



## **PLANNING & DEVELOPMENT COMMITTEE**

**4 MARCH 2021**

### **REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT**

#### **PURPOSE OF THE REPORT**

Members are asked to determine the planning application outlined below:

**APPLICATION NO:** 20/0986/10 (CHJ)  
**APPLICANT:** Enviroparks (Wales) Limited  
**DEVELOPMENT:** Construction and use of a stack with associated pipework and a continuous emissions monitoring systems gantry with ladder access.  
**LOCATION:** FIFTH AVENUE, HIRWAUN INDUSTRIAL ESTATE, HIRWAUN  
**DATE REGISTERED:** 29/09/2020  
**ELECTORAL DIVISION:** Rhigos

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**RECOMMENDATION:** Approve subject to a S106 Agreement

**REASONS:** The only change proposed by this application relates to a minor relocation and increase (doubling) in height of the stack and some ducting associated with the revised location. All other aspects of the development remain unchanged and are not under consideration.

The application falls to be determined under two principal criteria namely (a) emissions and (b) visual amenity.

In respect of emissions, this is something that is wholly governed by NRW and will be the subject of an application under the Environmental Permitting Regulations (EPR). NRW have advised that, for the purposes of the planning application, the emissions modelled by the applicant are acceptable (and is actually lower than modelling for the scheme granted planning permission in 2019 suggested). EPR will cover all aspects of both human health and that associated with flora and fauna that can be susceptible to changes in atmospheric conditions (in particular, the Marsh Fritillary Butterfly and Devil's Bit Scabious within the Blaen Cynon SAC). Without an approval under EPR, the development cannot become operational (and is therefore unlikely to be constructed / completed).

**In respect of visual amenity, neither NRW or BBNPA have objected to the impact and an independent Landscape Consultant (White Consultants) has concluded that the impact, while being significant, is also acceptable. The applicant's proposal to "grade" the colour of the stack and its location on the bottom of the valley floor means that the majority of views will be seen against the elevated landforms rather than the skyline, so any impacts are minimized.**

**There are understandable concerns expressed by the letters received in objection, however these concerns relate largely to issues that have previously been considered (and approved) by both RCT and the BBNPA on two separate occasions.**

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#### **REASON APPLICATION IS BEING REPORTED TO COMMITTEE:**

The nature of the development (including previous consents at the site), the level of objection received in respect of the proposal and the assurances given to the local Members (and the local MS & MP) is such that a Committee decision is considered appropriate / necessary.

#### **BACKGROUND INFORMATION**

In 2008 EWL (then called Enviroparks (Hirwaun) Limited) submitted planning applications to both Rhondda Cynon Taf County Borough Council (RCT) and the Brecon Beacons National Park Authority (BBNPA) for planning permission for the following development:

*"Development of a sustainable waste resource recovery and energy production park comprising 27,562 sq.m. of buildings and structures, including a 10,240 sq.m. building for Use Class B1/B2 us: process buildings; a gatehouse and weighbridge, a visitor centre and administration building; a 20MW net capacity combined heat and power plant; with a 40m ventilation stack; external anaerobic digestion, liquid gas holding tanks; 30,352 sq.m. of internal roads and hardstandings; vehicular parking; external security lighting; 17,497 sq.m. of landscaping; vehicular ingress and egress from Fifth and Ninth Avenues, and associated utilities infrastructure."*

Planning applications were made to both RCT & BBNPA as the administrative boundary bisects the site (the larger proportion of the site being within the BBNPA administrative area). Both LPAs approved the development through their respective Planning Committees (RCT Reference 08/1735 & BBNP Reference 08/02488) on different dates but consent was issued upon completion of a Section 106 Agreement on 21<sup>st</sup> December 2010.

Since this consent, the developer has implemented the scheme through the construction of the first phase. However, since the original scheme design was prepared in 2008, advances in waste recovery technologies and a *"much-changed policy and commercial landscape for waste recovery and renewably energy*

*generation*” resulted in a review and a focus on waste gasification technology, with the associated process plant being contained within a single large building.

In 2017, a revised planning application (again to the two respective LPAs) was submitted for the following development:

*“Amended Phase II development and operation of a sustainable waste resource recovery and energy production park, comprising the consolidation of the approved gasification yard and pyrolysis building into a 6,270.43 sq.m. gasification hall; an emissions stack measuring 45 m in height and 3.5 m in diameter; a 2,102.86 sq.m. fuel storage hall and a 378 sq.m. turbine hall for electricity generation; and a 4,824 sq.m. open service yard containing ancillary structures including air-cooled condensers for the gasification plant, ancillary fire water tanks and a fire pumphouse, effluent pumps, gas boosters, transformers and a standby diesel generator and fuel tank, with boundary landscape planting.”*

Again, both of these applications (RCT Reference 17/0249 & BBNPA Reference 17/14587) were approved by the respective LPAs, with consents being issued upon the signing of a revised S106 Agreement, in February 2019.

Committee is advised that an “Enviroparks Evolution” plan showing the various iterations of this scheme has been included as APPENDIX 1 and serves as a useful guide to the history of this proposal.

## **APPLICATION DETAILS**

Since the last approval in 2019, the applicant has reviewed the Phase II proposals in response to further modelling of the anticipated emissions from the gasification process. The applicant has decided to seek planning permission to relocate the main stack within the Enviroparks site and to increase the height of the structure from 45 m (as currently consented) to 90 m *“in pursuit of a superior operational and environmental performance”*.

The revised stack, including its access from the public highway, is now located (for the first time) wholly within the jurisdiction of RCT (as the LPA) and Committee is informed that this proposed change is only being submitted to RCT for determination, with the BBNPA being a consultee to the application.

The proposed development that forms the subject of the current planning application relates solely to the provision for an amended main stack. **No other elements of the previously consented (and implemented) schemes are proposed to be altered.**

The current proposal is for a 90 metre high stack which will be 3.95 metres in diameter. This is a change from the consented scheme which proposed a 45 metre high stack at a 3.50 metre diameter. The stack would move a short distance from its approved location (within the BBNPA) where it would have *“occupied the verge*

*between the northern side of the Gasification Hall and an internal spine road” (which is already constructed).*

The increase in height of the stack follows further studies on the emissions of the Enviroparks plant, particularly in relation to acid and nutrient deposition on the nearby Special Area of Conservation (SAC).

To facilitate access for emissions monitoring (in conjunction with NRW) a Continuous Emissions Monitoring System (CEMS) gantry is proposed around the stack at a deck height of 18.5 metres above the adjoining ground level. Access to the CEMS gantry would be by means of a permanent steel frame ladder.

The CEMS gantry would be a cantilevered platform 10.5 metres in diameter, meaning that it would overhang the existing access road if it was to be located at the stack’s currently consented location. Given the space restrictions, the applicant has decided to relocate the stack itself to the service yard on the eastern side of the Gasification Hall. The applicant has advised that this location *“would provide more space in which to maintain the stack and promotes the mutual safety of access road users and staff working on the stack”*.

The stack is proposed to be finished in a smooth, flangeless, external cladding with a “graded” colour scheme reflecting a technical assessment of local landscape colours to help minimise any visual impact. No visible aviation lights are proposed (any that may prove necessary would be infra-red and invisible to the human eye). The adjacent Gasification Hall would be connected to the stack by means of pipework located above head height and below the level of the gantry.

The stack would stand on an impermeable reinforced concrete slab. The stack components would be brought to the site in modular sections and erected by crane. The applicant has advised that it would take approximately one month to complete but it is likely to be done in association with the construction of the development as a whole.

The applicant has advised: *“there is inherent environmental benefit in the proposal in respect of the dispersion of emissions to the atmosphere and the reduced potential for nutrient nitrogen deposition on protected habitats. However, this comes at the price of a taller structure and an important design consideration was how this would be accommodated in local and distant views, including views from local residential properties and from the Brecon Beacons National Park.*

*The brief was thus to find a design solution for the taller stack that meets operational, air quality and habitat protection objectives whilst presenting an acceptable landscape and visual solution”.*

Committee is advised that an assessment of the impact of the stack is discussed, in detail, in the **PLANNING CONSIDERATIONS** section of this report (and appendices).

## **SITE APPRAISAL**

The application site itself (the subject of this application) comprises a relatively small area of land within the wider (approved) Enviroparks development. As stated above, all of the current application site is now located wholly within the RCT LPA administrative area. None of the application site is located within the BBNPA LPA administrative area although the broader site sits within both – the larger proportion of which is within the BBNP.

The Enviroparks site lies within the Hirwaun Industrial Estate, which lies to the north of the A465 (Heads of the Valley) trunk road, close to its junction with the A4059 / A4061 between Brecon and the Rhondda Valley.

Road access to the site is gained from the A465(T) Heads of the Valley road via the A4061 Rhigos Road, which leads onto Fifth Avenue. The site has existing road accesses from Fifth Avenue to the south and Ninth Avenue to the east. These are currently sealed to deter unauthorised access.

The nearest large settlements in the area are Merthyr Tydfil 11 km to the east, and Aberdare, 7 km to the south-east. Local settlements include Hirwaun, 2 km to the south-east of the site, the village of Penderyn 2 km to the north-north-east, and Rhigos, which lies 1.7 km to the south-west of the application site. There are isolated smaller dwellings closer to the site, and two hotels.

The site is located in an area of varied terrain. Whereas the Hirwaun Industrial Estate occupies a generally level area of land, the land rises gently to the south and east, and more steeply to the east and north, into the National Park.

Established land uses in the locality are also diverse, with a variety of manufacturing, storage and waste reclamation activities taking place on the industrial estate itself, and with a large area to the south-east of the industrial estate occupied by the (now largely complete) workings of the former Tower Colliery.

Across Ninth Avenue from the application site stands a large industrial complex operated by Eden Industries. On the southern side of Fifth Avenue to the south-east of the site are other industrial sheds and storage yards. The area to the north and west of the planning application site is more rural in character, comprising woodlands and well-defined fields used for pasture.

Water storage, transfer and treatment facilities are a notable feature of the locality. Immediately to the north of the planning application site is the Penderyn reservoir, a lake formed by high artificial embankments. The reservoir is used for fishing by the Mountain Ash Fly Fishers Association (MAFFA). In addition to the reservoir there are operational pumping station and treatment facilities at the northern end of Ninth Avenue and on both sides of Fifth Avenue to the south-west of the application site.

The Enviroparks site itself contains a first phase of development with the following built elements.

- A large building, known as the Fuel Preparation Hall, in the south-east part of the site, with a gatehouse, temporary construction laydown and parking areas and foul and surface water drainage works.
- Internal site access roads, running from the site entrance on Ninth Avenue, westwards across the central area of the site and then southwards to Fifth Avenue at the south-western corner of the site.

Other areas of the site are covered in grass with some trees and shrubs inside the northern and western site boundaries.

The Enviroparks site is in a transitional position between the National Park to the north and the Hirwaun Industrial Estate to the south and east. The wider landscape to the south of the site contains a range of structures with a vertical emphasis, mainly including electricity pylons and wind turbines. Structures of an industrial appearance are to be expected in a large and long-established employment area. The wider landscape to the north (within the BBNP) has, understandably, fewer such structures.

