

16. Energy & Utilities

16.1 POLICY U1 The Efficient Use of Energy

Objection

Conditionally Withdrawn

DO/51229/2124 *National Assembly for Wales*

Issue

16.1.1 The main issue is whether or not use of the words 'will be favoured' is appropriate.

Conclusions

16.1.2 The Council has used the clause 'will be favoured' in circumstances where compliance with a policy would not in itself be sufficient to grant planning permission, but would count in the proposal's favour if it displayed the characteristics identified (CD147). I consider that Policy U1 describes desirable characteristics of a development that the UDP should identify and encourage. I note the NAW's position that it would conditionally withdraw its objection to 'favoured', where it would be inadvisable to use the term 'permitted'. I support the approach to differentiating policies which 'permit' development from those which 'favour' it. I consider that 'permitted' would be inappropriate in this policy, as compliance with the criteria may not be sufficient to make a proposal permissible.

Recommendation

16.1.3 I recommend that no change be made to the policy.

16.2 POLICY U2 Exploiting Renewable Energy Resources in Principle

Objections

DO/51150/1342	British Wind Energy Association
DO/51209/1675	Countryside Council for Wales
DO/51211/1712	Forest Enterprise
PCO/51211/2145	Forest Enterprise

Issues

16.2.1 The main issues are:

- Whether or not the policy gives sufficient weight to the potential benefits from renewable energy development;
- Whether or not the policy is clear in its definition of the areas and effects wherein development might be harmful;

- Whether or not the policy should be changed so as to assess offshore and onshore developments as a whole.

Conclusions

16.2.2 On the first issue, I acknowledge that the assessment of an application for a renewable energy development requires the balancing of benefits against any detrimental impacts. The need to weigh this balance is emphasised in PPWales section 12.9, which advises local planning authorities that they should take into account the contribution which renewable energy developments can make towards climate change and renewable energy targets. In para 12.9.4, for wind energy technologies, PPWales indicates that UDPs may identify broad locations or specific areas where new developments are likely to be permitted. The scale of the proposal should be balanced against the sensitivity of the area. I consider that Policy U2, though not limited to wind energy technology, adopts a different approach in that it lists many parts of the County Borough with various degrees of environmental sensitivity, from which renewable energy development will be excluded. In my opinion, the policy does not fully reflect the fact that renewable energy development brings benefit.

16.2.3 Turning to the second issue, BWEA questions what is harmful if a development intrudes visually in a nature conservation area. I note that TAN (Wales) 8 (CD117) describes the impact of wind farms on local ecology as minimal. I consider that Policy U2 is confused and unclear in referring to the Kenfig cSAC alongside areas which are special for visual reasons, either because of their scenic quality or manmade beauty. PPWales advises that large scale deployment of renewable energy may not be appropriate in nationally designated areas, but does not extend this prohibition to locally designated areas. Policy U2, however, includes nationally important areas (Glamorgan Heritage Coast), locally important designations (special landscape areas) and unspecified 'local landscape or seascape'.

16.2.4 The policy's failure to focus only on the most sensitive landscapes could, in my opinion, make it unreasonably inflexible. Forest Enterprise objects to the policy on these grounds, and proposes that the word 'unacceptable' be added. However, I agree with the Council that this would be contrary to clear and precise policy writing and to the approach which is outlined in CD147. I have taken account of the Council's proposed change to the policy set out in the PIMS, but I shall recommend a different solution to the underlying problem of inflexibility.

16.2.5 BWEA seeks clarification as to what are 'acknowledged environmental interests'. TAN 8 describes a wide range of sources of renewable energy and indicates that their development may have a variety of environmental impacts. For example, siting and the landscape are the key considerations for wind energy (Annex B), whereas traffic and odour may be important factors for anaerobic digestion plants (Annex E). TAN 8 also points out that the size of machines or plants may give different environmental effects. I agree with the objector that the policy includes vague terminology in its reference to 'acknowledged environmental interest'.

