Powys
Local Development Plan

2011 - 2026

Supplementary Planning Guidance (SPG)

Consultation Statement
Third Edition: October 2019

DRAFT

Powys

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PART A

1. Introduction

1.0.1 The Powys Local Development Plan (LDP) 2011-2026 was adopted by Full Council in April 2018. Whilst the LDP contains policies and proposals which form the basis for decision-making on planning applications for the Powys Local Planning Authority area, it avoids excessive detail. Therefore, certain policies in the LDP are being supported by a set of guidance documents called Supplementary Planning Guidance (SPG) to assist in understanding, interpretation and application of the policy in making planning decisions.

1.0.2 The preparation of SPG documents has been prioritised according to both subject matter and available time and resource. The Council is required to monitor its performance on preparing and adopting SPG against the following agreed programme:

Table 1: The Powys Local Development Plan SPG Programme

SPG Topic Area		Link to Powys LDP Policy	Target Timescale following LDP Adoption	Target Date for SPG Adoption
Set 1	Planning Obligations	DM1	Within 6 months	October 2018
	Affordable Housing	H5, H6, SP3		
	Biodiversity	DM2, SP7		
Set 2	Landscape	DM4, SP7	Within 12 months	April 2019
	Renewable Energy	RE1, DM13		
Set 3	Conservation Areas	DM13, SP7	Within 18 months	October 2019
	Open Space	DM3		
	Residential Design Guide	DM13		
Set 4	Archaeology	SP7	Within 24 months	April 2020
	Historic Environment – including the Historic Environment Records	DM13, SP7		
	Land Drainage	DM6		

1.0.3 Powys County Council commenced the preparation of the Powys LDP in January 2011. The Delivery Agreement[1] for the LDP was first published in November 2010 and revised in March 2013, February and October 2015. This set out the timetable for preparing the LDP and a Community Involvement Scheme (CIS) describing how and

[1] LDP Delivery Agreement http://www.powys.gov.uk/ldp

when the County Council would involve interested persons and organisations in the LDP's preparation.

1.0.4 The Community Involvement Scheme for SPG preparation has been updated from the LDP Delivery Agreement CIS and is tailored for the SPG process. This means that the community engagement approach is developed to be reflective of and proportionate to the detail and content of SPG work and suitable for the parties expected to be involved, whilst meeting the preparation timeframes. The agreed CIS for the preparation of SPG is included in the Protocol for the Preparation and Adoption of Supplementary Planning Guidance[2] approved by the Council in June 2018 (hereafter referred to as the SPG Protocol).

1.0.5 In accordance with the SPG Protocol, this Consultation Statement summarises for each stage of SPG preparation:

- Who has been involved.
- A summary of Reference Group and Topic Stakeholder engagement.
- The steps taken to publicise the consultation.
- The total number of representation forms received from the public consultation.
- A summary of the main issues raised as part of the public consultation.
- The Council's responses to the main issues raised and any agreed changes to the SPG to address these.

1.0.6 Section 2 of this Consultation Statement is set out chronologically to accord with each stage of the SPG preparation and adoption procedure as laid out in the SPG Protocol:

Stage 1 - Review
Stage 2 - Reference Group, Topic Stakeholders and Working Draft SPG
Stage 3 - Consultation Draft SPG
Stage 4 - Public Consultation
Stage 5 - Final SPG
Stage 6 - Adoption

[2] Protocol for the Preparation and Adoption of Supplementary Planning Guidance http://www.powys.gov.uk/en/planning-building-control/local-development-plan/ldp-supplementary-planning-guidance-spg/

2. Information on SPG Preparation Stages

2.0.1 In accordance with the SPG Protocol, the following stages of preparation are common to all SPG:

2.1 Stage 1 – Review

2.1.1 A review of national, regional and local legislation, policy and guidance was undertaken in order to form the background and context for the SPG and identify issues of relevance. Where considered appropriate, the Council has sought the involvement of specialist stakeholders with the aim of building consensus.

2.2 Stage 2 – Reference Group, Topic Stakeholders and Working Draft SPG

2.2.1 At an early stage in the SPG preparation process, professional stakeholders were contacted to form a Reference Group for each SPG and relevant Topic Stakeholders were identified. Following Reference Group involvement in the production of a Working Draft SPG, the Draft was shared with Topic Stakeholders to seek initial feedback. The details of the Reference Group and Topic Stakeholders contacted during the preparation of each SPG are shown in the relevant section in Part B below.

2.3 Stage 3 – Consultation Draft SPG

2.3.1 The Council's LDP Working Group, comprised of nine County Councillors, and chaired by the Council's Portfolio Holder for Economy and Planning, is used to scrutinise and approve the Draft SPG for Public Consultation. The agendas, reports and minutes of past LDP Working Group meetings are available for viewing on the Council's website via the following link:
http://www.powys.gov.uk/en/democracy/council-committees-and-meetings/

2.3.2. The first set of SPG were approved for the consultation stage by the LDP Working Group on 22nd June 2018.

2.3.3 The second set of SPG were approved for the consultation stage by the LDP Working Group on 19th December 2018.

2.3.4 The third set of SPG were approved for the consultation stage by the LDP Working Group on 21st of June 2019.

2.4 Stage 4 – Public Consultation

2.4.1 SPGs have been subject to a six week public consultation period in accordance with the SPG Stakeholder and Community Involvement Scheme (see Appendix 1 of the SPG Protocol). Additionally, Town and Community Councils were provided with advance notice of the consultation period in accordance with the Protocol to enable them to publicise the SPG process in their own communities. The dates of the six-week public consultation period are shown in the relevant section for each SPG in Part B of this document.

2.4.2 Each SPG consultation document posed a series of questions for representors to respond to. This Consultation Statement records responses on a question by question basis and provides the Council's agreed responses to the issues raised.

2.4.3 The Council considers each representation carefully in order to draft a response which may include a recommendation to change or alter the SPG. Consultation responses are drafted with the assistance of Reference Group members where relevant and agreed by the LDP Working Group before being reported to Cabinet. A detailed set of representations will be appended to the Consultation Statement for each SPG.

2.5 Stages 5 and 6 – Final SPG and Adoption

2.5.1 The Cabinet are required to formally adopt the SPG before it is published and used for development management purposes. Part B of this Statement will record this process and will be updated as further SPG is prepared and approved by Cabinet.

2.6 SPG Impact Assessments

2.6.1 Whilst SPG documents are not formal policy in themselves they will be used to support the implementation of adopted Local Development Plan policy and therefore have been assessed informally as a matter of good practice using the Council's Impact Assessment Toolkit.

PART B

3. Public Consultation on the first set of SPG

3.0.1 In accordance with the SPG programme agreed for the LDP (in Table 1 above), the first three SPGs prepared for public consultation were:

- **Planning Obligations**
- **Affordable Housing**
- **Biodiversity and Geodiversity**

3.0.2 In accordance with Stage 4 of the SPG Protocol, the Consultation Draft SPG were published for public consultation over 6 weeks with the consultation period running from 11th July to 21st August 2018.

3.0.3 County Councillors, Town and Community Councils and all representors on the Powys LDP database were informed of the consultation and the documents were available to view on the LDP pages of the Council's website.

3.0.4 Notice of the consultation period was publicised on the Council's News page, the LDP webpage, and via social media. A press release was issued to the local press.

3.0.5 Hard copies of the consultation documents were made available to view in the Council's main offices at:

- County Hall and The Gwalia, Llandrindod Wells.
- Neuadd Brycheiniog, Brecon.
- Neuadd Maldwyn, Welshpool.

3.0.6 Hard copies were made available to view in all Powys Public Libraries.

3.0.7 Representations were invited either by letter /email and the use of a standard representation form was encouraged.

3.0.8 Table B1 below shows how many representors made comments in relation to each SPG. A more detailed report of the responses received for each SPG can be found in the relevant appendices.

Table B1: Number of Representors making consultation comments on the first set of SPG

Consultation Draft SPG	No. of Representors who made Representations
Planning Obligations	7
Affordable Housing	7
Biodiversity and Geodiversity	10
Total	**24**

3.0.9 The main issues arising from the consultation are set out for each SPG in the tables below, together with the Council's response.

3.1 Planning Obligations SPG

3.1.1 Reference Group

3.1.2 In order to prepare the Planning Obligations SPG, the Council sought participation and involvement with various Topic Stakeholders, from which the Council formed a Reference Group.

3.1.3 The Reference Group comprised 14 members, which included either one or more representatives from the following Council services:

- Planning Policy
- Development Management (Planning and Monitoring Officer)
- Schools
- Housing
- Leisure and Recreation
- Highways and Transport
- Regeneration
- Welsh Language
- Finance
- Legal Services

3.1.4 Engagement with the Reference Group during the preparation of the draft SPG is summarised in table B2:

Table B2 – Reference Group Involvement (Planning Obligations SPG)

Date	Who and How?
Early May 2018	Contact made proposing an initial meeting, although this was followed up by written correspondence instead. The Reference Group were

	provided with the details of the SPG scoping exercise, the Draft SPG Protocol and a list of proposed Topic Stakeholders, and feedback was invited.
Late May 2018	Working Draft SPG circulated for feedback.
June 2018	Revised Working Draft SPG circulated to Reference Group and Topic Stakeholders. This was followed up by officer led discussions on various planning contribution topic areas to collate up to date evidence especially surrounding figures/costings for any "set" contributions. Individual meetings were held with Officers from Leisure and Recreation, Schools and Welsh Language. The purpose of this was to engage stakeholders so as to fill any remaining gaps in the Working Draft SPG. Suggested changes were considered and taken into account in the Consultation Draft SPG.
July 2018	Notice of public consultation period circulated to LDP Database. 6 week public consultation period from 11th July to 21st August.
July 2018	A reminder email was circulated to the group which included notification of key dates going forward.
Early August 2018	Involvement of the Welsh Language Officer re: targeting relevant interest groups. Following this, contact was made with a targeted list of Welsh language stakeholders (including those Town and Community Councils identified as Welsh Speaking Strongholds and Welsh Language interest groups) to highlight awareness of the public consultation.
August 2018	Representations received to the public consultation shared and discussed with relevant Reference Group members.
September 2018	Consultation Draft SPG showing proposed changes presented to the LDP Working Group shared with the Reference Group. The Reference Group was informed of any issues raised by the LDP Working Group before the SPG was finalised for Cabinet approval.

3.1.5 **Topic Stakeholders**

3.1.6 The larger Topic Stakeholder group included an additional 18 members, including representatives from the following services:

- Ecology
- Minerals
- Land Drainage and
- Active Travel;
- Additionally, Council Portfolio Holders with responsibility for Finance, Transport, Learning and Welsh Language, Highways, Housing and Economy and Planning were copied in to the Topic Stakeholder correspondence.

3.1.7 These stakeholders were invited to provide informal feedback on a working draft of the SPG prior to the formal public consultation stage, although no specific comments were received.

3.1.8 **LDP Working Group**

3.1.9 The Draft SPG was considered by the LDP Working Group on 22nd June 2018 and approved for Public Consultation.

3.1.10 **SPG Consultation**

3.1.11 The public consultation period ran from 11th July to 21st August 2018 and representations were received from the following:

Representor Name (Representor No.)

- Canal & River Trust in Wales / Glandwr Cymru (5704)
- Homebuilders Federation (78)
- Hughes Architects (Newtown) (1552)
- New Radnor Community Council (131)
- Mochdre with Penstrowed Community Council (516)
- Montgomery Town Council (517)
- Presteigne and Norton Town Council (525)

3.1.12 The main issues arising from the consultation and the Council's responses to these are set out in Table B3 below.

3.1.13 The representations and Council draft responses were considered by the LDP Working Group at its meeting on the 7th September 2018, and subsequently by the Council's Cabinet at its meeting on 9th October 2018.

Table B3 – Main Issues from the Public Consultation (Planning Obligations SPG)

Question 1: PO1 - Do you agree with the Council's approach not to pursue a CIL Charging Schedule at this point in time? If not, please explain why.	
Issue	**Council Response**
Community and town councils should have greater involvement in S106 agreements, and that further consultation should be undertaken on planning obligations later in the process. **(Rep 131, Rep 525)**	Opportunities exist for involvement at the pre-application and application stages where communities can raise issues. Unfortunately it would not be practical to formally consult on planning obligations separate to the planning application process.
The position or need for CIL should be kept under review to ensure infrastructure needed is being delivered. **(Rep 517)**	The Council will continue to monitor the suitability of introducing a CIL as explained in para, 4.17 of the SPG.
Developers should contribute towards necessary improvements to mitigate the adverse impact of development upon the Montgomery Canal infrastructure. **(Rep 5704)**	Planning obligations will be sought where they comply with the tests and this could include contributions towards the Canal. Specific reference to the Canal within the SPG is not considered appropriate because it has been

	written to refer to infrastructure generically.

Question 2: PO2 - Do you agree that, in the interests of avoiding duplication, this SPG only cross references to policies in the LDP and does not repeat them? Would you prefer the SPG to include the applicable policies? Is so, should they appear in the main document or in an Appendix?	
Issue	**Council Response**
Relevant LDP policies should be included in an appendix, or cross-reference with web links. **(Rep 516, Rep 5704, Rep 1552)**	Include hyperlinks in the SPG to assist readers.

Question 3: PO3 - Due to the nature of planning obligations, this SPG cannot include every scenario/detail. Do you think the document is clear in this respect? Do you agree that it enables officers, stakeholders and developers to understand that additional or alternative obligations may be sought? If not, please explain why.	
Issue	**Council Response**
Examples should be given of the circumstances in which additional obligations may be sought. **(Rep 1552)**	Para 5.5 explains that additional obligations will be sought where there is sufficient robust evidence to justify obligations.
Refer to the pre-application stage in para 5.6 as an opportunity to make developers aware of planning obligation requirements. **(Rep 5704)**	Agreed. Early awareness is important. This point has also been elaborated in revised wording to the Step by Step Flowchart.

Question 4: PO4 - Do you agree that "major" development should be the development that most often triggers obligations? If not, please explain why. Please detail any changes towards seeking obligations that you think may be suitable and relevant for Powys citing examples from other planning authorities where known. Nb. Definite targets/thresholds, where set within the LDP, are not negotiable at this point and would only be re-assessed at the Plan Review stage.	
Issue	**Council Response**
Whilst agreeing with para. 5.11, it is not needed in the SPG. **(Rep 78)**	It is considered that para 5.11 should be retained because it is important to set out the expectation that planning obligations are likely to be sought for major developments, even though they may not eventually be required.
It should be made transparent that planning obligations may be required for any development. **(Rep 517)**	The position is correct, providing the tests for planning obligations are met. Para 5.11 states that each case will be considered on its merits so no amendment is considered necessary.
To avoid doubt, applications requiring pre-application consultation should be added as a trigger for an obligation. **(Rep 517)**	Major applications are those subject to pre-application consultation so no amendment to para 5.11 is considered necessary.

Question 5: PO5 - Do you consider the Step by Step Flowchart in Figure 1 to be clear and accurate? If not, what changes would you suggest? If you have

experience of the process within Powys County Council, does this flowchart mirror your experience?	
Issue	**Council Response**
The flowchart should include flexibility for a developer to draft the S106. **(Rep 78)**	Agreed that this is an option but recommend that para 5.9 is amended to explain this rather than any change to Figure 1.
The flowchart should include the pre-application consultation stage which enables early involvement of town and community councils. **(Rep 517)**	Noted, but no amendment needed because pre-application consultation is included at the end of the first paragraph in Figure 1. The Council recommends that the flowchart wording in Box 2 is strengthened by amending the wording to read: "The Case Officer makes an initial assessment of S.106 implications having regard to any discussions held or comments arising from the pre-application stage.
Consultation on planning obligations with community and town councils should be included. **(Rep 525)**	Opportunities exist for involvement at the pre-application and application stages where communities can raise issues. Unfortunately it would not be practical to formally consult on planning obligations separate to the planning application process.
Informal dialogue and informal pre-application discussions are valuable alongside the more formal chargeable pre-application enquiries. This is not emphasised in the flowchart. **(Rep 1552)**	Noted, but no change to the SPG is considered necessary. The pre-application service lies outside the scope of the SPG and is operated in accordance with Welsh Government Regulations.

Question 6: PO6 - Do you agree with the approach that it is the Affordable Housing SPG and not this SPG which includes the arrangements for assessing the financial viability of a specific development?	
Issue	**Council Response**
Disagree because the viability of a scheme can be affected by any S106 requirement not just affordable housing. **(Rep 78)**	Comment noted, but no change deemed necessary because the Affordable Housing SPG addresses that point.
Include a hyperlink to the Affordable Housing SPG. **(Rep 1552)**	Agreed.

Question 7: PO7 - Whilst there is no statutory requirement to specify a time period in which planning contributions should be spent, do you agree with the suggested 10 year (maximum) period? If not, please explain why.	
Issue	**Council Response**
Object to the proposed ten year period as unreasonable and recommends a five year period unless otherwise agreed with the developer. **(Rep 78)**	The Council is aware that other authorities have successfully operated a 10 year period, but accepts that para 6.17 should make it clear that this is a matter for

	negotiation.

Question 8: PO8 - Do you consider that the five main topic areas set out in Part 3 are the right topic areas for this document? If not, please explain what changes you would like to see and why.	
Issue	**Council Response**
Community facilities could be a separate topic. **(Rep 78)**	Noted, but given that community facilities are likely to be site specific and addressed on a case by case basis it is considered that they should remain in the 'Other Topic Areas' category.

Question 9: PO9 - Do you agree that the detail provided in Part 3 for the various topic areas is relevant and sufficient to inform S.106 negotiations? If not, what changes would you like to see and why?	
Issue	**Council Response**
Affordable Housing topic Make it clearer that there is an Affordable Housing SPG that should be used. **(Rep 78)**	Noted but no change considered necessary because the synopsis includes such a reference.
Education topic 1. Should Welsh medium schools be included in the list of schools supported by contributions? 2. The financial contributions in Table E2 are higher than those charged by other authorities and should be compared. 3. New security and safety measures should not be funded in full. **(Rep 78)**	1. Welsh medium schools are already accounted for and there is no need to list them separately. 2. The Council has applied BCIS figures which is considered to be accurate and appropriate for Powys, and can be updated more frequently. 3. The wording will be amended to refer to Security and safety improvement measures to provide a safe environment (including …..) to adequately facilitate an increase in pupil places.
Leisure, Recreation and Open Space topic 1. Object to the Council not adopting open space as this will lead to the creation of management companies and add costs to all residents including those in affordable housing.**(Rep 78)** 2. Town and Community Councils could establish trust funds to maintain open space and community facilities in perpetuity. **(Rep 517)** 3. Specific mention to improvements to the towpath of the Montgomery Canal should be included. **(Rep 5704)**	1. Noted but no change. The Council's decision not to adopt new open space lies outside the SPG; alternative management methods will be addressed in the preparation of the Open Space SPG. 2. The suggestion is appreciated and will be considered in the preparation of the Open Space SPG. 3. Planning obligations will be sought where they comply with the tests and this could include contributions towards the Canal. Specific reference to the Canal within the SPG is not considered

	appropriate because it has been written to refer to infrastructure generically.
Transportation and Access topic 1. Travel plans and / or transport assessments are only likely to be required for major developments. **(Rep 78)** 2. Specific mention to improvements to the towpath of the Montgomery Canal should be included. **(Rep 5704)**	1. Amend the wording in the synopsis to read "Schemes that may generate significant amounts of traffic or travel will be required to demonstrate….". 2. Planning obligations will be sought where they comply with the tests and this could include contributions towards the Canal. Specific reference to the Canal within the SPG is not considered appropriate because it has been written to refer to infrastructure generically.

Question 10: PO10 - Do you agree with the methods and formulae (where provided) for calculating the required financial contributions as set out in Part 3? If not, please explain why.	
Issue	**Council Response**
No issues raised.	Comments noted

Question 11: PO11 - If you have any other comments you want to make which are not covered by the above questions please include them here:	
Issue	**Council Response**
Reference should be made to the fact that the Council will keep a public register of S106 agreements once signed and this will include a list with details of each contribution. **(Rep 78)**	The register of S106s is referenced in paragraph 6.18 so no further change is considered necessary.
Para 5.34 - on second line replace the word 'will' with 'could' as S106's will not always be sought. **(Rep 78)**	The sentence refers to seeking a planning obligation so the word 'will' is considered suitable.
Para 5.38 - the wording suggests that the thresholds are for negotiation on each application which is contrary to para 5.34 table 1 which sets the thresholds. This para should just refer to the trigger points for payment/ implementation of works being negotiated on a site by site basis. **(Rep 78)**	It is considered that para 5.38 makes it clear that there is a process of negotiation to be had and therefore considers no alteration is required.
Para 6.11 - this suggests that reviews of S106 contributions should be triggered by a change in the economy, although this is common practice recent work carried out by the HBF in relation to Swansea LDP showed that over a two year period although house prices had doubled build costs had gone up by three times the amount over the same period. The paragraph should explain that all factors and cost associated with the development will be considered as part of any review of viability.	The information is noted and the Council accepts that developers may wish to present more up to date viability evidence and that the S106 may need to be adjusted as a result. However, this section refers to situations where viability resulted in nil or reduced contributions and enables the Council to 'check' this position should viability improve. As such, it is not recommended that the

(Rep 78)	paragraph is amended.
Include contact details of the Council's S106 officer. **(Rep 78)**	Para. 6.18 refers to the Planning and Monitoring Officer who can be contacted via the email address in Appendix A.
It is not sensible to rely on developers to maintain play areas and their long term future must be addressed. **(Rep 525).** This representor also welcomed a dedicated monitoring/compliance officer and asked that this continues.	Comments noted. The Council agrees that the future maintenance of play space is important and recognises that developers are not ideally placed for this long term role. Alternative methods are set out in the Leisure, Recreation and Open Space topic and this will be addressed further in the Open Space SPG.
Could new industrial and commercial development be required to contribute towards affordable housing or other infrastructure? **(Rep 1552)** Also issue of capacity for the S106 officer - caution re: overwhelm or at least slow down the process.	All applications will be considered on their own merits in line with national and local policies. Both levels of policy set the context for securing affordable housing and do not require commercial development to provide affordable housing. Contributions to local infrastructure such as transport improvements are possible, but will be considered at the application level.