While the whole Enviroparks site itself does not contain any environmentally protected areas, there are in the vicinity of the site, several areas of land that are protected for nature conservation purposes. These include:

- the Blaen Cynon Special Area of Conservation (SAC), which encompasses the Cors Bryn-y-Gaer Site of Special Scientific Interest (SSSI)
- the Woodlands Park and Pontpren SSSI.
- the Coedydd Nedd a Mellte SAC, which encompasses the Coedydd Nedd a Mellte SSSI
- Dyffrynoedd Nedd a Mellte a Moel Penderyn SSSI
- Seven Ancient Woodlands are located within 2 km of the site.

## **PLANNING HISTORY**

**08/1735/10:** Development of a sustainable waste resource recovery and energy production park **Decision: 21/12/2010, Grant**

**15/1346/10:** Erection of a building measuring 2,368.47 square metres to enclose apparatus of consented gasifier unit (under planning permissions BBNPA 08/02488/FUL and RCT 08/1735/10) on the Enviroparks Hirwaun site to form an extension and continuation to the consented Fuel Preparation Area Building. Landscaping and external gasifier plant equipment. **Decision: 25/01/2016, Grant**

**15/1361/39:** To add a new condition to planning permission 08/1735/10 to include the plans originally submitted to accompany the planning application as a set of approved plans.

The list of originally submitted plans to be included as approved plans is:

- Drawing Ref: 8016 PL 001 'Site Location Plan'
- Drawing Ref: 8016 PL 002 'Existing Site Survey'
- Drawing Ref: 8016 PL 010 'Existing Site Sections'
- Drawing Ref: 8016 PL 011 Rev C 'Proposed Site Sections'
- Drawing Ref: 8016 PL 051 Rev B 'Engine House Elevations'
- Drawing Ref: 8016 PL 050 Rev B 'Engine House Floor Plans'
- Drawing Ref: 8016 PL 081 'High Energy User Elevations'
- Drawing Ref: 8016 PL 080 'High Energy User Floor Plans'
- Drawing Ref: 8016 PL 041 Rev A 'Fuel Preparation Area Elevations'
- Drawing Ref: 8016 PL 040 Rev A 'Fuel Preparation Area Floor Plan'
- Drawing Ref: 8016 PL 030 'Visitors Centre Floor Plans'
- Drawing Ref: 8016 PL 031 'Visitors Centre Elevations'
- Drawing Ref: 8016 PL 071 'Pyrolysis Elevations'
- Drawing Ref: 8016 PL 070 'Pyrolysis Floor Plan'
- Drawing Ref: 8016 PL 020 'Gatehouse Floor Plan, Section and Elevations'
- Drawing Ref: 8016 PL 060 Rev A 'Biomax Floor Plan'
- Drawing Ref: 8016 PL 061 Rev A 'Biomax Elevations'
- Drawing Ref: 8016 PL 003 Rev I 'Proposed Site Plan'

**Decision: 14/06/2016, Grant**

**15/1351/15:** To vary the condition relating to a set of approved plans by replacing the following approved plans: • Drawing Ref: 8016 PL 011 Rev C 'Proposed Site Sections' • Drawing Ref: 8016 PL 051 Rev B 'Engine House Elevations' • Drawing Ref: 8016 PL 050 Rev B 'Engine House Floor Plans' • Drawing Ref: 8016 PL 071 'Pyrolysis Elevations' • Drawing Ref: 8016 PL 070 'Pyrolysis Floor Plans' • Drawing Ref: 8016 PL 003 Rev I 'Proposed Site Plan' With the following plans: • 'Proposed Site Layout Plan' Drawing Ref: 10455-2020 • 'Proposed Site Sections' Drawing Ref: 10455-2021 • 'Pyrolysis Elevation Plan' Drawing Ref: 10455-2022 • 'Pyrolysis Floor Plan' Drawing Ref: 10455-2023 • 'Engine House Elevation' Drawing Ref: 10455-2024 • 'Engine House Floor Plan' Drawing Ref: 10455-2025. **Decision: 01/02/2019, Grant**

**15/1353/39:** To include FPA Phase II Drawing Ref: 10455-2004 as an approved plan attached to Planning Permission 08/1735/10 to allow minor changes to the external appearance of the Phase II section of the FPA Building to reconfigure the elevations and roof light configuration to match Phase I non-material amendments and allow uniform integration with proposed Gasifier Building elevations. **Decision: 14/06/2016, Grant**

**16/1189/38:** Revised Temporary Wildlife Protection Area - Completion of Mitigation Works. **Decision: 21/12/2016, Grant**

**17/0232/39:** This non-material amendment seeks to relocate the HV (High Voltage) substation from its approved location on the eastern site boundary fronting Ninth Avenue to a new south eastern location within the site fronting Fifth Avenue.  
**Decision: 30/03/2017, Grant**

**17/0249/10:** Amended phase II development and operation of a sustainable waste resource recovery and energy production park, comprising the consolidation of the approved gasification yard and pyrolysis building into a 6,270.43 m<sup>2</sup> gasification hall; an emissions stack measuring 45 m in height and 3.5 m in diameter; a 2,102.86 m<sup>2</sup> fuel storage hall and a 378 m<sup>2</sup> turbine hall for electricity generation; and a 4,824 m<sup>2</sup> open service yard containing ancillary structures including air-cooled condensers for the gasification plant, ancillary fire water tanks and a fire pumphouse, effluent pumps, gas boosters, transformers and a standby diesel generator and fuel tank, with boundary landscape and planting (Additional information relating to the Environmental Statement received 19/09/17). **Decision: 01/02/2019, Grant**

## **PUBLICITY**

As the proposals qualify as a major application, the applicant undertook pre-application consultation and a Pre-Application Consultation Report was submitted with the planning application.

Once submitted the application was publicised by Notices being placed in the vicinity of the site (and surrounding area) and by a notice being placed in the Press (Western Mail). The publicity exercise undertaken was exactly the same that was undertaken in respect of previous applications at this site.

It is understood that some local residents may have also undertaken additional publicity using the Council's "official" Notice and through Social Media.

As a result of this exercise 217 letters of objection / concern were received in addition to 4 petitions including 4,004 signatures – most including a specific reason for that objection.

Letters were also received from Beth Winter MP and Vikki Howells MS.

Committee is advised that not all of the reasons given for objection are under consideration in the determination of this application. Further clarification of this will be given in the **PLANNING CONSIDERATIONS** section of this report. However, in the interests of completeness and as a courtesy to those people who have taken the time and trouble to make representations, a summary of the comments received is included below for Committee's information.

Committee is advised that the volume of letters received have some nuance in their specific concerns but have been grouped into themes however the material planning considerations therein remain the same:

- It would have a detrimental effect on the environment

- It would be like the Phurnacite plant was (pollution / air quality)
- It would impact on deprived communities (Welsh Index of Multiple Deprivation)
- It would be contrary to the Well Being of Future Generations (Wales) Act 2015 and Article 8 of the Human Rights Act 1998.
- It would be a pollution risk to the Penderyn Reservoir (water supply)
- Emissions would affect the local communities and wider area dependent on weather conditions and the prevailing wind (affecting air quality).
- The volume of traffic and pollution would increase greatly due to the HGVs delivering to the site / roads are already congested.
- The erection of the stack would be a monstrosity / eyesore within the landscape and not compatible with the surrounding area / character.
- The stack would result in a loss of visual amenity.
- The pollution would affect the “dark skies” / impact on the “planetarium” proposal.
- It would affect tourism / regeneration plans for the area.
- The pollution would be a significant worry for both the elderly and children (with 3 schools in the vicinity) as well as people with respiratory problems / it would affect air quality.
- It would affect the viability of the existing Industrial Estate and deter firms from coming / affect surrounding farms.
- The people of this area have suffered enough with heavy industry in the past which is now coming to an end and want to see more “clean” developments being undertaken (including tourism).
- The development would affect the value of homes in the area.
- The development would result in wind-blown waste.
- There is an unacceptable cumulative effect on the landscape (with the wind turbines).
- The development would result in offensive smells (and in one specific regard may affect the viability of the Penderyn Distillery Warehouse).
- The stack will have an unacceptable impact on the Brecon Beacons National Park (views to and from).
- The stack would affect enjoyment of the surrounding areas (being used for recreation).
- A previous application for a single (67m) wind turbine was refused on the grounds of impact on the BBNP so how can a 90m high stack be allowed?
- The butterflies (Marsh Fritillary) are afforded more protection than humans.
- The height of the stack could affect the bird population.
- RCT Planning has designated this area as a dumping ground for the County Borough and may not be considered in a more affluent area.
- It is in a Special Landscape Area / would affect the beauty of the surrounding area.

## **CONSULTATION**

As part of the application process the following were consulted. A brief precis of responses has been included for Committee's information. Members are advised that in the determination of this application, some responses will have a greater weight in the decision-making process and greater detail has been included in the **PLANNING CONSIDERATIONS** section of this report.

**Mountain Ash Fly Fishers Association** – object to the development due to the potential for pollutants from the stack to harm the fish population and potable water supply

**RCT Highways** – no objection

**RCT Public Health & Protection** – no objection

**RCT Countryside, Landscape & Ecology** – no objection

**BBNPA** – has “some concerns” over the impact on the proposal on the setting of the National Park but does not object.

**Neath Port Talbot County Borough Council** – initially objected due to the impact on environmentally designated sites within its boundary but subsequently removed the objection upon further clarification from the applicant.

**Rhigos Community Council** – object to the development on the grounds of visual impact and the health and well-being of residents of Rhigos and the wider community.

**Hirwaun & Penderyn Community Council** – object to the development on the grounds of pollution and damage to the environment, visual impact, tourism, resident's health & wellbeing, increased traffic and congestion, and the development being at odds with the Well-being of Future Generations Act. They also highlight the role of the Community Council to represent local residents and object to developments that may cause harm.

**Dwr Cymru / Welsh Water** – no objection (subject to a S106 Agreement)

**Coal Authority** – no objection

**National Grid** – no objection

**Civil Aviation Authority (CAA)** – no objection

**National Air Traffic Services (NATS)** – no objection

**Natural Resources Wales (NRW)** – has “significant concerns” in respect of the development and its potential impact on the Blaen Cynon SAC (emissions) but confirm that the proposed development would be subject to an application / consideration under EPR.

NRW suggest conditions that, if included, result in no objection in respect of the impact on the landscape and the BBNP.

**White Consultants (Independent Landscape Advisors)** - Notwithstanding the adverse effects, it is considered that, with appropriate colour mitigation, the effect of the stack is likely to be minimised, especially seen in the context of the developed valley bottom and against a backcloth of higher upland landforms to the north and south. A full copy of this report has been included as **APPENDIX B**.

## **POLICY CONTEXT**

Committee is advised that the Policy considerations listed below are similar to those that formed part of previous applications, save for an updated PPW and the introduction of the (over-arching) National Development Framework (Future Wales: National Plan 2040).

Whilst the policies are universally relevant, Committee is advised that any consideration of the context should relate only to the specific development under evaluation and not the development of the site as a whole (for which a detailed and implemented consent exists).

Further clarification will be given in the **PLANNING CONSIDERATIONS** section of this report.

### **Future Wales: National Plan 2040.**

Future Wales is the National Development Framework for Wales and will have a legal status as a Development Plan as of 24<sup>th</sup> February 2021 and therefore must be taken into account in making a decision.