16.2.6 The reasoned justification indicates that the Council expects wind power to be the renewable energy source most favoured and pursued locally. I consider that Policy U2 is unable to cover the full range of technologies with precision, and would be more forceful if it concentrated on wind power. I conclude that the policy should be made clearer in its definition of the areas where renewable technology will be permitted, and should focus on the effects of wind power developments, being the locally important source of renewable energy.

16.2.7 On the third issue, I consider that the development of off-shore renewable energy facilities would fall outside the remit of planning legislation. I recognise that these facilities would often require land-based stations that would need planning permission. However, I agree with the Council that it is most reasonable to consider them separately but in tandem.

Recommendation

16.2.8 I recommend that the changes put forward in the PIMS should not be made.

16.2.9 I recommend that Policy U2 be modified to read:

'Proposals for wind turbines and wind farms will be encouraged in the interests of protecting valuable energy sources and limiting emissions of greenhouse gases. Development will be permitted if:

- 1 the site does not lie within the Glamorgan Heritage Coast;
- 2 by virtue of its size, design and siting, the development would not be visually intrusive in a designated special landscape area, or a designated historic landscape, park or garden;
- 3 by virtue of its size, design and siting, the development would not be harmful to the setting of a Listed Building or the character and appearance of a Conservation Area;
- 4 the development would not be demonstrably harmful to the nature conservation interest of the Kenfig cSAC or a SSSI.

The cumulative, as well as individual, impact of development proposals on sensitive environments will be assessed.'

16.3 POLICY U3 Detailed Considerations to be assessed in Exploiting Energy Sources

Objections

DO/51150/1344	British Wind Energy Association
DO/51150/1343	British Wind Energy Association
DO/51209/1676	Countryside Council for Wales
DO/51211/1713	Forest Enterprise

Conditionally Withdrawn

51229/2125 National Assembly for Wales

Issues

16.3.1 The main issues are:

- Whether or not the policy should contain an additional criterion relating to migration flyways/ flight paths for birds;

- Whether or not criterion 8 should require the reinstatement of facilities that have been unused for 12 months or more;
- Whether or not reference should be made to the contribution made by renewable energy to the reduction of greenhouse gases and the government's target of 10% of energy supply coming from renewable sources by 2010;
- Whether or not the policy follows advice in TAN 8 by restricting renewable energy development to least sensitive areas;
- Whether or not use of the words 'will be favoured' is appropriate.

Conclusions

16.3.2 On the first issue, I consider that CCW's concerns regarding the protection of flightpaths/flyways for birds would either be addressed by Policy U2 or by criterion 1 of this policy. To make specific reference to this matter would involve the policy in an unnecessary amount of detail.

16.3.3 On the second issue, I agree with the Council that the imposition of a rigid time scale for the removal of infrastructure and its reinstatement would not be appropriate in the policy or its supporting text, as individual projects will be different. I consider that time scales for removal of infrastructure following a cessation of use would be more appropriately negotiated as part of the application process for individual projects. I shall not recommend a change to the policy.

16.3.4 On the third issue, the Council points out that the Government's targets for the reduction of CO₂ emissions and the contribution from renewable energy sources are set out in paras 14.4.3 and 14.4.4 of the UDP. As the Plan should be read as a whole, I consider that there is no necessity to repeat this information in the policy or its supporting text.

16.3.5 On the fourth issue, para 14.6.9 sets out the Council's intention to direct wind energy development to the District's 'least sensitive areas' as identified by the CCW. Though TAN 8 clearly supports the use of CCW advice, I have sympathy with the objection from BWEA that the text of the UDP implies a very restrictive approach to renewable energy projects. The Council argues that the sentence accords with advice about the identification of sites suitable for development in PP(Wales) and about visual assessment in TAN 8. However, in my view, the sentiments do not accord with the thrust of national policy which seeks to encourage renewable energy, and recognises that wind machines need open, exposed locations with high wind speeds as found in rural (and often attractive) landscapes. I consider that para 14.6.9 should expressly acknowledge the need to balance the benefits of development with the objective promoted by CCW to protect the most sensitive landscape.