3.2 Affordable Housing SPG

3.2.1 Reference Group

3.2.2 In order to prepare the Affordable Housing SPG, the Council sought participation and involvement with various Topic Stakeholders, from which the Council formed a Reference Group.

3.2.3 The Reference Group comprised 7 members, which included representatives from the following Council services:

- Planning Policy
- Development Management
- Housing Strategy
- Affordable Housing
- Legal Services

3.2.4 Engagement with the Reference Group during the preparation of the Draft SPG is summarised in table B4:

Table B4 – Reference Group Involvement (Affordable Housing SPG)

Date	Who and How?
May 2018	Meetings and correspondence with members of the Reference Group to discuss updated topic-related and planning information to inform the background and context of the SPG, to discuss the scope of the SPG and process involved, and to identify and agree a list of Topic Stakeholders to seek feedback from prior to public consultation.
June 2018	Initial working drafts of the SPG shared and discussed with the Reference Group to agree content of the working draft to be circulated to Topic Stakeholders. Initial feedback received from the Topic Stakeholders and suggested changes shared with the Reference Group. Specific issues raised by Topic Stakeholders discussed with the relevant members of the Reference Group. Comments from the Reference Group taken into account in preparing of the Consultation Draft.
July 2018	Notice of public consultation period circulated to LDP Database. 6 week public consultation period from 11th July to 21st August.
August 2018	Representations received to the public consultation shared with the Reference Group and specific issues discussed with the relevant members of the Reference Group. Any changes proposed to the SPG in response to the representations received also shared with the Reference Group and any outstanding issues discussed further.
September 2018	Consultation Draft SPG showing proposed changes presented to the LDP Working Group shared with the Reference Group. The Reference Group was informed of any issues raised by the LDP Working Group before the SPG was finalised for Cabinet approval.

3.2.5 Topic Stakeholders

3.2.6 The following Topic Stakeholders were involved:

- Registered Social Landlords operating in the area
- Grwp Cynefin (hosts of the Tai Teg Affordable Housing Register)
- Community Housing Cymru
- National Community Land Trust Network
- District Valuations Services
- Home Builders Federation
- Country Landowners Associations
- Council for Mortgage Lenders/UK Finance
- Principality Building Society
- Brecon Beacons National Park Authority
- Welsh Government Local Plans.

3.2.7 These stakeholders were invited to provide informal feedback on a working draft of the SPG prior to the formal public consultation stage.

3.2.8 A working draft of the SPG was also shared with Strategic Housing Partnership (SHP) and also presented to the SHP at a meeting on the 6th of June 2018.

3.2.9 Comments received from the Topic Stakeholders were considered and responded to, with further discussion taking place on specific issues where necessary. The input from Topic Stakeholders was used to inform changes to the working draft of the SPG.

3.2.10 **LDP Working Group**

3.2.11 The Draft SPG was considered by the LDP Working Group on 22nd June 2018 and approved for Public Consultation.

3.2.12 **SPG Consultation**

3.2.13 The public consultation period ran from 11th July to 21st August 2018 and representations were received from the following:

Representor Name (Representor No.)

- Homebuilders Federation (78)
- Hughes Architects (Newtown) (1552)
- Mid Wales Housing Association (4628)
- Mochdre with Penstrowed Community Council (516)
- Montgomery Town Council (517)
- Abermule with Llandyssil Community Council (542)
- Presteigne and Norton Town Council (525)

- Canal & River Trust in Wales / Glandwr Cymru (5704)

3.2.14 The main issues arising from the consultation and the Council's responses to these are set out in Table B5 below.

3.2.15 The representations and Council draft responses were considered by the LDP Working Group at its meeting on the 7th September 2018, and subsequently by the Council's Cabinet at its meeting on 9th October 2018.

Table B5 – Main Issues from the Public Consultation (Affordable Housing SPG)

Question 1: AH1 - Do you agree that the affordable housing definitions and types as set out are relevant to the Powys LDP area? If not, please explain why.	
Issue	**Council Response**
Requesting clarification on whether and in what circumstances self-build would be included in the definition of affordable housing. **(Rep 1552)**	Self-build is referred to under the definition of 'intermediate affordable housing for sale'. In order to qualify as affordable housing for planning purposes, self-build will need to comply with the definition provided and subject to the relevant restrictions and mechanisms. No changes recommended.

Question 2: AH2 - Do you agree with the data sources and calculations used to work out the affordability level for Powys? If not, please explain why.	
Issue	**Council Response**
Questions whether the average house price fairly represents the affordable level due to the range of houses in the Authority's area. Suggests calculation that does not include the most expensive housing would be more appropriate. **(Rep 78)**	The figure used for the average house price is based on the Land Registry's House Price Index, which is calculated in a way that reduces the weighting given to high value properties and is close to the median figure. It is considered to be appropriate to use this figure to compare with income levels, in order to demonstrate housing affordability issues in the area. No changes recommended.
Disagrees with the figures used as they do not reflect local variations in prices and wages. **(Rep 525, Rep 1552)**	The figures used are based on the data available from official government sources, and there are limitations on the data available at a more local level. The availability of data will be kept under review, particularly in connection with the review of the Local Housing Market Assessment. No changes recommended.
Disagrees with the average wage used, given primarily agricultural and light industrial employment at national minimum	The figures used are based on the data available from official government sources, which are based on

wage. **(Rep 516)**	averages. It is not possible to account for specific wage levels or types of employment in the calculation of the affordability level. However, the range of affordable housing types provided for are aimed at meeting the varying needs of households, and individual circumstances will be taken into account in assessing local housing need. No changes recommended.
Disagrees with the gross disposable household income figure being based on two full-time workers - does not account for single parent families, part-time employment or where only 1 in full-time employment. **(Rep 516, Rep 542, Rep 525)**	The figures used are based on the data available from official government sources, which are based on averages, and therefore it is not possible to account for all household situations or employment arrangements. However, the range of affordable housing types provided for are aimed at meeting the varying needs of households, and individual circumstances will be taken into account in assessing local housing need. No changes recommended.
Calculations do not take account of build costs. Only RSLs/SHA capable of financing affordable housing and implications for viability where not possible to secure involvement of RSL or the Council. **(Rep 1552)**	The calculation is based on the cost of purchasing a house and is aimed at establishing the level at which households, on average, are able to afford to purchase housing. Build costs are not relevant to this calculation, however these costs have been taken into account in the LDP's viability assessment and policy targets. Where involvement of an RSL or SHA cannot be secured, the SPG allows for financial contributions to be made in lieu of on-site provision. No changes recommended.
The figure of numbers of persons in need of affordable housing in East Radnor is too low. Refer to Presteigne and Norton Town Council's own housing survey in 2011 identifying 80 people in need and PCC housing register in 2011 had 158 in need. **(Rep 525)**	The figures referred to in the SPG are taken from the Local Housing Market Assessment (2010, updated 2014), which is in the process of being reviewed. It is recommended that a note is included after the table explaining this and cross-referring to para. 6.6.5 of the SPG in relation to evidence used in decision-making.

Question 3: AH3 - Do you agree with the approach towards seeking affordable housing contributions from specialist market housing developments? If not, please explain why.	
Issue	**Council Response**
There are more likely to be viability issues having regard to the additional design features required of certain specialist	Site specific viability issues, where evidenced, will be taken into account in determining the level of affordable

provision. **(Rep 1552)**	housing contribution that can be secured from specialist housing schemes. No changes recommended.

Question 4: AH4 - Do you agree with the examples given of circumstances where alternative provision to on-site provision may be considered? If not, please explain why.	
Issue	**Council Response**
Support for the prevention of subdivision/phasing of development sites to avoid contributions and in defining the density of sites to avoid 4 homes being provided rather than five on a 0.25 hectare site. **(Rep 525)**	This support is noted.
Request for the monies received to be spent within the same community as the original site. **(Rep 525)**	Financial contributions will be spent on schemes available within the same settlement, however in case of situations where there are no schemes available within the same settlement, the cascade set out in para. 6.5.7 of the SPG will be applied. This will ensure that contributions are spent locally where possible, or if not, are spent in a way that continues to support the provision of affordable housing in the LDP's area. No changes recommended.
Request for further information on who will be required to provide evidence (and in what form) that a contribution in a different location would have a greater contribution towards meeting local affordable housing. **(Rep 1552)**	The Council will decide whether alternative provision to on-site provision is appropriate and justified in specific circumstances. The developer may propose alternative provision and provide evidence to support this, however the Council will determine the appropriateness of any proposals. No changes recommended.
Suggestion that the last example box at para. 6.3.4 emphasises the potential role of RSLs as they are increasingly involved in market development. **(Rep 1552)**	The last example box referred to relates to intermediate housing for rent or sale and does not refer to market development as such. The involvement of RSLs in market developments through developer transfer of units/land is covered in the first two example boxes. No changes recommended.

Question 5: AH5 - Do you agree with the approach used to determine whether off-site provision would be appropriate? If not, please explain why.	
Issue	**Council Response**
Requesting clarity on arrangements where site is not within the same ownership, and on the section 106 arrangements, legal and	The option of providing affordable housing on an alternative site is only intended to apply where other suitable

financial negotiations involved in this. **(Rep 1552)**	land is within the control of the developer, as explained in para. 6.4.1. The use of off-site contributions will not be appropriate where the land is not within the same ownership. Any permission involving off-site provision would be subject to a section 106 agreement as explained in para. 6.4.2. No changes recommended.

Question 6: AH6 - Do you agree with the method and formulae for calculating the required financial contribution? If not, please explain why.	
Issue	**Council Response**
Affordable housing need figures not felt to be even close to correct. See previous response to AH2. **(Rep 525)**	This response is referring again to the figures of local housing need included in the LHMA. The use of evidence of local housing need to determine the type of dwelling that would have been required on-site is referred to in para. 6.5.2. See response to Question AH2 regarding this matter.
There may be a risk that, where it is possible for them to do so, developers will seek sites in areas where there is less requirement for affordable housing. **(Rep 1552)**	The financial contribution will reflect the % target required by policy H5 for the sub-market area where the planning application is located. The representation appears to be referring to the policy requirements that have already been set out and approved in the LDP, and therefore this is not a matter for the SPG. No changes recommended.

Question 7: AH7 - Do you agree with the examples given as to how the Council may spend financial contributions and with the cascade to be applied? If not, please explain why.	
Issue	**Council Response**
Suggestion to include cross-reference to the Planning Obligations SPG in respect of specifying a time period for using contributions. Objection to the 10 year period for spending contributions as it is far too long with regard to affordable housing. **(Rep 78)**	It is recommended that a cross-reference to the detail regarding the process for handling financial contributions in the Planning Obligations is included after para. 6.5.7. The comments regarding the 10 year period for spending contributions relate to the content of the Planning Obligations SPG and are responded to separately.
The cascade applied to spending commuted sums should also be applied to other types of provision. **(Rep 78)**	This representation is aimed at applying the cascade to off-site provision on an alternative site to enable a developer to provide affordable housing on an alternative site outside of the local area. The off-site option is only intended for

	situations where there is another site available in the locality within the control of the developer, and therefore it would not be appropriate to allow the area to be widened out by using a cascade. No changes recommended.
Spend should be strictly limited to immediate locality rather than potentially cascaded out, as it is difficult to see how financial contributions could not be applied given housing requirements, potential for upgrading existing or derelict stock, and the commitment to building Council houses. **(Rep 517)**	Financial contributions will be spent on schemes available within the same settlement, however in case of situations where there are no schemes available within the same settlement, the cascade set out in para. 6.5.7 will be applied. This will ensure that contributions are spent where possible, or if not, are spent in a way that continues to support the provision of affordable housing in the LDP's area. No changes recommended.
BBNPA forms part of the SHA as the rest of the County. Contributions should be able to be spent in adjoining settlements within the BBNPA. Suggests reciprocal agreement with BBNPA. **(Rep 1552)**	The wording of a) and b) of the cascade already allows for contributions to be spent in the same settlement and, where no schemes are available, within the same community, which means that contributions may be spent within settlements/ communities that cross over the boundary between the Powys LPA area and the BBNP area. It is recommended that the wording of f) is amended to clarify that this final stage applies to the remaining areas of the BBNP. The cascade is compatible with the cascade used by the BBNP.

Question 8: AH8 - Do you agree with the sources of evidence to be used by the Council to determine local housing need? If not, please explain why.	
Issue	**Council Response**
LHMA is already four years out of date. Suggest that para. 6.6.5 clearly states the updated 2018 evidence will be used as soon as it is available and to state time period for next update. **(Rep 78)**	The SPG states that updated evidence will be referred to by the Council, therefore, it will be used once it is made available for use in decision-making. The expected timescales for further updates i.e. every 2 years, is considered to be clear. No changes recommended in response to this representation, however it is recommended that the timescale stated in para. 6.6.5 for the review of the LHMA is updated as it is now expected by April 2019.
Support for review of the LHMA, noting from local knowledge some data may be	The LHMA is in the process of being reviewed as explained in the SPG and will provide updated evidence on local

inaccurate. **(Rep 517)**	housing needs. No changes recommended.
Subject to overhaul of Common Housing Register, developing and promoting the affordable housing register, and transparent, timely mechanisms for conducting local housing need surveys to meet information gaps. LHMA provides only a snap shot and cannot drill down to any meaningful level to inform site specific applications. **(Rep 1552)**	This representation refers to issues with the sources of evidence listed by the SPG to be used in negotiations, and refers to actions that go beyond the scope of this SPG. These matters have been referred onto the SHA. The SPG promotes the use of the Tai Teg Affordable Housing Register in the planning process, and the LHMA is to be used to inform planning decisions. No changes are recommended.

Question 9 AH9 - Do you agree with the arrangements and information requirements for assessing the financial viability of a specific development and proposals for reviewing viability? If not, please explain why.	
Issue	**Council Response**
Support for the rigorous approach to ensuring affordable homes are constructed as required by the S106 and agree that affordable and market housing to be built concurrently and market homes not to be completed first. If developer considers this unviable, application should be withdrawn. **(Rep 517)**	The SPG makes it clear that the completion of all open market housing prior to the completion of the affordable homes will not be acceptable, whilst allowing for a proportion of market housing to be built. This flexible approach is aimed at enabling developments to remain viable. No changes recommended.
Require reassurance of Council capacity and expertise to undertake viability assessment and suggests perhaps SHA could lead on this. **(Rep 1552)**	It is explained that the financial viability appraisal will be assessed by the Council, but only where possible (para. 6.6.9) and therefore this will be dependent on the capacity and expertise available within the Council at the time. Where this is not possible, the DVS will be commissioned. Development Management are expected to lead on negotiations. No changes recommended.
Does not follow argument on reducing timescales for development unless specifically to ensure development achieved within policy timeframes, and not for reasons of financial viability. **(Rep 1552)**	As explained in para. 6.6.10, the purpose of reducing timescales for development where a lower/nil contribution has been agreed is to enable the position on viability to be kept under review. Otherwise a site could continue to benefit from an extant or implemented permission over a long period of time, however in the meantime development viability may have improved or changed. No changes recommended.

Question 10 AH10 - Do you agree with the guidance on assessing the

appropriateness of the location, scale and type of affordable housing on exception sites in Towns and Large Villages? If not, please explain why.	
Issue	**Council Response**
Providing infrastructure can accept such developments and that logical extensions up to 5 houses should also be assessed in terms of impact on integrity of the settlement, transport/highways infrastructure, landscape/heritage site impacts and impact on amenity of existing dwellings. **(Rep 517)**	Consideration will be given to these matters, where relevant, in assessing proposals for all types of exception sites. The SPG should be read in conjunction with the policies of the LDP, which includes policies relating to these matters. No changes recommended.
Considers there to be a case for exception sites in rural locations. Difficulties for dwelling to be built on farmland by family members, precluding younger farmers remaining on the land. **(Rep 517)**	Dwellings on farmland for farmers, referred to in planning as Rural Enterprise Dwellings, are dealt with under national guidance (PPW and TAN6). The SPG does not provide guidance on Rural Enterprise Dwellings as they do not fall within the definition Affordable Housing and are assessed differently from a planning point of view. No changes recommended.
Wording of para. 7.4 regarding consideration of harm to the character and appearance of the surrounding landscape – this should apply whether affordable housing on exception sites or not. **(Rep 1552)**	The guidance within para. 7.4 is aimed at ensuring that regard is given to landscape/visual impact in selecting exception sites for affordable housing, avoiding the most sensitive sites and considering alternative sites. The assessment process set out within para. 4.2.32 relating to LDP Policy DM4 will apply to exception sites as they lie outside the boundaries of Town and Large Villages. No changes recommended.

Question 11: AH11 - Do you agree with the guidance on determining whether a site should be viewed as infill or as a logical extension in Small Villages? If not, please explain why.	
Issue	**Council Response**
Noting that only development of less than 5 units/0.25 will be considered, and consider this sensible in view of needs and infrastructure of Small Villages. **(Rep 1552)**	This support is noted. The guidance within the SPG supports LDP policy H1 in respect of affordable housing in Small Villages.

Question 12: AH12 - Do you agree with the guidance on the tests to be used to determine whether a proposal is located within a Rural Settlement? If not, please explain why.	
Issue	**Council Response**
Emphasises the need for robust and reliable local affordable housing register information to determine whether or not appropriate to provide affordable housing in these areas. **(Rep 1552)**	Evidence of the local housing need of specific individual households will be needed to justify affordable housing in Rural Settlements, and the Affordable Housing Register (Tai Teg) will be

	used, as explained in Appendix C. No changes recommended.

Question 13 AH13 - Do you agree with the guidance and principles to be used in assessing Affordable Housing Schemes? If not, please explain why.	
Issue	**Council Response**
Requesting further clarity on self-build or specialised accommodation. **(Rep 1552)**	An example of requirements of an Affordable Housing Scheme for developing a single intermediate house for sale by an individual (self-build) is included in Appendix F of the SPG. The SPG refers to arrangements for specialist market housing, however it is not possible to provide detailed guidance on Affordable Housing Schemes for such bespoke schemes as part of the SPG. No changes recommended.
Requesting consideration to be given to larger accommodation for extended households by reviewing the maximum size of the property or other arrangements (e.g. allowing semi-detached units to be used as a single unit, and then reverting back to two units when no longer needed). **(Rep 1552)**	The size of an affordable dwelling is required to reflect the identified local housing need. The maximum size set out in the SPG is based on a household size of 7 persons, and therefore is expected to cover need in the majority of circumstances. The assessment of local housing need will take into account the needs of the households involved. The appropriateness of any arrangements will need to be considered in planning terms. No changes recommended.
Requesting ACG information in respect of flatted accommodation given demand for this type of housing. **(Rep 1552)**	It is recommended that the ACG notional floor area for flats is added into the table under para. 8.16.

Question 14: AH14 - Do you agree with the process for assessing the local housing need of proposed occupiers? If not, please explain why.	
Issue	**Council Response**
Support for strengthening guidance for meeting local housing need and maintaining occupancy restrictions unless incontrovertibly proved no longer required. **(Rep 517)**	This support is noted.
Majority of recent developments are 2 or 3 bed, small third bedroom, with inadequate room for growing family, need for family accommodation. SPG does nothing to encourage sustainable homes to retain families in the villages. **(Rep 542)**	Para. 8.16 of the SPG expects affordable housing on market developments to be of a range of sizes and to give regard to ACG space standards. The local housing need assessment (Appendix C) also allows for existing owners of affordable housing to transfer to other affordable housing to meet changing circumstances. No changes

	recommended.
See comments under AH13. **(Rep 1552)**	See response for AH13 above.

Question 15: AH15 - Do you agree with the approach towards ensuring the provision, affordability and availability of affordable housing at each stage of the planning process? If not, please explain why.	
Issue	**Council Response**
Divergence from LDP stating affordable / local needs can be a home for life, and need to reflect this in considering future applications to modify unit, but keeping within defined parameters. **(Rep 517)**	The SPG at para. 8.18 explains that planning applications for future extensions will be assessed on a case by case basis taking into account the local need and effect on affordability. No changes recommended.
Support for withdrawal of permitted development rights, ability to refuse applications on underdevelopment, and simultaneous building of market and affordable housing. Requirements to be effectively and rigorously enforced and request for detail of monitoring arrangements to ensure compliance. **(Rep 517)**	Development Management has responsibility for enforcement and monitoring processes, including planning conditions and obligations. Reports of any breaches will be investigated and enforcement taken where necessary, as stated in section 8.32 of the SPG. No changes recommended.
Detrimental effect of capping the re-sale price at 72% of open market value, disadvantage for first time buyers wanting to move up the ladder, deterrent to moving on, and on releasing dwelling back onto the market. **(Rep 542)**	The TAN 2 definition of intermediate affordable housing requires prices/rents to be below market housing prices or rents. By restricting the sale/re-sale value of an affordable dwelling, this provides a mechanism for ensuring that the housing is and remains accessible to those in local housing need. No changes recommended.
Subject to capacity within the system. Requesting clarification on the S106 Officer's role and capacity to deal with this and other planning obligations. **(Rep 1552)**	Development Management has responsibility for the planning processes described in this part of the SPG. The role of the Planning and Monitoring Officer in relation to section 106 agreements is explained in the Planning Obligations SPG. No changes recommended.

