



Adroddiad

Ymchwiliad a agorwyd ar 04/11/03

Report

Inquiry opened on 04/11/03

gan/by Stuart B Wild MRTPI MCMI

**Arolygydd penodwyd gan Cynulliad
Cenedlaethol Cymru**

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

Dyddiad/Date **15-05-2004**

TRANSPORT AND WORKS ACT 1992

INQUIRY INTO PROPOSED OFFSHORE WINDFARM AT SCARWEATHER SANDS
OFF PORT TALBOT AND PORTHCAWL

BY UNITED UTILITIES SCARWEATHER SANDS LTD

ADDENDUM REPORT

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Introduction

1. I opened an inquiry on 4/11/03 and subsequently submitted my report. I now submit an Addendum Report which should be read in conjunction with the main report. It is intended to amplify certain aspects of the main report. The Addendum Report has been prepared in response to the annexed correspondence from the Planning Division of the Welsh Assembly Government.

Scope of Addendum Report

2. In my overall conclusions of the main report (para 121) I stated that in my view the main determining issues in this case are the balance between the advantages of the proposal in the production of sustainable energy and the impact of the proposal on the visual amenity of the Porthcawl area and the possible related impact on the tourist industry and related areas of outdoor recreation.
3. The other issues were considered in turn in the main report. I consider that they do not result in any unacceptable harmful effects, are of less significance or are matters which could be mitigated or overcome by the imposition of appropriate conditions. Even taken together I do not consider that these lesser issues would contribute significantly to the weight against the proposal.
4. In this addendum report I shall consider the main issues in more detail referring specifically to the main points of argument of the main parties at the inquiry. However before doing that I shall expand on the aspect of alternative sites which is an essential precursor to the balancing exercise for the Scarweather site.

Alternative sites

5. The selection of the Scarweather Sands site is explained in detail in section 2.4 of the Environmental Statement (ES)(Doc CD76).

United Utilities

6. The main points of United Utilities case (Appendix A paras 17-19) were that there is the temptation to assume that the moment one moves to considering offshore sites, then there is infinite scope for siting them at random, or at least so far as lies within the 12-mile limit. Such an impression is, however, false. Limitations include the limits of Round 1 technology, timescale, water depth, minimising any interference with the public right of navigation, European designated sites, relationship to designations such as national parks and AONBs and the list goes on. Properly understood, the offshore environment is subject to significant restriction and the siting of the present proposal represents an appropriate response to balancing the prevailing limitations. The evidence of Messrs Clarke, Macleay, MacDonald, Appleby and of Capt Drennan, amongst others, all indicates clearly why the wind farm must be where it is. Approaching it from the other direction one can see that, for instance, moving it further offshore would, amongst other things, push it into deeper water (see evidence of Macleay), out into the navigational lanes (MacDonald, Drennan and, indeed, Ramsden) and out into a different aggregates area under draft MADP (Marine Aggregate Dredging Policy UU/0/11). Additionally, as Kay Hawkins identifies, it is not the case that the Round 2 sites, albeit further offshore, will have less visual impact (UU/6/KFH/2 paras 6 & 7).
7. No objector has sought to identify a realistic, site-specific alternative. Many suggest moving it further away or make vague suggestions as to other locations but such assertions are in

every case reduceable to another way of saying 'we don't want it here'. Cllr Jones, in response to a question from the Inspector, put the matter wholly negatively by identifying that he just did not want it in Swansea Bay. As such no party has advanced a credible alternative location (or indeed a credible alternative solution). Nor is BCBC then able still to dabble in the alternatives pool in the hopes of discovering a case to run. Although alternative sites may potentially be a material consideration, no party opposed has in fact engaged that consideration by identifying such an alternative. At most there has been wishful thinking and nebulous assertion. Such arguments as have been advanced by objectors on the subject of alternatives are no more than a forlorn exercise in smoke and mirrors.

8. It must be remembered that there is here no requirement to demonstrate that there are no alternative sites or solutions (Contrast the position where there is a negative appropriate assessment under the Habitats Regs in relation to a European site). The ES has, in compliance with the relevant regulations, included *an outline of the main alternatives considered by the applicant and an indication of the main reasons for his choice, taking into account environmental effects*. The approach to alternatives has also been listed as one of the areas in the Statement of Matters and Mr Clarke and others have amplified United Utilities's approach in their evidence (Sec 3 UU/2/CC).

