

Planning, Taxi Licensing and Rights of Way Committee Report

Application No:	P/2015/0176	Grid Ref:	276414 212002
Community Council:	Ystradgynlais	Valid Date:	Officer: 06/02/2015 Tamsin Law
Applicant:	Mr David Mackins, Juwi Renewable Energies Ltd		
Location:	Land at Bryn Henllys Open Cast Mine site near Cwmllynfell, Upper Cwmtwrch, Swansea, Powys		
Proposal:	Full: Installation of Solar Photovoltaic (PV) Farm with ancillary infrastructure capable of generating up to 20 MW.		
Application Type:	Application for Full Planning Permission		

Reason for the Committee Determination

The application is accompanied by an environmental statement.

Site location and description

The site is located at Bryn Henllys farm, circa 1km to the east of Ystradowen, 3.5km north of Gurnos and 1km north east of Cwmtwrch Uchaf.

The site was previously used for open cast minerals extraction which ceased in 2003. Since then, the site has been restored and is now primarily laid to grass for sheep and cattle grazing (PCC accepted as a '*matter of fact and degree*' that the site was restored in report PTLRW70-2013). It is a relatively open area with no internal hedgerows and there are a number of tracks and drainage ditches that cross the site.

Immediately to the east of the site, the river Nant Gwys flows in a southerly direction and converges with the Afon Twrch to the south west of the site. The Nant Gwys is a wooded river valley and forms the eastern boundary of the site, while agricultural land is to the north, south and west.

A Byway Open to All Traffic (BOAT) abuts the northern boundary of the site which joins the Pen-y-Graig Road to Ystradowen to the west. Footpaths branch off the BOAT and cross the site. The site has an existing access road from Palleg Road on the eastern boundary.

The Brecon Beacons National Park lies approximately 500m to the north of the site. The valleys to the south and east acts as a transport corridor through the area with settlements along the route.

A full description of the proposed development is set out in Section 2 of the Environmental Statement (ES). In summary, the proposal, which would be decommissioned at the end of the 25 year operational period and comprises:

- Rows of solar photovoltaic (PV) panels (also referred to as 'solar modules'), typically of dimensions of 1m x 2m and 50mm depth, arranged on mounting racks;
- Solar modules mounted on galvanised metal frames set into the ground by either direct piling or screw piling and tilted southwards at 20 degrees from the horizontal;
- Electrical substation and ancillary equipment;
- Inverter/transformer stations;
- Underground electrical cables;
- One temporary site construction compound and lay down areas;
- Security fencing (deer stock);
- Thermal and/or infrared CCTV cameras for security;
- Site entrance;
- On-site access tracks; and
- Lighting (only for maintenance purposes).

The ES states that the proposed solar farm would *'generate up to 20 MW, which will be capable of generating approximately 19,480,000 kWh/year of renewable energy... This is equivalent to the average annual electricity requirements of approximately 5,900 homes and displaces 8,376 tonnes of carbon dioxide (CO2) per year.'*¹

Consultee Response

A summary of consultation responses received are set out below. Representations are available to be read in full at the Council's offices or on the Council's website.

PCC – Environmental Health

Letter dated 14 April 2015 stated:

The following issues of environmental concern have been identified with this application:- noise and dust during the construction phase of the proposed development and the possibility of ongoing noise disturbance from the electrical substation and the inverter/transformer cabins, therefore the following conditions and informatives are recommended.

Conditions

1. Before the development commences a scheme shall be submitted to and agreed in writing by the Local Planning Authority in respect of the control of noise and dust emanating from the construction phase of the development, together with details of the potential for noise disturbance from the electrical substation and the inverter/transformer cabins. Suitable sound installation of the substation and cabins

¹ See Planning Statement para 3.2

should be considered. Such a scheme shall be maintained and shall not be altered without the written approval of the Local Planning Authority.

2. Site development and construction works shall not take place outside 0800 hours to 1800 hours Monday to Friday and 0800 to 1600 hours on Saturday. No works to take place on Sundays and Bank Holidays.

Reason: to protect the amenity of the locality especially people living nearby.

Informatives

- In order to comply with Condition 1, the scheme should comply with the guidance found in BS5228, 'Code of Practice for Noise and Vibration Control on Construction and Open Sites'.
- With respect to Condition 2, regard should be had to the provisions of Section 60 of the Control of Pollution Act 1974 in relation to the control of noise from demolition and construction sites.

PCC – Highways

Email dated 2 March 2015 stated:

Further to the consultation on the above application I would be grateful if you would seek additional information regarding the traffic movements likely during the construction period.

Although the Construction Traffic Management Plan is reasonably comprehensive it remains a little ambiguous in the region of 2.2 Construction Traffic Type and Volumes. I am particularly unclear on whether the figures in table 2.1 include all staff movements on a daily basis or just deliveries. There is also no indication from where the stone for the internal tracks is being sourced and if delivery of this is included as the 275 tipper trucks: a term I would also appreciate being clarified.

If it is additionally possible to see a slightly more timed breakdown of traffic movements through the 30 week construction period I would be very grateful.

Finally, the proposed internal access track in the north western sector of the site appears to be the creation of a new access onto the county class III road and I would therefore require a drawing showing the layout including width, gate position, visibility splays and surfacing.

I do not anticipate any problems but do refrain from making a formal comment until the above information is available for consideration.

Email dated 20 April 2015 stated:

The additional information and break down provided by Spencer Powell is most helpful and clarifies that the additional hgv movements generated by the development are likely to

average out to about 8 per day which I do not think could be considered a problem given other activities along Palley Road.

On the second point, the B.O.A.T. to which he refers is actually a class III road, (see attached plan) although the route is slightly different around the north east corner of the site. Which means the access in the north western sector of the area is effectively a new access onto a classified road for which I would prefer to have details before a decision is made. Whilst I could recommend conditions regarding the access visibility, width, gate position and construction this would require a site visit to estimate the traffic speed so will not be an instant answer.

I trust this clarifies my position and will schedule a visit as soon as practicable.

Email dated 14 May 2015 stated:

I finally carried out a site visit yesterday and was surprised by the condition of the 'adopted' highway and the scenery in which the development will site. Clearly my concern regarding appropriate conditions for the access onto the country road were largely unfounded.

In order to be consistent I believe the following conditions would be appropriate on any permission granted for this scheme.

- HC1** Any entrance gates shall be set back at least **5.5 metres** distant from the edge of the adjoining carriageway and shall be constructed so as to be incapable of opening towards the highway.
- HC4** Upon erection of the boundary fencing the access shall be provided with clear visibility from a point 1.05 metres above ground level at the centre of the access and **2.4 metres** distant from the edge of the adjoining carriageway, to points 0.26 metres above ground level at the edge of the adjoining carriageway and **33.0 metres** distant in each direction measured from the centre of the access along the edge of the adjoining carriageway. Nothing shall be planted, erected or allowed to grow on the area(s) of land so formed that would obstruct the visibility and the visibility shall be maintained free from obstruction thereafter.
- HC7** Prior to the activation of the development the area of the access to be used by vehicles is to be constructed to a minimum of 410mm depth, comprising a minimum of 250mm of sub-base material, 100mm of bituminous macadam base course material and 60mm of bituminous macadam binder course material for a distance of **5.5 meters** from the edge of the adjoining carriageway. Any use of alternative materials is to be agreed in writing by the Local Planning Authority prior to the access being constructed.
- HC32** No storm water drainage from the site shall be allowed to discharge onto the county highway.

I trust this allows you to conclude deliberations on this application.

PCC – Land Drainage

Consultation response dated 29th February 2016 is set out below:

Thank you for consulting the Lead Local Flood Authority (LLFA) in respect to the above mentioned application. Having reviewed the submitted details and other related drainage information on the Planning Portal, the LLFA would make the following observations/comments/recommendations:-

Land Drainage/Flood Risk.

Observation: Item 13 – Assessment of Flood Risk within the submitted application indicates the site is not within 20 metres of a watercourse. However, when viewing current and historic Ordnance Survey plans the proposed site has several watercourse channels within the site. It is appreciated that the majority of the watercourse channels have been engineered and are formalised stone lined channels but the LLFA would regard these as ordinary watercourse features. In addition to these stoned lined channels there also exist ponds and, informal shallow ‘depressions’ across the site, which the LLFA assume act as ‘swales’. The existing drainage network is shown on the ‘Drainage Strategy’ plan contained within Appendix B of the Flood Consequence Assessment (FCA).

The FCA indicates that the existing drainage network is to be retained and that a 5m (min) maintenance strip is to be provided to all formalised stoned lined channels and ponds. Reference is also made for the need to cross these drainage features to facilitate the construction of the new access tracks. Crossing of these watercourses may also be required for the laying of the electrical cabling. Land Drainage consent (Section 23 – Land Drainage Act 1991) may be needed prior to interference with these water features.

The erection of the security fencing adjacent to and across the watercourse channels may restrict future maintenance activities. A 5m (min) maintenance strip should be secured.

Comment: The LLFA holds no historical flood records relating to the site.

The hydrology of receiving water bodies can be affected by the presence of a new impermeable surface. New roads, hardstandings and buildings may increase the volume of runoff that reaches the receiving watercourse and also reduce the time it takes to get there. This has implications for channel stability, aquatic habitats and flooding. Where the movement of any existing channels is required, this may also affect the local hydrological regime.

Recommendation: No buildings, structures, fences or alteration of contours shall take place within 5 metres of the top of the bank of any ordinary watercourse, or 3 metres either side of any culverted watercourse without prior permission from the LPA.

Reason: To ensure that the proposed development does not compromise the function of the land drainage features and that any proposed alterations are fully compliant with regulations and are of robust design.

Informative: Any proposed interference to any existing ordinary watercourse will require the prior consent from Powys CC (as LLFA). Relevant application forms and guidance notes should be sought from the Land Drainage team.

Riparian rights and responsibilities exist in respect to these land drainage systems.

Surface Water Drainage.

Observation: Reference to the management of surface water run-off is indicated in Item 13 – ‘Assessment of Flood Risk’ on the planning application, where it states that surface water is to be disposed by sustainable drainage systems and to existing watercourses. This is further outlined in the FCA.

The LLFA would generally accept the findings of the FCA in respect to surface water drainage but further clarification is needed in respect to the design for the new access tracks. In particular, the FCA indicates that the new tracks will be formed of permeable materials, most likely gravels. However, Figure 2.8 - ‘Typical Access Track Details’ shows a 300mm thick road base over sub base. To be an effective permeable system, the track construction should be typically a coarse graded aggregate material.

Comment: The hydrology of receiving water bodies can be affected by the presence of a new impermeable surface. New roads, hardstandings and buildings may increase the volume of runoff that reaches the receiving watercourse and also reduce the time it takes to get there. This has implications for channel stability, aquatic habitats and flooding. Where the movement of any existing channels is required, this may also affect the local hydrological regime.

The site is classed as Greenfield, therefore any proposed surface water discharge should be equivalent existing Greenfield run-off in accordance with good practice requirements. However, it is noted the development is to incorporate sustainable drainage systems for management of surface water run-off.

Further details showing the proposed track construction should be submitted and approved in writing by the LPA or alternative drainage provisions should be detailed.

Recommendation: The development shall not commence until a scheme for the surface water drainage of the site has been submitted to and approved in writing by the local planning authority. The approved scheme shall be completed before any of the site comes into operational use.

Reason: To ensure that the proposed surface water drainage system for the site is fully compliant with regulations and is of robust design.

I hope the above is of assistance.

PCC – Countryside Services

Email dated 9 March stated:

Countryside Services would like to make the following comments regarding the proposed development at Brynhenllys.

