would fail to conserve or enhance the natural beauty and cultural heritage of the National Park as required by the LDP. In relation to the balance to be struck between the desirability of renewable energy and landscape protection, as set out in TAN 8, I conclude that in this case the balance is not in favour of the appeal.
42. For these reasons, and taking into account all other matters raised, the appeal is dismissed and planning permission is refused.

Kay Sheffield

Inspector

APPEARANCES

FOR THE APPELLANT:

Mr B Hathway The appellant

FOR THE LOCAL PLANNING AUTHORITY:

Mr R James BSc(Hons) Msc Planning Officer

DOCUMENTS

- 1 Extracts from Pembrokeshire Coast National Park Authority's Supplementary Planning Guidance: Renewable Energy, 2012 including Annex 2 and Figures 9.1-9.3.
- 2 Plan showing the boundary of the Registered Historic Landscape of Milford Haven Waterway.
- 3 Plan showing the location of sites of archaeological and historic interest.
- 4 Extracts from Pembrokeshire Coast National Park Authority Supplementary Planning Guidance: Cumulative Impact of Wind Turbines on landscape and Visual Amenity, 2013.



Penderfyniad ar yr Apêl

Gwrandawriad a gynhaliwyd ar 10/07/14
Ymweliad â safle a wnaed ar 10/07/14

gan Siân Worden BA DiplH MCD
MRTPI

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 11 Awst 2014

Appeal Decision

Hearing held on 10/07/14
Site visit made on 10/07/14

by Siân Worden BA DiplH MCD MRTPI

an Inspector appointed by the Welsh Ministers

Date: 11 August 2014

Appeal Ref: APP/L9503/A/14/2211895

Site address: Parsonage Farm Caravan Park, Amroth, Pembrokeshire SA67 8PR

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

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mrs Thompson against the decision of Pembrokeshire Coast National Park Authority.
 - The application Ref NP/13/0471, dated 11 October 2013, was refused by notice dated 6 December 2013.
 - The development proposed is the erection of a single 10kW wind turbine measuring 20m to the hub and 23.5m to the blade tip.
-

Decision

1. The appeal is dismissed.

Main Issues

2. I consider that the main issues in this case are the effect of the proposal on
 - the living conditions of nearby occupiers, including visitors staying in the caravan park, with regard to noise and shadow flicker; and on
 - the biodiversity of the site and surrounding area.

Reasons

Living conditions

3. The appeal site is in a field to the rear of the caravan park where it is proposed to site a wind turbine. It would be a comparatively small turbine which, in this well-screened location, would not be harmfully visible from the surrounding area.
4. On the matter of the noise likely to result from the proposed turbine the appellant has provided calculations of the anticipated sound levels at neighbouring properties. At two of these, and at wind speeds of 10m/s, the recommended¹ maximum of 35 dBA

¹ ETSU-R-97 *The Assessment and Rating of Noise from Wind Farms*

would be exceeded by over 2 dBA. There is no information for Elidyr Cottage, which does not appear to be financially connected to the caravan park but is one of the dwellings nearest to the proposed turbine. In addition no site-specific data on background noise has been provided. It is possible that local conditions, such as the direction and average speed of prevailing winds, and the presence of the woodland, would mitigate the noise from the turbine. Without evidence and sufficient data to support these assumptions, however, I cannot be confident that it would operate within the ETSU-R-97 guidelines.

5. Neither have any noise level calculations been carried out for the caravans themselves, some of which would be immediately adjacent to the field containing the turbine. The caravan park is in an attractive, countryside location with views of the sea and appears to be a pleasant and peaceful place in which to take a holiday. Although it is likely that the majority of visitors stay for a week or two, longer visits of up to six months, and outside of the summer months, might be possible. The text accompanying Policy 30² of the Pembrokeshire Coast National Park Local Development Plan (LDP), which was adopted in 2010, explains that its aim is to protect the amenity enjoyed by people, not only in their residences and workspaces but also at recreational areas. To my mind that would include holidaymakers, bearing in mind that tourism is an important element of the local economy. No evidence has been provided to indicate that noise from the turbine would not cause annoyance and thus be significantly detrimental to the living conditions of those staying at the caravan park.
6. In potentially leading to an increase in noise which would have a significant impact the proposed turbine would be contrary to LDP Policy 30.
7. The submitted information indicates that dwellings in the vicinity of the proposed turbine, including the majority of the caravan park, would be within the area where shadow flicker could occur for no more than 10 hours per year. The phenomenon would thus be so limited as to cause little harm to the living conditions of those living or staying nearby.

Biodiversity

8. The appellant submitted an ecological walkover survey which reported that numerous bat species had been recorded within 1 to 2 km of the survey site. In addition, a consultation response on the proposed turbine from Natural Resources Wales noted that the immediate area of the appeal site was of high importance for a number of bat species; there were records of roosts, including maternity roosts, and rare bats within 1.5 km of the site, some of which species were particularly vulnerable to turbine strikes.
9. The turbine could be sited to provide a buffer of 50 m between the tip of its blades and the top of the nearest habitat feature, as recommended in the relevant guidelines. Nevertheless, in the light of the numbers and species of bats known to be present in the immediate area, I consider that a further survey would be necessary. Indeed, the appellant's survey report notes³ that, despite the 50 m buffer, due to the numbers and species of bats present at least one activity survey would be valuable to allow a more

² LDP paragraph 4.137

³ Walkover survey, page 15, footnote 4

detailed assessment. Without such information it cannot be ascertained that the proposed turbine would not disturb or otherwise harm protected species or that such harm could be acceptably minimised or mitigated. The proposal would therefore be contrary to LDP Policy 11.

10. In these circumstances, where the extent of the bat presence is not known and thus the potential effect of the proposed turbine upon bats cannot be established, it would not be appropriate to permit the development subject to a condition requiring further survey work to be carried out.

Other matters

11. I am satisfied that access to the site for the purposes of erecting and maintaining the proposed turbine could have been achieved along the existing track and without the removal of any trees or hedgerow. I have noted that the proposed turbine would produce sufficient electricity to make the caravan park self-sufficient as well as to provide a contribution to the National Grid.

Conclusion

12. I have found that shadow flicker would be unlikely to be detrimental. Insufficient information has been provided on noise and biodiversity, however, such that I am not assured that the proposed turbine would not result in harm both to living conditions and to protected species. Overall, the proposed turbine would not comply with LDP Policy 33 which gives favourable consideration to small scale renewable energy schemes as long as there are no over-riding environmental or amenity considerations.
13. The Welsh Government is committed to using the planning system to optimise renewable energy generation⁴ but, in this case, the benefits of the proposed turbine are outweighed by the potential harm it would cause. I have taken all the matters raised into consideration but not found any compelling reasons to allow the appeal.
14. For the reasons given above I conclude that the appeal should be dismissed.

Siân Worden

Inspector

⁴ Planning Policy Wales edition 7 paragraph 12.8.8

APPEARANCES

FOR THE APPELLANT:

Will Griffiths Managing Director, Good Life Incorporated

FOR THE LOCAL PLANNING AUTHORITY:

Richard James Planning Officer, Pembrokeshire Coast National Park Authority

Lara Lowri Planning Ecologist, Pembrokeshire County Council & Pembrokeshire Coast National Park Authority

INTERESTED PERSONS:

Nigel Clark Local business owner and resident

Patrick Hayes Amroth Community Council and local resident

Dilys Jenkinson Amroth Community Council and local resident

Penderfyniad ar yr Apêl

Appeal Decision

Ymweliad â safle a wnaed ar 09/07/14

Site visit made on 09/07/14

gan Clive Nield BSc(Hon), CEng,
MICE, MCIWEM, C.WEM

by Clive Nield BSc(Hon), CEng, MICE,
MCIWEM, C.WEM

Arolygydd a benodir gan Weinidogion Cymru

an Inspector appointed by the Welsh Ministers

Dyddiad: 1 Awst 2014

Date: 1 August 2014

Appeal Ref: APP/N6845/A/14/2214139

Site address: Trebover Farm, Llanychaer, Fishguard, SA65 9SA

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

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Abergwaun Community Turbine against the decision of Pembrokeshire County Council.
- The application Ref 13/0415/PA, dated 5 August 2013, was refused by notice dated 8 January 2014.
- The development proposed is the installation of 1 No. WTN 250kW, Abergwaun community wind turbine, with an overall tip height of 45m and associated infrastructure including temporary access.

