

FRINGE APPLICATIONS DELEGATED TO THE NATIONAL PARK OFFICERS

App No.	Grid Ref.	Community	Address	Decision	Date Issued
23/21684/FRI	N: 211391 E: 329779	NO DATA	Sunnyside Llanellen Abergavenny Monmouthshire NP7 9HF	Fringe Comments	12 January 2023

The Proposal

The development proposal is for a new site for 3 Shepherd’s huts on land south of Sunnyside, Llanellen. Herefordshire. The site is located approximately 250m east and downslope of the National Park boundary which is formed by the Monmouthshire and Brecon Canal. The River Usk lies approximately 260m to the west and is separated from the site by the Llanfoist-Llanellen County road.

Policy and Legal Context

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 Act, 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.

Section 3.1.3 of the Brecon Beacons National park Authority Local Development Plan 2007-2022 states that in commenting on proposals that impact on the National Park it will aim to ensure that s62(2) is observed through the application of strategic policy SPI.

Policy SPI states 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 well-being of local communities.*

The Special Qualities of the National Park may be significantly impacted by development proposals on the fringes of the National Park. The Brecon Beacons National Park Management Plan 2015-2020 defines the Special Qualities of the Brecon Beacons National Park as follows:

- A National Park offering **peace and tranquillity** with opportunities for quiet enjoyment, inspiration, relaxation and spiritual renewal.
- A feeling of **vitality and healthfulness** that comes from enjoying the Park’s fresh air, clean water, rural setting, open land and locally produced foods.
- A **sense of place and cultural identity** - “Welshness” - characterised by the use of the indigenous Welsh language, religious and spiritual connections, unique customs and events, traditional foods and crafts, relatively unspoilt historic towns, villages and family farms. The continued practices of traditional skills developed by local inhabitants to live and earn a living here, such as common land practices and grazing.
- A **sense of discovery** where people are able to explore the Park’s hidden secrets and stories such as genealogical histories, prehistoric ritual sites, medieval rural settlements, early industrial sites, local myths, legends and geological treasures.

- The Park's **sweeping grandeur and outstanding natural beauty** observed across a variety of harmoniously connected landscapes, including marvellous gorges and waterfalls, classic karst geology with caves and sink holes, contrasting glacial landforms such as cliffs and broad valleys carved from old red sandstone and prominent hilltops with extensive views in all directions.
- A **working, living “patchwork” of contrasting patterns, colours, and textures** comprising of well-maintained farmed landscapes, open uplands, lakes and meandering rivers punctuated by small-scale woodlands, country lanes, hedgerows, stone walls and scattered settlements.
- **Extensive and widespread access to the Park's diversity of wildlife and richness of semi-natural habitats**, such as native woodlands, heathland and grassland, natural lakes and riparian habitats, ancient hedgerows, limestone pavement and blanket bogs including those of international and national importance.
- In the context of the UK, **geographically rugged, remote and challenging landscapes**.
- **Enjoyable and accessible countryside** with extensive, widespread and varied opportunities to pursue walking, cycling, fishing, water-based activities and other forms of sustainable recreation or relaxation.
- **An intimate sense of community** where small, pastoral towns and villages are comparatively safe, friendly, welcoming and retain a spirit of cooperation.

Planning Policy Wales (PPW) (Edition 11) acknowledges the statutory purposes of National Parks and references 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 beauty, wildlife and cultural heritage. PPW states that “*planning authorities have a statutory duty to have regard to National Parks and AONB purposes. This duty applies in relation to all activities affecting National Parks and AONBs, whether those activities lie within, or in the setting of, the designated areas*” (see para 6.3.5).

Landscape and Visual Impact

It is noted that the site has been designed to have open views to the west, however this is the view to and from the National Park. Additional native planting in this area should be considered and without adequate justification through the provision of a visual impact assessment an objection on these grounds will be maintained.

Landscaping to the west of the car parking area to the north of the existing building is also required. No hedge is shown on the landscaping plan as the plan does not cover this area. It is unclear from aerial photographs whether there is an established hedgerow at this location.

Further, no detail is provided on the external finishes of the shepherds huts. Roofs which are dark and non-reflective in colour and untreated timber walls would be appropriate.

Ecology

We have not been able to view a copy of the ecological report for the site, however note that the MCC Ecology Team have provided comments on the proposals; these comments are supported, particularly with regard to landscaping and biodiversity enhancement measures, although these may not address the visual impacts of the proposals from the west. It will be important to ensure that the long term management of biodiversity enhancements and habitats is secured and a Landscaping and Ecological Management Plan (LEMP) would be helpful within the biodiversity enhancement scheme.

