

Planning, Taxi Licensing and Rights of Way Committee Report

Application Number: 24/0346/FUL

Grid Ref: E: 309641
N: 252128

Community Council: Aberedw Community

Valid Date: 25.03.2024

Applicant: Aberedw Energy Park Limited

Location: Meteorological Mast On Aberedw Hil, Cregrina, Builth Wells, Powys,

Proposal: Application for temporary planning permission for an anemometer mast of up to 122.5m in height (including instruments) with associated stockproof fencing, for five years.

Application Type: Full Application

The reason for Committee determination

The application has been 'called-in' by the Local Member.

Consultee Responses

Consultee

Received

Natural Resources Wales (Mid Wales)
DPAS

26th Jul 2024

We continue to have concerns with the application as submitted. However, we are satisfied that these concerns can be overcome by attaching the following conditions to any planning permission granted:

Conditions 1-4: Ornithology

Please note, without the inclusion of these conditions we would object to this planning application. Further details are provided below.

Protected Species

Ornithology

We have considered the additional information submitted by the agent in relation to ornithology dated 12th June 2024 and provide the following advice.

Construction of masts in upland habitats can lead to temporary disturbance to sensitive

nesting birds during the works, especially if they are undertaken during the breeding season.

Masts may also provide perching opportunities for predators to scan for active nests and young birds, while any aviation lighting required could result in disturbance and displacement

of bird features. The guide wires can also present a potential collision risk. For further information relating to mitigation measures for masts can be found on the following link:

[Guidance - Assessment and mitigation of impacts of power lines and guyed meteorological masts on birds | NatureScot](#)

We are aware of the potential for the site to contain breeding curlew; the application site lies in close proximity to Important Curlew Area (ICA) 11 - Ireland Moor. Impacts on curlew, may

need to be considered in relation to the mast providing perching opportunities for predators.

Further information in relation to Curlew can be found on the following link: [Recovery Plan | Curlew Wales](#)

It is also recommended that any vegetation clearance works are undertaken out with the nesting bird season (March to August, inclusive).

Therefore, the following conditions should be attached to any planning permission granted:

Condition 1: A nesting bird check shall be undertaken within 48 hours prior to works commencing and be completed by a suitably qualified ecologist. If an active nest is identified

then an appropriate protection zone shall be installed, within which there shall be no works until the young have fledged.

Condition 2: The meteorological mast shall be fitted with line markers on the guy wires as described within Section 6 of the NatureScot guidance 2016: Assessment and Mitigation of

impacts of power lines and guyed meteorological masts on birds. Markers shall be installed as close together as possible and in contrasting colours. Markers shall also be maintained

and replaced throughout the lifetime of the mast.

Condition 3: No external lighting (other than that required for aviation safety) shall be installed unless a detailed external lighting design scheme has been submitted to and approved in writing by the Local Planning Authority.

Condition 4: The mast shall be removed and the land restored to its former condition five years from the date of commissioning. The applicant shall inform the Local Planning Authority of the date of commissioning accordingly.

Bats and Great Crested Newts

We are satisfied that the following reports are satisfactory for the purposes of informing the public decision-making process.

- o Murphy, A; Dooley, G and Cottrell, L. (2020), Builth Wells South Wind Farm: Bat Survey Report. Environmental Systems. (Unpublished)

- o Richardson, S. (2023). Aberedw: Great Crested Newt Survey Report. IPT Energised Office. (Unpublished)

- o Machin, N. (2024). Aberedw Met Mast Locations. Land Use Consultants (Unpublished).

Biosecurity

We consider biosecurity to be a material consideration owing to the nature and location of the proposal site. In this case, biosecurity issues concern invasive non-native species (INNS) and diseases. We therefore advise that any subsequent consent is subject to the imposition of a condition requiring the submission and implementation of a Biosecurity Risk

Assessment to the satisfaction of the Local Planning Authority (LPA).

We consider that this assessment must include:

- (i) appropriate measures to control any INNS on site; and

- (ii) measures or actions that aim to prevent INNS being introduced to the site for the duration of the development and restoration.

In respect of biosecurity, NRW does not require any further re-consultation.

Landscape

We have reviewed the following additional information submitted: 'Agents note: Ref.

24/0346/FUL - Temporary Anemometer Mast at Land at Aberedw Hill - Response to request for further information' that was submitted in response to the planning officer's request for further information.

We note the agent's comments to the planning officer regarding NRW's responses on another application site which the agent has put forward as a comparison. However, there is a material difference in terms of distance and local context for both sites.

As stated within our previous response (CAS-252602-Y9C2) our landscape planning advice relates to the landscape character and visual amenity of the Bannau Brycheiniog National Park (BBNP), and the statutory purpose of the designation to conserve and enhance its natural beauty.

We have reviewed the Bute Energy Planning, Design and Access and Green Infrastructure Statement March 2024 (PDAS), together with associated application documents for the proposed 122.5m anemometer mast at Aberedw Hill, Builth Wells. The mast would be in place for up to 5 years.

We advise the proposal is unlikely to cause significant adverse effects on either the landscape character or visual amenity of the BBNP. This is due to the temporary nature of the proposal, its slimline form, and its distance from the BBNP (approximately 16km at its closest point).

Notwithstanding our consideration of the potential effects on the BBNP, we advise your Authority that conclusions within the PDAS on local landscape and visual impacts are not supported by adequate reasoning and evidence. For example:

- o The extent of the study area (the geographical area in which effects are likely to be experienced) is not stated or shown on a plan. We advise NRW Guidance Note 46 provides guidance on appropriate search and study areas for vertical structures and

recommends using a study area of between 11 to 20km for vertical structures between 109-145m in height.

- o A Zone of Theoretical Visibility (ZTV) analysis has not been provided. A ZTV should be provided to identify - and support conclusions on - the area from which the mast is expected to be visible, visual receptors, and potential viewpoints.

- o As no viewpoints have been identified there is also no viewpoint photography and no explanation of what the impacts would be on visual receptors at specific viewpoints.

- o There is no explanation of how valued aspects of the local landscape would be impacted by the proposals. For example, there is no explanation of how the area's

distinctly rural and exposed character, its sense of wildness and tranquillity would be impacted. These qualities are identified in the description of Landscape Character Area (LCA) 50 Aberedw Uplands and LANDMAP Visual and Sensory Aspect Area

(RDNRVS164) in which the site is located. The latter has a High evaluation on account of it being a 'good example of wild, open, spacious, natural, diverse, tranquil upland moorland which is generally well managed, plus attractive views'. It is understood that these qualities led to the LANDMAP recommendation to 'Restrict development of masts, windfarms, etc' within this area.

o The basis for the conclusion that the proposals would not be contrary to any guidelines for LCA 50 Aberedw Uplands is not clear. We consider a 122.5m tall mast with supporting guy lines in this location is likely to temporarily undermine the guideline (for example) to 'Retain the open character of the landscape, and the perceptions of remoteness and tranquillity' - primarily due to the height and appearance of the mast, and the site's elevation and visually exposed upland character.

Our previous letter advised that your Authority may therefore wish to request further information on the issues above to satisfy yourselves on the extent, nature, importance, and acceptability of landscape and visual effects.

We note from the agent's comments that your Authority on (25th April 2024) has requested further information from the Applicant regarding landscape.

Protected Sites We note the application site is within the catchment of the River Wye Special Area of Conservation (SAC). In line with our Advice to Planning Authorities for Planning Applications Affecting Nutrient Sensitive River Special Areas of Conservation (28 June 2024), under the Habitats Regulations, Planning Authorities must consider the impact of proposed

developments on water quality within SAC river catchments.

However, recognising the specific nature of the application submitted we are satisfied that there is unlikely to be a source of additional nutrients and/or a pathway for impacts. As such,

in our opinion, it would be reasonable for your Authority to screen out this proposal as not likely to have a significant effect on the River Wye SAC in relation to nutrient inputs.

