



**Ymgyrch Diogelu Cymru Wledig
Campaign for the Protection of Rural Wales**

“A Manifesto for Prosperous Communities and Valued Countryside”

A joint submission for the Powys County Council Local Development Plan.
April 4th 2015

Montgomery and Brecon & Radnor Branches
Campaign for the Protection of Rural Wales
Responder No. 6193

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CPRW response to Draft Deposit LDP (2014)

Our joint branches already have Representer No.: RN.6193. We are advised that public responses received in previous LDP consultation phases are no longer considered ongoing. Whether or not this is so, CPRW believes that the out-dated character of previous responses together with the escalating threats to our environment could result in a flawed Draft Deposit LDP which does not reflect public concerns or the public interest. This is why our Powys branches have come together to prepare this report ahead of the public consultation. We consider it urgent to draw your attention to potential serious omissions before the forthcoming Draft Deposit LDP is finished. Because the 2014 Draft Deposit LDP is in the process of being replaced, we have structured our response by key topics rather than by the outdated prescribed reference points (2014 “How to Comment”). We ask you to acknowledge the hard work that has gone into this report and consider its full content carefully.

Expectations

We seek a face-to face meeting with Portfolio holder and senior LDP officer(s) in order to discuss this manifesto, which we are submitting now as a record of Montgomery, and Brecon & Radnor CPRW concerns.

Introduction

The Campaign for the Protection of Rural Wales (CPRW), established in 1928, is Wales' foremost countryside charity. Through its work as an environmental watchdog it aims to secure the protection and improvement of the rural landscape, environment and the well being of those living in the rural areas of Wales – aims which we are sure that Powys County Council also shares. The Montgomery and Brecon & Radnor Branches of CPRW represent all of Powys. CPRW is most concerned that the Powys LDP, as presently drafted, is short on positive concrete policies for protecting and enhancing landscape and the natural environment. CPRW is also concerned that tourism is addressed in terms of modern purpose-built tourist attractions and not the landscape, biodiversity, built heritage, and long distance rights of way which draw visitors to Powys. The LDP should be better protecting unspoilt, tranquil rurality, long distance panoramic views and the opportunities for quiet outdoor pursuits. We want a clearer and more detailed LDP which properly reflects our shared values and enables better planning for our future environment.

The Report presents:

pp. 3 - 6 a summary discussion (S) of each topic in turn

pp. 7- 20 a more detailed discussion (D) of each topic

Topics

(with page numbers for detailed discussion)

1. EU Directives & Conventions (p. 7)
2. Landscape and the European Landscape Convention (p. 7 + Landscape Table 1)
3. Renewable Energy Policy & Wind Energy Developments (p. 8)
4. Water Quality (p12)
5. The economic importance of PRoWs, Bridleways and National Cycle Routes (p. 14)
6. Listed buildings and the Buildings at Risk Register (p. 16)
7. Monitoring implementing and adapting the LDP (p. 16 + Monitoring Tables 1 & 2)

Appendix of Tables:

Landscape Table 1	Powys LDP and Natural England checklist
Monitoring Table 1	LDP Objectives and associated Annual Monitoring Reports
Monitoring Table 2	Annual Monitoring Reports: indicators, actions and comments

SUMMARY

S1 EU Directives & Conventions

In preparation of the LDP, Powys County Council must have regard to the requirements of the following EU directives and conventions to which the UK is a signatory:

- i. Habitats Directive
- ii. Birds Directive
- iii. European Landscape Convention
- iv. Convention for the Protection of the Architectural Heritage of Europe
- v. Convention for the Protection of the Archaeological Heritage of Europe
- vi. EIA Directive.

S2 Landscape and the European Landscape Convention

The outstanding quality of the Powys landscape must be protected by robust policies and guidance that will value and protect the quality of the Powys environment and will promote economic viability.

European Landscape Convention

The Council of Europe's 'European Landscape Convention' is dedicated exclusively to the protection, management and planning of all landscapes in Europe. This convention is binding on the UK, as Planning Policy Wales 7 makes clear. The aim of the treaty is set out in 'General Measures' Article 5 which sets out the following requirements:

- i. recognition of landscapes in law *'as an essential component of people's surroundings, an expression of the diversity of their shared cultural and natural heritage, and a foundation of their identity'*;
- ii. establishment of procedures to ensure public participation in the definition and implementation of landscape policies;
- iii. landscape and landscape protection policies to be integrated into regional and town planning policies and in cultural, environmental, agricultural, social and economic policies, as well as any other policies with possible direct or indirect impacts on landscape.

The Convention recognises the role that landscape plays in individual and social well-being. The underlying principle is that landscape, whether designated or not, is a concern of us all and lends itself to democratic treatment, particularly at a local and regional level, which in turn promotes identification with the areas where people live and work and reinforces local and regional identity.

The 2014 draft LDP is not compliant with the requirements of the European Landscape Convention and significant amendments are required to ensure compliance.

S3 Renewable Energy Policy & Wind Energy Development

CPRW welcomes the intention of the draft LDP to restrict smaller renewable energy developments to those which are community-led or proportionate to the energy needs of a related enterprise. However, CPRW fail to see how Policy RE1 will ensure appropriate protection against adverse impacts on landscape, amenity, ecology etc. We believe this area of policy is so important that the LDP must contain explicit policies relating to each renewable technology to ensure proper control of development and protection against adverse impacts.

We are also gravely concerned by the inclusion of targets, contrary to UK policy, for renewable energy development in LDP Objective 5. It is CPRW's view that these targets must be removed.

Regarding wind energy development, the Council is well aware of the amenity/quality-of-life issues and associated litigation that have arisen as a result of planning permissions already granted. In our view, to improve this situation, the LDP must contain explicit and unambiguous policies to ensure proper assessment of impacts of turbine developments - either singly or in cumulation with existing, approved, or proposed developments. Impacts include those on: landscape; amenity and sensitive properties; wildlife habitats and species; heritage; safe use and enjoyment of highways and rights of way; means of access; local water courses and private water supplies. Such policies should also have regard to appropriate mitigation of adverse impacts.

We have suggested several further protective measures, which are intended to support the intention of the draft LDP policy as above. These measures also address the issue of decommissioning, the expense of which must not fall to the taxpayer.

Additionally:

Typical on-site energy demand:

This area of policy requires urgent re-examination. Limits proposed are wildly in excess of typical on-site demand and must be revised.

Separation distance:

The council has evidence of considerable distress caused by consents given to turbines close to housing. CPRW recommends the adoption of a separation distance, and all precautionary good practice points to a minimum of 1.5km.

Development outside and within Strategic Search Areas:

We believe that Powys LDP should reflect Ceredigion LDP Policy LU26 (LDP adopted in 2013) with a commitment to allowing no windfarm development over 5MW outside the SSAs.

SSAs are only search areas and most planning considerations were excluded from their designation. Substantial parts of the SSAs are unsuitable for large-scale wind energy development once all planning considerations are applied and neither the size of current wind turbines nor the impacts on peatland were anticipated. There is an imperative for robust LDP

policies to ensure all material issues are properly considered, including the implications of the significant transmission infrastructure consequent on utilising remote and dispersed locations for energy generation.

Supplementary Planning Guidance:

We recommend that the Council follow the good practice established by other Welsh Councils, such as Ceredigion and Anglesey, which have adopted Supplementary Planning Guidance (SPG) on renewable energy. We note with regret that Appendix 2 does not mention an SPG for any type of renewable energy.

S4 Water quality

The current proposed Policy DM1 should be amended to become a fit-for-purpose policy with proper regard for water quality and the potential impacts of developments that may negatively impact on that quality.

S5 The economic importance of PRoWs, Bridleways and National Cycle Routes

Powys has an inestimable resource in superb, expansive landscapes and the largest network of PRoWs in the country. With tourism accounting for over 12% of all registered businesses, landscape is vital to sustaining rural communities. Recreational opportunities for residents, day visitors and longer stayers include: two National Trails; three National Cycle Routes; six long distance and 19 shorter promoted rides; six Regional Trails; and the Montgomery Canal. All showcase outstanding landscapes and the National and Horse Trails attract substantial numbers of international visitors.