Decision

1. The appeal is allowed and planning permission is granted for the installation of 1 No. WTN 250kW Abergwaun community wind turbine, with an overall tip height of 45m and associated infrastructure including temporary access, at Trebover Farm, Llanychaer, Fishguard, SA65 9SA in accordance with the terms of the application, Ref 13/0415/PA, dated 5 August 2013, and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than five years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the approved plans and specifications and a micro-siting allowance of up to 5 metres for the turbine.
 - 3) The development hereby permitted shall be carried out fully in accordance with the recommendations as detailed in the Ecological Assessment by Acer Ecology (dated June 2013), unless otherwise approved in writing by the local planning authority.
 - 4) The wind turbine noise level measured shall be in accordance with the Department of Trade and Industry Report "The Assessment and Rating of Noise from Wind Farms" (ETSU-R-97) and, as such, shall not exceed an absolute noise level of 35dB (expressed as LA90, 10 minute) at any non-financially involved existing dwelling (including the amenity area of the garden) and 45dB (LA90, 10

- min) at any financially involved existing dwelling, or 5dB (LA90, 10 min) above background noise levels, whichever is the greater, at wind speeds up to 10 m/s at a height of 10 metres above ground.
- 5) Within 21 days of receipt of a written request from the local planning authority, following a warranted noise complaint relating to noise from the turbine, the wind turbine operator shall, at their expense, employ a suitably competent and qualified person to measure and assess (following the procedures described in ETSU-R-97 "The Assessment and Rating of Noise from Wind Farms") whether the wind turbine is being operated to meet the criteria stated in Condition 4 above. All relevant data and reports shall be submitted to and approved in writing by the local planning authority. The operation of the turbine shall be modified, limited or shut down at those wind speeds where the thresholds identified are exceeded. These measures shall be applied until such time as maintenance or repair is undertaken sufficient to reduce the absolute noise level of the operating turbine to within the parameters specified in Condition 4 above.
 - 6) The wind turbine, foundation and ancillary equipment shall be removed from the site and the land restored to its former condition upon cessation of the use hereby permitted in accordance with details to be submitted to and approved in writing by the local planning authority. The cessation of use shall be defined as the wind turbine becoming inoperative for a continuous period of 6 months or more, unless otherwise approved in writing by the local planning authority.
 - 7) The permission hereby granted shall be for a period of 25 years from the date when electricity is first exported from the wind turbine to the Electricity Grid Network ("First Export Date"). Written confirmation of the First Export Date shall be provided to the local planning authority no later than one calendar month after the event.
 - 8) At the end of the 25 years period the turbine shall be decommissioned and all related above-ground structures shall be removed from the site. Not less than 12 months before the decommissioning of the turbine, a scheme for the restoration of the site shall be submitted to and approved in writing by the local planning authority. The scheme shall provide for the removal of the turbine and associated above-ground works approved under this permission and the turbine foundation to a depth of at least one metre below ground, the management and timing of the works, and a traffic management plan. The scheme shall be implemented as approved.

Procedural Matters

2. For clarification purposes, the original application form was dated 5 August 2013, the covering letter was dated 25 July 2013, and the Council registered the application on 15 August 2013. Its refusal notice refers to the latter date.

Main Issues

3. The main issues in this case are the effect of the proposed development on the character and appearance of the area, particularly bearing in mind its close proximity to the Pembrokeshire Coast National Park and the Fishguard and Lower Town Conservation Area, and the benefits of the scheme to the local community and to energy sustainability.

Reasons

4. The wind turbine proposed would have a hub height of 30 metres and a maximum height to the tip of the blade of 45 metres. It would be sited in the middle of an ordinary agricultural field which is at a height of some 121 metres above sea level and situated some 1.5 km south east of Fishguard town centre. The site enjoys extensive views along the Gwaun valley to the south and east, to Dinas Head to the north east, and over Fishguard harbour and Strumble Head to the north and west. The boundary of the Pembrokeshire Coast National Park lies some 450 metres to the east.
5. The Council refused the application and is of the view that the development would lead to significant adverse impact on the character and visual amenity of the area, including its effects on the settings of the National Park and the Fishguard and Lower Town Conservation Area. The Appellant had submitted a Landscape and Visual Impact Assessment (LVIA), carried out in accordance with guidelines on good practice for both general landscape and visual impact assessment and, more specifically, assessment for wind farms. The overall conclusion of that assessment is that both landscape and visual impacts would generally be classified as "slight to moderate" but with limited impacts assessed as "notable".
6. The Council is of the view that some of these impacts have been underestimated. It argues that the wind turbine would have a substantial visual impact when viewed from Dinas Head, the Lower Town in Fishguard and part of the coast around Goodwick, which are all within the National Park, and in views from the open countryside to the south of the site. The Pembrokeshire Coast National Park Authority also objects to the development, saying the Appellant's LVIA has underestimated the scale of the impact from several points within the National Park and that it would have unacceptable adverse effects on the visual qualities of this special landscape area. It submits that it would be alien to the character of the coastline and harmful to the special qualities of the National Park.
7. I disagree with these assessments. One has to bear in mind the modest scale of the proposed wind turbine, which may be described as small to medium. It would not be significantly taller than several nearby masts and its scale would not appear out of place within the topography of the area. Its footprint would be small, there are no archaeological features in the immediate vicinity, and it would have negligible effect on the historic character of the area. Set within a modern agricultural landscape, its effect on the general character of the area would also not be significant, bearing in mind its modest scale. It is noteworthy that neither Natural Resources Wales nor the Dyfed Archaeological Trust has raised any concerns about landscape matters within their fields of responsibility.
8. The impacts of greatest potential concern are those on the settings of the National Park and the Conservation Area. Parts of the latter lie less than 1 km from the site but views of the turbine from it would be limited. The Council's committee report claims "*there is a concern it would tower over parts of the town*", though this has not been reasserted in the Council's appeal statement. Clearly, that is a considerable exaggeration, and I consider the development would have no more than a slight adverse impact on the setting of the Conservation Area when viewed from certain locations. Whilst there would be no conflict with the statutory duty to preserve or enhance the character or appearance of the Conservation Area itself, my conclusion of slight impact on its setting is a material consideration.

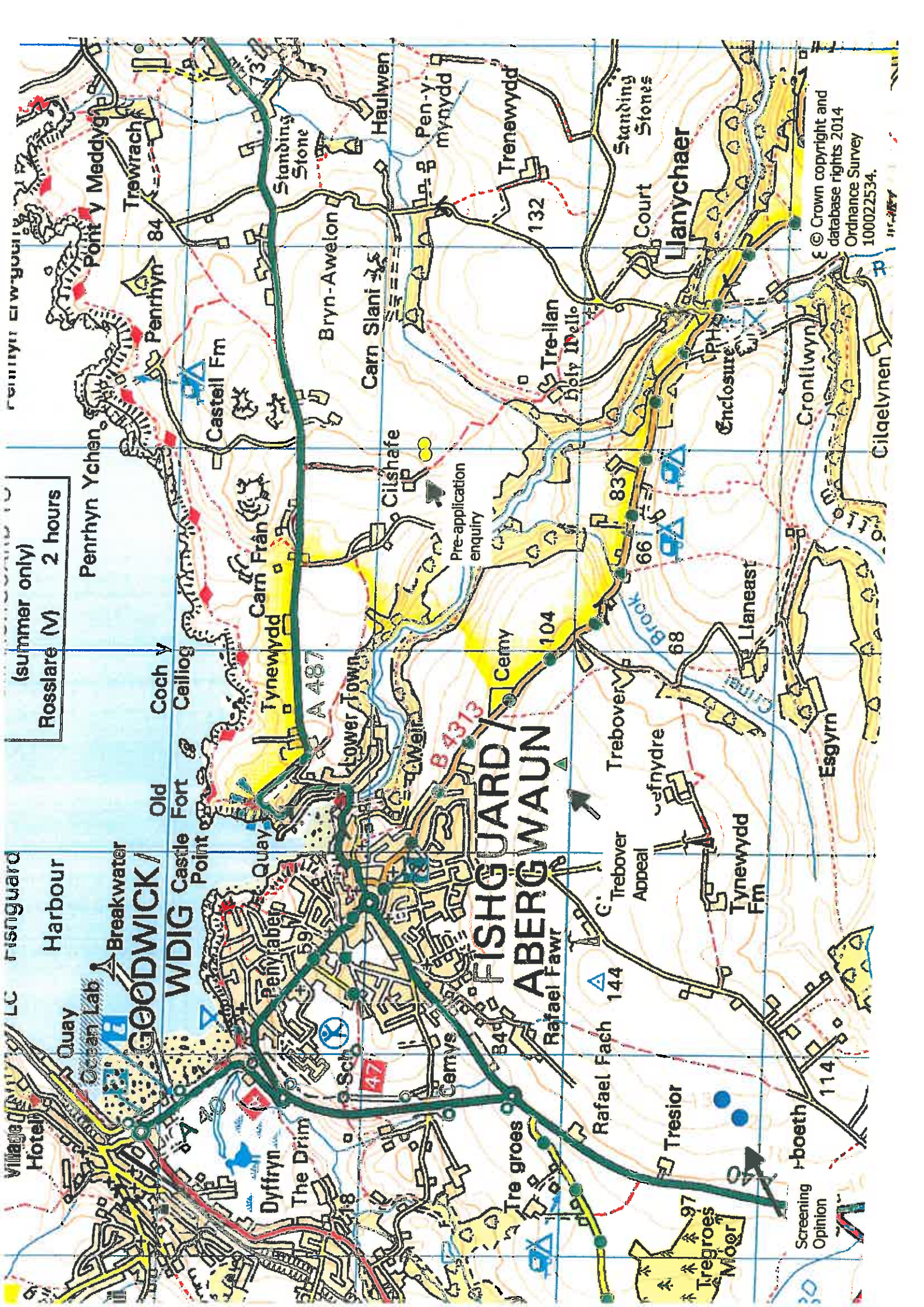
9. As for effects on the National Park, the most important views are from some distance away from the appeal site. The main purpose of the National Park is to conserve and enhance the natural beauty, wildlife and cultural heritage of the area, and its special qualities include the coastal splendour and the remoteness and wildness of much of its area. Whilst the turbine would be readily seen from several areas within the National Park, including sections of the coastal path, and would have some impact on its setting (which is a material consideration), I consider the overall effect would not be significant or materially detrimental to the purpose or special qualities of the National Park.
10. I conclude that the landscape and visual impact of the proposal would be relatively modest, as would conflict with the relevant policies of the development plan in this respect. Particular reference has been made to Local Development Plan policies GN.1, GN.4, SP 1 and SP 16.
11. Turning to the benefits of the scheme, I consider these to be of considerable weight. The wind turbine would generate renewable electricity equivalent to the needs of over 300 households with the associated reduction in carbon emissions. This would be in line with the aims of development plan and national policies to encourage renewable energy developments.
12. Although doubted by some objectors, it is also clear that the scheme would bring substantial community benefits in terms of income from the scheme over its projected 25 years life. The scheme is jointly promoted by a community group (a registered charity) which intends to use its share of the income for its stated aim of promoting sustainable development for public benefit. This community involvement is also in line with national policy, and the community benefits of this involvement are a material consideration of some weight. Many local residents have written to express their support for the scheme for this reason.
13. Finally, some local residents have expressed concern about possible harmful ecological effects, with particular references to birds, invertebrates, reptiles and bats. However, an ecological assessment carried out by the Appellant concluded that, provided suitable mitigation measures were applied during construction, the risks to birds and other wildlife would be low. The Council and statutory consultees have not disputed this. Although there are several hedgerows in the vicinity of the site, the rest of the land is of low quality habitat (being cultivated agricultural land), and no evidence has been put forward that leads me to any other conclusion.
14. My overall conclusion on the proposal is that any small harm to landscape or visual amenity, including to the settings of the nearby National Park and Fishguard Conservation Area, would be substantially outweighed by the benefits of the scheme, which are strongly supported by policy aims for sustainable development in terms of renewable energy generation and community benefits. I have taken all other matters into account but nothing outweighs the considerations that have led me to my main conclusions.
15. For the reasons given above I conclude that the appeal should be allowed, subject to the imposition of several necessary conditions to control its implementation. The Council has suggested 8 conditions, and the Appellant has indicated agreement to these, with the exception of 2 conditions on noise monitoring. Conditions 1 and 2 are necessary to ensure the scheme is implemented within the statutory timescale and in accordance with the details of the application. Condition 3 is needed to safeguard biodiversity. Conditions 6, 7 and 8 are necessary to ensure the development is