As the name suggests it sets out a framework for development within Wales. It is a 20-year plan (2020-2040) *“for shaping the future growth and development of our country”*.

It is a development plan *“for addressing key national priorities through the planning system including sustaining and developing a vibrant economy, achieving decarbonization and climate-resilience, developing strong eco-systems and improving the health and well-being of our communities”*.

Future Wales does not contain statements on all land use planning issues set out in Planning Policy Wales. It has policies on issues where the Welsh Government considers them a national priority at this time or matters which are distinctly spatial and require national leadership.

Decisions on planning applications must be taken in accordance with the development plan.

**National Parks:** National Park Authorities are unique planning entities with a specific remit to reflect the distinctive characteristics of their areas. National Parks are at the heart of resilient ecological networks and have a key role to play in Strategic Development Plans as part of the sustainable management of natural resources, protecting Wales's cultural heritage and promoting health and well-being.

Future Wales policies respect the functions of National Parks in terms of their statutory purposes. At the regional scale, where National Park Authorities will be considered in the context of a wider spatial region, their statutory duty must inform Strategic Development Plans. Planning Policy Wales sets out the wider planning policy context for National Parks.

**Our Natural Environment:** We have numerous designations for our natural environment throughout our land and seas. These are important sites and networks for habitats and species, from the local to the international scale. We must ensure they are protected and enhanced now and for future generations.

**Natural Resources:** Wales has a rich variety of nature conservation sites, covering a diverse range of important and unique habitats and protected species. Ecosystems underpin our well-being, health, economy, culture and identity. We depend on them to provide us with food, raw materials and clean water, and to regulate our climate and air quality. The need to reverse biodiversity decline and assist nature recovery is of imperative importance in its own right. Environmental pressures are causing global biodiversity declines at rates not previously encountered in human history and the rate of species extinctions is accelerating.

Many of our key industries such as agriculture, forestry, fisheries, energy, water and tourism rely on healthy, functioning ecosystems to prosper and to support communities across Wales. We must align the response to the climate emergency with the need to address the twin challenge for biodiversity. Ensuring the resilience of our ecosystems will reverse biodiversity decline and provide an opportunity to promote green growth and innovation to create sustainable jobs, sustain a more resource efficient economy and maintain healthy, active, sustainable and connected communities.

**Renewable energy:** Policy 17 of Future Wales 'strongly supports the principle of developing renewable and low carbon energy from all technologies and at all scales to meet our future energy needs' and encourages the effective use of waste heat, The consented Enviroparks development that the proposed stack would serve would use an advanced gasification technology to generate renewable electricity and heat from waste, and could supply this energy to consented industrial units on the northern part of the Fifth Avenue site.

## **Planning Policy Wales (Edition 10)**

Chapter 3: "*Strategic and spatial choices*" contains guidance on the definition of good design.

Paragraph 3.8 states that *'addressing environmental risks can make a positive contribution to environmental protection and improvement, addressing land contamination, instability and flood risk and providing for biodiversity, climate protection, improved air quality, soundscape and water resources benefits'*.

Section 5.4 concerns economic development.

Paragraph 5.4.13 advises local planning authorities to *'deliver physical regeneration and employment opportunities to disadvantaged communities'*.

Paragraphs 5.4.16 - 5.4.18 proceed to promote the development of business clusters.

Section 6.3 highlights the importance of valued and protected landscapes including national parks.

Paragraph 6.3.6, *'In National Parks, planning authorities should give great weight to the statutory purposes of National Parks, which are to conserve and enhance their natural beauty, wildlife and cultural heritage, and to promote opportunities for public understanding and enjoyment of their special qualities. Planning authorities should also seek to foster the social, economic and cultural well-being of their local communities'*.

Section 6.4 draws attention to the 'section 6 duty' to enhance biodiversity and protect ecosystems introduced by the Environment (Wales) Act 2016. The duty is of particular relevance in the context of statutorily protected wildlife sites such as the Blaen Cynon SSSI and SCA and other designated areas in the locality.

### **Technical Advice Note 12: Design (March 2016)**

TAN12 elaborates upon the design advice in PPW.

*"The purpose of this TAN is to equip all those involved in the design of development with advice on how 'Promoting sustainability through good design' and 'Planning for sustainable building' may be facilitated through the planning system'.*

### **Rhondda Cynon Taf Local Development plan (the LDP)**

**AW5** – New Development

**AW6** – Design & Placemaking

**AW8** – Protection & Enhancement of the Natural Environment.

**AW10** – Environmental Protection & Public Health

**AW12** – Renewable & Non-Renewable Energy

**NSA14** – Employment Allocations in the Northern Strategy area (includes Hirwaun Industrial Estate)

**CS9** - confirms that Hirwaun Industrial Estate is an appropriate location for in-building waste management uses of the type consented in the current application.

### **Technical Advice Note (TAN) 5: Nature Conservation and Planning**

TAN 5 advises on the consideration of applications affecting a Special Area of Conservation (SAC) and Sites of Special Scientific Interest (SSSI) – as well as other sites of nature conservation interest.

**1.6.1** *“Biodiversity conservation and enhancement is an integral part of planning for sustainable development...The use and development of land can pose threats to the conservation of natural features and wildlife...But development can also present significant opportunities to enhance wildlife habitats and the enjoyment and understanding of natural heritage”.*

**2.4** *“When....deciding planning applications that may affect nature conservation, local planning authorities should:*

- *ensure that appropriate weight is attached to designated sites of international, national and local importance.*
- *ensure that all material considerations are taken into account and decisions are informed by adequate information about the potential effects of development on nature conservation*
- *adopt a step-wise approach to avoid harm to nature conservation, minimise unavoidable harm by mitigation measures, offset residual harm by compensation measures and look for new opportunities to enhance nature conservation...”*

**4.5.1** *“Environmental Impact Assessment is a process intended to identify and assess the likely significant environmental effects of a proposed development, in order to inform decision making. It should ensure that the impacts of projects likely to have a significant effect on the environment are thoroughly investigated, understood and considered before deciding whether or not to grant consent”.*

Sections 4.6 and 4.7 advise on the use of conditions and planning obligations (S.106 Agreements) when granting planning consent.

**5.3.1** *“Local Planning Authorities should follow the procedures....for development which might affect European sites....and, more generally, should have regard to the requirements of the Habitats Directive in the exercise of their planning functions”.*

**5.4.4** *“The Assembly Government expects local planning authorities to:*

- *apply strict tests when carrying out functions within or affecting SSSIs, to ensure that they avoid, or at least minimise, adverse effects;*
- *adopt the highest standards of management in relation to SSSIs which they own; and*
- *as owners, or otherwise, take positive steps, wherever possible, to enhance the special interest features of a SSSI where their activities may be affecting it, or where opportunities arise in the exercise of their functions.”*

**6.3.1** *“Under the Habitats Directive...a licensing authority cannot issue a license to enable development to be carried out unless it is satisfied that:*

- *there is “no satisfactory alternative” to the derogation, and*
- *the derogation is “not detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range”.*

SACs are sites of international importance and are designated by the Welsh Ministers in light of recommendations made by NRW.

SSSIs are nationally important sites. They are notified by NRW and may be designated on any area of land of special interest by reasons of its flora, fauna, geological or physiographic features. The purpose of designation is to protect the special features of the site.

Development proposals in or likely to affect a SAC or SSSI must be subject to special scrutiny.

### **Brecon Beacons National Park Management Plan 2015-2020**

BBNPA’s Brecon Beacons National Park Management Plan 2015-2020 defines the Special Qualities of the Brecon Beacons National Park as follows:

- 1. A National Park offering **peace and tranquillity** with opportunities for quiet enjoyment, inspiration, relaxation and spiritual renewal.*
- 2. 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.*
- 3. 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.*
- 4. 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.*

5. 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.

6. 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.

7. **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.

8. In the context of the UK, **geographically rugged, remote and challenging landscapes**.

9. **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.

10. **An intimate sense of community** where small, pastoral towns and villages are comparatively safe, friendly, welcoming and retain a spirit of cooperation.

## **REASONS FOR REACHING THE RECOMMENDATION (PLANNING CONSIDERATIONS)**

Section 38(6) of the Planning & Compulsory Purchase Act 2004 requires that, if regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, the determination must be made in accordance with the plan unless material planning considerations indicate otherwise.

Furthermore, applications that are not in accordance with relevant policies in the plan should not be allowed unless material planning considerations justify the grant of planning permission.

Committee is advised that Future Wales 2040 is now considered to be a Development Plan (from 24<sup>th</sup> February 2021) which must now also be taken into account when reaching a decision.

Committee is advised that many of the objections / concerns raised as part of this application largely relate to the development of the site as a whole and not to the specific proposal under consideration. While the majority of the comments made are material planning considerations (insofar as they relate to genuine planning issues),

these issues have been previously considered as part of the two principal consents granted at this site for the development of an “energy from waste” facility and are not directly relevant in the consideration of this specific application and can therefore only be given very little weight in reaching a decision.

It is considered that the principal issues in the consideration / determination of this application are:

- Emissions (especially any impact on public health and ecologically important designations) and,
- Landscape / Visual Impact (including any impact on the “special qualities” of the BBNP, impacts on residential areas, the surrounding countryside and the potential for it to impact on tourism).

### **Emissions**

Committee is advised (reminded) that the consideration of emissions emanating from the stack is fully regulated and controlled under legislation outside of the Planning system. Regardless of whether the applicant be successful with this application or construct the previously approved scheme (which included a 45 metre high stack), a separate consenting regime exists to deal with any emissions. **Separate consent will need to be sought (and granted) from NRW under the Environmental Permitting Regulations (EPR) before the development can be brought into any beneficial use.**

NRW has provided a consultation response that offers “*significant concerns*” as a result of this development. Discussions with NRW have highlighted that these largely relate to the uncertainty over the impact of the development, as a whole, on sensitive habitats. This will be addressed under EPR and NRW is content for the current application to be approved subject to the retention of relevant planning conditions from the 2019 Enviroparks planning permission and the agreement of a Deed of Variation to the existing S106 agreement. The remaining comments / conditions relate to the landscape and visual impact and will be addressed in the next subject heading. A copy of this consultation response is provided as **APPENDIX C**

Some objections have suggested that Enviroparks had previously applied to NRW for consent under EPR (and implied that it had been turned down). This was specifically raised with NRW who has advised that they had previously received an application from Enviroparks at this site but it was subsequently withdrawn.

NRW’s recommendation (in their consultation response) was that the applicant should have “twin-tracked” the Planning application and the application under EPR. However the applicant has not done this and indeed there is no requirement for any developer to do it in that manner. Committee is advised that this has no direct relevance to the consideration of this application (on its own merit).

As part of this application, the applicant has advised that there will be no new emissions as a result of this proposal. Whether a 90 metre or 45 metre stack is constructed, the consideration of “emissions” from the plant will remain the same as those approved under previous applications. There is some public concern that emissions will be increasing or are likely to increase in the future (albeit with no specific evidence to substantiate this view). Whether the applicant is correct or the objectors are correct, Committee is advised that it is a matter for NRW to determine and consider under the EPR.

The applicant has stated that the increase in height is required “*in pursuit of a superior operational and environmental performance*” but that does come at a price of a greater visual impact. It is for Committee to decide whether that impact is acceptable or not.

