

Presteigne & Norton Town Council

The above application was discussed at the meeting of the Town Council held last night.

Having considered the matter fully Members agreed that they did not wish to comment on the application.

Highways Authority

The existing access to this farm is extremely substandard in terms of width and visibility and presents a hazard to its users and traffic on the county class II road.

I appreciate that this submission will not generate any significant traffic and therefore do not object.

However, I wish to clearly make it known that acceptance of this anemometer in no way indicates acceptance of any future associated development for which the access is totally unsuitable.

County Ecologist

No response received at the time of writing this report.

Countryside Council for Wales

Thank you for your consultation on the above development proposal.

The Countryside Council for Wales (CCW) is the UK and Welsh Government's statutory adviser on sustaining natural beauty, wildlife and the opportunity for outdoor enjoyment in Wales and its inshore waters, and aims to make the environment a valued part of everyone's life in Wales.

CCW does not object to the above proposal but recommends that bird deflectors are attached to all guy wires supporting the proposed mast.

The guy wires of anemometer masts pose a potential threat of bird collision which could have a detrimental impact on vulnerable bird species. It is noted that the Design and Access Statement does not refer to the incorporation of bird diverters on the guy lines of the proposed mast. We advise the inclusion of a condition to specify the use of bird deflectors on the guy wires. The approved deflectors should be installed on every guy wire at a spacing of 2m along its entire length, for the duration of the planning consent. Any deflectors that break or become detached should be replaced within one month.

Please note that we have not considered possible effects on all local or regional interests. Therefore you should not rule out the possibility of adverse effects on such interests, which would be relevant to the local Planning Authority's general duty to have regard to conserving biodiversity, as set out in section 40 of the natural Environment and Rural Communities (NERC) Act (2006). We recommend that you speak to your Authority's Ecologist in this regard.

Should you have any queries, or if you require any further information, please do not hesitate to contact us.

Environmental Health

I have no adverse comments to make.

Clwyd Powys Archaeological Trust

Thank you for the consultation on this proposal.

Having checked the location against information retained within the Historic Environment Record I can confirm that we would have no objection to the placement of a wind monitoring mast in this field. The nearest listed building is over 1km to the north west and Offa's Dyke is 1.4 km to the west. No recorded archaeological sites will be impacted by the mast installation, or the proposed access.

Rights Of Way

With regard to the above mentioned application, thank you for the opportunity for Countryside Services to comment.

It would appear from the information supplied by the applicant that public rights of way are not going to be affected by this application for the installation of a 50m temporary anemometer mast.

Having said this please could you make the applicant aware that at no time should any public right of way be obstructed during the development process and at no time should any materials be placed or stored on the line of any public right of way. Any damage caused to the surface of any public right of way must be made good to at least its current condition or better.

Countryside Services has therefore no objection based on the information supplied at this time.

Ministry Of Defence

Thank you for consulting Defence Infrastructure Organisation (DIO) on the above proposed development. This application relates to a site outside of Ministry of Defence (MOD) statutory safeguarding areas. We can therefore confirm that the MOD has no safeguarding objections to this proposal.

In the interests of air safety, the MOD requests that the structure is fitted with aviation warning lighting. The mast should be fitted with a minimum intensity 25 candela omni directional red light or equivalent infra-red light fitted at the highest practicable point of the structure.

Whilst we have no safeguarding objections to this application, the height of the development will necessitate that aeronautical charts and mapping records are

amended. Defence Infrastructure Organisation (DIO) Safeguarding therefore requests that, as a condition of any planning permission granted, the developer must notify UK DVOF & Powerlines at the Defence Geographic Centre with the following information prior to development commencing:

- a. Precise location of development.
- b. Date of commencement of construction.
- c. Date of completion of construction.
- d. The height above ground level of the tallest structure.
- e. The maximum extension height of any construction equipment.
- f. Details of aviation warning lighting fitted to the structure(s).

You can e-mail this information to UK DVOF & Powerlines at icgdgc-prodaisafdb@mod.uk or post it to:

D-UKDVOF & Power Lines
Air information Centre
Defence Geographic Centre
DGIA
Elmwood Avenue
Feltham
Middlesex TW13 7AH

The MOD recognises that a meteorological monitoring mast is frequently deployed prior to the development of a wind farm. The erection and operation of wind turbines in this area may affect military aviation and radar. DIO safeguarding would therefore wish to be consulted on any associated applications for wind turbines 11 metres or greater in height.

I trust this adequately explains our position on this matter, however should you have any questions regarding this matter, please do not hesitate to contact me.