removed from the site at the end of its 25 years life, or sooner if it falls into disuse, and that the land is reinstated.

16. Turning to the 2 disputed conditions, there is no dispute these would be necessary but the Appellant suggests slight amendments to take account of possible background noise levels and to ensure action would only be required where a noise complaint had some substance. I consider these amendments to be entirely reasonable.

Clive Nield

Inspector



(summer only)
Rosslare (M) 2 hours

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Ordnance Survey
100022534.

P.62 WT
06/08/14

Planning granted

A RETROSPECTIVE planning application to retain two stable buildings and an existing track and horse-walker at Fforest Farm, Newport, was unanimously approved by the National Park Authority's Development Management Committee last week.

See page 62

Signage for new hotel is agreed

P.60 WT
06/08/14

AN APPLICATION to install signs for Tenby's new Premier Inn has been unanimously approved by the Pembrokeshire Coast National Park Authority's development management committee.

The authority engaged in extensive discussions with the Whitbread Group PLC, which is building the new hotel in White Lion Street, over the location and form the signs would take. Satisfied planning officers recommended to last Wednesday's meeting that the signage scheme go ahead.

There was no public opposition to the application, but Tenby's Town Council and Civic Society both voiced concerns about the size and positioning of the signs. The town council was also unhappy about them being internally illuminated, rather than spot-lit, in a position so close to Tenby's conservation area.

Committee vice-chairman, councillor Rob Lewis, said: "There's been an extensive consultation and the applicant has taken up concerns and made amendments that we are comfortable with."

The application was amended by the withdrawal of three signs and with others amended so that all the signs to be put in place on the building will be externally, rather than internally, illuminated.

06/08/14 WT
p.63

westerntelegraph.co.uk

Contact reporter Cori Co
Email to cori@westerntelegraph.co.uk

Turbine proposal given go ahead

PLANS to site a 45 metre wind turbine at Trebover Farm, Llan-y-chae have been approved on appeal.

Pembrokeshire County Council originally turned down the application from Abergwaun Community Turbine in January 2014.

Concerns were raised about its size and location and the visual impact the turbine would have on the Pembrokeshire Coast National Park and the Fishguard and Lower Town Conservation Area.

The appeal was led by Clive Nield, a planning inspector appointed by the Welsh Government.

He carried out a site visit on July 9 and issued his decision to grant planning permission on August 1.

In his report, Mr Nield said: "My overall conclusion on the proposal is that any small harm to landscape or visual amenity, including to the settings of the nearby National Park and Fishguard Conservation Area, would be substantially outweighed by the benefits of the scheme which are strongly supported by policy aims for sustainable development in terms of renewable energy generation and community benefits."

A local campaigner, who did not want to be named, said the decision was ludicrous.

Couple's parking spaces approved

A COUPLE living on a narrow, underfoot lane have been given permission to create two parking spaces.

Tree Cottage is in Wogan Lane. Mr John Collins and his wife are elderly and have health issues. They have visited regularly in the past. Pembrokeshire Coast

National Park Authority (NPA) planning meeting last week, the development committee approved the application by nine votes to five, subject to conditions.

The community council objected on the grounds that Wogan Lane is unsuitable for traffic and vehicles using the lane were already causing problems.

Wogan Lane resident Mrs Mortimer said Fig Tree Cottage was supposed to be an annexe to a larger property, with no dedicated access.

"The NPA refused permission for this before," she said. "The lane is classified as a public footpath. There are no passing places, so cars either go into

our driveway or have to reverse back onto a main road. There is a school nearby and their safety is affected."

The Collins' agent, Nick Willis, said there was "no point going back over the history."

He added: "This is about allowing these people to park on their property."

PHOTO: T. H. G. I. I. r. y. t. s. i. c. an. in. lly. m. f. w. v. h. a. I. to. w. A. off. w. w.

1st February 2013
Your Ref : 12/0795/PA



**Awdurdod
Parc Cenedlaethol
Arfordir Penfro**
Parc Llanion, Doc Penfro
Sir Benfro SA72 6DY

**Pembrokeshire Coast
National Park
Authority**

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*Croesawn ohebiaeth
yn Gymraeg a Saesneg
We welcome correspondence
in English and Welsh*

Mr Peter Sedgwick
Planning Department
Pembrokeshire County Council
County Hall
Haverfordwest
Pembrokeshire
SA61 1TP

Dear Mr Sedgwick

Re: Planning Application 12/0795/PA: Erection of a wind turbine measuring 45m (Blade Tip Height) at Land West of Crunwre House, Crosslands Road, Llanteg.

Thank you for the opportunity to comment on the above planning application. I advise that the Authority objects to the above proposed development on the grounds that insufficient information is available to indicate that the proposal would not conflict with the Authority's statutory duty to conserve and enhance the landscape character of the National Park.

Technical Advice Note 8 (TAN) Planning for Renewable Energy states in Annex D paragraph 8.4 that there is an implicit objective to maintain the integrity and quality of the landscape within National Parks, i.e. no change in landscape character from wind turbine development.

Following from a desk study to map theoretical visibility, analysis of the online application documents and site visits to assess visual impact from viewpoints within the National Park, it is evident that the proposed turbine would be clearly visible from within Landscape Character Area (LCA) 1: Saundersfoot Settled Coast (as identified within the Authority's adopted Landscape Character Assessment Supplementary Planning Guidance (SPG)). This area, which includes the coastal settlements of Saundersfoot, Wisemans Bridge, Pleasant Valley, Summerhill and Amroth, is densely populated and developed. However, the rolling landform, small river valleys running to the coast, dense woodland cover and intervening agricultural land means that the built form is not currently intrusive upon the landscape, which maintains undeveloped skyline views along the coast.

This area has been identified as having a "Moderate – High" sensitivity within the Authority's Renewable Energy SPG to medium scale wind turbine developments. The proposed development would be classed as "Medium Scale" within this SPG.

It is considered that, from certain viewpoints within LCA 1, the proposed development could potentially represent a visually prominent, moving structure, which would add visual clutter to the relatively undeveloped coastal skyline. This concern is particularly relevant when viewing the site from the coastal path between Monkstone Point and Saundersfoot. As no viewpoints along this section of the coastal path have been provided within the submitted Landscape Visual Impact Assessment (LVIA) that accompanies the application, the Authority is unable to confirm that no adverse visual impact will be caused.