Question 16: AH16 - If you have any other comments you want to make which are not covered by the above questions please include them here:	
Issue	**Council Response**
Regarding the guidance on time limited permissions to enable review of viability, sites may also become less viable. Comments on the WG S106 guidance (2009) and suitability of the review mechanisms. Notes that the wording of the SPG provides flexibility. Request for cross-reference to the WG guidance. **(Rep**	It is considered to be appropriate (at para. 6.6.10) to apply a reduced time limit for commencement and/or control over completion in order to enable viability of a development to be kept under review, and the Council is aware of appeal decisions that support this approach. The WG guidance on

78)	delivering affordable housing using section 106 agreements referred to is included in Appendix A of the SPG. No changes recommended.
Worth noting in the document that WG are currently reviewing Affordable Housing and therefore there may be changes in the next few years. **(Rep 78)**	Recommend reference is made to the Affordable Housing Review under Monitoring and Review in para. 9.2 of the SPG.
Deliverability is a fundamental issue. The Council and its strategic partners need to consider further options to stimulate the 5 year land supply, identify and bring forward suitable sites, and other means to meet strategic objectives on housing delivery. **(Rep 1552)**	This support and comments are noted. This SPG is aimed at assisting the delivery of affordable housing through the LDP's planning policies. The actions called for by the Representor go beyond the scope of this SPG. These matters have been referred onto SHA. No changes recommended.
Requesting clarification on how applications for 100% affordable housing provided by RSLs are processed and conditioned at planning application stage, as current inconsistencies (examples provided). Prefer no restrictions due to effects on borrowing. **(Rep 4268)**	Recommend adding note after para. 8.6 to clarify the requirements in relation to RSL development. This means that where an RSL is developing a site within their ownership within the development boundary, conditions attached relating to affordable housing will only require the % of affordable housing required under policy H5. This approach is acceptable to the representor.

3.3 Biodiversity and Geodiversity SPG

3.3.1 Reference Group

3.3.2 In order to prepare the Biodiversity and Geodiversity SPG, the Council sought participation and involvement with various Topic Stakeholders, from which the Council formed a Reference Group.

3.3.3 The Reference Group comprised 6 members, which included representatives from the following Council services and outside organisations:

- Planning Policy
- Development Management
- Countryside
- Natural Resources Wales

3.3.4 Engagement with the Reference Group during the preparation of the Draft SPG is summarised in table B6:

Table B6 – Reference Group Involvement (Biodiversity and Geodiversity SPG)

Date	Who and How?
Early April to early May 2018	Contact made with Reference Group members, to confirm membership, discussion and agreement of role and timetable etc.
May 2018	Discussion of suggested scope of SPG, aims, structure and key components. Writing of first draft ready for Topic Stakeholder consultation. Teleconference with Reference Group on 10th May. Email to Topic Stakeholders to alert them to pending consultation period.
May and June 2018	Circulation of first draft to Topic Stakeholders for consultation period from 25th May to 8th June, 2018.
June to July 2018	Teleconference with Reference Group on 13th June to consider Topic Stakeholder responses. Also to confirm timetable for remainder of the process. Communicating with Reference Group to consider and confirm appropriate revisions. Amending draft SPG ready for public consultation period. Draft SPG presented to LDP Working Group for approval prior to public consultation period.
July 2018	Notice of public consultation period circulated to LDP Database. 6 week public consultation period from 11th July to 21st August.
August to September 2018	Teleconference with Reference Group 29th August to discuss representations and agree required changes. Also to confirm timetable for remainder of the process. Amending draft SPG ready for adoption.
September 2018	Consultation Draft SPG showing proposed changes presented to the LDP Working Group shared with the Reference Group. The Reference

	Group was informed of any issues raised by the LDP Working Group before the SPG was finalised for Cabinet approval.

3.3.5 **Topic Stakeholders**

3.3.6 The larger Topic Stakeholder group included an additional 41 members, consisting of representatives from the following outside organisations:

- Biodiversity Information Service (BIS)
- Botanical Society of the British Isles
- Brecknock Bird Group
- Brecknock Dragonfly Group
- Brecknock Geology Group
- Brecknock Mammal/Bat Group
- Brecknock Moth Group
- Brecknock Wildlife Trust
- British Geological Survey
- Butterfly Conservation
- Canal and River Trust
- Central Wales RIGS Group
- Clwyd Powys Archaeological Trust
- Coed Cymru
- Glandwr Cymru - Canal & River Trust in Wales
- Llandinam Lives/Powys Species Habitat Protection Group
- Montgomery Canal Partnership / Canal & River Trust
- Montgomeryshire Barn Owl Group
- Montgomeryshire Moth Group
- Montgomeryshire Wildlife Trust
- Natural England
- Natural Resources Wales
- Plantlife
- Radnorshire Invertebrate Group
- Radnorshire Mammal Group
- Radnorshire Moth Group
- Radnorshire Wildlife Trust
- Rhayader By Nature
- RSPB Cymru
- The Inland Waterway Association
- The River Wye Preservation Trust
- The Woodland Trust Wales/Coed Cadw
- Welsh Government
- Welsh Kite Trust
- Wye & Usk Foundation
- Environment Agency England
- British Trust for Ornithology
- Amphibian and Reptile Conservation
- Bat Conservation Trust
- Vincent Wildlife Trust
- Severn Rivers Trust

3.3.7 These stakeholders were invited to provide informal feedback on a working draft of the SPG prior to the formal public consultation stage.

3.3.8 Comments received from the Topic Stakeholders were considered and responded to, with further discussion taking place on specific issues where necessary. The input from Topic Stakeholders was used to inform changes to the working draft of the SPG.

3.3.9 **LDP Working Group**

3.3.10 The Draft SPG was considered by the LDP Working Group on 22nd June 2018 and approved for Public Consultation.

3.3.11 **SPG Consultation**

3.3.12 The public consultation period ran from 11th July to 21st August 2018 and representations were received from the following:

Representor Name (Representor No.)

- Clwyd Powys Archaeological Trust (27)
- Elan Valley Trust (222)
- Mochdre with Penstrowed Community Council (516)
- Abermule (with Llandyssil) Community Council (542)
- The Coal Authority (1481)
- Powys Wildlife Trusts (5201)
- Canal & River Trust in Wales / Glandwr Cymru (5704)
- Sarah Bond (6160)
- CPRW (Brecknock and Radnor Branch) (6235)
- Natural Resources Wales (7076)

3.3.13 The main issues arising from the consultation and the Council's responses to these are set out in Table B7.

3.2.14 The representations and Council draft responses were considered by the LDP Working Group at its meeting on the 7th September 2018, and subsequently by the Council's Cabinet at its meeting on 9th October 2018.

Table B7 – Main Issues from the Public Consultation (Biodiversity and Geodiversity SPG)

Question 1: BG1 - Is the information in the Biodiversity and Geodiversity SPG presented in a clear and logical format for the different audiences (i.e. professional developers and domestic (non-professional) planning applicants)?	
Issue	**Council Response**
Large document likely to feel over-whelming particularly for public seeking permission for small-scale domestic development. Needs to be made clear which sections applicants for different types of development need to read. **(Rep 5201)**	Comments noted. Clarification to be added to start of Section 8 'Biodiversity and Geodiversity in the Planning Process'.
Table 1 – for clarity, include a bold horizontal line between the sub-sections of sites, habitats and species. **(Rep 5201)**	Table 1 will be revised to make it clearer.
Paragraph 6.31 – suggest moving this paragraph below Table 1 to make it stand out. **(Rep 5201)**	Agreed.

Subject to specific comments, the document would appear to be appropriate. Images may help. **(Rep 5704)**	Comments noted.
No, it is of concern that it is considered that the SPG is only for planning applicants when it will be a material consideration when determining planning applications and is of relevance to Planning Officers, Planning Inspectors and the general public. **(Rep 6160)**	Comments noted. The Council is content that the SPG makes clear it is relevant advice and an important material consideration to all parties involved in the planning process.
The text needs amending to address: • numerous repetitions. • poor paragraph ordering of some topics. • poor or muddled wording in some paragraphs • errors in cross referencing to paragraph numbers including Appendix C**.** • worrying omissions. **(Rep 6160)**	Comments noted. Editing will be undertaken to address these concerns.
Confused by the two versions of the SPG available on the Powys website. **(Rep 6235)**	The correct version for public consultation was available on the main LDP web page, and labelled as such, from the beginning of the consultation period.
The text is sometimes vague, long-winded and repetitive. **(Rep 6235)**	Comments noted. Editing will be undertaken.
The audience includes all interested parties. It should concentrate on clarifying how existing legislation, policy and guidance on biodiversity and geodiversity is incorporated into the Powys planning process in order to help all interested parties. Audiences need to know exactly how responsibilities in the planning process are allocated between PCC and NRW. This is not clear and we suggest detailed discussion and agreement with NRW to establish this. **(Rep 6235)**	The Council will review the SPG to make sure roles are clearly defined.
The overall format is well thought out and follows a logical progression. (Comments on details provided in a tracked changes version of the SPG). **(Rep 7076)**	Comments noted.

Question 2: BG2 - Is the language and terminology used in the SPG appropriate for these different audiences?	
Issue	**Council Response**
Throughout the document, the phrase “proposed development site” should replace “development site. **(Rep 5201)**	Comments noted. The text to be amended accordingly.
Table 1 – The final six columns of this table are confusing. For example, the applicant may be left	Comments noted. The Council has reviewed Table 1 and has clarified the

thinking that a site listed under "*No Statutory Protection*" can be ignored. We recommend that the final six columns are removed from Table 1. **(Rep 5201)**	purposes of the columns by rewording the text in the column headers and adding a footnote.
Welcome the inclusion of Wildlife Trust Reserves, however, it seems odd that other NGO nature reserves are absent, notably those of the Woodland Trust & RSPB. If changed, paragraph 6.18 would also need updating. **(Rep 5201)**	Comments noted. This change may be possible at a future date, but no change required at the moment.
References to the Powys LBAP should be amended to refer to the Powys Nature Recovery Action Plan (NRAP) including Paragraphs 6.33 - 6.35, Appendices B & C, etc. **(Rep 5201)**	Comments noted. Whilst the Council agrees with the desirability of the proposed change, the LBAP is, until the NRAP is adopted, still the appropriate Plan for applicants to consult. Removal of references to the LBAP at this stage would therefore create the potential for this important source of local information to be omitted from an applicant's preparatory research. No change required.
Appendix A - Section 42 'important (priority) habitat and species' no longer exists and should be referred to as 'Section 7'. **(Rep 5201)**	This reference in the Glossary is provided for clarity as the term 'Section 42', and references to the NERC Act, are still in use and often seen in documentation. The superseding of Section 42 by Section 7 is explained in the text under this entry in the Glossary. No change required.
1. Subject to specific comments the document would appear to be appropriate. **(Rep 5704)** 2. Yes with proviso that glossary expanded – e.g., NRAP, SoNaRR. **(Rep 6160)** 3. The language used within the document is appropriate for the target audience. **(Rep 7076)**	1. Comments noted 2. Comments noted. Both NRAP and SoNaRR are cited and explained in Appendix C. 3. Comment noted.
The language is sometimes verbose making the SPG unnecessarily long. E.g. Paragraph **6.7 SPAs** could read: **"Special Protection Areas (SPAs)***: a European designation for the conservation of birds. Three SPAs are wholly or partially within the Powys planning area and another two are close enough to be at risk from development within the planning area. Developers should be aware of ranging and foraging buffers around SPAs*". **(Rep 6235)**	Comments noted. The opportunity has been taken to review the document and wherever necessary changes have been made.

Question 3: BG3 - Is there any content missing from the SPG, or parts that could be improved?	
Issue	**Council Response**
1. Paragraph 6.16 – Amend to read: "These are assessed and selected using specific criteria which recognise their wildlife value, developed and agreed by members of the Powys Nature	1. Agreed. 2. Agreed, plus the additional wording 'and many carry statutory designations' to be made.

Partnership (see Appendix A)". 2. Paragraph 6.18 – Amend to read: "The three Wildlife Trusts in Powys also own, lease and manage land as Wildlife Trust Reserves (WTRs). These protect locally or nationally rare or vulnerable wildlife or habitats and many carry statutory designations. In Powys there are…" **(Rep 5201)**	
1. Table 1 - Section 7 habitats and species and Veteran Trees are missing from Table 1 and should be added. 2. Paragraph 6.27 – should include the Ancient Woodland Inventory's four categories: * Ancient Semi-Natural Woodland (ASNW) * Plantation of Ancient Woodland Sites (PAWS) * Restored Ancient Woodland Sites (RAWS) * Ancient Woodland Site of Unknown Category (AWSU) 3. Paragraphs 6.30 & 6.31 - Powys has internationally important areas of veteran trees / historic parkland which should be emphasised e.g. the Elan Valley. **(Rep 5201)**	1. Agreed. 2. Agreed. All Categories to be included in the SPG. 3. Comment noted. Having reviewed the text, the current wording is considered adequate so no change required.
1. The SPG should be stronger in recognising that non-statutory sites can have biological features of international significance, in the same way that not all sites of SSSI quality end up being designated SSSI. For example biologically rich ponds should be included. The Freshwater Habitats Trust has recognised that parts of Powys are 'Internationally Important Areas for Ponds (IAPs) e.g. 'mawn' pools found on common land across North Brecknock and Radnorshire. These lack statutory protection yet are areas of significant biodiversity value and have high populations of important species, such as the Great Crested Newt. 2. It is important to remember that the national network of SSSIs forms a representative suite of the country's very best wildlife and geographical sites; this needs to be emphasised in paragraph 6.12. **(Rep 5201)**	1. Comments noted. Add new para. to include reference to non-statutory sites containing features of international significance and using mawn pools as an example. 2. Agreed. Add the following 'and as such form a representative suite of the country's very best wildlife and geological sites.'
1. Paragraph 6.32 – it is important to retain the significance of the difference	1. Comments noted. Include reference to the Wales

between nationally important and locally important sites. Either list the Section 7 habitats here (could remove any that aren't relevant for Powys) or refer the reader to the Wales Biodiversity Partnership for the list. 2. Paragraph 6.33 - Depending on how paragraph 6.32 is dealt with, either list the NRAP habitats or refer the reader to the Powys NRAP for the list. **(Rep 5201)**	Biodiversity Partnership. 2. The Powys LBAP is still extant until the NRAP is adopted, so the reference to the LBAP Habitats should remain.
1. Paragraphs 7.7 & 7.8 – Environmental Permits (EPRs) are not mentioned and could be included here. 2. Table 2 – emphasise the need for Phase 2 vegetation surveys, at the appropriate time of year if the preliminary ecological appraisal identifies interesting habitat. This is relevant for the top 10 development sites in the table. 3. Paragraph 7.27 - further surveys should include those for priority habitats and species as well as EPS. 4. Table 3 – amend the dormouse survey optimal period to May to October inclusive, whilst the rest of the year would be sub-optimal. **(Rep 5201)**	1. Comments noted. 2. Table 2 – additional clarification will be provided. 3. Insert additional text: 'such as those for priority habitats and species and EPS. 4. Agreed, amend Table 3 accordingly.
Paragraph 8.26 - when saying that "compensation does not necessarily need to be like for like replacement" it should be emphasised that the replacement gain should have integrity and value within the ecological landscape it sits in. **(Rep 5201)**	Comments noted. The text will be revised.
Intensive Livestock Units Paragraphs 9.16 - 9.20– in the Chief Planning Officer letter (12/6/18) from Welsh Government, the impacts of intensive agricultural developments were emphasised. The appropriate wording of this section is a great opportunity to improve the current decision making process. PCC is urged to take heed of recent advice from the Welsh Government regarding the importance of a wide range of consultees when considering these developments. (Letter from Lesley Griffiths AM, Cabinet Sec for Energy, Planning and Rural Affairs, 30/4/018). **(Rep 5201)**	Comments noted. The Council is familiar with the clarification letters cited and considers it already follows the advice. Having reviewed the Intensive Livestock Units section it is not felt necessary to make any changes.
1. Paragraph 6.42 – refers to "Section 4.4 below", but this section does not exist. 2. Paragraph 8.18 - refers to Sections 5.5 and 5.6, but these do not exist.	Comments noted. The cross-references will be updated, a reference to 'bat bricks' included in Table 5, and the SPG will be edited.

3. Paragraph 8.23 – remove "However" from the start of the second sentence and insert "For example," instead. 4. Paragraph 8.30 – in the second bullet point, please include 'bat bricks'. 5. Paragraphs 9.13 & 9.15 – these make reference to section 6.5 which does not exist. **(Rep 5201)**	
Section 7 could be moved to an appendix. **(Rep 5704**)	Noted, but the Council considers this is an important section to retain in the body of the SPG.
Paragraph 4.1 – Amend to read "**….**consider the potential impacts of proposals upon these interests on or near development sites".**(Rep 6160)**	Noted. The words 'and beyond' will be added.
Paragraph 4.7 states, "*As a consequence of its extent, it has a considerable diversity of habitat types".* This statement is misleading. It is not because of Powys' extent but its geodiversity and man's interaction that there is considerable diversity of habitats. **(Rep 6160)**	Comments noted. Add the word 'Partly' to the beginning of the paragraph..
Table 2 - is inconsistent when describing surveys. As a result the text following this table becomes confusing about the status of species, e.g. 7.29 to 7.36 discusses EPS but then bats are discussed separately at 7.41. **(Rep 6160)**	Comments noted. Table 2 has been reviewed and editing amendments made as necessary.
Paragraph 7.27 – Refers to CIIEM guidance, but guidance is regularly updated. **(Rep 6160)**	Agreed. Insert the text:"or any updated".
1. Para. 7.37 - This paragraph is unacceptable because it totally dismisses many protected avian species in Powys. Most other raptors are Schedule 1 birds, as are some other species which may be affected by development in Powys. 2. Paras 7.37 and 7.38 should be moved and amalgamated with para 8.48 in section 8. 3. Para 7.39 should have a new heading, e.g. 'avian surveys', and include discussion about nesting birds and protected birds. **(Rep 6160)**	1. Comments noted. The Council disagrees. Barn Owls are detailed in the SPG as they commonly nest and roost in buildings so are an example of a species that may be at risk from development. Many other Schedule One birds are found in Powys however these will be covered by surveys already included in the SPG. No change required. 2. & 3. It will be made clear that these surveys are examples. A new sub-heading will be inserted.
Paragraph 7.39 "……*Areas of dense vegetation (e.g. hedgerows, or long-derelict land) are also important for other nesting birds"* This statement whilst correct is an oversimplification. It ignores ground nesting birds and in particular the critical status of curlew which nest in damp habitats and are	Comment noted. Whilst the Council disagrees that this para. ignores ground nesting birds, the words '<u>or open</u>' and '<u>or agricultural</u>' will be added, and the word 'or' be removed.

particularly susceptible to the types of agricultural development being applied for and the solar LSAs. **(Rep 6160)**	
1. Amend 8.2 - to read "biodiversity and geodiversity interests affected by development sites". 2. Paragraph 8.27 - should explain compensatory measures will be conditioned. 3. Paragraph 8.34 - It is of great concern that this document has been put forward for public consultation with this illustration missing. 4. Paragraph 8.38 - omits reptiles from the list of fauna e.g. slow worms. 5. Paragraph 8.44 - Should read, "affected by development proposals". 6. Paragraph 8.45 "…… *If a planning application is likely to directly impact on a pond, canal, ditch or cellar a great crested newt survey may be required."* This is incorrect advice and contradictory to advice on EPS at 7.23 A survey for great crested newts is required if: * there are historical records of newts within or close to the site proposed for development. * there's a pond within 500 metres of the application site boundary even if it only holds water some of the year * the development site includes refuges (eg log piles or rubble), grassland, scrub, woodland or hedgerows. **(Rep 6160)**	1. Comments noted. The opening paragraphs will be revised for clarity. 2. Agreed. Add following wording: "Compensatory measures may also be subject to planning conditions and ongoing monitoring." 3. Comment noted but the diagram was only for illustrative purposes. 4. The list of species is not intended to be exchaustive. 5. The comment is noted. It is recommended that the change be made accordingly. 6. Agreed. The word 'directly' will be removed.
1. Paragraphs 4.2 and 4.5, 6.16, 6.25, 6.26, 6.27, 7.35 – Repetitious. 2. Paragraph 6.20 - Omit NB – unnecessary. 3. Paragraphs 6.42, 7.33, 8.8. 8.14. 8.18, 8.39, 8.41.8.43, 9.13, 9.15 - Incorrect cross refs. **(Rep 6160)**	Comments noted. The SPG will be subject to futher editing.
1. Prior to section '5.0 LDP policies', The Environment (Wales) Act Part 1, Sections 3, 4 and 6 should be set out as they are in the Act. 2. Section 5.0 LDP policies - Should make it clear that the LDP is an integrated document and other policies besides SP7 and DM2 are relevant to Biodiversity and Geodiversity. For instance: • DM7 on light pollution • DM13.13.v. on protection of soils • DM14.2 Air quality management	1. The Council disagrees with this representation. The Environment Act is summarised in Appendix C. No change required. 2. This point is made already in the introduction to the document. It is also repeated in Appendix C which already lists the key LDP Policies that are likely to have a bearing upon Biodiversity and Geodiversity. No change required.