Visitor numbers are increasing, repeat visits are the highest in Wales, and the area consistently tops satisfaction ratings for the quality of the natural environment. Powys is rightly marketed as: a '*stunning natural environment and expansive countryside; the most spectacular and unspoilt in Europe, a Mecca for outdoor pursuits*'. Inappropriate development and industrialisation is clearly unacceptable. The UDP states opposition to unacceptable impacts on the setting of '*established tourist attractions*'. The LDP must explicitly recognise what is the prime tourist attraction and provide unequivocal guidance for landscape protection. No 'planning gain' can compensate for loss of amenity or landscape quality.

CPRW proposes a buffer 'corridor' for all national, regional and promoted routes that would maintain and enhance their special qualities and protect tourism and recreation interests.

That PRoWs and the tourist economy are legitimate planning considerations that may weigh against development has been made clear in recent judicial and inspectors' reports.

Highlighting the importance of the Montgomery Canal is welcomed but CPRW seriously questions the exclusion of a wealth of other resources, with their advantages to public well being, tourism businesses and the sustainability of communities.

Policies relating to sustainable rural tourism must be explicit in the LDP and, whilst not advocating a policy of no development, we are clear that this must be a policy of appropriate development

sensitive to the landscape character, topography and rurality.

Connectivity is an important factor in the maintenance of rural life and tourism and public and active travel interests should be promoted in the LDP.

S6 Listed buildings and the Buildings at Risk Register

CPRW draws Powys County Council's attention to the Heritage Bill scheduled to be published 'in late spring 2015'. This may lead to a rather different approach as to how Scheduled Ancient Monuments and Listed Buildings are treated within the Local Authority framework. Most relevant to this is *Cadw: Heritage Bill for Wales: Options for the Delivery of Local Authority Historic Environment Conservation Services in Wales*. The suggestions that there should be standardised SPG's on the built heritage and that Powys could become part of a Mid-Wales grouping for the administration of Heritage matters may have far-reaching consequences, including consequences for the LDP.

S7 Monitoring, implementing and adapting the LDP

- The division of monitoring issues between the SEA Environmental Report and the deposit LDP, as well as the cumbersome nature of the tables, inhibits proper assessment and application of the overall monitoring framework.
- The overall framework involves an unwieldy mix of time-scales and the coverage of crucial topics is very uneven, with some completely ignored.
- From CPRW's perspective, there are notable weaknesses in the monitoring of the impact of all development on biodiversity, landscape, cultural heritage, tourist assets, and public rights of way.
- This weakness is especially marked for 'renewable energy'. This broad category of diverse technologies is not subdivided other than in terms of installed capacity of electricity and heat-generation.
- The monitoring framework has no tools to assess cumulative impact of development on landscape or biodiversity.
- In particular, there is no insistence on relevant data-bases to provide an overview, enable effective monitoring, and inform the planning process.

The monitoring provisions in the LDP do not bode well for preventing the progressive rate of deterioration of the Powys rural environment.

CPRW DETAILED RESPONSES

D1 European Directives & Conventions: their status in Powys

In the preparation of the LDP, Powys County Council must have regard to the requirements of the following EU directives and conventions to which the UK is signatory:

i. Habitats Directive

The Habitats Directive (together with the Birds Directive) forms the foundation for Europe's nature conservation policy. The Directive creates two main areas of protection, the Natura 2000 network of protected sites, and a strict system of species protection. This Directive is brought into effect in Wales by the Conservation of Habitats and Species Regulations 2010 (as amended), which also transposes the Directive's requirement to undertake assessment for both projects and plans.

ii. Birds Directive:

The Birds Directive addresses the conservation of all wild birds throughout the European Union and places an overarching requirement on Member States to take whatever measures are necessary to maintain the populations of all wild birds at levels determined by ecological, scientific and cultural needs.

iii. European Landscape Convention

The European Landscape Convention seeks to promote landscape protection, management and planning across Europe. This convention became binding in the UK in 2007. Contracting Parties undertake to:

- recognise landscapes in law
- establish and implement landscape protection, management and planning policies
- establish procedures for public participation

The ELC also stresses that landscape is not merely scenery, but links people with place, culture, and nature, and past with present. It stresses that landscape has many values (not all them tangible) that matter to people because it is people who create and value the landscape.

iv. Convention for the Protection of the Architectural Heritage of Europe: This convention defines 'architectural heritage' and each signatory promises to maintain an inventory and to take statutory measures to protect architectural heritage.

v. Convention for the Protection of the Archaeological Heritage of Europe:

This defines archaeological heritage and the signatories promise to make and maintain an inventory and to legislate for the protection of archaeological heritage. Signatories also promise to allow the input of expert archaeologists into the making of planning policies and planning decisions.

vi. EIA Directive:

This requires the preparation of Environmental Impact Assessments, or consideration of the need for such assessment, for a wide range of public and private projects.

D2 European Directive – Landscape

The outstanding quality of the Powys landscape has an economic value to the county in allowing businesses to attract and retain high calibre staff and in encouraging relocation to Powys. Landscape also influences people's positive choices to live and work in the area, particularly those who are self-employed or, as is increasingly the case, do not have area-specific employment. Powys has almost double the number of self-employed workers compared with the Welsh average (17.4% as opposed to 9%) and also the highest number of home workers. Both sectors are growing and bring a mix of varied skills as well as spend to the local economy, supporting local trades and contributing to

community life and the viability of rural communities. These are not negligible considerations for a sustainable future for rural communities and a broader demographic.

Introducing robust policies and guidance that value and protect the quality of the Powys environment will inevitably promote economic viability.

European Landscape Convention

The Council of Europe's 'European Landscape Convention' is dedicated exclusively to the protection, management and planning of all landscapes in Europe. The UK government has signed and ratified the Convention, which became binding in this country on 1st March 2007. Once a treaty is ratified and a state becomes party to it, it is obligated by international law to implement that treaty and comply with all of its provisions. The council is therefore required, under international law, to implement the provisions of this convention into the Local Development Plan; this requirement is endorsed by the Welsh Government's 'Planning Policy Wales 7'.

The aim of the treaty is to embed a holistic understanding of landscape and 'place' into all plans and policies with the potential to impact on landscape. 'General Measures' Article 5 (a) sets out the requirement to '*recognise landscapes in law as an essential component of people's surroundings, an expression of the diversity of their shared cultural and natural heritage, and a foundation of their identity*'; (c) requires procedures to be established to ensure public participation in the definition and implementation of landscape policies; while (b) and (d) require landscape and landscape protection policies to be integrated into regional and town planning policies and in cultural, environmental, agricultural, social and economic policies, as well as any other policies with possible direct or indirect impacts on landscape.

The Convention was brought into force in response to the need for democratisation of, and engagement with, the diversity and variety of landscape, whether protected through designation or not. There is recognition of the key role that landscape plays in individual and social well-being. The underlying principle is that landscape is a concern of us all and lends itself to democratic treatment, particularly at a local and regional level. An active role in decision-making on landscape issues creates identification with the areas where people live and work and reinforces local and regional identity.

The 2014 draft LDP is not compliant with the requirements of the European Landscape Convention. Guidelines for the implementation of the European Landscape Convention have been drawn up by Natural England¹. Application of the check list contained within these guidelines has identified a number of fundamental changes which are required to ensure compliance.

A summary of changes required to ensure compliance of the LDP with the requirements of the European Landscape Convention is set out in the attached spreadsheets.

D3 Renewable energy policy and wind turbine developments

CPRW welcome the intention of the draft LDP to restrict smaller renewable energy developments to those which are community-led or are proportional to the energy needs of a related enterprise. However, CPRW fail to see how Policy RE1 will ensure appropriate protection of landscape and amenity. We regret that such an important topic for the future of Powys should have apparently received so little careful thought and fear that the unrealistic figures will be used to justify many otherwise unacceptable projects to the detriment of our county.

¹ <http://publications.naturalengland.org.uk/publication/6361194094919680>

We are also gravely concerned at the inclusion of targets for renewable energy development in LDP Objective 5. We must first of all point out that the policy of the UK Government, as spelled out in NPS EN 1 (para 3.1.2.), is to NOT have any technology-specific renewable energy targets. Furthermore, energy policy is not devolved to the Welsh Government and therefore there is no locus by which Powys can have technology specific renewable energy targets. The targets should therefore be removed.