No external lighting is specified within the plans, however if external lighting is proposed, unless of a suitable type, lighting would be likely to have a negative impact on the canal corridor. If any external lighting is required, details should be submitted to the Local Planning Authority for approval and can be secured through condition.

Riverine Special Areas of Conservation (SACs) and phosphates

It is noted that limited information has been provided with regard to waste water disposal.

Natural Resources Wales has set new phosphate standards for the riverine SACs in Wales (21st January 2021). Any proposed development within the SAC catchments that might increase the amount of phosphate within the catchment could lead to additional damaging effects to the SAC features and therefore such proposals must be screened through a HRA to

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determine whether they are likely to have a significant effect on the SAC condition. The application site lies just outside the boundary of the River Usk SAC catchment. Due to the location within the SAC catchment, it is recommended that the application is screened against Natural Resources Wales' advice for planning applications within the river Special Areas of Conservation (SACs) catchments (version 3 issued 22nd July 2022 to assess for Likely Significant Effects and Appropriate Assessment undertaken as necessary.

Conclusion

Insufficient information has been submitted to properly assess the application in terms of its likely impacts on the Brecon Beacons National Park. In particular the following matters should be addressed:-

- i. The views from and to the National Park have not been adequately addressed. An amended landscape plan which incorporates native planting to screen the west side of the site (both the field and car parking areas) is required. In the absence of such, an assessment justifying the lack of screening is required.
- ii. A light management scheme should be submitted. This can be conditioned.
- iii. External finishes of the shepherds huts need to be clarified. This can be conditioned.

Overall, a formal objection is raised due to the lack of screening of the site to the west. Supporting information is required to demonstrate the likely impacts of the development on the views into and from the National Park.

App No.	Grid Ref.	Community	Address	Decision	Date Issued
23/21647/FRI	N: 229629 E: 297738	NO DATA	Field In Front Of Swyn Yr Adar Tirmawr Trallong Brecon Powys	Fringe Comments	6 February 2023

I write in response to your consultation received 16 December 2022 regarding the above planning application at Swyn Yr Adar, Tirmawr, Trallong, Powys. We note the site is approximately 50-80 metres to the north of the boundary of the Brecon Beacons National Park.

I set out below some background on the NPA's policy and legal context. The letter ends with our comments on the planning application with you for determination.

Policy and legal context

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.

The Special Qualities of the National Park may be significantly impacted by development proposals on the fringes of the National Park. The Brecon Beacons National Park Management Plan 2015-2020 (please note a new Management Plan is due to be formally adopted very shortly with slightly up-dated Special Qualities) defines the Special Qualities of the Brecon Beacons National Park as follows:

- A feeling of **vitality and healthfulness** that comes from enjoying the Park's fresh air, clean water, rural setting, open land and locally produced foods.
- A **sense of place and cultural identity** - "Welshness" - characterised by the use of the indigenous Welsh language, religious and spiritual connections, unique customs and events, traditional foods and crafts, relatively unspoilt historic towns, villages and family farms. The continued practices of traditional skills developed by local inhabitants to live and earn a living here, such as common land practices and grazing.
- A **sense of discovery** where people are able to explore the Park's hidden secrets and stories such as genealogical histories, prehistoric ritual sites, medieval rural settlements, early industrial sites, local myths, legends and geological treasures.
- The Park's **sweeping grandeur and outstanding natural beauty** observed across a variety of harmoniously connected landscapes, including marvellous gorges and waterfalls, classic karst geology with caves and sink holes, contrasting glacial landforms such as cliffs and broad valleys carved from old red sandstone and prominent hilltops with extensive views in all directions.
- A **working, living "patchwork" of contrasting patterns, colours, and textures** comprising of well-maintained farmed landscapes, open uplands, lakes and meandering rivers punctuated by small-scale woodlands, country lanes, hedgerows, stone walls and scattered settlements.
- **Extensive and widespread access to the Park's diversity of wildlife and richness of semi-natural habitats**, such as native woodlands, heathland and grassland, natural lakes and riparian habitats, ancient hedgerows, limestone pavement and blanket bogs including those of international and national importance.
- In the context of the UK, **geographically rugged, remote and challenging landscapes**.

- **Enjoyable and accessible countryside** with extensive, widespread and varied opportunities to pursue walking, cycling, fishing, water-based activities and other forms of sustainable recreation or relaxation.
- **An intimate sense of community** where small, pastoral towns and villages are comparatively safe, friendly, welcoming and retain a spirit of cooperation.

Planning Policy Wales (PPW) (Edition 11) acknowledges that statutory purposes of National Parks and references 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 beauty, wildlife and cultural heritage. 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 in the setting of the designated area.