Bridgend CBC

9. The contrasting argument is put by Bridgend CBC (Appendix B paras 10, 14 & 17 of SoC and Alts section) that at micro site level the ES says that a site nearer to Port Talbot would occasion navigational problems (ES para 2.4.4 page 2-10 Doc CD76). Yet Captain Drennan said in cross examination that the site could have gone further north without occasioning difficulty. BCBC do not say that would be desirable: the site has not been assessed. They say simply that the sole reason given is not substantiated. It would, arguably, have been nearer an existing industrial backdrop and, by being close in to the Port Talbot industrial complex have read as part of it rather than a wider extension of man's influence into an undeveloped area. It would also have been closer to other areas and may have had an unacceptable impact upon them. We do not know. It has not been assessed. It has, however, been discarded for a reason their own expert does not support.
10. The scoping opinion provided by the WAG in the letter dated 6/12/02 (BCBC/0/11), under Rule 8(1) of the 2000 Rules, said "a more detailed explanation and justification of the site selected will be necessary including identifying the original areas of search and alternative areas which were considered."
11. Failure to study and eliminate alternatives does not make a site unacceptable. It does, however, make it unsafe to conclude that this site has any particularly desirable characteristics or that nowhere else is available. It is a given that renewable energy provision must be made: advancing and knocking down alternatives implies that the provision can only be made here. If that process is either not undertaken or is flawed that argument cannot be advanced. Mr Clarke, in saying that this site *must* go ahead, advances it.

Conclusion on alternative sites

12. My understanding of the position as regards Round 1 offshore sites is that the potential developers assessed where they might find an appropriate site, ie the macrosite selection as identified in section 2.4.3 of the ES (Doc CD76). United Utilities considered sites off the North Wales Coast, the West Wales Coast and along the South Wales Coast. The ES states that assessments and ranking of site potential concluded that Swansea Bay, with good existing infrastructure, grid connection opportunities, wind resource and no offshore marine

- designations, would provide the necessary characteristics that might sustain an environmentally acceptable, economically feasible location for an offshore wind farm.
13. The next stage was the microsite selection explained in section 2.4.4 of the ES (Doc CD76). It states that in identifying the site which was submitted to the Crown Estates under the terms of the invitation to pre-qualify for an Agreement to Lease, the following criteria were applied: Grid Connection – Port Talbot or Pyle, Port Facilities – Port Talbot and Swansea, and Depth of Water. The proposed site at Scarweather Sands has an excellent opportunity for grid connection into the local distribution network, suitable ground conditions and water depth, an excellent wind resource, and it does not directly affect the environmental designations, although the proximity of Kenfig Nature Reserve should be noted. In addition, the area is away from main shipping and navigational channels. For construction purposes there are excellent port facilities at both Port Talbot and Swansea, and the site's proximity to the M4 means it already has much of the necessary infrastructure support. The Scarweather Sands location therefore had many critical selection factors in its favour.
 14. Neither Mr Clarke nor Ms Hawkins were advising United Utilities at that stage of consideration of microsite selection. No mention is made of any weight given to the visual impact of the selected site at that stage. Again my understanding is that once Crown Estates had accepted the bid by United Utilities for the Scarweather site then the only variation acceptable was for up to a maximum of 50% of the turbines being located outside the originally selected site. In other words minor variations in the siting of the turbines could be accommodated once more detailed information was available about on site conditions, but that the general location of the wind farm could not be moved, eg elsewhere in Swansea Bay.
 15. My references to alternative sites in the main report relate to locations other than Scarweather Sands and hence they were not before the inquiry in detail, and would not comply with the Crown Estates requirements. The only exception is the reference to the evidence of Ms Hawkins under cross-examination where she explained the alternatives she had considered. Because of the need to retain at least 50% of the turbines within the identified site boundary, these considerations were limited to alternative layouts of the turbines on the already identified site.
 16. I note what Mr Newcombe said on behalf of United Utilities (para 8 above) about there being no statutory requirement to identify alternative sites. However it is this apparent lack of any significant assessment of the visual impact of the proposal at the stage of microsite selection that led me to comment (Para 33 main report) that in general the evidence on site selection appeared to jump from the strategic level to this particular site without any detailed explanation. Therefore I am not satisfied that other sites within the Swansea Bay area might not be equally suitable or even more suitable than the Scarweather Sands site.
 17. It is against this general background of the site selection that I proceed to consider the balancing exercise in more detail.

Benefits of the proposal

18. There is very strong policy support for the development of renewable energy of which wind farms are a part. Section 2.1 of the ES (CD76) examines in more detail elements of the Global, European Union, UK Government and Welsh Assembly Government policy. The Welsh Assembly Government supports the development of renewable energy in Wales wherever it is economically attractive and environmentally acceptable (Section 2.1.4 of the ES (Doc CD76)). This general support is repeated in the various local Development Plans of the neighbouring Local Planning Authorities. There is therefore a significant benefit in

implementing these policy objectives if this particular proposal is, on balance, environmentally acceptable.