Committee is advised that the principal consideration relative to emissions is the potential for impact on the Blaen Cynon Special Area of Conservation (SAC). This SAC is home to the Devil’s-Bit Scabious which is a food plant for the (declining) Marsh Fritillary Butterfly population, which is a protected species under European Legislation and classed as a “priority species” under the UK Post-2010 Biodiversity Framework.

There are, understandably, very strong feelings amongst objectors about the potential for this development / stack to impact on human health and many have cited the proximity of nearby schools (and villages). Emissions, and any associated impact they may have, is clearly a material planning consideration of some considerable weight, however, the arbiter of any dispute lies not only outside of the Planning system but also outside of the Council.

Committee needs to be satisfied that, in determining this application, proper regard will be had to the issue of emissions through an appropriate regulatory body. NRW have responded (in their consultation response) “*We have completed a high level review of the submitted air quality assessment and as a result of this review, we are satisfied that the dispersion modelling methodology is appropriate for the purposes of informing the planning application*”. They further add “*.....it would only be when full details of modelling and technology is provided and considered as part of an EPR application, that NRW’s permitting function would be in a position to properly verify the data*”

It is considered that NRW are the appropriate body, and if emissions are largely the same, the Council (as LPA) is in no different a position than it was when approving previous applications at this site (although NRW notes that emissions in respect of “*nutrient nitrogen deposition*” and “*acid deposition*” are actually **lower** than previously considered),

Any concerns, whether from an ecological or human health standpoint will be investigated (with equal diligence according to the appropriate levels set out in National legislation) and considered as part of an application that must be made under the Environmental Permitting Regulations.

In a similar vein, concerns (objections) have been raised in respect of the likelihood of emissions from the stack affecting the water supply at the nearby reservoir (also used by the Mountain Ash Fly Fishers). Committee is advised that this issue was considered in detail as part of the original application. In response to the current planning application, Dwr Cymru / Welsh Water required some further clarification from the applicant. Following the submission of this information DC/WW advised that they were now satisfied that appropriate safeguard would be in place and offered no objection. This would be the subject of the same requirements attached to a S106 Agreement that establishes a baseline evaluation (before the plant is in operation), regular monitoring (while the plant is in operation), and an Action Plan (to effectively deal with any incidents should they occur). In light of the comments from DC/WW it is considered that any concerns have been appropriately addressed.

In light of the above comments it is considered that the proposal complies with Policies AW5, AW6, AW8, AW10 & AW12 of the Rhondda Cynon Taf Local Development Plan, and that the significant volume of concerns expressed will be properly addressed through that process.

### **Visual Impact / Visual Amenity**

The applicant proposes a 90 metre high by 3.95 metre wide stack along with some ancillary ducting and a monitoring platform (described in **APPLICATION DETAILS**).

The stack is twice the height (and slightly wider) to that previously approved and will form a significantly visible feature in the landscape.

The applicant proposes to “grade” the colour of the stack using various colours and shades to help minimise the impact when viewed against the landscape (rather than provide it in one solid colour – usually grey). They have provided a range of options before concluding that one of the options (3) performs better than the others. These options / visuals will be provided as part of the presentation to Committee.

Members are advised that it is not possible to hide a structure of this size and scale however, it must be acknowledged that in certain instances, especially on industrial developments and on industrial estates, features such as the one being proposed are sometimes necessary.

**The key question for Committee is whether the provision of such a structure is acceptable in this location having regard to all of the circumstances surrounding the proposal and taking into account the views (sic) of the key players in evaluating any impacts.**

Committee is advised that, in applications such as this, there are **two principal consultees** upon whose written responses, the Council (as LPA) must give due weight and consideration.

Firstly, **NRW** are Welsh Government's Landscape Advisors and also have, within that, a remit for assessing the impact on Statutory Designations, which in this case is the National Park.

Secondly, the **Brecon Beacons National Park Authority** advise on the development and its potential to impact on the "special qualities" of the Park and to ensure that the determining Authority has regard to them in reaching a decision.

Both NRW and BBNPA consultation responses are included for Committee's information as **APPENDIX C & D** and are referred in detail to later in this Section.

In applications such as this, there is no requirement of the determining authority to carry out an independent assessment of the information submitted by an applicant to evaluate the impact on landscape and visual amenity (although there is a need to determine whether the LPA actually agrees with the conclusions that an applicant has reached).

Landscape Assessment can be a complicated discipline and the Council no longer has the ability to provide this type of assessment in-house. The Council is also mindful of the need to assess applications in the context of the statutory purposes of National Park designation and the special qualities of the Brecon Beacons National Park specifically, as identified earlier in this report. Given the large public response (exclusively in opposition) to the proposal and following a question / request from a local Councillor, it was decided to commission an independent assessment of the impact of the proposed stack on the landscape. This report was to undertake two related, but separate tasks:

- Firstly, it was to review the information submitted by the applicant to see if it was fit for purpose and,
- Secondly, to independently assess the impact and provide an opinion on its acceptability (solely in relation to landscape and visual impacts), having regard amongst other things to the statutory purposes and special qualities of the Brecon Beacons National Park.

It was decided to use White Consultants (based in Cardiff). Some Members may recall that White Consultants were used to assess all of the large windfarm applications that have been submitted in RCT (Pen y Cymoedd, Mynydd Bwllfa, Maerdy, Abergorkii, Fforch Nest, etc). In the case of the Mynydd Bwllfa wind farm, White Consultants also acted as an expert witness in the Planning Inquiry (Appeal) at which the Council was successful in defending its decision. White Consultants were also used by the BBNPA to assess the landscape and visual impact of the original Enviroparks proposal on the National Park. White Consultants also have 30 years' experience in this discipline. A full copy of the report has been included for Committee's information as **APPENDIX B**.

#### NRW's Response

NRW are the Welsh Government's statutory landscape advisors. In respect of the potential for the scheme to impact on the BBNP, they state:

*"We note that the proposal would result in an increased adverse visual effect on the adjacent landscape of the National Park. There would be an increase in the areas of the National Park from which the proposed stack is visible as a result of the increase in height from 45m to 90m. The proposed stack would include a metal gantry & ladder at approximately 18.5 metres and would be metal clad in a smooth finish with a graded colour scheme intended to be visually recessive.*

*The majority of the views of the proposed stack from and towards the National Park are from high ground, with the exception of close views from Penderyn Reservoir and the backdrop of the landform, rather than against the sky in silhouette.*

*We have reviewed the updated "Environmental Statement Addendum – Chapter Eight-Appendix 8.3 prepared by Enviroparks dated September 2020". We agree that the changed colour scheme (Option 3) is more sensitive to its context and would better integrate the stack in views from and towards the National Park"*

In light of the above comments, there are **no objections from NRW** in respect of the landscape impact and impact on the BBNP subject to the applicant undertaking the "graded" finish put forward in their application.

### BBNPA Response

On 5<sup>th</sup> November, the BBNPA replied to the consultation (as part of the application process). Their response was caveated insofar as it was their "Officer" response and was subject to change when it was reported to their respective Planning Committee. This meeting took place on 15<sup>th</sup> December 2020 after which time it was subsequently confirmed that the comments contained within the original consultation response were ratified by BBNPA Committee and now constituted their formal response.

A copy of the BBNPA response has been included as **APPENDIX D**.

The consultation response sets out the policy and legal context that gives special consideration to the National Park and also the requirements of any Authority in making a decision to have regard to this and assess the impact of a development on the "special qualities" of the Park and the functions it performs.

Committee is reminded that the location of the proposed stack is now located outside the boundary of the BBNP although the greater proportion of the Enviroparks development site **as a whole**, is still located within the BBNP area.

The response concludes:

*"The Brecon Beacons National Park Authority have some concern over the landscape and visual impacts of the proposed 90m stack and the impacts this then has the statutory purpose of the National Park – "to conserve and enhance the natural beauty,*

*wildlife and cultural heritage of the National Park”. The NPA also have concerns that the proposal will adversely impact on two of the Special Qualities of the Park – its sweeping grandeur and outstanding natural beauty” and the “working, living “patchwork” of contrasting patterns, colours and textures”. It will be for the determining local planning authority to give due regard to these impacts in the determination of this planning application”.*

### White Consultants Response

The assessment carried out by White Consultants was carried out in 3 stages:

- The first stage (in October 2020) was a preliminary review of visualisations (submitted as part of the application). It was responded to by Enviroparks’ Landscape Consultants.
- The second stage, completed in November 2020 was a review which considered the proposals and associated LVIA and other information submitted, after which further clarification was sought from Enviroparks’ Landscape Consultants; and
- The third stage considers all of the information submitted to reach a conclusion (and recommendation to the LPA).

In this assessment, White Consultants have particular regard to the impact of the development on the “special qualities” of the BBNP in making the recommendations. These include:

- Scenic quality and sense of place
- Landscape quality and integrity
- Perceptual qualities

The relevant sensitivities of the above “special qualities” include built or other developments which may detract from the sense of tranquility and remoteness, and also visual impacts including night-time light pollution associated developments beyond the National Park boundary.

Rather than summarise the whole report (and potentially miss some of the balanced judgements that have been made in reaching a recommendation), **a full copy of the report is attached for Committee’s consideration**. A copy of this report has also been placed on the Council’s website to enable the public (especially the objectors) to have sight of it prior to the application being reported to Committee. For ease of reference, White Consultants’ “Conclusions and Recommendation” are made in Chapter 9.

White Consultants have concluded that the applicant’s consultants may have understated the levels of effects of the increased height of the stack from some locations, although that is primarily a matter of professional judgement. It is also critical that some of the photomontages and key photographs submitted by the applicant are

not adequate as the sole guide for choosing the colours to be used in the grading of the stack. In order for this to be effective, it is considered critical in requiring an on-site visit with an official RAL Colour Chart to verify the optimal colours. It is recommended that, if the application is approved, that this should form the basis of a condition.

A number of objections received refer to the plumes of smoke that would be emitted from the stack (referring to it as an incinerator) and the potential for pollution. The applicant has confirmed that there will not be any plumes of smoke associated with the operations (as it is not an incinerator). This was queried by White Associates (from a landscape and visual perspective) as part of the assessment insofar as the impact of a 90 metre high stack would be magnified if it is increased (albeit temporarily) through the release of emissions (a “plume”). Notwithstanding the applicant’s response, White Consultants suggest that it is inevitable that during certain weather conditions some emission (whether as steam or other vapour) is likely to be noticeable – so has also taken this into account in the assessment. As highlighted earlier in the report the content of any emission is solely a matter for, and regulated by, NRW.

White Consultants also advise that the LVIA assessment on landscape character are somewhat limited. While the assessment of impacts is accepted it also considers that the spread of these effects is wider than stated. It has also been found that the applicants submitted assessment did not find significant effects on the BBNP special qualities and that White Consultants find that there are significant effects on a limited southern part of the Park in regards to the qualities of “sweeping grandeur and outstanding natural beauty” and “peace and tranquility”.

White Consultants conclude that there will be 5 viewpoints undergoing significant effects at Year 15 rather than the 2 stated by the applicant. The significance of this is that White Consultants consider that the significant effects intrude further into the National Park than the LVIA suggests. Notwithstanding this however, White Consultants note that *“the spread of effects into the National Park still appears to be relatively limited due to the location of the development within a developed valley bottom and seen against a large-scale landscape backcloth”*.