If consented, this application for a Solar Farm will have a significant impact on public rights of way. Byway Open to All Traffic (BOAT) number 090/7 will be used as an access track during construction and afterwards for private maintenance traffic. Public rights of way, Footpath numbers 090/116(a), 090/117(a) and 090/28 cross the site and 090/118(a), 090/125(a) and Public Bridleway number 090/42 abut the site.

The access into the Western part of the proposal is along the BOAT number 090/7. In light of the increased usage of the BOAT, Countryside Services request that a programme of maintenance for this route be sought as part of this proposed development. Due to the increased surface wear and maintenance requirements, Countryside Services seeks an undertaking from the applicants to maintain this section of the route, from the sealed bituminous surfaced/concrete road to the proposed entry point within the development. The maintenance should be for the duration of this Solar Farm and commensurate with its status and for the benefit of public use.

Public Rights of Way (PRoW) 090/116(a), 090/117(a) and 090/28 cross the site as indicated on the submitted plans. However, these plans do not show the PRoW which abut the development namely 090/125(a), 090/118(a) and Public Bridleway number 090/42 which run along the western, southern and eastern boundaries respectively. Countryside Services would like to ensure that the applicant is made aware that PRoW must not be obstructed during the development process (including during construction) and that no materials are to be placed or stored on the line of any PRoW .

Any damage caused to the surface of any PRoW must be made good to at least its current condition or better. All PRoW must remain open and safe for the public to use at all times. If planned works will effect PRoW, then the applicants must apply for Temporary Closure Orders for which fees will apply, payable by the applicant. A minimum of 3 months' notice is required to this department to make a Temporary Closure Order prior to the intended date of works.

The proposals for private vehicular access within the development site appear to be located in part over existing PRoW. The final surface of these routes should be finished in an appropriate manner to ensure public access over these routes is easily available at all times once construction is completed.

Countryside Services request information on the landscaping to be provided, to ensure that equestrians are not adversely effected by the proposals given that Public Bridleway number 42 abuts the proposals to the South. Please could this information be provided as soon as possible?

Countryside Services ask that a suitable condition be attached to any planning consent, to ensure that the maintenance for BOAT number 090/7 is agreed, implemented and signed off by ourselves, prior to commencement. We would also appreciate having the chance to proof-read the wording of this condition whilst in draft form.

Once the information on the landscaping abutting Bridleway 42 is received, Countryside Services will submit a final response to this application.

PCC – Contaminated Land

Response dated 26 February States:

It is noted that the proposed development is situated on land that was formerly a garage and railways (as shown on historic Ordnance Survey Maps) which are potential contaminative use. In light of this, it will be necessary to condition any future consent so as to ensure that any potential contamination issues are adequately dealt with. I would recommend that the following conditions and note to applicant be applied to any future consent that may be granted.

Condition 1. Site Characterisation

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons (a *contaminated land specialist with proven experience within the contaminated land industry*) and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
 - human health ,
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes, • adjoining land,
 - groundwaters and surface waters,
 - ecological systems,
 - archaeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11 ' and the WLGA document 'Development of land affected by contamination: a guide for developers' 2012

Item iii) above should not be submitted until written approval has been obtained from the Local Planning Authority for items (i) & (ii).

Condition 2. Submission of Remediation Scheme

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990, The Contaminated Land (Wales) Regulations 2001 in relation to the intended use of the land after remediation. The detailed

remediation scheme should not be submitted until written approval for Condition 1 has been received from the Local Planning Authority.

Condition 3

It is noted that the proposed development is situated on land that was formerly **a garage and railways (as shown on historic Ordinance Survey Maps)** which are potential contaminative use. In light of this, it will be necessary to condition any future consent so as to ensure that any potential contamination issues are adequately dealt with. I would recommend that the following condition and note to applicant be applied to any future consent that may be granted.

Condition A

Condition 1. Site Characterisation

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons (*a contaminated land specialist with proven experience within the contaminated land industry*) and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
 - human health,
 - property (existing or proposed) including buildings, crops,
 - livestock, pets, woodland and service lines and pipes,
 - adjoining land,
 - groundwaters and surface waters,
 - ecological systems,
 - archaeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred options(s).

This must be conducted in accordance with DEFRA and the Environment Agency's '*Model Procedures for the Management of Land Contamination, CLR 11* *and the WLGA document 'Development of land affected by contamination: a guide for developers' 2012.*

Item (iii) above should not be submitted until written approval has been obtained from the Local Planning Authority for items (i) & (ii).

Condition 2. Submission of Remediation Scheme

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990, The Contaminated Land (Wales) Regulations 2001 in relation to the intended use of the land after remediation. The detailed remediation scheme should not be submitted until written approval for Condition 1 has been received from the Local Planning Authority.

Condition 3. Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority. The verification report contents must be agreed with the Local Planning Authority before commencement of the remediation scheme.

Condition 4. Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 1, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 2, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 3.

Condition 5. Long Term Monitoring and Maintenance

A monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over a period of duration to be agreed in writing with the Local Planning Authority and the provision of reports on the same must be prepared, both of which are subject to the approval in writing of the Local Planning Authority.

Within six months following the completion of the measures identified in that scheme and the achievement of the remediation objectives, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced, and submitted to the Local Planning Authority. This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

Reason (common to all): To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors [in accordance with policy ___ of the adopted Local Plan (date)].

Note to Applicant

Potential Contamination

The Council's guidance leaflet on the development of sites with potential land contamination is attached. Further advice on compliance with this condition may be obtained by contacting the Environmental Health Service on 0870 1923757.

Brecon Beacons National Park

Letter dated 3rd June 2015 stated

INTRODUCTION

I write in response to your consultation regarding the above planning application which has been submitted to Powys County Council as local planning authority. I would like to apologise for the late response to the consultation, however trust that the below comments will be taken into consideration when determining the application. The Brecon Beacons National Park Authority (BBN PA) wish to comment on this proposal as it is a fringe development with potential to have impacts on the National Park. Please note that this response has been prepared by Officers, and will not receive formal ratification from Members until 14 July 2015 after which point in time I may provide a supplementary response as necessary.

The site is approximately 42.5 hectares and is located around 500 metres from the boundary of the Brecon Beacons National Park. The proposal is located on the site of the former Bryn Henllys open cast coal mine. There has been restoration of the land at the site but there are limited hedgerows and the site appears to be largely open and currently in agricultural use. It is an undulating site which generally slopes down north to south into the Twrch valley. The site is surrounded primarily by agricultural land.

The proposed development involves rows of photovoltaic (PV) panels, electrical substations and ancillary equipment, inverter/transformer stations, security fencing, CCTV cameras on poles, access tracks, a site entrance and lighting (for maintenance purposes). A temporary construction compound is also proposed.

LEGAL AND POLICY CONTEXT

THE ENVIRONMENT ACT 1995

Section 63 of the Environment Act 1995 sets out the statutory purposes of the National Park as follows:-

- To conserve and enhance the natural beauty, wildlife and cultural heritage of the National Park; and
- To promote opportunities for the public understanding and enjoyment of the special qualities of the National Park

In accordance with section 62(2) of the Environment, any relevant Authority shall have regard to National Park purposes when performing any functions in relation to, or so as to affect, land in a National Park. Relevant Authorities include public bodies, government departments, local authorities and statutory undertakers.

UK POLICY CONTEXT

In order to meet national targets and objectives in relation to global warming and carbon emission targets, the UK needs to significantly reduce its dependency on fossil fuels. These targets and objectives are defined in European Union and UK law and policy such as the Climate Change Act 2008, the UK Government Climate Change Programme, the Energy White Paper 2007 and the Renewable Energy Strategy 2009 (RES).

The RES was published in July 2009 and sets out the path for the UK to meet its legally-binding target of 15% of the energy coming from renewable sources by 2020. It puts forward a number of scenarios, the lead ones being:

- More than 30% of electricity generated from renewable.
- 12% of heat generated from renewable.
- 10% of transport energy from renewable.

The National Renewable Energy Action Plan for the UK (July 2010) sets out measures that would enable the UK to meet its 2020 target. Whilst it includes a number of statements of intent beyond 2020, it is not a Government policy document. The document sets out similar scenarios to the RES but stresses that these figures are illustrative as to how the overall 15% target for the UK could be met.

The Electricity Market Reform White Paper 2011; Planning Our Electric Future - a White Paper for Secure, Affordable and Low Carbon Electricity sets out the Government's commitment to transform the UK's electricity system to ensure that our future electricity supply is secure, low carbon and affordable. To de-carbonise electricity generation it is highlighted that it is important that the 15% renewable target is met by 2020 and 80% carbon reduction target by 2050.

The Climate Change Act 2008 imposes a duty on the Secretary of State to reduce carbon dioxide emissions to at least 80% below 1990 levels by 2050 with an interim target range of 26% - 32% by 2020. As part of the Act, the UK Government is committed to more investment in renewable energy.

The EU Renewable Energy Directive (2009/28/EC) April 2009 sets a legally binding target for the UK to meet 15% of its energy consumption from renewable sources by 2020.

On the 23rd April 2009 the European Parliament under Decision No 406/2009/EC considered the position of Member States in the context of reducing greenhouse gas emissions to meet the Community's greenhouse gas emission reduction commitments up to 2020. The Council decided that the UK should aim for a 16% reduction in greenhouse gas emissions by 2020, compared to 2005 emissions levels.

The Carbon Plan: Delivering Our Low Carbon Future (2011) produced by the UK Government sets out principles that will underpin the vision for a long-term transition to a low carbon economy by 2050. This includes low carbon power generation and the three sources of UK

electricity are likely to be i) renewables; ii) coal, biomass or gas-fired power stations fitted with CCS technology; and iii) nuclear power. There are uncertainties when looking 40 years ahead as to exactly how that vision will be achieved. It goes on to say that attempting to pick a single pathway to 2050 by relying on a single model is neither possible nor a helpful guide in the face of great uncertainty. But it does give insight into the most cost effective way to achieve the low carbon transition, illustrating the technologies likely to contribute to reducing emissions, and the most cost effective timing for their deployment. It shows that achieving a cost optimal transition overall often necessitates deploying technologies in the medium term that may not yet be cost effective against the carbon price.

The Carbon Plan also comments on the position in Wales stating that the Welsh Government is making solid progress on delivering its commitments since the publication of The Climate Change Strategy 2010. To date, Wales has some 830 MW of renewable energy operational, which represents a doubling in renewable energy operating capacity since 2007. This capacity represents enough electricity to power almost a half a million homes in Wales (para 2.258 notes).

WELSH PLANNING POLICY

Welsh national planning policy comprises Planning Policy Wales (PPW - 9th Edition, November 2016), Technical Advice Notes (TANs), circulars and policy clarification letters.

A strategic framework to guide future development and policy interventions is set out within the Wales Spatial Plan People, Places, Futures. This integrates the spatial aspects of national strategies for social inclusion and economic development, health, transport and environment, translating the Welsh Government's sustainable development duty into practice.

PPW acknowledges the statutory purposes of National Parks and reinforces the "Sandford Principle", whereby if there is a conflict between the statutory purposes, greater weight shall be given to the first purpose of conserving and enhancing the natural environment. PPW also recognises that natural heritage issues are not confined by administrative boundaries and that the duty to have regard to National Park Purposes applies to activities affecting these areas, whether those activities lie within or outside the designated area.

PPW places significant emphasis on the need to deliver an energy programme that contributes towards reducing carbon emissions as a means of tackling climate change. The Welsh Assembly Government's Policy Statement (2010) sets out an aim for Wales to be in a position by 2050 where almost all of the local energy needs can be met by low carbon electricity production and thus Local Planning Authorities should seek to facilitate the delivery of such development whilst avoiding, and where possible minimising environmental, social and economic impacts.