If the applicant is minded to provide the additional LVIA information required to enable the Authority to fully assess visual impact, I would be happy to discuss and confirm appropriate viewpoints to be included.

Should you require any further clarification or information, please do not hesitate to contact me.

Yours sincerely,

Richard James
Planning Officer (Development Plans)

Date: 24th March 2014

Your Ref: 13/0920/PA



**Awdurdod
Parc Cenedlaethol
Arfordir Penfro**

Parc Llanion, Doc Penfro
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*Croesawn ohebiaeth
yn Gymraeg a Saesneg*

*We welcome correspondence
in English and Welsh*

Mr Peter Sedgwick
Development Management
Pembrokeshire County Council
County Hall
Haverfordwest
Pembrokeshire
SA61 1TP

Dear Mr Sedgwick

Re : Planning Application 13/0920/PA - Proposed 225 kw wind turbine (31m hub height and 45m blade tip height) on land west of Crunwre House, Llanteg, Pembs (SN173111).

Thank you for the opportunity to comment on the above application. I **advise that the Authority formally objects to the above proposed turbine on visual impact grounds**, for the reasons highlighted within the attached appraisal.

Section 62.2 of the Environment Act 1995 places a duty on all relevant authorities to have regard to the purposes of National Parks in their decisions. The planning policies contained within the Pembrokeshire Coast National Park Local Development Plan (adopted September 2010) should form a material consideration in the determination of the application. Due to the concerns highlighted, the proposal is considered to conflict with Policy 1, Policy 8, Policy 15, Policy 30 and Policy 33 of the Local Development Plan.

Should you require any further clarification or information, please do not hesitate to contact the Authority.

Yours sincerely

Vicki Hirst
Head of Development Management

DATE: March 15th, 2014

Planning application 13/0920/PA: Proposed 225 kw wind turbine (31m hub height and 45m blade tip height) on land west of Crunwre House, Llanteg, Pembs (SN173111).

SITE DESCRIPTION

The site of the proposed turbine is a pasture field within an agricultural landscape, with medium/ large fields, boundaries of hedges/hedgebanks and hedgerow trees located about 1 km north of Llanteg and about 1.25 km south-west of Tavernspite. It stands at a height of approximately 185 metres AOD, on a ridge of high ground rising to about 190 metres AOD within 0.5 km to the north-west, and with the ground falling away steeply to the north-east to a narrow valley, one of a series dissecting the plateau in the vicinity. It would be accessed by a new access track, joining, via an existing gateway, the unclassified lane to Llanteg immediately to the south of the site. The proposed siting is not closely related to the home farm buildings. The National Park boundary lies about 1.5 km to the south-west, running just south of the A477 road near Pendeilo House Farm. The Parc Cynog wind farm stands approximately 7 km to the south-east of the site, and the twin high voltage power lines from Pembroke Power Station run immediately to the north of the proposed location.

THE APPLICATION

A previous application for this development was refused permission under 12/0795/PA, for failing adequately to address the potential impact of the proposed turbine on the character and appearance of the area, individually and in combination with other turbines. That application is currently the subject of an Appeal to the Planning Inspectorate. The NPA had objected to that application for failing to address potential impacts on the National Park; with particular concern that the proposed turbine could form a visually prominent, moving structure, adding clutter to the relatively undeveloped coastal skyline, particularly when viewed from the coast path between Monkstone Point and Saundersfoot.

The current application seeks to address these concerns, and is supported by an assessment of the impact of the proposal on the landscape character of the area, using LANDMAP and related information as a base. The assessment does not appear to be supported by maps showing the theoretical visibility (ZTV) of the turbine within a 15 km radius of the site. The assessment does include photographs and/or wireframe drawings showing the view from 14 points, three of which are within or on the boundary of the National Park. The examination of landscape and visual impacts also considers cumulative impacts in association with other existing and permitted wind turbines and masts.

A ZTV map prepared by the NPA identifies several, discontinuous, areas within the National Park where the proposed turbine would theoretically be visible. The principal views of the site would be from land in and around Tenby, Saundersfoot, Sardis, Summerhill, the corner of the national park at Pendeilo, together with sections of the coast path, notably between Saundersfoot and Monkstone Point.

The assessment comments that views towards the site are screened or filtered by intermediate landscape features, including the undulating topography, a robust field boundary network and mature woodland blocks. It concludes that there would be no significant adverse effects on visual receptors, individually or in combination with other wind farms in the area.

LANDSCAPE VISUAL IMPACT ASSESSMENT

A field exercise was carried out on March 4th, 2014, in bright conditions, but with increasing mistiness in distant views as the afternoon light failed; with visits to the three applicants' viewpoints within or on the boundary of the National Park, together with a further viewpoint, selected to give a fuller appreciation of the likely impact of the proposed development on the National Park.

<p>VP1 The Ridgeway, west of Norchard Beacon (SN070001).</p> <p>This is the Applicants' grid reference for their original Viewpoint 5, but their photomontage was actually taken to the east of the Beacon at SN075000: however, the views are similar.</p> <p>Viewing distance approx 15 km.</p> <p>Viewpoint on minor road from Lamphey to Penally, at junction with one of several PROWs, and on the boundary of the national park.</p>	<p>A view down the northern slope of The Ridgeway across southern Pembrokeshire and western Carmarthenshire to the far distant hills. Towards the application site the village of St. Florence is prominent in the middle ground, with a medium-sized turbine, quite prominent on a rounded hill just behind and to the left of the village. A smaller, twin bladed, turbine stands further to the left, while a medium sized turbine is visible in the distance behind the village.</p> <p>The murky light limited visibility of the distant horizon, but the pylons supporting the twin HV electricity line are clearly visible, rising above the skyline behind the village.</p> <p>The proposed turbine would stand on the skyline, above the village and in close association with the electricity pylons and existing wind turbine.</p> <p>Its impact on landscape character and visual amenities would be minor at this distance.</p>
<p>VP2 Tenby Lifeboat Station (SN138005)</p> <p>Applicants' viewpoint 10</p> <p>Viewing distances approx 10.5 km.</p> <p>Viewpoint in heart of the resort town, on Castle Hill and coast path.</p>	<p>A spectacular panoramic view across Tenby North Beach to Monkstone Point and the shoreline of Carmarthen Bay, with its cliffs and headlands forming the horizon. To the right of the view the Gower Peninsula stands on the far horizon.</p> <p>Well to the right of the application site the Parc Cynog wind farm turbines are visible, strung out above the cliff tops. Behind and above Monkstone Point, a line of electricity pylons marches prominently along the skyline, and a medium-sized turbine, smaller than the application proposal, also stands prominently in the scene.</p>

	<p>The proposed turbine would stand on the skyline, and would be seen in association with the existing turbine and line of pylons; the existence of these structures might serve to reduce the individual visual impact to a degree, but it would intensify the cluttering effect in a classic coastal view.</p>
<p>VP3 Trevayne Farm, Saundersfoot (SN141032)</p> <p>Applicants' viewpoint 11</p> <p>Viewing distance approx 8 km.</p> <p>Viewpoint at entrance to caravan park, on access route to coast path and Monkstone Point.</p> <p>Access to the path and point restricted on day of survey by forestry operations.</p>	<p>Another spectacular coastal panorama, with the Preseli hills on the far horizon to the left, and the immediate plateau behind the coast forming a gently undulating skyline in the middle distance. The Meadow House caravan park is a prominent feature back from the cliff top in the centre of the view towards the application site, with the coastal village of Amroth just to the right.</p> <p>The lines of HV electricity line pylons are prominent on the skyline, along with the medium-sized wind turbine close to the centre of the view, with a smaller, two bladed turbine more distant to the left. East of Amroth and a thick belt of woodland there stands another medium-sized turbine and then the Parc Cynog wind farm turbines.</p> <p>The proposed turbine would stand on the skyline, and would be seen in association with the pylons and existing turbine, which again serve to reduce its individual visual impact, but at the cost of increased overall clutter.</p>
<p>VP4. Summerhill (SN153077)</p> <p>Viewing distance approx 4.25 km.</p> <p>Viewpoint on the roadside at the northern edge of the village</p>	<p>A view across a gentle, undulating farmed landscape, with extensive, managed hedgerows, hedgerow trees and thicker belts of trees. The skyline is formed by an immediate ridge of higher ground, running from the left and heading east towards Pendine. Intermediate planting serves to filter views of this skyline. The line of pylons and existing wind turbine are visible on the skyline.</p> <p>The proposed turbine would be an additional skyline feature, seen in association with the existing structures, and in its context would not cause a major change to landscape character or visual amenities.</p>

ANALYSIS AND CONCLUSIONS

The proposed wind turbine would be classed as of medium size within the PCNPA Renewable Energy SPG adopted in 2011. While the detailed guidance in the SPG only has formal status in respect of developments within the national park, it remains of value in assessing the acceptability of schemes lying outside but having impacts on the Park's landscapes.