• DM15 Waste within developments **(Rep 6235)**	
Major elements missing from the SPG: 1. Importance of State of Nature Wales report: urgency of reversing decline in Biodiversity. 2. Discussion of Protection of Soils. 3. Discussion of Cumulative impacts. 4. Informative discussion about Intensive Livestock Proposals, regulatory framework and PCC role. **(Rep 6235)**	Comments noted. The following changes be made to the document: 1. Insert reference to 'State of Nature' report. 2. Agreed. Add new section on 'Soils' within the Geodiversity and Development Proposals section. 3. Agreed. Add nerw section on 'Cumulative and In Combination Effects' within the Biodiversity and Geodiversity in the Planning Process section. 4. The Council has already included a section on Intensive Livestock Units which is considered adequate. No change required.
SPG to include additional information on: 1. Ancient semi natural woodland. 2. The Birds directive. 3. Associated legislation not regulated under planning. (see comments on page 17 of SPG draft attached). 4. NRW role in flood defence. 5. Consideration of long term post construction issues. 6. Clarification over INNS legislation and biosecurity requirements during the planning process. 7. Public Authorities duties including Powys LPA to report and monitor on the Nature Recovery Action Plan under Section 6 of the Envt. Act. **(Rep 7076**)	Comments noted. Amend SPG to include: 1. Additional information on Ancient Woodlands. 2. Text concerning SPAs and a link to more information on the Birds Directive inserted into Appendix B. 3. Comments noted, however the Council believes this information to be unnecessary. 4. Requirement to consult NRW inserted 5. Agreed. Text amended in a number of places to reflect this 6. Text regarding INNS inserted into Section 9. 7.Text inserted in Appendix C under the Environment (Wales) Act regarding LPA duties. The SPG already contains a number of paras regarding unlawful activity and these have been placed under a new heading to draw attention to them, so no change is felt to be necessary.

Question 4: BG4 - Section 6 covers a complex topic. Could the layout or contents of this section be improved? If so how?	
Issue	**Council Response**
1. The layout is good **(Rep 542**) 2. It is clearly laid out. **(Rep 5201**) 3. It could be condensed or detail placed in an appendix. The introduction of images may help. Some terms are duplicated in	1. & 2. Comment noted. 3. – 11. Comments noted. Section 6 has been reviewed and necessary changes made.

the glossary. **(Rep 5704**) 4. Paragraphs 6.25- 6.27 are repetitive. 6.27 and 6.28 discuss wood pasture but fail to explain what it is - does it include old orchards or ffridd? 5. Paragraph 6.31 - Suggest para has a title, e.g. 'designated sites mapping'. 6. Paragraph 6.43 - discusses UK protected species but fails to explain how plants are protected. (**Rep 6160**) 7. Section 6 could be improved in its layout and structure of headings. Bold Headings for the designations would help. e.g. 6.11, 6.13, 6.16, 6.17, 6.18, 6.19, 6.21. 8. The section is very confusing. Terms need to be used carefully and consistently. Careful explanation is needed for: "designation" and "statutory"; "protected" and "important"; devolution to Wales of some planning functions; what information applicants need to provide about woodland and LBAP categories; what regard PCC will have to LBAP categories in planning determinations. 9. In the sub-sub-headings, LBAP habitats and species are only "*important*", however, in Table 1, LBAP Habitats and Species do have statutory protection but RVNRs and AW do not have statutory protection. 10. It needs to be clear that the duty to enhance and maintain biodiversity everywhere where there is no national or international designation lies with Powys CC. 11. For International and Nationally designated sites, PCC is responsible for considering cumulative impacts. PCC is also responsible for considering cumulative impacts on all other biodiversity interests. **(Rep 6235)**	

Question 5: BG5 - Would the sections on '*Incorporating Resilience into Development Proposals*' and '*Green Infrastructure and Resilience*' (paras 8.67 to 8.77) be better embedded within the '*Design'* section (8.17 to 8.34)?	
Issue	**Council Response**
1. Yes. **(Rep 516, 5704**, **6160, 6235, 7076)** 2. Yes; also suggest rationalising this section by removing Table 5 and	1. Comment noted. The paragraphs will be moved. 2. The Council disagrees and considers that Table 5 has a role to

paragraphs 8.70 & 8.71 as this is all mentioned elsewhere and is likely to mean very little to an applicant. **(Rep 5201**)	play in the SPG. An explanation is provided in the following paras. No change required.

Question 6: BG6 - Would the inclusion of a checklist or flowchart for incorporating biodiversity and geodiversity in the planning process be of use to summarise the process, or could this oversimplify important considerations?	
Issue	**Council Response**
1. Yes, an indicative graphical illustration, such as a flowchart, is likely to be very helpful for applicants. Perhaps an app could be developed, as this would allow the detail to be retained. **(Rep 516; Rep 5201, 5704 7076)** 2. No. This would just duplicate text and oversimplify considerations and would not be available for public consultation. In general the text could be tightened and sometimes shortened to underline exactly what a developer has to do. **(Rep 6160, 6235)**	1. and 2. Comments noted. An indicative flowchart will be included.

Question 7: BG7 - Does Appendix C tie in to and support other parts of the SPG adequately enough, or should the legal context (i.e. the reason why something is required) be reinforced?	
Issue	**Council Response**
1. Yes. (**Rep 516**) Appx C is adequate. **(Rep 6160**) 2. Appendix C could be reinforced through referencing in other parts of the document. **(Rep 5201**) 3. Reference is provided within the main document to appendix C, e.g. at paragraphs 2.1, 7.2, 8.13. Given the length of the document it may be useful to elaborate upon the legal context within section 2.0 of the document. **(Rep 5704)**	1. The comment is noted. 2. Extra references to Appendix C will be inserted wherever appropriate. 3. Comment noted, however it is considered that Section 2 and Appendix C provide this elaboration already.
1. The WBFGA is much less clear and specific about Biodiversity and Geodiversity than the Environment (Wales) Act section 6 duties which are key to this SPG and their text is a serious omission. The description in Appendix C is not good enough and these should be set out in full earlier in the document. **(Rep 6235)** 2. Relevant legislation should be mentioned within the SPG because it helps to clarify what is a legislative requirement and what is best practice / guidance. Appropriate	1. Comments noted, however the Council considers that the content relating to Environment (Wales) Act and the WBFGA is sufficient and in the right place. No change required. 2. Comments noted

reference to Appendix C should be made for additional details. **(Rep 7076)**	
To avoid confusion, clarification is needed in Appendix C in relation to Schedule 2 projects of the Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations (2017). **(Rep 542**)	The Regulations are not matters within the control of the Council, so no change to the SPG is required.

Question 8: BG8 – If you have any other comments you want to make which are not covered by the above questions please include them here:	
Issue	**Council Response**
CPAT welcomes this SPG. It may be worth noting that there is some cross over between biodiversity and the historic environment and there may be occasions when historic environment policies might be brought to bear to assist biodiversity issues. For example peat bogs, hedges and boundaries, field systems, veteran trees, ancient woodland, parkland, caves, rivers, streams, lakes and ponds, etc. have an historic environment dimension which might be useful allies to biodiversity. Mention might be made of this cross over. **(Rep 27)**	Comment noted. Mention of this overlap will be included.
It is good that policy DM7 is referenced, given Powys's important dark skies and the benefits of dark skies to biodiversity. A robust lighting management policy should be incorporated into the planning process. **(Rep 222**)	Comments noted. LDP Policy DM7 does cover light pollution and refers to dark sky designations. No change required.
Paragraph 6.17, Appendix B – the Powys wildlife trusts names and contacts need correcting. **(Rep 5201**)	Agreed.
1. Paragraph 4.7 - should include 'canals', within the list of habitats, especially given the Montgomery canal is designated as a SAC and SSSI. 2. Paragraph 8.30 – Amend wording to read *"Creation of a buffer zone along natural watercourses planted with native species (where appropriate)".* This would provide flexibility in respect of development adjacent to the canal. 3. Paragraph 9.11 - should refer to the Montgomery canal designated as a SAC. **(Rep 5704**)	1. Agreed. 2. With development alongside man-made waterways already being covered by related regulations, it is felt that inserting 'where appropriate' alongside the use of the word 'natural' would unnecessarily weaken the guidance. The paragraph will be amended to refer to Table 5. 3. Agreed.
Geodiversity - Despite the LDP at DM13 referring to protection of soils as resources providing ecosystem services this is not expanded upon in this SPG. **(Rep 6160**)	A new section on soils will be included.
1. Water Framework Directive (WFD) - The WFD requirements should be made to dovetail better with biodiversity beyond phosphate pollution. It also ties in with	Comments noted and the WFD paragraphs will be reviewed and changes made accordingly.

geodiversity and protection of soils. **(Rep 6160)** 2. This WFD section fails to set out the LPA role in achieving the objectives of the WFD, under which it has duties as a competent authority to protect water quality in Powys. The SPG suggests that all responsibility lies with NRW however NRW has published an advice note " Local Authority services and the water environment" https://naturalresources.wales/media/2627/wfd-docs-eng.pdf In order to fulfil this role, LPAs must have the relevant information about the water environment. Suggest adding: "*Applicants must provide contour maps with clearly mapped details of all water features on the development site and surrounding land wherever any flooding or pollution risks may occur*." (Information on Scimap included). **(Rep 6235)**	
1. Intensive Livestock Units (ILUs) - Relegating the discussion of requirements for intensive livestock proposals to "other considerations" is unacceptable and illogical. Logically, ILUs should sit next to householder applications in Section 8. 2. Paragraph 9.18 - This is misleading. NRW only responds to emissions impacts on internationally / nationally designated sites. It is for the local authority to consider effects on other biodiversity interests. It is therefore for the LPA to consider effects of, e.g., bryophytes in ancient woodland. 3. Application documents - The SPG has not seized the opportunity to enforce best practice for application documents to aid the LPA's environmental statutory duties. E.g. (a) poultry ranging plans with contours which NRW have stated is a requirement. Scimapping should be a requirement. E.g. (b) manure management plans are accepted without contour plans. Land put forward as enough acreage for the waste from the ILU could all be on slopes that should only have seasonal spreading. Colour coded manure management plans should be a standard requirement. **(Rep 6160)** 4. Paragraphs 9.16 to 9.20 – The ILU section is unsatisfactory and misleading.The Council has not explained its own responsibilities in determining ILU planning applications. It is essential that the SPG: • is factually right and in sufficient detail.	Comments noted, however the Council is content that sufficient information is provided on intensive livestock units so no changes are considered necessary.

• accords with WG and NRW advice. • explains the roles of NRW and PCC in enhancing and maintaining biodiversity in the planning process. • is crystal clear to PCC officers, applicants and the general public. • informs all parties how planning conditions will be monitored and by whom . • is not published until any unclear issues are resolved. (Detailed comments were provided by the Representor – Please refer to Appendix 1). **(Rep 6235)**	
1. Paragraph 2.1 - The SPG is important for all stakeholders and Powys residents. The first bullet point should be amended to: "*Set out the way in which LDP planning policy is to be interpreted and applied to protect biodiversity and geodiversity in the public interest.*" The second bullet point should read: "*applicants and all developers, consultants and other agents involved in preparing planning applications.*". 2. Paragraph 4.1 - The ecological impacts of development do not stop at the site boundary. Amended wording to: "*It is essential to consider the potential impacts of each proposal upon the ecology of the development site and also the ecology beyond the development site".* 3. Paragraph 4.2 - It would be clearer to explain at the outset that: (a) the LDP sits within over-arching International/EU and National legislation and policy which is already reflected in the latest version of Planning Policy Wales. (b) LDP policy re bio/geodiversity, which is mainly set out in SP7 and DM2, does not directly repeat PPW (PPW9 2.3.1). (c) The SPG therefore expands the guidance in the LDP by setting out the requirements for planning decisions derived from all of these sources to make them clear and accessible for all. 4. Paragraph 4.3 – amend last sentence to: "*biodiversity and geodiversity have been assessed and accommodated**….***" 5. Paragraph 4.5 - Two simple definitions are: "*totality of genes, species and ecosystems of a region*"; "*a biological community of interacting organisms and their physical environment*".	1. Comments noted, however the Council does not consider any change is required to the bullet points. 2. The words '<u>and beyond</u>' will be included. 3. The wording in Paragraph 4.2 will be amended to shorten the explanation. 4. Para. 4.3 will be revised. 5. Noted, but no change to the SPG. 6. Comments noted. The SPG will be edited, and a new section will be included on un-designated sites.

6. This introductory section needs further explanation - enhancing and maintaining biodiversity cannot be achieved by only protecting nature reserves and certain species categories whether of international, national or local importance. The ecosystem duty applies to biodiversity throughout Powys and this will be taken into account in planning determination. (The SPG statement Biodiversity in Powys 4.9 "*designations alone cannot guarantee the integrity and prolonged existence of these valuable resources*" is not clear and forceful enough). We do not understand the full extent of negative impacts of our development activities. Therefore we should exercise the "precautionary principle". However we do know that improving and preventing loss of existing natural habitats and creation of new ones is the best way to avoid loss of species. **(Rep 6235)**	
1. Table 1 - A note on mapped / unmapped categories would be useful. 2. Paragraph 6.32 - Section 7 of Envt.(Wales) Act imposes the duty to create a list but does not contain the habitat or species lists which are published by the Wales Biodiversity Partnership (but under the name of the WG) as is described in 6.3.4 for species). Suggest: **"***The Welsh Government publishes a list of habitats of importance for the conservation of Biodiversity in Wales as required by the Environment (Wales) Act (2016)."* 3. Paragraph 6.38 – Amend wording from "*if it is absent then it may delay determination" to "This information is required to be submitted with the application documents prior to determination"* **(Rep: 6235)**	1. Table 1 will be amended for clarification. 2. Comment noted, the wording will be amended. 3. The existing wording will be revised to refer to the refusal of planning permission.
1. Paragraph 7.2 - This section on Environmental Impact assessment should be improved. It is vague and misleading and should refer to and explain "Schedule 1" and "Schedule 2" development of the EIA regulations. 2. Paragraph 7.3 - it should be more precise and say that there are a listed variety of development types to which specific criteria and thresholds are applied to determine if the project counts as Schedule 2 development. Any Schedule 2 development must be screened by the LPA (or WG or NRW as appropriate) to determine if there are likely significant impacts which indicate that an EIA is required. **(Rep: 6235)**	1. & 2. Comments noted. Further clarification will be made to the EIA section.
HRA	1. Comments noted. The HRA

1. Paragraph 7.16 - The stringency of the HRA test should be made clear.Suggest: "*Consent cannot be granted unless the results of the Appropriate Assessment show beyond reasonable scientific doubt that the proposal will not have a significant adverse effect on the integrity of the protected site* " 2. Paragraph 7.18 - Unable to trace this reference so a better easily located reference needs to be provided. The SPG should also explain here that, irrespective of site boundaries or buffer zones, significant air and water pollution can occur far beyond a development site. **(Rep: 6235)**	section will be reviewed. 2. Amend Appendix B to provide a link to this mapping.
Biodiversity Surveys 1. Paragraph 7.20 - Surveys are not necessary for every development. Suggest: "*It is often necessary to carry out desk-top or field surveys to understand which protected sites, habitats and species will be affected on the site or beyond the application site"*. 2. Paragraphs 7.21-7.23, Table 2 - This is confusing. 7.23 mentions EPS which a reader might equate with "*protected species surveys*". Then Table 2 mentions two general types of survey: "*preliminary ecological appraisal*" and "*protected species surveys*" but for Watercourses we have "*fish*" and "*birds*" and for Woodlands we have EPS and "*badgers, birds*". 3. Table 2 - Needs revision. There is no mention of plants or potential important habitats. There is no guidance as to what species are considered "*protected*". The duty to maintain and enhance biodiversity cannot be fulfilled by a limited checklist approach. 4. Paragraph 7.23 - Suggest: "*When a development proposal is on land, or has an impact on land beyond the site, in one of the categories in Table 2, it is likely that an ecological survey will be required. This survey may need to extend beyond the site boundary.*" 5. Paragraphs 7.30 to 7.36 - This is repetitive. Suggest: "*if a proposal is likely to affect EPS on or beyond the application site, all relevant survey information and assessment of the likely impacts on EPS must be submitted in a survey report as part of the planning application. The report must include mitigation proposals for any adverse impacts, and details matching the mitigation requirements in the Survey Report must be clearly shown on any submitted plans and*	1. Comments noted. The text in the following paragraphs will be amended. 2. Amendments will be made to address the comments. 3. Amendments will be made to Table 2. 4. Paragraph 7.23 will be reviewed. 5. The paragraphs will be reviewed along with the EPS and HRA sections of the SPG. 6. The tests reflect the wording of Policy DM2 (criterion 1.B) and should be retained. 7. Noted the SPG will be reviewed and edited as appropriate. 8. Agreed. 9. The wording will be reviewed.

drawings. The survey, survey report ……licensed surveyor *The LPA needs sufficient information to assess the information against the Habitat Regulations and to decide whether the proposal would pose a risk to maintaining the Favourable Conservation Status of the species at risk (the "FCS test"). NRW is usually consulted for comments on the content and conclusions of the ecological report and advice about planning conditions to protect biodiversity if permission is granted.* *If EPS are present and significant damage or disturbance to individuals, their habitat or resting places is likely and cannot be sufficiently mitigated, the LPA must either refuse the application, or, in exceptional circumstances, apply three derogation tests."* 6. The second of the three LPA derogation tests (FCS test) is wrong: the tests are "no alternative", "IROPI", "necessary compensation for network of European sites". Copy the tests from http://www.assembly.wales/research documents/17-038/17-038-web-english.pdf 7. It would be clearer to write about permission first and then about the need for an NRW licence. 8. Paragraphs 7.37-7.43 - these could be labelled "*examples of specific surveys*" because there are many other types of survey as shown in Table 3. 9. Pargraph 7.48 - confusing repetition of 7.33 in EPS section and then introduction of "*conservation licence*" in UKPS section so reader can't tell if a "*development licence*" only applies to EPS or not. Suggest policy and licensing professional from NRW reviews and helps amend this section. **(Rep: 6235)**	
Step-wise Approach 1. Paragraph 8.5 - suggest adding: "*The LPA will need to consider evidence for whether the new features or habitats will lead to sufficient biodiversity gain to mitigate, off set or compensate for the adverse impacts of the development.* " 2. Paragraph 8.14 - Repeats points already made so heading is confusing. Suggest delete heading and retain 8.15 as third para.	Comments noted. 1&2. The Council will review the wording of this section. 3. Agreed to amend the heading. The wording will be reviewed. 4. Agreed. 5. The wording of para 2.81 will be reviewed 6. It is recommended that the wording be amended to refer to

of Pre-Application discussions saying: *"Where pre-application discussions suggest the need for ecological surveys, up-front……(see Table 3) and early surveying could minimise delays in the application process.* 3. Paragraph 8.16 - suggest delete heading and make this fourth para. of Pre-Application discussions saying: "*In some cases……needed however Developers should…… that in other cases additional ….application."* 4. Paragraphs 8.12 - 8.13 - Suggest new heading: *"Unlawful Activity* 5. Paragraph 8.21 - This is unacceptable. If "*the land take for construction*" involves any earthworks, habitat, species or geological disturbance, it should be within the red line shown on the application form. The ecological impact should be taken into consideration in the biodiversity assessment and any mitigation and restoration plans should be described. 6. Paragraphs 8.24–8.30 - Welcome the text but would like a proviso that the gains are evidence-based and subject to condition and monitoring because in our experience they do not always happen. **(Rep: 6235)**	compensatory measures being subject to planning conditions and ongoing monitoring.
Incorporating Biodiversity into a Domestic Application 1. Paragraph 8.50 - Reads as if author ran out of steam. E.g. "*Further advice can be sought from… the internet."* 2. This section could be tightened up and simplified. E.g. Suggest Para. 8.38 reads: "*Bats and birds, especially….. martins and barn owls may nest or roost in buildings. Great crested newts may be found in cellars or, more commonly, outdoors in ponds, canals or ditches and among stones"* 3. Suggest all the headings re-ordered to put EPS first, mammals, then GCNs, then non-EPS bird categories. If they were presented as e.g. *Hazel Dormouse (EPS)* there would be no need to say "*this is an EPS*"! 4. Paragraphs 8.51 to 8.58 - Vague and does not inspire confidence in information presented or management of these issues. People need to know how to find out/who to ask about these things because the SPG is where they will expect precise detailed advice**.** 5. Paragraph 8.59 - Misunderstanding of	1. Comments noted. The reference to the internet was inserted previously at the request of a topic stakeholder but will be deleted. 2. Comments noted but no change considered necessary. 3. It is recommended that the headings / sections be re-ordered. 4. -7. The wording will be reviewed.