PPW recognises that the cumulative impact of development can be a material consideration, however, such consideration must be balanced against the need to meet the Welsh Government's renewable energy aspirations and the conclusions reached fully justified in any decision taken.

PPW goes on to state that "Developers will need to be sensitive to local circumstances, including siting in relation to local landform, proximity to dwellings and other planning considerations. The development of large wind farms or other large scale renewable and low

carbon energy schemes will not generally be appropriate in internationally and nationally designated areas and sites." (para 12.8.14).

PPW deals with renewable and low carbon energy. Local planning authorities should facilitate the development of all forms of renewable and low carbon energy to move towards a low carbon economy. At the same time, local planning authorities should ensure that international and national statutory obligations to protect designated areas, species and habitats and the historic environment are observed and that mitigation measures are required for potential detrimental effects on local communities whilst ensuring that the potential impact on economic viability is given full consideration.

In PPW, advice is given in relation to determining applications for renewable and low carbon energy development. The following matters need to be taken into account:

- the contribution a proposal will play in meeting identified national, UK and European targets and potential for renewable energy, including the contribution to cutting greenhouse gas emissions;
- the wider environmental, social and economic benefits and opportunities from renewable and low carbon energy development;
- the impact on the natural heritage, the Coast and the Historic Environment;
- the need to minimise impacts on local communities to safeguard quality of life for existing and future generations;
- ways to avoid, mitigate or compensate identified adverse impacts;
- the impacts of climate change on the location, design, build and operation of renewable and low carbon energy development. In doing so consider whether measures to adapt to climate change impacts give rise to additional impacts;
- grid connection issues where renewable (electricity) energy developments are proposed; and
- the capacity of and effects on the transportation network relating to the construction and operation of the proposal.

TAN 8 advises that developers will need to be sensitive to local circumstances, including the siting of proposals in relation to local landform, proximity to dwellings and other planning considerations.

Written Statement by the Minister for Environment, Sustainability and Housing - Planning for Renewable Energy (8th June 2010)

This statement confirmed the Welsh Government's (WG's) commitment to delivering the Energy Policy Statement of March 2010 through TAN 8. It recognised the important role that the planning system has to play in that delivery and supported the delivery of the aspirations in an efficient and rational way.

LOCAL PLANNING POLICY

The Brecon Beacons National Park Management Plan (2010) defines the special qualities of the National Park as:

- Peace and tranquility - opportunities for quiet enjoyment, inspiration, relaxation and spiritual renewal;

- Vitality and healthfulness - enjoying the Park's fresh air, clean water, rural setting, open land and locally produced foods;
- Sense of place and cultural identity - "Welshness" ;
- Sense of discovery;
- Sweeping grandeur and outstanding natural beauty;
- Contrasting patterns, colours, and textures;
- Diversity of wildlife and richness of semi-natural habitats;
- Rugged, remote and challenging landscapes;
- Enjoyable and accessible countryside;
- Intimate sense of community.

The Brecon Beacons National Park Authority (BBNPA) Local Development Plan 2007-2022 (LDP), is the development plan for the National Park. Section 3.1.3 of the LDP sets out that whilst the National Park is a landscape designation there are instances where strict application of the boundary in making decisions is not appropriate - cross boundary issues could include for example wind energy development and transport infrastructure. As previously set out section 62 (2) of the Environment Act (1995) places a duty on LDPs to have regard to the National Park purposes in making planning decisions which may impact on the National Park. The Authority will use LDP policy SP 1 in commenting on proposals that impact on the National Park. Policy SP 1 sets out the following:

Development in the National Park will be required to comply with the purposes and statutory duty set out in legislation, and will be permitted where it:

- a. Conserves and enhances the natural beauty, wildlife and cultural heritage of the Park and/or
- b. Provides for, or supports, the understanding and enjoyment of the special qualities of the National Park in a way that does not harm those special qualities; and
- c. Fulfils the two purposes above and assists the economic and social wellbeing of local communities.

The development plan for the application site is the Powys Unitary Development Plan (March 2010) (UDP). Particularly relevant to the consideration of impacts on the Brecon Beacons National Park are paragraph 4.4.4 and policy ENV2.

Paragraph 4.4.4 states: "Whilst this Plan does not cover the Brecon Beacons or Snowdonia National Parks, the Authority will take into account National Park designations when considering any proposals for development that may affect a Park's special qualities or the reasons for its designation."

Policy ENV2 - Safeguarding the landscape states: " Proposals for development and use of land should take account of the high quality of the landscape throughout Powys and be appropriate and sensitive to the character and surrounding landscape. Where appropriate, account will also need to be taken of the special qualities or reasons for designation of the Brecon Beacons and Snowdonia National Parks. Proposals which are acceptable in principle should: 1. Contain appropriate measures to ensure satisfactory integration into the landscape; 2. Not unacceptably adversely affect features of importance for nature conservation or

amenity; and 3. Not result in significant damage to ancient and semi-natural woodlands and should seek to conserve native woodlands, trees and hedgerows."

The impact of development on the special qualities of the National Park and the impact on the reasons for designating the National Park must therefore be considered in the light of the development plan for the application site.

CONSIDERATION

INTRODUCTION

The comments of the BBNPA (provided below) have primarily focussed on the consideration given to the impact of the development on the National Park as set out in the accompanying ES.

NEED FOR THE DEVELOPMENT

It is accepted that substantial weight should be given to the potential contribution of the proposal to securing electricity from renewable sources in line with the supportive policy context outlined above. The application indicates that the installed capacity of the solar array will be 20MW.

It should be noted that the UK Renewable Energy Roadmap Update (last published in November 2013) stated: 'Since the publication of the last Update in 2012, the UK has made very good progress towards our challenging 2020 renewables target, to deliver 15% of our energy demand from renewable sources. We are fully committed to achieving this target and have seen a significant amount of deployment to date, particularly in the renewable electricity sector. This was demonstrated in 2012 when more than 4% of the UK's energy came from renewable sources - above our interim target'.

The BBNPA do not wish to understate the continued urgency of the need; but in terms of weight and balance the strong progress towards achieving renewable energy targets indicates there is no justification for accepting poorly located, poorly designed, inadequately mitigated proposals or proposals which are likely to have unacceptable impact on a National Park.

IMPACT ON THE BRECON BEACONS NATIONAL PARK

The boundary of the Brecon Beacons National Park is around 500m to the north of the site of development. The boundary extends from the north east to the west of the site. The applicant's Environmental Statement contains a Landscape and Visual Impact Assessment (LVIA). The LVIA assesses the impact of the development on the Brecon Beacons National Park. The appropriateness of the information submitted has been considered as follows: The LVIA study area; the LVIA view point selection; the LVIA's evaluation of impact on the National Park; and the scope for mitigation and enhancement.

LVIA Study area - the LVIA has a 5 km study area and includes a Zone of Theoretical Visibility (ZTV). The proposed solar farm is around 2.5m to 3m in height and is over 40ha in extent. In comparison to many renewable energy developments such as a wind turbine it represents a low lying, but extensive feature in the landscape. The ZTV shows that beyond the 5km study area the solar array will be visible reflecting the elevated upland areas of the

National Park to the north. While acknowledging it is likely that the solar farm will be visible with in the National Park beyond 5km; it is considered that this is an appropriate study area to consider the potential for significant impacts within the National Park.

LVIA View point selection - the ZTV shows relatively extensive areas of the National Park to the north of the site of the proposed solar farm where at least part of the development will theoretically be visible. It is considered that viewpoints 6, 7, 8 and 9 are representative of the impact in this area and that the photographs from these locations effectively communicate the extent of the development within the existing view. The ZTV shows that areas of the National Park to the north west and west are considerably better screened from the development and unacceptable landscape and visual impacts are agreed to be unlikely in these areas of the National Park. The other viewpoints selected are considered to be appropriate and useful for assessing impacts that the development might have on the setting of the National Park. Figure's 6.8 and 6.9 provide viewpoint photomontages of the development. 6.8 shows the visual impact that the site has on the setting of the National Park. Figure 6.9 is to the north west of the array and gives a view out of the National Park. Overall it is considered that the viewpoint number and selection is appropriate and proportionate for assessing areas where landscape and visual impact might be unacceptably harmful to the National Park:

LVIA assessment of impact on the Brecon Beacons National Park - the LVIA contains an assessment of the impact of the proposal on the Brecon Beacons National Park, which starts from paragraph 6.5.92 onwards of the Environmental Statement (ES). The assessment identifies the Special Qualities of the National Park in Table 6.3, it then goes onto assign a value for "susceptibility". The BBNPA considers that the most significant impact is likely to be on the "sweeping grandeur and outstanding natural beauty" special quality of the National Park. The LVIA identifies a "medium" susceptibility from the development impacting on this special quality. The reasoning for this is "the proposed development will form a small element in views from some areas of the park and will not affect views of the park from within its boundaries". It is clear that there will be an impact on views from within the boundary of the National Park and the statement is not clear. The assigning of a medium "susceptibility" should be expanded upon.

The LVIA aggregates the susceptibility of each of the ten special qualities of the National Park. The method behind this aggregation is not made clear. It is considered that the medium "susceptibility" of the impact on the "sweeping grandeur and outstanding natural beauty" remains important regardless of whether the impact on other special qualities is low. We would appreciate clarification of how the conclusion of low susceptibility for impact on the National Park's special qualities was reached in Table 6.3 and on what basis aggregating to a low susceptibility was considered appropriate.

In conclusion the BBNPA considers that the proposal will introduce an extensive incongruous development in close proximity to its boundary. This it is considered will have some detrimental impacts on the National Park, this opinion is supported by the applicant's Environmental Statement which considers that "within approximately 4km of the site, small scale effects will occur. Such effects will be localised in extent and of long-term duration, resulting in effects of low magnitude and moderate significance." Applying the LVIA's assessment for the "sweeping grandeur and outstanding natural beauty" special quality of the National Park the sensitivity for this feature would be medium (table 6.3) and the scale of effect would be medium (table 6.4). This would give a high-medium sensitivity and medium

magnitude and moderate significance for impact on this special quality. There would be a moderate and not low significance of impact on this special quality. For the reasons outlined above the BBNPA is concerned that the development will impact on two special qualities of the National Park in particular the Park's "sweeping grandeur and outstanding natural beauty" and the patchwork of "contrasting patterns, colours and textures" . The applicant's conclusion that the effects will be "localised" in extent and of "long term duration" are agreed with, but we would contend that the significance of impact on the specific special qualities is underestimated.

Mitigation of landscape and visual impact and landscape enhancement - the BBNPA accepts that landscape and visual impact of solar arrays can, to an extent, be mitigated.

The National Park supports the applicant's removal of the area to the north of the BOAT at the project development stage (paragraph 6.6.1 of the LVIA); it is agreed that this has reduced impacts on the National Park.

The proposal also includes the planting of hedgerows and the planting of areas of native woodland. The LVIA at paragraph 6.6.3 states that: "These will break up the mass of the solar panels as viewed from the National Park and will join visually with the existing woodland planting on the neighbouring site". This view is to an extent agreed with, as in principle the planting will break up the regimented form of the solar panels. There are, however, only three small (relative to the solar farm as a whole) triangular patches of woodland planting proposed. These patches of woodland it is considered do not have a particularly natural form, with straight edges and angular shapes and will be in contrast to the surrounding areas of woodland. They should and could be made more extensive to provide improved mitigation and be designed to reflect the local woodlands character. There is a lack of detail regarding planting schedules and the prospect of these areas having a noticeable effect within the time frame of the solar array is uncertain without this information.

OTHER CONSIDERATIONS

The proposal includes lighting and it is indicated that this will be manually operated around the inverter transformer stations for maintenance purposes. The local area currently has few, if any, sources of light and the BBNPA supports minimal lighting in this location and requests that appropriate conditions are used to minimise lighting.