19. Section 2.2 of the ES (Doc CD76) examines the benefits of wind energy pointing out that wind power in the UK is recognised as one of the key means of meeting the Government's commitments. Section 2.2.2 looks in more detail at the environmental benefits. The installed capacity of the wind farm would provide enough electricity for approximately 82,000 homes. There would be significant savings in emissions of carbon dioxide, sulphur dioxide and nitrous oxide compared to a conventional coal fired power station.
20. Section 2.2.3 of the ES (Doc CD76) details some of the economic benefits of wind energy. In the local context there is the obvious benefit of a large scale commercial investment with the associated need for support services. In the short term, during the construction phase, there would be an increase in both employment and the stimulation of the local service infrastructure. It is estimated that up to 120 jobs relating directly to the project would be created during construction, and up to 15 jobs would be created during operation.

Visual effects

The main points for United Utilities were:

21. This forms one of the biggest areas of generalised objection. There is a need for some restraint and judgement in approaching this topic. Clearly the turbines are large structures and, subject to prevailing weather conditions, will be visible from a variety of viewpoints. To say that is no more than to reveal a startling glimpse of the obvious and that fact does not, of itself, constitute a ground of objection. Were it otherwise, no physical or operational development, from a garden shed to an office block, could or would ever be permitted. The test is rather whether what is proposed is acceptable when weighed in the overall planning balance having regard to all material considerations. Mr Sumner expressly accepted in cross examination that this was the appropriate approach.
22. Landscape, or indeed seascape, and visual assessment can be said broadly to involve two stages. First there is the somewhat mechanistic application of guidelines to achieve, in so far as is possible in this largely subjective area, an objective appraisal. There then follows the application of judgement. Whilst it is important that the various techniques are appropriately and sensibly applied, it must be remembered that they are the means to an end and not an end in themselves. The mantle of robust, and informed, common sense is in this respect perhaps to be preferred.
23. In Mr Sumner's evidence (Sec 6 BCBC/2/NS/2) BCBC advance criticisms of the approach of the ES to Landmap and to the Historic Landscape. Ignoring for present purposes the demonstrable failure to prefigure the point in the BCBC Statement of Case. As to the substance of the criticism, the point is barren. Ms Hawkins explained the response that she was given in answer to her request re Landmap information. In any event, the position of CCW is instructive. They have maintained no such criticism, notwithstanding the fact that they are the statutory landscape adviser in Wales and have a particular interest in both Landmap and Historic Landscapes. For instance, the Chapter 1 to the Landmap Information System Document (CD10) states:

Managing the LANDMAP information System

This is a national responsibility for the Countryside Council for Wales on behalf of the National Assembly for Wales. But it is also an important partnership

with the Local Authorities and the National Park Authorities. The Countryside Council for Wales carries the final responsibility for the quality of Landmap Information ...

24. It may be doubted whether, in such circumstances, CCW would have remained silent had there been a material failure in relation to Landmap in the ES. Similarly, they would not have remained silent on matters concerning the Historic Landscape, or indeed on any other shortcomings they perceived in landscape/visual terms in the ES. The position of CCW, who undoubtedly do have appropriately qualified personnel in this regard, serves to put in context the concerns still advanced by BCBC. In short the view of CCW is to be preferred.
25. From cross examination of Mr Sinclair it emerged that he was unable to identify any example of CPRW having supported in accordance with their policy any wind farm proposal whether on shore or off. It is apparent that CPRW do not like wind farms, oppose them with considerable vigour on land and have yet to find one to support offshore. I accept entirely that they refrained from commenting on North Hoyle and on Rhyl Flats but that appears largely to have been treated by them as a learning exercise. There is nothing wrong in CPRW's dislike of wind farms. It does not condemn the body to an eternity of outer darkness. But, in the prosaic context of this Inquiry they must accept the consequences. Their policies are little more than a fig leaf vainly trying to obscure a fundamental disagreement with a key aspect of national renewables policy. In Wales, the effect of the Economic Development Committee (EDC) final report (CD9) and the resulting Cabinet Statement (app 8 in UU/2/CC(app1)) is that Wales is pursuing renewables in the form seeking 4 TWh per year benchmarked to 2010 (amounting to just over 10% of Welsh production), made up in roughly equal parts of onshore wind, offshore wind and other renewable resources. This could not be clearer and contrasts starkly with CPRW's dislike of wind farms.
26. In so far as concerns about North Hoyle etc, Mr Sinclair tells us that ... CPRW did not object to either the North Hoyle or Rhyl Flats projects off the N Wales coast, and which are a similar size and configuration to the Scarweather Sands proposal ... (emphasis added)(para1.3 CPRW/1/GS). He merely suggests that the present scheme is in a more sensitive location. Yet CPRW fail to suggest a realistic alternative, and indeed Mr Sinclair, when asked about possible movement of the site, took a stance not dissimilar to that of Cllr Jones ie nowhere in Swansea Bay and you'll have to go out some way.
27. All agree that there is a balance to be weighed. Whatever else, it is not reasonably or realistically possible to deny the unusually strong and uniformly supportive policy environment and the need for the scheme to assist in attempts to meet legal and policy targets. These are aims and initiatives which, in general terms, most, if not all, objectors appear to support and endorse. Once that it is established, it follows that the very strongest of countervailing reason(s) is required to reverse or even alter the balance so struck. The issue of tourism, even taken at its very highest against the scheme, is incapable of such effect here. Visual impact is clearly a most material consideration. But ultimately it is a matter for calm and dispassionate judgement informed by common sense on the ground. When so viewed, it can be appreciated that what is proposed will not have the cataclysmic impact which is alleged. The relevant views will, subject to the vagaries of the weather, be changed by a number of structures. These, though large, will be some kilometres off the shore, even at their nearest. Like the ships and boats which ply for trade or pleasure across the existing seascape, they will be functionally designed. They will fulfil a role which all seemingly assert they support, namely the production of green energy to assist us all. It is that actuality which falls to be assessed. So viewed, it is impossible to categorize such change as unacceptable and, in