"enhancement and maintaining". Promoting, learning about and publicising Geodiversity is desirable but not the same as enhancing and maintaining it. 6. Paragraph 8.67 – Diagree that this is "*relatively easy*". It is extremely difficult to get applicants, particularly those for the larger scale proposals, to "*target their actions*" to these attributes. On the whole, habitat and species destruction from development and modern agricultural practices far outweighs any of these measures. While we fully support all these resilience measures, this document is SPG and there is nothing in this add-on section to make us feel confident that these resilience ambitions will be incorporated into the planning system. 7. Agree that these measures should be incorporated into the design phase where they will attract better scrutiny. **(Rep: 6235)**	
Missing Sections 1. The SPG should include sections at the beginning of the document on: (a) State of Nature (Wales) Report (b) Environment (Wales) Act Part 1, Section 3: Sustainable Management of natural resources; Section 4: Principles of Sustainable Management of natural resources; Section 6: Biodiversity and resilience of ecosystems duty. 2. Section 5.0 - Should make it clear that the LDP is an integrated document and other policies besides SP7 and DM2 are relevant to Biodiversity and Geodiversity. For example: DM7 on light pollution, DM13.13.v. on protection of soils, DM14.2 Air quality management, DM15 Waste within developments. 3. Cumulative impacts on biodiversity and geodiversity. 4. Soils - DM13.13.v.Protects soils and particularly peat which are geodiversity features. This policy is not mentioned in the SPG and the only specific mention of soils is in relation to woodland. Carbon soils, including peat provide a valuable carbon sink and specific soil types support unique ecosystems. **(Rep: 6235)**	1. Comments noted. Reference to the State of Nature Report will be added, but Appendix C is considered sufficient to explain the legislative requirements. 2. The introduction explains this and Appendix C which already lists the key LDP.No change required. 3. & 4. New sections will be added on on: • Cumulative and In Combination Effects • Soils.
Comments on Section 6 1. Paragraph 6.1 - explains that the section follows the format of DM2, but in the material which follows the main headings are	1. The Council will review the structure of section 6. 2. Headings will be reviewed. 3. These terms will be reviewed.

inconsistent - Designated Sites - Habitats of principal importance - Protected and important Species Geodiversity is combined with Biodiversity and a new level of "Regional" is introduced. It would be better to treat Geodiversity separately from Biodiversity in this section. 2. The structure of headings needs to be clear and consistent. Bold headings should be used to guide reader clearly through different designations instead of scattering specific designations within paragraph text eg 6.11, 6.13, 6.16, 6.17, 6.18, 6.19, 6.21. 3. Section 6 - is confusing. Terms and format need to be used clearly and consistently: "designation" vs "statutory", "protected" vs "important", devolution to Wales of some planning functions, what information applicants need to provide about woodland and LBAP categories, what regard PCC will have to LBAP categories in planning determinations. In the sub-sub-headings, LBAP habitats and species are only "*important*", however, in Table 1, LBAP Habitats and Species have statutory protection but RVNRs and AW do not. 4. It needs to be clear that the duty to enhance and maintain biodiversity) everywhere where there is no national or international designation lies with Powys CC. For International and Nationally designated sites, PCC is responsible for considering cumulative impacts. PCC is also responsible for considering cumulative impacts on all other biodiversity interests. A similar statement is needed for geodiversity (especially soils). **(Rep 6235)**	4. The Sectiuon 6 duty of the Environment Wales (Act) will be included in the SPG.
1. Section 8 - It could be explained that some sites are not suitable for development and for developers / applicants to seek professional advice. 2. It would be useful to provide a framework to applicants for how it might be justified that the benefit of development proposals may significantly outweigh the effects on the environment. **(Rep 7076**)	1 & 2 The comments are noted. No change required.

3.4 Approval and Adoption of the first set of SPG by the Council

3.4.1. Having considered the issues and comments received and scrutinised the Consultation Draft SPGs, the Cabinet approved the three SPGs at its Cabinet meeting on 9th October 2018.

4. Public Consultation on the second set of SPG

4.0.1 In accordance with the SPG programme agreed for the LDP (in Table 1 on page 1 of this document), the second set of SPG to be prepared for public consultation are as follows:

- **Landscape**
- **Renewable Energy**

4.0.2 In accordance with Stage 4 of the SPG Protocol, the Consultation Draft SPG were published for public consultation over 6 weeks with the consultation period running from 14th January to 24th February 2019.

4.0.3 County Councillors, Town and Community Councils and all representors on the Powys LDP database were informed of the consultation and the documents were available to view on the LDP pages of the Council's website.

4.0.4 Notice of the consultation period was publicised on the Council's News page, the LDP webpage, and via social media. A press release was issued to the local press.

4.0.5 Hard copies of the consultation documents were made available to view in the Council's main offices at:

- County Hall and The Gwalia, Llandrindod Wells.
- Neuadd Brycheiniog, Brecon.
- Neuadd Maldwyn, Welshpool.

4.0.6 Hard copies were made available to view in all Powys Public Libraries.

4.0.7 Representations were invited either by letter /email and the use of a standard representation form was encouraged.

4.0.8 Table B8 below shows how many representors made comments in relation to each SPG. A more detailed report of the responses received for each SPG can be found in the relevant appendices.

Table B8: Number of Representors making consultation comments on the second set of SPG

Consultation Draft SPG	No. of Representors who made Representations
Landscape	9*
Renewable Energy	26**
Total	**29*** **

* 2 of the 9 representations were '*no comment'*.

** 1 of 26 representations was 'no comment'

** 6 Representors made Representations to both SPGs

4.0.9 The main issues arising from the consultation are set out for each SPG in the tables below, together with the Council's response.

4.1 Landscape SPG

4.1.1 Reference Group

4.1.2 In order to prepare the Landscape SPG, the Council sought participation and involvement with various Topic Stakeholders, from which the Council formed a Reference Group.

4.1.3 The Reference Group comprised five members, which included the following representatives:

- Planning Policy
- Development Management – Planning Officer
- Development Management – Built Heritage Officer
- Natural Resources Wales
- Clwyd-Powys Archaeological Trust (CPAT)

4.1.4 Engagement with the Reference Group during the preparation of the draft SPG is summarised in table B9:

Table B9 – Reference Group Involvement (Landscape SPG)

Date	Who and How?
Early October 2018	Contact made proposing an initial meeting and requesting involvement in the preparation of the SPG.
Late October 2018	Initial Draft Paper circulated to the reference group.
Early November 2018	Individual meetings or written correspondence with reference group members discussing the content and changes required to the initial draft SPG.
Late November 2018	Revised draft circulated to the reference group at the sametime it was circulated to the topic stakeholders. Ongoing correspondence throughout this stage as the paper progressed and to inform them of key dates.
December 2018	Ongoing engagement as the paper progressed following stakeholder feedback, particularly with Natural Resources Wales, up to the LDP Working Group.
Early January 2019	Circulation of the Draft Landscape SPG prepared for consultation detailing the consultation dates.
March 2019	Circulation of final SPG prepared for LDP Working Group along with the issues raised from the consultation.

4.1.5 **Topic Stakeholders**

4.1.6 The larger Topic Stakeholder group included an additional seven members, including representatives from the following:

- Brecon Beacons National Park
- Campaign Protection of Rural Wales (Montgomeryshire)
- CADW
- Snowdonia National Park
- Neighbouring Authorities with AONBs (Wrexham and Shropshire)
- Homebuilders Federation

4.1.7 These stakeholders were invited to provide informal feedback on a working draft of the SPG prior to the formal public consultation stage.

4.1.8 **LDP Working Group**

4.1.9 The Draft SPG was considered by the LDP Working Group on 19th December 2019 and approved for Public Consultation.

4.1.10 **SPG Consultation**

4.1.11 The public consultation period ran from 14th January to 25th February 2019 and representations were received from the following:

Representor Name (Representor No.)

- CPRW Brecon & Radnor Branch (5466)
- Mid Wales Arts Centre (5815)
- Scottish Power (5911)
- Pennant Walters (6264)
- Innogy Renewable Energy Ltd (6323)
- Canal & River Trust in Wales / Glandwr Cymru (5704)- No Comment
- Snowdonia National Park Authority (6746)
- Land Quality Advisory Service (7085) - No Comment
- Peter Richards Ltd (7086)

4.1.12 The main issues arising from the consultation and the Council's responses to these are set out in Table B10 below.

4.1.13 The representations and Council draft responses were considered by the LDP Working Group at its meeting on the 29th March 2019, and subsequently by the Council's Cabinet at its meeting on 30th April 2019.

Table B10 – Main Issues from the Public Consultation (Landscape SPG)

Issue	Council Response
General comments about SPG needing to be clearer, more authoritative, less repetitive etc. **Representor; 5466.P1**	Comments noted. The document is guidance to support the LDP policy it does not aim to reproduce the Guidelines for Landscape and Visual Impact Assessment. The SPG promotes a thorough consideration of landscape by applicants in the design process, this should then be followed by assessment. As different sections of the document may be referred to at a time (rather than reading cover to cover) the areas of repetition are considered necessary.
Wording of para 2.1 needs revision, with changes to paras 1.2 and 2.2. **Representor; 5466.P2**	This section follows a standard format set out in the previous tranche of SPG. The guidance is not just about the assessment of landscape impact it is also about promoting design that enables the successful integration of proposals within the landscape (as required by Policy DM4). Landscape impacts will be considered by Officers but they should also be considered by applicants at the design stage, this enables schemes to be amended or

	mitigation identified at an early stage in the process.
Queries meaning of 'special status' in para 3.3. suggests rewrite. **Representor; 5466.P3**	Amendment made to paragraph 3.3 to remove reference to ‘special status’.
Para 4.1 needs rewriting to provide clarity and remove contradiction. **Representor; 5466.P4**	Amendment made to provide clarity to paragraph 4.1.
Suggests insertion of European Landscape Convention definition, and how all landscape is valued and protected. **Representor; 5466.P5**	No change considered necessary there is enough detail in this section without it being added to.
Amending para 4.4 to underline value of landscape to well-being of residents and visitors. **Representor; 5466.P6**	Amendment made to paragraph 4.4 to include reference to visitors..
Suggests insertion of text to qualify lack of Special Landscape Areas in Powys. **Representor; 5466.P7**	No change considered necessary there is enough detail in this section without it being added to.
For paras 4.6 to 4.18 there should be a separate heading before an indented 4.7. **Representor; 5466.P8**	Amendment made to formatting.
Recommend moving explanatory text in Section 5. Policy. **Representor; 5466.P9**	Disagree this format has been used in the other SPG.
Suggest insertion of full text of Policy SP7 1 to 3. **Representor; 5466.P10**	Amendment made to presentation of Policy SP7.
Suggest presentation in full of policies DM2, DM3 and DM7. **Representor; 5466.P11**	Disagree. This guidance should be read alongside the plan there is no need to repeat these three policies within the SPG.
Suggest, due to importance of message, para 5.8 be moved to beginning of Section 5. **Representor; 5466.P12**	Disagree, no change required.
Suggest alternative text for para 5.9. **Representor; 5466.P13**	Amendment made.to aid clarification of text in paragraph 5.9.
Remove brackets from para 6.4. **Representor; 5466.P14**	Amendment made to remove brackets from paragraph 6.4.
Clarification in para 6.5 of who undertakes site visits. **Representor; 5466.P15**	Amendment made to clarify who undertakes site visits in paragraph 6.5.
Suggestions for rewording 6.8 Step by Step guide. **Representor; 5466.P16**	6.8 is a diagram, the definitions of the terminology used is explained in detail underneath. The purpose of this guidance is to promote consideration of landscape in the design process in the first instance followed by landscape assessment. A table titled “*Details of Information to be Submitted for Different Development Types if the Proposals Fall*

	Outside of a Settlement." has been inserted to make it clearer what is expected to be submitted for each development type.
Suggests alternative wording for para 6.14 to make the SPG clearer. **Representor; 5466.P17**	A table titled "*Details of Information to be Submitted for Different Development Types if the Proposals Fall Outside of a Settlement."* has been inserted to make it clearer what is expected to be submitted for each development type.
Suggesting changes to paras 6.22 to 6.32 concerning LVIA etc. **Representor; 5466.P18**	Disagree. Guidelines for Landscape and Visual Impact Assessment refers to 'Appraisal' where not part of an EIA.
Seeking changes to para 6.40. **Representor; 5466.P19**	A table titled "*Details of Information to be Submitted for Different Development Types if the Proposals Fall Outside of a Settlement."* has been inserted to make it clearer what is expected to be submitted for each development type, this removes the need for this section to be amended.
Questioning the redaction to the OS Map in Section 7. **Representor; 5466.P20**	To avoid over analysis of the area chosen.
Seeks to remove repetition from paras 8.9-10, 8.26-27, 8.33-34 and 8.41-42 and to reference relevant guidance. **Representor; 5466.P21**	No Change. Reference has been made to NRW guidance where considered appropriate. Different sections of the document may be referred to at a time (rather than reading cover to cover) the areas of repetition are considered necessary
Fig 2 in Section 9 requires amendment. **Representor; 5466.P22**	Amendments made to Figures 2 and 3 as necessary.
Raises questions about the detail contained in Section 10 Monitoring. **Representor; 5466.P23**	The monitoring is largely determined by what is in the Annual Monitoring Framework. The text has been amended to show this.
Querying the absence of Landscape Capacity and Sensitivity Assessments within SPG as a whole. **Representor; 5466.P24**	No change considered necessary.
Comment about PCCs Enforcement and the need for mitigations to be monitored. **Representor; 5466.P25**	No Change. Not relevant enforcement is a development management issue outside of the scope of the SPG.
SPG needs to explain that Non Material Amendment (NMA) which alter original assessment conclusions will not be allowed. **Representor; 5466.P26**	No Change considered necessary each NMA will be considered on a case by case basis as to whether the amendment complies with the policies in the LDP.
Comment in support of the SPG and the importance of valuing landscape **Representor; 5815.P1**	Support noted.

Questioning why area around Caersws is not registered as being of historic importance. **Representor; 5815.P2**	CADW are responsible for the designation of Registered Historic Landscapes not the Local Planning Authority it is therefore beyond the scope of this SPG.
Concern about proliferation of static caravan sites and their impact upon landscape. Questions why there is no special guidance for static caravans. **Representor; 5815.P3**	Amendment made, section inserted for holiday parks into Appendix 1 - Key Things to Consider for a Sample of Development Types.
Approach in para 1.4 implies only a protective approach to landscape at odds with NRW Guidance. **Representor; 5911.P1**	Amendment made to paragraph 1.4 to remove reference to protection in line with LDP Policy.
Focus on para 2.1 should be on acceptability of changes, so suggest a text change to reflect this. **Representor; 5911.P2**	Amendment made to terminology used in paragraph 2.1.
Concerns over the attributes of landscape in para 4.1. **Representor; 5911.P3**	Amendment made to descriptive text used in paragraph 4.1.
SPG needs to recognise that Powys landscape will change through provision of national Renewable Energy development. **Representor; 5911.P4**	Disagree. The purpose of the SPG is to provide guidance on how Policy DM4 applies to development proposals including Renewable Energy.
SPG needs to reference NRW Guidance from Aug 2018. **Representor; 5911.P5**	Disagree. The NRW guidance from August was in draft form only at this time it is unclear what the final document will look like.
Apparent contradiction between para 4.14 and 4.15 requires clarification. **Representor; 5911.P6**	Amendment made to provide clarification in paragraph 4.14.
SPG terminology should better reflect that of DM4 with regard to 'unacceptable adverse/negative impacts'. **Representor; 5911.P7**	Amendments made to terminology used in the SPG with regard to 'unacceptable adverse/negative impacts' where appropriate. .
Suggests changes to Fig 1. on page 11. suggest that the process outlined acknowledges that landscape is only one of a wide range of considerations that may influence the siting and design of development in the countryside **Representor; 5911.P8**	Not appropriate to add to fig 1 but have inserted additional text at para 6.23 that acknowledges that landscape is only one of a wide range of considerations that may influence the siting and design of development in the countryside
Concern re apparent conflict with existing recognised UK assessment processes. **Representor; 5911.P9**	The document is guidance to support the LDP policy it does not aim to reproduce the Guidelines for Landscape and Visual Impact Assessment. The SPG promotes a thorough consideration of landscape by applicants in the design process, this should then be followed by assessment. The document does not go into detail on how to carry out a landscape assessment as there are

	recognised UK assessment processes. The focus is on looking at landscape in siting and design to aid integration and identifying the level of landscape assessment required. However there is some overlap and difference between what is required under the EIA regulations and what is required to comply with LDP Policy DM4.
Recommends usefulness of referencing guidance issued by Scottish Natural Heritage and widely used across UK. **Representor; 5911.P10**	Not considered appropriate as this is part of Scottish Policy Framework. However this does not undermine its usefulness and appropriateness when considering development proposals.
Concerns about the application and interpretation of LVIA in para 6.23. **Representor; 5911.P11, 6264.P1**	Amendments made to terminology in paragraph 6.23.
Disagreeing with wording in para 6.31 with regard to non-EIA LVIA (Appraisal). **Representor; 5911.P12, 6264.P2**	Amendments made to terminology in paragraph 6.31.
Seeks clarification in para 6.35 in the interpretation of LVIA and the determination of acceptability/unacceptability. **Representor; 5911.P13**	This is the wording in Policy DM4. It is for applicants to consider how development proposals meet LDP Policy prior to the submission of a planning application. Where applicants have not checked that their proposals meet LDP Policy there is a higher risk of schemes being refused.
Concerns about the use of "unacceptable adverse effects" in para 6.36 **Representor; 5911.P14**	Amendments made to terminology in paragraph 6.36.
Concerns about the subjectivity of para 6.38 (*areas of high/ outstanding value that are likely to be harmed by the development proposal*) and application and interpretation of LVIA. **Representor; 5911.P15, 6264.P3**	Some amendments made however Policy DM4 states proposals must be appropriate and sensitive in terms of integration, siting, scale and design to the characteristics and qualities of the landscape. This section is giving an idea of what is unlikely to be successfully integrated within the landscape for development proposals not requiring a LVIA.
Issue with National Policy wording “where adverse effects on landscape character cannot be avoided, it will be necessary to refuse planning permission” **Representor; 5911.P16**	This is a direct quote from Planning Policy Wales (Ed 10). No changes are considered necessary.
Concern that figs. 2 & 3 process charts on page 29 and 30 do not adequately reflect best practice guidance, and need clarification and cross referencing to be checked. **Representor; 5911.P17, 6264.P4**	Some amendments made to terminology used and cross referencing. However, the document is guidance to support the LDP policy it does not aim to reproduce the Guidelines for Landscape and Visual Impact Assessment. The SPG promotes a thorough consideration of landscape by applicants in the design process, this should then be followed by assessment.

	The document does not go into detail on how to carry out a landscape assessment as there are recognised UK assessment processes. The focus is on looking at landscape in siting and design to aid integration and identifying the level of landscape assessment required. However, there is some overlap and difference between what is required under the EIA regulations and what is required to comply with LDP Policy DM4.
Suggest referencing on page 37 the well-developed advice from Scottish Natural Heritage's guidance, used in Wales previously. **Representor; 5911.P18**	Not considered appropriate as this is part of Scottish Policy Framework. However this does not undermine its usefulness and appropriateness when considering development proposals.
Seeks clarification and more detail regarding wording in para 10.1. **Representor; 6264.P5**	The monitoring is largely determined by what is in the Annual Monitoring Framework. The text has been amended to show this.
Suggests changes to terms used in the Glossary. **Representor; 6264.P6**	Amendments made to the Glossary.
Suggests changes to elements within Appendix 1. **Representor; 6264.P7**	Amendments made to Appendix 1
Querying the wording in para 6.23 relating to apparent confusion between 'significant' (in EIA terms) and 'acceptability' (in planning). Suggests alternative wording. **Representor; 6323.P6**	Amendments made to terminology in paragraph 6.23.
Suggests additional wording to para 6.26, to include Screening Directions carried out by Welsh Ministers. **Representors; 6323.P7**	Additional wording added to paragraph 6.26, to clarify that Screening Directions are carried out by Welsh Ministers.
Supporting the exclusion of anemometry masts from requiring LVIA. **Representor; 6323.P8**	Support noted.
Concern over wording in para 6.38 (similar to concern in Rep P6) relating to the role of informal assessments in the determination of 'acceptability'. **Representor; 6323.P9**	Amendments made to terminology in paragraph 6.38.
As a consequence of Reps P6 and P9, Figures 2 and 3 of Section 9 should be altered to include suggested alternative wording. **Representor; 6323.P10**	Amendments made to terminology in Figures 2 and 3, but consideration must be given to meeting the requirements of Policy DM4.
No comment **Representor; 6395.P2, 7085.P1**	Noted
Supports para 5.4 **Representor; 6746.P1**	Support noted
Supports para 6.7	Support noted

Representor; 6746.P2	
Supports para 6.24 **Representor; 6746.P3**	Support noted
No clear guidance on what constitutes a development which does not require a Landscape Impact Assessment. **Representor; 7086.P1**	Table inserted on page 20 and amendment made to paragraph 6.36 to clarify what constitutes a development which does not require a Landscape Impact Assessment
Clearer clarification on project types and what is required will make the planning process more simple. **Representor; 7086.P2**	Table inserted on page 20 to clarify what applicants should submit as part of a planning application for different development types.

4.2 Renewable Energy SPG

4.2.1 Reference Group

4.2.2 In order to prepare the Renewable Energy SPG, the Council sought participation and involvement with various Topic Stakeholders, from which the Council formed a Reference Group.

4.2.3 The Reference Group comprised 5 members, which included either one or more representatives from the following:

- Planning Policy
- Development Management
- Regeneration
- Community Renewable Energy
- Renewable Energy

4.2.4 These stakeholders were invited to provide informal feedback on a working draft of the SPG prior to the formal public consultation stage.

4.2.5 Engagement with the Reference Group during the preparation of the draft SPG is summarised in table B11:

Table B11 – Reference Group Involvement (Renewable Energy SPG)

Date	Who and How?
Early October 2018	Contact made requesting involvement in the preparation of the SPG.
Early November 2018	Individual meetings or written correspondence with reference group members discussing the content of initial draft.
Late November 2018	Working draft circulated to the reference group. Ongoing correspondence throughout this stage as the paper progressed and to inform them of key dates.
December 2018	Revisions to working draft to finalise as Consultation Draft
Early January 2019	Circulation of the Draft Renewable Energy SPGto Reference Group as prepared for consultation and detailing the consultation dates.
March 2019	Circulation of final SPG prepared for LDP Working Group along with

	the issues raised from the consultation.

