

## BRECON BEACONS NATIONAL PARK AUTHORITY

Dear Member

A meeting of the **NATIONAL PARK AUTHORITY** will be held via Public I ([link](#)) **ON FRIDAY, 28TH MAY, 2021 AT 10.00 AM** when your attendance is requested.

Yours sincerely

Stephanie Evans

Transition Director

**PLEASE NOTE THAT THE NATIONAL PARK AUTHORITY FILMS AND  
WEBCASTS ALL ITS PUBLIC MEETINGS LIVE -**  
<http://www.breconbeacons.public-i.tv/core/>

### Fire Evacuation Advice

**In the event of a fire, please exit the building via the main staircase,  
and assemble in the car park at Assembly Point 3**

#### **1 CORRESPONDENCE**

To receive and consider the attached Schedule of Correspondence and any recommendations thereon (below).

#### **2 DECLARATIONS OF INTEREST**

To receive any declarations of interest from Members relating to items on the agenda. Members' attention is drawn to the sheet attached to the attendance sheet and the need to record their declarations verbally and in writing, specifying the nature of the interest.

**If Members have declared an interest in an item please ensure that you inform the Chair when you are leaving the room, so that this can be recorded in the minutes.**

**3 MINUTES (Pages 5 - 16)**

1. To approve the following minutes and authorise the Chair to sign them as a correct record:

National Park Authority – 16<sup>th</sup> April 2021

2. To receive the following minutes:

Audit and Scrutiny Committee – 29<sup>th</sup> January 2021

**4 PUBLIC SPEAKING**

To give opportunity for members of the public to address the meeting in accordance with the Authority's Public Speaking Scheme.

**5 CHAIRMAN'S ANNOUNCEMENTS**

To receive a verbal report on meetings and events attended by the Chairman since the last meeting of the Authority.

**6 TRANSITION DIRECTOR'S ANNOUNCEMENTS**

To receive a report from the Transition Director on meetings attended and progress made on Authority business since the last meeting of the Authority.

**7 EVIDENCE POSITION STATEMENT (Pages 17 - 26)**

**8 INTERIM SUPPLEMENTARY PLANNING GUIDANCE: RETAIL CENTRES (Pages 27 - 36)**

**9 MEMBER REPORTS**

To receive any reports from members.

**10 GIFTS & HOSPITALITY**

**11 ACCESS TO INFORMATION**

**RECOMMENDATION:** to exclude the press and public from the meeting during consideration of item 12 in accordance with section 100A of the Local Government Act 1972, as amended, on the grounds that it involves the likely disclosure of exempt information as defined in paragraph 14 of Schedule 12A to the Local Government Act 1972.

**12 RECRUITMENT OF ECOLOGIST (POLICY) (Pages 37 - 44)**

**13 ANY OTHER BUSINESS**

Any other business that the Chair considers of sufficient urgency and has been notified to him in advance.

**SCHEDULE OF CORRESPONDENCE**

1. To receive apologies for absence
2. Such other correspondence as, in the opinion of the Chairman, is of such urgency as to warrant consideration.

Any enquiries about this agenda should be addressed to Julia Gruffydd or Angharad Hawkes 01874624337

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**MINUTES OF BRECON BEACONS NATIONAL PARK AUTHORITY NATIONAL  
PARK AUTHORITY HELD AT CONFERENCE ROOM, PLAS Y FFYNNON,  
CAMBRIAN WAY, BRECON LD3 7HP ON FRIDAY, 16TH APRIL, 2021**

**PRESENT:**

**Powys**

Cllr Ratcliffe (Chair), Cllr M Jones, Cllr E Roderick and Cllr McNicholas

**Monmouthshire**

Cllr A Webb

**Carmarthenshire**

**Merthyr Tydfil**

Cllr M Colbran

**Rhondda Cynon Taff**

Cllr G Thomas

**Torfaen**

Cllr S Evans

**Blaenau Gwent**

Cllr J Hill

**Members appointed by the Welsh Government**

Mr Christopher Coppock, Mr James Marsden, Liz Davis, Canon Aled Edwards, Sue Holden and Mr Julian Stedman

**In Attendance**

Angharad HawkesStephanie Evans, Transition Director  
Julia Gruffydd, Democratic Services Manager

**Apologies**

Cllr James Evans and Cllr A James

#### **43/21 Correspondence**

Note: The meeting experienced significant technical difficulties with members losing connection. The meeting remained quorate throughout.

Apologies were noted.

A minute's silence was held in memory of HRH The Duke of Edinburgh.

#### **44/21 Declarations of Interest**

No declarations of interest were made.

#### **45/21 Minutes**

**RESOLVED: To approve the minutes of the Authority meeting held on 30 March 2021 and authorise the Chair to sign them as a correct record.**

#### **46/21 Public Speaking**

There were no requests to speak.

#### **47/21 Chairman's Announcements**

The Chair lost connection for this item and was unable to give an update.

#### **48/21 Chief Executive's Announcements**

The Transition Director had circulated a report to members in advance of the meeting which was warmly received by members.

Members requested updates on new staff appointments with an opportunity to meet them. The Transition Director suggested that a standing item be added to Authority agendas to address this.

#### **49/21 Evidence Position Statement**

Members considered a draft Evidence Position Statement, which they noted would need editing for typographical errors.

It was noted that the risk of judicial review should have been included in the risk section.

Members debated the concept of 'lived experience' as evidence when developing policy, with support for the sentiment as well as concern that this did not constitute evidence and required the Authority to make a value judgement. It was also felt that this might become more relevant at the implementation stage as part of engagement with people.