The viewpoints considered within this assessment lie within LCA 1 (Saundersfoot Settled Coast), LCA 2 (Tenby) and LCA4 (Manorbier/Freshwater East. LCAs 1 and 4 are considered to be of High sensitivity to large turbines, Moderate-High sensitivity to medium turbines, and Moderate sensitivity to small turbines. LCA 2, as a primarily urban landscape character area, is not assessed within the SPG.

The principal potential impacts of the proposed turbine would be on the immediate coastal area of the National Park. Landscape attributes identified in the SPG that are central to this sensitivity are the open views along the coast, especially south towards Tenby; the relative sense of tranquillity away from the urban areas; the prominent undeveloped skylines, especially as viewed from the coast; the historic value of the parkland/estate around Hean Castle and Coppet Hall; the character and appearance of the Saundersfoot Conservation Area; and the traditional enclosed farmland character of LCA4, with a strong historic sense of place.

The guidance suggests that there may be some opportunity for single or small clusters of small scale wind turbines within or on the edges of existing urban areas as long as schemes

- Are located away from the most prominent rural skylines and the coastal edge
- Utilize existing woodlands and the rolling topography to integrate any associated infrastructure into the landscape
- Consider the open views along the coast when siting any wind turbines
- Ensure that development does not adversely affect the character and appearance of Saundersfoot Conservation Area
- Do not compete visually with Tenby Church spire in views from the north
- Are related to existing buildings or built structures, preferably adjacent to existing farm buildings

In essence, wind turbine development should not sacrifice the essential integrity, coherence and character of the landscape or the special qualities of the National Park.

The proposed turbine would be potentially visible from a relatively small portion of the National Park, primarily from the coastal zone between Saundersfoot and Tenby, with more distant views from The Ridgeway (and more distantly still from south-facing high points as far away as the Preseli hills). The intermediate topography, vegetation and other buildings would appear to screen the site from most lower lying areas in and around Coppet Hall, Wiseman's Bridge, Amroth, Saundersfoot and Tenby.

There would be views towards the site from parts of the higher ground in and around the villages of Summerhill and Sardis, as exemplified by Viewpoint 4. Such views are away from the coast, and topography, vegetation and buildings

would serve to reduce the extent and scale of the visual impact, with the proposed turbine seen generally in association with the electricity pylons and existing wind turbine.

In the views from Saundersfoot and Tenby the biggest negative visual impacts on the landscape are created by the prominent eleven turbines of the Parc Cynog wind farm, to the east, and by the twin lines of electricity pylons to the north. An existing wind turbine also stands prominently on the hill behind the bay, in close association with the pylons. This provides the visual context for views towards the application site from within Tenby and from the stretch of coast extending from Monkstone Point to Saundersfoot. In these views the proposed turbine would be a further, prominent vertical feature on the skyline, seen in close association with the electricity pylons and the existing wind turbine. While in itself it might not cause a further, substantial adverse change in the character of the landscape or visual amenity, as it would have done if these other structures were not present, it would add further to the visual clutter and would be significantly taller than the existing turbine. That the quality of the landscape is already compromised by existing obtrusive development is not a good argument in the landscape context of this application for compounding the damage.

The NPA is concerned also about the potential cumulative impact of wind turbine developments close to the boundary of the national park, and of the creation of a "visual belt" of turbines in this area. There is clearly a continuing demand for individual turbines in this part of eastern Pembrokeshire and south-western Carmarthenshire, and there is a danger of development intensifying further and creeping ever closer to the boundary of the National Park. This is an issue that could usefully be considered in the context of the joint initiative between the NPA, Pembrokeshire County Council and Carmarthenshire County Council on the cumulative impact of wind turbines on landscape character and visual amenity guidance. The NPA did object to the existing, less tall wind turbine near Crunwre House, which was approved under 10/0958/PA. There was a further application, which was later withdrawn, for a taller turbine in the same vicinity, to which the NPA also objected as a visually prominent, moving structure, which would add visual clutter to the relatively undeveloped coastal skyline.

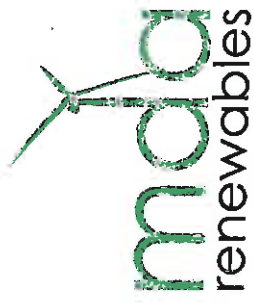
The difficulty with this application is that it does not fit well with the guidance in the Renewable Energy SPG, sitting prominently on the skyline within prime coastal views from the historic resort of Tenby and the coastal area between Monkstone Point and Saundersfoot. It is the case that it would be closely associated with existing built structures, but these are themselves extremely unsightly and damaging to the classic coastal views from these areas, even at distances between 7 and 10.5 km. The proposed turbine would compound the harm caused to the visual amenities of the area, and the combined, cumulative effect on the landscape would be significant and adverse.

In summary and conclusion, it is considered that these matters of concern are sufficient to justify an objection to the proposed development on the grounds of the harm that would be caused to the landscape character, visual amenities and special qualities of the National Park. Such development would be contrary to provisions of the following policies of the adopted National Park LDP, which should be a material consideration in determining the application, in accordance with the statutory duty placed on all relevant authorities under Section 62.2 of

the Environment Act, 1995: Strategy Policies 1 (National Park Purposes and Duty) and 8 (Special Qualities); and Policies 15 (Conservation of the Pembrokeshire Coast National Park), 30 (Amenity) and 33 (Renewable Energy).

RECOMMENDATION

That the NPA should object to the proposed development on the grounds set out in the conclusion above.



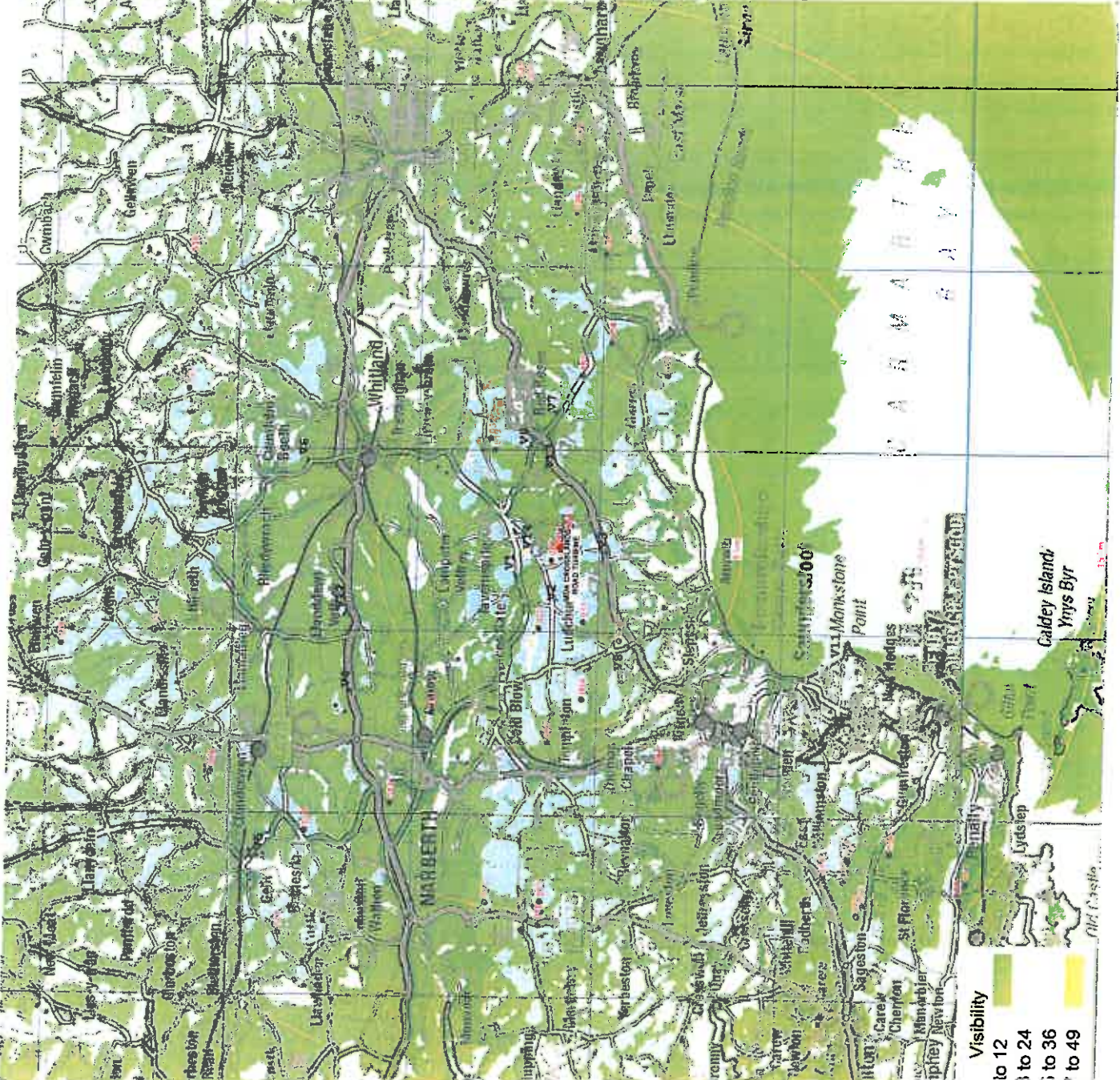
- .001 MDA Crosslands Road Turbine
- .002 Broomfields, Thomas Chapel
- .003 East House, Cironw
- .004 Shepping Hill
- .005 Coltick Farm, Templeton
- .006 Pen yr Aidd
- .007 Ffynon Hafod, Tafarnspite
- .008 Cwmwera House, Llanleg
- .009 Hill Top Farm, Marlethwy
- .010 Princes Gate
- .011 Bleengoged Farm, Ludduch
- .012 Minerton Farm, St Florence
- .013 Manth Hill East Farm
- .014 Knapp Farm, Fiedbeith
- .015 Land SE of Crosslands
- .016 Highfield, Llewshaden
- .018 Faenor Farm, Bethesda
- .019 Golden Grove, Tafarnspite
- .020 Shepping Hill FARM
- .021 Norchard Farm
- .022 Sunnerton Farm, Segeston
- .023 New House Farm, Canaston
- .024 Upper Coxhill Farm
- .025 Land NE of Kings Park Farm
- .026 Land SE Manor Hse Wildlife Pk
- .027 New Farm, St Florence
- .028 Rhwyd y Mwydd
- .029 Parc y Cynog Bungalow, Pendine
- .030 Eastpool Farm, Pendine
- .031 Rhiw Farm, Logn
- .032 White Lion Farm, Tafarn pite, Clifg
- .033 Throning Farm, Marros, Pendine
- .034 Maes y Dref, Laugharne
- .035 Ffynonwyd Farm, St Cleas
- .036 Tremollet Farm, Pendine
- .037 Cilgennydd, Llanboidy
- .038 N of Ffynonwyd Farm, Llangymin
- .039 Upland Farm, Llandawke
- .040 Strymenlyn, Llanboidy
- .041 Cwtiau Bach, Llanboidy
- .042 Briktau, Laugharne
- .043 Parc Cynog Farm, Ceatie Lloyd Farm & Westhead Farm