4.2.8 **LDP Working Group**

4.2.9 The Draft SPG was considered by the LDP Working Group on 19th December 2019 and approved for Public Consultation.

4.2.10 **SPG Consultation**

4.2.11 The public consultation period ran from 14th January to 25th February 2019 and representations were received from the following:

Representor Name (Representor No.)

- Clwys Powys Archaeological Trust (27)
- Llangorse Community Council (495)
- Welshpool Town Council (537)
- NATS (4589)
- Scottish Power Energy Networks (4601)
- Savills (4911)
- CPRW Brecon & Radnor Branch (5466)
- David Bellamy (5831)
- Scottish Power (5911)
- Sarah Bond (6160)
- CPRW Montgomeryshire (6193)
- Innogy Renewable Energy Ltd (6323)
- Canal & River Trust in Wales / Glandwr Cymru (5704)
- George Harris (6445)
- Jenny Keal (6513)
- Open Space Society (6724)
- Snowdonia National Park Authority (6746)
- Azra Dale (6758)
- Caroline and Jamie Martin (6827)
- Njord Energy Ltd (6847)
- Richard Martin (6871)
- Marcia Gibson Watt (6936)
- The Green Valleys (6967)
- Peter Richards Ltd (7086)

- Stephen and Lynne Sephton (7087)
- Name Withheld upon request (7088)

4.2.12 The main issues arising from the consultation and the Council's responses to these are set out in Table B12 below.

4.2.13 The representations and Council draft responses were considered by the LDP Working Group at its meeting on the 29th March 2019, and subsequently by the Council's Cabinet at its meeting on 30th April 2019.

Table B12 – Main Issues from the Public Consultation (Renewable Energy SPG)

Issue	Council Response
Notification of impending revisions to the boundaries of Registered Historic Landscape (RHL) areas, and a subsequent need to bear these revisions in mind with regard to the boundaries of LSAs **Representor; 27.P5**	Your representation is noted. Additional text highlighting RHL areas and ASIDOHL2 procedures have been incorporated into the document.
Queries the lack of consideration within the SPG for the infrastructure required to support the transition to electric vehicles**.** **Representor; 495.P1**	Your representation is noted. However, the Renewable Energy SPG relates to developments generating energy by renewable and low carbon technologies and therefore no changes are considered necessary. Electric vehicle charging points will be included in the forthcoming design guide SPG.
Supports inclusion of LSA but recommends additional hedgerow planting to scheme any solar PV development proposal **Representor; 537.P1**	Your support is noted and additional clarification with regards hedgerows included in the reference to the specific LSA
Request to pass on to, or use the SPG to draw the attention of windfarm developers to the presence of, information relating to NATS Aviation Infrastructure. **Representor; 4589.P1**	Your representation is added. Additional information is provided under para 9.1 and the FAQ has been included as a new Appendix.
Seeking amendment to 1st sentence of para 9.6.1 concerning the determination of technical aspects of grid connection **Representor; 4601.P1**	Thank you for your comment and the changes suggested have been incorporated into the document.
Seeking to add new sentence to end of para 9.6.1 to qualify the preference for	Thank you for your comment and the changes suggested have been

sub-surface connections. **Representor; 4601.P2**	incorporated into the document.
Seeks new para to be added at 9.6.2 covering grid connections and the need for engagement between LPA nd network operators. **Representor; 4601. P3**	Thank you for your comment and the changes suggested have been incorporated into the document.
Representor seeks further engagement with PCC with regard to the contents of the SPG **Representor; 4601.P4**	Your comment is noted.
SPG should better reflect the strategic direction of national policy and guidance that is outlined in the SPGs policy context section 4. **Representor; 4911.P1**	Your comment is noted. The SPG recognises national policy direction, and to support this the Council prepared a renewable Energy assessment published in 2017 which informs the opportunities for renewable and low carbon energy across Powys.
SPG should include targets in line with PPW para 5.7.18. **Representor; 4911.P2**	Your comment is noted. The Powys LDP and the SPG is informed by deliverable opportunities as identified in the Powys REA
SPG needs to consider how the technologies it lists will be better accommodated in future given the dynamism and innovation of the sector. **Representor; 4911.P3**	Your comment is noted. However, no change is considered necessary as the SPG makes reference to other technologies such as storage and hydrogen generation.
SPG needs to better reflect PPWs positivity and provide better guidance to maximise RE potential. **Representor; 4911.P4**	Your comment is noted. However, the Council considers that the LDP policies and SPG provide the appropriate policy framework and guidance to enable RE opportunities across Powys and thus the balance is appropriate.
General opening comments about the overall shortcomings of the SPG. **Representor; 5466.P27**	The Council disagrees with this representation. The Council considers that the SPG provides the appropriate balance and guidance in the context of the policy framework.
Entire UK Policy context section can be deleted as Wales WG policy is now primary legislation. **Representor; 5466.P28, 6160.P10**	The Council disagrees with this representation. The wider legislative and policy framework with respect to renewable energy remains valid.
The section on renewables obligation requires updating as it is now closed to new applicants. **Representor; 5466.P29**	The Council notes your representation and the text in relation to the renewables obligation has been revised.
Three paras in 4.2 require editing to	The Council disagrees with this

remove superseded documents or targets. **Representor; 5466.P30, 6160.P11**	representation. These documents have not been withdrawn and are considered in an appropriate context.
Requires deletion of superseded or repetitive detail in four paras in 4.3. **Representor; 5466.P31, 6160.P12**	The Council disagrees with this representation. These documents have not been withdrawn and are referenced in an appropriate context.
Superseded detail re EIA in paras 7.7.4, 7.6.6 and 9.5.1 needs to be deleted. **Representor; 5466.P32**	The Council notes your representation and the text has been amended.
Headings in Section 7 require clarification to remove confusion about types of, and search areas for RE. **Representor; 5466.P33**	The Council disagrees with this representation. The SPG layout is informed by the LDP policy which considers SSAs, LSAs then all other forms of RE technology.
Section 9 omits odours and air pollution. **Representor; 5466.P34**	The Council notes this representation. Pollution is included in para.9.1 and odours has been added.
Seeks clarification about who undertakes LSCA. **Representor; 5466.P35**	The Council notes this representation and additional clarification has been included.
Querying inclusion of LSCA within Section 9. **Representor; 5466.P36**	The Council disagrees with the representation. LSCA allows for initial assessment of search areas prior to a detailed proposal with an LVIA. The NRW guidance has not been published.
Querying why Cumulative Impact issues are confined to visual issues in para 9.4.3. **Representor; 5466.P37**	The Council notes this representation and additional clarification has been included.
Queries why there is no mention of protecting historic landscapes in para 9.7.3. **Representor; 5466.P38**	The Council notes this representation and additional clarification has been included.
Wind section needs to describe the increase in turbine size over time since TAN8 was written. **Representor; 5466.P39**	The Council notes this representation and references to technological advances and increases in turbine size have been added to section 7.2.
Queries the ignoring of Aecom's findings re Wind LSAs from section 7, whereas the solar findings are set out in para 7.3. **Representor; 5466.P40**	The Council disagrees with this representation. Policy RE1 which informs the SPG recognised that wind local search areas were not identified but the policy enables wind proposals to come forward if appropriate locations can be identified and as a result Policy RE1 accords with national policy.

1st bullet of para 4.3.11 - notes that Powys has never established separation distances. **Representor; 5466.P41**	The Council notes this comment but does not agree that any changes are necessary.
Queries lack of specific advice about stand alone turbines in para 7.7.2, **Representor; 5466.P42**	The Council notes this representation in relation to permitted development and a cross reference to the relevant appendices added.
Queries the conclusions re the use of EIA within Table 3 in section 9.5. **Representor; 5466.P43**	The Council disagrees with this representation. As is stated in Table 3, these are indicative thresholds and an individual development may still require EIA.
Requiring consistency in referencing of the LSA, and more detail required in Table A1. **Representor; 5466.P44, 6160.P25**	The Council notes this representation and referencing has been revised and additional clarification added to support Table A1.
Paras 7.5.2, 7.5.3 and 7.5.5 variously require more detail, clarification, qualification and/or rewording. **Representor; 5466.P45**	The Council notes this representation and the text has been revised.
Queries the omission of detail concerning LPA planning permission from Appendix 2. **Representor; 5466.P46**	The Council does not agree with this representation. Appendix 2 and 3 are not comparable. It is clearly stated that Appendix 2 refers to AD regulations.
Apparent confusion being caused because Appendix 3 is about something that is different to Appendix 2 OR Appendix 3 requires clarification to avoid confusion when compared to Appendix 2. **Representor; 5466.P47**	The Council does not agree with this representation. Appendix 2 and 3 are not comparable. It is clearly stated that Appendix 2 refers to AD regulations whilst Appendix 3 relates to domestic permitted development.
Concerns about apparent lack of transparency in SPG preparation and lack of detail re the Impact Assessment in paras 3.0.2 & 3.0.3. **Representor; 5466.P48**	The Council disagrees with this representation. The process for SPG preparation has been previously agreed by the Council.
Para 4.3.11 should be clarified and reconciled with para 9.12. **Representor; 5466.P49, 6160.P24**	The Council notes this representation and para 9.12 has been revised.
Comment re the importance of supportive local policies in order to realise national intentions. **Representor; 5911.P19**	Your comment is noted. The Council consider that Policy RE1 provides the necessary supportive policy framework.
SPG needs to be more cognisant of the changing national policy context (NDF) etc, rather than the out of date TAN8.	Your comment is noted. The Council is aware of the developing NDF. However, at the present time TAN8 has not been

Representor; 5911.P20	withdrawn and the Council considers that the SPG provides the appropriate balance and support to enable renewable energy development within the current national policy framework and stated Welsh Government aspirations. Should there be a change in national policy context, the SPG may require revising to reflect such changes.
Supports the inclusion of repowering paras within the SPG, eg para 9.10.2 **Representor; 5911.P21**	Your support is noted
General comments re the SPGs failings. **Representor; 6160.P9**	The Council disagrees with this representation. The Council considers that the SPG provides the appropriate balance and guidance in the context of the policy framework.
Inclusion of 'national in para 6.1.3, and storage as a technology in para 6.1.4. **Representor; 6160.P13**	The Council disagrees with this representation. Para 6.1.3 is not considered to require changing in the context of national planning policy, and storage was not a technology included in the REA.
Requires deletion of passage within para 7.1.1. **Representor; 6160.P14**	The Council disagrees with this representation and does not consider that para 7.1.1 requires amendment as it covers the Policy approach within the SSAs.
Superseded detail re EIA in para 7.7.4. **Representor; 6160.P15**	The Council notes your representation and the text has been amended.
Amendments to para 7.7.5 re EIA screening opinion. **Representor; 6160.P16**	The Council notes your representation and the text has been amended.
Remove reference to outdated policy in para 7.8.6. **Representor; 6160.P17**	The Council disagrees with this representation. These documents have not been withdrawn and are referenced in an appropriate context.
Para 7.9.4 regarding storage should also consider strategic resources as in SP7. **Representor; 6160.P18**	The Council notes your representation and the text has been amended to make reference to Policy SP7.
Clarify application of EIA in para 9.1.3 (and typo in para 9.1.2). **Representor; 6160.P19**	The Council notes your representation and the text has been amended.
Recognition that significant receptors may not be local people in para 9.3.2. **Representor; 6160.P20**	The Council notes your representation and the text has been amended.
Clarification re the purpose of an LVIA	The Council notes your representation

required in para 9.3.3. **Representor; 6160.P21**	and the text has been amended.
Suggestion to reword para 9.3.4 to reflect regular updating of guidance referred to. **Representor; 6160.P22**	The Council notes your representation and the text has been amended.
Paras 9.5.1 and 9.5.2 refer to superseded EIA regs or outdated guidance. **Representor; 6160.P23**	The Council notes your representation and the text has been amended.
General criticism of the document, relying on overmuch recitation of policy, with more specific guidance needed as well as information on what constitutes 'acceptable' **Representor; 6193.P1**	The Council disagrees with this representation. The Council considers that the SPG provides the appropriate balance and guidance in the context of the policy framework.
A need for 'unambigious cross-referencing' to parts of other SPGs (esp Landscape) and LDP Policies, such as Tourism and Cultural Heritage. **Representor; 6193.P2**	The Council disagrees with this representation. Other SPG are referenced and para 7.2.6 acknowledges that all national and local plan policies apply. This has been further clarified in para 5.01.
In light of the importance of landscape, Representor seeks wording to be inserted stating that there is no further capacity for windfarms in Powys outside the SSAs. **Representor; 6193.P3**	The Council does not agree with this representation and Policy RE1 does not prevent windfarm schemes coming forward outside the SSAs if the necessary policy criteria are met.
Seeks qualification to sentence in para 6.1.1 by saying that Powys is well located for renewable energy for small community projects, and that larger commercial projects will be limited by the absence of grid connection. **Representor; 6193.P4**	The Council does not agree with this representation. Although grid capacity may at the current time limit connections, opportunities e.g. direct supply could enable larger schemes to come forward.
In light of the age of TAN8 there is a need for full assessment processes (to include tourism, heritage assets, highways and access, carbon storage and dark soils, watercourses and absorption) for RE developments of any size. **Representor; 6193.P5**	The Council does not agree with this representation. TAN8 remains part of national policy and all the criteria highlighted by the representor are included in the criteria for consideration in para. 9.1.
Seeks preference in paras 7.4 to 7.10 for schemes producing energy for local use, and schemes that do not involve transfer of materials for long distances. **Representor; 6193.P6**	The Council does not agree with this representation. To restrict schemes as proposed would not be in accordance with national planning policy.
Para 7.9.4 requires more guidance and cross referencing to the Landscape SPG. **Representor; 6193.P7**	Your representation is noted. A reference to the Landscape SPG has been included in para 7.9.4.

Endorses large parts of 9.1, however seeks inclusion of Public Rights of Way to avoid any doubt and provide clarity. **Representor; 6193.P8**	Your representation is noted and a reference to “public rights of way” added to provide clarity.
Seeks specific inclusion of Conservation Areas under the Historic Environment bullet point in 9.1.2, and specific mention of the impact of transmission infrastructure on heritage assets in para 9.1.4. **Representor; 6193.P9**	Your representation is noted and a reference to Conservation areas has been added.
Welcomes the requirement for LSCA and an LVIA. **Representor; 6193.P10**	Your support is noted.
In order to align with Landscape SPG, para 9.3.2 should clearly state views and panoramas both into and out of the proposed development will be important considerations. **Representor; 6193.P11**	Your representation is noted and a reference to has been added.
Welcomes the requirement for cumulative assessment. **Representor; 6193.P12**	Your support is noted.
Requires the sentence under Table 3 to have more prominence by being given its own numbered paragraph. **Representor; 6193.P13**	Your representation is noted and this sentence has been separately numbered.
Para 9.6 is wholly insufficient. Seeks inclusion of expanded criteria (that includes impacts upon communities, tourists, residential amenity and PRoW) that are to be considered laid out as in para 9.1. **Representor; 6193.P14**	Your representation is noted. The Council disagree that criteria should be added to para. 9.6. However, para. 9.1 has been clarified to indicate that the criteria apply to transmission and ancillary structures as well as the RE development itself.
Para 9.10.1 needs to specifically include the removal of grid and transmission infrastructure, and in para 9.1 the inclusion of wording concerning the impact of any permanent infrastructure on ecology and hydrology. **Representor; 6193.P15**	The Council notes your representation. Para. 9.10.1 already includes removal of ancillary infrastructure, but additional clarification is added stating that assessments may be required to assess the impacts of those structures which cannot be removed.
Concern over the potential for financial considerations to have an impact upon decision making. And suggests clarification on this is required in para 9.12.2.	Your representation is noted. Paras 9.12.1 and 9.12.2 have bene revised and additional clarification provided.

Representor; 6193.P16	
Suggests that section 9.11 be kept under constant review in the eventuality of any relevant legislation relating to windfarms and lighting. **Representor; 6193.P17**	The Council disagree with this representation. The document will be reviewed should legislative and national policy changes require it to be so.
Seeks clarification on the overall focus of the SPG and apparent contradictions within the text, citing two examples, and requests that more attention be given to onshore wind within the document. **Representor; 6323.P1**	This representation is noted and the text amended to include onshore wind and correct the contradictions.
Para 4.1.4 needs to be updated to give accurate information regarding support mechanisms. **Representor; 6323.P2, 5466.P29**	This representation his noted and the text has been amended as suggested.
Seeks change of wording to better reflect industry terminology with regard to 'cabling'. **Representor; 6323.P3**	This representation his noted and the text has been amended as suggested.
Seeks reconsideration of the 'onerous obligations' being proposed for decommissioning. Suggests alternative wording. **Representor; 6323.P4**	This representation his noted and the text has been amended as suggested.
Seeks clarification in paras 9.12.1 and 9.12.2 regarding the issue of planning obligations, and the circumstances around how and what they can be used for, and seeks a more supportive approach to schemes that involve community and or shared ownership and suggests a rearrangement of this section of the SPG. **Representor 6323.P5**	This representation is noted. Paras 9.12.1 and 9.12.2 have been amended and additional text incorporated to provide clarity with respect to Community Benefit Funds.
Recognition that the effect any RE development (such as wind turbines) would have on the NP would be included within the Landscape SPG. **Representor; 6746.P4**	Your comment is noted. Additional references to landscape SPG have been incorporated into the document.
Seeks amendment to para 6.1.5. **Representor; 6758.P2**	Your representation is noted. The Council does not agree with your proposed change as some RE developments will be the responsibility of the Welsh Ministers for determination.
Seeks amendment on page 7 re Strategic Resources.	Your representation is noted, however the Council does not consider any

Representor; 6758.P3	change is required.
Amendment to para 9.1.2 re enforcement of items listed. **Representor; 6758.P4**	Your representation is noted, however the Council does not consider any change is required.
Opposed to wind turbines and solar in Powys landscape. **Representor; 6827.P1**	Your representation is noted, however the Council does not consider any change is required.
SPG does not provide adequate guidance to developers, lacks information on how prejudice is determined, and will hinder development, so is inconsistent with national guidance & policy. **Representor; 6847.P1**	The Council disagrees with this representation. Examples of prejudicial developments are included in para 7.2.5. It remains the case that the identified SSA capacities remain as targets and any development in excess of the target within SSAs would be required to meet national and local planning policies.
Use of the words 'should be' in para 7.2.4 does not properly reflect the wording of Policy RE1or the intention of national policy. **Representor; 6847.P2**	Your representation is noted and the text amended to align with the Policy.
Opposed to implementation of search areas. **Representor; 6871.P1**	Your representation is noted, however the Council does not consider any change is required. The LDP has been adopted by the Council after it, and the evidence that underlies it, has undergone an Examination in Public. As the SPG explains, the Local Search Areas are identified and detailed in the LDP Policy RE1 and accompanying reasoned justification, and as such they cannot be altered or removed from the LDP at this stage.
Representation drawing the Council's attention to a newspaper article concerning Kent Council and the possibility of colouring off-shore wind turbines. **Representor; 6936.P1**	Your representation is noted. Additional text referring to the need for appropriate colour schemes to be included in the design has been incorporated into the document.
Overall support for the SPG. **Representor; 6967.P1**	Your support is noted
SPG should better recognise the potential benefits to economic regeneration and resilience arising from RE. **Representor; 6967.P2**	Your representation is noted and additional text recognising additional benefits has been incorporated into the SPG.
Ministerial ambition from Sept 2017 Statement) for local (or community)	Your representation is noted and additional text added to the SPG.

ownership should be recognised and referenced throughout the SPG. **Representor; 6967.P3**	
More info on agricultural and forestry PD Rights to be included in Appendix 3 as stated in para 8.1.1. **Representor; 6967.P4**	Your representation is noted and the reference corrected with additional text added.
para 9.6 could include more info and guidance on when and where PP is required for grid connection. **Representor; 6967.P5**	Your representation is noted and additional text added to the SPG.
Could include info in para 9.9 on policy implications of jointly owned/managed AD plants using poultry waste. **Representor; 6967.P6**	Your representation is noted. A reference to LDP waste policies W1 and W2 has been added as new para 9.9.6
Suggest removal of 25 year requirement to decommission in para 9.10.1 as this is unnecessary for schemes (such as Hydro) that are built to last much longer. **Representor; 6967.P7**	Your representation is noted. The text has been revised to reflect that operation lifespans can vary.
Para 9.12.1 welcomed but note it presents a good opportunity to underline community ownership / benefit as per Ministers statement (See also Rep P3). **Representor; 6967.P8**	Your representation is noted and additional text incorporated into the SPG.
Need for more info on potential role of AD systems and/or district heating systems in the candidate site assessment process, in delivering RE and waste reduction targets. **Representor; 6967.P9**	Your representation is noted and will be considered in future plan preparation. Developers are encouraged to investigate district heating through a variety of heat sources and these are outlined in section 7.10 of the SPG.
Recognises the relationship between the SPG and national policy. **Representor; 7086.P3**	Your comments are noted. Wording changes have been made throughout the SPG to ensure the environmental and other impacts of renewable energy development are considered by developers and properly mitigated to ensure they meet national and local policy requirements.
Opinions expressed towards individual LSAs (in favour and against). **Representor; 5831.P1, 6445.P1, 6513.P1, 6724.P1, 6758.P1, 7087.P1, 7088.P1,**	The SPG supports the LDP and individual policies within it. The LDP has been adopted by the Council after it, and the evidence that underlies it, has undergone an Examination in Public. As the SPG explains, the Local Search Areas are identified and detailed in the LDP Policy RE1 and accompanying

	reasoned justification, and as such they cannot be altered or removed from the LDP at this stage.
No Comment **Representor; 6395.P1**	Noted

4.3 Approval and Adoption of the second set of SPG by the Council

Having considered the issues and comments received and scrutinised the Consultation Draft SPGs, the Cabinet approved the two SPGs at its Cabinet meeting on 30th April 2019.