Other Matters

Our comments above only relate specifically to matters included on our checklist, Development Planning Advisory Service: Consultation Topics (September 2018), which is published on our website. We have not considered potential effects on other matters

and do not rule out the potential for the proposed development to affect other interests. We advise the applicant that, in addition to planning permission, it is their responsibility to ensure they secure all other permits/consents/licences relevant to their development. Please refer to our website for further details.

Community Council

2nd May 2024

Please be informed that Glascwm Community Council wish to object to planning application 24/0326/FUL - Temporary installation of an anemometer mast on Aberedw Hill on the grounds of its negative visual impact and the installation being detrimental to the ground nesting birds on the hill and the Red Kites in the area.

Ward Councillor

2nd Apr 2024

I am e-mailing you to confirm that I wish to call this application in for consideration by the Planning Committee.

The reason for my decision is the current lack of information in support of the planning application in respect to the potential impact on:-

1. The Birdlife
2. The Landscape &
3. The environment

Once the applicant has provided the relevant evidence in support of their application, I will review it for completeness and then reconsider my decision to call in the application.

Natural Resources Wales (Mid Wales)
DPAS

26th Nov 2024

Thank you for consulting Cyfoeth Naturiol Cymru (CNC)/Natural Resources Wales (NRW) about the above and the additional information which we received on 04 November 2024.

We continue to have concerns with the application as submitted. However, we are satisfied that these concerns can be overcome by attaching the following conditions to any planning permission granted:

Conditions 1-4: Ornithology

Please note, without the inclusion of these conditions we would object to this planning application. Further details are provided below.

We have noted the additional information submitted including:

- o Landscape and Visual Technical Statement V2 dated 24/202024
- o Met Mast - Peat Depth dated 21/10/2024

Landscape - Within our previous response CAS-258272-Y6P5 dated 26th July 2024, you will note that our advice on landscape was that the proposal is unlikely to cause significant adverse effects on either the landscape character or visual amenity of the Bannau Brycheiniog National Park (BBNP) and we did not request any further information on matters in relation to our remit (i.e. BBNP). The technical advice we provided was for the benefit of the Local Planning Authority (LPA), for you to consider and be satisfied regarding the level of impact on the local landscape. Therefore, our advice on Landscape remains unchanged, please see further details below.

Peat - We note that the information submitted in relation to peat illustrates that there is no peat within the redline boundary. In our previous response referenced above, we did not provide any advice regarding peat and we therefore have no comments to make.

Protected Species

Ornithology

We have considered the additional information submitted by the agent in relation to ornithology dated 12th June 2024 and provide the following advice.

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sensitive nesting birds during the works, especially if they are undertaken during the breeding season. Masts may also provide perching opportunities for predators to scan for active nests and young birds, while any aviation lighting required could result in disturbance and displacement of bird features. The guide wires can also present a potential collision risk. For further information relating to mitigation measures for masts can be found on the following link: [Guidance - Assessment and mitigation of impacts of power lines and guyed meteorological masts on birds |](#)

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It is also recommended that any vegetation clearance works are undertaken out with the nesting bird season (March to August, inclusive).

Therefore, the following conditions should be attached to any planning permission granted:

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We consider that this assessment must include:

- (i) appropriate measures to control any INNS on site; and
- (ii) measures or actions that aim to prevent INNS being introduced to the site for the duration of the development and restoration.

In respect of biosecurity, NRW does not require any further re-consultation.

Landscape

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officer's request for further information.

We note the agent's comments to the planning officer regarding NRW's responses on another application site which the agent has put forward as a comparison. However, there is a material difference in terms of distance and local context for both sites.

As stated within our previous response (CAS-252602-Y9C2) our landscape planning advice relates to the landscape character and visual amenity of the Bannau Brycheiniog National Park (BBNP), and the statutory purpose of the designation to conserve and enhance its natural beauty.

We have reviewed the Bute Energy Planning, Design and Access and Green Infrastructure Statement March 2024 (PDAS), together with associated application documents for the proposed 122.5m anemometer mast at Aberedw Hill, Builth Wells. The mast would be in place for up to 5 years.

We advise the proposal is unlikely to cause significant adverse effects on either the landscape character or visual amenity of the BBNP. This is due to the temporary nature of the proposal, its slimline form, and its distance from the BBNP (approximately 16km at its closest point).

Notwithstanding our consideration of the potential effects on the BBNP, we advise your Authority that conclusions within the PDAS on local landscape and visual impacts are not supported by adequate reasoning and evidence. For example:

- o The extent of the study area (the geographical area in which effects are likely to be experienced) is not stated or shown on a plan. We advise NRW Guidance Note 46 provides guidance on appropriate search and study areas for vertical structures and recommends using a study area of between 11 to 20km for vertical structures between 109-145m in height.
- o A Zone of Theoretical Visibility (ZTV) analysis has not been provided. A ZTV should be provided to identify - and support conclusions on - the area from which the mast is expected to be visible, visual receptors, and potential viewpoints.
- o As no viewpoints have been identified there is also no viewpoint photography and no explanation of what the impacts would be on visual receptors at specific viewpoints.

o There is no explanation of how valued aspects of the local landscape would be impacted by the proposals. For example, there is no explanation of how the area's distinctly rural and exposed character, its sense of wildness and tranquillity would be impacted. These qualities are identified in the description of Landscape Character Area (LCA) 50 Aberedw Uplands and LANDMAP

Visual and Sensory Aspect Area (RDNRVS164) in which the site is located. The latter has a High evaluation on account of it being a 'good example of wild, open, spacious, natural, diverse, tranquil upland moorland which is generally well managed, plus attractive views'.

It is understood that these qualities led to the LANDMAP recommendation to 'Restrict development of masts, windfarms, etc' within this area.

o The basis for the conclusion that the proposals would not be contrary to any guidelines for LCA 50 Aberedw Uplands is not clear. We consider a 122.5m tall mast with supporting guy lines in this location is likely to temporarily undermine the guideline (for example) to 'Retain the open character of the landscape, and the perceptions of remoteness and tranquillity' - primarily due to the height and appearance of the mast, and the site's elevation and visually exposed upland character.

Our previous letter advised that your Authority may therefore wish to request further information on the issues above to satisfy yourselves on the extent, nature, importance, and acceptability of landscape and visual effects.

We note from the agent's comments that your Authority on (25th April 2024) has requested further information from the Applicant regarding landscape.

Protected Sites

We note the application site is within the catchment of the River Wye Special Area of Conservation (SAC). In line with our Advice to Planning Authorities for Planning Applications Affecting Nutrient Sensitive River Special Areas of Conservation (28 June 2024), under the Habitats Regulations, Planning Authorities must consider the impact of proposed developments on water quality within SAC river catchments.

However, recognising the specific nature of the application submitted we are satisfied that there is unlikely to be a source of additional nutrients and/or a pathway for impacts. As such, in our opinion, it would be reasonable for your Authority to screen out this proposal as not likely to have a significant effect on the River Wye SAC in relation to nutrient inputs.

Other Matters

Our comments above only relate specifically to matters included on our checklist, Development Planning Advisory Service: Consultation Topics (September 2018), which is published on our website. We have not considered potential effects on other matters and do not rule out the potential for the proposed development to affect other interests.

We advise the applicant that, in addition to planning permission, it is their responsibility to ensure they secure all other permits/consents/licences relevant to their development. Please refer to our website for further details.

If you have any queries on the above, please do not hesitate to contact us.

Natural Resources Wales (Mid Wales)
DPAS

18th Apr 2024

We have concerns with the application as submitted because inadequate information has been provided in support of the proposal. To overcome these concerns, you should seek further information from the applicant regarding protected species/ornithology. If this information is not provided, we would object to this planning application. Further details are provided below.

Protected Species

The submitted Bute Energy Planning, Design and Access and Green Infrastructure Statement (PDAS), dated March 2024 indicates that a desk-based ecological assessment across the wider Aberedw Hill was undertaken in 2021, and that Great crested newt (GCN)

surveys and walkover surveys were conducted in October 2023. We note that these reports have not been submitted with the application.

Without having sight of the ecological surveys, we are not able to provide comment in relation to protected species.