The Transition Director suggested excluding this from the Position Statement as lived experience needed to be considered in context, although could be part of a list of criteria. The Principal Planning Officer advised that its inclusion was in response to work carried out on the Local Development Plan which had been held up as an example of good practice, although not supported as evidence by Welsh Government.

**RESOLVED: To defer a decision on the Evidence Position Statement pending further discussion at the next meeting of the Policy Forum.**

#### **50/21 Regional Technical Statement 2nd Review**

The Chair welcomed Hugh Towns to the meeting, Regional Minerals and Waste Planning Manager with Carmarthenshire County Council, who asked the Authority to endorse the Regional Technical Statement in order to ensure a (reduced) supply of aggregates for the building industry.

The Chair of Planning, Access and Rights of Way Committee thanked Mr Towns for his support, particularly in relation to Penderyn Quarry. He suggested the Authority 'noted' the report rather than endorsing it as while they did not want to end extraction, this should be done only when necessary. The Principal Planning Officer confirmed that the circumstances for extraction were set out by Welsh Government in national planning policy.

**RESOLVED:**

- a) To note the publication of the Regional Technical Statements for the North Wales and South Wales Regional Aggregate Working Parties 2nd Review, September 2020 Main Document and Appendix B (South Wales);**
- b) Provide delegated authority to the Head of Planning to negotiate on behalf of the National Park Authority in the preparation of a Statement of Sub-Regional Collaboration for the Cardiff City sub-region.**

#### **51/21 Placemaking Charter**

Members were asked to formally sign the Placemaking Charter as the National Park Authorities for Wales.

Asked whether the Authorities should embed this in their strategic policy documents rather than having a separate charter the officers advised that having approval from individual organisations sent a strong message to raise the bar.

Concern was expressed that the Charter would not help to empower disadvantaged communities and that it risked creating further gaps. The Transition Director advised that placemaking was mandated as part of planning policy and this charter sent a strong message to Welsh Government that the Authority was strengthening its Local Development Plan and other policy making.

**RESOLVED:**

- a) **To grant approval to sign the charter as one part of the three National Park Authorities;**
- b) **Formally recognise the approach to implementing the charter to complement local and national planning policies.**

**52/21 Remote Meetings & Urgent Decisions**

The Monitoring Officer presented a proposal to adopt a permanent Standing Order to enable the Authority to continue to meet virtually, or via hybrid means. This would also comply with recent Welsh Government legislation to enable any member or member of the public to attend a public meeting remotely.

Concern was raised that the Authority should not continue to meet virtually, and the Democratic Services Manager advised that this legislation would facilitate good attendance for members who might not otherwise be able to attend, due to other commitments, caring responsibilities or travel arrangements. Hybrid meetings would, however, require further investment in technology, which she was currently exploring.

Asked about paragraph 30.6.4 and the potential need to disclose if a member's family entered the room during an exempt item, the Monitoring Officer advised that this could be addressed by members using headphones.

**RESOLVED: To adopt permanent Standing Orders to facilitate (i) decision making using virtual meetings of the Authority, subcommittees, forums and other working groups and (ii) public attendance and speaking.**

**53/21 Member Reports**

Members received a report from the Heritage Champion on progress with the Historic Environmental Action Plan.

**54/21 Gifts & Hospitality**

No declarations were made.

**55/21 Access to Information**



The Chair advised that while the exempt paper had been pulled from the agenda, the Transition Director had requested the opportunity to brief members on the reasons for this. It would conclude the public part of the meeting.

**RESOLVED: to exclude the press and public from the meeting during consideration of item 14 in accordance with section 100A of the Local Government Act 1972, as amended, on the grounds that it involves the likely disclosure of exempt information as defined in paragraphs 12 and 14 of Schedule 12A to the Local Government Act 1972.**

The Monitoring Officer declared a personal and prejudicial interest in this item and left the meeting.

#### **56/21 Addition to the Establishment**

The Transition Director briefed members on the decision of the Appointments Committee to pause recruitment of the Head of Landscape and Nature Recovery and the Head of People and Communities to enable the incoming CEO to consider the composition and level of the future leadership team. Discussion with the CEO would include consideration of the roles of Monitoring Officer, legal support and Data Protection Officer which had been the subject of the report removed from this agenda. She highlighted some risks associated with this decision.

Members were supportive of her proposals and noted the briefing

#### **57/21 Any Other Business**

There was no further business.

Signed as a correct record  
Chairman of the National Park Authority

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# Public Document Pack

## MINUTES OF BRECON BEACONS NATIONAL PARK AUTHORITY AUDIT AND SCRUTINY COMMITTEE HELD AT CONFERENCE ROOM, PLAS Y FFYNNON, CAMBRIAN WAY, BRECON LD3 7HP ON FRIDAY, 29TH JANUARY, 2021

### **PRESENT:**

#### **Blaenau Gwent**

Cllr J Hill

#### **Powys**

#### **Monmouthshire**

Cllr A Webb (Deputy Chair)

#### **Merthyr Tydfil**

Cllr M Colbran

#### **Rhondda Cynon Taff**

Cllr G Thomas

#### **Torfaen**

Cllr S Evans

#### **Members appointed by the Welsh Government**

Mr James Marsden, Mr Christopher Coppock and Canon Aled Edwards

#### **In Attendance**

Julia Gruffydd, Democratic Services Manager  
Mr Julian Atkins, Chief Executive  
Elaine Standen, Finance Manager

#### **Apologies**

### **1/21 Correspondence**

The Chair welcomed all to the meeting and in particular Chris Hyde from Cooke and Arkwright.