The BBNPA accepts that substantial solar arrays are largely reversible developments. The BBNPA requests that appropriate agreements and planning conditions are entered into by the local planning authority to ensure that the site is effectively decommissioned and the site restored.

CONCLUSION

The methods behind the LVIA's assessment of the impact on the National Park and support for the conclusions drawn are not considered to be clear and it should be established how the assessment of susceptibility for each independent special quality is aggregated to a single assessment of special qualities. It is currently the view of the BBNPA that each special quality should be considered independently, the BBNPA remains to be convinced that the aggregation of special qualities in the LVIA is appropriate. It appears that any aggregation of special qualities will always have the potential to mask a significant or unacceptable impact

on an individual special quality. The BBNPA is concerned that the development will impact on two special qualities of the National Park and in particular the Park's "sweeping grandeur and outstanding natural beauty" and the patchwork of "contrasting patterns, colours and textures". The impact will be due to the solar farm intruding into views out of the National Park and also impacting the setting of the National Park when viewed from areas outside its boundary; this is demonstrated within the LVIA. The applicant's conclusion that the effects will be "localised" in extent and of "long term duration" are agreed with, but it is our view that the impact will be more significant than presented in the LVIA. The localised impact is close to the boundary but will extend to areas within the National Park although it is accepted that the impact will not be widespread within the National Park as a whole.

There is scope to mitigate the impact and provide enhancement to the landscape. However, the proposed landscape and visual impact mitigation and enhancement appear to be very limited in extent and it seems questionable as to whether they will be effective within the life time of the solar farm. The BBNPA therefore request that revised details of mitigation and enhancement are provided prior to determination. The BBNPA also accepts that the development in terms of its impacts on the National Park is reversible, but also notes that impacts will be of long duration. Subject to effective mitigation it is considered likely that the proposal will leave only localised and minor residual detrimental impacts on the National Park. These impacts will need to be considered in light of the policy context outlined above - which offers both support for renewable energy development and places legal duties on your Authority to consider and give weight to the impact: of development on the National Park.

In conclusion therefore, the BBNPA currently issues a HOLDING OBJECTION pending clarification of the matters raised above, principally a more effective landscape mitigation and enhancement scheme. Whilst it may be possible to control this by condition, given the magnitude of the impact on the Park and the limited mitigation offered at present, it is considered necessary to request this information prior to determination in order to fully assess whether the proposed mitigation is sufficient to outweigh the concerns.

Specifically how the "Overall susceptibility: Low" in Table 6.3 is arrived at and the following conclusion in paragraph 6.5.96 that "Combining the national value and Low susceptibility of the National Park, the sensitivity is judged to be Medium" within the LVIA.

Letter dated 6th August 2015

Introduction

I write further to the above fringe application and the response of the applicant 's consultant following our representation to Powys County Council on the 3 June 2015. Both this and our previous representation should be read together and we have not repeated within this representation content previously expressed.

We welcome the applicant 's submission of further supplementary information which has helped to address the points we previously raised.

To clarify, on the applicant's submission, it appears to imply that the BBNPA refer to policies in our development plan as being directly applicable to this development. We refer to the adopted National Park development plan in the context of how this informs

responses to fringe applications. We also refer to it to identify the duties placed on public bodies in responding to the issue of development impacts on the National Park. We further identify that these duties are reflected within the adopted policies of the development plan for Powys County Council, which is directly applicable to the decision on this application.

LVIA assessment of impact on the Brecon Beacons National Park

The applicant has through the supplementary information addressed our concerns regarding the aggregation of impact on the Special Qualities of the National Park and has put more clearly the impact on the special qualities we have expressed particular concern about.

Mitigation of landscape and visual impact and landscape enhancement-

We note the applicant's view, as now expressed in the additional information that: *"The primary intent behind the proposed planting is to address localised effects adjacent to the site. Given the topography of the site and National Park, there is no planting solution which would effectively screen the panels from view in outward views from the National Park - panels on the higher ground within the site would remain visible above mature planting on the northern boundary regardless of the detail of proposals. Thus the provision of detailed planting schedules would not assist in this matter."* We do note that this does not follow the opinion expressed in the LVIA at paragraph 6.6.3, which states that: *"In addition, three small areas of native woodland planting are proposed south of the BOAT. The first will be located in the north-western corner of the Site and the remaining two will be located either side of the junction of the BOAT with the footpath running south. These will break up the mass of the solar panels as viewed from the National Park and will join visually with the existing woodland planting neighbouring the Site."*

We accept that the panels cannot be effectively "screened", this fact is more than amply demonstrated in the photomontages in the LVIA. The BBNPA supports mitigation which achieves the aim at 6.6.3 to "break up the mass of the solar panels as viewed from the National Park". The current scheme in our view does not achieve this aim.

It is our view that mitigation to break up the mass of the solar panels will be of value in reducing impact both in short and long views from the National Park. It is therefore our opinion that the impact on the National Park would be better mitigated if the form of the solar panels were broken up by additional landscape planting and associated reduction in the extent of the solar arrays within the site.

Conclusion

We are supportive of the applicant's pre-application decision to remove a large area of the scheme which would have been more visible from a wider area of the National Park. Notwithstanding this reduction the presence of the solar farm will remain visible within views out of the National Park as demonstrated in the applicant's LVIA.

The applicant's drawing out of the impacts on the specific special qualities which the BBNPA are particularly concerned about is noted, these impacts must be given consideration in determining the application.

The BBNPA is in agreement with the applicant's view that there is "no planting solution

which would effectively screen the panels from view in outward views from the National Park - panels on the higher ground within the site would remain visible above mature planting on the northern boundary regardless of the detail of proposals". We continue to be of the view, as previously expressed, that more planting of a more natural appearance would break up the panels in longer distance views. This also seems to be supported at 6.6.3 of the application's LVIA which suggests that the current planting will achieve this aim.

Our position remains largely as outlined in the previous letter of the 3 June 2015, we consider that the proposal is not sufficiently mitigated and therefore OBJECT to the application.

Welsh Government Highways

Response dated 2 March 2015

The proposed solar farm is remote from the trunk road and its development would not significantly impact on the trunk road network or its junctions.

The Welsh Government (Transport) therefore does not object or have any further comments to make.

Natural Resources Wales

Email dated 19th March 2015

Not a formal response to you as we haven't been consulted, and would not expect to be on a development such as this. However, I have had a local resident on the phone concerned about increased surface water run-off due to the development.

Appreciate the site is small in contrast to others and I explained the planning limits you have, however wanted to raise this to you. Peter in our Flood Risk team offers the following informal comments which I thought I should pass on to help you.

Email dated 5th March 2015

I haven't been involved with any solar farm applications so I'm unaware if NRW has a position statement. I have the following comments relating to drainage which are solely based on common sense and reference to recent nearby application in Shropshire.

Impacts will tend to be greater for the large scale farms but even with this application there is a fundamental change land management from pasture to solar and so soil compaction or degradation due to construction and operation need to be considered and mitigated for. No reference has been made to this in the application.

The assumption is that drainage off the panels will be uniform to the ground and there will be little impact on the existing drainage regime. However, in practice, drainage off the panels will be at a point and could cause compaction and rivulets.

During the construction process there may be soil stripping, cabling and new access tracks. Localised sustainable drainage in the form of swales and infiltration trenches will help control run-off at source. Consideration should be given to how the ground is ploughed/treated/planted after construction. Existing hedgerows, bushes etc could be retained.

As we have been made aware of downstream stream capacity problems, it is justified for LPA to request further information on drainage proposals. We would expect drainage issues to be dealt with by Powys Drainage team but as they may not have been made aware of the downstream issues, it may be prudent to forward these observations.

Wales & West Utilities

Response dated 20 February 2015:

According to our main records wales & West Utilities has no apparatus in the area of your enquiry. However Gas pipes owned by other Gr, and also privately owned may be present in the area. Information with regard to such pipes should be obtained from the owners.

Safe digging practices in accordance with HS(G)47 must be used to verify and establish the actual position of mains, pipes. Services and other apparatus on site before any mechanical plant is used. It is your responsibility to ensure that this Information is provided to all persons (either direct labour or contractors) working for you on or near gas apparatus.

Ystradgynlais Town Council

Response dated 8 March 2015

The Ystradgynlais Town Council considered the application at its meeting on the 5th March 2015 and has requested that the following observations be put forward:-

P/2015/0176	Mr. D .Mackins Juwi Bryn Henllys Upper Cwmtwrch	Installation of Solar Photovoltaic (PV) Farm with ancillary infrastructure capable of generating up to 20MWV.
-------------	---	---

To request that a financial bond is set up with the developer to ensure the funding is available at the end of the 27 year period for the site to be remediated.

In addition, it is suggested that a local community fund should be established through a Section 106 Agreement.

CPAT

Response dated 23 February 2015 stated:

I write to confirm that there are no archaeological implication of the proposed development.

Cadw

Letter dated 12 March 2015

Thank you for your email of 19 February 2015 inviting Cadw's comments on the planning application for the proposed development as described above.

Cadw's role in the planning process is not to oppose or support planning applications but to provide the local planning authority with an assessment of the likely impact that the proposal will have on scheduled ancient monuments or Registered Historic Parks and Gardens. It is a matter for the local planning authority to then weigh Cadw's assessment against all the other material considerations in determining whether to approve planning permission.

The advice set out below relates only to those aspects of the proposal, which fall within Cadw's remit as a statutory consultee. Our comments do not address any potential impact on the setting of any listed building, which is properly a matter for your authority. These views are provided without prejudice to the Welsh Government's consideration of the matter, should it come before it formally for determination.

Applications for planning permission are considered in light of the Welsh Government's land use planning policy and guidance contained in Planning Policy Wales (PPW), technical advice notes and circular guidance. PPW explains that the desirability of preserving an ancient monument and its setting is a material consideration in determining a planning application whether that monument is scheduled or not. Furthermore, it explains that where nationally archaeological remains, whether scheduled or not, and their settings are likely to be affected by proposed development, there should be a presumption in favour of their physical preservation in situ. Paragraph 17 of Circular 60/96, Planning and /he Historic Environment: Archaeology, elaborates by explaining that this means a presumption against proposals which would involve significant alteration or cause damage, or which would have a significant impact on the setting of visible remains. PPW also explains that local authorities should protect parks and gardens and their settings included in the first part of the Register of Landscapes, Parks and Gardens of Special Historic Interest in Wales.

The proposed development is located in the vicinity of the following scheduled ancient monuments:

- BR327 - Bryn Llechwen ring cairn
- BR333 – Dorwen standing stone
- BR334 - Llwynchwstabl round cairn
- BR388 - Lorfa Stone Circle
- CM354 - Cwm Twrch settlement
- CM355 - Cwm Twrch settlement and limekiln

GM399 – Tram road at Ystradgynlals

This advice is given in response to a planning application to construct a solar farm covering an area of some 42.5ha on the site of the former Bryn Henllys Open Cast Mine. The application is accompanied by an environmental impact assessment that contains a cultural heritage chapter produced by Headland Archaeology a Chartered Institute for Archaeologists Registered Organisation.

All of the Identified scheduled ancient monuments above are more than 2 km away from the proposed development area. The topography of the landscape coupled with the existing vegetation makes it unlikely that any of them will have clear views to the proposed development. It is therefore unlikely that the impact of the proposed development on the setting of any of these designated monuments will be greater than negligible.

Coal Authority

Response dated 5 March 2015

Thank you for your consultation email of 19 February 2015 seeking the views of The Coal Authority on the above planning application.

The Coal Authority is a non-departmental public body sponsored by the Department of Energy and Climate Change. As a statutory consultee, The Coal Authority has a duty to respond to planning applications and development plans in order to protect the public and the environment in mining areas.