16.3.6 The last issue concerns the expression 'will be favoured'. The objection has been withdrawn on condition that the term 'will be permitted' could not be substituted. However, I consider that 'will be permitted' would be appropriate in this criteria-based policy with its cross-reference to Policy U2. I shall therefore recommend that the policy is changed.

16.3.7 In my recommendation, I propose a change to the opening line to achieve consistency with my recommended changes to Policy U2, the reasons for which are given in my section 16.2 above. Also, in the interests of clarity and the avoidance of repetition of Policy U2, I shall recommend that criteria 1 and 2 are combined. This would have the additional merit of eliminating the imprecise phrase in criterion 2 'to an unacceptable degree'.

Recommendation

16.3.8 I recommend that Policy U3 be modified as follows:

'Proposals for wind turbines and wind farms which do not conflict with Policy U2 will be permitted provided that:

- 1 They would not adversely affect the local environment, including any biodiversity interests, taking account of any available mitigation measures;
- 2 The availability of identified mineral resources'

16.3.9 I recommend that para 14.6.9 of the UDP be re-written in line with my para 16.3.5 above.

16.4 POLICY U4 Utility Services Development and the Environment

Objections

DO/51211/1714 Forest Enterprise

Conditionally Withdrawn

51229/2126 *National Assembly for Wales*

Issues

16.4.1 The main issues are:

- Whether or not the policy is sufficiently flexible or should be reworded by including the word 'unacceptable';
- Whether or not use of the words 'will be favoured' is appropriate.

Conclusions

16.4.2 On the first issue, I consider that the term 'unacceptable' should be avoided in the Plan's policies, and I am content that this policy is reasonably flexible. The second issue is covered in paragraph 16.1.2 above. For the reasons given there, I consider that the expression 'will be favoured' is appropriate in this policy and I note that this objection has been conditionally withdrawn.

Recommendation

16.4.3 I recommend that no change be made to the policy.

Objections

DO/51229/1876	National Assembly for Wales
DO/51151/1339	National Grid Company Plc
DO/51063/1198	Western Power Distribution
DO/51063/1199	Western Power Distribution

Issue

16.5.1 The main issue is whether or not the policy and its reasoned justification are:

- sufficiently flexible,
- accurately reflect the authority of the Department of Trade and Industry (DTI) in respect of new powerlines, and
- clear as to health and the precautionary principle, development near lines, undergrounding and what is meant by high voltage power lines.

Conclusions

16.5.2 The National Grid Company Plc and Western Power Distribution dispute the wording of the deposit UDP policy. The NAW argues that the policy fails to recognise that the DTI authorises overhead power lines under non-planning procedures. It argues that the reference to the 'precautionary principle' is inappropriate as the policy amounts to an embargo on housing development in specified locations. The Council has recognised the objectors' concerns and has attempted to reword the policy in a mutually acceptable manner.

16.5.3 There is much common ground between the parties, as they agree the need for a policy that reflects both the operational requirements of electricity companies and the need to protect the environment and people's living conditions. I consider that the new wording of the policy and its supporting text, agreed by the Council and the National Grid Plc/Western Power Distribution at a hearing session of the Inquiry 9 July 2002, offers more flexibility for residential development whilst protecting the amenity of occupiers. I am satisfied that the reworded policy and its supporting text recognise the role of the Secretary of State for Trade and Industry under the Electricity Act 1989, define what is meant by high voltage power lines, properly reflect the precautionary principle and the role of the National Radiological Protection Board, and place a reasonable emphasis on the undergrounding of power lines. I consider that this proposed text is consistent with national planning guidance regarding development around high voltage power lines and the procedural mechanisms for the approval of these lines.

16.5.4 I consider that the NAW's objections have been addressed by these changes, and conclude that they improve the flexibility, accuracy and clarity of Policy U5.

Recommendation

16.5.5 I recommend that Policy U5 should be deleted and replaced with the following:

- (A) 'Development of new underground or overhead high voltage transmission lines (of 275 kv and above and their related infrastructure) which has regard to:-

1. the amenity of the occupiers of residential premises, and
2. the need to mitigate any visual impacts of proposed transmission lines (including their towers and infrastructure)

will be favoured.