He thanked the Chief Executive for his work with the committee and wished him well in his future career. He also paid tribute to Planning Officer (Policy) who had left the Authority to take up another post.

## **2/21 Declarations of Interest**

There were no declarations of interest.

## **3/21 Minutes**

Some corrections to attendance were noted and would be amended before publication.

**RESOLVED: That the minutes of the Audit and Scrutiny Committee held on 23 October 2020 be approved and the Chair authorised to sign them as a true record.**

A member reminded the CEO that he had been asked to bring a report with details of the full costs, including financial and reputational costs, of the cyber security incident. The CEO noted this action and said it would be relevant to bring it with the Statement of Accounts.

The Democratic Services Manager was asked whether Welsh Government members could expect to be issued with Authority devices. The officer responded that tests on devices were currently being carried out and advice would be issued soon.

A member advised that the Authority did not take matters arising from the minutes and officers confirmed this from Standing Orders. Several members felt that this should be put on all committee agendas and asked that the Governance and Member Development Working Group review this.

## **4/21 Public Speaking Scheme**

There were no requests to speak.

## **5/21 Access to Information**

**RESOLVED: to exclude the press and public from the meeting during consideration of items 6 and 7 in accordance with section 100A of the Local Government**

**Act 1972, as amended, on the grounds that it involves the likely disclosure of exempt information as defined in paragraph 14 of Schedule 12A to the Local Government Act 1972.**

The meeting went into closed session at this point.

## **6/21 Property Report**

Mr Hyde presented a review of the Authority's property assets and records together with a draft Asset Management Plan and Property Gazetteer. He hoped this would provide a steer on assessing assets for retention or disposal. He highlighted the concept of natural capital becoming more prominent in discussions on assets. A flow chart had been provided which could be used flexibly to assets sites. Members welcomed this report as a useful way forward for the Authority.

A member made the point that land previously viewed as low value could be recognised for its potential in addressing the carbon budget, payment for ecosystem services and phosphate levels; in this respect the report was already out of date.

Mr Hyde advised on his methodology and photographic records. He offered to add links from each asset to open up additional detail. Asked about the use of an engineering company Mr Hyde advised that they had acted independently but with instruction from Cooke and Arkwright, and that the figures quoted for necessary works represented the worst case scenario. He would always advise the Authority to go out to tender on such works. The CEO confirmed that officers had always challenged costs and would seek the best value for the Authority. A member felt that Cooke and Arkwright could be very helpful to the Authority in respect of identifying opportunities for investment in land to help nature recovery. Mr Hyde agreed that they could assist in offsetting carbon credits with landowners if they could work closely with officers to identify what was needed.

The Chair of Policy Forum invited Mr Hyde to attend the April Policy Forum where they would be discussing payment for ecosystem services, and asked the CEO to send details.

**RESOLVED: To note the report.**

## **7/21 Legal Risk Register**

Members considered the high level legal risks to the Authority and asked questions to the CEO. Mr Hyde advised that the land registry issues had been dealt with and the spreadsheet needed to be updated.

The Chair thanked Mr Hyde for attending the meeting.

**RESOLVED: To note the current high level legal risks and the actions being undertaken to mitigate the risks highlighted.**

The meeting returned to public session at this point.

## **8/21 Budget Performance and Project Financial Management Q3**

Members received the quarter 3 financial monitoring report and noted the positive news about funding in 2021/22. She highlighted examples where receipt of grant monies had impacted on cashflow, and addressed questions from members on project profiling and capital budget.

A member reiterated the need for a capital investment programme for the next financial year. The CEO confirmed that he and the Finance Manager were working on such a plan to sit alongside the budget, which would demonstrate how the Authority would use money from Reserves to progress work. He anticipated that the Welsh Government would invite further funding bids under the Sustainable Landscapes Sustainable Partnerships scheme although there was no timeline for this as yet.

The Finance Manager expanded on the use of reserves for specific projects. She also advised that there could be over and under spends in the last quarter due to the level of third party funding arrangements affecting cashflow. A member commented that this could be addressed by using resources to underpin this and the office agreed that core expenditure would always be in credit. The CEO assured members that while earmarked reserves were ring fenced to particular workstreams such as the Local Development Plan, the general reserves provided could be used for additional work to progress purposes.

**RESOLVED: To note the report.**

## **9/21 Internal Audit update**

It was noted that Helen Cargill from TIAA, the Authority's internal auditors, had attempted to join the meeting but technology had not allowed her to do so.

The Finance Manager reported that TIAA were about to deliver the final element of this year's plan and were working with officers on the plan for 2021/22.

## **10/21 Integrated Assurance Framework and Risk Register**

The CEO presented the Quarter 3 performance management and risk reports.

A member stated that while climate and nature were featured this was not sufficiently prominent, and should also include flooding and healthy ecosystems as subsets. He also highlighted the risk of phosphate levels to the Local Development Plan and National Park Management Plan development. The CEO advised that the risk register included only those risks that the Authority was able to control and mitigate, but he agreed that climate and nature needed a higher profile.

A member commented that the risk register as presented was easier to read than in previous reports but noted an increase in high level risks. The CEO advised that in line

with members wishes the report included only the high level risks, and that this was not the full register.

**RESOLVED: To note the reports.**

**11/21 Complaints and Freedom of Information Requests**

Members received the Quarter 3 reports on complains and Freedom of Information requests.

**12/21 Other Business**

No further business had been notified but there was a short discussion on whether additional visitor sites should be closed in the west of the Park. The CEO advised that they had not been asked to do this by the police, unlike the sites in the Central Beacons.

The Chair thanked all for their contributions and closed the meeting.