We therefore recommend you seek the advice of your in-house ecologist to determine if there is a reasonable likelihood of a European Protected Species (EPS), being present within the application site.

Please consult us again if any survey undertaken finds that EPS are present at the site and you require further advice from us.

Ornithology

Construction of masts in upland habitats can lead to temporary disturbance to sensitive nesting birds during the works, especially if they are undertaken during the breeding season.

Masts may also provide perching opportunities for predators to scan for active nests and young birds, while any aviation lighting required could result in disturbance and displacement

of bird features. The guide wires can also present a potential collision risk.

We previously provided EIA scoping advice about ornithological features regarding the related Aberedw wind farm, which encompasses this application site (dated 25/01/24, our ref. CAS-245038-R2M8). We note that further surveys are to be completed in 2024. As advised in our EIA scoping response, more detail regarding the surveys to be completed in 2024 is needed for us to determine with any confidence that these surveys will provide an adequate update to the surveys completed to date. The surveys in 2024 should include breeding waders among the target species. Any desktop survey completed should also be updated.

Therefore, at this stage we advise that impacts on sensitive ornithological features should

not be discounted as the full results of the surveys and updated desktop study are not yet available for review.

For further information relating to mitigation measures for masts please refer the applicant to the following link: [Guidance - Assessment and mitigation of impacts of power lines and guyed meteorological masts on birds | NatureScot](#)

Landscape

Our landscape planning advice relates to the landscape character and visual amenity of the

Bannau Brycheiniog National Park (BBNP), and the statutory purpose of the designation to conserve and enhance its natural beauty.

We have reviewed the Bute Energy Planning, Design and Access and Green Infrastructure Statement March 2024 (PDAS), together with associated application documents for the proposed 122.5m anemometer mast at Aberedw Hill, Builth Wells. The mast would be in place for up to 5 years.

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109-145m in height.

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o There is no explanation of how valued aspects of the local landscape would be impacted by the proposals. For example, there is no explanation of how the area's distinctly rural and exposed character, its sense of wildness and tranquillity would be impacted. These qualities are identified in the description of Landscape Character Area (LCA) 50 Aberedw Uplands and LANDMAP Visual and Sensory Aspect Area (RDNRVS164) in which the site is located. The latter has a High evaluation on account of it being a 'good example of wild, open, spacious, natural, diverse, tranquil upland moorland which is generally well managed, plus attractive views'. It is understood that these qualities led to the LANDMAP recommendation to 'Restrict development of masts, windfarms, etc' within this area.

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Protected Sites

We note the application site is within the catchment of the River Wye Special Area of Conservation (SAC). As you are aware, on the 21st January 2021, we published an evidence package outlining phosphorus levels for all river SACs across Wales. In line with our Planning Advice (August 2023), under the Habitats Regulations, Planning Authorities must consider the phosphorus impact of proposed developments on water quality within SAC river catchments.

However, the application as submitted is unlikely to increase the amount of phosphorus entering the catchment. Therefore, we are satisfied that the proposal is not likely to have a significant effect on the River Wye SAC.

Other Matters

Our comments above only relate specifically to matters included on our checklist, Development Planning Advisory Service: Consultation Topics (September 2018), which is published on our website. We have not considered potential effects on other matters and do

not rule out the potential for the proposed development to affect other interests.

We advise the applicant that, in addition to planning permission, it is their responsibility to ensure they secure all other permits/consents/licences relevant to their development. Please refer to our website for further details.

If you have any queries on the above, please do not hesitate to contact us.

Powys Ramblers

29th Apr 2024

Powys ramblers wish to comment on this application please.

We wish to support the comments made by countryside services.

PCC-(S) Highways

8th Apr 2024

Thank you for consulting the Highway Authority on this matter.

The applicant proposes to transport the mast components and equipment to site utilising a 4x4 and trailer or tractor and trailer, no abnormal loads will be necessary.

Therefore, this proposal would have no detrimental effect on the existing highway network and as such the Highway Authority do not have any comment to make on this application.

Dwr Cymru Welsh Water

17th Apr 2024

Dwr Cymru Welsh Water has no comment to make on this application.

Environmental Protection

28th Mar 2024

Environmental protection have no comments to make in respect of this application.

PCC-Ecologist

9th Dec 2024

Recommendation:

No objection - subject to planning conditions and/or planning obligations

Policy background:

- o Planning Policy Wales, Edition 12, 2024

- o Technical Advice Note (TAN) 5
- o Powys Local Development Plan 2011 - 2026:

DM2 - The Natural Environment

DM4 - Landscape

DM7 - Dark Skies and External Lighting

- o Powys Supplementary Planning Guidance: Biodiversity and Geodiversity (2018)

Legislative background:

- o The Conservation of Habitats and Species Regulations 2017 (as amended)
- o Environment (Wales) Act 2016

Statutory sites within 500m:

- o None

Non-statutory sites within 500m:

- o None

Records of protected and/or priority species reported within 500m? Yes

Comments:

The application is informed by the following information:

- o Murphy, A. (December 2020) Bat Survey Report, Meteorological Mast On Aberedw Hil Cregrina Builth Wells Powys. Environment Systems.
- o Richardson, S. (16/10/2016) Great Crested Newt Survey Report. Meteorological Mast On Aberedw Hil Cregrina Builth Wells Powys. ITPENERGISED.
- o Anon. (March 2024) Planning, Design and Access, and Green Infrastructure Statement. Meteorological Mast On Aberedw Hil Cregrina Builth Wells Powys. LUC.
- o Anon. (12/06/2024) Agent response to Powys Country Council. Meteorological Mast On Aberedw Hil Cregrina Builth Wells Powys. LUC.
- o Machin, N. (21/05/2024) Aberedw Met Mast Locations. Meteorological Mast On

Aberedw Hil Cregrina Builth Wells Powys. LUC.

Survey effort and methods employed in accordance with current national guidelines? Yes

This application is for temporary planning permission for an anemometer mast of up to 122.5m in height (including instruments) with associated stockproof fencing for five years.

Impacts to protected and priority sites:

There are no statutory or non-statutory protected sites within 500m of this development. The bat survey report has identified a number of designated sites within a 10km radius of the site, six of which have been designated for their role in bat conservation. However, no impacts are anticipated on the features of these protected sites due to the distance and nature of this development.

Impacts to priority habitats:

As identified in the bat survey report and the green infrastructure statement, the site is within an area of upland farmland. The existing habitats on blue in boundary are acid dry heath, sense bracken, grazed acid and neutral grassland, marshy garland, blanked bog, mire, flushes, hedgerows, tree lines and areas of woodland.

The Met Mast Locations report (21/05/2024) has identified that the preferred location of the mast would be location 2. This area of the site currently comprises of dry dwarf shrub heath (NVC output: U5 and H12/H18) with areas dominated by matt grass, two heather species, bilberry, tormentil and tow bryophytes species. The site is located within a section 7 priority habitat of upland heathland. The stepwise approach has been used to inform the location of the mast which identified that the other two possible locations are within 250m of ponds where great crested newts have been confirmed (Richardson., 2016). Although this location is within a priority habitat, the development has a small footprint and is a temporary development, therefor it is unlikely to result in a significant impact to this priority habitat.

Impacts to protected and priority species:

I have reviewed the submitted bat survey report and the great crested newt survey report. As stated above the step wise approach has been used to minimise possible impacts to great crested newts which are confirmed to be present in a number of ponds within the

wind farm boundary. The closest pond to the application site is 900m to the south-east, other ponds with confirmed presence of great crested newts are located more than 1km from the application site. The distance as well as the small scale of this development ensures that impacts to great crested newts during works is unlikely. However, as there is a network of ponds on the site and suitable terrestrial habitat it is recommended that the submission of a reasonable avoidance method statement (RAMS) is secured through an appropriately worded planning condition.

The bat survey submitted in support of this application is focused on the wind farm development rather than for this application. However, impacts to bats during construction and operation of the mast is unlikely due to the small scale of this development and as potential bat roost features are not impacted.