The Coal Authority Response: Substantive Concern

I have reviewed the proposals and confirm that the application site falls within the defined Development High Risk Area.

The Coal Authority records indicate that within the application site and surrounding area there are coal mining features and hazards which need to be considered in relation to the determination of this planning application. Records indicate that the site is within the boundary of a wider site from which coal has been extracted by surface methods. There are also mine workings at shallow depth beneath the site and five recorded mine entries are located within the application site boundary.

It is noted that the application is accompanied by Planning and Environmental Statements, and that these briefly acknowledge that the area has been subject to past mining activities. However, The Coal Authority objects to this planning application, as the required Coal Mining Risk Assessment Report, or equivalent, to assess the risks posed by mining legacy to the proposed development has not been submitted as part of the application.

It is a requirement of Planning Policy Wales, paragraph 13.9 that the applicant demonstrates to the satisfaction of the LPA that the application site is safe, stable and suitable for development. In addition the national validation list in Wales requires planning applications in the defined Development High Risk Area to be accompanied by a Coal Mining Risk Assessment.

In this particular instance, The Coal Authority considers that the Coal Mining Risk Assessment should clearly set out how the mining legacy affecting the site, particularly recorded mine entries, has been taken into account in the site layout, internal access routes and construction/delivery arrangements.

The Coal Authority Recommendation to the LPA

In accordance with the agreed risk-based approach to development management in Development High Risk Areas, the applicant should be informed that they need to submit a Coal Mining Risk Assessment Report as part of this application.

Without such an assessment of any risks to the development proposal posed by past coal mining activity, based on up-to-date coal mining information, The Coal Authority does not consider that the LPA has sufficient information to determine this planning application and therefore **objects** to this proposal.

If the applicant ultimately fails to demonstrate to the LPA that the application site is safe and stable to accommodate the proposed development then the LPA may refuse planning permission, in accordance with Planning Policy Wales, paragraph 13.9.

The Coal Authority would be very pleased to receive for further consultation and comment any subsequent Coal Mining Risk Assessment Report which is submitted in support of this planning application.

Response received 21st December 2017

Thank you for your consultation email of 15 December 2017 seeking the further views of The Coal Authority on the above planning application.

The Coal Authority is a non-departmental public body sponsored by the Department for Business, Energy & Industrial Strategy. As a statutory consultee, The Coal Authority has a duty to respond to planning applications and development plans in order to protect the public and the environment in mining areas.

The Coal Authority Response: Material Consideration

As you are aware, the application site falls within the defined Development High Risk Area; therefore within the application site and surrounding area there are coal mining features and hazards which need to be considered in relation to the determination of this planning application.

The Coal Authority records indicate that the site is within the boundary of a wider site from which coal has been extracted by surface methods. Coal mining has taken place at shallow depth beneath the site and five recorded mine entries are located within the application site boundary.

The Coal Authority is therefore pleased to note the applicant has now submitted a Mining Risk Assessment Report (November 2017, prepared by James Associates) in support of the planning application. Based on a review of appropriate sources of coal mining and geological

information, the Report acknowledges that the application site has been subject to significant past coal mining activity. However, the report author is satisfied that potentially hazardous ground conditions derived from past underground coal mining legacy been removed as a result of subsequent opencast operations. The exception being recorded mine entry 276212-005 (referred to as 'Shaft 4' in the Report) which is located outside the area of opencast extraction. Accordingly the Report goes on to recommend that intrusive site investigations should be carried out to identify and treat this feature prior to development within the affected part of the site.

The Coal Authority welcomes the recommended site investigations. These should be designed by a competent person to properly to establish the exact situation regarding coal mining legacy which could pose a risk to the proposed development. The applicant should ensure that the exact form of any intrusive site investigation is agreed with The Coal Authority's Permitting Team as part of their permit application. The findings of these intrusive site investigations should inform any mitigation measures required in order to remediate mining legacy affecting the site and to ensure the safety and stability of the proposed development.

Given that the Report only identifies the need to investigate shaft 276212-005, The Coal Authority assumes that the report author is satisfied that potential historic unrecorded shallow mining activity outside the areas of opencast extraction does not pose a risk to the proposed development.

The Coal Authority Recommendation to the LPA

The Coal Authority concurs with the recommendations of the Mining Risk Assessment Report; that coal mining legacy potentially poses a risk to the proposed development and that intrusive site investigation works should be undertaken in order to establish the location and condition of recorded mine entry 276212-005 and to inform appropriate treatment measures necessary to ensure the safety and stability of the proposed development.

Should planning permission be granted for the proposed development, a condition should therefore require the following prior to the commencement of development within that part of the site where shaft 276212-005 is present:

- * The undertaking of an appropriate scheme of intrusive site investigations for the mine entry;
- * The submission of a report of findings arising from the intrusive site investigations including proposed treatment works: and
- * The implementation of those treatment works.

The Coal Authority considers that the content and conclusions of the Mining Risk Assessment Report are broadly sufficient for the purposes of the planning system and meet the requirements of PPW in demonstrating that the application site is, or can be made, safe and stable for the proposed development. The Coal Authority therefore **withdraws its objection** to the proposed development **subject to the imposition of a condition to secure the above.**

Please do not hesitate to contact me if you would like to discuss this matter further.

Landscape Architect: Professional Opinion commission by Development Management

In addition, a review of the environmental statement's landscape and visual impact assessment was prepared by Mr Russell-Vick, Landscape Director at Enplan. In his conclusions, he stated:

Our review of the LVIA has identified, we consider, a large number of significant issues which undermine its accuracy and reliability.

We have identified a number of shortcomings with the methodology employed although we accept that it is in accordance with the scope of the guidelines defined by GLVIA3. Our concerns with it relate to what are essentially finer points of process rather than fundamental flaws. We are concerned, however, with the accuracy of the assessment itself, the lack of narrative and evidence to support many of the assessments made and we have identified a large number of inconsistencies and what appear to be errors in the assessment itself. We consider that on this basis that the conclusions of the LVIA are not robust and we do not agree with them.

In our view the proposed solar farm would have significant adverse visual effects to up to around 2.5km and significant adverse landscape effects up to around 1.5km including within the designated landscape of the Brecon Beacons National Park, which are also LANDMAP Outstanding landscapes, and other landscapes, including LANDMAP High landscapes, and across a range of Open Access Land and Public Rights of Way within these areas. We consider that there would be a significant effect to a Special Quality of the National Park and that its landscape would be harmed by the proposed development as would its setting. We recommend that the Council should consider, as part of their overall planning balance, refusing permission on the basis of the landscape and visual effects of the proposal

Representations

Two representations have been received from local residents in relation to the proposed development. Both letters included the same content and read:

Firstly, I have to say how disappointed I am that residents of Palleg Road, Lower Cwmtwrch have not received notification of the above planning application considering that access to the proposed site is planned via Palleg Road. What is the reason behind this?

Construction and delivery vehicles are proposing to use Cwmphil Road and Palleg Road for access to the site for approximately 30 weeks. There is hardly room for two small vehicles to pass in parts on either road and, in some areas, it is restricted to one vehicle only. How large are these vehicles and what is the proposed haulage weight? The residents already have to endure vibration and noise from large vehicles which has had an impact on some dwellings.

During the tenure of the Open Cast operation, the Open Cast Executive Board built an alternative access road to the Brynhenllys site. Would it not be sensible to reclaim that

piece of land to provide an alternative route, hence saving the residents of Palleg Road much grief and worry.

Palleg Road, which is a C class road, already endures a large number of vehicles of various weight and size traversing this road. It is totally unsafe for pedestrians due to lack of pavements, the narrowness of the road and the speed of vehicles driving down the hill although there is a 30mph sign which is totally ignored.

Due to the volume of traffic using the recycling site at the top of Palleg Road, it is a common occurrence that lorries, trailers and even open-ended cars lose some of their load along the road causing obstruction. Indeed, earlier this week I had to ring the Highways Department to clear Palleg Road due to a lorry shedding its load of wet clay, mud and stones the length of the road. This incident may not have any significant bearing on the proposed application but you need to understand how restricted Palleg Road becomes when this happens

I understand that on-site cabling will be buried and, not being technically-minded, am I correct in thinking that the cabling will need to join the main grid? If so, how will this be done? Will it be connected to pylons or through underground cabling along the access route?

Relevant planning history

The application site planning history is as follows:

- B132 – No Objection Raised 17/9/1974 – Opencast Coal Mining
- B142 – No decision found, just “planning clearance” written in a minute book – Proposed Prospecting for Opencast Coal – 13/8/1974
- B4061 – Refused – 24/3/1986 – Proposed Opencast Coal Site at Bryn Henllys

Planning policy

Planning law (section 38(6) of the Planning and Compulsory Purchase Act 2004) requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The duty of the decision maker is therefore to determine whether the application complies with the policies of the development plan and, if not, to consider whether material considerations justify the grant of planning permission. This assessment requires the identification of the relevant national and local policy framework and the key tests with them for assessing the effects of the proposed development.

Local Planning Policy

The Powys County Council Local Development Plan (LDP) was adopted on 17th April 2018 and will guide development during the plan period until 2026. It provides a policy framework

for positive forward planning, proposals and allocations for future developments and the basis on which consistent development control decisions can be made. Relevant policies of the LDP include:

Strategic Policy SP7 – Safeguarding of Strategic Resources and Assets

Policy DM2 – The Natural Environment

Policy DM4 – Landscape

Policy DM6 – Flood Prevention Measures and Land Drainage

Policy DM10 – Contaminated and Unstable Land

Policy DM13 – Design and Resources

Policy T1 – Travel, Traffic and Transport Infrastructure

Policy RE1 – Renewable Energy

The Powys Regeneration Strategy (June 2011) prioritises harnessing Powys' natural assets. It states that: *'The value of the Country's natural assets cannot be overstated. Green tourism, capturing renewable energy from wind and water, building on centres of expertise in alternative energy and developing supply chains and technology for low carbon energy are all areas around which Powys can build its Green Economy.'*

National Planning Policy

Relevant national planning policy is not part of the development plan, but is an important material consideration. The relevant national planning policies for solar farm developments are set out in:

- Planning Policy Wales Edition 9 (2016);
- Technical Advice Note 5 (TAN5): Nature Conservation and Planning (2009);
- Technical Advice Note 6 (TAN6): Planning for Sustainable Rural Communities (2010);
- Technical Advice Note 8 (TAN8): Planning for Renewable Energy (2005);
- Technical Advice Note 11 (TAN11): Noise (1997);
- Technical Advice Note 12 (TAN12): Design (2014);
- Technical Advice Note 23 (TAN23): Economic Development (2014) and;
- Technical Advice Note 24 (TAN24): The Historic Environment (2017)

Planning Policy Wales (PPW - 2016) is the principal national planning policy for Wales. PPW sets out the land use planning policies of the Welsh Government. Together with the series of Technical Advice Notes (TANs) and policy clarification letters it comprises national planning policy. Section 12.8 deals with renewable and low carbon energy.

PPW confirms that the UK is subject to the requirements of the EU Renewable Energy Directive. These include a UK target of 15% of energy from renewables by 2020. PPW highlights that the UK Renewable Energy Strategy (2009) and the UK National Renewable Energy Action Plan (2010) set the path for the delivery of these targets, promoting renewable energy to reduce global warming and to secure future supplies.

This document notes that the Assembly Government's aim is to secure an appropriate mix of energy provision for Wales, whilst minimising, and where possible avoiding environmental, social and economic impacts.

PPW states that the Welsh Government is committed to using the planning system to:

- optimise renewable energy generation;
- optimise low carbon energy generation;
- recognise that the benefits of renewable energy are part of the overall commitment to tackle climate change by reducing greenhouse gas emissions as well as increasing energy security.