Signed as a correct record  
Chairman of the Audit and Scrutiny Committee

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## Evidence Position Statement

<b>Name of Committee</b>	National Park Authority
<b>Date</b>	28 <sup>th</sup> May 2021
<b>Report Author</b>	Helen Lucocq
<b>Job title</b>	Strategy and Policy Manager
<b>Contact Details</b>	Helen.lucocq@beacons-npa.gov.uk
<b>Purpose of Report</b>	To seek member endorsement of the attached Evidence Position Statement
<b>Single Integrated Assessment</b>	<b>N/A</b>
<b>List of Enclosures</b>	<b>Enclosure I Evidence Position Statement</b>
<b>Public Interest Test</b>	<b>N/A</b>
<b>Recommendation(s)</b>	<b>a) That Members endorse the <i>Evidence Position Statement</i> as the position of the Authority</b>

### 1.1 Introduction or Background

The Authority is responsible for the development of policy which seeks implementation of our purposes and duty across the National Park area. It is imperative that all policy development is based upon a clear understanding of the best evidence we have available to us. This is both a statutory requirement, relating to the environmental assessment of plans and programmes and habitats regulations, but also a founding principle of our designation as an International Union for the Conservation of Nature (IUCN) Category V landscape.

As we progress development of NPMP21 and LDP2 it is timely to publicly define our position as an 'evidence led' organisation through the adoption of an 'Evidence Position

Statement' (Enclosure I to this report). This statement will seek to ensure that all parties (internal and external) involved in the development of the LDP/NPMP are clear that policy is driven by a known robust evidence base.

Members will recall that the Evidence Position Statement was presented to their meeting of the 16<sup>th</sup> of April for endorsement. At that meeting it was determined that there were elements of the Position Statement which could hold the Authority to challenge if endorsed. Officers considered Members view points, including those developed through discussion at Policy Forum (30/4/21) revisions have been made to the Position Statement, as detailed at Enclosure I to this report.

## **1.2 Proposals**

The Evidence Position Statement creates the foundation upon which we undertake policy development. It sets out the Authority's approach to acquiring, managing, and using evidence in support of strategic policy development. It proposes that the evidence we utilise to formulate policy should be: -

- Methodologically robust, subject to quality assurance through peer review where possible
- Fully documented
- Accessible to all
- Timely and up to date
- At the right scale for intended use.
- Compliant with all regulatory control regarding use of personal data.

It is also proposed that as an organisation we commit to investing in the human capital of our staff to maintain high standards for data collection and analysis, it therefore proposes that the Authority:-

- Maintains the analytical and research skills of its employees by
  - o Supporting career development in specialist fields
  - o Include data maintenance as key objective within Performance Management Reviews (PMRs)
  - o Supporting attendance at key conferences, including promotion of our work as key speakers.
  - o Supporting relevant university placements for staff both as researchers/lecturers and students.
- Maintain our research prospectus and key work with partner research establishments
- Invest in our data storage software and train staff in its effective use.
- Invest in our data analysis and presentation skills

In adopting this Position Statement we do so with the knowledge that it is part of our role as the regulating Authority to ensure that all those who have a stake in the development of the policies and strategies are clear of the issues facing the park. We

must seek to ensure that evidence is clearly articulated and that difficult issues are explained for consumption by non-experts. For this reason the Position Statement also includes objectives to ensure close working relationships between communications and specialist officers.

The Position Statement also acknowledges that the Authority utilises a range of evidence sources in its policy development, some of which are more robust than others (see Appendix I of Enclosure I). The position statement seeks to enable those less able to engage with formalised data to be able to contribute to policy development through our own action as researchers working in the public interest.

### **I.3 Implications**

Endorsement of this statement will provide a clear position relating to policy development. Moreover, adoption of the statement commits the Authority to supporting the analytical and research capabilities of our staff body in the interest of improving the quality of our policy outputs

### **I.4 Risk**

Policy development based on weak or no evidence is unlikely to be effective, pass external scrutiny (such as the LDP examination) or achieve our objectives. It also places the Authority at risk of successful Judicial Review. The Position Statement allows the Authority a legitimate mechanism to dismiss calls for policy interventions based on unsubstantiated belief systems or political pressures.

### **I.5 Conclusion**

The Authority is reliant on up-to-date robust evidence to ensure that future policy interventions are sound. The proposed Evidence Position Statement provides a mechanism by which we establish the significance of evidence to the policy making process, and commit to investing in the research and analytical skills of our staff. It provides a mechanism for rejecting calls upon our policy making which is unsubstantiated or refuted by our evidence base.

## **RECOMMENDATION(S):**

- a) That Members endorse the *Evidence Position Statement* as the position of the Authority**

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## **BBNPA POSITION STATEMENT ON: Evidence at BBNPA**

### **DATE APPROVED:**

**Author:** Paul Funnell

### **Contributing reviewers:**

Helen Lucocq  
Christopher O'Brien

### **Our Position:**

The purpose of this Position Statement is to outline the Brecon Beacons National Park Authority's approach to acquiring, managing, and using evidence in order to help deliver the objectives and outcomes of the BBNPA Management Plan and Local Development Plan.

The BBNPA creates policy, strategy and resulting work programmes, based on the best available evidence we can access. We source and analyse evidence to enable us to develop our policies, working practice and to support our advocacy. Use of sound evidence is fundamental to the reputation of the BBNPA.

The BBNPA evidence base must span the full remit of activity across our programmes of work. It will be used to inform all requisite statutory assessments and appraisals of our plans and proposals such as Strategic Environmental Assessment, or Habitats Regulation Assessment.