any event, it must be weighed in the same balance as the other constituent parts of the decision which falls to be made.

The main points for Bridgend CBC were:

28. The policies of the Development Plans were dealt with by Mr Sumner (BCBC/2/NS appendix BCBC/NS/1). He pointed to the encouragement given to renewable energy by the plan subject to criteria which identify the sensitive areas of the landscape and what may harm them. The current plan, the draft deposit UDP and the Inspector's recommended amendments, identify essentially similar areas as being sensitive although they apply slightly different tests to the levels of harm which are regarded as significant and, in respect to the Glamorgan Heritage Coast, where development must be sited to occasion the harm.
29. Of the Heritage Coast the current plan speaks of *"unacceptable levels of visual intrusion upon its natural beauty"*: clearly by referring to visual intrusion it is possible for the offending development to be out-with as well as within the Heritage Coast. The draft deposit UDP uses the phrase *"visually impinge"*. To impinge, according to the Oxford Dictionary, is to have a noticeable effect on, particularly a bad one. It offers "encroach" as a synonym. Again I would submit that could be from without. Only the Inspector's recommended condition requires that development lie within the Heritage Coast: Ms Hawkins was wrong to disregard the policies.
30. The plans identify national and international sites, and their settings, of nature conservation, archaeological, architectural and historic importance. The current plan speaks of damage or disturbance. In the context of settings that harm must, I would submit, generally be to the visual environment, being incongruent with the sites' perception. The draft plan says developments which *"adversely effect or visually impinge on"* such sites will not be permitted. The Inspector has recommended that the policy be redrafted in positive terms so that development will be permitted where it does not have certain effects. For instance, *by virtue of its size, design and siting, the development would not be visually intrusive in a designated area, or a designated historic landscape.*
31. Mr Sumner went through all of them in detail: I do not intend to replicate his efforts. However, I ask you to take into account that the policies of the deposit draft UDP do consider development which affects local landscape designations by visually impinging upon them (Policy U3(2))(Doc CD24) and that there is not a requirement that the development be within the designated landscape as suggested by Ms Kay Hawkins (4.13 UU/6/KFH). I would also ask you to note that the policies do not speak of the purposes of the Historic Landscape Register, which has served its purpose in identifying and describing the Historic Landscapes, but of adverse effect or damage or visual impingement upon them.
32. Mr Clarke asserted that the great majority of objectors would be prepared to see the project developed if there existed satisfactory proof that it would not have adverse effects on the issue of concern for them (1.33 UU/2/CC). I asked him *"are they not entitled to satisfactory proof that it will cause no harm or that the harm has been properly evaluated so that it can be balanced against any benefits?"* He agreed that was so.
33. Environmental Impact Assessment is intended to be independent, impartial and unbiased. The Landscape Institute Guidelines lay down the general principles of good practice to be followed (CD40). I will consider the flaws in the ES under those general principles and also in accord with *"the primary responsibility of landscape professionals to first ensure that the approach and methodology adopted is appropriate for the particular development to be*

assessed.” This being a Welsh off shore windfarm: I submit those should be the Guide to Best Practice in Seascape Assessment (CD38) and Landmap (CD10).