Irrespective of this conflict with UK policy, the inclusion of these targets is problematic because:

- there is no strategy whatever for achievement of targets: there is no consideration of the mix of renewable energy sources and scale of development required to achieve these targets;
- there has been no assessment of the inevitable, far-reaching negative impacts on the natural resources and communities of Powys (to give just one potential scenario, the wind energy target could translate into 1,000 50KW turbines across Radnorshire and Montgomeryshire, creating a county-wide wind farm);
- no attempt has been made to explain or justify the target figures;
- the targets are not supported by the 'Final Report – Renewable Energy Assessment' commissioned by the Council. In fact, in so far as this report makes any specific recommendations, it suggests no further wind development. Moreover, the baseline figures informing this report are now out of date and the calculation of theoretical wind energy generation potential was based on the assumption that the whole of Powys could become a giant county-wide wind farm with little regard for its residents, landscapes, ecology, economy, etc.

It is also worth noting that the authors of the 'Renewable Energy Assessment' report mention the potential for measures to increase energy efficiency, a point which is not taken up in the LDP. We appreciate that some aspects of the strategic settlement strategy contribute to energy efficiency but CPRW maintains that there are many more measures that need be within the LDP to promote sustainable reductions in energy use.

The Council has ample evidence of the great public concern over both wind farm development and the proliferation of single wind turbines. The Council is also well-aware of the amenity/quality of life issues, and associated litigation, which have arisen as a result of their planning approval for turbine developments close to housing and PRoWs. We notice that wind energy companies and agents have sought to incorporate their commercial interests into the LDP and we are sure that any weaknesses in the planning law in this area will be rapidly exploited to the great detriment of the landscapes of Powys and the well-being of its residents. In our view the LDP must therefore contain explicit and unambiguous guidance to protect from incongruous development the entirety of our outstanding Powys landscapes and the interests of residents and visitors. We are sure that these objectives are shared by Powys County Council.

Renewable objectives and policy in the 2014 draft LDP are contained within the following sections:

Objective 5 – Energy and Water

To support the conservation of energy and water and to generate energy from appropriately located renewable resources to enable households, businesses and communities to meet their needs where acceptable in terms of the economic, social, environmental and cumulative impacts.

In particular, to:

- i. Contribute to the achievement of the Water Framework Directive targets in Powys.*

ii. Provide an additional 50,000KW installed capacity of renewable electricity generating technology and 100,000 KW installed capacity of renewable heat generating technology over the plan period.

Policy RE1 – Renewable Energy

Proposals to generate energy from renewable and low carbon resources and associated infrastructure will be supported in the following circumstances:

- 1. Proposals for up to 5MW (5,000KW) where they:
 - i. Serve and are in reasonable proportion to the energy needs of the planning unit/holding on which it is sited; or*
 - ii. Support a community-led energy project or district-level scheme; or*
 - iii. Are a proposal for hydro power.**
- 2. Proposals for between 5MW (5,000KW) and 50MW (50,000KW) will be determined in accordance with the policies of the LDP and National Policy/Guidance except for proposals for solar energy developments of this scale which will be refused.*

We believe that Section 4.10 of the LDP, 'Sustainable Energy', needs to address the individual technologies separately, along the lines of the Unitary Development Plan.

With regard to wind developments, we also believe it is essential that the explicit protections afforded by the policies in the UDP are carried forward to the LDP, as regards impacts of turbine developments (either singly or in cumulation with existing, approved and proposed developments) on:

- landscape,
- amenity and sensitive properties,
- wildlife habitats and species,
- heritage,
- safe use and enjoyment of highways and rights of way,
- means of access,
- and regarding appropriate mitigation of adverse impacts.

We suggest that these protections should be strengthened by inclusion of a requirement for:

- assessment of impacts on safety and amenity of all sensitive receptors,
- assessment of impacts on local water courses and private water supplies,
- legal obligations with decommissioning bonds for eventual removal of the turbines and reinstatement of landscapes at the landowner's expense,

- small wind development proposed as ‘farm diversification’ to be aligned with the energy needs of the farm and in scale with their surroundings or, if these conditions are not met, treated as any other industrial development in the open countryside;
- community-led energy projects to receive majority support from the community members living within 1.5km and be:
 - iv. 100% owned and operated by a local community organization, or
 - v. a fully constituted community cooperative regulated by the Financial Services Authority.

In relation to wind there are several other considerations:

Typical on-site energy demand

The draft LDP policy has the intention of relating the output of smaller developments to the energy requirements of the farm or enterprise served. CPRW are very much in favour of this approach. However, we believe the 5MW limit is excessive and its inclusion is certain to undermine the intention of this policy. In Powys farm enterprises are typically small in scale and not intensive in their energy use. 50KW of generation would be more than sufficient to meet the needs of all but the very largest enterprises. Manufacturers market turbines of output up to 15KW as ‘agricultural turbines’. We would suggest that a limit of 50KW would be suitable to achieve the intended aim of this policy, and enterprises should be asked to demonstrate likely energy requirements.²³ This would also serve the applicant by allowing ‘agricultural exemption’ from business rates. In the unlikely event that that on-site demand can be clearly shown to exceed 50kw, enterprises should be encouraged to minimise local impacts by making up any shortfall with a different technology, for example, roof mounted solar installations.

Separation distance

The problems associated with the intrusion of large and noisy industrial technology into inhabited rural areas (which is currently, as the council is aware, causing great distress) cannot, we believe, be overcome without imposition of a suitable minimum separation distance between turbines and dwellings or settlements. Given the topography of the county, and its impact on noise propagation, and taking into account the advice of the World Health Organisation, this separation distance should not be less than 1.5km. This would accord with protections offered in other jurisdictions, for example in Scotland, with recent research and moves by, for example, the Irish Doctors’ Environmental Association, and with the findings of the Welsh Government Cross Party Environment and Sustainability Committee (2012). The Council will agree that Powys residents must be entitled to as good protection as those living elsewhere.

Development outside and within Strategic Search Areas

Subject to the considerations and limitations regarding SSAs raised below, there should be a commitment to no wind farm development over 5MW outside SSA boundaries (in line with Ceredigion LDP Policy LU26, adopted in 2013).

It is explicit in the term SSA that these are only search areas. The identification of SSAs does not mean that a development is acceptable simply because it is a wind farm in an SSA. Furthermore, there has never been a public consultation or mandate for a major change in land use and landscape type to a wind farm landscape impacting over tens of square kilometres and well beyond

² http://www.yougen.co.uk/upload/Morrison's_RenewableEnergy_Yougen.pdf

³ <http://hadriane.co.uk/farm-wind-turbines/>

SSA 'boundaries'. Within the SSAs, the Council should keep in mind that the Arup criteria for defining SSAs specifically excluded all considerations of landscape (other than designated landscapes); heritage; access; ecological; and socio-economic issues, so the LPA is obligated to fully consider all these issues in wind farm planning applications and to give them full weight. Independent assessors Garrad Hassan acknowledged that, once all material planning considerations were applied, it was unlikely that the SSA wind energy targets could be met so there is no presumption that the LPA must accept or work towards SSA targets.

Supplementary Planning Guidance

We would recommend that the Council follow the good practice established by other Welsh Councils, such as Ceredigion and Anglesey, which have adopted Supplementary Planning Guidance (SPG) on renewable energy. These SPGs provide clarity over the precise requirements of a wind development planning application and methods to be used, for example, when assessing cumulative impacts, all of which would be helpful to planners and developers alike, and strengthen the protections afforded to residents who will suffer the negative impacts of approved developments. It would be easier to assess the LDP if the text of such an SPG were already available. We note with regret that Appendix 2 does not mention an SPG for any type of renewable energy.

Other renewable technologies

As stated above Section 4.10 of the LDP, 'Sustainable Energy', needs to identify separately the different renewable energy technologies and contain appropriate policies in respect of each technology type. Policies relating to other renewable technologies need to contain the protections set out above. In other words these policies need to set out the requirement for assessment of the impacts of developments (either singly or in cumulation with existing, approved and proposed developments) on residents and amenity, landscape, ecology, water quality and other environmental considerations, heritage, rights of way, highways, safety, economic impacts, etc. All technologies need to be considered in terms of their appropriateness and acceptability in terms of impacts, and community-led schemes (with the provisos outlined above for community-led wind energy schemes) given preference.

Solar: We would welcome a commitment on the part of the Council to discourage use of agricultural land for solar installations and, in preference, promote roof mounted installations.