We gain our evidence from a wide range of sources including peer reviewed journals, published articles and reports, commissioned studies, expert advice, research by our own officers or data from our citizen science projects including analysis of our citizen assembly findings.

Where BBNPA has generated evidence, it should be:

- Scientifically robust (with adequate quality assurance and peer review where possible)
- Fully documented (with metadata and a specified data owner)
- Accessible and easy to interrogate
- Timely/up to date
- At the right scale for intended use (local, regional, national, international)
- Compliant with legal data protection requirements
- Made freely available whenever possible



Our evidence base should be fit for purpose. The standard of evidence required will vary according to its intended use, and we will use the most cost-effective evidence required in order to achieve its purpose. We will evaluate evidence to ensure that it is of appropriate quality for its intended use (see Appendix I).

In saying this, we acknowledge that in developing policy and actions based on evidence findings, we must be mindful of the lived experience of people who live, work in and visit the National Park. We will ensure that collaborative policy development includes robust mechanisms for including our communities' voices within decision making.

### **What we will do and are doing:**

We will **maintain our scientific and technical skills** - keeping up to date with latest developments in our fields of expertise and expanding our knowledge. To achieve this, we will:

- Support career development and maintaining knowledge in specialist fields.
- Include maintenance of data and analysis skills within objectives for all relevant staff.
- Support attendance at key conferences and encourage conference talks/posters.
- We will allocate time for relevant university placements, lecturing/research supervision and post-graduate qualifications to BBNPA staff.

We will also ensure that staff have adequate access to scientific literature and relevant journals.

Building on work to date, will **maintain existing links with key universities and research institutes** that work in our fields of interest to increase access to cutting edge research, share BBNPA expertise, offer student research opportunities and build a portfolio of practical demonstration projects.

We will **invest in data storage, management, and distribution** so that our staff and volunteers can readily contribute to and access our databases. We will keep our systems up to date and ensure that we **fund routine maintenance** of our existing databases. We will maintain and build on our Service Level Agreement with BIS (the Biodiversity Information Service for Powys and the BBNP). We will also **invest in our data analysis and presentation skills** (e.g. use of GIS and business intelligence).

Our evidence outputs will be presented at the **relevant scale** – localised, Park-wide, regional, national, or international where needed. We will ensure that we **use the correct terminology** when we present regional, national, UK or international evidence. We will **produce bilingual versions of key evidence outputs**.

We will ensure that our **specialist and communications officers work closely** from the outset so that we present our evidence in the most compelling way, understanding our audiences and their needs. Where appropriate, we will **standardise** the process and format for delivery of evidence outputs. We will also **train our staff on effective communication of evidence**.



**We will endeavour to ensure continuity and consistency in our evidence and methodologies** in order to achieve meaningful trend analysis and insight.

**Evidence will be the best available** with the allocated resources, scaled to the example uses given in Appendix I, and presented with caveats and explanations regarding any incompleteness, uncertainty, ambiguity, or inconsistency. Where such qualifiers pertain in key evidence bases, such as the State of the Park Report, we will set out our aspirations for improvements in the future and our plans to achieve these.

We will maintain an **Evidence Plan** to list and prioritise our evidence needs and determine resources required. This will be supported by evidence and research catalogues.



**Appendix I - Evaluating the overall strength of a body of evidence<sup>1</sup> (and application within BBNPA)**

<b>Categories of evidence</b>	<b>Quality + size + consistency + context</b>	<b>Typical features of the body of evidence</b>	<b>What it means for a proposed intervention</b>	<b>Examples when this level of evidence may be applied/required within BBNPA</b>
Very Strong	High quality body of evidence, large in size, consistent, and contextually relevant.	Research questions aimed at isolating cause and effect (i.e. what is happening) are answered using <b>high quality experimental and quasi-experimental research designs</b> , sufficient in number to have resulted in production of a systematic review or meta-analysis. Research questions aimed at exploring meaning (i.e. why and how something is happening) are considered through an <b>array of structured qualitative observational research methods</b> directly addressing contextual issues.	We are very confident that the intervention does or does not have the effect anticipated. The body of evidence is very diverse and highly credible, with the findings convincing and stable.	Legal challenges (e.g. Judicial Reviews)
Strong	High quality body of evidence, large or medium in size, highly or moderately consistent, and contextually relevant.	Research questions aimed at isolating cause and effect (i.e. what is happening) are answered using <b>high quality quasi-experimental research designs and/or quantitative observational studies</b> . They are sufficient in number to have resulted in the production of a systematic review or meta-analysis. Research questions aimed at exploring meaning (i.e. why and how something is happening) are considered through <b>an array of structured qualitative observational research methods</b> directly addressing contextual issues.	We are confident that the intervention does or does not have the effect anticipated. The body of evidence is diverse and credible, with the findings convincing and stable.	BBNPA Policy Position Statements Policy advocacy Government consultation responses and evidence to parliamentary committees.