Drawing Status:
PLANNING APPLICATION

Project:
CROSSLANDS ROAD WIND TURBINE

Drawing Title:
**ZTV DIAGRAM/
 CUMULATIVE SITE LOCATION PLAN**

Scale: NOT TO SCALE Date: DEC '13
 Drawing No: **FIGURE 1**
 Rev:



Penderfyniad ar yr Apêl

Gwrandawriad a gynhaliwyd ar 18/06/14
Ymweliad â safle a wnaed ar 18/06/14

gan **Kay Sheffield BA(Hons) DipTP
MRTPI**

Arolygydd a benodir gan Weinidogion Cymru
Dyddiad: 5 Awst 2014

Appeal Decision

Hearing held on 18/06/14
Site visit made on 18/06/14

by **Kay Sheffield BA(Hons) DipTP MRTPI**

an Inspector appointed by the Welsh Ministers
Date: 5 August 2014

Appeal Ref: APP/N6845/A/13/2209070

**Site address: Land west of Crunwre House, Crosslands Road, Llanteg,
Pembrokeshire**

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

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by MDA Renewables Limited against the decision of Pembrokeshire County Council.
 - The application Ref 12/0795/PA, dated 23 November 2012, was refused by notice dated 3 October 2013.
 - The development proposed is the erection of a single wind turbine and associated works.
-

Decision

1. The appeal is dismissed.

Preliminary matters

2. The Council refused planning permission on the grounds that the submitted Landscape and Visual Impact Assessment (LVIA) failed to adequately address the potential impact of the proposed turbine and as a result it had not been demonstrated that the development would not have a significantly adverse impact on the character and appearance of the area. In an attempt to overcome the Council's reason for refusal the appellant submitted a Supplementary Landscape and Visual Impact Assessment, January 2014 (SLVIA) as part of the appeal. This document replaced sections 4.7 to 4.9 of the original LVIA of November 2012 and the entire addendum of June 2013.
3. The Council considered that together the LVIA and SLVIA contain sufficient information to assess the impact of the proposal on landscape character and visual amenity. I am also satisfied in this respect. Whilst the SLVIA was not before the Council when it reached its decision on the application subject of the appeal, it did form part of a subsequent application (Ref: 13/0920/PA) for an identical development on the same site, which the Council refused. The Council, having had regard to both the LVIA and the SLVIA, confirmed that it considered the appeal proposal would have an adverse impact on the character and appearance of the area and that the visual harm from the turbine would have a significantly adverse impact on the enjoyment of users of the Landsker Borderlands Trail and other nearby public rights of way.

4. I am satisfied that the Council has had the opportunity to fully consider the SLVIA in responding to the appeal. Moreover, it is clear from the representations made by interested parties in respect of the appeal that they were also aware of and had regard to the SLVIA. The Council and other interested parties present at the hearing raised no objection to the SLVIA being taken into account as part of the appeal.
5. Nonetheless, I am concerned that the Pembrokeshire Coast National Park Authority, who had objected to the application on grounds of visual clutter on a relatively undeveloped coastal skyline, has not made any submission in respect of the appeal. However, I am aware that the Park Authority objected to the subsequent application on the grounds of harm that would be caused to landscape character, visual amenities and the special qualities of the National Park. Given that the Park Authority reached this conclusion in the light of the same information regarding the landscape and visual effect of the development which is before me, I am satisfied that the Park Authority would not be prejudiced by my having regard to the SLVIA and its response to the later scheme in reaching my decision on the appeal. No objection was raised by the parties to me proceeding on this basis.
6. I conducted an accompanied site visit on the day of the hearing when I saw the site, and visited neighbouring properties and viewpoints as requested by the parties. The following day I also visited other viewpoints unaccompanied, which included the Lifeboat Station and Castle Hill in Tenby, Monkstone Point to the south of Saundersfoot, Ludchurch Cross and various points along the A477.

Main Issues

7. The main issues in this appeal concern the effect of the proposed development, both individually and in combination with other turbines and nearby pylons, on the character of the landscape and on visual amenity.

Reasons

The site and its surroundings

8. The site of the proposed turbine lies in open countryside approximately 1km north west of Llanteg. The Pembrokeshire Coast National Park lies to the south of the A477 and at its nearest point is approximately 1.5km from the site. The unclassified road, Crosslands Road, runs alongside the southern boundary of the field within which the turbine would be sited. Nearby public rights of way include the Landsker Borderlands Trail which follows Crosslands Road for a short distance to the west of the site before turning to the north east.
9. The topography of the area is gently undulating agricultural land bounded by hedges and with sporadic areas of tree planting. There is a scattering of farms, buildings and residential properties, the nearest to the site being Ffynnon Hafod and Blaenhafod to the north west, Three Wells to the north, Broomylake Farm and Furzy Park to the north east and Crunwre House, a Grade II Listed Building, and Old Stable Cottage to the east. A double line of electricity pylons, which runs in a north east to south west direction, crosses the field in which the turbine would be located and creates a strong physical feature in the landscape. Moreover, various wind turbines are visible in the area, two being within short distances of the site. One, a three bladed turbine which measures 34m to tip, is located approximately 450m to the south east near Crunwre House and the second, a twin bladed turbine 25m to tip, is sited approximately 390m to the north west near Ffynnon Hafod and close to the point where the Landsker Borderlands Trail turns north from Crosslands Road.

10. The proposed 225kW turbine would be three bladed with a height to the hub of approximately 31.5m and 45m to the blade tip with a rotor diameter of 27m. The associated control cabinet to house the electrical switch gear and controls would be sited close to the base of the turbine and together with the turbine would be fenced off from the surrounding field. Security lighting is proposed. Access from Crosslands Road across the field would be via a hardcore track covered with a grass sward. No improvements to the existing gateway from the road are required and the remainder of the field would continue to be used for agriculture.
11. The electricity generated by the turbine would be fed into the national grid via an underground connection. The anticipated life span of the turbine is 25 years, at the end of which the equipment would either be refurbished or decommissioned and the site returned to agricultural use.

Policy Background

12. The Welsh Government is committed to delivering renewable energy as part of its objective of combating climate change, and wind energy is recognised as offering the greatest potential in the short to medium term for delivering renewable energy. The need for wind energy is a key part of meeting the Welsh Government's vision for future renewable electricity production and should be taken into account when determining applications. However in paragraph 12.8.12 of Planning Policy Wales Edition 7, July 2014 (PPW 7) the Welsh Government "*accepts that the introduction of new, often very large structures for onshore wind needs careful consideration to avoid and where possible minimise their impact*".
13. Although the site does not fall within a Strategic Search Area (SSA) as set out in Planning Policy Wales Technical Advice Note 8: Planning for Renewable Energy, 2005 (TAN 8), the guidance recognises the contribution smaller schemes outside of SSA's could make to delivering renewable energy. However, it recognises in paragraph 2.13 that outside the SSA's "*there is a balance to be struck between the desirability of renewable energy and landscape protection. Whilst that balance should not result in severe restriction on the development of wind power capacity, there is a case for avoiding a situation where wind turbines are spread across the whole of a county*". Also in paragraph 8.4 of Appendix D the guidance points to an implicit objective in areas outside SSAs to "*maintain the landscape character i.e. no significant change in landscape character from wind turbine development*".
14. The Pembrokeshire County Council Local Development Plan, 2013 (LDP) recognises that the county has significant potential to provide energy from renewable sources and aims to encourage further use of renewables to produce energy in order to help meet Government targets. Strategic Policies SP1 and SP16 aim to ensure that sustainable development is achieved whilst protecting the landscape and natural and built environment of Pembrokeshire and adjoining areas. Policy GN.1 and GN.4 in combination support renewable energy developments through environmentally acceptable solutions which ensure that the development would not result in a significant detrimental impact on local amenity in terms of visual impact or adversely affect landscape character, quality or diversity, including the special qualities of the National Park. The accompanying text to both policies indicate that LANDMAP will be used in the decision making process. Moreover the accompanying text to Policy GN.4 states that the landscape impact of the development, individually and cumulatively, will be a material consideration in the evaluation of renewable energy proposals.