D4 Water Quality

Extracts relevant to water quality (LDP numbering) Powys CC draft LDP:

12. Powys' important internationally, nationally and locally designated sites of biodiversity and geodiversity interest as well as sites of importance in the wider environment should be protected and enhanced. Wildlife corridors such as hedgerows and streams are important for many species and should also be protected.

16. Most settlements in Powys are located in valleys close to rivers which are susceptible to flooding. New development must be directed away from areas at high risk from flooding and must not increase flood risk elsewhere, and where possible should aid the reduction or better management of existing flood risk for communities, infrastructure and businesses. Powys is also important as an upstream catchment for several major rivers including the Wye and Severn, providing for water storage and alleviating flooding downstream.

18. The LDP must protect air, water and land resources and quality, prevent pollution and inappropriate development and deal with the consequences of climate change. For instance, it

should support: the protection of quality of the water environment in line with the Water Framework Directive; the reduction of greenhouse gas emissions in line with Welsh Government targets (3% each year from 2011); and ensure that Special Areas of Conservation (SACs) in Powys do not suffer from increased levels of nitrogen deposition as a result of development in Powys.

LDP Objective 11 – Natural Heritage

To conserve and protect Powys' land, air and water resources important for environmental quality, geodiversity and biodiversity and where possible to ensure development enhances them and produces a net gain for biodiversity.

Policy DM1 - Strategic Planning Matters 16.26 including.....

10. The achievement of Water Quality Standards in line with the Water Framework Directive.

4.2.14 Achievement of Water Quality Standards in line with the Water Framework Directive. The Water Framework Directive requires surface and groundwater to achieve overall 'good' status by 2027. There are five categories: Bad, Poor, Moderate, Good and High. For surface waters there are two separate classifications for water bodies: ecological and chemical. For a water body to be in overall 'good' status both ecological and chemical status must be at least 'good'. There are two separate classifications for groundwater bodies: chemical status and quantitative status. Each must be reported in addition to the overall groundwater body status. For a groundwater body to be at good status overall both chemical status and quantitative status must be 'good'. Groundwater quality is considered on a precautionary principle with the aim of minimum anthropogenic impact, with a presumption against direct discharge to groundwater. Quantity is measured on a good or bad status. There is a requirement for abstraction to be less than the rate of recharge. In addition to assessing status, there is also a requirement to identify and report where the quality of groundwater is deteriorating as a result of pollution and which may lead to a future deterioration in status. The key documents to meeting these targets are the River Basin Management Plans. Powys' planning area falls within the Severn District River Basin Management Plan area and the Western Wales District River Basin Management Plan.

Comments:

- this is not a policy but a statement. There is an absence of policy implementing the Habitats and Water Frameworks Directive:
- 'Quantity is measured on a good or bad status': quantity should obviously be measured on a quantity scale and then a careful and scientifically-informed assessment is required on how to translate this into "good" or "bad."

Specifically there is concern is over the increasing levels of Soluble Reactive Phosphate (SRP) in the river Wye and its tributaries, its effect on the environment, and compliance with both Water Framework (WFD) and Habitat Directives (HD). This has led to the creation of a Nutrient Management Plan for the Wye. Both Directives have "No deterioration" clauses. In Oct 2014 the Advocate General (AG) confirmed that it was unacceptable to have a plan that anticipates initial deterioration before any proposed improvement. SRP caused failure in 30 Wye water bodies in the 2013 assessment. This includes the Lugg and lower Wye SRP levels, which are in excess of the current prescribed limits for Special Areas of Conservation (HD) and well short of the UK Technical Advisory Group's proposed changes for next cycle of WFD (which if accepted by government will reduce the currently acceptable Phosphate level). There is a link between the 'Good Ecological Status' of the Water Framework Directive and the 'Favourable Conservation Status' (FCS) of the Habitats Directives. The former cannot be achieved without the attainment of FCS in the latter. This was not clearly understood by consenting and regulatory Agencies and particularly planning departments.

In 2015 the phosphate targets have been revised down by NRW in an attempt to clarify the need to achieve FCS. The number of water bodies failing has increased proportionally. Within the Ithon system, under the previous regime, there were 2 failing water bodies. In 2015 every section in this sub-catchment that is part of the Wye SAC assessed in 2014 is failing.

Powys, Herefordshire and Monmouthshire Councils, are considered to be 'Competent Authorities' under the Habitats and Water Framework Directives. This places the requirement on them to take into account the strictures and requirements of the Directives in any planning and other decisions. Failure to adhere to the WFD and HD runs the risk of infraction, with significant fines being passed on to the offending authority.⁴

Suggested addition to Policy DM1

"Development which could cause a deterioration in the status of a water body, or jeopardise the achievement of a good surface water status or good ecological potential and good surface water chemical status will be refused."

D5 The economic importance of PRoWs, Bridleways and National Cycle Routes

Powys LDP DM1 7 includes "All proposals for development must not compromise, or unacceptably adversely affect, either on their own or in combination with existing or approved development, the following:

ii. Important tourism assets and visitor attractions

- a. National Cycle Network routes.*
- b. National Trails.*
- c. Local Trails and public rights of way.*
- d. Montgomery canal.*
- e. Open access land and common land.*
- f. Royal Welsh Agricultural show ground.*

iii. Potential future routes along linear features such as former railway lines.

Powys enjoys more than 14,000kms of PRoWs, the largest network in any county. These are of inestimable benefit to public well-being and the tourism industry which accounts for over 12% of all registered businesses in Powys, as well as supplying vital income to local trades and village facilities and providing farm diversification. Day and staying visitors enjoy outdoor pursuits throughout the year and numbers, including international tourists, are increasing steadily.

National Trails: designated to showcase the best and most varied landscapes: Glyndwr's Way is entirely in Powys and one of only two Welsh National Trails. Offa's Dyke has substantial, and arguably the best, sections in the Welsh Marches.

Sustrans cycle routes: NCN 8 (Lon Las Cymru), 81 (Lon Cambria), 818, 825 (Radnor Ring/ Cylch Maesyfged) all have long sections in Powys and are widely promoted.

Long-Distance Horse Trails: Prince Llewellyn Ride; William Morgan Ride; Radnor Forest Ride (the three forming part of the south to north Great Dragon Ride); Red Dragon 160km international endurance ride near Builth; Cross Wales Ride; Trans Wales Trails (Pengenfford to Ynyslas) a long established and internationally known trail through some of the best of Mid-Wales landscapes; 19 day rides promoted by Powys CC.

⁴ Poultry and Planning- the Wye and Usk Foundation March 2015.

Regional Trails: e.g. Wye Valley Walk; Severn Way; Kerry Ridgeway; Ann Griffith's Walk; Cambrian Way (part in Powys); Epynt Way.

Multi Use paths: Montgomery Canal (walking and cycling); Epynt Way (open to walkers, riders and cyclists); 36% of PRoWs are open to riders as well as walkers.

Walkers-Are-Welcome Towns: Hay, Knighton, Talgarth, Llandrindod, Crickhowell and Montgomery are all members of this prestigious UK wide scheme promoting quiet enjoyment of the outstanding landscapes.

Landscape has economic as well as aesthetic and health value and this is nowhere more true than in Powys, where the overriding attraction for visitor and resident alike is outstanding unspoilt landscape, tranquillity and long panoramic views. The Draft LDP recognises these spectacular landscapes but consistently fails to embed protection measures into policy and development guidance. CPRW consider this a major omission, leaving landscapes open to serious degradation.

Powys is unequivocally marketed as: a '*stunning natural environment and expansive countryside; the most spectacular and unspoilt in Europe, a Mecca for outdoor pursuits*'⁵. Some 75% visitors come time and again and 10% invest in holiday homes with Mid Wales regularly rated as the top place to visit in Wales for its natural environment⁶. Increasing tourism value, sustainable tourism and all year round day and staying visits are the policy objective drivers for Powys. The UDP (TR2) is clear: '*... development of any kind which would have an unacceptable adverse effect upon the environmental setting of established tourist attractions will be opposed*'. The tourist attraction is the landscape; CPRW strongly urge that this is made explicit in the LDP alongside robust guidance to ensure protection from degrading development.

It is wholly unacceptable that developments adversely impacting on the enjoyment of PRoWs are weighed against the monetary 'mitigation' to be extracted from developers. CPRW deplores that actual harm to enjoyment of existing PRoWs and tourism businesses is ignored to secure questionable 'improvements'. Wind turbines are a particular case in point where there is a significantly adverse impact on equestrians and walkers that will result in a loss of visitors to the area who are unlikely to be replaced⁷. The LDP should be unequivocal: impacts on the PRoWs affected must be given full weight in the planning balance irrespective of any monetary advantage to Countryside Services.