Medium	Moderate quality studies, medium size evidence body, moderate level of consistency. Studies may or may not be contextually relevant.	Research questions aimed at isolating cause and effect (i.e. what is happening) are answered using <b>moderate to high-quality quantitative observational designs</b> . Research questions aimed at exploring meaning (i.e. why and how something is happening) are considered through a <b>restricted range of qualitative observational research methods</b> addressing contextual issues.	We believe that the intervention may or may not have the effect anticipated. The body of evidence displays some significant shortcomings. There are reasons to think that contextual differences may unpredictably and substantially affect intervention outcomes.	Policy development
Limited	Moderate-to-low quality studies, medium size evidence body, low levels of consistency. Studies may or may not be contextually relevant.	Research questions aimed at isolating cause and effect (i.e. what is happening) are answered using <b>moderate to low-quality quantitative observational studies</b> . Research questions aimed at exploring meaning (i.e. why and how something is happening) are considered through a <b>narrow range of qualitative observational research methods</b> addressing contextual issues.	We believe that the intervention may or may not have the effect anticipated. The body of evidence displays very significant shortcomings. There multiple are reasons to think that contextual differences may substantially affect intervention outcomes.	Campaigns (where evidence may be weak, but impact severe and rapid response required).
No evidence No/few studies exist.	Neither cause and effect, nor meaning is seriously interrogated.	Any available studies are of low quality and are contextually irrelevant.	There is no plausible evidence that the intervention does/does not have the effect indicated.	

- I. Based on Department for International Development How To Note, 'Assessing the Strength of Evidence', March 2014  
[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/291982/HTN-strength-evidence-march2014.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/291982/HTN-strength-evidence-march2014.pdf)

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## Local Development Plan Policy 42 (C) Development in Retail Centres Interim Supplementary Planning Guidance

<b>Name of Committee</b>	Brecon Beacons National Park Authority
<b>Date</b>	28 May 2021
<b>Report Author</b>	Chris O'Brien MRTPI
<b>Job title</b>	Senior Policy Officer
<b>Contact Details</b>	christopher.obrien@beacons-npa.gov.uk
<b>Purpose of Report</b>	Report of consultation agreed at NPA on 12 February 2021 ( <a href="#">Agenda Item 9/21</a> )
<b>Single Integrated Assessment</b>	<b>N/A</b>
<b>List of enclosures</b>	<b>Enclosure 1: Consultation responses received.</b>
<b>Public Interest Test</b>	<b>Not applicable.</b>
<b>Recommendation(s)</b>	<b>a) To revisit the merits of approving the draft SPG once lessons have been learned from implementing the current temporary permitted development rights as set out in Classes C–E, Part 4A of The Town and Country Planning (General Permitted Development) (Amendment) (No.2) (Wales) Order 2021 (“the Amendment Order”).</b>

### I. Introduction

- I.1 Members may recall agreeing to consult on draft Supplementary Planning Guidance (SPG) on criterion C(ii) of LDP Policy 42 *Development in Retail Centres*. (NPA [Agenda Item 9/21](#)).
- I.2 To enable ‘temporary’ changes within retail centres, the draft SPG clarified that for 12 months from the date of final approval and subject to monitoring and review:
- A) The lack of need for retail use **would not** have to be demonstrated by applicants proposing the temporary change of use (*of no more than 12 months*) of A1 premises to alternative use(s) (*excluding C3 dwelling houses*).

B) Where an application for a permanent change of use of A1 premises is made, the National Park Authority would consider evidence of a **3-month** period of robust marketing (*to the satisfaction of the NPA*) as suitable to demonstrate that there is no longer a need for retail use in that location.

C) That such marketing could take place concurrently with any temporary use.

## 2. Proposals

2.1 An 8-week consultation was undertaken between 18 February and 15 April 2021 during which time the draft SPG was available on the National Park Authority's website and in libraries (when open). The consultation was advertised in the Brecon and Radnor Express on the 18 February 2021 and, letters were sent to all LDP stakeholders and a press release advertising the consultation was communicated via the authority's website and social media on 02 March 2021.

2.2 9 responses were received<sup>1</sup> including

- 1 supporting,
- 4 neither supporting nor objecting but making comments;
- 0 objecting; and,
- 4 responses from organisations simply stating they had no comments to make.

2.3 Matters raised include:

- The need for more holistic and radical changes to support town centres (including issues out with the direct control of the NPA such as landlord rent expectations);
- clarity over implications of the SPG for proposed changes of use from retail to residential uses;
- the need for up to date information and clear guidance on impact assessments and what is an isn't acceptable change; and,
- to recognise that material considerations may influence the determination of planning applications for proposed changes of use within retail centres.

2.4 During the consultation, the Welsh Government's Chief Planner wrote<sup>2</sup> to the National Park Authority advising of new temporary permitted development rights for temporary uses in Town Centres. Table I, over, highlights the key differences between the temporary permitted development rights and the draft SPG.

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<sup>1</sup> Responses are available at Enclosure I.

<sup>2</sup> See: <https://gov.wales/coronavirus-covid-19-new-temporary-permitted-development-rights-support-economic-recovery-html>

**Table 1. Key differences between the temporary permitted development rights and the draft SPG.**

Temporary permitted development rights	Draft SPG
Apply nationally	Apply only in the Brecon Beacons National Park
Prior notification procedure	Full planning permission
For six months from the date on which the development began and must end on or before 29 April 2022.	For 12 months from adoption (subject to monitoring and review).
The use of the building may revert to the original use at any time during the six-month period.	Unless the temporary planning permission was carefully constructed, planning permission would be required to revert to the original, or another use within the period for which temporary permission was granted.
Applies to buildings within a <b>town centre</b> as identified in a development plan.	Applies to changes of use to the ground floor of premises in <b>retail centres</b> identified within the development plan.
Encompasses changes from existing: <ul style="list-style-type: none"> <li>• Use class A1 (shops)</li> <li>• Use class A2 (financial and professional services)</li> <li>• Use class A3 (food and drink)</li> </ul>	Limited to changes from Class A1 (shops) only.
Excludes temporary changes of use to: <ul style="list-style-type: none"> <li>• A3 use if it is for the sale of hot food for consumption off the premises; or,</li> <li>• BI(c) (i.e. for any industrial process).</li> </ul>	Extends to all temporary changes of uses.
Excludes all C uses.	Excludes C3 uses (dwelling houses) only
<p>No retail marketing necessary for permanent changes of use if impact demonstrated through the temporary permitted change.</p> <p>If the businesses thrive during the six-month trial period, planning permission can be sought and the local planning authority would have an evidence base from which to assess the impact of the alternative use.</p> <p>Where it has been demonstrated during the temporary period that the planning impacts are minimal, or where the impacts could be managed through conditions, sufficient weight should be given to the social, economic and broad regeneration benefits of retaining an alternative use.</p>	For permanent changes of use, a 3-month period of robust marketing (to the satisfaction of the NPA) would be needed to demonstrate that there is no longer a need for retail use in that location.
All notifications to be shared with the Welsh Government at the end of the prescribed period.	Monitoring through LDP Annual Monitoring Report.
Habitats Regulations applied through prior notification procedure.	Requires the National Park Authority to prepare a Habitats Regulations Assessment of the draft SPG and of planning applications before approving.