34. Mr Sumner and Mr Sinclair found the ES unclear in respect to the methodology. Mr Sumner in particular pointed to the divergence from the declared methodologies. In section 5 of the ES no less than 6 different guidelines are set out. However, there is no explanation of how they are inter-related, Mr Sumner called it *“harmonised and cross-referenced”* On being asked by Ms Douglas and Mr Sinclair about how easy it would be to replicate the procedure Ms Hawkins replied *“The purpose is not for someone else to replicate it but whether a planning decision can be made on significance.”* That does not appear to be consistent with the guidance from her own professional institute.
35. There is no reason why a landscape assessor should not as a matter of professional judgement decide on a different methodology. However, it is submitted that to comply with the guidance issued by their own professional institute they must clearly spell out what their reasons are for so doing and describe the method to be employed.
36. An illustration of this would be a need to justify departing from the Seascape guidance to establish, for regional units, a landward limit of 10 km (CD38 page 23 para5.4) from the coast unless viewsheds dictate a shorter distance. It is clear from the ZVIs that potentially views are available far outside the arbitrary line defined in the ES. Swansea City and County Council pointed to their areas which were excluded. Mr Sumner also pointed to the need to include views from land to sea, from sea to land, along the coastline and the effect on landscape of the conjunction of sea and land. Save for the ferry viewpoint there is no sea to land view considered and there are no views along the coast considered. There may have been a good reason for this but it is not set down in the ES.
37. When considering the value of landscape as part of its sensitivity, Ms Hawkins refused to play the numbers game. She felt that a view could be significant even if only viewed by one person. So it can. However, again the Landscape Institute Guidelines indicate that numbers are an indication of value. Consideration of the numbers who enjoy the view from the Promenade and Lock’s Common in Porthcawl might have informed her assessment of the value of those views. Both, in her terms, static and linear receptors, enjoy those views. More simply those who walk and sit there do so to enjoy the seascape. The ES records no numbers for the summer visitors who stroll the Prom or sit in its cafés or the many seats provided in both locations.
38. As Mr Sumner and Mr Sinclair drew to the attention of the inquiry Ms Hawkins omitted mention of many types of visual receptor, which are numerous and important, from her analysis. She omitted to consider their presence in many affected locations. In particular: she omitted local and resident walkers on the seafront promenade and Lock’s Common; local cyclists; motorists on the road which crosses Lock’s Common and Rest Bay, the nearest public highway to the turbines; and the road train tourist facility designed to convey tourists along the full-length of the Porthcawl seafront from the Harbour to Rest Bay.
39. Ms Hawkins fails to recognise the necessity to assess the locally designated landscapes (CD76 5.2.4). She ignores the Local Nature Reserves, designated for nature conservation, community enjoyment and education. She ignores the conservation area of Porthcawl and the Coastal Zone. In doing so she fails to properly assess the ability of them all to accommodate change.
40. WAG’s scoping opinion required that the impact on the historic environment should be addressed in the ES and this would include the potential impact upon historic landscapes.

UU's scoping document indicated that an appraisal of historic landscape would be included in the ES as would an archaeological assessment of the Bridgend area. Ms Hawkins conceded that neither had been done and that it was not part of her brief. Her general position is that the historic dimension does not form a constituent part of landscape character. In respect of the Registered Historic Landscapes she said in evidence that she had looked at the implications on historic landscape designations and would only have taken into account effects on those landscapes "*if views were key characteristics of these designations*". Mr Sumner has demonstrated that they are, in proof and photographs, but more to the point, Ms Hawkins appears to ignore her own definition for significant effects on Registered Historic Landscapes. These "*can occur when the changes to landscape character and/ or views significantly undermine...the purposes of these...registered landscapes(6.5 UU/6/KFH)*".