Representations

At the time of writing this report, 35 letters of objection have been received by Planning Services. The concerns expressed therein can be summarised as follows;

- Landscape and visual impact.
- Impact on a Scheduled Ancient Monument - Offa's Dyke Trail
- Precursor to potential wind turbine development
- Adverse impact on public rights of way
- Impact on biodiversity
- Impact on highway safety

Principal Planning Policies

National Planning Guidance

- Planning Policy Wales (2012)

- Technical Advice Note 5 – Nature Conservation and Planning (2009)
- Technical Advice Note 8 – Renewable Energy (2005)
- Technical Advice Note 16 – Sport, Recreation and Open Space (2009)

Local Planning Guidance

- Powys Unitary Development Plan (2004)

SP3 – Natural, Historic and Built Heritage
 SP12 – Energy Conservation and Generation

GP1 – Development Control
 GP3 – Design and Energy Conservation
 GP4 – Highway and Parking Requirements
 ENV1 – Agricultural Land
 ENV2 – Safeguarding the Landscape
 ENV3 – Safeguarding Biodiversity and Natural Habitats
 ENV7 – Protected Species
 ENV17 – Ancient Monuments and Archaeological Sites
 RL6 – Rights of Way and Access to the Countryside
 RL7 – Long Distance Rights of Way
 E3 – Wind Power

RDG=Powys Residential Design Guide NAW=National Assembly for Wales TAN= Technical Advice Note UDP=Powys Unitary Development Plan, MIPPS=Ministerial Interim Planning Policy Statement

Officer Appraisal

The principal matters considered relevant to the assessment of the proposed development are as follows;

Principal of Development

Guidance contained within Planning Policy Wales acknowledges that the generation of wind energy is a key figure in achieving the vision for renewable electricity production in Wales. Guidance within Planning Policy Wales seeks to promote the generation and use of energy from renewable and low carbon energy sources, especially as a means to secure zero or low carbon developments. Further guidance within the Powys Unitary Development Plan (UDP) seeks to support proposals for renewable energy developments where appropriate. However, the Powys UDP emphasises that the generation of renewable energy should not be at the expense of the character and appearance of the landscape and therefore a careful balance is needed.

The proposed development relates to the erection of an anemometer mast for a temporary period of 18 months, after which time, the mast will be removed and the land returned to its former condition. It is acknowledged within Technical Advice Note 8: Planning for Renewable Energy (2005) that anemometer masts are needed as part of project planning and design process. Taking into account the objectives of both national and local policies together with the nature of the proposed development, it is considered that the principle of development is fundamentally acceptable.

Landscape and Visual Impact

Guidance contained within UDP policy ENV2 indicates that development proposals should take account of the quality of the landscape and be appropriate and sensitive to its character and appearance.

The proposed anemometer mast will be located approximately 760 metres to the south west of the existing farm complex. Public footpath 124/1185/1 is located approximately 680 metres to the west and public footpath 153/1117/1 is located approximately 530 metres to the south. Offa's Dyke National Trail is located approximately 1.35 km (0.84 miles) to the west of the proposed mast site.

In terms of potential landscape impact, Landmap define the visual and sensory value of the surrounding landscape as moderate. Having visited the application site is noted that there is a mature band of woodland located immediately to the south and south west of the proposed mast which will provide an element of natural screening. In addition, it is considered that existing features within the surrounding landscape (vegetation) together with the topography aid the assimilation of the structure within the landscape and help mitigate potential landscape impact. Whilst it is accepted that the proposed anemometer mast will be visible within the landscape, given the existing landscape features together with the temporary nature of the proposed structure, it is not considered that the magnitude of impact will be significant.

It is acknowledged that significant concern has been expressed by members of the public regarding the impact of the proposed anemometer mast on the character and appearance of the surrounding area. Despite the visibility of the proposed anemometer mast, given the slender appearance of the structure together with the noted distances from sensitive receptors and existing landscape features, it is not considered that the proposed mast will have a significant visual impact from the public receptors and viewpoints identified.

On balance, having carefully considered the potential landscape and visual impact, it is not considered that the proposed temporary anemometer mast will have an unacceptable adverse impact on the character and appearance of the landscape. It is recommended that a condition requiring the masts removal after an 18 month period is attached to any grant of consent.

Highway Impact

Guidance contained within UDP policy GP4 indicates that development proposals should provide adequate highway provision in terms of access, visibility, turning and parking. Access to the proposed anemometer mast will be provided via an existing access off the B4355.

Following consultation, the Highways Authority has advised that the existing access to the farm is extremely substandard in terms of both its width and visibility. Notwithstanding this, it is acknowledged by the Highways Authority that the proposed development is unlikely to generate significant traffic and therefore no objection has been offered.

It is noted that concern has been expressed within representations received regarding the impact on highway safety. Whilst acknowledging the concerns raised, given the Highway Authority comments, it is not considered that a refusal on highway safety grounds would be sustainable.