### **3. Implications**

- 3.1 Given that *The Town and Country Planning (General Permitted Development) (Amendment) (No.2) (Wales) Order 2021* (“the Amendment Order”) was brought into force on 30 April 2021 and that it temporarily takes away the need for express planning permission for many of the types of proposal that would have benefitted from the draft SPG, it appears expedient not to approve the draft SPG at this time and to reconsider its merits after 29 April 2022 (or once the temporary permitted development rights cease to have effect).
- 3.2 The temporary permitted development rights which have been introduced broadly respond to planning matters raised by the consultation responses received.
- 3.3 However, the consultation has also confirmed that a holistic and concerted effort by all stakeholders in the town centres in the National Park, through any means of ‘place-planning’ activity, is necessary.

### **4. Risk**

- 4.1 Approving the SPG at this time could lead to local confusion over the Welsh Government’s message and support for businesses to trial alternative uses within town centres and to get initial feedback as to whether the start-up is likely to be viable without the expense and delay associated with submitting a planning application.

### **5 Conclusion**

- 5.1 Since approving the draft SPG in February, a national approach has been introduced to address many of the same issues the SPG sought to address. It would appear expedient to revisit the merits of approving the draft SPG once lessons have been learned from implementing the current temporary permitted development rights (i.e. after 29 April 2022 or once they cease to have effect).

### **RECOMMENDATION(S):**

- a) **To revisit the merits of approving the draft SPG once lessons have been learned from implementing the current temporary permitted development rights as set out in Classes C–E, Part 4A of The Town and Country Planning (General Permitted Development) (Amendment) (No.2) (Wales) Order 2021 (“the Amendment Order”).**

**Enclosure I. Interim SPG – Retail Cores Consultation Report**

Individual / Organisation	Summary of Response
Talgarth Town Council	<p>Talgarth Town Council’s concerns re this Policy document are as follows, which we would wish to be taken into consideration by the BBNPA before the final adoption of the SPG for development management purposes.</p> <ol style="list-style-type: none"> <li>1. Flexibility as proposed, could leave it open to abuse by a developer. Clarification on whether A1 to A3 then to C3 needs defining.</li> <li>2. The flexibility of the proposed Policy could mean that vacant units are more quickly occupied.</li> <li>3. The wording of the proposed Policy should explicitly prevent change of use from retail to residential without full and robust marketing, as existing.</li> <li>4. The paragraph re ‘Talgarth’ on Page 9 needs to be revisited with a comprehensive and update of current retail premises. The current 2013 assessment is both partial and historic.</li> </ol>
Individual	<p>The changes which have been suggested in this review seem very minor. Section 15 of the Welsh Government’s Technical Advice (quoted in your report) mentions town centres as locations in which to live, so it is disappointing that you have expressly excluded residential. There are 189 shops in Brecon Town Centre, surely too many for the future. Most of the first floors of the existing shops are unoccupied. Instead of building new properties on the slopes above the town, there is scope for more residential within it. Plough Court is a good example. It is a pity that BBNP cannot influence Powys Highways, because you could be suggesting limited but effective pedestrianisation, and even a reverse direction for the traffic in the centre. By the same token, it is apparently absentee landlords that control the rent levels of town centre properties. Additionally, Rateable Values are far too high, stemming from Brecon’s prosperous past. It is no wonder that small enterprises last such a short time. Footfall is insufficient to engender enough trade to finance overheads. Unless there is a concerted effort, it is difficult to envisage any material changes being likely to happen. Incidentally, I notice that the Market Hall is not included in the Retail Zone, nor Rich Way, but that the Old Library is.</p> <p>Oh for something more radical !</p>