41. Although Ms Hawkins claimed not to have received relevant Landmap information she did say that she had read the Register. Therefore she, presumably, has some understanding of the multi-layered complexity of the Outstanding Historic Landscapes. She accepted in cross examination that the sea and the connection between the sea and the historic landscape is part of the latter's character. However, her conclusion in respect of significant effects on historic landscapes focuses on views and does not consider landscape character. Is it likely that her conclusions are coloured by her opinion that registered Historic Landscapes carry "*very little weight in planning terms (7.18 UU/6/KFH)*" despite the fact that in Wales their role is clearly stated in National Planning Guidance (6.24 BCBC/2/NS/2).
42. The ES was not, as Mr Sumner said, easy to follow. Essential information and the additional discussion of methodology are presented in the Appendices. As an instance only, I refer you to the discussion on Seascape, clearly a key issue of relevance. Ms Hawkins adopted a regional seascape unit, quite properly, but then broke it down into component units, although that term bears a different definition in the guidelines. In the text she referred to the same areas as local seascape units. She had characterised the regional unit as "*mixed*". She did not characterise the local units. However, she assessed the effect on the local uncharacterised units, concluded that only 2 were significantly affected, and therefore transposed that up to an assessment that the regional unit was not significantly affected.
43. The ES did not investigate the way in which the landscape and seascape was being marketed for tourism. Ms Fletcher took you through a range of publications demonstrating the importance of the landscape and seascape in all its aspects to the Bridgend tourist offer (BCBC/3/DF). She made clear the reliance on the undeveloped landscape and seascape to attract visitors of all types: cyclists, walkers, golfers, surfers, bucket and spade, elderly out of season strollers, followers of history, myth, legend and wildlife.
44. Any harm to an industry which employs 18% of the local workforce, as compared to 7% nationally, is significant. Consider the marketing of the area: where else can Bridgend point the camera of publicity? If not the undeveloped seascape then at Neath Port Talbot or the M4? The tourist offer, of sandy beaches, dune landscape, superb golf courses, and green coastal rambles are all based on the glories of the undeveloped sea. Ms Fletcher has shown you the value of that undeveloped sea to the marketing of the area.
45. Round 1 is intended to be a pilot scheme. Pilot schemes are designed to test all aspects of a proposal. One of the aspects is the robustness of the mechanism for determining whether a particular scheme should go ahead. This is the first of the Round 1 wind farms to go before a public inquiry. Eleven have gone through without serious objection. That may be because their sites were, essentially unobjectionable. It may also be that the EIAs demonstrated

clearly and fairly that the benefits outweighed the disadvantages. I submit that neither of those applies here.

The main points for CPRW were:

46. Offshore wind can transform this sector of the renewable energy agenda, leaving us soon to see the past ten years as an unfortunate experimental phase in the application of wind power. Perhaps it has been an inevitable, though painful, process. However, the facts are that offshore wind has a hugely greater potential with relatively minor and more easily avoidable adverse effects. That is why CPRW's Offshore Policy is written in such generally welcoming terms. One should not be persuaded by Mr Clarke (UU/0/40) that the Government's and the industry's forecasts are no more than spin and hyperbole just because their press releases are cast in admen's language. The opportunities for reaching and transcending the Welsh or UK targets for 2010 are very real, as both these authoritative sources claim. CPRW do not simply infer it, project it, or extrapolate it because it suits their case: they take their authority from the UK Energy Minister and the British Wind Energy Association – the former, at least, a source one is bound to recognise.
47. This is stressed because if there are debits associated with *this project on this site*, then the argument pressed by the applicants and their supporters that there is an *urgent*, perhaps even an over-riding, need for *this particular proposal* falls into oblivion. There is not such a need. Without Scarweather, even just one 'Round 2' offshore project would take us beyond the EDC's offshore target for Wales - and if that is to be elasticated (as it may) than there is no evidence here to suggest that there may not be more than one Round 2 scheme. Ms Hawkins described how vast the Round 2 projects might be; Mr Crumpton accepted in cross examination that they could be deployed 'behind' the current Round 1 sites in the Strategic Area off the North Wales coast. I believe one or even two ultra large projects would be acceptable there, at say 10-15km, as they would be largely masked by the existing consented developments. Beyond 2010, as the Energy White Paper states, other – mainly marine - technologies would begin to supplement offshore wind and replace onshore wind.
48. In the case of Scarweather, Mr MacLeay made it plain in cross examination that some movement away from the coast might be feasible, though he suggested that in doing so the overall size of the project would have to reduce, making it less economically attractive. Nonetheless, the developer's promotional leaflet produced by Mrs Chislett (TC/1 app7) suggested that movement further offshore was primarily a matter of economics, rather than feasibility. Although such options were inadequately examined in the EIA, there must remain a grave doubt whether such flexibility as there might actually be would be sufficient to overcome the objections to the proposal which have been aired at the Inquiry.
49. The question of adverse visual impact, and how 'significance' is measured, lies at the heart of the decision. Upon that, most of the receptor issues turn – certainly those covered by CPRW and its partners. The continuing dialogue between Mr Sinclair and Ms Hawkins on how significant effects are recognised, sampled, depicted, and assessed has been played out yet again at this Inquiry. But the question of the sensitivity of receptors needs emphasising, as does that of how significance is measured, and how nearly-significant individual effects are incorporated into the final balancing exercise. Ms Hawkins' 'modern' method, deriving from the second edition of the GLVIA (landscape assessment guidelines) may have some things to commend it, but it is emphatically difficult to appraise as it relies at critical points on an amorphous ingredient called 'professional judgement'. A good old-fashioned significance matrix with a detailed and systematic indication of receptor sensitivity may tend to be 'mechanistic' as Ms Hawkins agreed, but it is at least overt and understandable. Moreover,

the process of assessing and collating effects of varying degrees of significance is potentially clear and potentially arguable. The originally transparent methodology has retreated into a haze of obfuscation.