(B) Development proposals in the vicinity of existing underground or overhead high voltage transmission lines (of 275 kv and above) which have regard to:-

1. the amenity of future occupiers of nearby residential premises ;
2. any relevant electricity companies' requirements for access to their lines;
3. any statutory safety clearance that must be maintained between, for example, overhead lines (and/or their transmission towers) and the ground, roads, trees, and any other permanent structures on which people may stand; and which incorporate
4. the need to mitigate any visual impacts of existing transmission lines (including their towers and infrastructure) through the careful use of landscaping and design within their overall layout

will be favoured.'

16.5.6 I recommend that paras 14.7.8 and 14.7.9 be modified in accordance with the text on page 27 of the Council's Proof of Evidence responding to objections DO/51151/1339/U5, DO/51063/1198/U5 and DO/51063/1199/U5.

16.6 Paragraph 14.8.1 and POLICY U7 Enhancing Water Supplies

Objections

Conditionally Withdrawn

DO/51107/1256

Dwr Cymru Welsh Water

DO/51229/2127

National Assembly for Wales

Issues

16.6.1 The main issues are:

- Whether or not the policy should be reworded to reflect the current ownership of Dwr Cymru/ Welsh Water;
- Whether or not use of the words 'will be favoured' is appropriate.

Conclusions

16.6.2 On the first issue, the Council has suggested a change in the PIMS to reflect the current ownership of Dwr Cymru/Welsh Water. I consider that this change meets the objector's concerns being conditionally withdrawn, and is more accurate.

16.6.3 The second issue is covered in paragraph 16.1.2 above. For the reasons given there, I consider that the expression 'will be favoured' is appropriate in this policy and I note that this objection has been conditionally withdrawn.

Recommendation

16.6.4 I recommend that Policy U7 should not be changed.

16.6.5 I recommend that para 14.8.1 of the Plan be modified as proposed in the PIMS.

16.7 Paragraph 14.9.3 and POLICY U8 Sewage Disposal and Development

Objection

DO/51227/1812	Harmer Partnership
DO/51107/1260	Dwr Cymru Welsh Water

Issue

16.7.1 This is whether or not the policy is necessary or simply sets out a standard planning requirement.

Conclusions

16.7.2 Although availability of sewage disposal facilities often forms a standard planning requirement, I consider that the policy would be particularly important in restricting development in areas where mains sewerage or suitable temporary measures cannot be provided. I consider that the policy should assist the promotion of sustainable urban drainage systems. I conclude therefore that this policy should not be deleted.

16.7.3 Dwr Cymru Welsh Water has drawn attention to the need for updating information in para 14.9.3, and the Council proposes an amendment in the PIMS. I support the proposed change.

Recommendation

16.7.4 I recommend that no change be made to the Policy.

16.7.5 I recommend that para 14.9.3 be amended as shown in the PIMS.

16.8 POLICY U9 Development for Telecommunications Purposes in Principle

Objections

DO/51191/1445	British Telecommunications Plc
DO/51191/1447	British Telecommunications Plc
DO/50865/905	Crown Castle International
DO/51211/1715	Forest Enterprise
DO/50199/206	Orange Personal Communications Services Ltd
DO/51061/1195	Porthcawl 4M Group

Issues

16.8.1 The main issues are:

- Whether or not the policy and supporting text provide a sufficiently positive approach towards telecommunications' development in the light of national policy and advice;
- Whether or not the policy pays sufficient attention to technical and legal constraints on siting and operating telecommunications' equipment;
- Whether or not the policy should be more restrictive over the siting of masts near residential property, schools and children's play areas, bearing in mind the Council's corporate policy, public fears, health and human rights' considerations;
- Whether or not a new paragraph or policy should be added to recognise the interrelationship between telecommunications and transport.