Individual	<p>No doubt Covid-19 has had a huge impact on local businesses. However, a lot of the issues repopulating the retail on our high street existed long before the pandemic. The biggest barrier to new businesses is not flexible planning, but rather extortionate rents. An average shop in Brecon is approx £15,000 per year on a full repairing lease. Commercial property solicitors suggest this is in part caused by over ambitious investors who are not local to Wales, but rather are basing rents closer to England and areas of much higher footfall. A medium shop in Brecon should be closer in line to £8k per annum based on average footfall and the ability to generate income on that footfall. While negotiating for a premises prior to the pandemic, we learned that landlords preferred to have an empty shop for the purposes of a tax write off, which could be worth twice as much for an overpriced empty shop than a business paying a reasonable rent. Another issue we encountered was that most existing shops within the area were already struggling with rents that were set too high before the pandemic. These were shops managed by the same agent. It is difficult to start a business when the rent is already more than you can afford. We negotiated a 5 year lease that began at 10k, but rose 2k each year up to 14k, with business rates on top as it was over the 12k threshold for high street business relief. We did not sign the heads of terms as the pandemic closed everything down that week. This is much too high, even for a business with a predicted 55k annual turnover for a retail shop. Unless you sell online or sell coffee, it is next to impossible to survive on footfall alone and satisfy ambitious investors.</p> <p>There needs to be more penalty for empty shops in order to incentivise landlords to install tenants and businesses. Investors should not be able to claim a loss on an empty shop to set off profits elsewhere. There needs to be an environment where a lower rent would be more profitable/advantageous than an empty shop.</p> <p>Another local issue is the Brecon car Park near the bus stop-it does deter visitors from staying longer when they have to pay per hour. Either a one pound all day policy or free parking in the large car park should be implemented. Banks charge businesses for change, and since Covid, many businesses no longer use cash, making it more difficult for customers to pay for parking.</p> <p>The public toilets in Brecon have also been taken offline, leaving visitors less opportunity to spend more time (and money) in our town.</p>
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	We need to be inviting and convenient to visitors.
Glamorgan Gwent Archaeological Trust	None of these areas fall within the area of the BBNPA that is within our geographical remit, and we therefore have no comment to make.
The Coal Authority – Development Team	I can confirm that the Coal Authority has no specific comments to make on the Interim Supplementary Planning Guidance – Retail Core.
Avison Young on behalf of National Grid	No specific comments – happy to provide informal comments in confidence during your policy development.
The Crickhowell and District Civic Society	<p>The interim guidance is to support the building of better places following Covid 19 and the impact on our town centres.</p> <p>This document states the need for the planning system to respond to the retail situation with flexibility.</p> <p>The BBNP LDP recognises the importance of supporting strong and vibrant retail centres within the Primary Key Settlements. This could be significantly strengthened if BBNP would specify what support they can specifically provide.</p> <p>This being integral to the future viability of our rural towns and their surrounding communities, safeguarding and maintaining existing retail uses.</p> <p>Point 6 is stating to prevent change of use which would result in loss of existing retail uses, and should not impact on the retail centre. Many high street would benefit through the extension of operating hours of use beyond the</p>

normal "A1" 9.00am – 5.00pm.

The LDP currently makes a point of this , so changes of use to "A3" and "A4" which normally operate beyond these opening hours should be fully supported.

Here it is said diversity should be encouraged to address vacancy rates ( and not be the cause of them )

The Wellbeing and future generations Act - to make Wakes a better place to live in ,a well being duty to achieve social ,environmental and cultural well being .

It states Placemaking ,distinctive and natural places . Retail centres to be a hub of social and economic activity - focal point for a diverse range of uses which support their local community. Providing sustainable locations to live sustaining vibrancy, viability and attractiveness. Again Class A3 and A4 establishments have a role to play in this area

It states tests for retail need and retail impact assessments so as to ensure variety ,viable go to destinations. Town centre assessments as a holistic approach are necessary.

BBNP already state that they recognise our centre is vibrant with essential services and is also an attractive destination to visitors and tourists alike . The LDP states to only allow appropriate growth and sets proposals to attract niche retail opportunities. Only allow change of use if it does not have an unacceptable impact on retail function and attractiveness of the centre ,and is there a need .

There needs to be a standardised "Retail Impact Statement" with very clear criteria of acceptable and unacceptable impacts on the high street. These statements need to be evidenced based and fully supported, or otherwise, by the community impacted by proposed changes

This document is basically stating what we believe for our town of Crickhowell . If the BBNP follow these policies it will be to the benefit of keeping an attractive go to destination ,a viable town of niche and independent businesses (which is now rarely seen in many places due to large multi national chains taking away diversity of

	<p>these small towns )</p> <p>I feel that the original LDP along the with existing Supplementary Planning Guidelines and this interim one are the ones that must be adhered to to keep the BBNP area a special and individual place to live with local businesses supporting the local economy .</p>
Caerphilly County Borough Council	We have no comments in respect of this.
Natural Resources Wales	<p><b>Introduction</b></p> <p>We understand that the focus of this guidance is in response to the current pandemic and the impacts that it has had upon retail centres. Much of the changes proposed within the guidance are to allow flexibility for the change of use of existing retail units within the four retail centres in Brecon Beacons National Park. This guidance proposes to reduce the requirements for marketing exercises, enabling temporary change of use of existing AI units and allowing marketing during temporary change of use is in place.</p> <p>Whilst we have no specific comments to raise regarding the principle of the interim guidance there are material considerations of which we have an interest, that may influence proposed changes of use within the retail centres.</p> <p><b>Flood Risk</b></p> <p>We note that for some of the retail core areas and for change of use proposals, flood risk will be a material planning consideration and may have implications on the proposals depending upon the nature of the change of use. Each change of use application would have to be considered on its own merits and supporting information assessed accordingly when we are consulted by your authority.</p>

**Phosphate Sensitive River catchments - Special Areas of Conservation (SAC)**

We note that the retail centres fall within the Special Area of Conservation (SAC) phosphate sensitive catchments. As you are aware, on the 21st January 2021, we published an evidence package outlining phosphate levels for all river SACs across Wales. As part of this package, we issued a Planning Position Statement, in which we advised that any proposed development that might increase the amount of phosphate within a river SAC catchment could lead to damaging effects to the SAC. Therefore, any change of use proposals should be screened through a Habitats Regulations Assessment (HRA), to determine whether they are likely to have a significant effect on the SAC.

**Other Matters**

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

By virtue of paragraph(s) 14 of Part 4 of Schedule 12A of the Local Government Act 1972.

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