It also concludes that there is one likely significant effect on a dwelling (Trebanog Uchaf), but that *“no dwellings are likely to breach the threshold for unacceptable effects”*.

While White Consultants suggest that the applicant has an “opaque” way of determining cumulative effects, it is considered that the outcome is reasonable. The proposed development does combine with existing industrial development and windfarms to erode the scenic qualities and tranquility of this edge of the National Park.

White Consultants concludes that *“notwithstanding the adverse effects found...it is considered that, with appropriate colour mitigation, the effects of the stack is likely to be minimised, especially seen in the context of the developed valley bottom and against a backcloth of higher upland landforms to the north and south”*

## Conclusions (LVIA)

Committee is advised that it is not possible to hide a large (90 metre) structure and that it will form a significant intrusion into the landscape (where no structure currently exists at the site).

The increase in height of an additional 45 metres magnifies the impacts considered in previous applications (acknowledging that the stack, until now, fell wholly within the BBNPA LPA area). **The key consideration for Committee in determining this application is whether this increase in height is acceptable having regard to the information submitted and the consultation responses received (including objections received from residents of nearby villages).**

The applicant's own submission assesses the potential for any impact and concludes that, while there will (obviously) be some significant effects, these effects are limited and are not of such significance so as to warrant the refusal of the application. It is not unexpected that an (any) applicant's assessment would conclude that the impact of a development is acceptable, so it is of paramount importance in the consideration of this application to balance such a view against other responses received.

NRW have "significant concerns" (but don't object) in respect of the development however, within the field of landscape and visual, they consider the applicant's proposal to grade (colour band) the external surface of the stack essential in minimising any impact and require a condition to be added in order to secure this.

The BBNPA have "some concerns" (but don't object) in respect of the development. They remind the determining authority (RCT) about the requirement to consider any impact upon the "special qualities" of the Park in the decision-making process. Given the proximity of the proposed development to the boundary of the National Park, it would not be unreasonable to conclude that, if it was thought that the erection of a 90m high stack in such close proximity was considered unacceptable, that this would result in an objection or a consultation response worded more strongly.

White Consultants report assesses both the applicant's submission and assesses the proposal in its own right. While they have some concerns over some of the information submitted and the amount to which the applicant relied on this information to make an assessment of the impact, it still concludes that with the appropriate mitigation being put forward by the applicant (to grade the colour of the stack) that any impact is minimised because the majority of the views will be set against a background of higher upland landforms. White Consultants are critical of the methods used in their proposal to grade the stack in line with a "preferred" option. However, this is largely a matter of procedure that, when it comes to agreeing the actual colours that will be used, a RAL Colour Chart must be used in the identification of the colours used.

While public concern over the impact of the increased height may be a "blot on the landscape" and an inappropriate inclusion within the landscape at this "gateway to

RCT / NPT / edge of the BBNP” location it is considered that the consultation responses from the statutory bodies (and the assessment therein) suggest that the impact is acceptable and would be a significant material planning consideration in the determination of this application.

In light of the above comments / consultation responses it is suggested that the impacts on the landscape, residential areas and the “special qualities” of the BBNP are acceptable and that the proposed development is in accord with Policies AW5, AW6 and AW8 of the Rhondda Cynon Taf Local Development Plan.

### **Third Party Objection Received**

In terms of the other main concern in respect of the impact of the development, a significant concern is the potential for the development to impact on tourism. Many of the concerns expressed relate to the impact for the development as a whole rather than the impact of the stack itself. Committee is again reminded that the site as a whole is fully consented (in Planning terms) and is not under consideration.

None of the submissions, while being passionately argued, contain any evidence on which to base a decision. It would be critical in making a decision (especially in an appeal situation) that it is based on factual evidence that it will be a deterrent rather than a suggestion that it could be. In reaching a decision, Committee will be mindful that it has recently approved the Zip World Coaster Kart application (December 2020) and that construction of the zip wire ride is well under construction (nearing completion). Both the approval of the Coaster Kart application and the start of construction on the zip wire were done within the life of the Enviroparks application for the stack and knowledge of the wider development in excess of 10 years.

The Zip World attraction is between 4 km to 2.5 km distant from the Enviroparks site. At that range the proposed stack, which has a width of under four metres, would appear as a thin structure, visible behind existing and consented buildings and structures on Hirwaun Industrial Estate and two rows of electricity pylons. No objection has been received from Zip World (who are aware of the extant consent / current proposal). While Zip World have their own agenda, which is not related in any way to the Enviroparks development, it would, perhaps, suggest an alternative view to the one being advanced by objectors (that it has not deterred a tourism related / reliant business). As an example, it is not conclusive but it is something, that given the lack of evidence given in the objections, would undoubtedly be put forward by the applicant at any appeal situation, and the lack of evidence would put the Council in a difficult position to defend such an assertion.

In respect of other issues raised, the proposed development would generate an insignificant number of construction traffic movements and no operational traffic additional to that associated with the main development that already has planning permission. Issues of traffic / highway capacity and highway safety have previously

been considered. Any concerns must be related to the construction of the stack itself. Other than some additional movements associated with bringing in component parts for the increased height, all construction will take place within the application site and will not impact on the local highway network.

A number of objections relate to property prices being affected if this development goes ahead (although no evidence has been provided). Committee is reminded that this is not a material planning consideration and cannot be taken into account.

There are clearly (understandable) concerns that the development (both as a whole and as the proposal under consideration) would be detrimental to human health. Committee is advised that no evidence has been provided by objectors. However, the Courts have held that the perception of fear *is* a material Planning consideration that must be taken into account. In response to this, Committee's attention is drawn to comments made by NRW (earlier in this report) which clearly state that "emissions" will be the subject of a separate consenting regime (EPR) where full regard will be had to any emissions and the impact that they could have. In light of this regime it is considered that any fears would be addressed and, only if the development complies with National standards, could the development proceed. In light of this, it is considered that an appropriate mechanism exists such that any concerns have been addressed (in so far as the Planning process requires). It is also relevant to highlight that the purpose of the application for a taller stack is to achieve better emissions dispersion.

Some concerns have been expressed about the Enviroparks development being a deterrent to future investment on the Estate. There is no evidence to suggest that either the construction of the Enviroparks development (or specifically the increase in height of the stack) will deter future / continued investment in the Estate (or the Tower Plateau as part of the NSA8 allocation) but Members are reminded that, part of the overall vision for the Enviroparks development was its ability to attract a "high-energy" user to a plot of land to the rear (within BBNP) of the site that would benefit from cheaper electricity / heat that the Enviroparks development would provide (resulting in approximately 200-250 jobs as a whole). Members may also wish to note that, as part of a Regeneration scheme for the Estate, there was almost 100% occupancy (pre-Covid) of the units on the Estate, which given the date of the original consent and the partial construction of the development, would suggest that it is unlikely be a consequence of this development.

A specific query has also been raised at to the Council's refusal of a 67m high single wind turbine at Cefn Farm in Rhigos due to its impact on the landscape and the BBNP and questions whether, in light of this decision, the Council can approve a request for a single 90m high stack. Members may wish to note that a key consideration in the determination of that application was the independent review of the proposed development by White Consultants and the consultation response from NRW. It was considered that the isolated turbine would occupy the space between two larger

groups of existing turbines thereby extending the spread and influence of wind turbine development within the landscape and therefore magnifying its impact on the BBNP. Given the comments of both White Consultants and NRW as part of this application, it is considered that the approach to considering developments in this location has been entirely consistent.

There is reference to the development affecting the “dark skies” and the potential for it to affect the “planetarium” proposal. Committee is advised that discussions were held several years ago with Dark Skies Wales for a development that would include a “planetarium” however it is understood that the developer has undertaken a feasibility study but no application (or meaningful pre-application discussions) has been forthcoming. The site in question was around the land that formed part of Tower Colliery’s environmental mitigation (so is unlikely to be available for development), would be close to an existing Industrial Estate, 86 acres of land identified in the LDP as part of development plateau, an enhanced roundabout as part of the dualling of the A465 and the potential to extend the passenger rail line from Aberdare to Hirwaun. While it may be an exciting prospect, it is not considered to be a material consideration of any weight in the assessment of this application, which, at worst, would only provide some infra-red lights should it be required in the interest of aviation safety.

A number of objections also refer to the proposal not being in compliance (or within the spirit of) the Wellbeing of Future Generations Act (and Human Rights Act). No specific examples of how the proposal is out of accord has been submitted but it is presumed that such concerns relate to the wider development (of an Energy from Waste facility) which is not under consideration. As a decision maker, it is considered entirely reasonable to conclude that the application made under EPR will properly assess any impact from emissions that could be construed to be out of accord with the Acts and the comments from NRW, the BBNPA and White Consultants all suggest that the visual impact (in its various forms) are acceptable – although Committee is perfectly at liberty to arrive at a different conclusion. However, in light of this, it is considered that, as an LPA (and therefore the decision maker) proper regard has been had to the requirements under these Acts in making a

## **RECOMMENDATION.**

### **Other issues**

Committee will note from the **PUBLICITY** section of this report that responses have been sought and received from both the Civil Aviation Authority (CAA) and National Air Traffic services (NATS) in respect of any potential for the height of the stack to impact on the aviation industry. Both bodies replied offering no objection. The applicant has advised that infra-red lights (not visible to the human eye) will be incorporated into the stack if required.

### **Overall Conclusions**

Clearly, this application has caught the attention of the local population and has resulted in a significant number of objections. Unfortunately, many of these objections relate to broader issues that have been considered previously by Committee. These concerns are understandable and clearly heart-felt. However, Committee is advised that any concerns that refer or relate to any issue other than the increase in height of the stack and its minor relocation within the Enviroparks site should not be afforded weight in the consideration of this application.

Many of the concerns relate to emissions and their propensity to impact on everyone and especially the most vulnerable (children / elderly / those with respiratory problems / etc). Emissions from the stack is clearly a material planning consideration. However, it is not for the Committee (the LPA) to determine matters that are properly the remit of another public body. The Environmental Permitting Regulations (EPR) exist to ensure that any emissions are taken into account before a development can proceed. The EPR will take into account both human health and the ecologically important designations at nearby sites. Neither takes priority over the other. Emissions will need to satisfy both. NRW have advised that the modelling submitted by the applicant is acceptable to satisfy their requirement in so far as the Planning application relates, but detailed consideration will be given as part of the EPR process. In light of the information received from NRW, this aspect of the Planning application is considered acceptable.

The other principal consideration is one of “visual amenity”. This is a broad-brush term for assessing the impact that the erection of a 90 metre high stack will have on the immediate area, the wider area (including any cross-Authority borders) and in particular any detrimental impact (the degree of) that the erection of this structure will have on the setting and “special qualities” of the BBNP above and beyond that which the 45 metre high approved scheme would have. It is clear that the stack would have a detrimental impact and that such an impact is significant in landscape and visual terms. Landscape and visual assessment is complicated and is not an exact science and does involve an element of valued judgement (what one person considers totally unacceptable may be something which another person finds marginally unacceptable and a third person finds acceptable) and Committee may take a different view (sic) to that of NRW, BBNPA and White Consultants. None of these three claim that the erection of the stack makes a positive contribution to the landscape but, equally, none of them offer an objection and suggest that with the application of an appropriate condition in respect of the colours and hues uses in the grading of the stack that the impact can be minimised (so far as is possible). In light of the comments received from NRW and BBNP as statutory consultees and White Consultants independently assessing the scheme, it is difficult to conclude anything other than that the scheme is acceptable.