Recent wind farm appeal Inspector reports have clearly cited, in reasons for recommending rejection, both the potential impact on even one business accommodating riders and walkers (Pentre Tump⁸) and the unacceptability of deterring any walkers or riders from enjoying proximate PRoWs (Mynydd Llanllwni⁹ in SSAG). These are legitimate constraints.

The Draft LDP recognises the potential of the Montgomery Canal as a significant tourist

⁵ Mid Wales Tourism Partnership Strategy 2011 www.tpmw.co.uk

⁶ Welsh Visitor Survey March 2012

⁷ Regeneris Consulting and The Tourism Company: A study into the Potential Economic Impacts of Windfarms and Associated Grid Infrastructure to the Welsh Tourism Sector 2014 (ref for North Powys Case Study paras 7.68/ 8.6 / p 120 and conclusions)

⁸ Appeal decision by Inspector Nixon (Jan 2014): Land at Pentre Tump, New Radnor paras 19 & 22

⁹ Inspector Emyr Jones: Land at Mynydd Llanllwni and Mynydd Llanfihangel Rhos y – Corn Commons (Jan 2014)

attraction. Given the network of exceptional resources listed above, it is extraordinary that the LDP fails to maximise on this wealth of opportunities for sustainable tourism. Integrated and clear guidance is required to protect Trails, PRoWs and NCNs from inappropriate and detracting development and to promote tourism growth.

CPRW strongly recommends imposing a buffer 'corridor' of several kms either side of National, Regional and promoted routes for walkers and riders. This would give particular regard to maintenance of their special qualities, particularly the long distance panoramic views, and protect tourism and recreation interests and, additionally, serve to enhance biodiversity.

CPRW regrets that the LDP only addresses tourism in terms of tourist attraction development; a concept that is largely antithetical to the special qualities that attract discerning visitors to Powys. Protective policies that relate specifically to sustainable rural tourism must be explicit in the LDP. We do not advocate a policy of no development but of appropriate development that supports the rural tourism economy and is sensitive to the landscape character, topography and rurality.

Transport

Rural connectivity is an important factor in the maintenance of rural life and a 10 year LDP should support the viability of rural communities and promote more sustainable transport options. We consider this can be best achieved through:

- flexible and regular bus links to market towns;
- protecting rail bed corridors from development;
- providing safe routes for walking and cycling wherever possible

These actions will support obligations under the Welsh Active Travel Act as well as rural tourism.

D6 Listed buildings and the Buildings at Risk Register

CPRW draws Powys County Council's attention to the Heritage Bill scheduled to be published 'in late spring 2015'. This may lead to a rather different approach as to how Scheduled Ancient Monuments and Listed Buildings are treated within the Local Authority framework. Most relevant to this is Cadw: Heritage Bill for Wales: Options for the Delivery of Local Authority Historic Environment Conservation Services in Wales. The suggestions that there should be standardised SPG's on the built heritage and that Powys could become part of a Mid-Wales grouping for the administration of Heritage matters may have far-reaching consequences, including consequences for the LDP.

D7 Monitoring, implementing and adapting the LDP

This document addresses monitoring the implementation of the Powys LDP, concentrating on the subjects of particular concern to CPRW. These subjects are: the Powys landscape, biodiversity, built heritage, rural communities and the importance of protecting and enhancing all these for the well-being and enjoyment of current and future generations. CPRW includes protection of important tourist assets, which cross-cut the subjects above, and provide enjoyment and education and bring sustainable economic benefits to Powys.

Information about monitoring is contained in:

- Strategic Environmental Assessment. Environmental Report Section 3,7 and Appx 4 where a monitoring framework for a number of Strategic Environmental Assessment topics is set out.
- LDP Appx 3 where 40 Annual Monitoring Reports are described. The AMR system takes 40

topics, each with a target outcome, and related to one or more of 16 LDP Objectives and one or more LDP policies. Some Objectives occur far more frequently than others. A Core Indicator is given for each target and indicator values are defined for triggering either internal investigation (mild problem), LDP review (serious problem), or other appropriate action.

Environmental Report Section 3 & Appendix 4

Unfortunately, the information in Baseline Data for each SEA topic is not collated with the SEA Monitoring Framework (ER Appx 4.)

The Baseline Data identifies current trends and some indicators that could be used for monitoring, while Appendix 4 sets out the sources of information to be used for monitoring in better detail. However the “task” in Appendix 4 is merely to review the information in order to identify change. There is no clear account of what degree of change is desirable or unacceptable and what positive action could be taken. Therefore it is not clear that there is a will to take effective action to remedy negative trends or encourage positive ones. The likely outcome is of time-consuming box-ticking reviews whose conclusions are conveniently shelved instead of being translated into planning decisions via strong policies.

It is particularly distressing that this omission occurs in the Environmental Report. This report says *“there are significant dangers of loss of habitat, loss of species, fragmentation of habitats, and isolation of species and extinction”*. The cumulative impacts of development on landscape and biodiversity are far-reaching. Clear prescriptive and protective policies with effective monitoring and adjustment are needed to prevent the creep in irreversible negative trends which happens when “each application is determined on its own merits”.

Some of the SEA topics are also incorporated into the annual monitoring report program (AMR: LDP appendix 3). Others are subject to 5 year review or review of ten year census data. LDP Appx 3 says *“A full review of the LDP will be commenced four years from its adoption”*. It must be explained what this will involve and how four-year monitoring will relate to the one-, five- and ten-year monitoring.

ER Section 7 (quoted in full) says:

“The Powys Local Development Plan, on adoption, will require an Annual Monitoring Report.

This will, in addition to monitoring implementation of the policies and proposals in the Plan, consider any changes to the environmental baseline included in Section 3 which could indicate that implementing the Powys LDP is having a significant environmental impact. In regard to monitoring the environment, Appendix 4 provides a detailed monitoring framework for the consideration of changes to the environment.

Other environmental information indicating significant changes to Powys environment may also be considered so that any unforeseen adverse impacts are identified at an early stage.”

This section needs improvement. There is no mechanism for considering changes to the ‘environmental baseline’ on an annual basis if the data are only reviewed five-yearly. We are entering a period of rapid deployment of new energy sources, backed by government policies. We will only learn the true consequences for our countryside as we go along. The vague wording of the third paragraph, combined with a five-year monitoring framework, gives no confidence that there will be a flexible response to major unforeseen impacts.

LDP Appx 3: Annual Monitoring Framework

This section is extremely difficult to read and assess in the format presented in the LDP. It would have been helpful if AMR & monitoring of SEA topics had been systematically incorporated into a single Monitoring Framework.

The principle problem is identifying the omissions and the sketchiness of monitoring for some topics compared with others. There is also a problem of what is being monitored – sometimes it is the failure of the policy itself to achieve the target and sometimes it is the failure of decision makers to implement planning policy. Reviewing the LDP will not necessarily improve decision making. Recruitment, training and motivation are needed for this.

In order to analyse these difficulties, the information is tabulated to show:

Table 1: which AMRs are assigned to each Objective.

Table 2: the monitoring process for each AMR with comments on potential problems.

Table 1 reveals the poor fit between objectives and the monitoring framework. In addition to the problems listed in Table 2, recommendations for particular topics are discussed under headings below. CPRW emphasises that monitoring of cumulative impacts of any type of development requires the establishment and meticulous maintenance of data bases of material information. Such data-bases are essential to the proper functioning of the planning process.

Biodiversity and soil (SEA topics)

- Missing indicator thresholds and effective actions must be described.
- Given rapid decline in habitats and species, the adequacy of 5-year monitoring should be reviewed.
- Lacking data for carbon storage soils which overlap with three s42 upland habitats, and are particularly relevant in SSAs. These should be obtained and monitoring should be implemented.
- For those developments where planning conditions require monitoring of impact on biodiversity, results should be reviewed and assessed for action.
- For those developments where habitats are created in mitigation or like-for-like compensation, the areas, success in establishing the habitat, and overall loss or gain in terms of quality and area should be reviewed and assessed for action.