Impact on Biodiversity

Guidance contained within policies ENV3 emphasises the need to maintain biodiversity and the nature conservation and amenity value of habitats and features that are of importance. Following consultation, a response has been received from the Countryside Council for Wales which offers no objection to the proposed development subject to an appropriate condition being attached requiring the installation of bird deflectors at appropriate distances (2 metres apart). Subject to a condition requiring bird deflectors being attached to any grant of consent, it is not considered that the proposed anemometer mast will have an unacceptable impact on biodiversity.

Impact on Public Rights of Way

Provision within the UDP seeks to protect existing rights of way and the amenity of users. It is noted that Public footpath 124/1185/1 is located approximately 680 metres to the west and public footpath 153/1117/1 is located approximately 530 metres to the south. Following consultation with Countryside Services, a response has been received which confirms, given the noted distances, the proposed development will not have an unacceptable impact on any statutory rights of way. The proposed development is therefore considered to comply with planning policy relating to public rights of way.

Impact on Scheduled Ancient Monuments

Guidance contained within policy ENV17 seeks to protect Scheduled Ancient Monuments and their settings. The proposed anemometer mast is located approximately 1.35 km (0.84 miles) to the east of the Offas Dyke Trail which is a designated Scheduled Ancient Monument. Clwyd Powys Archaeological Trust has been consulted and has confirmed that they have no objection to the proposed development. Having carefully reviewed the potential impact on this historical feature, it is considered that given the noted distance between the proposed development and Offas Dyke together with screening provided by existing landscape features, the proposed development will not have an unacceptable adverse impact on the Offas Dyke Trail.

Public Representations

It is noted that significant concern has been highlighted within public representations received regarding future turbine development at this location. In the event that an application for a wind turbine(s) at this location is submitted, this will be considered on its own merits. In light of the above, whilst appreciating the anxieties of local residents, this does not form part of the current application and therefore it is considered that limited if any weight can be given to this matter.

Recommendation

On balance, it is considered that the proposed anemometer mast is fundamentally in accordance with the relevant policies. It is not considered that the proposed mast will have an unacceptable, adverse impact on the character and appearance of the landscape or compromise the setting of the Offas' Dyke National Trail. In light of the above, the recommendation offered is one of approval subject to the following conditions.

Conditions:

1. The development to which this permission relates shall be begun no later than the expiration of five years from the date of this permission.
2. The anemometer mast hereby approved shall be limited to a time period of 18 months only from the date of the first implementation of this planning consent. Within 6 months from the date of the first implementation of this planning permission, a scheme for the removal of the application development (and associated infrastructure) and the restoration of the application site, shall be submitted to and approved in writing by the Local Planning Authority. The removal and restoration scheme so approved shall be implemented in full accordance with the details so approved.
3. The development shall be carried out strictly in accordance with the plans received 5th March 2013 stamped as approved.
4. Prior to the commencement of development, a scaled plan detailing the implementation of bird deflectors (2 metres apart) shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be implemented strictly in accordance with the details so approved.
5. The bird deflectors once installed (condition 4) shall be retained in perpetuity. Any birds deflectors which break or become detached shall be replaced within one month.
6. The anemometer mast hereby approved shall be fitted with an aviation warning light. The installed aviation warning light shall have a minimum intensity 25 candela omni directional red light or equivalent infra-red light fitted at the highest practicable point of the structure. Once implemented, the warning light shall be retained in perpetuity.

Reasons

1. Required to be imposed by Section 91 of the Town and Country Planning Act 1990.
2. To ensure the satisfactory removal of the approved structure in accordance with policies GP1, ENV2, E3 and E4 of the Powys Unitary Development Plan (March 2010), Technical Advice Note 8 (2008) and Planning Policy Wales (2012).

3. To ensure adherence to the plans stamped as approved in the interests of clarity and a satisfactory development.

4. In the interests of the protection of biodiversity in accordance with policies ENV3 and ENV7 of the Powys Unitary Development Plan (2010), Technical Advice Note 5 (2009) and Planning Policy Wales (2012).

5. In the interests of the protection of biodiversity in accordance with policies ENV3 and ENV7 of the Powys Unitary Development Plan (2010), Technical Advice Note 5 (2009) and Planning Policy Wales (2012).

6. In the interest of safety in accordance with policies GP1 and E3 of the Powys Unitary Development Plan (2010), Technical Advice Note 8 (2008) and Planning Policy Wales (2012).

Notes

The developer must notify UK DVOF and Powerlines at the Defence Geographic Centre with the following information prior to the development commencing:

- 1) Precise location of development.
- 2) Date of commencement of construction.
- 3) Date of completion of construction.
- 4) The height above ground level of the tallest structure.
- 5) The maximum extension height of any construction equipment.
- 6) Details of aviation warning lighting fitted to the structure.

Applicant: Mr Chris Bevan

Location: Bowdler Farm, Knighton