PPW notes that local planning authorities should facilitate the development of all forms of renewable and low carbon energy to move towards a low carbon economy to help to tackle the causes of climate change. Specifically, local planning authorities should make positive provision by:

- considering the contribution that their area can make towards developing and facilitating renewable and low carbon energy, and ensuring that development plan policies enable this contribution to be delivered;
- ensuring that development management decisions are consistent with national and international climate change obligations, including contributions to renewable energy targets and aspirations;
- recognising the environmental, economic and social opportunities that the use of renewable energy resources can make to planning for sustainability (see Chapter 4); and ensuring that all new publicly financed or supported buildings set exemplary standards for energy conservation and renewable energy production.

PPW reaffirms, specifically in relation to renewable energy proposals, that it is WG's "aim...to secure an appropriate mix of energy provision for Wales, whilst avoiding, and where possible minimising environmental...impacts" and expressly states that, when determining applications for renewable energy proposals, there is a need to "minimise impacts on local communities".

PPW states that local planning authorities should:

- ensure that international and national statutory obligations to protect designated areas, species and habitats and the historic environment are observed; and
- ensure that mitigation measures are required for potential detrimental effects on local communities whilst ensuring that the potential impact on economic viability is given full consideration.

PPW goes on to state at paragraph 12.10 that in determining applications for renewable and low carbon energy development and associated infrastructure local planning authorities should take into account:

- the contribution a proposal will play in meeting identified national, UK and European targets and potential for renewable energy, including the contribution to cutting greenhouse gas emissions;
- the wider environmental, social and economic benefits and opportunities from renewable and low carbon energy development;

- the impact on the natural heritage (see 5.5), the Coast (see 5.6) and the Historic Environment (see 6.5);
- the need to minimise impacts on local communities to safeguard quality of life for existing and future generations;
- ways to avoid, mitigate or compensate identified adverse impacts;
- the impacts of climate change on the location, design, build and operation of renewable and low carbon energy development. In doing so consider whether measures to adapt to climate change impacts give rise to additional impacts (see 4.5);
- grid connection issues where renewable (electricity) energy developments are proposed; and
- the capacity of and effects on the transportation network relating to the construction and operation of the proposal.

Technical Advice Notes (TANs) should be read in conjunction with 'Planning Guidance (Wales): Planning Policy'. Planning Guidance, Technical Advice Notes and circulars should be taken into account by local planning authorities in Wales in the preparation of development plans. They may be material to decisions on individual planning applications.

TAN5: Nature Conservation and Planning (2009) was published in September 2009 and provides supplementary advice to the policies set out within PPW with respect of nature conservation issues and planning. TAN5 provides advice about how the land use planning system should contribute to protecting and enhancing biodiversity and geological conservation.

TAN 5 sets out the criteria for which development proposals will be judged with regard to sustainable development, protection and improvement of the environment, ensure appropriate weight is attached to designated sites of international, national and local importance, protect wildlife and natural features and adopt a step-wise approach to avoid harm to nature conservation.

The focus of TAN6: Planning for Sustainable Rural Communities (2010) is to provide practical guidance on how the planning system can support sustainable rural communities. TAN6 states that the quality of the agricultural land should be considered when determining planning applications.

TAN6 recognises that the planning system must respond to the challenges posed by climate change, for example by accommodating the need for renewable energy generation. However local planning authorities should also ensure local communities are not negatively affected, protect and enhance the natural and historic environment and safeguard the countryside and open spaces.

TAN8 sets out the Welsh Government's target of 4TWh of electricity per annum to be produced by renewable energy by 2010 and 7TWh by 2020. It goes on to state that other than in circumstances where visual impact is critically damaging to a listed building, ancient monument or a conservation area vista, proposals for appropriately designed solar thermal and PV systems should be supported.

TAN11: Noise (1997) sets out how the planning system can be used to minimise the adverse impact of noise without placing unreasonable restrictions on development or adding unduly to the costs and administrative burdens of business. It outlines some of the main considerations which local planning authorities should take into account in drawing-up development plan policies and when determining planning applications for development which will either generate noise or be exposed to existing noise sources.

TAN11 states (at para. 8) that:

'Local planning authorities should ensure that noise generating development does not cause an unacceptable degree of disturbance. They should also bear in mind that if subsequent intensification or change of use results in greater intrusion, consideration should be given to the use of appropriate conditions.'

The purpose of TAN12: Design (2014) is to equip all those involved in the design of development with advice on promoting sustainability through good design, planning sustainable developments and design and access statements.

TAN13: Tourism (1997) focuses on promoting and developing tourism in Wales.

TAN15: Development and Flood Risk (2004) advises on development and flood risk as this relates to sustainability principles (section 2.2 PPW), and provides a framework within which risks arising from both river and coastal flooding, and from additional run-off from development in any location, can be assessed.

TAN18: Transport (2007) focuses on the importance of transport to sustainability. Para. 3.11 reiterates this principles stating that: *'Development in rural locations should embody sustainability principles, balancing the need to support the rural economy, whilst maintaining and enhancing the environmental, social and cultural quality of rural areas.'*

Other national & regional energy policy & guidance & legislation

There are a number of national and international agreements and policies relating to the provision of renewable energy and achieving carbon emission reductions. These are material considerations and include:

- 5/93: Public Rights of Way (1993)
- Circular 61/96: Planning and the Historic Environment: Historic Buildings and Conservation Areas (1996);
- Circular 60/96: Planning and the Historic Environment: Archaeology (1996);
- Kyoto Protocol (1997)
- Circular 11/99: Environmental Impact Assessment (1999);
- Energy White Paper (2003)
- Wales Spatial Plan (2004)
- The Environment Act (1995) – *particularly Section 63*
- Energy White Paper (2007)
- UK Climate Change Programme (2008)
- Climate Change Act (2008)
- UK Renewable Energy Strategy (2009)

- EU Renewable Energy Directive 2009/28/EC (2009)
- UK Low Carbon Transition Plan (2009)
- A Low Carbon Revolution – The Welsh Assembly Government Energy Policy Statement (2010)
- The Carbon Plan: Delivering Out Low Carbon Future (2011)
- Written Statement by the First Minister, Welsh Government: Planning for Renewable Energy in Wales (17 June 2011)
- Letter by the Minister for Environment and Sustainable Development (John Griffiths) - July 2011
- Welsh Government Circular 016/2014: The Use of Planning Conditions for Development Management
- Welsh Assembly Government (2007), Guide to Good Practice on Using The Register of Landscapes of Historic Interest in Wales In The Planning and Development Process.
- Welsh Assembly Government (2011), Conservation Principles, Policies and Guidance for the Sustainable management of the Historic Environment in Wales
- Welsh Office Circular 60/96 Planning and the Historic Environment: Archaeology
- Welsh Office Circular 61/96 Planning and the Historic Environment: Historic Buildings and Conservation Areas

EN-1 is a UK policy document relating to large scale energy development. It is capable of being considered a material consideration, and whether they are material is a judgement for the decision maker. As the proposed development will generate up to 20MW, and is significantly smaller in scale than developments to which this policy was intended to address (proposals with a generating capacity of over 50MW), I do not believe that guidance is relevant and therefore EN-1 should not be a material consideration in this instance.

Other relevant legislation, among others, is found in the Human Rights Act 1998, the European Convention on Human Rights, The Planning Listed Building and Conservation Areas Act 1990, and Statutory Instrument No.243 (2011) – The Promotion of Use of Energy from Renewable Sources Regulations.

Officer Appraisal

A number of impacts have been identified through consultee responses, the applicant's submissions and comments from members of the public. These are considered below under the relevant topics.

Climate change & Principle of Development

The Intergovernmental Panel on Climate Change (IPCC) stated in 2014 that 'warming of the climate system is unequivocal, and since the 1950s, many of the observed changes are unprecedented over decades to millennia. The atmosphere and ocean have warmed, the amounts of snow and ice have diminished, and sea level has risen'².

The Climate Change Act established a target for the UK to reduce its emissions by at least 80% from 1990 levels by 2050. This target represents an appropriate UK contribution to

² Intergovernmental Panel on Climate Change – Climate Change 2014 Synthesis Report

global emission reductions consistent with limiting global temperature rise to as little as possible above 2°C. The Act established a system of five-yearly carbon budgets, to incrementally achieve this reduction. To date there have been four and a fifth carbon budget is expected to be published in December 2015, covering the period 2028-2032 and draft legislation for this is anticipated in 2016. The legally binding reductions to date are:

- 23% reduction on 1990 levels by 2012
- 29% reduction on 1990 levels by 2017
- 35% reduction on 1990 levels by 2020
- 50% reduction on 1990 levels by 2025

To help achieve the above, in recent years there has been a push to increase the proportion of energy generated from renewable sources across the UK. These have been supported by the government in a number of ways including direct financial aid (such as subsidies) and planning policy. Planning policy is clear that there is a need to move towards renewable energy sources to combat climate change.

Whilst the need for the development is accepted, the contribution the scheme makes towards meeting that need is material and should be weighed in the planning balance.

The proposed development would generate up to 20MW, however it is noted that on average solar farms in the UK operate at around 25% of their capacity over the course of a year³. The anticipated load/capacity factor in this instance is unknown but once this is taken into account the proposed development is likely to produce around 5MW.

Regardless, the proposed development will provide clean renewable energy and reduce carbon emissions and this is to be given significant weight within the planning balance.

The application seeks full planning permission for a 20MW solar farm development. Policy RE1 of the Powys Local Development Plan states the following;

Proposals for renewable and low carbon energy development will be permitted subject to the following criteria:

1. Within or close to the Strategic Search Areas (SSAs), proposals for wind energy greater than 25MW will be permitted subject to criteria 3 to 5; all other proposals for renewable and low carbon energy will only be permitted where they can demonstrate they would not prejudice the purpose of the SSA.
2. Within the Local Search Areas (LSAs), proposals for solar PV between 5 – 50MW will be permitted subject to criteria 3 to 5; all other proposals for renewable and low carbon energy will only be permitted where they can demonstrate they would not prejudice the purpose of the LSA.
3. Proposals for all types of renewable and low carbon energy development and associated infrastructure either on their own, cumulatively or in combination with existing, approved or proposed development, shall comply with all other relevant policies in the LDP.

³ Digest of United Kingdom energy statistics (DUKES) for 2014 – 2015 statistics from Table 6.4: Capacity of, and electricity generated from, renewable sources.

4. Satisfactory mitigation shall be in place to reduce the impact of the proposal and its associated infrastructure. Proposals shall make provision for the restoration and after-care of the land for its beneficial re-use.

5. Where necessary, additional compensatory benefits will be sought by agreement with applicants in accordance with Policy DM1 - Planning Obligations.

The proposed development does not lie within a Local Search Area as identified by the Powys Local Development Plan. Discussion was undertaken with the policy team where it was confirmed that the site does not form part of a Local Search Area as the application was already submitted and being considered. As such if an application was not submitted the site could have formed part of an LSA allocation for the LDP.

As such it is considered that the principle of development of a solar farm is compliant with LDP policies.

Landscape & Visual

Policy DM4 of the Local Development Plan states the following;

Proposals for new development outside the Towns, Large Villages, Small Villages and Rural Settlements defined in the Settlement Hierarchy must not, individually or cumulatively, have an unacceptable adverse effect, on the valued characteristics and qualities of the Powys landscape. All proposals will need to:

1. Be appropriate and sensitive in terms of integration, siting, scale and design to the characteristics and qualities of the landscape including its: topography; development pattern and features; historical and ecological qualities; open views; and tranquillity; and
2. Have regard to LANDMAP, Registered Historic Landscapes, adjacent protected landscapes (National Parks and Areas of Outstanding Natural Beauty) and the visual amenity enjoyed by users of both Powys landscapes and adjoining areas.

