PLANNING, ACCESS AND RIGHTS OF WAY COMMITTEE
DEVELOPMENT CONTROL RELATED MATTER FOR NOTING

Powys County Council Fringe Application for the Installation of Solar Photovoltaic (PV) farm with ancillary infrastructure capable of generating up to 20MW at Former Bryn Henllys Open Cast Mine Site, Nr Cwmllynfell, Upper Cwmtwch Swansea Powys

Officer: Matthew Griffiths, Senior Planning Officer

The purpose of this report is to provide Members with an update on the Brecon Beacons National Park Authority response to a consultation from Powys County Council (PCC). PCC are currently considering a planning application for a solar farm located on land at the former Bryn Henllys Open Cast Coal Site, Near Cwmllynfell (grid reference E276490, N212410). This site is located around 500m from the southern boundary of the Brecon Beacons National Park in an upland area to the north of the settlement of Cwm Twrch Uchaf. The site of 43 hectares, of which about 10.5 hectares will comprise the PV panels and associated equipment and will have an installed capacity: 20MW. The proposal is Environmental Impact Assessment development and is accompanied by a statutory Environmental Statement.

A copy of the letter responding to Powys County Council is provided below.
A visual presentation of the proposal will be provided to Members at PAROW.

Recommendation: That Members note the content of the report and representation to Powys County Council.
Dear Sirs,

**Town & Country Planning Act 1990 (as amended)**

**Proposal:** “Installation of Solar Photovoltaic (PV) farm with ancillary infrastructure capable of generating up to 20MW”

**Address:** Land At Former Bryn Henllys Open Cast Mine Site, Nr Cwmllynfell, Upper Cwmtwch Swansea Powys

**INTRODUCTION**

I write in response to your consultation regarding the above planning application which has been submitted to Powys County Council as local planning authority. I would like to apologise for the late response to the consultation, however trust that the below comments will be taken into consideration when determining the application. The Brecon Beacons National Park Authority (BBNPA) wish to comment on this proposal as it is a fringe development with potential to have impacts on the National Park.

Please note that this response has been prepared by Officers, and will not receive formal ratification from Members until 14 July 2015 after which point in time I may provide a supplementary response as necessary.

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

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

**LEGAL AND POLICY CONTEXT**

The Environment Act 1995

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

- To conserve and enhance the natural beauty, wildlife and cultural heritage of the National Park; and
- To promote opportunities for the public understanding and enjoyment of the special qualities of the National Park
In accordance with section 62(2) of the Environment, any relevant Authority shall have regard to National Park purposes when performing any functions in relation to, or so as to affect, land in a National Park. Relevant Authorities include public bodies, government departments, local authorities and statutory undertakers.

**UK POLICY CONTEXT**

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

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

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

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

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

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


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

The Carbon Plan: Delivering Our Low Carbon Future (2011) produced by the UK Government sets out principles that will underpin the vision for a long-term transition to a low carbon economy by 2050. This includes low carbon power generation and the three sources of UK electricity are likely to be i) renewables; ii) coal, biomass or gas-fired power stations fitted with CCS technology; and iii) nuclear
power. There are uncertainties when looking 40 years ahead as to exactly how that vision will be achieved. It goes on to say that attempting to pick a single pathway to 2050 by relying on a single model is neither possible nor a helpful guide in the face of great uncertainty. But it does give insight into the most cost effective way to achieve the low carbon transition, illustrating the technologies likely to contribute to reducing emissions, and the most cost effective timing for their deployment. It shows that achieving a cost-optimal transition overall often necessitates deploying technologies in the medium term that may not yet be statically cost effective against the carbon price.

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

WELSH PLANNING POLICY


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

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

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

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

PPW goes on to stipulate that, “Developers will need to be sensitive to local circumstances, including siting in relation to local landform, proximity to dwellings and other planning considerations. The development of large wind farms or other large scale renewable and low carbon energy schemes will not generally be appropriate in internationally and nationally designated areas and sites” (12.8.14).
PPW deals with renewable and low carbon energy. Local planning authorities should facilitate the development of all forms of renewable and low carbon energy to move towards a low carbon economy. At the same time, local planning authorities should ensure that international and national statutory obligations to protect designated areas, species and habitats and the historic environment are observed and that mitigation measures are required for potential detrimental effects on local communities whilst ensuring that the potential impact on economic viability is given full consideration.

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

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

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

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

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

LOCAL PLANNING POLICY

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

- Peace and tranquillity – opportunities for quiet enjoyment, inspiration, relaxation and spiritual renewal;
- Vitality and healthfulness – enjoying the Park’s fresh air, clean water, rural setting, open land and locally produced foods;
- Sense of place and cultural identity – “Welshness”;
- Sense of discovery;
- Sweeping grandeur and outstanding natural beauty;
Contrasting patterns, colours, and textures; 
Diversity of wildlife and richness of semi-natural habitats; 
Rugged, remote and challenging landscapes; 
Enjoyable and accessible countryside; 
Intimate sense of community.