Effect on landscape character

15. In LANDMAP the site falls within the Templeton Visual and Sensory Aspect Area, the Rural Carmarthenshire Cultural Aspect Area and the Newhouse Historical Aspect Area. Visually the area is described as comprising of an undulating farmland landscape on the eastern edge of the study area. The area is crossed by a series of connected hedge bank bounded lanes, with farmland incised by numerous small wooded stream valleys and occasional woodland patches and plantations. It is crossed by the A40(T) and surrounds Narberth and also includes Oakwood Leisure Park and Bluestone Holiday Village which reduce tranquillity locally. Elsewhere, quiet rural villages and smaller settlements are dispersed throughout. The overall evaluation for the Visual and Sensory Aspect Area is moderate whereas the evaluation of the Cultural Aspect Area and the Historical Aspect Area is high.
16. The submitted Zone of Theoretical Visibility map (ZTV), indicates that the turbine would be visible over a wide area, including from within the National Park. However, the ZTV is based on bare terrain topographical data and does not take into account the screening effects of minor topographical features, vegetation such as trees and built structures. In reality surface features reduce the amount of the turbine which would be visible from any one location. The submitted LVIA and SLVIA provide a commentary on the potential landscape and visual impact of the proposed turbine both individually and cumulatively with other turbines. Together they provide a range of wireframes and photomontages from fourteen representative viewpoints which identify the turbine and its relationship to others in the area.
17. Due to its height and the open character of the landscape within which it would be sited, the turbine would be visible within the local landscape. I acknowledge that the local topography and existing trees and hedges would screen the turbine, or parts of it, from some viewpoints as demonstrated by the submitted evidence and as I observed during my site visit. Nevertheless the turbine would create a dominant feature in the local landscape.
18. The turbine would be seen in the context of the existing turbines and pylons and would appear quite slender in comparison with the base area covered by a pylon. However the design of the pylons and the lattice work they create by themselves and in association with the cables which connect them across the landscape contrast quite significantly with the solid structure of the turbine. Moreover the movement of the turbine rotor blades is a characteristic not displayed by the pylons. Whilst from more distant viewpoints, such as from within the National Park, the specific detail of the proposed turbine would not be visible, I am concerned that due to its height, solidity and the movement of the rotor blades it would not appear subservient to the pylons but would create an individual and prominent feature in the landscape.
19. In views of the site from nearby viewpoints, and from more distant ones within the National Park, the turbine would not be seen in isolation. It would be seen in the context of those already sited off Crosslands Road and, as the distance from the site increases, it would be seen in the context of an increasing number of turbines to a point where from Castle Hill and Monkstone Point between ten and eighteen turbines would be visible above the skyline. I acknowledge that the degree to which the turbines would be visible would differ according to their height, design and siting and I accept that from the identified viewpoints within the National Park only the upper part of the turbines would be visible. However, I found during my site visit that in reality the existing turbines were more visible than suggested by the wireframes. Although within the National Park the cliffs and beaches are strong key characteristics of the

landscape, the existing pylons and turbines form background features which dominate the skyline. Whilst they are seen in the distance, cumulatively they have an effect on the character of the landscape and I have concerns regarding the additional impact the proposed turbine would have on this existing cumulative effect.

20. I have had regard to The Pembrokeshire and Carmarthenshire: Cumulative Impact of Wind Turbines on Landscape and Visual Amenity Guidance, 2013 which identifies different landscape types in respect of wind turbine development for the purposes of assessing cumulative impact. The Council considers the site, in common with much of the study area, falls within landscape type 2 and that the development would take it into landscape type 3 whereas the appellant considers it already falls within the latter. Landscape type 2 is defined as a landscape with occasional turbines where they are visible but not at a scale, spacing or extent that makes them a defining characteristic and type 3 is defined as a landscape where turbines are located and visible and are at a scale and/or spacing that make them one of the defining or key characteristics.
21. Whilst the appeal site is in an area where there is a relatively large number of turbines already existing and with consent but not constructed, I do not consider that, at present, their scale or spacing makes them a defining characteristic of the area. However, the addition of a further turbine between those already existing on Crosslands Road will increase the number of turbines in a relatively small area and increase the likelihood of two or three of them being seen at the same time and possibly in association with others in the area. Although the pylons would remain a dominant feature in the area, I consider that the addition of the proposed turbine would alter the balance and as a result the scale and spacing of the turbines cumulatively would exceed the capacity of the landscape and cause unacceptable harm to the landscape which forms the backdrop to, and to an extent the setting of, the National Park.
22. On the evidence before me I therefore conclude that the proposed turbine would create a dominant feature in the landscape which when considered cumulatively with other similar developments would have a significant adverse effect on the character of the landscape to the detriment of the special qualities of the National Park, contrary to Policies SP1, SP16, GN.1 and GN.4 of the LDP.

Effect on visual amenity

23. From a large number of the viewpoints presented in evidence the visual impact of the turbine would be of limited significance due to its screening by vegetation, intervening topography or the distance and orientation from which it would be viewed. However, the turbine would be visible from various roads in the area, including the A477 as well as other public rights of way, most notably the Landsker Border Trail. Whilst not included in the submitted viewpoints, the turbine would also be visible from a number of properties. It would also be seen in the context of the existing turbines and pylons.
24. The Council's guidance in respect of the cumulative effect of wind turbines on landscape and visual amenity referred to above recognises that in a landscape with large modern vertical elements, such as pylons, the introduction of further vertical elements might be "in character" subject to whether the development would fit in terms of scale, layout and design so that its composition reflects the other vertical elements without causing visual conflict or confusion. In addition in Sections 2.12 and 2.13 the guidance refers to the potential for cumulative effects with pylons and the potential visual conflict, confusion and complexity caused by turbines of different sizes and designs sited close to each other.

25. Although the turbine would be visible from the A477, particularly in the vicinity of Red Roses, and other minor roads in the area, these views would be intermittent and of short duration due to screening provided by the direction of travel, intervening topography and roadside vegetation. Whilst the A477 is a major tourist route, and in some views the turbine would be seen in association with other turbines and the pylons, I do not consider the development would seriously affect the visual amenity of those using the majority of roads in the area. However, those travelling along Crosslands Road would pass in close proximity to the site and the two existing turbines on this road. In addition walkers following the Landsker Borderlands Trail would use a short section of the road. Whilst the hedgerow banks would restrict views of the turbine from Crosslands Road, it would still be visible and would appear discordant when seen in the context of the two existing turbines with their differing heights, design and blade rotation speed. Overall I consider that the proposed turbine when considered cumulatively with the existing turbines and pylons would create a cluttered appearance sufficient to cause harm to visual amenity.
26. From the section of the Landsker Borderlands Trail to the north of Three Wells the proposed development would be seen in the context of the existing turbines on Crosslands Road and the pylons. The differing heights of the existing turbines seen in connection with the pylons and intervening cables already form a prominent and discordant feature in the landscape and the height and solidity of the proposed turbine would add to this prominence. I consider that from this section of the trail the proposed turbine would add to the cluttered appearance and the visual confusion created by the existing turbines and pylons would result in a significant adverse impact on the visual amenity of receptors using the trail.
27. At the request of interested parties I visited Old Stable Cottage and Broomylake Farm which are approximately 698m and 430m from the turbine respectively. The land on which the turbine would be sited is higher than the sites of these dwellings and whilst the local topography, vegetation and curtilage structures would partially screen the structure in the outlook from their grounds, the upper section would be visible and the movement of the blades would be discernible. Although the orientation of the dwelling at Broomylake Farm is such that there would no direct views towards the turbine from within the property, the turbine would be visible from Old Stable Cottage and particularly from the windows to first floor reception rooms.
28. A moving object tends to draw the eye and given the height of the turbine, the scale of the rotor and the separation distance, I consider that the turbine would be sufficiently close to feature quite prominently in the views from the grounds of both Old Stable Cottage and Broomylake Farm. Moreover, the existing turbine close to Crunwere House would also feature in the view although the instances where both turbines would feature in the same view would be fewer from Broomylake Farm than from Old Stable Cottage and would not feature in the outlook from the former dwelling itself. Nevertheless I consider the scale of the proposed turbine and its visibility in association with the existing turbine near Crunwere House would create a dominant feature with the potential to have an adverse effect on the visual amenity of the occupiers of these properties.
29. I accept that from within the National Park the views of the turbine would be distant and that views of the cliffs and beaches along the coastal fringe would act as visual distractors to receptors. However, the turbine would be clearly visible from main tourist spots where it would be seen in the context of the existing turbines and pylons extending as a belt across the landscape and would visually reduce the gap between

existing turbines. Whilst the views may be distant the addition the proposed turbine would make to this belt of vertical structures along the skyline would have a significant effect on the amenity of visual receptors within the National Park.