Proposals which are likely to have a significant impact on the landscape and/or visual amenity will require a Landscape and Visual Impact Assessment to be undertaken.

Representations received have tended to concentrate on the landscape & visual impacts in relation to the National Park. However, the site sits within a landscape that includes areas outwith (and within) the National Park and impacts on all areas should be considered when assessing the acceptability of this proposal. These impacts differ from the impacts on the Special Qualities of the National Park which are discussed later.

The applicant provided within the ES a Landscape and Visual Impact Assessment supported by appendices, figures and additional information within other documents (such as the Planning Statement). The LVIA looked in detail at the impacts on the Landscape Character, Settlements, Roads and Rail, Recreational Routes, and Accessible and Recreational Landscapes and ways to mitigate those impacts over varying timescales. In concluding, the applicant states that *'no significant effects would arise as a result of the proposed development. Effects that are judged to constitute additional considerations include:*

- *Effects on the character of the Brecon Beacons National Park and the rights of way crossing it;*
- *Effects on the landscape and roads on the south-eastern side of the Afon Twrch; and*
- *Effects on views south from the footpaths crossing the site.'*

The BBNPA's first response concentrated on the impact of the proposed development on the Park's Special Qualities (discussed later) but these concentrated on landscape and visual impacts and the LVIA assessment, identifying potential issues with it and its findings. Their initial response raised a holding objection. The applicant submitted further information on 29 June 2015 that responded to the BBNPA's concerns, concentrating on the Special Qualities but also mitigation and landscape enhancement, providing a Mitigation and Enhancement Plan that included detailed planting. Following receipt of this, the BBNPA provided a response that concluded that they objected to the application.

Given the importance of the National Park as a designated landscape, and the conflicting views of the applicant and the BBNPA I paid special attention to this during my site visit. At this visit I recognised the positions of both parties but considered that the concerns of the BBNPA were legitimate and sought an independent professional opinion on the likely landscape and visual issues raised by the proposed development, this included a review of the LVIA and commentary on the impact on the National Park's Special Qualities. This review was undertaken by Mr Russell-Vick.

The review identified a *'large number of significant issues [with the LVIA] which undermine its accuracy and reliability'*. It concludes that there are a number of shortcomings with the methodology employed (despite being in accordance with GLVIA3) but these are not fundamental flaws. With regards to the assessment itself however, Mr Russell-Vick considers that there is a lack of narrative and evidence to support many of the assessments and that there are a *'large number of inconsistencies and what appear to be errors in the assessment itself'*. He states that the conclusions of the LVIA are not robust and he does not agree with them.

Mr Russell-Vick considered that the proposed development farm *'would have significant adverse visual effects to up to around 2.5km and significant adverse landscape effects up to around 1.5km including within the designated landscape of the Brecon Beacons National Park, which are also LANDMAP Outstanding landscapes, and other landscapes, including LANDMAP High landscapes, and across a range of Open Access Land and Public Rights of Way within these areas.'*

PPW section 5.3 confirms that whilst the value of all landscapes in Wales is recognised, in accordance with the European Landscape Convention, the most important areas of landscape quality and nature conservation have been statutorily designated and that these statutorily designated sites make a *'vital contribution to protecting landscape and biodiversity and can also be important in providing opportunities for sustainable economic and social development.'*

PPW para 5.3.4 goes on to state that *'the statutory purposes of National Parks are to conserve and enhance their natural beauty, wildlife and cultural heritage and to promote opportunities for public understanding and enjoyment of their special qualities. Where it appears that there is a conflict between those purposes, greater weight shall be given to the*

first. National Park Authorities have been set up to pursue these purposes, and other public bodies and other relevant authorities have a statutory duty to have regard to these purposes.' PPW para 5.3.7 confirms that *'the duty to have regard to National Park and AONB purposes applies to activities affecting these areas, whether those activities lie within or outside the designated areas.'*

With regard to the use of LANDMAP, PPW confirms at para 5.3.13 that it is *'an important information resource upon which local planning authorities can draw in making the landscape assessments needed to inform... decision making in this field.'*

The site sits within LANDMAP Visual and Sensory Aspect Area BRCKNVS365. The assessment gives the area a 'Low' overall evaluation. It is noted that the justification for this assessment states: *'Open cast mining has created a disturbed landscape of tips which are detractors. The current waste tipping is also a detractor. Colonising vegetation on the fringes do not screen the slopes of the tip.'* The LANDMAP survey is dated 28th January 2003.

The applicant has submitted information relating to the restoration and aftercare of the site in response to the representation received from PCC Environmental Health with regard to contamination. This shows that mining activities ceased and a restoration scheme was agreed with PCC in September 2003. In 2013 Powys County Council accepted as a matter of fact and degree that the site was restored subject to some ongoing aftercare on part of it.

The application documents place weight on the fact that the site used to be a coal mining site. The ES at para 6.5.17, when taking about the Visual Sensory areas confirms that the *'Bryn Henllys Open Cast is... described as an area of former opencast coal mine which is 'unsightly' and 'apparently derelict' in places. It is likely that the character of the Site has improved since LANDMAP was updated but it is still that of reclaimed land and contrasts greatly with the surrounding landscape.'* To a degree this is confirmed by Mr Russell-Vick in his assessment of the site.

Given the nature of the surrounding terrain the proposed development will be visible from the north, west and south, and would appear as built form on an area of open green landscape. DM4 states that development should have regard to surrounding landscapes.

Mr Russell-Vick found that there would be significant adverse visual effects to up to around 2.5km and significant adverse landscape effects up to around 1.5km of the application site and that these effects are partly within the National Park.

However, a letter from the Minister for the Natural Environment in March 2016 states the following regarding renewable energy projects;

'I appreciate that visual and amenity impact on surrounding communities and properties is an important issue (and policies are in place to protect against unacceptably adverse impacts) and that discussions of this nature can become quite emotive during the planning process. However planning decisions need to be taken in the wider public interest and in a rational way, informed by evidence, where these issues are balanced against other factors.'

A balance against the potential landscape effect of the development along with the benefits of the scheme in terms of renewable energy production needs to be made. Whilst there would

be a landscape impact of the proposed development however Officers consider that the benefit of renewable energy production outweighs a reason for refusal on this ground.

Hydrology and Geology

The application site lies within an area entirely within Zone A / Flood Zone 1 – the ES confirms that the area is *‘served by an existing extensive on-site drainage network; to have ‘very good’ and ‘good’ downstream water qualities; and, to be underlain by a ‘Secondary A Bedrock Aquifer’.*

The main potential impacts of the development have been identified as occurring through the construction and decommissioning phases and the ES sets out how these impacts, such as increasing flood risk, surface water drainage, surface water quality, have been mitigated so that any effects are not significant. These measures primarily relate to ensuring the scheme is designed appropriately.

It is however noted that PCC Land Drainage have raised some concerns over the proposed development in terms of increased surface run-off and development close to ordinary watercourses which appear to have been missed in the ES.

Whilst these matters are important it is noted that conditions dealing with these points have been put forward by PCC Lane Drainage and I agree that it would be appropriate for these matters to be dealt with in this way as they would be necessary for the scheme to be considered acceptable.

The proposed development can therefore, subject to conditions dealing with these two points, be seen to comply with policy in this regard.

Residential Amenity

Other than the visual impact of the proposed development, which has been discussed previously, once constructed it is considered that the impact on residential amenity will not be significant.

The development will introduce an unnatural form into a number of views from a number of residential properties, the majority of which are located to the south with views looking north. The impact of this is perceptual and will depend on the value each individual attributes to a view of the natural landscape. Once constructed, the development would generate little/no noise having little, if any impact on neighbouring properties.

During construction the proposed development would generate 8 hgv movements a day which it will not impact residential amenity.

Cultural Heritage

CPAT have confirmed that there are no archaeological implication of the proposed development and Cadw have confirmed that there are no scheduled ancient monuments

within 2 km of the proposed development area. They stated that *'the topography of the landscape coupled with the existing vegetation makes it unlikely that any of them will have clear views to the proposed development. It is therefore unlikely that the impact of the proposed development on the setting of any of these designated monuments will be greater than negligible.'*

There are several grade II listed buildings near the application site, these are:

Henllys Vale Colliery Limekilns (large bank of lime kilns associated with the quarries on the Black Mountain) located c.1.3km north of the proposed development

Henllys Vale Colliery Chimney (Colliery chimney built for Henllys Vale Colliery, an anthracite drift mine that operated from 1898 to 1918) located c.1.3km north of the proposed development

Henglyn Isaf (Early C18 thatched farmhouse, one of the older surviving houses around Ystradgynlais) located c.1.3km east of the proposed development

Given the local topography there will little if any indivisibility between these structures and the proposed development. There will however be circumstances, particularly when stood within the National Park where you would see the listed buildings and the proposed development in the landscape.

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that 'In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses'. The Barnwell Manor case the Court of Appeal made it clear that in enacting s.66 (1), Parliament had intended that the desirability of preserving the settings of listed buildings should not simply be given careful consideration by the decision-maker for the purpose of deciding whether there would be some harm, but should be given "considerable importance and weight" when the decision-maker carried out the balancing exercise. Therefore special regard must be given to the desirability of preserving listed buildings and their setting and any harm caused should be given considerable weight within the planning balance.

I have given this considerable thought and have concluded that whilst there will be instances where both (the proposed development and the listed buildings) are visible the settings of these listed structures will not be harmed. Henglyn Isaf is removed and beyond a ridge and woodland whilst the colliery structures are set in their own small valley adjacent. I do not consider the listed buildings or their settings would be harmed by the proposed development. Should the decision maker form a differing view they are reminded that they should attach considerable importance and weight to that harm in the planning balance.

Highways / Transportation

Policy T1 of the Powys LDP states the following;

Transport infrastructure, traffic management improvements and development proposals should incorporate the following principal requirements:

1. Safe and efficient flow of traffic for all transport users, including more vulnerable users, and especially those making 'Active Travel' journeys by walking or cycling;
2. Manage any impacts to the network and the local environment to acceptable levels and mitigate any adverse impacts; and,
3. Minimise demand for travel by private transport and encourage, promote and improve sustainable forms of travel including Active Travel opportunities in all areas.

Transport infrastructure improvements will be supported where they promote sustainable growth, maximise the efficiency and safety of the transport systems, improve public and private transport integration and encourage passenger and freight rail operations.

PCC Highways have confirmed that subject to a number of conditions, primarily relating to the access, they do not object to the proposed development. Furthermore I see no reason why the proposed development could be refused on transport grounds.

Public Rights of Way / Open Access Land

Policy DM13 states the proposed developments will only be permitted where;

The public rights of way network or other recreation assets listed in Policy SP7 (3) are enhanced and integrated within the layout of the development proposal; or appropriate mitigation measures are put in place where necessary.

There are a number of public rights of way near to and within the application site, these include footpaths, Byways Open to all Traffic (BOAT's) and open access land.

PCC Countryside Services response dated 9th March 2015 makes it clear that they consider the scheme to have the potential to be to the detriment of users of the PRow's within and adjacent to the site and request conditions to ensure that those routes that will be used by the development are properly maintained, in addition they raise questions over the proposed landscaping and whether equestrian users will be adversely affected. Should the proposed development be permitted then I consider that both of these matters can and should be addressed by conditions to secure the mitigation of these potential negative impacts. It is noted that the proposed development will not result in any right of way being closed, altered or diverted and that any direct impact on these routes would be limited to the construction period.