I agree with the conditions proposed by Natural resources Wales in the comments provided by them on 26th November 2024. The conditions recommend that a nesting bird check shall be undertaken within 48 hours of works commencing, the use of line markers on the guy wires and the submission of a lighting plan before the use of external lighting.

Biodiversity Enhancement, Green Infrastructure and Ecosystem Resilience

No biodiversity enhancement features have been proposed with this application therefore, it is recommended that the submission of a biodiversity enhancement plan is secured through an appropriately worded planning condition.

Conditions:

1. Prior to commencement of development (including ground works and vegetation clearance), a Reasonable Avoidance Measures Method Statement for great crested newts shall be submitted to the Local Planning Authority and approved in writing. The approved measures shall be adhered to and implemented in full.
2. All outer guy wires shall have bird deflectors attached at a spacing of 2m along the entire length. The deflectors shall be installed on the guy wired of the mast for the duration

of the planning consent and any deflectors found to be broken or detached shall be replaced within one month.

3. Approved works shall take place outside of the bird nesting season (March to August inclusive). Alternatively, any cutting back or removal of any part of the vegetation shall only take place within 48 hours following inspection by a suitably qualified ecologist. The advice of the ecologist shall be followed and implemented in full.

4. No external lighting (other than lighting required for aviation safety) shall be installed unless a detailed external lighting design scheme has been submitted to and approved in writing by the Local Planning Authority. The external lighting scheme shall identify measures to avoid impacts on nocturnal wildlife, in accordance with the recommendations outlined in the BCT and ILP Guidance Note 08/23 Bats and Artificial Lighting at Night (2023) (or its replacement). The development shall be carried out in accordance with the approved details.

5. Prior to commencement of development a detailed Biodiversity Enhancement plan shall be submitted to the Local Planning Authority and implemented as approved no later than three months following first beneficial use of the mast or the completion of the development (whichever is the sooner) and maintained thereafter.

Reason: To comply with Powys County Council's LDP Policies DM2 in relation to The Natural Environment, DM4 in relation to Landscape and to meet the requirements of Planning Policy Wales (Edition 12, February 2024), TAN 5: Nature Conservation and Planning and Part1 Section 6 of the Environment (Wales) Act 2016.

Informatives:

The following advice for the applicant is also considered appropriate

Protected Species

Work should halt immediately and Natural Resources Wales (NRW) contacted for advice in the event that protected species are discovered during the course of the development. To proceed without seeking the advice of NRW may result in an offence under the Conservation of Habitats and Species Regulations 2017 and/or the Wildlife & Countryside Act 1981 (as amended) being committed. NRW can be contacted by phone at 0300 065

3000.

Bats - Wildlife & Countryside Act 1981 (as amended) and The Conservation of Habitats and Species Regulations 2017 (as amended).

It is an offence for any person to:

- o Intentionally kill, injure or take any bats.
- o Intentionally or recklessly damage, destroy or obstruct access to any place that a bat uses for shelter or protection. This is taken to mean all bat roosts whether bats are present or not.

Under the Habitats Regulations it is an offence to:

- o Damage or destroy a breeding site or resting place of any bat. This is an absolute offence - in other words, intent or recklessness does not have to be proved.

The applicant is therefore reminded that it is an offence under the Wildlife and Countryside Act 1981 (as amended) and The Conservation of Habitats and Species Regulations 2017 (as amended) that works to trees or buildings where that work involves the disturbance of a bat is an offence if a licence has not been obtained from Natural Resources Wales. If a bat is discovered while work is being undertaken, all work must stop and advice sought from Natural Resources Wales and the Council's Ecologist. You can also call the National Bat helpline on 0345 1300 228 or email enquiries@bats.org.uk.

Birds - Wildlife and Countryside Act 1981 (as amended)

All nesting birds, their nests, eggs, and young are protected by law and it is an offence to:

- o intentionally kill, injure or take any wild bird
- o intentionally take, damage or destroy the nest of any wild bird whilst it is in use or being built
- o intentionally take or destroy the egg of any wild bird

- o intentionally (or recklessly in England and Wales) disturb any wild bird listed on Schedule 1 while it is nest building, or at a nest containing eggs or young, or disturb the dependent young on such a bird.

The maximum penalty that can be imposed - in respect of a single bird, nest or egg - is a fine of up to 5,000 pounds, six months imprisonment or both.

The applicant is therefore reminded that it is an offence under the Wildlife and Countryside Act 1981 (as amended) to remove or work on any hedge, tree or building where that work involves the taking, damaging or destruction of any nest of any wild bird while the nest is in use or being built (usually between late February and late August or late September in the case of swifts, swallows or house martins). If a nest is discovered while work is being undertaken, all work must stop, and advice sought from Natural Resources Wales and the Council's Ecologist.

Great Crested Newts - Wildlife & Countryside Act 1981 (as amended) and The Conservation of Habitats and Species Regulations 2017 (as amended).

Under The Conservation of Habitats and Species Regulations 2017 (as amended) it is an offence for any person to:

- o Deliberately capture, injure or kill a great crested newt
- o Deliberately disturb a great crested newt in such a way as to be likely to significantly affect the local distribution or abundance of great crested newts or the ability of any significant group of great crested newts to survive, breed, rear or nurture their young;
- o Deliberately take or destroy the eggs of great crested newts
- o Damage or destroy a breeding site or resting place. This is an absolute offence, in other words intent or recklessness does not have to be proved.

Under the Wildlife & Countryside Act 1981 (as amended) it is an offence to

- o Intentionally or recklessly disturb a great crested newt while it is occupying a structure or place which it uses for shelter or protection
- o Intentionally or recklessly obstruct access to their places of shelter or protection

The applicant is therefore reminded that it is an offence under the Wildlife and Countryside Act 1981(as amended) and The Conservation of Habitats and Species Regulations 2017 (as amended) that works to ponds or terrestrial habitat where that work involves the disturbance of great crested newts is an offence if a licence has not been obtained from

Natural Resources Wales. If a great crested newt is discovered while work is being undertaken, all work must stop and advice sought from Natural Resources Wales and the Council's Ecologist.

PCC-Commons Registration Officer

3rd Apr 2024

The Commons Registration Authority can confirm that the temporary anemometer mast is due to be sited on Common Land known as Aberedw Hills and is registered under the Commons Registration Act 1965 as register unit CL46 (Radnorshire). I attach a copy of the register map for information.

Commons Registration records show that:

The Common is subject to grazing rights, which include being registered as exercisable over the application site.

All registered Common Land is subject to a public right of access on foot for informal recreation granted under the Countryside & Rights of Way Act 2000.

It is noted from the Planning, Design and Access, and Green Infrastructure Statement that the applicants intend applying for separate Common Land Consent. Please be advised that the carrying out of 'restricted works' (includes fencing) without the consent of the appropriate national authority i.e. the Welsh Government would be UNLAWFUL.

MOD Safeguarding (West WAM
Network)

18th Apr 2024

Thank you for consulting the Ministry of Defence (MOD) on the above proposed development received by this office on 28 March 2024.

The Defence Infrastructure Organisation (DIO) Safeguarding Team represents the Ministry of Defence (MOD) as a consultee in UK planning and energy consenting systems to ensure that development does not compromise or degrade the operation of defence sites such as aerodromes, explosives storage sites, air weapon ranges, and technical sites or training resources such as the Military Low Flying System.

The applicant has submitted an application for temporary planning permission for an

anemometer mast of up to 122.5m in height with associated stockproof fencing, for five years at the Agricultural Grazing Land On Aberedw Hill.

Physical Obstruction

In this case the development falls within Low Flying Area 7 (LFA 7), an area within which fixed wing aircraft may operate as low as 250 feet or 76.2 metres above ground level to conduct low level flight training. The addition of masts in this location has the potential to introduce a physical obstruction to low flying aircraft operating in the area.

To address this impact, and given the location and scale of the development, the MOD require conditions are added to any consent issued requiring that the development is fitted with aviation safety lighting and that sufficient data is submitted to ensure that structures can be accurately charted to allow deconfliction. Suggested condition wordings are set out in Appendix A.