The Brecon Beacons National Park Authority Local Development Plan 2007-2022 (LDP), is the development plan for the National Park. Section 3.1.3 of the LDP sets out that whilst the National Park is a landscape designation there are instances where strict application of the boundary in making decisions is not appropriate – cross boundary issues could include for example wind energy development and transport infrastructure. As previously set out section 62 (2) of the Environment Act (1995) places a duty on LDPs to have regard to the National Park purposes in making planning decisions which may impact on the National Park. The Authority will use LDP policy SP1 in commenting on proposals that impact on the National Park. Policy SP1 sets out the following:

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

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

The Brecon Beacons National Park Authority Local Development Plan 2007-2022 (LDP), is the development plan for the National Park. Section 3.1.3 of the LDP sets out that whilst the National Park is a landscape designation there are instances where strict application of the boundary in making decisions is not appropriate – cross boundary issues could include for example wind energy development and transport infrastructure. As previously set out section 62 (2) of the Environment Act (1995) places a duty on LDPs to have regard to the National Park purposes in making planning decisions which may impact on the National Park. The Authority will use LDP policy SP1 in commenting on proposals that impact on the National Park. Policy SP1 sets out the following:

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

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

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

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

Policy ENV2 – Safeguarding the landscape states: “Proposals for development and use of land should take account of the high quality of the landscape throughout Powys and be appropriate and sensitive to the character and surrounding landscape. Where appropriate, account will also need to be taken of the special qualities or reasons for designation of the Brecon Beacons and Snowdonia National Parks. Proposals which are acceptable in principle should: 1. Contain appropriate measures to ensure satisfactory integration into the landscape; 2. Not unacceptably adversely affect features of importance for nature conservation or amenity; and 3. Not result in significant damage to ancient and semi-natural woodlands and should seek to conserve native woodlands, trees and hedgerows.”

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

INTRODUCTION
The comments of the BBNPA on this proposal are given below. The comments have primarily focussed on the consideration given to the impact on the National Park within the accompanying Environmental Statement.

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

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

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

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

LVIA Study area -The LVIA has a 5 kilometre study area and includes a Zone of Theoretical Visibility (ZTV). The proposed solar farm is around 2.5m to 3m in height and is over 40ha in extent. In comparison to many renewable energy developments such as a wind turbine it represents a low lying, but extensive feature in the landscape. The ZTV shows that beyond the 5km study area the solar array will be visible reflecting the elevated upland areas of the National Park to the north. While acknowledging it is likely that the solar farm will be visible within the National Park beyond 5km; it is considered that this is an appropriate study area to consider the potential for significant impacts within the National Park.

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

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

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

In conclusion the BBNPA considers that the proposal will introduce an extensive incongruous development in close proximity to its boundary. This is considered will have some detrimental impacts on the National Park, this opinion is supported by the applicant’s Environmental Statement which considers that “within approximately 4km of the Site, Small scale effects will occur. Such effects will be localised in extent and of Long-Term duration, resulting in effects of low magnitude and moderate significance.” Applying the LVIA’s assessment for the “sweeping grandeur and outstanding natural beauty” special quality of the National Park the sensitivity for this feature would be medium (table 6.3) and the scale of effect would be medium (table 6.4), this would give a high-medium sensitivity and medium magnitude and moderate significance for impact on this special quality. For the reasons outlined above the BBNPA is concerned that the development will impact on two special qualities of the National Park in particular the Park’s “sweeping grandeur and outstanding natural beauty” and the patchwork of “contrasting patterns, colours and textures”. The applicant’s conclusion that the effects will be “localised” in extent and of “long term duration” are agreed with, but we would contend that the significance of impact on the specific special qualities is underestimated.

Mitigation of landscape and visual impact and landscape enhancement – The BBNPA accepts that landscape and visual impact of solar arrays can to an extent be mitigated.
The National Park supports the applicant’s removal of the area to the North of the Bridleway Open to All Traffic at the project development stage (paragraph 6.6.1 of the LVIA); it is agreed that this has reduced impacts on the National Park.

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

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

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

CONCLUSION
The methods behind the LVIA’s assessment of the impact on the National Park and support for the conclusions drawn1 are not considered to be clear and it should be established how the assessment of susceptibility for each independent special quality is aggregated to a single assessment of special qualities. It is currently the view of the BBNPA that each special quality should be considered independently, the NPA remains to be convinced that the aggregation of special qualities in the LVIA is appropriate. It appears that any aggregation of special qualities will always have the potential to mask a significant or unacceptable impact on an individual special quality. The BBNPA is concerned that the development will impact on two special qualities of the National Park in particular the Park’s “sweeping grandeur and outstanding natural beauty” and the patchwork of “contrasting patterns, colours and textures”. The impact will be due to the solar farm intruding into views out of the National Park and also impacting the setting of the National Park when viewed from areas outside its boundary; this is demonstrated within the LVIA. The applicant’s conclusion that the effects will be “localised” in extent and of “long term duration” are agreed with, but it is our view that the impact will be more significant than put forward in the LVIA. The localised impact is

---

1 Specifically how the “Overall susceptibility: Low” in Table 6.3 is arrived at and the following conclusion in paragraph 6.5.96 that “Combining the National value and Low susceptibility of the National Park, the sensitivity is judged to be Medium” within the LVIA.
close to the boundary but will extend to areas within the National Park, but it is accepted that the impact will not be widespread within the National Park as a whole.

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

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

Yours faithfully,

Mr Christopher Morgan
Director of Planning