That said, it is right to take into account the indirect impacts that the proposed development would have, these include impacts on the users of the rights of way. Mr Russell Vick considered the BOAT and two public footpaths running through the site at para 2.18 of his review. He stated *'the effect on their visual amenity would be at certain times considerable and adverse. We would contend that there would be the potential for higher magnitude, albeit short-lived, effects during certain times, for example when construction vehicles were operational in close proximity to people on these routes'*.

Moving further afield, the proposed development would be highly visible from certain areas of publically accessible land. In particular, views from the Open Access Land to the southwest of the site looking up the sweeping valley side towards the National Park would be interrupted by a large expanse of solar panels.

The indirect impacts of the proposed development can be mitigated to a degree by suitable landscaping to a degree when you are within or immediately adjacent to the development.

The proposed development would not result in unacceptable direct impacts on the public rights of way as none will be closed or altered.

Grid Connection

The application does not include a connection to the National Grid as this will be the basis of a separate application. However it is proper to consider whether the principle of a grid connection from this site would in broad terms be acceptable.

The ES assumes that the grid connection will be buried and comply with all the necessary and relevant standards.

I see no reason why the connection could not be provided in an acceptable manor so long as it is given proper thought and will in any event be considered through a separate application.

Socio Economic

The Environmental Statement states that the proposed development will *‘generate a range of economic benefits both in terms of its construction and operation, generating jobs for installation, maintenance and its eventual remediation. A study of direct and indirect employment effects associated with solar PV in Wales estimated that around 20.8 job years are created per MW of solar PV installed (based on a typical 30MW facility)¹⁴. That would equate to around 416 job years provided by the proposed development. The findings of the study concluded that “the energy sector can help regionally transform the Welsh Economy, creating new jobs and new opportunities including in rural and deprived regions.”*

The introduction of the solar PV will help to bring about and demonstrate diversification and commerce in the countryside. The existing land is poor quality agricultural land and is not well suited to arable use. The income from grazing sheep and the fixed lease income from the solar farm would provide a more secure income. Agricultural use of the land can be maintained by grazing sheep.’

It is therefore considered that the propose development will have a positive socio-economic impact.

Conclusions

The proposed development will introduce a large 20MW solar farm onto an area of restored countryside very close to the edge of the National Park. It will be present in views looking towards the National Park and visible in views from the National Park, having an adverse impact on its Special Qualities and the surrounding landscape. The former use of the site as an open cast mine is noted, however it is considered that as the site has been restored

The benefits of the scheme are noted, it will provide much needed clean energy generation helping to meet the Welsh Governments aspirations to increase renewable energy in Wales. In addition, it would bring some economic benefits to the area by way of construction employment and some ongoing employment for maintenance purposes. These factors weigh in favour of granting permission.

Other matters such as drainage, impacts on public rights of way and transportation/highways are considered acceptable, subject to appropriate planning conditions being attached to any permission.

The planning balance therefore must weigh whether much needed renewable energy and economic benefits outweigh the negative impacts on the landscape and National Park in particular.

PPW states that in determining applications for renewable and low carbon energy development local planning authorities should take into account a number of considerations, including *'the contribution a proposal will play in meeting identified... targets'*. PPW also states at paragraph 5.3.6 that *'development management decisions should give great weight to conserving and enhancing the natural beauty, wildlife and cultural heritage of...'* National Parks and they *'must be afforded the highest status of protection from inappropriate developments'*.

In this case the planning judgement is finely balanced, the need for renewable energy is considerable and the contribution towards targets not small, and as such the proposed development is recommended for approval subject to the conditions below.

All information including the Environmental Statement and Environmental Information has been considered in the determination of this application.

Conditions

1. The development to which this permission relates shall be begun no later than the expiration of five years from the date of this permission.
2. The development shall be carried out strictly in accordance with the plans (drawing no's: 3798_0101, 3798_ES_0201, 3798_ES_0202, 3798_ES_0203, 3798_ES_0204, 3798_ES_0205, 3798_ES_0206 and 3798_ES_0207 and Documents: Environmental Statement dated February 2015, Planning Statement dated February 2015, Access addendum dated February 2015, Design and Access Statement dated February 2015 and Coal Mining Risk Assessment dated November 2017).
3. Before the development commences a scheme shall be submitted to and agreed in writing by the Local Planning Authority in respect of the control of noise and dust emanating from the construction phase of the development, together with details of the potential for noise disturbance from the electrical substation and the inverter/transformer cabins. Suitable sound installation of the substation and cabins should be considered. Such a scheme shall be maintained and shall not be altered without the written approval of the Local Planning Authority.

4. Site development and construction works shall not take place outside 0800 hours to 1800 hours Monday to Friday and 0800 to 1600 hours on Saturday. No works to take place on Sundays and Bank Holidays.
5. Any entrance gates shall be set back at least **5.5 metres** distant from the edge of the adjoining carriageway and shall be constructed so as to be incapable of opening towards the highway.
6. Upon erection of the boundary fencing the access shall be provided with clear visibility from a point 1.05 metres above ground level at the centre of the access and **2.4 metres** distant from the edge of the adjoining carriageway, to points 0.26 metres above ground level at the edge of the adjoining carriageway and **33.0 metres** distant in each direction measured from the centre of the access along the edge of the adjoining carriageway. Nothing shall be planted, erected or allowed to grow on the area(s) of land so formed that would obstruct the visibility and the visibility shall be maintained free from obstruction thereafter.
7. Prior to the activation of the development the area of the access to be used by vehicles is to be constructed to a minimum of 410mm depth, comprising a minimum of 250mm of sub-base material, 100mm of bituminous macadam base course material and 60mm of bituminous macadam binder course material for a distance of **5.5 meters** from the edge of the adjoining carriageway. Any use of alternative materials is to be agreed in writing by the Local Planning Authority prior to the access being constructed.
8. No storm water drainage from the site shall be allowed to discharge onto the county highway.
9. No buildings, structures, fences or alteration of contours shall take place within 5 metres of the top of the bank of any ordinary watercourse, or 3 metres either side of any culverted watercourse without prior permission from the LPA.
10. No development shall commence until a scheme for the surface water drainage of the site has been submitted to and approved in writing by the local planning authority. The approved scheme shall be completed before any of the site comes into operational use.
11. An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons (*a contaminated land specialist with proven experience within the contaminated land industry*) and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:
 - (i) a survey of the extent, scale and nature of contamination;
 - (ii) an assessment of the potential risks to:
 - human health ,

- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes, • adjoining land,
- groundwaters and surface waters,
- ecological systems,
- archaeological sites and ancient monuments;

(iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11 ' and the WLGA document 'Development of land affected by contamination: a guide for developers' 2012

Item iii) above should not be submitted until written approval has been obtained from the Local Planning Authority for items (i) & (ii).

12. A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990, The Contaminated Land (Wales) Regulations 2001 in relation to the intended use of the land after remediation. The detailed remediation scheme should not be submitted until written approval for Condition 12 has been received from the Local Planning Authority.

13. It is noted that the proposed development is situated on land that was formerly a **garage and railways (as shown on historic Ordnance Survey Maps)** which are potential contaminative use. In light of this, it will be '-- necessary to condition any future consent so as to ensure that any potential contamination issues are adequately dealt with. I would recommend that the following condition and note to applicant be applied to any future consent that may be granted.

14. An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons (a contaminated land specialist with proven experience within the contaminated land industry) and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- (iv) a survey of the extent, scale and nature of contamination;
- (v) an assessment of the potential risks to:
 - human health,
 - property (existing or proposed) including buildings, crops,
 - livestock, pets, woodland and service lines and pipes,
 - adjoining land,
 - groundwaters and surface waters,
 - ecological systems,

- archaeological sites and ancient monuments;

(vi) an appraisal of remedial options, and proposal of the preferred options(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11 and the WLGA document 'Development of land affected by contamination: a guide for developers' 2012.

Item (iii) above should not be submitted until written approval has been obtained from the Local Planning Authority for items (i) & (ii).

15. A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990, The Contaminated Land (Wales) Regulations 2001 in relation to the intended use of the land after remediation. The detailed remediation scheme should not be submitted until written approval for Condition 1 has been received from the Local Planning Authority.
16. The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority. The verification report contents must be agreed with the Local Planning Authority before commencement of the remediation scheme.
17. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 13, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 14, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 15.
18. A monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over a period of duration to be agreed in writing with the Local Planning Authority and the provision of reports on the same must be prepared, both of which are subject to the approval in writing of the Local Planning Authority.

Within six months following the completion of the measures identified in that scheme the achievement of the remediation objectives, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced, and submitted to the Local Planning Authority. This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

19. Prior to the commencement of development within that part of the site where shaft 276212-005 is present an appropriate scheme of intrusive site investigations for the mine entry shall be submitted to and approved in writing by the Local Planning Authority.
20. Prior to the commencement of development a report of findings arising from the intrusive site investigations including proposed treatment works shall be submitted to and approved in writing by the Local Planning Authority. The proposed treatment works shall be implemented in full.
21. Prior to the commencement of development a scheme to ensure the maintenance for BOAT number 090/7 shall be submitted to and approved in writing by the Local Planning Authority.
22. No development or site clearance shall take place until there has been submitted to and approved in writing by the local planning authority a scheme of landscaping. The scheme shall include indications of all existing trees (including spread and species) and hedgerows on the land, identify those to be retained and set out measures for their protection throughout the course of development.
23. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reasons

1. Required to be imposed by Section 91 of the Town and Country Planning Act 1990.
2. To ensure adherence to the plans stamped as approved in the interests of clarity and a satisfactory development.
3. In order to control development which has the potential to have adversely affect the amenity of the area in contradiction to policy DM13 of the Powys Local Development Plan (April 2018) and Planning Policy Wales (2016).
4. In order to control development which has the potential to have adversely affect the amenity of the area in contradiction to policy DM13 of the Powys Local Development Plan (April 2018) and Planning Policy Wales (2016).
5. In the interests of highway safety and in accordance with the provisions of Powys LDP Policy T1.
6. In the interests of highway safety and in accordance with the provisions of Powys LDP Policy T1.

7. In the interests of highway safety and in accordance with the provisions of Powys LDP Policy T1.
8. In the interests of highway safety and in accordance with the provisions of Powys LDP Policy T1.
9. In the interests of amenity and in accordance with the provisions of Powys LDP Policy DM6.
10. In the interests of amenity and in accordance with the provisions of Powys LDP Policy DM6.
11. In the interests of land contamination and stability in accordance with the provisions of Powys LDP Policy DM10.
12. In the interests of land contamination and stability in accordance with the provisions of Powys LDP Policy DM10.
13. In the interests of land contamination and stability in accordance with the provisions of Powys LDP Policy DM10.
14. In the interests of land contamination and stability in accordance with the provisions of Powys LDP Policy DM10.
15. In the interests of land contamination and stability in accordance with the provisions of Powys LDP Policy DM10.
16. In the interests of land contamination and stability in accordance with the provisions of Powys LDP Policy DM10.
17. In the interests of land contamination and stability in accordance with the provisions of Powys LDP Policy DM10.
18. In the interests of land contamination and stability in accordance with the provisions of Powys LDP Policy DM10.
19. In the interests of land contamination and stability in accordance with the provisions of Powys LDP Policy DM10.
20. In the interests of land contamination and stability in accordance with the provisions of Powys LDP Policy DM10.
21. In order to ensure the right of way is properly maintained in accordance with Policy SP7 and DM13 of the Powys LDP.
22. To comply with Powys County Council's LDP Policy DM2 in relation to The Natural Environment, Planning Policy Wales (Edition 9, November 2016), TAN5: Nature Conservation and Planning, Environment (Wales) Act 2016.
23. To comply with Powys County Council's LDP Policy DM2 in relation to The Natural Environment, Planning Policy Wales (Edition 9, November 2016), TAN5: Nature Conservation and Planning, Environment (Wales) Act 2016.