As a minimum the MOD would require that the anemometer mast is fitted with 25cd visible or infra-red (IR) lighting.

Summary

Subject to the two conditions requested above and provided in Appendix A, the MOD has no objections to the development.

The MOD must emphasise that the advice provided within this letter is in response to the data and information detailed in the developer's documents provided in support of application 24/0346/FUL for which the MOD were consulted by Powys County Council on 28 March 2024.

Any variation of the parameters (which include the location, dimensions, form, and finishing materials) detailed may significantly alter how the development relates to MOD safeguarding requirements and cause adverse impacts to safeguarded defence assets or capabilities. In the event that any amendment, whether considered material or not by the determining authority, is submitted for approval, the MOD should be consulted and provided with adequate time to carry out assessments and provide a formal response.

I hope this adequately explains our position on the matter. If you require further information or would like to discuss this matter further, please do not hesitate to contact me.

Arqiva / Spectrum Planning Group

29th Mar 2024

Thank you for the opportunity to review and comment on the above development.

Arqiva is responsible for providing the BBC, ITV and the majority of the UK's radio transmission network and is responsible for ensuring the integrity of Re-Broadcast Links.

Tall infrastructure such as wind turbines and other tall structures have the potential to block radio transmission links and rebroadcasting links (through direct blocking of radio signal or deflecting signal). Our radio transmission networks normally operate with a 100m buffer either side of a radio link, free from interference by tall development.

We have considered whether this development will have an adverse effect on our operations and have concluded that we have no objection.

Nearest Arqiva asset is located approx. 3.5Km from this development.

CAA - Civil Aviation Authority

No comments received at the time of writing this report.

Cadw - SAM

3rd Apr 2024

Having carefully considered the information provided, we have no objection to the proposed development in regard to the scheduled monuments or registered historic parks and gardens listed in our assessment of the application below.

The national policy and Cadw's role in planning are set out in Annex A.

Assessment Scheduled Monuments

RD014 Caer Einon Camp

RD029 Aberedw Castle

RD035 Colwyn Castle

RD036 The Mount Mound & Bailey Castle, Hundred House

RD074 Aberedw Hill Round Barrows

RD075 Fforest Wood Mound & Bailey Castle
RD076 Penarth Mount Castle Mound
RD122 Carneddau Round Cairn
RD123 Cwm Berwyn Camp
RD149 Castle Bank Hillfort
RD164 Caer Fawr Medieval Settlement
RD166 Aberedw Hill Deserted Rural Settlement
RD168 Gellidywyll Platform Settlement
RD169 Cwmblaenerw Enclosed Long Hut
RD170 Cwmblaenerw House Platforms
RD177 Cefn Wylfre Stone Circle and Round Barrow
RD178 Cefn Wylfre Round Barrows
RD179 Cefn Wylfre Platform House
RD186 Cefn Wylfre Deserted Rural Settlement
RD218 Giant's Grave round cairn
RD219 Carneddau, standing stone to SSW of
RD220 Carneddau, round cairn on N end of
RD221 Carneddau, cairn on N end of
RD222 Cwm-berwyn round cairn
RD223 Upper House round cairns
RD224 Court stone row
RD225 Court standing stone
RD226 Cilberllan ring cairn
RD227 Gwernfach round cairn
RD228 Castle Bank ring cairn

RD229 Cwm standing stone

RD230 Hundred House round barrow

RD235 Carneddau round cairns

RD236 Bryntwppa stone row

RD237 The Gaer hillfort

RD243 Llwyn-y-wrach standing stone

The above scheduled monuments are located inside 5km of the proposed development.

The proposed development is for the erection of a galvanised steel tower anemometer mast measuring up to 122.5m in height (including instruments) with associated stockproof fencing for a period of 5 years. The mast which will have a slender form will be supported by guy wires and that will be finished with corrosion protective paint.

The application is accompanied by a Planning, Design and Access, and Green Infrastructure Statement produced by LUC which in Chapter 4 (Cultural Heritage and Archaeology) considers the effect of the proposed development on the above scheduled monuments. The assessment, which is proportionate, considers

that the proposed development will have no adverse effects on any of the above scheduled monuments and we concur with this conclusion; the proposed development will have no permanent impact on the setting of any of the above scheduled monuments.

CPAT

3rd Apr 2024

Having consulted the information held within the Historic Environment Record I can confirm that there are no archaeological implications for the development. CADW should be consulted due to the Fforest Wood Mound & Bailey Castle scheduled monument (RD075) located 850m Northeast of the proposed mast site.

PCC-Rights Of Way Senior Manager

8th Apr 2024

The applicant is advised that the above public rights of way are affected by the proposed plans, as the access route does cross the paths. The proposed development as shown on the application plans provided could impact on the rights of way in terms of disturbance or damage to the path surface and interruption to use during construction. The developer must contact the Countryside Access and Recreation team to agree the way in which they will

manage these potential impacts before construction commences.

The applicant has not shown the public rights of way on the application plans, although they are referred to within the Design and Access Statement.

In the Local Development Plan, DM13 criterion 9 requires the public right of way to be enhanced and integrated within the layout of the development proposal. Should planning permission be granted the applicant must:

- o ensure that the development does not change the appearance of the routes to one which could be interpreted as private and therefore discourage members of the public from exercising their rights to use the public rights of way
- o that any surface damage to the public rights of way attributable to the development; either in construction or subsequent use is repaired to the Highway Authorities satisfaction

In the Local Development Plan, E6 criterion 2 requires adequate provision is made for parking of vehicles and the storage of materials/equipment, as such the above rights of way must remain available for use on their legally recorded route by the public at all times.

In addition to the above, Powys County Council has a duty to 'assert and protect' public rights of way under the Highways Act 1980. The applicant should note:

- o Development over, or illegal interference with, a public right of way, is a criminal offence and enforcement action will be taken against any applicant who ignores the presence of affected public rights of way. This includes temporary obstructions such as rubble mounds, building materials, parked vehicles etc...
- o Landscaping & Surfacing - Advice will need to be sought before interfering or surfacing a public right of way.
- o New fencing or boundaries - The developer will need to seek a licence for a new structure if intending to create a boundary across a public footpath or bridleway. We cannot authorise a structure across a Restricted Byway or Byway Open to All Traffic.
- o Temporary closures - The applicant can seek a temporary closure of a public right of way from the council if they feel the public may be at risk during the works. The process can take a couple of months to put into place so early consultation with Countryside Services is recommended if a temporary closure is required. This is a separate procedure for which a fee applies.

o Legal Diversion - If development directly affects a public right of way, the applicant will need to seek advice and apply for a legal diversion from the Council. No development can take place on a public right of way until a legal order is confirmed and the process may take at least 6 months. For more information please discuss with Countryside Services at the earliest available opportunity.

Representations

75 public representations have been received. These raise the following concerns:

- Affect local ecology
- Impact on landscape
- Development too high
- General dislike of the proposal
- Noise nuisance
- Out of keeping with character of the area
- Inadequate access
- Increase of pollution
- Over development
- Concern about corporate "green-washing"
- Potentially contaminated land
- Close to adjoining properties
- Aberedw Hill not previously assessed for energy production
- Decline in bird life
- Not enough information given in application
- Negative impact on tourism
- Will destroy the local tranquility
- Infringement of commoners rights
- Investment should be given to off-shore wind energy
- Adverse impact on property value
- Loss of privacy
- Impact of end of life materials
- Increase in traffic
- Light pollution and dark skies
- Negative effect on mental health
- Danger to low flying planes
- Conflict with LDP
- Inadequate parking provision
- Inadequate public transport
- Increased danger of flooding