5. Public Consultation on the third set of SPG

5.0.1 In accordance with the SPG programme agreed for the LDP (in Table 1 on page 1), the third set of SPG to be prepared for public consultation:

- **Conservation Areas**
- **Residential Design**
- **Open Space (this SPG has been delayed and does not appear in Set 3).**

5.0.2 In accordance with Stage 4 of the SPG Protocol, the Consultation Draft SPG were published for public consultation over 6 weeks with the consultation period running from 9th August to 20th September 2018. It should be noted that the public consultation was delayed by a few weeks due to the Brecon and Radnor by-election.

5.0.3 County Councillors, Town and Community Councils and all representors on the Powys LDP database were informed of the consultation and the documents were available to view on the LDP pages of the Council's website.

5.0.4 Notice of the consultation period was publicised on the Council's News page, the LDP webpage, and via social media. A press release was issued to the local press.

5.0.5 Hard copies of the consultation documents were made available to view in the Council's main offices at:

- County Hall and The Gwalia, Llandrindod Wells.
- Neuadd Brycheiniog, Brecon.
- Neuadd Maldwyn, Welshpool.

5.0.6 Hard copies were made available to view in all Powys Public Libraries.

5.0.7 Representations were invited either by letter /email and the use of a standard representation form was encouraged.

5.0.8 Table B13 below shows how many representors made comments in relation to each SPG. A more detailed report of the responses received for each SPG can be found in the relevant appendices.

Table B13: Number of Representors making consultation comments on the third set of SPG

Consultation Draft SPG	No. of Representors who made Representations
Conservation Areas	8
Residential Design	9

Total	**17**

5.0.9 The main issues arising from the consultation are set out for each SPG in the tables below, together with the Council's response.

5.1 Conservation Areas SPG

5.1.1 Reference Group

5.1.2 In order to prepare the Conservation Areas SPG, the Council sought participation and involvement with various Topic Stakeholders, from which the Council formed a Reference Group.

5.1.3 The Reference Group comprised six members, which included representatives from the following:

- Planning Policy.
- Development Management.
- Cadw.
- Clwyd-Powys Archaeological Trust.

5.1.4 Engagement with the Reference Group during the preparation of the Draft SPG is summarised in table B14:

Table B14 – Reference Group Involvement (Conservation Areas SPG)

Date	Who and How?
April 2019	Meetings and correspondence with members of the Reference Group to discuss updated topic-related and planning information to inform the background and context of the SPG, to discuss the scope of the SPG and process involved, and to identify and agree a list of Topic Stakeholders to seek feedback from prior to public consultation.
May 2019	Initial working drafts of the SPG shared and discussed with the Reference Group to agree content of the working draft to be circulated to Topic Stakeholders. Initial feedback received from the Topic Stakeholders and suggested changes shared with the Reference Group. Specific issues raised by Topic Stakeholders discussed with the relevant members of the Reference Group. Comments from the Reference Group taken into account in preparing of the Consultation Draft.
August 2019	Notice of public consultation period circulated to LDP Database. 6 week public consultation period from 9th of August to 20th September.
September 2019	Representations received to the public consultation shared with the Reference Group and specific issues discussed with the relevant members of the Reference Group. Any changes proposed to the SPG in response to the representations received also shared with the Reference Group and any outstanding issues discussed further.
October 2019	Consultation Draft SPG showing proposed changes presented to the LDP Working Group shared with the Reference Group. The Reference

	Group was informed of any issues raised by the LDP Working Group before the SPG was finalised for Cabinet approval.

5.1.5 **Topic Stakeholders**

5.1.6 The following Topic Stakeholders were involved:

- Royal Commission on the Ancient and Historical Monuments of Wales (RCAHMW) .
- Society for the Protection of Ancient Buildings.
- Ancient Monuments Society.
- The Georgian Group.
- The Victorian Society.
- Twentieth Century Society.
- Council for British Archaeology.
- Welsh Historic Gardens Trust.
- Theatres Trust.
- CAPEL.
- Powyland Club.
- Radnorshire Society.
- Brecknock Society.
- Machynlleth and District Civic Society.
- Montgomery Civic Society.
- Newtown and District Civic Society.
- Home Builders Federation.

5.1.7 These stakeholders were invited to provide informal feedback on a working draft of the SPG prior to the formal public consultation stage.

5.1.8 Comments received from the Topic Stakeholders were considered and responded to, with further discussion taking place on specific issues where necessary. The input from Topic Stakeholders was used to inform changes to the working draft of the SPG.

5.1.9 **LDP Working Group**

5.1.10 The Draft SPG was considered by the LDP Working Group on 21st of June 2019 and approved for Public Consultation.

5.1.11 **SPG Consultation**

5.1.12 The public consultation period ran from 9th August to 20th September 2019 and representations were received from the following:

Representor Name (Representor No.)

- Cadw (5867)
- Canal and River Trust (7095)
- Councillor Stephen Hayes (409)
- Machynlleth Town Council (7094)

- Montgomery Town Council (517)
- Natural England (4177)
- Newtown and Llanllwchaiarn Town Council (439)
- Presteigne and Norton Town Council (525)

5.1.13 The main issues arising from the consultation and the Council's responses to these are set out in Table B15 below.

5.1.14 The representations and Council draft responses were considered by the LDP Working Group at its meeting on the 9th of October 2019, and subsequently by the Council's Cabinet at its meeting on 21 January 2020.

Table B15 – Main Issues from the Public Consultation (Conservation Areas SPG)

Question 1: CA1 - Is it clear from the above that the guidance within this SPG is intended to be used where individual Conservation Area Character Appraisals are not in place? Is the approach towards carrying out Conservation Area Character Appraisals in collaboration with local communities supported? If not, please explain why.	
Issue	**Council Response**
A representor agreed. **(Rep 7094)**	This support is noted.
The principles for working with communities should perhaps be amended to counter communities' tendency to be hostile to all change. **(Rep 409)**	The meaning of local communities could be clarified by adding in reference to town and community councils and local civic societies. It would also be appropriate to explain how the issues raised by the character appraisal will be addressed within a Conservation Area Management Plan, which will involve local property owners, businesses and other interest groups. Recommend para. 4.14 is amended as follows: 4.14 It is anticipated that Powys County Council, where possible, will work with local communities, through town and community councils, local civic societies, and local history groups, in the production of appraisals/characterisation studies….Conservation Area Character Appraisals will be accompanied by a Conservation Area Management Plan, which sets out the response to the issues raised by the character appraisal. This will be used to inform local planning policy and decision-making. The cooperation of local property owners, businesses and other interest groups will be sought in the preparation and

	implementation of Conservation Area Management Plans.
Other stakeholders should also be involved. **(Rep 7095)**	See response to rep 409 above.
The central point that the SPG is to be used where detailed appraisals are not in place is not sufficiently clear as currently drafted. Requests amendments to para. 4.14. **(Rep 5867)**	Recommend amendments to para. 4.14 as follows: ~~Character appraisals may be undertaken by communities as part of the preparation of a Place Plan~~ Communities are also encouraged to undertake character area appraisals as part of a Place Plan (see section 12 of the Residential Design Guide SPG for an explanation of Place Plans). ~~In the meantime, the guidance within this SPG is to be relied upon when assessing character to inform the design of development proposals put forward through planning and other related applications.~~ In the absence of detailed appraisals or management plans, this SPG provides generic guidance on the assessment of character that should accompany any development proposals put forward through planning and other related applications. ~~The Council's position on this is explained in para. 4.2.77 of the LDP, which states that significant weight shall be given to Conservation Area Character Appraisals and Management Plans, however generic guidance is to be used in the absence of assessments for each individual Conservation Area.~~

Question 2: CA2 - Is the above summary of information sources relating to Conservation Areas useful? If not, please explain why. Are there any further information sources that should be referenced here? If yes, please provide details.	
Issue	**Council Response**
Two representors agreed. No specific comments received. **(Rep 7094, 7095)**	This support is noted.
1) Reference should be made to Buildings of Wales volume for Powys published in 2013. 2) Query whether the Residential Design Guide provides character appraisals for all of the towns? 3) Request for wording of para. 4.30 regarding Cadw's characterisation studies to be amended. 4) It would be helpful to explain why each	1) Recommend that a new para. after 4.36 is inserted after as follows, but that reference is also made to the availability of other local history books: ***Buildings of Wales: Powys – Montgomeryshire, Radnorshire and Breconshire by R Scourfield and R Haslam (2013)*** 4.39 The Powys volume is part of a

of the sources mentioned might be useful, as this has not been done for all sources. **(Rep 5867)**	series of publications of the Buildings of Wales, which looks at the historic counties of Montgomeryshire, Radnorshire and Breconshire. The book provides a summary of the history and character of the county's towns and covers a range of buildings. Applicants should also refer to other local history books that may be available relating to specific towns and villages. 2) The Residential Design Guide does not include area appraisals for Montgomery and Llanwrtyd Wells. Recommend amend para. 4.29 as follows: 4.29 …carries forward character appraisals of each town (referred to as "Area Centres" in the previous Unitary Development Plan) in the Powys LDP area (apart from Montgomery and Llanwrtyd Wells) from the previous Residential Design Guide (2004). 3) Recommend that para. 4.30 is deleted and replaced with the following text, as requested: Cadw has published studies on the historic character of 15 towns across Wales. These studies set out a detailed definition of local character, which can inform the management of change. Although no towns in the Powys area have been studied, Cadw's urban character reports are intended to be exemplars that show how historic character can be analysed. 4) Recommend that additional text is inserted into para. 4.32 as follows: 4.32 CPAT has also been involved in work examining the historic character of areas defined by the Register of Historic Landscapes in Wales. These studies provide detailed historical background and a general introduction to the broad elements of character for settlements included within the registered landscape areas….

Question 3: CA3 – Do you agree with the key stages that are to be followed for proposals in or affecting Conservation Areas? If not, please explain why.	
Issue	**Council Response**
A representor agreed. **(Rep 7095)**	This support is noted.

The proposed process is bureaucratic. Whilst appropriate for large scale applications, the process is disproportionately demanding to smaller ones and will have the effect of discouraging all such applications within conservation areas. **(Rep 409)**	By setting out the key stages to follow, this is intended to assist applicants in preparing proposals ready for submission to the Local Planning Authority. All developments should follow the same general process. However, it is agreed that the guidance would benefit from more of an emphasis on proportionality, particularly with regard to the level of information that is expected of smaller schemes. See response to representations on question CA4, which is considered to address the issue of proportionality.
Town and Community Councils should be specified as well as the County Council. **(Rep 7094)**	Para. 6.2 refers to relevant guidance adopted by the Council, which reflects criterion 3 of LDP Policy DM13. Guidance which has only been adopted by a Town and Community Council and not the County Council is unlikely to carry significant weight in the decision-making process. It would, therefore, not be appropriate to refer to Town and Community Councils in this context. However, it is important to point out that Conservation Area Character Appraisals and Management Plans that Town and Community Councils are involved in preparing are more likely to carry weight in decision-making when formally adopted by the Council as SPG. It is recommended that para. 5.5 is amended as follows: 5.5…In the event that individual Conservation Area Character Appraisals and Conservation Area Management Plans are undertaken in the future in respect of individual Conservation Areas, regard will also be given to these assessments, particularly where these documents have been formally adopted as Supplementary Planning Guidance by the Council.
The key stages are broadly appropriate, however following comments: 1) Question the use of the word 'determining' in the title of stage 1. Suggest using the title 'Explaining Objectives' in line with the Heritage Impact Assessment process. 2) Need to make clear that stage 2 is the equivalent of understanding significance by describing it as a statement of	1) The potential for this to be misinterpreted is understood and therefore, it is recommended that the title of stage 1 before para. 6.5 is amended to 'explaining objectives'. Also, change references to this stage in Figure 1 and in section 8 Figure 7. 2) Recommend inserting additional text into para. 6.9 as follows: Para. 6.9 This involves carrying out a Character Appraisal of the historic

significance. 3) Stage 3 could be broken down into two processes i) identifying proposed changes and ii) assessing the impact of proposals and getting the best solution. **(Rep 5867)**	context of the site. This is an important part of understanding significance and is the equivalent to the Statement of Significance referred to in Cadw's Heritage Impact Assessment guidance… 3) Agree that this section could be divided into two. However, it is recommended that the word 'designing' is used rather than 'identifying' to be consistent with the content of this section. Recommend inserting titles above para. 6.15 'Designing proposed changes' and above para. 6.18 'Assessing the impact of proposals'.

Question 4: CA4 – Is it clear from the guidance here and in Appendix 1 when HIS, DAS or Planning Statements are required? If not, please explain why.	
Issue	**Council Response**
Two representors agreed. **(Reps 7094, 7095)**	This support is noted.
Clarity needed on the extent of issues to be discussed in a planning statement. Otherwise requiring a HIS/DAS by default. **(Rep 409)**	It is agreed that the extent of the issues to be discussed in a Planning Statement could be made clearer. Recommend inserting additional text into para. 6.40: 6.40 …in light of the duty to preserve and enhance the character and appearance of Conservation Areas. This informal assessment should involve a basic character appraisal identifying the characteristics and features of the building and the surrounding buildings within view of the site that would be impacted on by the proposal. Where proposals would lead to the removal of features or alteration of the character of the area, consideration should be given to how the development could be mitigated, re-sited or re-designed to avoid negative impacts. Where negative impacts are unavoidable, the justification for the proposal and the potential benefits should be clearly set out…. Also recommend inserting new paragraph with the following additional text: 6.41 The Planning Statement should summarise the impacts identified through the informal assessment process and how these impacts have been addressed. The level of detail included within the Planning Statement should be proportionate to the nature

	and scale of the development. This means that a development involving alterations to a single feature or a feature that is not of particular importance is likely to require a shorter statement than a development involving large scale or multiple alterations to features of importance.
More detail needed on when an historical impact assessment would be required. **(Rep 525)**	Applicants must carry out a Heritage Impact Assessment (HIA) and submit a Heritage Impact Statement (HIS) in connection with applications for listed building consent and conservation area consent. This requirement is explained in paras. 4.4, 6.6 and 6.23, and the requirements in respect of different types of proposals is set out in Appendix 1. This is considered to be sufficiently clear.
Need to be clearer when a planning statement is expected and to explain this at the beginning of section 6. Also to explain at the outset that HIS, DAS and planning statements are all expected to include an element of character appraisal. **(Rep 5867)**	As explained in para. 6.7, in cases where HIS or DAS is not required, it is good practice for design and access issues to be discussed in a Planning Statement. This is considered to be clear, however it is recommended that paras 6.6 and 6.7 are moved from stage 1 to the opening part of section 6, after para. 6.2. Also, recommend additional text in the moved para 6.6 as follows: 6.4 …HIS, DAS and Planning Statements are all expected to include an element of character appraisal (see stage 2). Consequential change to Figure 1 Key Stages to delete '~~determine whether a DAS/HIS is required~~.'

Question 5: CA5 – Does the list above reflect the key considerations that apply in Conservation Areas? If not, please explain why.	
Issue	**Council Response**
A representor agreed. **(Rep 7095)**	This support is noted.
Contradiction between paras. 6.11 and 6.13 in terms of the extent of analysis required. Proportionality should be the guide to what is required. **(Rep 409)**	The potential for confusion is noted. The following additional text is recommended to be inserted into para. 6.13: 6.13…how the planning proposal has responded to them. The Statement should comprise of a brief summary of

	the character and special interest of the Conservation Area (point 1 below) followed by the site specific elements taking into account the context of the immediate surroundings of the site (points 2-12 below).
Agreed with in terms of visual character, but the impact on climate change must always be a key consideration. **(Rep 7094)**	The primary purpose of conservation area designation is to protect and enhance the character and appearance of the area. The process is flexible enough to allow for necessary adaptations at the application stage. Appropriate solutions can normally be found providing that careful consideration is given to siting and design matters.

Question 6: CA6 – Do you agree that the above factors are important when designing an appropriate development in Conservation Areas? Do you agree with the key considerations for specific types of development set out in Appendix 2? If not, please explain why.	
Issue	**Council Response**
A representor agreed. **(Rep 7095)**	This support is noted.
The considerations listed in 6.16 discourage innovative design and will tend to encourage pastiche. **(Rep 409)**	The penultimate bullet point of para. 6.16 refers to contemporary and innovative design and therefore is considered to encourage this. Para. 6.16 also warns against simply focusing on replicating architectural detailing, instead the focus should be on layout, form, scale, proportions, materials and visual appearance, which should help to avoid pastiche.
Comments on Appendix 2: 1) Single glazing must be replaced with double or triple glazing or enhanced with double secondary glazing in order to tackle climate change and comply with Well-being of Future Generations Act. 2) Consideration of vertical emphasis to windows and solid to void ratio would make it impossible to take advantage of passive solar heating. 3) Questions the requirement for the number of rooflights to be kept to a minimum, as reducing electric light use would not be possible if unable to adequately increase daylighting. 4) The requirement for chimneys on new development panders to some archaic idea of design. 5) Balancing between the need to	1) Standard double glazed units are unlikely to be appropriate in a Conservation Area. However, the SPG refers to alternative solutions, including slim double glazing or the use of secondary glazing, which will improve the energy efficiency of a building whilst retaining the character and appearance of window features. 2) Window proportions are important to the character and appearance of a building. This does not necessarily mean that larger windows will not be appropriate, however paying attention to the proportions, rather than the exact size of the windows, i.e. vertical height in relation to the width, will help to integrate new development.

promote energy efficiency and protecting the character and appearance of the Conservation Area really means that conservation trumps the use of solar panels. Solar panels are not permanent and we are in a climate emergency 6) Query regarding advertisements asking what a traditional typeface is.	3) The overuse of rooflights, particularly on the front elevation of a building, will harm the character and appearance of the building and, if repeated on other buildings, will also have a cumulative effect on the area. The SPG encourages sensitive siting and design of rooflights in order to reduce this harm. 4) Chimneys are a feature of historic buildings and areas, and should be replicated, where appropriate to the street scene. Recommend that the text in Appendix 2 is amended as follows: …Where new development is proposed, chimneys should be incorporated within the design, where this is an important feature of the street scene,… 5) The primary purpose of conservation area designation is to protect and enhance the character and appearance of the area. The process is flexible enough to allow for necessary adaptations at the application stage. Appropriate solutions can normally be found providing that careful consideration is given to siting and design matters. 6) Typeface means font i.e. the style of text. Times New Roman is an example of traditional typeface. Recommend inserting the following text: The lettering should be hand painted directly onto the existing fascia and should be painted using a clear and simple traditional typeface or italic font appropriate to the building style and character of the area.

Question 7: CA7 - Do you agree with the above summary of information that should be included in a HIS? If not, please explain why.	
Issue	**Council Response**
Two representors agreed. **(Reps 7094, 7095)**	This support is noted.
Information requirements are disproportionate to smaller applications. The effect of this will discourage applications for smaller developments, which could contribute to the organic change, which is conducive to healthy	Figure 2 is intended to summarise the type of information that could be included in a Heritage Impact Statement and is intended to help with drafting the content of a HIS. It is therefore, intended to be applicable to applications

urban environments. **(Rep 409)**	for Conservation Area Consent i.e. involving demolition, and, therefore, is not intended to apply to smaller developments that do not involve demolition. Amendments are recommended to clarify the intention of Figure 2 – see response to rep 5867 2) below.
Comments on Figure 2: 1) Make clear that part of the statement relating to significance is intended to be based on the character appraisal process described in para. 6.13. 2) Length of the checklist of information compared to list of requirements included at section 7.2 in Cadw's own guidance on HIA. Needs simplifying as otherwise could be seen as disproportionate and unreasonable. **(Rep 5867)**	1) Recommend additional text in point 3 in Figure 2 as follows: …Referred to as a Statement of Significance and based on the character appraisal undertaken at stage 2. 2) Figure 2 is intended to provide a list of the type of information that could be included in a HIS, and is based on a real life example. Not all considerations will be relevant in all cases. Recommend that this is clarified by amending para. 6.32 as follows: 6.32 A summary of the type of information ~~to be included~~ that applicants may wish to consider including in ~~the~~ their HIS is provided in Figure 2…It should be noted that the considerations listed may not all be relevant to all cases. Also amend title of figure 2 as follows: **Figure 2 – Summary of the type of information to ~~include~~ consider including in the Heritage Impact Statement**

Question 8: CA8 – Do you agree with the circumstances where additional information may be required? If not, please explain why.	
Issue	**Council Response**
Two representors agreed. **(Reps 7094, 7095)**	This support is noted.
Proportionality should be the guide. **(Rep 409)**	It is considered that the amendments proposed in response to the comments under CA4 address the issue of proportionality.

Question 9: CA9 – Do you agree with the information requirements for planning submissions and the processes illustrated in the charts in Section 8? If not, please explain why.	
Issue	**Council Response**
Two representors agreed. **(Reps 7094, 7095)**	This support is noted.

Requirements are disproportionally onerous. The aim should be to use the lightest touch compatible with maintaining the overall character of the conservation area. **(Rep 409)**	It is considered to be reasonable to expect either a HIS or DAS in accordance with the regulations, or otherwise a Planning Statement, along with detailed plans, for all applications within or affecting a Conservation Area. The emphasis of the SPG is for matters of character and appearance to be considered by applicants at an early stage in order that this work can inform the siting and design of a proposal. This information will ensure that sufficient information is available to the local authority at the application stage and will enable the local authority to make informed planning decisions.