Human Health (SEA topic)

- All nuisance complaints about noise, odour pollution, highways and transport impacts etc. of any development, including intensive farming and renewable energy developments, should be reviewed in the light of feedback sought from the aggrieved parties to improve the efficient relief, redress and future protection afforded by Powys Council responses.

Climatic Factors (SEA topic overlapping with AMR 8 & 9)

- flood risk to down-stream habitats, dwellings, assets etc. from development should be reviewed and assessed for action.

Water (SEA topic overlapping with AMR 5 & 8)

- there should be clear delineation of the responsibilities between NRW, who are described as “having the opportunity” to object, and the LPA. The impacts, individually and cumulatively, of large poultry and other intensive farming developments on water quality should be monitored for action annually.

Historic environment (SEA sub-topic overlapping with AMR 12 & 31)

- besides monitoring listed buildings at risk (AMR 12), risk to SAMs and other SEA indicators should be monitored more frequently than five-yearly to identify creeping negative impact.
- cumulative visual impact of development, for example wind turbines, pylons, solar installations, on the historic environment should be reviewed annually and assessed for action.
- Offa’s Dyke, as a unique linear monument, should be specifically included in AMR.

Landscape (SEA topic but notably absent in AMR list)

- protection and enhancement based entirely on reclassification of patchy and out-dated Landmap categories should be supplemented by other, more realistic indicators.
- a cumulative mapping system of wind turbines (as described in the WAG-initiated Blaenau Gwent capacity study), pylons, large poultry units and other major threats to landscape integrity should be established so that the cumulative impact on landscape can be reviewed and assessed for action.

Renewable and low carbon energy (AMR 33)

- Such a critical planning topic must receive proper attention. Imposing targets poses a considerable danger that pressure to meet targets will encourage uninformed case-by-case decisions with potentially disastrous, widespread negative consequences. CPRW reiterate that the imperative for targets has been removed and that they have no place in renewable energy planning.
- Monitoring of renewable energy projects which have been approved should be subdivided by renewable energy sources, with an appraisal of negative impacts. The categories and indicators for impacts of renewable energy impacts should be based on evidence from previous development. There should be clear mechanisms for taking responses from the public, wildlife organisations and other stakeholders into account.
- a more sophisticated and detailed approach to monitoring: appropriate location of RE installations and cumulative impacts on landscape, heritage, health and amenity and water resources is required
- the impact of biofuel installations and use of biofuels on biodiversity habitats should be monitored for appropriate action.

Tourism and public rights of way (no AMR topic but related to AMR 31)

- the LDP recognises that the unspoilt rural landscape must be protected as the prime tourist attraction and an important source of revenue and regeneration in Powys. Therefore it is inexcusable to confine monitoring of tourism to built tourist developments. The rural Powys landscape itself should be subject to more effective monitoring (see above).
- the landscape of Offa's Dyke corridor, as a particular tourist attraction containing the linear monument and National Trail, should be subject to protection and monitoring for action.
- the fabric and settings of Offa's Dyke and Glyndwr Way National Trails should be subject to annual monitoring for action.
- the fabric and environmental qualities enjoyed by the public of the entire Powys' network of PRoWs should be subject to annual monitoring for action.
- This should include specific annual monitoring for action of the fabric and environmental qualities enjoyed by horse-riders for the network of long distance bridleways, and by cyclists for the network of cycle routes.
- The monitoring for all the PRoWs mentioned above should include public representation, seeking feedback from stakeholder groups such as Powys Ramblers, Walkers-are-Welcome Towns, British Horse Society, Sustrans, walking festival organisers, and holiday businesses that depend on walking, riding and cycling.

Unauthorised Development (overlaps with most SEA & AMR topics)

- notification of unauthorised development from any source, the LPA response, and the outcome should be monitored for action on an annual basis.
- granting of retrospective planning permission should be monitored on an annual basis, with action to reduce substantially.

SPGs described in LDP Appendix 3

- Powys CC has given no indication that any new SPGs will be prepared on the basis of UDP Policy. WG's recent guidance (Carl Sargeant to Kirsty Williams AM 12.3.15), says that an SPG can only be prepared if a relevant and appropriate adopted policy is in place. The subject-matter of potential SPGs is under-represented in the Monitoring Framework and nor is it clear that there will be specific policies on which to base some much-needed items of guidance. PCC is evidently aware of a need for planning guidance to supplement the forthcoming LDP before even completing the LDP. Why, then, is that guidance not being integrated into the LDP, allowing a public consultation on the whole?

The overall monitoring framework in the 2014 Draft Deposit LDP does not bode well for preventing the progressive rate of deterioration of the Powys rural environment. CPRW trusts that it will be substantially reinforced in the forthcoming Draft Deposit LDP.

Landscape Table 1. LDP and Natural England Checklist P1

POWYS LDP 2011-2026: ASSESSMENT OF DRAFT LDP BY REFERENCE TO NATURAL ENGLAND CHECKLIST* FOR INTEGRATING THE INTENT OF THE ELC INTO PLANS, POLICIES AND STRATEGIES			
ALSO INCLUDING PPW7** REFS NOT REFLECTED IN THE LDP			
Natural England Checklist test:	ELC Article	LDP section	Comment & change recommended
1 Be clear in the use of landscape terms and definitions	1		
The plan, policy or strategy should			
Use/relate to definitions set out in the ELC			
Use the term landscape explicitly rather than other terms such as 'countryside', 'rural', 'natural environment' etc		Contents	No explicit reference to landscapes
		Page 3 last para	Powys' <i>natural</i> and built <i>heritage</i> .' - explicit reference to landscape required
		Page 9 2.25 - 2.27	'Environment' section needs to make explicit ref to landscapes of Powys - separate sub paragraph on landscape required & rename section e.g. 'Landscape and environment' as UDP. UDP 2.1.5 'Statutory designations may receive individual protection but the UDP starts out with the premise that all of the landscape and environment of Powys is of high quality, worthy of conservation, careful management and enhancement.' This commitment needs to be brought forward into the LDP.
		Page 16 para 2.3.1	Explicit reference to international policies required - including European Landscape Convention
		Page 16 para 2.3.3.	Paragraph needs to refer to PPW references to landscape conservation which include, for example: PPW 3.2.2 <u>Local planning authorities ... will also need to consider the effect of development on public amenity, the conservation of landscape</u> , habitat, wildlife, historic sites and listed buildings and their settings. Irrespective of whether they have to follow the determination procedures, developers intending to exercise their permitted development rights should also take these considerations into account. PPW 5.1.1 The natural heritage of Wales includes its geology, land forms and biodiversity and its natural beauty and amenity. It embraces the relationships between landform and landscape, habitat and wildlife, and their capacity to sustain economic activity and to provide enjoyment and inspiration. <u>The natural heritage and valued landscapes of Wales are not confined to statutorily designated sites but extend across all of Wales – to urban areas, the countryside and the coast.</u> Attractive and ecologically rich environments are important, both for their own sake and for the health and the social and economic well-being of individuals and communities. Biodiversity and landscape are important in the economic life of many communities and the quality of the environment is often a factor in business location decisions. PPW 5.1.2 <u>The Welsh Government's objectives for the conservation and improvement of the natural heritage are to:</u> <ul style="list-style-type: none"> • <u>promote the conservation of landscape</u> and biodiversity, in particular the conservation of native wildlife and habitats; • <u>ensure that action in Wales contributes to meeting international responsibilities and obligations for the natural environment;</u> THESE AND OTHER PPW RECOMMENDATIONS REGARDING LANDSCAPE CONSERVATION NEED TO BE REFLECTED IN THE TEXT OF THE DRAFT LDP.
		Page 16 para 2.3.3.	Further to comment above PPW7 (see Note 2 on Page 83) also states "The UK has signed and ratified the Council of Europe's <i>European Landscape Convention</i> . It came into force in the UK in March 2007. This convention defines landscape as 'an area, as perceived by people, whose character is the result of the action and interaction of natural and/or human factors'. The definition applies across the whole territory of member states and not only to areas which have been formally designated for protection. It includes urban and peri-urban landscapes as well as those in rural areas and on the coast, and 'everyday or degraded landscapes' as well as 'those that might be considered outstanding'. Member states undertake to integrate the landscape into their regional and town planning policies. Additionally, the convention stresses the importance of involving local communities in landscape protection, management and planning."
		Page 19 para 10	Paragraph needs to make explicit reference to landscape - not 'scenery'
		Page 19 para 13	Paragraph needs to refer to outstanding quality of all Powys landscapes and make explicit reference to protection as an objective