Conclusions

16.8.2 On the first issue, British Telecommunications Plc (BT) contends that the UDP should contain a strong presumption in favour of telecommunications' development as part of the sustainable development strategy. They have suggested amendments to the wording of criteria in the policy. Vodafone Ltd argues that the threshold of acceptability for a project set by criterion 1 is too low, and it would be virtually impossible for any operator to comply with the policy's 'tight limitations'. In their view, the policy should reflect the benchmark of *serious impact*, which is alleged to be used in Planning Policy Wales TAN 19: Telecommunications (CD164). Crown Castle International and Forest Enterprise argue that some harm to the environment is inevitable when seeking the benefits of modern communications, and criterion 1 is too onerous.

16.8.3 PPWales advises local planning authorities to respond positively to telecommunications' development proposals, while taking account of the need to protect urban and rural areas. It refers to minimising the impact on amenity consistent with operational requirements. I consider that criterion 1 could be applied too stringently to exclude beneficial development, as the objectors fear. It, and criterion 3, could usefully be re-written to clarify that harm to the character and appearance of the surrounding area should be *minimised* when location, siting, landscaping and screening decisions are made. A revised form of words would eliminate the perception of a blanket ban on any proposal which changes the local environment. It would enable the decision-maker to decide whether a resulting harmful impact would be acceptable, in the light of the level of need/benefit associated with the proposal. I have considered the alternative wording for criterion 1 put forward by objectors, but conclude that my recommendation would be more effective in securing the balance between encouraging development and environmental protection which is needed.

16.8.4 On criterion 3, I note that the Council has introduced BT's suggested change in the PIMS, and I consider that this would be more flexible and benefit the policy's wording. Several objectors consider that criterion 5 is unnecessary as it duplicates the provisions of Policy U10. I agree that all relevant policies in the Plan should be considered when applications are assessed, and that the cross-reference to Policy U10 is superfluous. I shall therefore recommend deletion of criterion 5.

16.8.5 On the second issue, Orange Personal Communications Services Ltd (Orange) and Vodafone Ltd both consider that criterion 1 requires qualification to reflect technical and legal constraints on siting. BT also considers that criterion 2 should be amended so that it finishes after the word 'explored'. The Council considers that the special requirements and technical limitations of the telecommunications' system do not require particular reference in the policy, and can be addressed as material considerations in any application for development. However, as TAN 19 makes specific reference to the need for development plans to recognise the limitations of the telecommunications' network, I consider that the policy should reflect this requirement and the suggested addition to the text put forward by Vodafone Ltd should be made.

16.8.6 Regarding criterion 2, the Council considers that the additional text after the word 'explored' is justified by para 58 of TAN 19. I consider that national planning advice would support the Council in refusing planning permission if alternative sites have not been satisfactorily considered. However, I consider that the words 'and/or unacceptable by the Council', used in criterion 2, conflict with the Council's own guidelines on policy writing, as outlined in General Proof 1 (CD147). I shall recommend a revised form of words.

16.8.7 All parties recognise the importance accorded to the sharing of facilities by TAN 19, but in my view the TAN does not require these sites to be identified in a policy or on the Proposals Map. I consider that the criteria based approach that has been followed by the Council is reasonable. However, the Council states, in its rebuttal proof, that it is in the process of compiling a list of sites currently occupied by telecommunications' facilities, and also refers to the National Landuse Database as being a useful resource for developers. I consider that it would be helpful for the policy's supporting text to refer to these sources of information. I consider that the suggested rewording to the policy requiring mast sharing on new sites would be an excessive requirement that would not reflect that there may be physical or technical restrictions on certain sites. I agree with the Council that to reword the policy so that it only addresses applications for the grant of planning permission would be unduly restrictive, as it is reasonable also to assess applications made under the prior notification procedure.

16.8.8 BT argues that paras 14.10.4 and 14.10.5 are unnecessarily negatively worded regarding the visual impact of development and do not reflect Government advice on mast sharing. The Council considers that the text supports Policy U9 and accords with the advice in TAN 19. I consider that the supporting text could benefit from minor amendment in line with the changes I recommend to the policy. I am satisfied that para 14.10.5 correctly reflects para 59 of TAN 19 concerning the cumulative impact of mast sharing. Overall, I conclude that the policy and reasoned justification should be amended to pay greater attention to technical and legal constraints on siting and operating telecommunications' equipment.