50. Section 5.10 of Mr Sinclair's Summary Proof (CPRW/1/GS(sum)) sets out the problems associated with the analysis in the ES in a series of concentrated points. The ES asserts that "the predicted changes to seascape character and visual amenity should be acceptable". CPRW's conclusions are to the contrary. It is submitted that they are rooted in a more completely worked-out and systematic analysis of the same basic facts, but are carried through to a conclusion in line with the requirement to consider whether the proposal would have significant effects as defined in the Environmental Impact Assessment Regulations.
51. All these factors lie to be considered in the balancing scales in addition to the unprecedented impact on landscape, seascape and the enjoyment of the coastline and sea by the various receptors described. The impacts involved are all detrimental to the landscape and visual amenity of the area, to the receptors concerned, and to the economy of the area. The coast from Kenfig to Porthcawl is striking and attractive in its own right. But its real importance – and its susceptibility to this development – lies in its juxtaposition with the industrial area to the north. Its value and vulnerability are all too apparent from the use made of it by the whole range of receptors represented in this Inquiry.
52. The level of significant and adverse effects of this proposal is markedly greater than asserted by the applicant, especially when the project is assessed in conjunction with the potential for cumulative impact. It is by far more conspicuous and ill-sited than the two offshore proposals underway off North Wales. Accordingly the assertion in the ES that the conceded significant effects are 'acceptable' should be disregarded. There is every possibility that the Welsh offshore wind targets will be achieved and possibly exceeded by seeking sites progressively further from the shore and in less sensitive areas. There is moreover a steady progression towards other forms of renewable energy, both on land and offshore. There are thus no considerations which could justify a decision to issue consent for this project, which would create demonstrable harm to interests of acknowledged importance.

The main points for SOS Porthcawl were:

53. The ES itself describes the magnitude of change as substantial in four sites in Porthcawl. Namely Sker Point, Royal Porthcawl Golf Club, Rest Bay and Hutchwn's Point (CD76 Table 5.5 Page 5-18). Lock's Common Porthcawl has now been designated a local nature reserve (June 2003) and views of the windfarm could be seen as detrimental to its status. Swansea City and County Council objects to the impact on Swansea Bay and the Gower. The seascape will change from a tranquil one to an industrial one.
54. The benefit of a seaside location is an open vista. Many come to Porthcawl to escape the urban and industrial environment. The scale of the development is massive and it will dominate the town of Porthcawl. It will be one of the largest industrial developments of its kind in the world.
55. There has been a constant debate and controversy over the visual effects/photomontages. Two of the Group's members recently visited the North Hoyle windfarm and were shocked by the reality compared to photomontages. In cross examination Kay Hawkins stated that the turbines on Scarweather Sands would appear to be 50-60% larger than those at North Hoyle due to their size and distance offshore. A member of the Group visited Middelgrunden. The contrast to Porthcawl is marked, as Copenhagen is a busy urban area, with huge levels of activity around the turbines. Nowhere does the sea form the horizon.

The main points for Greenpeace were:

56. The issue of visual impact has played a large part in the proceedings of the Inquiry, and has, it seems, been the cause of the majority of the opposition to the project. Greenpeace does not deny that it is an issue that must be considered by the Inspector, but maintains that it is highly subjective and should not therefore outweigh the wider environmental benefits that this project will deliver. It is clear that there is no consensus, even within the local community, that the turbines will necessarily be visually intrusive or have an adverse visual impact. While there is clearly some strongly felt local opposition, there exists also strong public support locally for the project – shown in nearly 3000 letters of support and an ICM opinion poll showing 3 times as much local support as opposition to the proposal (G/2/LY/2). Moreover, much of the demonstrations of local opposition were gathered at a time when the only publicly available information about the project came from the opponents themselves, as confirmed by SOS Porthcawl (in relation to their petition) under cross examination. As Councillor Jean Barraclough demonstrated in her evidence, and Neil Crumpton of FOE Cymru revealed in his cross examination of SOS Porthcawl's witness, much of the SOS produced information was misleading and inaccurate (eg. claims about 90 turbines being planned for the bay) and much was also anti-wind in general, despite their claims to support wind power. The public opposition to the scheme must be seen in this light.
57. The two witnesses for BCBC who gave evidence on the issue of visual impact (Neil Sumner and Denise Fletcher), along with Mr Sinclair from CPRW, seem to Greenpeace to have let their personal and subjective opinions on the visual appearance of wind farms affect their professional judgement of this project, and hence their evidence. Ms Fletcher, for example, confirmed under cross examination that it was her opinion that the proposed wind farm would resemble "the industrial appearance of Port Talbot". It is hard to imagine that this personal opinion has not affected her analysis that tourists would also find the view offensive.