Landscape Table 1 p2

		Page 23 Vision	Vision - needs to make explicit reference to Powys landscapes - refers only to 'natural resources, native wildlife and habitats, heritage and distinctive characteristics' This point is supported in representations from, for example, Powys County Ecologist, Elan Valley Trust, Cambrian Mountains Society.
		Page 25 'Natural and built assets'	Change heading 'Natural and Built Assets' - explicit reference to landscape
		Page 25 Objectives 11-13	Section requires a specific objective regarding protection of landscape, which is currently, and wholly inappropriately, included under the heading 'built heritage'.
		Page 34 'Open Countryside'	The term 'open countryside' is established in the context of house building outside settlement limits, but these paragraphs are muddled and require greater clarity in terminology
3	Apply to all landscapes The plan, policy or strategy should: Apply to the entire area or place covered by the plan Apply to all landscape - outstanding or ordinary	2 Page 25 Objective 13	Remove reference to 'protected landscape s' - Powys has no protected landscapes. The LDP needs to make this point clear and also state unambiguously that policies are to apply to all landscapes with a requirement along the lines of the UDP Policy Env 2: 'POLICY ENV2 - SAFEGUARDING THE LANDSCAPE PROPOSALS FOR THE DEVELOPMENT AND USE OF LAND SHOULD TAKE ACCOUNT OF THE HIGH QUALITY OF THE LANDSCAPE THROUGHOUT POWYS AND BE APPROPRIATE AND SENSITIVE TO THE CHARACTER AND SURROUNDING LANDSCAPE. WHERE APPROPRIATE, ACCOUNT WILL ALSO NEED TO BE TAKEN OF THE SPECIAL QUALITIES OR REASONS FOR DESIGNATION OF THE BRECON BEACONS AND SNOWDONIA NATIONAL PARKS. PROPOSALS WHICH ARE ACCEPTABLE IN PRINCIPLE SHOULD: 1. CONTAIN APPROPRIATE MEASURES TO ENSURE SATISFACTORY INTEGRATION INTO THE LANDSCAPE; 2. NOT UNACCEPTABLY ADVERSELY AFFECT FEATURES OF IMPORTANCE FOR NATURE CONSERVATION OR AMENITY; AND 3. NOT RESULT IN SIGNIFICANT DAMAGE TO ANCIENT AND SEMI-NATURAL WOODLANDS AND SHOULD SEEK TO CONSERVE NATIVE WOODLANDS, TREES AND HEDGEROWS.'
		Page 38 Policy DM1 (11)	Qualifications of 'characteristics and special qualities' require clarification or, better, removal and more explicit references to application to all Powys landscapes. This point is supported by NRW who also recommend adding "and the visual amenity of users of those areas". NRW recommend a clarification of 'characteristics and special qualities' and a clear reference to Landmap as evidence base.
		Page 41 Para 4.2.15	Make explicit application to all landscapes, and remove or define the term 'special qualities'. Appropriate place to make reference to social, amenity and well being importance of landscapes. This paragraph is a partial reworking of the preamble to the UDP policy ENV2 but with the omission of the words 'It is also desirable to protect the countryside for its own sake wherever possible. Consequently, the Council recognises the need to reconcile the conflict that exists between development and the need to safeguard the landscape.' Although the terminology of the omitted section could be clearer, an unambiguous commitment to protection of landscape needs to be brought forward into this paragraph of the LDP.
2	Recognise landscape in a holistic sense The plan, policy or strategy should:	1 & 2 Page 41 Para 4.2.15	Appropriate place to make reference to e.g. social, amenity and well being importance of landscapes
	Recognise landscape in its own right	Page 3 Final para	Opportunity to observe these requirements
	Recognise landscape as a whole involving the interaction of natural, cultural and perceptual factors	Page 9 2.2.5 to 2.2.7	Opportunity to observe these requirements
	Recognise that landscape exists at all scales	Page 19 Para 13	Opportunity to observe these requirements
		Page 23 Vision	Opportunity to observe these requirements
		Page 25 Objectives 11-13	Opportunity to observe these requirements
		Page 26 Objective 16	Opportunity to observe these requirements

Landscape Table 1 p3

4	Understand the landscape baseline The plan, policy or strategy should:	6C		Impossible to comment on the implementation of the requirements 4-7 in the absence of SPG.
	Draw on the appropriate hierarchy and level of landscape knowledge (evidence)			
5	Involve people The plan, policy or strategy should:	5C, 6A, 6D		Impossible to comment on the implementation of the requirements 4-7 in the absence of SPG.
	Use appropriate techniques to involve people in: -identification and assessment of landscapes -understanding what is valued about any given landscape -establishing objectives for the landscape -establishing policies - for protection, management and planning -monitoring change			
	A decision will need to be made at the outset of the process about who to involve and when			
6	Integrate landscape The plan, policy or strategy should:	5D, 6D		Impossible to comment on the implementation of the requirements 4-7 in the absence of SPG.
	Promote multifunctional landscapes			
	Integrate landscape into all sectoral policies that have a direct or indirect influence on the landscape			
	Consider any defined landscape objectives for any given geographic area			
7	Raise awareness of landscape and seek opportunities for training/education The plan, policy or strategy should:	5C, 6A, 6B		Impossible to comment on the implementation of the requirements 4-7 in the absence of SPG.
	Seek to raise awareness of the importance/values of landscape -at all levels within the plan producing organisation -with partners - other organisations -with stakeholders -seek opportunities for training and education			
	Raising awareness can be an important part of the process of plan preparation and function of the plan itself			
	* http://publications.naturalengland.org.uk/publication/6361194094919680?category=31019			
	** http://gov.wales/topics/planning/policy/ppw/?lang=en "This is our land use planning policy for Wales and should be taken into account when preparing development plans." PPW7 itself reinforces the need for observance of the European Landscape Convention.			
	CONCLUSION: THE DRAFT LDP DOES NOT PROPERLY IMPLEMENT THE REQUIREMENTS OF:			
	1. ARTICLES 1 AND 2 OF THE EUROPEAN LANDSCAPE CONVENTION			
	2. PPW7 REGARDING LANDSCAPE AND LANDSCAPE PROTECTION.			
	THE TEXT OF THE DRAFT LDP REQUIRES AMENDMENT TO REFLECT THESE REQUIREMENTS. OUR CONCLUSIONS ARE SUPPORTED BY OTHER CONSULTATION RESPONSES. IT IS HOPED THAT SUPPLEMENTARY PLANNING GUIDANCE WILL ADDRESS REQUIREMENTS OF ARTICLES 5 AND 6 OF THE EUROPEAN LANDSCAPE CONVENTION AND IT IS IMPERATIVE THAT THE DRAFT SPG ON LANDSCAPE IS MADE AVAILABLE FOR PUBLIC CONSULTATION AT AN EARLY DATE.			
	ADDITIONAL POINTS			
1	For greatest clarity of purpose explicit landscape protection policies should be reflected in all aspects of the LDP, for example, in policies on renewable energies. This would reinforce the intention and assist the statutory consultees.			

Landscape Table 1 p4

² In the absence of specific references to landscape protection in individual policy sections which could address this point, the opening of Policy DM1 should be reworded to read 'All proposals for development must not compromise, or unacceptably adversely affect, either on their own or in combination with existing, approved and proposed development, the following...' This would reflect the policy with regard to cumulative impacts as enacted by the UDP.