16.8.9 Turning to the third issue, Porthcawl 4 M group considers that the policy should be more restrictive in line with the Council's own corporate policy relating to residential property, schools and play areas, and by ensuring that the beam of greatest intensity does not fall on these locations. The Council argues that this corporate policy relates to the Council's responsibilities as a Local Education Authority and the Council's property department. The Council is within its rights as a land owner to apply such a policy regarding its own land but, in my view, to apply this to all the County Borough would be too restrictive. The TAN, in reflecting the findings of the independent expert group on mobile 'phones, advises that the beam of maximum intensity should not fall on school grounds. However, this is a detailed matter and I consider that it need not be specified in the policy.

16.8.10 I consider that the Federation of Electronics Industry's (FEI's) (now called Intellect) ten commitments to best practice should not be detailed in the policy as suggested by

Porthcawl 4 M group. The Council points out that these commitments relate to best practice for mobile 'phone operators only. Though improved dialogue between mobile 'phone operators and local communities, and the raising of standards, are to be welcomed by all in the planning process, I consider that the specific procedures are not appropriate matters for commentary in the UDP. I agree with the Council that whether delegated powers/sub-committees are to be used to take planning decisions is wholly an internal matter.

16.8.11 The Porthcawl 4 M group suggests additional criteria for the policy. On public fear and human rights, I accept that these could be important in some cases, but their significance would vary considerably with the particular circumstances of any proposed development. I consider that they would be most appropriately addressed as a matter of development control, bearing in mind the separate provisions of the Human Rights Act 1998. Concerning the health implications of telecommunications, PPWales advises that, if a development meets the International Commission of Non-Ionising Radiation Protection (ICNIRP) guidelines, it should not be necessary for a local planning authority to consider further the health aspects.

16.8.12 BT considers that the reference to electromagnetic field data should be deleted from the supporting text. The Council argues that submission of data on this matter is necessary as it is a statutory requirement, set out in TAN 19, that applications should operate in full compliance with ICNIRP guidelines. The Council would need to see data on electromagnetic fields in order to ensure that proposals complied with these guidelines, and I am satisfied that the Council is quite justified in requiring this information. I conclude that the policy and text should say neither more nor less over the siting of masts near residential property, schools and children's play areas, bearing in mind the Council's corporate policy, public fears, health and human rights' considerations.

16.8.13 On the fourth issue, objectors consider that the Policy should reflect the implications of the Government's objective of reducing the need to travel. Increasingly, telecommunications and transport are bound together and universal access to both telecommunications and public transport are vital in promoting social inclusion and overcoming isolation. The objectors argue that improvements to the telecommunications' network will be necessary as new technology becomes available, and this should be recognised in the policy. The Council contends that it recognises the link between telecommunications and transport in other policies such as Policy E12, and accessibility for all is among the transportation objectives.

16.8.14 The importance of the link between access and telecommunications' systems is mentioned in TAN 19. Para 14.10.2 of the UDP picks up this point, and I consider that any further reference or information would be unnecessary.

Recommendation

16.8.15 I recommend that the amendments put forward in the PIMS should be made.

16.8.16 I recommend that the policy should be amended further as follows:

criterion 1 ' Subject to technical and legal limitations, its siting and design would minimise any harm to the character and appearance of the townscape or landscape of the surrounding area or to views from elsewhere';

criterion 2 should end '.... explored and demonstrated to be unsuitable';

criterion 3 'Where necessary, it can be'

Deleting criterion 5 from the Policy.

16.8.17 I recommend that para 14.10.5 should be extended by the addition of sentences on these lines: 'The Council is compiling a list of sites in the County Borough which are currently occupied by telecommunications' facilities. The National Land Use database contains similar information.'

16.8.18 I recommend that para 14.10.4 be amended by the addition of 'subject to technical and legal limitations' in the second sentence.