Planning History

App Ref	Description	Decision	Date
None			

Principal Planning Constraints

Phosphorous Welsh River SACs
 Right of Way
 Scheduled Ancient Monument

Principal Planning Policies

Policy	Policy Description	Year	Local Plan
NATPLA	Future Wales - The National Plan 2040		National Development Plan 2021
PPW	Planning Policy Wales (Edition 12, February 2024)		National Policy
TAN5	Nature Conservation and Planning		National Policy
TAN6	Planning for Sustainable Rural Communities		National Policy
TAN8	Renewable Energy		National Policy
TAN11	Noise		National Policy
TAN12	Design		National Policy
TAN23	Economic Development		National Policy
TAN24	The Historic Environment		National Policy
SP7	Safeguarding of Strategic Resources and Assets		Local Development Plan 2011-2026
DM2	The Natural Environment		Local Development Plan 2011-2026
DM4	Landscape		Local Development

		Plan 2011-2026
DM5	Development and Flood Risk	Local Development Plan 2011-2026
DM6	Flood Prevention Measures and Land Drainage	Local Development Plan 2011-2026
DM13	Design and Resources	Local Development Plan 2011-2026
T1	Travel, Traffic and Transport Infrastructure	Local Development Plan 2011-2026
RE1	Renewable Energy	Local Development Plan 2011-2026
SPGBIO	Biodiversity and Geodiversity SPG (2018)	Local Development Plan 2011-2026
SPGLAN	Landscape SPG	Local Development Plan 2011-2026
SPGRE	Renewable Energy SPG	Local Development Plan 2011-2026
SPGHE	Historic Environment SPG (2021)	Local Development Plan 2011-2026

Other Legislative Considerations

Crime and Disorder Act 1998

Equality Act 2010

Planning (Wales) Act 2015 (Welsh language)

Wellbeing of Future Generations (Wales) Act 2015

Marine and Coastal Access Act 2009

Officer Appraisal

Site Location and Description

The application is located in open countryside as defined by the Powys Local

Development Plan and lies within the community council area of Aberedw. The site is approximately 4.9km north-east of Aberedw, 4.6km east of Llanelwedd, 2.8km west of Cregrina and 2.9km south-west of Hundred House. The site is approximately 420m above sea level on open common ground. The site will be accessed from an existing track that joins the U1377 south of Graig-yr-onnen Farm which joins the C1336 1.2km north of Cregrina.

Consent is sought for the erection of a lattice, galvanised steel, meteorological mast for a temporary period of 5 years. The mast itself would be 120 metres in height, with additional equipment making it 122.5m tall, and would be secured by 3 legs of anchor points, each with 3 anchor points totalling 19 guy wires. The outermost guys will be anchored to a point 80m from the base of the mast. There are no permanent foundations.

Principle of Development

This application proposes infrastructure that is associated with a potential future development of wind turbines and consideration is given to policy RE1.

Whilst wind turbines themselves are not the subject of this planning application, this mast is designed to gather meteorological data to inform whether or not it would be viable to pursue a renewable development proposal in this location. This application therefore, falls within the scope of 'associated infrastructure' which is submitted on its own for a future potential proposed development.

There are no other specific policies that deal with renewable energy proposals, or meteorological masts within the LDP, however consideration is given to Policy DM13 which states that development proposals must be able to demonstrate a good quality design and shall have regard to the qualities and amenity of the surrounding area, local infrastructure and resources.

The mast is temporary, and any impact and site materials from it will be taken away once the mast is removed after the temporary 5year period. Conditions will be attached to any granting of consent requiring that the land be reinstated to its pre-development condition, which is considered to be sufficient to ensure that no long-term impacts are had from this development in itself, in accordance with Policy RE1.

Consideration is given to other policy requirements and material considerations including third party comments and objections that have been received, below.

Design and Landscape Impact

Consideration is given to policy DM4.

A Landscape and Visual Technical Statement has been submitted in support of the application and includes zones of theoretical visibility at Appendix A and 6 viewpoint visualisations at Appendix B.

The proposed development is located within the Upland Moor, Glascwm Hill Visual and Sensory Aspect Area of LANDMAP and is evaluated as high. Whilst the area of the site is high in its value, the area does not form part of a defined 'area of outstanding natural beauty' (of which there are none in Powys), nor a national park although the Bannau Brycheiniog National Park lies approximately 16km to the south-east. The Technical Statement also identifies 10 adjacent or nearby visual and sensory aspect areas and apart from one moderate classification and one outstanding classification all are evaluated as of high value so the wider area is considered to be of considerable landscape value.

Whilst it is acknowledged that the mast will be visible from a wide area, the mast is constructed using slim galvanised steel and is of a lattice design, which will reduce the visual massing of the structure. The mast itself is triangular in design and each side measures 0.60m. It is also noted that the mast will be sited for up to 5-years, and that as such, any impact upon the landscape will be temporary.

Further, planning policy gives significant weight to the provision of renewable energy sources. Whilst this site doesn't form part of a pre-assessed area for wind farm development, the national development framework (Future Wales: The National Development Plan 2040) does not prohibit development outside of these pre-assessed zones. As such, the acceptability of any wider development will be assessed by relevant determining bodies should any future application be submitted. The concerns raised regarding any potential future development is not considered to be a reason to refuse this temporary application for a meteorological mast.

Third party comments have raised concern about the impact upon the landscape itself and the effect this may have on tourism. Whilst there is no evidence to support the claims that the mast would have a negative impact on tourism, the photomontages submitted in support of the application show that in the locations where the mast is visible, given its design and scale the structure would not appear overbearing in massing within the landscape.

Decommissioning

The submission indicates that after the operational period the met mast would be dismantled, and the anchors removed. Due to the temporary nature of the structure, site restoration beyond reinstating the anchor trenches would not be required. The proposed decommissioning is considered acceptable in accordance with LDP Policy RE1 and to ensure that the site is restored to its former condition, it is recommended that a condition is attached to any consent given.

Third party comments have raised concerns about concrete and other materials being left at the site and its consequent impacts. There are no permanent foundations and the attachment of a condition, however, will ensure that the site is returned to its pre-development condition.

Highways

Consideration is given to policies DM13 and T1.

The Highways Authority have been consulted and have no objections to the proposed development and considers there will be no adverse impact upon the road network. Taking into account the minimal traffic movements associated with the development, it is considered that the development is served by an adequate means of access in accordance with LDP Policies DM13 and T1.

Whilst it is noted that third party comments have raised concerns about highway safety and the ability of the highway network to accommodate construction vehicles for the mast, these concerns are not shared by the Highway Authority, or the Local Planning Authority. The development, during construction phase, will require 1 digger (which will be delivered and collected upon a single flatbed trailer) and a 4x4 vehicle with trailer, which will deliver all mast components for installation on site. Construction staff will then access the sites with 4x4 vehicles for each day of construction works (of which there are estimated to be approximately 15). Likewise, the de-commissioning will have similar requirements. These movements are akin to agricultural movements that would be seen upon the highway network daily in any case, regardless of the proposal. It is therefore not considered that the development would be detrimental highway safety within the surrounding area.

Neighbour Amenity

Given the distance involved, the lack of significant moving parts, the slender design and intervening topography, it is considered that the development is unlikely to have any long term unacceptable impacts upon the visual or other amenities enjoyed by occupiers of any residential properties in the vicinity in accordance with LDP Policies RE1 and DM13.

It is noted that concerns have been raised in relation to the aviation light which will be fitted to the top of the mast, however, it is not considered that the use of low intensity infra-red aviation lighting as proposed would impact upon the amenity of any neighbouring properties. Third party comments have also been received about noise nuisance but the mast has minimal moving parts and noise is not considered to be expected during operation and through construction works are considered to be minimal.

Ecology and Biodiversity

Consideration is given to policy DM2. The application is supported by bat and great crested newt survey reports and a green infrastructure statement. The PCC Ecologist has assessed the application and NRW has been consulted too.

Protected Sites

There are no statutory or non-statutory sites within 500m of the development site. There are records of protected species within 500m.

It is considered there will be no impacts on any priority and protected sites due to the distance from the site and the nature of the development.

The site is located within a priority habitat of upland heathland. Although this location is within a priority habitat, the development has a small footprint and is a temporary development, therefore it is unlikely to result in a significant impact to this priority habitat. The proposed mast does not impact any areas of peat.