30. There is no dispute that the turbine would be visible within the landscape but the issue to be determined is whether the development would be likely to have a significant adverse effect. In respect of the majority of the viewpoints I have found that the effect of the turbine on visual amenity would be moderate. Nevertheless, in respect of viewpoints from the Landsker Borderlands Trail and from within the National Park, which are used extensively for recreational purposes, I have found the effect on visual amenity to be significant. My conclusion that the development would have an adverse effect on the visual amenity of nearby residents adds further weight against the appeal. On balance, I find that this significant effect is not outweighed by the moderate effect found elsewhere. I therefore conclude that the proposed development in combination with similar developments would result in a significant level of harm to visual amenity over a wide area, contrary to Policies SP1, SP16, GN.1 and GN.4 of the LDP.

Other material considerations

31. In addition to matters already addressed interested parties raised concerns regarding the effect of the development on the living conditions of residents of nearby dwellings in respect of noise, shadow flicker and light. The main reasons for their concerns were based on their current experience from the turbine located close to Crunwre House and the properties most affected were identified as Old Stable Cottage and Broomylake Farm.
32. Problems of noise from the existing turbine were described to the Hearing by local residents and concerns were raised regarding the potential intensification of this effect from the proposed turbine. Wind turbines have the potential to create noise from the mechanics of the turbine itself and the movement of the rotor blades through the air and from the description given by residents and my own observations during my visit to the area the previous day, it appeared that the noise was caused by mechanical problems rather than the movement of the rotor blades through the air alone. This was confirmed during the accompanied site visit when mechanics were present at the existing turbine and the local residents present confirmed that the noise level was significantly less than previously.
33. Paragraphs 2.14 to 2.16 of Annex C to TAN 8 offer guidance on the assessment of the actual effects of noise on residential amenity and recognise the recommendations made by ETSU-R-97¹ as relevant guidance on good practice. It is generally accepted that a separation of 500m between the turbine and any noise sensitive receptors should be sufficient to avoid unacceptable noise impacts. The distances from the site given in evidence indicate that whilst Old Stable Cottage lies more than 500m away, Broomylake Farm is within the limit and I am not aware that background noise levels were taken at this property as part of the noise survey. Nevertheless the submitted noise impact assessment, which included the potential cumulative noise impact from the existing turbine close to Crunwre House and a further turbine proposed to the south of Crosslands Road (not now being pursued) concluded that the noise at all sensitive receptors would be below the limits set out in ETSU-R-97.

¹ The Assessment and Rating of Noise from Wind Farms, ETSU-R-97

34. However the assessment did not include the existing turbine to the west of the site and I have no evidence as regards the effect of its omission on the conclusions of the report or of the effect the removal of the previously proposed turbine to the south of Crosslands Road would have on the cumulative impact. Whilst conditions can be used to ensure that recommendations on noise levels would not be exceeded in practice, I am concerned that the noise problems from the existing turbine close to Crunwre House, which local residents have reportedly suffered for over two years, has sensitised the local population to the noise generated by the turbines. On balance I am not satisfied by the evidence that the living conditions of the occupiers of nearby properties would not be unacceptably affected by noise, although I do not consider it sufficient to dismiss the appeal on these grounds alone.
35. Problems of shadow flicker experienced within Old Stable Cottage from the existing turbine close to Crunwre House were described by local residents at the Hearing and concerns were raised regarding the potential intensification of this effect from the proposed turbine. Residents of Broomylake Farm also expressed concern that they would be affected. Whilst the problems associated with the existing turbine are not disputed the distance between the proposed turbine and Old Stable Cottage would be significantly greater than between the property and the existing turbine.
36. Although the potential for shadow flicker to be experienced from the proposed turbine is acknowledged, the submitted shadow flicker map indicates no property would be affected. Moreover, it is generally accepted that significant shadow effects will not occur beyond a distance of 10 times rotor diameter which would be 270m in this instance. Given that the nearest properties lie well beyond this distance and outside the zone of influence indicated on the shadow flicker map I have no substantive evidence that the proposed turbine would cause unacceptable harm to living conditions in this respect.
37. Security lighting activated by sensors is proposed as part of the development and residents expressed concern over the effect this would have on living conditions. However, an alternative was put forward whereby sensors would be incorporated into the security fencing and whilst these sensors might be activated by stock in the field, it would alert staff in a remote control room rather than cause lighting or noise alarms to be activated at the site. I consider that this would be a suitable alternative which would avoid the living conditions of residents being unduly affected and could be satisfactorily addressed by condition.
38. I therefore conclude that the development would harm the living conditions of the occupiers of nearby properties by reason of outlook, and the uncertainty about noise adds weight to my concerns. Although harm to living conditions from shadow flicker is unlikely to occur and an acceptable security system could be installed this does not make the proposal acceptable.
39. Concerns were expressed by interested parties regarding the use of Crosslands Road by horse riders to access local bridleways and the effect of the turbine on their horses with regard to movement of the blades. The British Horse Society recommends turbines are sited a minimum of 200m or three times blade tip height (whichever is the greater) between a turbine and any route used by horses. Whilst the separation distance between Crosslands Road and the turbine would be significantly less than the recommended distance, I have no substantive evidence with regard to the likelihood of horses being spooked by the turbine. Moreover I understand that some horses quickly become accustomed to them. Whilst the turbine may result in riders being unable to use local routes, the existing turbines are likely to already have the same

effect. In any event the evidence before me is not sufficient to convince me that the turbine would have a detrimental effect sufficient to dismiss the appeal.

40. The appellant has drawn my attention to two appeal decisions for similar types of developments. However in respect of Appeal ref: APP/F6915/A/12/2184131 the site was further from the National Park and the distance between neighbouring turbines was considerably greater than in the case before me. In respect of the second appeal (Ref: APP/L9503/A/13/2207758) the Inspector concluded that although the turbine would be viewed with other turbines it would be seen to be some distance away from them. Moreover I understand that the turbine would not have been as prominent in relation to the skyline. I therefore consider that little direct comparison can be drawn between these cases and the appeal before me, which I have treated on its merits.

Conclusions

41. On the main issues I conclude that the proposed development would have an unacceptably harmful effect on landscape character and visual amenity. Whilst I acknowledge the effect on the character of the landscape and visual amenity already caused by the existing pylons and turbines, I am concerned over the potential cumulative impact arising from the creation of a visual belt of turbines stretching from eastern Pembrokeshire across the border into western Carmarthenshire when viewed from within the National Park. Moreover, I am not satisfied by the evidence that the development would not harm the living conditions of local residents by reason of outlook and noise. All these matters carry weight against the appeal.
42. Whilst I am satisfied that there would be no harm to local residents in terms of shadow flicker and that a suitable security system could be installed to ensure no disturbance to residents, these do not outweigh the harm I have identified. Although the proposal would make a contribution to increased use of renewable sources of power which carries weight in favour of the appeal, in relation to the balance to be struck between the desirability of renewable energy and landscape protection, as set out in TAN 8, I conclude that in this case the balance is not in favour of the appeal.
43. For these reasons, and taking into account all other matters raised, the appeal is dismissed and planning permission is refused.

Kay Sheffield

Inspector

APPEARANCES

FOR THE APPELLANT:

Mr Geraint John BSC(Hons) DipTP MRTPI	Of Geraint John Planning, agent for the appellant
Mr Gary Soltys BSc(Hons) DipLA MIHont CMLI	Of Soltys Brewster Consulting

FOR THE LOCAL PLANNING AUTHORITY:

Mr Peter Sedgwick	Planning Area Team Leader
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INTERESTED PERSONS:

Mrs Mary Sinclair	Chair of Pembroke Branch of the Campaign for the Protection of Rural Wales
Councillor Tony Brinsden	Local Member of Pembrokeshire County Council
Mr Patrick Heyes	Local Resident
Mr Alan Emmins	Local Resident
Mr Simon Eggleton	Local Resident

DOCUMENTS

- 1 Notification documentation of 17 March 2014 regarding the Appeal Hearing.
- 2 Map showing the location of appeal site in relation to landscape designations.
- 3 Series of eight maps showing the location of appeal site in relation to LANDMAP Aspect Areas.
- 4 Map showing cumulative Zone of Theoretical Visibility.
- 5 A3 copy of Photomontages and Cumulative Wireframes views as already submitted in A4 format.
- 6 Map and schedule of wind turbines within 15km radius of the site which are either consented or subject of appeal.
- 7 Copy of representations made by Pembrokeshire Coast National Park Authority in respect of Application Ref:13/0920/PA.