16.9 POLICY U10 Constraints on the location of Telecommunications Developments

Objections

DO/51191/1446	British Telecommunications Plc
DO/51209/1677	Countryside Council for Wales
DO/50865/906	Crown Castle International
DO/51211/1716	Forest Enterprise
DO/51229/1877	National Assembly for Wales
DO/50199/207	Orange Personal Communications Services Ltd
DO/50915/990	Vodafone Limited

Issues

16.9.1 The main issues are:

- Whether or not the policy is necessary;
- Whether or not the policy is reasonable in limiting development in these parts of the County Borough;
- Whether or not the policy should include Special Landscape Areas.

Conclusions

16.9.2 On the first issue, objectors consider that the policy duplicates parts of Policy U9 and other policies regarding the protection of designated parts of the County Borough. Some have suggested that suitable amendments to criterion 5 of Policy U9 would remove the need for this policy. I accept that there is unnecessary duplication and have recommended the deletion of criterion 5. The Council argues that the approach of reaffirming the protection of designated areas has been followed throughout the Plan. I accept that there is merit in a summary policy in this section of the UDP, dealing with the specialised field of telecommunications. I conclude that the policy is necessary.

16.9.3 On the second issue, several objectors have suggested that the policy is unduly onerous, as it could be applied to achieve a complete ban on telecommunications development in the areas listed. It is alleged that it does not recognise the technical constraints on telecommunications systems, particularly in relation to third generation technology. The Council replies that the designations are all of at least national significance and should therefore

be protected at this level. In my view, the use of the term 'adversely affect' in the policy is reasonable and accords with TAN 19's intention that development plans provide policies to protect the best and most sensitive environments. However, I consider that the term 'visually impinge' is imprecise, onerous and superfluous.

16.9.4 The replacement text suggested by Vodafone, with special care being applied to the five listed areas, would lack clarity and effectiveness in my opinion. Forest Enterprise puts forward the term 'unacceptably' but, for reasons set out in section 16.2 above, I consider that this should be avoided in the Plan's policies. Whilst the Council has drawn attention to Government policy which stresses the need for third generation facilities to utilise the existing network, I consider that the policy should recognise the technical and legal limitations which operate in the field of telecommunications. However, the rewording suggested by Crown Castle International would weaken the policy unduly, and I shall recommend a different amendment.

16.9.5 BT considers that para 14.10.7 is negatively phrased and overly prescriptive. The Council considers that it is consistent with para 32 of TAN 19 in that it ensures the protection of the best and most sensitive environments. I agree with the objector that the provisions of the final sentence of the paragraph are unnecessary and inflexible. The effect of any proposed development should be assessed against all relevant Plan policies and the degree of weight accorded to each policy is generally a matter for the decision maker according to the circumstances of any particular case. I see no reason to depart from that approach in this instance. As the remainder of the paragraph repeats the content of the policy, I consider that it should be deleted altogether.

16.9.6 As regards the third issue, the CCW suggests that Special Landscape Areas (SLAs) should be included in the list covered in Policy U10. The Council replies that the policy is designed to protect only areas of national significance, which require the utmost protection. Though Conservation Areas are usually defined at local level, I agree broadly with the policy's coverage. SLAs are local designations which occupy a very large part of the County Borough, and I conclude that they should not be mentioned. In my recommendation to amend the policy, in order to be consistent with recommendations made elsewhere, I shall make it clear that Kenfig cSAC and the SSSIs are designated for their nature conservation interest not because of their scenic beauty.

Recommendation

16.9.7 I recommend that the Policy should be amended as follows:

'Bearing in mind the technical and legal requirements of the telecommunications' industry, proposals for new telecommunications' facilities should not adversely affect:

- 1 the natural beauty of the Glamorgan Heritage Coast;
- 2 the nature conservation interest of the Kenfig cSAC;
- 3 the nature conservation interest of SSSIs;
- 4 the character, appearance or setting of Conservation Areas, Ancient Monuments or Listed Buildings.'

16.9.8 I recommend that para 14.10.7 be deleted.