In respect of the issues that are under consideration as part of this application it is considered that it is in compliance with policies within the LDP as well as the broad categories (that are applicable) in Future Wales 2040.

The objectors have argued passionately about the proposal however the weight of objection must be considered against the evidence submitted and the consultation responses received. However passionate the arguments made, a decision must be reached having regard to all valid material planning considerations.

In the light of the comments received, it is considered that nothing is of such significant weight as to outweigh the principal considerations identified earlier in this report and, accordingly, the following recommendation is made:

**RECOMMENDATION:** Approve subject to a S106 Agreement.

### **Conditions & S106 Agreement**

Committee is advised that, while this is a “stand-alone” application it will not be constructed in isolation (there is no point or intention) but it is inextricably linked to the development(s) already approved (and the requirements laid down therein).

Committee is advised that there is already a S106 Agreement in place for this development. The Heads of Terms are set out below. Some of these requirements have already been met.

### **HEADS OF TERMS:**

- The applicant/developer has agreed with Dwr Cymru / Welsh Water to implement a regime of monitoring on the Penderyn Reservoir, with a series of protective trigger points to safeguard water quality (Members are advised that there is an agreed document providing specific Heads of Terms that have been agreed with Dwr Cymru/Welsh Water).
- The applicant/developer will prevent any (heavy goods) vehicular traffic associated with the proposal from using Halt Road or the Rhigos Road (leading to Glynneath). All such vehicular traffic will use the main Industrial Estate entrance/exit leading onto the A465 roundabout.
- The applicant/developer will make financial contributions (£205,031) towards the management and enhancement of the local habitat.
- The applicant/developer will provide a financial contribution to bus stop provision (£16,000) in the area to promote the use of public transport in conjunction with a Green Travel Plan.
- The applicant/developer will provide and implement a Green Travel Plan for employees (which included a provision for a financial contribution (£90,000) should the mechanisms to be agreed fail to achieve their objectives).

- The applicant/developer has defined a “waste catchment” which is to be based on a percentage of waste, which must originate from the South East and South West Wales Regional Waste Plan areas, south of the Brecon Beacons National Park.
- The applicant/developer will provide a financial contribution (£10,000) towards enhancements to local footpath (P.R.O.W) 15, providing better pedestrian access from Penderyn Village.
- The applicant/developer will provide a heat exchanger on the site boundary within 3 years of the first waste delivery to the site in the event that a “high energy user” is not found (this will facilitate the transfer of the supply of heat/energy to other customers on the Industrial Estate).
- The applicant/developer will make a financial contribution of 25 pence per tonne of waste (as measured at the weighbridge) towards the Heads of the Valley’s initiatives (E.A.R.T.H. programme) for enhancing the energy performance of local housing, (to a total contribution of £600,000).

Should Committee be minded to approve the application, it will be necessary to link the development under consideration to the previous consents to ensure compliance. A Section 106 Agreement will be required to apply the planning conditions and the planning obligations imposed on application no. 15/1351 to the development.

One additional condition is considered necessary which relates to the colour grading of the stack and is included below for Committee’s consideration:

**RECOMMENDATION: Grant**

1. Notwithstanding the details submitted, the construction of the stack shall not be commenced until such time as a scheme for the graded colour of the exterior finish shall be submitted to, and approved in writing by, the Local Planning Authority. The colour scheme proposed shall include specific reference to colours as set out in a RAL Colour Chart and how the choice of colours has been reached having specific regard to the landscape context. The development shall be carried out in accordance with the approved scheme and the finishes used be maintained for the life of the stack.

Reason: To minimise the visual impact of the stack on the landscape (including the Brecon Beacons National Park) in compliance with Policies AW5, AW6 & AW8 of the Rhondda Cynon Taf Local Development Plan

## ENVIROPARKS: PROJECT EVOLUTION 2010 – 2020



2010

In the Enviroparks proposals approved in 2010, the gasifiers were in an open yard (1) with separate fuel storage (2), pyrolysis (3) and energy generation (4) buildings in the centre of the site, with a stack. The anaerobic digestion plant (5) can be seen on the left. Also visible at the back of the site is a high energy user building (6) to attract new employers with high energy demand to the area (7), and the Biomax process building.



2019

In the proposals approved in 2019 the building on the Fifth Avenue frontage is raised by two metres to increase the space for fuel storage (A) and accommodate the energy generation in a turbine hall (B). A gasification hall is located near the centre of the site (C) with a service yard to the west (D) containing water and other tanks. The stack (E) stays in the same position with an increased diameter and a five metre addition in height to 45 metres. The anaerobic digestion plant is deleted.



2016

In 2015-16 planning permission was granted to enclose the gasification yard in an extended building on the Fifth Avenue frontage of the site (1) and to increase the roof heights of the pyrolysis building (3) and energy generation building (4). A reconfigured anaerobic digestion plant with fewer, larger, tanks (5) was retained in the scheme. The stack (6) was unchanged. During 2015-16 the Fuel Preparation Hall (2) was constructed.



2020

In the current proposals the central stack (1) is relocated to the yard between the existing fuel preparation hall and the consented gasification hall. The stack is increased in height to 90 metres to achieve better emissions dispersion and reduce nutrient deposition on protected grassland habitats. Otherwise the development is unchanged from that granted planning permission in 2019.

# REVIEW OF LANDSCAPE AND VISUAL IMPACT ASSESSMENT

**Final Report**

for

Rhondda Cynon Taf County Borough Council

February 2021

Tel: 029 2236 2416

Email: [sw@whiteconsultants.co.uk](mailto:sw@whiteconsultants.co.uk)

Web: [www.whiteconsultants.co.uk](http://www.whiteconsultants.co.uk)



## CONTENTS

1. Introduction .....	2
2. Site, context and proposed development .....	4
3. Review of LVIA method .....	5
4. Review of presentation .....	7
5. Appraisal of LVIA- effects on landscape character .....	8
6. Appraisal of LVIA- visual effects.....	11
7. Cumulative effects.....	13
8. Consideration of policy .....	13
9. Conclusions and recommendation.....	14
Appendix A: Brecon Beacons landscape character assessment extracts .....	16
Appendix B: Brecon Beacons special qualities .....	17
Appendix C: Review of effects on landscape character .....	18
Appendix D: Review of visual effects .....	19
Appendix E: Review of PSL clarification response dated November 2020 .....	20

# 1. Introduction

- 1.1. White Consultants were commissioned by Rhondda Cynon Taf County Borough Council (RCT) on 19 October 2020 to carry out an independent appraisal of visualisations and a Landscape & Visual Impact Assessment (LVIA) by Pleydell Smithyman (PSL). These have been submitted in support of a planning application (20/0986/10) for a chimney stack at Enviroparks, Hirwaun. This report primarily addresses the LVIA with the
- 1.2. The planning application is for a proposed 90m high chimney stack 3.95m wide to replace a previously consented (2017) 45m chimney stack, 3.5m wide. The proposed chimney stack is in a revised location in relation to other buildings and structures which have been consented as part of the 2017 application.
- 1.3. The purpose of this report is to carry out an independent review of the landscape and visual impact element of the Environmental Statement. It is in line with Landscape Institute TGN 1/20 and it will take into account if the assessment:
  - Meets the requirements of the relevant regulations.
  - Is in accordance with relevant guidance.
  - Is appropriate and in proportion to the scale and nature of the proposed development.
- 1.4. The study has been carried out in three stages. The first stage in October 2020 was a preliminary review of visualisations which was responded to by PSL in a clarification response in November 2020.
- 1.5. The second stage, completed in early November 2020, was a review which considered the proposals and associated LVIA and other information including:
  - Illustrative masterplan ENV\_EPT\_GEN\_DR\_A\_6011 Rev P10
  - Elevations drawings (including ENV\_EPT\_GEN\_DR\_A\_6020 Rev P2 and ENV\_EPT\_GEN\_DR\_A\_6021 Rev P1)
  - Design and access statement, September 2020
  - Environmental statement Addendum (2020) Chapter 8 Landscape and visual effects.
  - Environmental statement Addendum (2020) Appendices 8.1- 8.5
  - Zone of theoretical visibility (ZTV) of consented and proposed stacks - M 19.144.D.002.
  - Visualisations including photos, wireframes and photomontages from viewpoints A to N.
  - LVIA figures 12.1-12.5 (2008)
- 1.6. Based on this, a series of recommendations were made requesting the following:
  - Confirmation of the nature of the emissions plume and whether the LVIA takes this into account.
  - Confirmation of which viewpoints were visited in April 2020 to inform the LVIA and ECA.
  - An assessment of the effects on BBNP LCAs and their special qualities which should inform a revised assessment on the effects on special qualities and purposes of the BBNP.
  - PSL may wish to review whether there are any LANDMAP aspect areas not assessed which may undergo significant effects.
  - As part of an addendum a visualisation method formalising the informal emails sent is desirable- to avoid the need to reference the latter.

- The recommended ECA colours should be tested and verified on site by interested parties at least from Viewpoints H and J (or nearby safer location) using official RAL colour swatches (see 3.22 above). It is suggested that it is important that all three colour options possibly with variations are reviewed with the objective of achieving the most recessive solution.
- 1.7. This request was sent to the developer's agents and a clarification response, dated November 2020, was received on 3 December 2020. This is reviewed in **Appendix E**.
- 1.8. This third stage report considers all the information submitted to reach conclusions.
- 1.9. It should be noted that White Consultants were not involved in reviewing the 2017 application and associated LVIA and have not been party to discussions between the developer and the competent authority and consultation bodies during scoping and subsequent consultations. It may also be relevant to note that White Consultants reviewed the 2008 Enviroparks proposals and LVIA for the Brecon Beacons National Park Authority and so are familiar with the project and landscape context.
- 1.10. This review is structured as follows:
- The site, context and proposed development.
  - The method used to undertake the assessment, including the criteria selected and the process followed.
  - The presentation of the assessment findings.
  - The accuracy and comprehensiveness of baseline and content and reasonableness of findings.
  - Consideration of policy including a review of the impact of the proposed development on the Brecon Beacon National Park (BBNP) purposes and special qualities.
  - Conclusions and recommendations.
- 1.11. The review has been carried out with reference to current guidelines and reports including the following:
- Guidelines for Landscape and Visual Impact Assessment third edition (GLVIA3), LI and IEMA, 2013
  - Landscape Institute Technical Guidance Note 06/19. Visual representation of development proposals.
  - Landscape information including LANDMAP and BBNP landscape character assessment.
- 1.12. Representative viewpoints were visited on site on one day in November 2020 in sunny weather with good, clear visibility. Photographs were taken from publicly accessible representative viewpoint locations.
- 1.13. Simon White, a chartered landscape architect with over 30 years' experience based in South Wales including LVIAs, related appraisals and LANDMAP, has carried out this assessment. The views in this report represent those of the assessor, not RCT.
- 1.14. Where appropriate, references to paragraphs in relevant submitted documents are indicated in brackets. Unless otherwise stated, the references are from the LVIA unless they are in bold text, in which case they are located in this review report e.g. appendices.