The main points for Friends of the Earth Cymru were:

58. It is mainly the visual effects of the windfarm and the related issues of the tourist economy of the area that have raised most concerns at this inquiry. Many, if not most, of the objectors have described the effect on the local economy as devastating. FOE do not think this describes the likely reaction from tourists in any way. Indeed, what public and tourist evidence there is relating to windfarms generally, and to this proposal specifically, indicates a generally positive attitude.
59. If built FOE believes that many visitors on seeing this windfarm for the first time may think that it is bigger than they imagined but then would carry on with what they were doing. A minority may go elsewhere but FOE believe that those numbers could be replaced by a greater number attracted by activities offered by the windfarm. An appropriately sized visitor centre could easily attract regular educational visits as well as passing and interested tourists. The educational opportunity, which would bring many children to Porthcawl has been overlooked at this inquiry. It should be remembered that the over-ambitious visitor centre at the small Delabole windfarm attracted 52,000 visitors last year. Interest in relatively huge UK offshore windfarms is high and future offshore windfarms are likely to be further out to sea and inaccessible.

Overall Conclusions on main issues

The references in brackets [] are the document numbers and paragraph numbers in this addendum report which are the sources of my conclusions on the main issues.

60. There are clear benefits in favour of the proposal. These include the contribution to achieving the aims of National Government, Welsh Assembly Government and local Development Plan policy objectives in the provision of renewable energy [18]. There would be a significant contribution to the reduction of green house gases [19]. There would be benefits to the local economy both in terms of new employment and the use of existing services [20].
61. As far as the possible effects on tourism in general is concerned the evidence is conflicting. There seem to be as many surveys in support of windfarms as those against. Many are not directly comparable to this case. The attraction of a major offshore windfarm may have potential benefits as suggested by Friends of the Earth Cymru [58]. However it was confirmed at the start of the inquiry that a visitor centre is not part of this proposal. The importance of tourism to Porthcawl is significant [43]. In the absence of firm evidence one way or the other my main concerns as regards tourism are limited to those aspects of visitor experience which are related to the visual impact of the windfarm [42]. These are set out in paragraphs 125 and 126 of my main report.
62. There was considerable disagreement between the parties about the most appropriate method of assessing landscape and seascape character [21,22,32-36,48,49] and hence assessing the significance of the visual effects. In my view, whichever method is used, it is merely an aid to assist the decision maker. It is no substitute for visiting the site and its surroundings and making an assessment of the likely impact on each particular view. I note the views of United Utilities about the involvement of CCW [23] in the consideration of the proposal. No doubt if they had serious reservations about the methods used by United Utilities and their consultants they would have been active participants at the inquiry.
63. The main contrasting views of the parties are encapsulated in those of United Utilities [27], Bridgend CBC [45] and CPRW [52]. In the overall conclusions to the main report I set out in paragraphs 122-124 what I consider are the special characteristics of this site and compare this proposal to North Hoyle. I did not comment on Middlegrunden but in general I agree with the views of SOS Porthcawl [55] that this site off Porthcawl is in marked contrast to the much more developed character of the coast immediately off the port at Copenhagen.
64. In considering the visual impact of this proposal it should be born in mind that the proximity to the shore and the height of the turbines proposed, when compared to those actually built at North Hoyle (which are somewhat smaller than those approved), would give the appearance of turbines of a relatively greater height when viewed from the shore. However I am not totally convinced that it would be as great as 50-60% [55 and UU/KFH/2 Table 2]
65. Taking into account all of the matters raised on the visual aspects I reiterate my overall conclusion that the environmental and economic benefits of this proposal do not outweigh the real and significant harm to the visual quality of Porthcawl and the surrounding area that would be result from this particular proposal on this particular site.
66. My recommendation to the main report remains unchanged. As regards my recommendation if the decision is made to approve the scheme, then the Order should be amended to include the draft article on compensation for fishermen (Doc UU/0/2) as set out in para 118 of the

main report. The Direction granting planning permission should be made subject to the conditions set out in Section 4 of CD87 plus the extra condition set out in para 119 of the main report. Subject to these two points and legal confirmation that the decommissioning provisions are adequate (paras 101-105 of the main report), then the Filled Out Order (Doc CD87) is complete in my view.

Inspector

Annex - Memo dated 15/04/04 from Planning Division, Welsh Assembly Government