Question 10: CA10 – Is the guidance provided here and in figures 3, 4 and 5 on how to undertake site and context analysis useful? If not, please explain why.	
Issue	**Council Response**
A representor agreed. **(Rep 7095)**	This support is noted.
Needs checking that the information is current. LANDMAP information on Machynlleth is out of date. **(Rep 7094)**	This extract is an example for illustrative purposes only. It is understood from NRW's website that this LANDMAP layer is dated December 2018. However, it is noted that part of it is out-of-date, therefore to avoid confusion, it is recommended that the part of the extract relating to Celtica, which has closed is deleted from Figure 3, as follows: Tower dominating what is essentially a Victorian town within the Conservation Area... ~~The attempt to celebrate Celtic culture at Plas Machynlleth, the visitor attraction Celtica, is under threat of closure due to limited resources and subsidies~~...
Comments on figures 3 and 4 in section 7: 1) Better to describe this as 'how to undertake a character appraisal' to avoid confusion. 2) Figure 3 is nicely set out but needs to relate more closely to the stages of appraisal identified in para. 6.13 and distinction between information relating to the conservation area as a whole and information relating to the specific site. 3) Clarity needed on the use of current and historic maps, HER, LANDMAP and modern and historical photographs in	1) The term site and context analysis has been used as this is a planning term and is used in the guidance relating to Design and Access Statements. This emphasises the need to consider both the site and it's context, which is particularly important in Conservation Areas. 2) It is considered that figure 3 is clear in terms of the information that is relevant to the conservation area as a whole and information relating to specific site. 3) Some of the re-wording requested is not considered to be necessary as the use of the information sources is considered to be clear. Recommend

practice. 4) Need to simplify figure 4 to make clear the distinction between the requirements relating to the character of the conservation area as a whole and the detail on the site specific level. May be asking for an unrealistic level of detail. **(Rep 5867)**	amending text in Figure 3 as follows: Other mapped information, such as the **Historic Environment Record (HER)** (above) **Llle** and **Coflein**, can be referred to in order to obtain information on designated and recorded historic buildings and features either on or adjacent to the site. LANDMAP - It provides important general landscape information ~~for a site and its context~~… Comments regarding LANDMAP being out of date has been noted and addressed in response to rep 7094 above. 4) Recommend inserting additional text into para. 6.13 as follows: 6.13…The Statement should comprise of a brief summary of the character and special interest of the Conservation Area (point 1 below) followed by a more detailed analysis of the site specific elements taking into account the immediate context of the site (points 2-12 below).

Question 11: CA11 – Do you have any further comments on this consultation draft of the SPG?	
Issue	**Council Response**
SPG should include explicit recognition that there is not and should not be a presumption against any development in conservation areas, the objective being to manage additions and subtractions to the built environment in a way which recognises the value of what already exists and the contributions of the part to the whole. **(Rep 409)**	Agree to include additional text to clarify the meaning of Conservation Area designation through adding a paragraph under the heading 'The meaning of Conservation Area designation' in section 4, to read as follows: **The meaning of Conservation Area designation** 4.16 The designation of an area as a Conservation Area does not prevent change, however designation ensures that change is managed in a positive way by enabling change without harm to the character and appearance of the area. This means that there are additional planning controls and considerations in place to safeguard the character and appearance of the area.
Heartened to see significant acknowledgement of Place Plans and reference to local work here in Newtown.	This support is noted. It is agreed that it would be useful to make reference to Place Plans where they are available. It

Reference to character appraisals being undertaken as part of the Newtown Place Plan. Suggest that more detailed information on locally distinctive key characteristics can be found in Place Plans where they are available. **(Rep 439)**	is recommended that additional text should be provided in para. 6.10 to make specific reference to character appraisals that may have been undertaken as part of the Place Plan process. Recommend amending para. 6.10 as follows: Where Conservation Area Character Appraisals or local characterisation studies have been carried out in respect of an area, these will provide an important resource for assessing local character. Character appraisals may also have been undertaken as part of preparing Place Plans, which will identify locally distinctive key characteristics, therefore any relevant Place Plan should also be referred to.
A need to balance conservation area restrictions with the need to allow changes for disability access and to make both new and existing properties more energy efficient (e.g. replacement windows). Policy needs to be more forward looking to take into account new technology, and request that allowance is made for this within the guidance. **(Rep 525)**	The primary purpose of conservation area designation is to protect and enhance the character and appearance of the area. The process is flexible enough to allow for necessary adaptations at the application stage. Appropriate solutions can normally be found providing that careful consideration is given to siting and design matters.
Dislike the taste for bad mock Victorian buildings. Rather see very good modern design that could enhance old buildings as a contrast. The need to take responsibilities seriously in the face of the state of the climate and Well-being of Future Generations Act. **(Rep 7094)**	The list in para. 6.20 of factors that may assist with designing appropriate development in Conservation Areas includes reference to contemporary design. See previous responses regarding climate change. As explained in para. 1.3, the Powys LDP considers Conservation Areas as important strategic assets that require protection from unacceptable development so as to protect the economic, environmental social well-being of Powys.
Fully supportive of the document. **(Rep 7095)**	This support is noted.
Although Montgomery Town Council do not have any comments on SPG, they would like to congratulate the team on their early engagement with the council and compliment the team on how thorough the document is. **(Rep 517)**	This support is noted.
Welcoming the SPG which has the potential to make a significant contribution to successfully managing change in conservation areas so as to	This support is noted.

protect their special character. **(Rep 5867)**	
Regarding the introduction, the purpose of the guidance is clear, however the language could be simplified and condensed to make it more accessible to non-specialist planners. **(Rep 5867)**	The SPG has been drafted with the involvement of a range of stakeholders and has been written with applicants, agents and developers in mind.
Comments regarding section 4: 1) Need to strengthen references to PPW. 2) Para. 4.7 should be straightforward quotation from the TAN. 3) Reference to Cadw's Conservation Principles could be overlooked and should be in a separate paragraph. 4) Reword the beginning of para. 4.11. 5) Clarify meaning of para. 4.12. 6) Include other examples of where PD rights have been removed in Conservation Areas at para. 4.16 or include a link to further detail. 7) Brief explanation needed of what is covered by the Article 4 directions in place at para. 4.17. **(Rep 5867)**	1) Recommend amending quotation from PPW in paras. 4.5 and 4.6 as follows: 4.5…It explains that~~: the protection, conservation and enhancement of historic assets is most effective…when designing new proposals.~~ 'It is the responsibility of all those with an interest in the planning system, including planning authorities, applicants, developers and communities, to appropriately care for the historic environment in their area. The protection, conservation and enhancement of historic assets is most effective when it is considered at the earliest stage of plan preparation or when designing new proposals'. 4.6… It ~~refers to the~~ states: 'There should be a general presumption in favour of the preservation or enhancement of the character or appearance of conservation areas or their settings~~' and sets a~~'. Positive management of conservation areas is necessary if their character or appearance are to be preserved or enhanced and their heritage value is to be fully realised. and: There is a strong presumption against the granting of planning permission for developments, including advertisements, which damage the character or appearance of a conservation area or its setting to an unacceptable level~~….~~ In exceptional cases, the presumption may be overridden in favour of development considered desirable on public interest grounds. ~~This presumption applies unless, in~~

	~~exceptional circumstances, where a development is desirable on the grounds of public interest.~~ 2) Recommend amending final sentence of para. 4.7 to direct quotation from PPW: ~~Defining the character of each conservation area and setting out policies for preservation and enhancement through Conservation Area Character Appraisals and Management Plans, respectively, are seen as ways of providing a sounder basis for local development plan policies and development management decisions.~~ It explains that: *'Local development plan policies and development management decisions which relate to conservation areas will have a sounder basis and make more positive contributions to long-term aims if the character of each conservation area is defined and policies for its preservation and enhancement set out in detail'.* 3) Recommend deletion of reference to Cadw's Conservation Principles in para. 4.9 and add new para. as follows: 4.10 Cadw's published **Conservation Principles** highlights the need to base decisions on an understanding of the impact a proposal may have on the significance of an historic asset. Consequential re-numbering of subsequent paragraphs. 4) Recommend deletion of first sentence of para. 4.11 and replace it with: 'The special, distinctive character of many of Powys's towns and large villages is recognised in the high number of conservation areas in the county'. 5) Recommend deletion of first sentence of para. 4.12 and replace it with: The LDP has identified the importance of protecting the character and appearance of the numerous conservation areas in the county, and the importance of

	protecting and enhancing local distinctiveness through good quality and sensitively designed development. 6) There are various additional restrictions on permitted development in Conservation Areas and it is not considered helpful to cite a few more examples here. The link provided goes to the WG website, which includes guidance for householders, which sets out the circumstances where permission will be required for development in Conservation Area. 7) Para. 4.17 includes a link to further details on the Article 4 directions. It would not be helpful to include further details on what is covered by the Article 4 directions within the SPG as the directions in Powys cover various alterations.
Comment on section 5 that the relationship between the specific policies SP7 and DM13 and the LDP objective 13 needs to be explained. **(Rep 5867)**	Recommend that an additional para. is inserted after para. 5.6 referring to LDP para. 4.2.78 to explain how local assets on the Historic Environment Record are to be taken into account: 5.7 Para. 4.2.78 of the LDP states that 'regard should also be given to the information held on the Historic Environment Record (HER) in order to identify local features or areas that may be affected by proposals'.
Comments on section 6 stage 1: 1) Siting and design should follow rather than precede the character appraisal. The focus should be on the principle of development and what it is intended rather than the detail. 2) Para. 6.8 would provide a better starting point to the section. **(Rep 5867)**	1) Recommend amending para. 6.5 to remove reference to siting and design at this stage: ~~6.5 In order to ensure that the proposed development is responsive to the character and appearance of the Conservation Area, consideration must be given to the **siting** and **design** and how it fits with its surroundings from the outset.~~ Also recommend amending section 7 Figure 6. 2) Recommend moving para. 6.8 to follow para. 6.5.
Comments on section 6 stage 2: 1) Clear statement needed on when character appraisal is expected. 2) Key messages could be expressed	1) This guidance is intended to be used for those developments that require planning permission and therefore it is not necessary to state that character

more succinctly. 3) Confusion between reference to character appraisal and a site and context analysis. 4) Explanation needed of the objective of the background research in para. 6.10. 5) Clarity needed on defining objectives and scope - a brief summary of the character and special interest of the area, and points 2 to 12 in para. 6.13 referring to the specific site. 6) Paragraph ordering is confusing i.e. background research before explaining the process of character appraisal. **(Rep 5867)**	appraisal will be needed in connection with proposals that require consent. 2) The detail included in this section is considered to be necessary to explain the character appraisal process. 3) The guidance explains that a character appraisal involves carrying out a site and context analysis informed by a site visit and background research. This is considered to be clear. 4) Recommend inserting additional text into para. 6.10 as follows: 6.10 Background research is necessary to obtain an understanding of the development of the site which is the subject of the development proposal. It should be used to inform the site and context analysis… 5) Recommend inserting additional text into para. 6.13 as follows: 6.13…The Statement should comprise of a brief summary of the character and special interest of the Conservation Area (point 1 below) followed by a more detailed analysis of the site specific elements taking into account the immediate context of the site (points 2-12 below). 6) Careful consideration has been given to the ordering of the paragraphs and it is considered to be logical.
Comment on section 6 stage 3 that this section is over-long, somewhat repetitious and rather confusing. **(Rep 5867)**	The length of this section is due to the need to set out the requirements associated with HIA, DAS and Planning Statements separately. This level of detail is considered to be necessary to fully explain the requirements.
Comment on section 6 'Assessment for development requiring HIA' that it needs to be made clear that even where a building makes little or no positive contribution to the character of a conservation area, consent will still be needed before demolition can proceed. **(Rep 5867)**	Recommend that wording of para. 6.24 is amended, as follows: Where a building makes little or no contribution, demolition ~~can proceed~~ is likely to be permitted providing…
Comment on section 6 Assessment for Development requiring DAS that it would be useful to clarify that reference to character in paragraph 6.34 means that a character appraisal as per paragraph 6.13 is expected.	Recommend that additional text is inserted into para. 6.34 as follows: A DAS is required to demonstrate the steps taken to appraise the context of the development and how the design of the

(Rep 5867)	development takes the context into account. This involves undertaking a character appraisal as expected in paragraph 6.13.
Comment on section 6 'Assessment for development not requiring HIS or DAS' that need to make it clear at the beginning of section 6 that an element of character appraisal is needed in all cases, but this may be discharged through a HIS, DAS or planning statement. **(Rep 5867)**	Additional text is proposed to be inserted into new para. 6.4 to address this point in response to Rep 5867 to question CA4 above.
Need to change a few references to CADW in upper case to Cadw. **(Rep 5867)**	Recommend correcting references to Cadw, as follows: 6.12…Reference should also be made to ~~CADW's~~ Cadw's Conservation Principles… 6.42…For further guidance on assessing these types of proposals, please refer to ~~CADW's~~ Cadw's best-practice guidance. 7.5…Reference should also be made to the ~~CADW~~ Cadw best-practice guidance… 9.2…through consultation responses received from ~~CADW~~ Cadw… Appendix 4 Welsh Government Historic Environment Service (~~CADW~~ Cadw)

5.2 Residential Design SPG

5.2.1 **Reference Group**

5.2.2 In order to prepare the Residential Design SPG, the Council sought participation and involvement with various Topic Stakeholders, from which the Council formed a Reference Group.

5.2.3 The Reference Group comprised seven members, which included representatives from the following Council services:

- Development Management (Senior Officers)
- Built Heritage Officer
- Planning Policy.
- Housing

5.2.4 Engagement with the Reference Group during the preparation of the Draft SPG is summarised in table B16:

Table B16 – Reference Group Involvement (Residential Design SPG)

Date	Who and How?
April 2019	Scoping document and cover email sent to four senior Development Management Officers and Housing Professional Lead. Copied to Built Heritage Officer and Planning Policy officer due to crossover with Conservation Areas topic. This small internal Reference Group were provided with the proposed structure of the SPG and asked for comments on possible content including the use/carry forward of existing guidance, reference to Model Guidance, and also asked for an opinion on whether urban designers were required (the UDP Residential Design SPG was produced in association with an outside design and consultancy company). A list of proposed Topic Stakeholders was provided and feedback was invited.
14 May 2019 23 May 2019 4 June 2019	First Working Draft SPG circulated for feedback to internal officers including original Reference Group. The involvement was extended to Environmental Health, Active Travel, Ecology, Land Drainage, Highways and all of Development Management. Revised Working Draft and appendices circulated to Topic Stakeholders. Feedback/discussions with Active Travel, Environmental Health, Building Control, Development Management, Planning Policy, Newtown and Llanllwchaiarn Town Council commented on the Place Plan section. Working Draft sent to Doug Hughes (Architect) on his request.
August 2019	Notice of public consultation period circulated to LDP Database. 6 week public consultation period from 9th of August to 20th September.
September 2019	Representations received to the public consultation shared with the

	Reference Group and specific issues discussed with the relevant members of the Reference Group. Any changes proposed to the SPG in response to the representations received also shared with the Reference Group and any outstanding issues discussed further.
October 2019	Consultation Draft SPG showing proposed changes presented to the LDP Working Group shared with the Reference Group. The Reference Group was informed of any issues raised by the LDP Working Group before the SPG was finalised for Cabinet approval.

5.2.5 **Topic Stakeholders**

5.2.6 The following Topic Stakeholders were involved:

- Building Control
- Highways
- Environmental Health
- Housing
- All Development Management Officers
- Registered Social Landlords (Housing Associations)
- Newtown Place Plan team
- BBNP Strategy Contact
- Home Builders Federation

5.2.7 These stakeholders were invited to provide informal feedback on a working draft of the SPG prior to the formal public consultation stage.

5.2.8 Comments received from the Topic Stakeholders were considered and responded to, with further discussion taking place on specific issues where necessary. The input from Topic Stakeholders was used to inform changes to the working draft of the SPG.

5.2.9 **LDP Working Group**

5.2.10 The Draft SPG was considered by the LDP Working Group on 21st of June 2019 and approved for Public Consultation.

5.2.11 **SPG Consultation**

5.2.12 The public consultation period ran from 9th August to 20th September 2019 and representations were received from the following:

Representor Name (Representor No.)

- Newtown and Llanllwchaiarn Town Council (439)
- Montgomery Town Council (517)
- Presteigne and Norton Town Council (525)
- Douglas Hughes Architects Ltd (1552)
- Natural England (4177)
- Severn Trent Water and Hafren Dyfrdwy (5880)
- Dwr Cymru Welsh Water (6348)

- Natural Resources Wales (7093)
- Canal and River Trust (7095)

5.2.13 The main issues arising from the consultation and the Council's responses to these are set out in Table B17 below.

Table B17 – Main Issues from the Public Consultation (Residential Design SPG)

Issue	Council Response
Pleased to see significant acknowledgment of Place Plans and local work **(Rep 439).**	Comments noted.
No comments to make but thank you for early engagement with the council and for the thorough SPG document **(Rep 517).**	Comments noted.
Presteigne Area Centre Appraisal considered to be excessive for properties outside the Conservation Area. Action needed now on electric vehicle charging points. Compulsory requirements (eg chimney stacks) and guidance on two/three storey buildings – not flexible enough for bungalows which are needed. Appraisal precludes eco-homes. **(Rep 525).**	Concerns acknowledged. Carrying forward the area centre guidance will not be any more onerous as this is the guidance currently being applied. However, the Council will review the wording of compulsory requirements in case they are too prescriptive for the types of development now coming forward. Planning decisions incorporate judgement/flexibility. SPG cannot bring in new or more stringent requirements than that set out in current LDP policy (no policy specifically on electric charging points).
Well written document which is earnest and clear but it is too long and has too many references to what is particularly aged design guidance. Too many appendices. Missed opportunity for an aspirational guide. It should be more cogent and reflective of what is relevant when it comes to desiging homes and housing in Powys. Clashes between legislation and guidance (e.g. walkable neighbourhoods vs car parking standards) – guide is trying to do much linkages to issues that are at odds with each other. More pictorial guide required. Includes design standards which are no longer appropriate. The reference to housing densities is not necessary in this guide – they hinder rather than assist in achieving locally distinctive design.	Will review the Draft to see if it can be cut down by making cross-references instead of including so many Appendices. Have approached DCFW for a second opinion on the inclusion/use of Model Guides – meanwhile we consider that they do still have fundamental and correct design principles. Photos/case-studies/ideas still welcome. May delay final production of SPG. Taking forward for discussion with Working Group: • Possible to work together to produce further design guidance (Best Practice Guides/Place making in Practice?) – may not have SPG status. • Losing the area centre (town) appraisals if they are felt to be too dated. • Reviewing strict/compulsory adherence to design requirements/standards (such as in

(Rep 1552).	draft Appendix 4) to ensure that they are not too prescriptive or outdated for the types of development now coming forward. In terms of general critiscisms, SPG is not considered to be a document which can "streamline" the planning process given the complexities of the process itself and the balance that is struck in making planning decisions in light of Development Plan Policy, competing interests, and all relevant circumstances. The Council considers the reference to Housing Density policy to be appropriate in this Guide and will retain its inclusion. The Council refutes that the density Policy requires "slavish adherence". It is important in making the best use of resources and ensuring the most efficient use of land, both essential planning priorities.
Consider the issues of: Green Infrastructure, Biodiversity Enhancement, Landscape Enhancement, other Design Considerations (eg lighting). **(Rep 4177).** Reference to enhancement could be included at 7.3.3.2. Reference to Green Infrastructure is welcomed and the production of Green Infrastructure SPG is recommended **(Rep 7093).** Preliminary Risk Assessment (contaminated land) could be included in Table 3. **(Rep 7093).** Support for references to non mains foul drainage and the Circular advice **(Rep 7093).**	Advise that the Powys LDP is governed by the Welsh Planning System and not by the same NPPF as England although an NDF is on the way. Separate SPGs on Biodiversity and Geodiversity and Landscape address matters in more detail. The LDP does not have a Green Infrastructure Policy but this matter will be addressed at Plan Review. In the meantime developers are still expected to address green infrastructure as it is a requirement of PPW and the national sustainable place making outcomes. Recommend additional text to para 7.3.3.2 to cover biodiversity enhancement as well as resilience. Table 3 suggestion is accepted. Support noted, thank you.
In relation to DM13 13. Encourage use of SuDs in new developments to manage surface water as well as separation of surface water from combined sewerage system in brownfield developments**. (Rep 5880)** Recommend water efficient fittings	Comments noted. Additional wording is proposed to follow para 15.126 to cover these points (involving PCC Building Regs in the new wording).

to be installed. Encourage LPA to impose the expectation on developers that properties are built to the optional requirement in Building Regulations (110 litres of water consumption per person per day). **(Rep 5880)**	
In relation to DM13 12. Support for the use of DM1 to secure essential infrastructure. Developers can fund improvements to Wastewater Treatment Works in advance of AMP funding where there are capacity issues. **(Rep 6348).**	Thank you for the clarification, comments noted.
No comments to make **(Rep 7095).**	

5.3 Approval and Adoption of the third set of SPG by the Council

Having considered the issues and comments received and scrutinised the Consultation Draft SPGs, the Cabinet approved the two SPGs at its Cabinet meeting on 21 January 2020. Note: This paragraph will be confirmed/edited subject to decision-making at the Cabinet Meeting on 21 January 2020.

Note: The following section 6. is to be completed over 2020 as the SPG preparation programme continues.

6. Public Consultation on the fourth set of SPG

6.0.1 In accordance with the SPG programme agreed for the LDP (in Table 1 on page 1), the fourth set of SPG to be prepared for public consultation:

- **Archaeology**
- **Historic Environment**
- **Land Drainage**
- **Open Space (deferred from Set 3)**