## 2. Site, context and proposed development

### Site and location

- 2.1. The planning application site lies within the Hirwaun Industrial Estate lying north of the A465 Heads of the Valley trunk road. The site has existing road access from Fifth Avenue to the south and Ninth Avenue to the east. There is a steep embankment to the privately accessible Penderyn Reservoir to the north, a small hill to the west and gently rising land beyond other industrial buildings to the east. Other small units within the industrial estate lie to the south within strong mixed tree cover. The generally flat site in which the proposed chimney stack is proposed already has planning consent (2019) as the Enviroparks Energy from Waste (EFW) facility with phased development taking place. One building appears to have already been constructed. The overall development's purpose is as a gasification plant to recover energy from non-hazardous residues remaining after recyclable materials have been removed from the waste stream and to supply low carbon electricity to customers on and off-site.
- 2.2. The overall Enviroparks site is split by the boundary between the Brecon Beacons National Park (BBNP) and Rhondda Cynon Taf (RCT) and is allocated for industrial business development in RCT and employment in BBNP.

### The development

- 2.3. The development proposed in the current planning application is described in Chapter 3 of the ES. It is concerned solely with the relocation and raising in height of an already consented chimney stack. The proposed chimney stack is 90m high and 3.95m in diameter and replaces a previously consented (2019) 45m chimney stack, 3.5m wide. The proposed chimney stack is in a revised location in relation to the other buildings and structures which have been consented in 2019 as part of the previous application. This is in the service yard on the eastern side of the Gasification Hall, and pipes link the chimney to this building. A continuous emissions monitoring systems gantry is proposed around stack with a deck height of 18.5 m above ground level, accessed by a permanent steel frame ladder. The proposed development lies entirely within RCT but very close to the BBNP boundary.
- 2.4. The chimney stack is proposed to have a smooth, flangeless external cladding in a graded colour scheme derived from an Environmental Colour Assessment in Appendix 8.5 of the ES. This has subsequently been revised as part of the PSL clarification response (November 2020). The colours currently proposed are RAL 7012- dark grey at the base, RAL 7006- brown/grey for the middle of the stack and RAL 7005- mid-grey at the top of the stack. If aviation warning lights are required these would be of the infra-red type, and stated as invisible to the human eye.
- 2.5. The exhaust gases from the super heater will be passed through a boiler and an economiser system that recovers heat to use around the process. The exhaust gases would then be cleaned by a combination of methods before being discharged under monitored conditions through the proposed stack. These are:
  - Chemical additions to abate pollutant emissions including:
    - Hydrated lime addition to reduce concentrations of sulphur dioxide and other gases transforming them into calcium chloride and other materials.
    - Application of powdered activated carbon adsorbs dioxins and dioxin like compounds and other volatile organic compounds
    - Addition of urea to abate oxides of nitrogen reducing them to nitrogen and water vapour
  - Filtering to remove air pollution control residues and other particulates.
- 2.6. Emissions would be controlled under environmental permit issued by NRW. PSL have stated that they understand that no emissions plume would be visible. This review assumes that there may be intermittent visibility of a water vapour plume depending on weather conditions and other factors.

### 3. Review of LVIA method

#### LVIA method

- 3.1. The PSL LVIA method is set out in ES Appendix 8.1. This appears to be the same as the 2017 LVIA method by Crestwood Environmental with a number of minor updates. It states that it is undertaken in accordance with GLVIA3 and both Landscape Institute Advice Note 01/11 and Technical Guidance Note 06/19 in respect of photography and visualisations. The LVIA Chapter 8 sets out the relationship with earlier assessments. The study states that it is based primarily on the 2017 assessment and also uses the 2008 assessment by Savills in respect of Figures 12.1 - 12.5. This is appropriate for the study providing it is of adequate quality to meet updated guidance and address policy and the information used is sufficiently up-to-date. The previous Crestwood Environmental LVIA for the approved 2019 scheme has effectively been accepted by the LPA and consultees so any shortcomings noted below should be considered as the professional opinion of the writer only.
- 3.2. The PSL response to the visualisation review indicated that a visit to the site and surrounding area was carried out in April 2020 but that not each viewpoint was visited and reassessed (6). At this time PSL state that they were stopped by a police roadblock close to the site and it was not appropriate for health and safety reasons to visit public locations and residential areas to undertake photography. The clarification response includes photos from site visits to viewpoints in November 2020.
- 3.3. The approach of comparing the assessments of the previous overall scheme and new overall scheme with the taller stack and exploring the differences is a valid approach.
- 3.4. The zone of theoretical visibility (ZTV) has a radius of 5km. This is carried over from the 2017 assessment for a lower stack. It is stated that, though a 10km radius was considered, there is no potential for significant effects beyond this 5km. A review of the ZTV on site indicates that there will be wider views of the higher stack and plume within the BBNP to the north but it is not likely to have significant effects at greater distances.
- 3.5. Changes to the baseline situation are recorded in Chapter 2 of the ES. This includes the reclamation of the Tower open cast mining site. Whilst the LVIA suggest that any changes are minor it is worth noting that the reclamation means that the proposed chimney stack is backclothed in part (in 2020) with a combination of green fields and seeded slopes of potential development sites rather than the dark grey of the open cast in views from BBNP (around Viewpoint H- Moel Penderyn- also used in the Environmental Colour Assessment (ECA)).

#### Landscape effects

- 3.6. The baseline situation is stated as including a review of available document sources e.g. published landscape character assessments and landscape policy guidance (8.13). Whilst one of the relevant Brecon Beacon National Park (BBNP) landscape character assessment (LCA) areas has been described, the effects on it have not been assessed (8.16) in addition to LANDMAP. It is relevant as it pertains to the special qualities of the National Park. PSL have declined to carry out this work.
- 3.7. Landscape sensitivity is derived from a combination of landscape value and susceptibility. Value is apparently only based on LANDMAP aspect area values. This is a limited approach. GLVIA3 mentions LANDMAP but also indicates that other information will contribute to understanding value eg designated areas such as National Parks (5.20) ie BBNP. It is also noted that a number of current LANDMAP aspect areas are omitted in the assessment, partly as the 2008 baseline is not entirely up-to-date eg historic landscape layer and visual and sensory layer. This was also the case in the previously accepted Crestwood Environmental LVIA.
- 3.8. Landscape susceptibility definitions are fair although a clear rationale for combining value and susceptibility is not given.
- 3.9. Landscape magnitudes of effect are given very outline descriptions which do not involve the addition or removal of key characteristics. It is likely that the stack would be

defined as a new key characteristic of the valley floor thus materially changing character.

- 3.10. Landscape significance definitions are fair generally.

#### **Visual effects**

- 3.11. Viewpoint value definitions are limited in scope.
- 3.12. Visual susceptibility is given a fair definition in the method. However, in reviewing how susceptibility is assessed for some viewpoints there are concerns e.g. viewpoint M (LVIA Appendix 8.3, 8.94). Here it suggests that susceptibility to change is medium as the site is set down in the valley within the context of an industrial park and contained by planting. This judgement should feed into the magnitude of change/effect not the sensitivity of receptor. As such, this factor both reduces the sensitivity of receptor and the magnitude of effect ie is double counted reducing/avoiding the potential for a significant effect.
- 3.13. The magnitudes of visual effects appear to be prescriptive in terms of distance which should depend on the size and extent of development.
- 3.14. Levels of visual significance have fair definitions generally. However, the definition of moderate significance as noticeable long-term or large-scale deterioration in low sensitivity but high-quality views is an unlikely scenario. If the view is high-quality and the development is noticeable the effect is likely to be more than moderate significance.
- 3.15. As already stated, it is appreciated that PSL have used the same method as Crestwood Environmental to try to achieve consistency and compatibility with the assessment that supported the consented development. This is proportionate but the findings are subsequently viewed with caution in this review.

#### **Cumulative effects**

- 3.16. There is no defined method for assessing cumulative effects even though this is referred to as being covered in the 2017 Appendix 12.1.

#### **Visualisations**

- 3.17. These were reviewed in a previous visualisation review report which has been responded to by PSL in October and subsequently in November 2020 with a method used for producing visualisations.

#### **Environmental colour assessment (ECA)**

- 3.18. The method for the assessment is set out in Appendix 8.5. This states that the *'approach has been informed by review of Technical Information Note 04/2018 published by the Landscape Institute'* (1.3). The process described in this technical note is based on a technical survey, analysis and synthesis of the colours found within an identified area. This usually begins with desktop studies followed by on-the-ground surveys during which the baseline colours within the given area are collected, identified and recorded. The winter months are stated as the most appropriate time to carry out surveys and most practitioners work with a Natural Colour System colour swatch to record colours. After developing a colour palette and materials these are usually tested on site to achieve the best fit.
- 3.19. The original ECA produced by Pleydell Smithyman explores the colours using three existing winter photographs (viewpoints C, H and J) taken by Crestwood Environmental in 2016 as part of the 2017 LVIA.
- 3.20. As noted in initial visualisation review, the views of C and H are considered to be hazy. For example, the background colours of Viewpoint each photo are mix of cool and warm greys which reflect atmospheric interference against landform in shadow rather than land cover colours. Whilst these weather conditions do pertain part of the time and can represent landscape seen at a distance they tend to add a grey patina to landscape colours and are not necessarily representative of the site and its environment all year round. Viewpoint J photo is helpful, although overcast.

- 3.21. The PSL clarification response in November 2020 includes much better quality photos for the viewpoints with an additional viewpoint added. These appropriately inform the desk study. The photomontage options appear to be useful. Based on these it is agreed that Option 3 appears to be least intrusive based on the colours pertaining to those photos. However, whilst the colours appear to be relevant, they do not appear to have been tested in the field. They reflect the duller and most muted colours which may be helpful in making the structure as recessive as possible but their accuracy or suitability needs to be verified. The most important views are from within the National Park rather than towards the National Park.
- 3.22. Overall, it is recommended that the colours should be tested on site at least from Viewpoints H and J using official RAL colour swatches- it is suggested that it is important that all three colour options possibly with variations are reviewed with the objective of achieving the most recessive solution. PSL suggest that there are many appropriate colour combinations and others can decide as part of a planning condition. If this is the case then suitably qualified representatives of NRW, BBNP and RCT should undertake a site visit, preferably on a clear winter day with sun and cloud, with RAL swatches and the PSL desk study.
- 3.23. Having stated some shortcomings in the method, a professional judgement has been made on the merits of the development, LVIA and ECA in this review based on the information provided.

## 4. Review of presentation

- 4.1. As mentioned in the LVIA and above, figures and data from the previous 2008 assessment and photos and text from the 2017 assessments have been used. This is understandable to an extent as only one element of the previously consented development is being changed, but it adds complexity to the assessment.
- 4.2. Figures 12.1 to 12.5 from the 2008 assessment are referred to. These map constraints, and landscape character (apparently redundant as it is not used as part of the assessment), an approximation of the visual and sensory aspect areas and vegetation cover, ridge lines and public access.
- 4.3. The 2008 LANDMAP assessments in Appendix 8.2 are virtually unreadable and it is very difficult to establish where the site is in relation to each aspect area (with the exception of the visual and sensory which is illustrated in Figure 12.4). Whilst the 'inherited' assessment is not good practice and has not been checked it is not necessarily expected for this LVIA to undertake a new LANDMAP impact assessment due to consideration of a proportionate approach.
- 4.4. The photographs from key viewpoints have been updated in November 2020 and are adequate to underpin the LVIA and ECA desk study. It is noted that now the development from Viewpoint H is seen against reclaimed green fields rather than the open cast mine.
- 4.5. Figure 8.1 ZTV is up-to-date showing the difference between the visibility of a 90m stack compared to a 45m stack which is helpful.
- 4.6. Having stated some shortcomings in the output, a judgement has been made on the merits of the development, LVIA and ECA in this review based on the information provided.