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We note that the proposal is for the change of use of land from agriculture and associated engineering operations for the creation of two hobbit style holiday lets, installation of a septic tank and all associated works. It is proposed to excavate to a depth of approximately 500mm that would permit the structure base to be slightly sunk bringing the completed floor height to the that of the existing ground level, with windows and doorway visible.

As set out above, 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. We have structured comments on the application in accordance with these relevant statutory purposes and provide comments on the key matters where the proposal will affect the National Park:

Statutory Purpose 1: To conserve and enhance the natural beauty, wildlife and cultural heritage of the National Park and Statutory Purpose 2: To promote opportunities for the public understanding and enjoyment of the special qualities of the National Park

Having regard for the above, the consideration of the proposed development should consider the likely landscape and visual impact of the proposed development upon the special qualities of the National Park. Due regard should also be given to any ecological impact and impacts upon cultural heritage.

Ecology observations

“I have reviewed the application documents as well as consultation responses from NRW and the Powys CC Ecologist.

I support the above consultation responses and the recommendations for further information regarding drainage as well as planning conditions to secure details of lighting and biodiversity enhancement features. I have no further observations to make in relation to the ecological impacts.”

Landscape and Visual Impact

It is considered that the development will not have a significant landscape and visual impact on the National Park – when viewed from public vantage points within the National Park. A glimpsed view is likely from the highway, although the site is well screened by mature hedgerows. However, it is proposed to establish wild flower areas over part or all of the site, although sufficient details are not provided. This can be addressed through submission of a landscape plan.

Impact on River Special Area of Conservation (SAC) and phosphate contributions

The proposed development is located within the catchment of the River Usk SAC. In accordance with NRW's current planning advice, it is for the competent authority to consider this further.

Conclusion

Protected species are a 'material consideration'; all the necessary information should be submitted in order to properly consider the impact of the proposal.

Overall, a formal objection is raised due to the lack of supporting information to demonstrate the likely impacts of the development on the wildlife and protected species of the National Park.

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App No.	Grid Ref.	Community	Address	Decision	Date Issued
22/21638/FRI	N: 196276 E: 325009	NO DATA	Land At Mynydd Maen, , Between Newbridge And Cwmbran	Fringe Comments	10 January 2023

Thank you for your consultation email, which we received on 15 December 2022 regarding the selection of viewpoints for the Landscape and Visual Impact Assessment (LVIA) for the Mynydd Maen Wind Farm following EIA Scoping Response (PEDW Ref: 3276725) to which we contributed (our ref: 21/20558/SCO 7 Jan 2022).

We welcome the inclusion of two viewpoints from the Brecon Beacons National Park. Whilst recognising the need to keep the scope of the LVIA work proportionate, we request that you consider including a viewpoint from the Pen Cerrig-Calch/ Pen Gloch-y-pibwr ridge either additionally or as a replacement for viewpoint [VP] 23 [B4560]. Inclusion of the additional viewpoint is important as it would show the impact from the Black Mountains range, the central beacons represented by VP 24 [Pen-y-Fan].

In addition, please note a new Management Plan for the Brecon Beacons National Park (2023-2028) is in advanced stages of drafting and is targeted for adoption in April 2023. Therefore the National Park's special qualities which PPW states should be given weight in the development management process may be subject to change pending adoption of this new Plan.

App No.	Grid Ref.	Community	Address	Decision	Date Issued
23/21768/FRI	N: 305120 E: 298544	NO DATA	Mynydd Lluest Y Graig Wind Farm South West Of Llanerfyl, Powys, Mid Wales	Fringe No Comments	8 February 2023

Thank you for your consultation received 27 January 2023 regarding the above.

I note the error in the Scoping Direction and that the Landscape Visual Impact Assessment's (LVIA) agreed 35km radius (from the proposed turbines) would not extend to the Brecon Beacons National Park.

I can confirm that the Brecon Beacons National Park Authority will not need to be involved in further consultation regarding the project LVIA.

App No.	Grid Ref.	Community	Address	Decision	Date Issued
22/21704/FRI	N: 205281 E: 294354	NO DATA	Tower Colliery Rhigos Mountain Road Rhigos Aberdare CF44 9UF	Fringe No Comments	1 February 2023

Thank you for your consultation received 11 January 2023 regarding the above. Having reviewed the application, I write to advise we have no observations to make.

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App No.	Grid Ref.	Community	Address	Decision	Date Issued
23/21698/FRI	N: 204390 E: 300997	NO DATA	Amgen Cymru Ltd Bryn Pica Waste Disposal Site Merthyr Road Llwydcoed Aberdare CF44 0BX	Fringe No Comments	2 February 2023

Thank you for your consultation received 11 January 2023 regarding the above. Having reviewed the application, I write to advise we have no observations to make.