Protected Species

The site is in a wider area of ponds where there are records of great crested newts. The distance as well as the small scale of this development ensures that impacts to great crested newts during works is unlikely. However, as there is a network of ponds on the site and suitable terrestrial habitat it is recommended that the submission of a reasonable avoidance method statement (RAMS) is secured through an appropriately worded planning condition. It is considered the construction and operating of the mast will not impact bats in the area.

It is also recommended that appropriate conditions be attached to ensure a nesting bird check is carried out 48 hours prior to the start of construction, markers are used on the guy wires and a lighting plan is submitted before the use of external lighting.

Biodiversity

No biodiversity enhancement features have been proposed with this application but given the scale and temporary nature of the development, it is acknowledged that the scope for inclusion of beneficial enhancements is limited. It is therefore not considered appropriate to request biodiversity enhancement measures on this occasion.

No green infrastructure will be impacted by the development other than a minor area of low-ecological value grazed grassland. There is therefore not considered to be any loss of biodiversity that requires compensation.

NRW recommended the attachment of a condition relating to biosecurity. In this instance, however, no waste materials or soils are to be brought onto the site so it is not considered necessary.

River Wye SAC Catchment

The proposed development is within the catchment of the River Wye Special Area of

Conservation (SAC) which is a phosphorus sensitive river. The development has been screened in accordance with NRW's guidelines and can be screened out as a development that does not increase the volume and phosphorus concentration of wastewater. NRW have also stated that they are satisfied that there is unlikely to be a source of additional nutrients and/or a pathway for impacts as a consequence of the development.

Third party comments have raised concerns about ecology and biodiversity but in view of the above it is considered that NRW and the PCC Ecologist have appropriately assessed and considered the application and have concluded that subject to conditions the proposed development is acceptable.

Public Rights of Way

There are public rights of way in the vicinity of the proposed site but none are directly impacted by the mast itself. The proposed access route adjoins one of the PROWs and this should be kept open during the construction period. An informative will be attached to any consent given to make the developer aware of their responsibilities.

Impact upon Aviation

The mast will be 122.5m tall, and as such, has the potential to impact upon low flying aircraft. The Ministry of Defence have been consulted on the proposal and have confirmed that they have no objection, subject to the inclusion of suggested conditions relating to aviation lighting and aviation charting and safety management.

Third party comments have been received expressing concern about the loss of dark skies and also aviation safety. The use of low intensity infrared lighting is proposed which is generally invisible to the human naked eye, ecology have been consulted and raised no objection to its use in terms of dark sky/wildlife impact and it is considered that the use of low intensity infra-red lighting does significantly reduce impact.

Historic Environment

Consideration is given to policy SP7.

There are scheduled ancient monuments (SAMs) within the vicinity of the development, and as such, Cadw and Heneb have been consulted.

Cadw have noted that there are 36 SAMs within 5km of the proposed mast but are satisfied that the proposed development will have no adverse effects on any of the scheduled monuments and the proposed development will have no permanent impact on the setting of any of the above scheduled monuments.

Heneb are satisfied there are no archaeological implications as a consequence of the development.

Commons Registration

The site is located on registered common land. Registered Common Land is subject to a public right of access on foot for informal recreation granted under the Countryside & Rights of Way Act 2000. The PCC Commons Registration Officer has been consulted and has stated that the carrying out of 'restricted works' (including fencing) without the consent of the appropriate national authority i.e. the Welsh Government would be unlawful. Commons consent will need to be applied for and the application indicates that this will be done prior to the commencement of development but the Commons Registration legislation is separate to planning legislation and is not a matter for planning to consider.

Third party comments have been received concerning the common but as stated above this is a matter for the Commons Registration Officer and the development cannot proceed at the site without Commons Consent.

Third Party Comments

Third-party comments have been received during the processing of this application. Whilst some of the concerns raised have been addressed above, the remainder are addressed below:

- Potential of a subsequent windfarm proposal

This is not a consideration of this planning application. Should the developers decide to pursue other development, they will need to apply for planning permission at that time, at which point it would be assessed.

- Objections to any windfarm proposal

These objections appear to mistakenly believe that this application is for a windfarm proposal and include many aspects of objection (such as transportation of large blades, pouring of concrete, visual impact, lifespan of turbines, decommissioning of turbines, carbon impact of how turbines are made, compliancy with planning policy, siting of turbines off-shore etc.). This application relates solely to the meteorological mast and does not include any proposal for a windfarm.

- Pouring of concrete (pollution from it, ability to reinstate the land afterward)

The development will not include the pouring of any concrete. The guy wire anchor points will be held in place using buried railway sleepers, which will also be removed once the mast is decommissioned.

- Impact upon property prices

The courts have taken the view that planning is concerned with land use in the public interest, the protection of purely private interests such as the impact of a development on the value of a neighbouring property is not a material planning consideration, no further weight will therefore be given to this matter.

- Reputation of the developers and “green-washing”

This is not a planning consideration.

RECOMMENDATION - Approve

In light of the above, on balance it is considered that the proposal complies with relevant planning policies, and the recommendation is therefore one of consent subject to the below conditions.

Conditions

1. The development shall begin not later than five years from the date of this decision.
2. The development shall be carried out in accordance with the following approved plans and documents:
Figure 1 Location Plan, Elevation Meteorological Mast, Figure 3 Site Layout Plan, Figure 4 Site Access Plan, Figure 5 Anemometer Plan View, Aberedw Energy Park: Temporary Anemometer Mast Landscape and Visual Technical Statement October 2024, Planning, Design and Access, and Green Infrastructure Statement, Erection of a temporary anemometer mast at Aberedw Hill, Met Mast – Peat Depth.
3. The mast hereby permitted shall be removed and the land restored to its former condition within 5 years from the date of commissioning. The applicant shall inform the Local Planning Authority of the date of commissioning accordingly within 3 months of such date.
4. Prior to commencement of development (including ground works and vegetation clearance), a detailed Method Statement describing how the site will be returned to its original state shall be submitted to the Local Planning Authority and approved in writing. The approved measures shall be adhered to and implemented in full.
5. Prior to commencement of development (including ground works and vegetation clearance), a Reasonable Avoidance Measures Method Statement for great crested newts shall be submitted to the Local Planning Authority and approved in writing. The approved measures shall be adhered to and implemented in full.
6. All outer guy wires shall have bird deflectors attached at a spacing of 2m

- along the entire length. The deflectors shall be installed on the guy wires of the mast for the duration of the planning consent and any deflectors found to be broken or detached shall be replaced within one month.
7. Approved works shall take place outside of the bird nesting season (March to August inclusive). Alternatively, any cutting back or removal of any part of the vegetation shall only take place within 48 hours following inspection by a suitably qualified ecologist. The advice of the ecologist shall be followed and implemented in full.
 8. No external lighting (other than lighting required for aviation safety) shall be installed unless a detailed external lighting design scheme has been submitted to and approved in writing by the Local Planning Authority. The external lighting scheme shall identify measures to avoid impacts on nocturnal wildlife, in accordance with the recommendations outlined in the BCT and ILP Guidance Note 08/23 Bats and Artificial Lighting at Night (2023) (or its replacement). The development shall be carried out in accordance with the approved details.
 9. Notwithstanding the submitted information, prior to commencing construction of the mast, or deploying any construction equipment or temporal structure(s) 50 metres or more in height (above ground level) the undertaker must submit an aviation lighting scheme for the approval of the Powys County Council in conjunction with the Ministry of Defence defining how the development will be lit throughout its life to maintain civil and military aviation safety requirements as determined necessary for aviation safety by the Ministry of Defence.

The scheme shall include:

- a) Details of any construction equipment and temporal structures with a total height of 50 metres or greater (above ground level) that will be deployed during the construction of the mast and details of any aviation warning lighting that they will be fitted with; and
- b) The locations and heights of all masts featured in the development identifying those that will be fitted with aviation warning lighting identifying the position of the lights on the meteorological mast; the type(s) of lights that will be fitted and the performance specification(s) of the lighting type(s) to be used.

Thereafter, the undertaker must exhibit such lights as detailed in the approved aviation lighting scheme. The lighting installed will remain operational for the lifetime of the development.