Table 1. LDP Monitoring. LDP Objectives and associated Annual Monitoring Reports

LDP objectives to meet vision	Annual Monitoring from Appx 3
1 Meet future needs	AMR1 Distribution of housing growth AMR 2 Housing development in small villages AMR 3 Role and function of settlements AMR 11 Planning Obligations AMR 13 Disribution of Economic Development AMR 14 Supply of Employment Land/Development AMR 15 Transport Infrastructure provision AMR 16 Housing Supply AMR 17Housing Completions AMR 18 Commitments AMR 19 Windfall contribution AMR 20 Conversions AMR 21 Rural enterprise worker dwellings AMR 22 Housing Development Density AMR 23 Affordable Housing Delivery AMR 24 Exception sites AMR 26 Removal of Conditions AMR 27 Gypsy Travellers Accomodation
2 Sustainable settlements and communities	AMR1 Distribution of housing growth AMR 2 Housing development in small villages AMR 3 Role and function of settlements AMR 11 Planning Obligations AMR25 Householder Development
3 Efficient use of land	AMR 4 Efficient use of land AMR 36 Sterilisation of Mineral resources
4 Climate change and Flooding	AMR 8 Flood Risk AMR 9 Climate Change and Flooding AMR 32 Waste
5 Energy and water	AMR 5 Environmental quality - Water AMR 33 Renewable and Low Carbon Energy AMR 34 Solar Energy
6 Vibrant economy	AMR 13 Disribution of Economic Development AMR 14 Supply of Employment Land/Development AMR 28 Retail Development AMR 29 Town Centres AMR 30 Neighbourhood Retail
7 Key economic sectors	AMR 13 Disribution of Economic Development AMR 14 Supply of Employment Land/Development

8 Regeneration	AMR 11 Planning Obligations AMR 13 Distribution of Economic Development AMR 14 Supply of Employment Land/Development AMR 28 Retail Development AMR 29 Town Centres
9 Infrastructure and Services	AMR 11 Planning Obligations AMR 15 Transport Infrastructure provision AMR 30 Neighbourhood Retail
10 Important Assets	AMR 38 Resources-Minerals AMR 39 Aggregates Capacity AMR 40 Material Assets - Sennybridge Training Area
11 Natural Heritage	NO AMR
12 Resources	AMR 35 Crushed Rock Aggregates AMR 37 Future extraction from Dormant Mineral Sites AMR 39 Aggregates Capacity
13 Built heritage	AMR 12 Environmental Quality - Built Heritage
14 Healthy Lifestyles	AMR 6 Open Space AMR 7 Greenfield sites/Loss of Open Space
15 Welsh Language and Culture	AMR 10 Welsh Language
16 Community well-being	AMR 30 Neighbourhood Retail
X NO OBJECTIVE	AMR 31 Tourism Development

Table 2. LDP Monitoring columns 1-3 (to be matched up to columns 4-6)

Annual Monitoring Topics	Annual Monitoring from Appx 3	Internal research/review (annual)
AMR1 Distribution of housing growth	%in each tier	little difference between tiers
AMR 2 Housing development in small villages	small village housing	permission(s) contravening policy
AMR 3 Role and function of settlements	role and function of settlements	
AMR 4 Efficient use of land	40% on brownfield sites	<40%
AMR 5 Environmental quality - Water	by 2027,surface=good/better, ground=good	deterioration <10%
AMR 6 Open Space	settlement has required OS in each typology	no increase proportionate to devt
AMR 7 Greenfield sites/Loss of Open Space	minimal devt on greenfield land (allocated sites excepted)	> 10% on greenfield
AMR 8 Flood Risk	devt in flood plain does not meet all TAN 15 tests	5-10% approved vs NRW advice
AMR 9 Climate Change and Flooding	all devt incorporates SUDS	<95% incorporate SUDS
AMR 10 Welsh Language	no loss welsh speakers/ pl.app.mitigation in strongholds	no.of speakers/stronghold pl.apps
AMR 11 Planning Obligations	developer contributions received	"for monitoring" including pooling
AMR 12 Environmental Quality - Built Heritage	no. and % listed buildings on risk data base	increase 0 -194
AMR 13 Disribution of Economic Development	allocated employment land meets needs	non-allocated employment devt
AMR 14 Supply of Employment Land/Development	no net loss of employment land	net loss in classes B1,B2,B8
AMR 15 Transport Infrastructure provision	improvements to transport infrastructure	
AMR 16 Housing Supply	TAN1 maintain minimum of 5 year land supply for housing	5-6 years
AMR 17Housing Completions	2011-2026: 240 market & 60 affordable dwellings p.a	10% -25% shortfall
AMR 18 Commitments	no. of planning permissions for dwellings	
AMR 19 Windfall contribution	no. planning permissions for dwellings on windfall sites	
AMR 20 Conversions	no. market and affordable dwellings from conversions p.a	
AMR 21 Rural enterprise worker dwellings	no. rural enterprise dwellings & type enterprise p.a	
AMR 22 Housing Development Density	development to meet settlement hierarchy guide ranges	
AMR 23 Affordable Housing Delivery	no. & % affordable housing in price areas vs targets	within 5% or not meeting need: review targets
AMR 24 Exception sites	no. of affordable dwelling in exception brackets	
AMR25 Householder Development	% ancillary devt which not extensions	90% to 60%
AMR 26 Removal of Conditions	contributions for discharging or varying conditions	
AMR 27 Gypsy Travellers Accomodation	no. of permissions for sites and pitches	
AMR 28 Retail Development	%s of permitted major devt for retail, offices & leisure	any out of town centre
AMR 29 Town Centres	primary,secondary frontages: non-conforming use/vacancy	if unacceptable
AMR 30 Neighbourhood Retail	loss of neighbourhood/village shop/service	any loss
AMR 31 Tourism Development	data re tourist facility applications and Montg. canal	
AMR 32 Waste	% waste recycled, landfill, energy diversion vs targets	ratio recycling to landfill: 0 - 5% deteriortion
AMR 33 Renewable and Low Carbon Energy	2016-2026: renewable electricity/heat &% in SSAs p.a	25% to75% variation from 50MW/100MW p.a
AMR 34 Solar Energy	no. permissions for devt 5MW or over p.a	1-4 permissions >5MW or over p.a
AMR 35Crushed Rock Aggregates	amount Cr. Rock Aggregates to S.Wales regional supply p.a	25% to 75 % target
AMR 36 Sterilisation of Mineral resources	area commercial-interest Min R land sterilised by devt	0-25Ha
AMR 37 Future extraction from Dormant Mineral Sites	no. listed sites where extraction not likely to recommence	constant no.
AMR 38 Resources-Minerals	no. incompatible permissions in mapped buffer zones	1 or more
AMR 39 Aggregates Capacity	MTAN: no. aggregates permissioned as % required capacity	1 or more permissions
AMR 40 Material Assets - Sennybridge Training Area	continued occupation of Training area	no. permissions <100%

Table 2. LDP Monitoring columns 4-6 (to be matched up to columns 1-3)

consider LDP review (annual)	other action/other timescale	comment
disproportionate in lower tiers		useful review
permission(s) contravening policy		measure of implementation of policy not efficacy of policy
	await 4 yearly LDP review	no mechanism for 'community feedback'
<40%		
deterioration > 10%		potential for year on year deterioration
overall loss of OS		potential for year on year loss proportionate to devt.
>20% on greenfield		potential for year on year loss proportionate to devt. Muddled with AMR 4,6?
>10% approved vs NRW advice		measure of implementation not efficacy of policy. No control of threat to downstream locations
<90% incorporate SUDS		measure of implementation not efficacy of policy. SuDS or SUDS (urban devt only)?
		pointless because no action specified
		purpose of monitoring not described
increase > 194		potential for year on year loss. The target is to reduce, not to avoid increase
	involve WAG/private sector/groups etc	how reconcile annual report with plan over whole LDP period?
	involve WAG/private sector/groups etc	
if lack of permissions indicates		non-specific
	>5 years -> actions to increase	
	25% shortfall ->actions to increase	
	monitoring housing over LDP period	how reconcile annual report with plan over whole LDP period?
	monitoring housing over LDP period	how reconcile annual report with plan over whole LDP period?
5 dwellings with none affordable		
>1 /enterprise or not land-based	consider SPG	
below: reconsider guide ranges	monitoring housing over LDP period	
no affordable housing: full plan review	consider LHMA & SPG	
	nos for 5 years: consider policy review	5 years into LDP may be late to respond to no permissions
< 60%		
policy unachievable or unused		no clear target
needs not met -> consider allocation		
	involve WAG/private sector/groups etc	
	involve WAG/private sector/groups etc	
	involve WAG/private sector/groups etc	
if many refusals		refusals may be justified
ratio >5% deterioration		maths of this unclear due to target change "by 2019" etc
>75% variation from 50MW/100MW p.a		no proper data collection of types, impacts ,really renewable or not
5 plus permissions p/a		measure of implementation not efficacy of policy
<25% target		
>25 Ha		
increased no.		why investigation if no change?
		measure of implementation not efficacy of policy
		units of Area or permissions?
decline in use of Training Area		unclear what type of permissions (<100%) referred to