10. The undertaker must notify the Ministry of Defence, at least 14 days prior to the commencement of the works, in writing of the following information:
 - a) the date of the commencement of the erection of masts;
 - b) the maximum height of any construction equipment to be used in the erection of the mast;

- c) the date any masts are brought into use;
- d) the latitude and longitude and maximum heights of each mast.

The Ministry of Defence must be notified of any changes to the information supplied in accordance with these requirements and of the completion of the construction of the development.

- 11. No concrete shall be used in any part of the installation of the mast hereby permitted.

Reasons

- 1. Required to be imposed by Section 91 of the Town and Country Planning Act 1990.
- 2. To ensure adherence to the approved plans in the interests of clarity and a satisfactory development.
- 3. To enable the situation to be reassessed by the local planning authority at the expiry of that period having regard to the circumstances appertaining at the time in compliance with policy RE1 of the Powys Local Development Plan (2011-2026).
- 4. To comply with Powys County Council's LDP Policies DM2 in relation to The Natural Environment, DM4 in relation to Landscape and to meet the requirements of Planning Policy Wales (Edition 12, February 2024), TAN 5: Nature Conservation and Planning and Part1 Section 6 of the Environment (Wales) Act 2016.
- 5. To comply with Powys County Council's LDP Policies DM2 in relation to The Natural Environment, DM4 in relation to Landscape and to meet the requirements of Planning Policy Wales (Edition 12, February 2024), TAN 5: Nature Conservation and Planning and Part1 Section 6 of the Environment (Wales) Act 2016.
- 6. To comply with Powys County Council's LDP Policies DM2 in relation to The Natural Environment, DM4 in relation to Landscape and to meet the requirements of Planning Policy Wales (Edition 12, February 2024), TAN 5: Nature Conservation and Planning and Part1 Section 6 of the Environment (Wales) Act 2016.
- 7. To comply with Powys County Council's LDP Policies DM2 in relation to The Natural Environment, DM4 in relation to Landscape and to meet the requirements of Planning Policy Wales (Edition 12, February 2024), TAN 5: Nature Conservation and Planning and Part1 Section 6 of the Environment (Wales) Act 2016.
- 8. To comply with Powys County Council's LDP Policies DM2 in relation to The Natural Environment, DM4 in relation to Landscape and to meet the requirements of Planning Policy Wales (Edition 12, February 2024), TAN 5: Nature Conservation and Planning and Part1 Section 6 of the Environment (Wales) Act 2016.
- 9. To maintain aviation safety.

10. To maintain aviation safety.

11. To ensure adherence to the approved plans in the interests of clarity and a satisfactory development.

Informatives

Ecology

Protected Species

Work should halt immediately and Natural Resources Wales (NRW) contacted for advice in the event that protected species are discovered during the course of the development. To proceed without seeking the advice of NRW may result in an offence under the Conservation of Habitats and Species Regulations 2017 and/or the Wildlife & Countryside Act 1981 (as amended) being committed. NRW can be contacted by phone at 0300 065 3000.

Bats - Wildlife & Countryside Act 1981 (as amended) and The Conservation of Habitats and Species Regulations 2017 (as amended).

It is an offence for any person to:

- Intentionally kill, injure or take any bats.
- Intentionally or recklessly damage, destroy or obstruct access to any place that a bat uses for shelter or protection. This is taken to mean all bat roosts whether bats are present or not.

Under the Habitats Regulations it is an offence to:

- Damage or destroy a breeding site or resting place of any bat. This is an absolute offence - in other words, intent or recklessness does not have to be proved.

The applicant is therefore reminded that it is an offence under the Wildlife and Countryside Act 1981 (as amended) and The Conservation of Habitats and Species Regulations 2017 (as amended) that works to trees or buildings where that work involves the disturbance of a bat is an offence if a licence has not been obtained from Natural Resources Wales. If a bat is discovered while work is being undertaken, all work must stop and advice sought from Natural Resources Wales and the Council's Ecologist. You can also call the National Bat helpline on 0345 1300 228 or email enquiries@bats.org.uk.

Birds – Wildlife and Countryside Act 1981 (as amended)

All nesting birds, their nests, eggs, and young are protected by law and it is an offence to:

- intentionally kill, injure or take any wild bird
- intentionally take, damage or destroy the nest of any wild bird whilst it is in use or

- being built
- intentionally take or destroy the egg of any wild bird
- intentionally (or recklessly in England and Wales) disturb any wild bird listed on Schedule 1 while it is nest building, or at a nest containing eggs or young, or disturb the dependent young on such a bird.

The maximum penalty that can be imposed - in respect of a single bird, nest or egg - is a fine of up to 5,000 pounds, six months imprisonment or both.

The applicant is therefore reminded that it is an offence under the Wildlife and Countryside Act 1981 (as amended) to remove or work on any hedge, tree or building where that work involves the taking, damaging or destruction of any nest of any wild bird while the nest is in use or being built (usually between late February and late August or late September in the case of swifts, swallows or house martins). If a nest is discovered while work is being undertaken, all work must stop, and advice sought from Natural Resources Wales and the Council's Ecologist.

Great Crested Newts - Wildlife & Countryside Act 1981 (as amended) and The Conservation of Habitats and Species Regulations 2017 (as amended).

Under The Conservation of Habitats and Species Regulations 2017 (as amended) it is an offence for any person to:

- Deliberately capture, injure or kill a great crested newt
- Deliberately disturb a great crested newt in such a way as to be likely to significantly affect the local distribution or abundance of great crested newts or the ability of any significant group of great crested newts to survive, breed, rear or nurture their young;
- Deliberately take or destroy the eggs of great crested newts
- Damage or destroy a breeding site or resting place. This is an absolute offence, in other words intent or recklessness does not have to be proved.

Under the Wildlife & Countryside Act 1981 (as amended) it is an offence to

- Intentionally or recklessly disturb a great crested newt while it is occupying a structure or place which it uses for shelter or protection
- Intentionally or recklessly obstruct access to their places of shelter or protection

The applicant is therefore reminded that it is an offence under the Wildlife and Countryside Act 1981(as amended) and The Conservation of Habitats and Species Regulations 2017 (as amended) that works to ponds or terrestrial habitat where that work involves the disturbance of great crested newts is an offence if a licence has not been obtained from Natural Resources Wales. If a great crested newt is discovered while work is being undertaken, all work must stop and advice sought from Natural Resources Wales and the Council's Ecologist.

NRW

We advise the applicant that, in addition to planning permission, it is their responsibility to ensure they secure all other permits/consents/licences relevant to their development. Please refer to our website for further details.

Public Rights of Way

Should planning permission be granted the applicant must:

- ensure that the development does not change the appearance of the routes to one which could be interpreted as private and therefore discourage members of the public from exercising their rights to use the public rights of way
- that any surface damage to the public rights of way attributable to the development; either in construction or subsequent use is repaired to the Highway

In addition to the above, Powys County Council has a duty to 'assert and protect' public rights of way under the Highways Act 1980. The applicant should note:

- Development over, or illegal interference with, a public right of way, is a criminal offence and enforcement action will be taken against any applicant who ignores the presence of affected public rights of way. This includes temporary obstructions such as rubble mounds, building materials, parked vehicles etc...
- Landscaping & Surfacing - Advice will need to be sought before interfering or surfacing a public right of way.
- New fencing or boundaries - The developer will need to seek a licence for a new structure if intending to create a boundary across a public footpath or bridleway. We cannot authorise a structure across a Restricted Byway or Byway Open to All Traffic.
- Temporary closures - The applicant can seek a temporary closure of a public right of way from the council if they feel the public may be at risk during the works. The process can take a couple of months to put into place so early consultation with Countryside Services is recommended if a temporary closure is required. This is a separate procedure for which a fee applies.
- Legal Diversion - If development directly affects a public right of way, the applicant will need to seek advice and apply for a legal diversion from the Council. No development can take place on a public right of way until a legal order is confirmed and the process may take at least 6 months. For more information please discuss with Countryside Services at the earliest available opportunity.