## 5. Appraisal of LVIA- effects on landscape character

- 5.1. A review of the effects on landscape character is set out in **Appendix C**.
- 5.2. The LVIA assesses the operational effects on landscape character in ES Chapter 8 main text 8.53- 8.62 and Appendix 8.2. It states that sources consulted to establish the up-to-date baseline included LANDMAP and the Brecon Beacons Landscape Character Assessment (LCA)(8.9).
- 5.3. In relation to the BBNP Management Plan 2015 to 2020 the relevant special qualities of the National Park are listed as:
- rural setting and open land
  - sense of place and cultural identity
  - sweeping grandeur and outstanding natural beauty
  - ‘living patchwork’ landscape and
  - enjoyable accessible countryside with widespread varied recreational opportunities.
- 5.4. The special qualities listed in the Local Development Plan 2007- 2022 are set out in full in **Appendix B** of this review. It is noted that the LVIA states that in pre-application consultation Brecon Beacon National Park Authority (BBNPA) stated they had concerns about only two of the special qualities - sweeping grandeur and outstanding natural beauty and the ‘living patchwork’ of contrasting patterns, colours and textures (8.56). It is suggested that the first special quality i.e. ‘*a National Park offering peace and tranquillity with opportunities for quiet enjoyment, inspiration, relaxation and spiritual renewal*’ is also relevant as views of development can have an adverse effect on tranquillity.
- 5.5. The National Park’s Dark Sky Reserve Status is also noted in the LVIA.
- 5.6. The LVIA acknowledges the BBNP LCA adjacent to the site- Landscape Character Area 4: Waterfall Country and Southern Valleys. The distinctive characteristics relevant site and locality are summarised as (8.29):
- Dramatic landform is steep enclosed valley separated by ridges of flatter, higher land.
  - Land-use predominantly of pastoral agriculture but with extensive areas of forestry.
  - Limestone walls and hedge banks enclosing regular fields in valleys, with some hedges. Higher land less enclosed with more use of post and wire fencing.
  - A range of historic features in the landscape.
  - Development concentrated in valley floors, particularly along the A4067 and A4059. Some into visibility with settlement, roads and other development beyond the National Park boundary
- 5.7. The overall strategy of maintaining and enhancing the special qualities of the landscape including resisting development which would impact on views from the area is mentioned.
- 5.8. The LVIA does not mention the special qualities related to this LCA. These include:
- Scenic quality and sense of place where sensitivities include the introduction of incongruous features into the landscape.
  - Perceptual qualities whether sensitivities include loss of tranquillity due to visible or audible developments.
- 5.9. It does not appear that an assessment of the effects on this LCA are carried out and they are not mapped in the assessment to show their relationship to the site.

- 5.10. The other BBNP LCA within the study area is Landscape Character Area 3: Fforest Fawr. This is not mentioned in the LVIA. Its characteristics include:
- Glaciated landscape with a steep northern escarpment and a series of elevated summits with landform to the south being less dramatic, forming a gently sloping plateau deflected by river valleys
  - Predominantly unenclosed moorland with extensive prehistoric ritual landscapes particularly in the south-east
  - Very lightly settled
  - Sense of tranquillity, remoteness and relative wildness.
- 5.11. The area's relevant special qualities include:
- Scenic quality and sense of place
  - Landscape quality and integrity
  - Perceptual qualities
- 5.12. The relevant sensitivities of the above special qualities include to built or other developments which may detract from the sense of tranquillity and remoteness, and also visual impacts including night-time light pollution associated with developments beyond the National Park boundary.
- 5.13. The full BBNP LCA descriptions are located in **Appendix A** of this review. A limited indicative assessment of the effects on the two LCAs is included in **Appendix C**. This concludes that there is a significant adverse effect on LCA 4: Waterfall Country and Southern Valleys. This includes Penderyn (CYNONVS833) LANDMAP visual and sensory aspect area- see below.
- LANDMAP assessment**
- 5.14. A summary of the assessment on the LANDMAP aspect areas is set out in LVIA Table 8.2. This indicates any changes in the assessment levels resulting from the revised stack compared with the consented 2019 scheme. The assessment covers 2008 LANDMAP aspect areas from the five aspects: visual and sensory, geological landscape, landscape habitats, historic landscape, and cultural landscape.
- 5.15. As noted above, the LANDMAP historic landscape and visual and sensory assessments do not include all the up-to-date relevant aspect areas in the study area. These are considered briefly in this review (**Appendix C**) and no significant effects are found.
- 5.16. The LVIA finds that there are significant adverse effects on two aspect areas both in which the site is located:
- Penderyn (CYNONVS833) visual and sensory aspect area- major to moderate/major significance of effect
  - BBNP (CYNONCL042) cultural landscape aspect area- major to moderate/major significance of effect
- 5.17. Both these areas undergo the same number of significant effects from the consented scheme although the level of significance of effects of the revised scheme is slightly higher on CYNONCL042.
- 5.18. The review of this assessment based on **Appendix C** concludes (as a matter of professional judgement) that:
- The sensitivity of various areas are underplayed - especially those within BBNP.
  - The magnitude of effect is sometimes more and sometimes less than the LVIA states.
  - The historic landscape is stated as undergoing no effect in any aspect area which is not a consistent finding with other aspects. In LANDMAP, all aspects contribute to landscape character and should be considered. However, this review has not found significant effects.

- Penderyn (CYNONVS833) visual and sensory aspect area- the level of major to moderate/major significance of effect is agreed but the effects diminish more slowly with distance than the LVIA states.
- Cadair Fawr (CYNONVS735) visual and sensory aspect area-the effect is likely to be of moderate rather than minor/moderate significance.
- BBNP (CYNONCL042) cultural landscape aspect area- major to moderate/major significance of effect

#### Effects on BBNP special qualities

- 5.19. For reference, the special qualities are set out in **Appendix B**. The LVIA discusses the effects on two special qualities (based on consultation with BBNPA). In respect of the *'sweeping grandeur and outstanding natural beauty'* special quality it states that in views from the National Park (viewpoints G, H and M) the stack would be seen within the context of pylons and typically be partly backclothed by established industrial development and perceived in the valley base surrounded by woodland and quite distinct from the *'sweeping open moorland'* of the National Park in the foreground (LVIA 8.59). It further states that no significant landscape or visual effects would occur at these locations and consequently the increase stack height would not materially impact this special quality. This appears to contradict the landscape and visual impact assessment which indicates that the area in which viewpoint H is located (Penderyn CYNONVS833) and the viewpoint itself both undergo significant adverse effects at Year 1. Viewpoint H is stated as reducing to moderate and not significant effects at year 15 on the basis of screening of the elevation of one low building (not the stack). This is considered in this review to be a tenuous justification. If significance of landscape and visual effects is a measure of effect on special qualities then there is a material effect. The effects from Cadair Fawr (CYNONVS735) (Viewpoint M) are also understated, albeit not quite significant.
- 5.20. The LVIA goes on to state that this special quality is also perceived outside the Park - viewpoints I, J, K, L and N. It states that the stack would be seen below or close to the horizon compared to pylons which frequently break the skyline. This is not entirely the case - the revised stack does break the skyline when viewed from viewpoints I and L. Overall, however none of the effects are considered to be significant.
- 5.21. In terms of the second cited special quality of *'working 'living patchwork' of contrasting patterns, colours and textures'* the LVIA states that the proposed stack colours, informed by the Environmental Colour Assessment, enables the stack to be more reflective of the surrounding landscape context. It states that this is particularly relevant in views from outside the designation and therefore the proposed development would not materially impact this special quality. This depends partly on whether the ECA is accurate and whether the assumption of the best case scenario of minimising effects is reasonable. From the more sensitive parts of the BBNP the stack is seen in the valley against a backcloth of landform, which is generally helpful. The colour assessment and its findings are discussed elsewhere (3.18 onwards) in this review.
- 5.22. The further relevant special quality of *'...peace and tranquillity with opportunities for quiet enjoyment, inspiration, relaxation and spiritual renewal'* is eroded by the proposal with reference to BBNP LCAs 3 and 4 and viewpoints H and M. The stack and emissions would be seen, sometimes in the context of the developed valley floor with the backcloth of the scarp, and almost always with windfarms beyond, but would add a further industrial development presence and process to the view. This would be likely to cumulatively erode enjoyment, relaxation and the potential for spiritual renewal, although it is noted that BBNPA has not raise this is an issue.

## 6. Appraisal of LVIA- visual effects

- 6.1. The LVIA assesses operational visual effects in ES Chapter 8 main text 8.63- 8.102 and Appendix 8.3. It states that it focuses on the differences between the proposed development and the consented 2019 scheme.
- 6.2. The viewpoints assessed are the same as used for the consented development although the ZTV indicates a larger area of intervisibility. The additional areas of note are primarily to the north in the National Park north of Cwm Cadlan and south of Cadair Fawr, and outside the National Park along a stretch of the A465 to the east. The LVIA states that these are not considered to be ‘material’ changes.
- 6.3. The LVIA indicates that the revised stack would typically be more noticeable than the consented stack but the assessed magnitude of effects does not consistently increase in all locations (8.64). This is because:
- The change in height may not be sufficient to change the magnitude of effect from one category to another
  - Direct views are likely to experience a greater magnitude of effect than oblique views or fleeting views
  - The relationship of the stack to existing infrastructure such as pylons varies
  - The degree of screening in the foreground may or may not remain effective
  - The degree of skyline impact of the stack
  - The effect of different backdrops to the stack
  - The visibility of the stack in relation to consented buildings, with an increase in magnitude more likely if the stack is the only element visible.

These are reasonable assumptions.

- 6.4. The LVIA breaks down and explores the effects derived from the representative viewpoints on recreation receptors, road receptors, miscellaneous receptors and residential receptors. Effects are explored on public rights of way in open access land close to and intervisible with the site both in the rising slopes of the National Park to the north and the valley sides and coalfield scarp to the south. Local roads are also assessed including the A465 and access roads. The effect on the potentially worst affected dwellings close to the site are also considered in a Residential Visual Amenity assessment (which is considered below).
- 6.5. The LVIA summarises the effects in Table 8.3. At Year 1 it states that there are significant adverse effects at viewpoints:
- A, B, C- major effects (C is an increase in level from the 2019 scheme)
  - D, H- moderate/major effects
- 6.6. These are primarily close by viewpoints, some only privately accessible by fishermen (B, C). Viewpoint H lies well within BBNP on the slopes below Moel Penderyn to the north.
- 6.7. At Year 15 the LVIA states that the number of significant adverse effects decreases, located only at viewpoints:
- B, C- major effects (both an increase in level from the 2019 scheme)
- 6.8. The number of significant effects remains the same in the revised and 2019 scheme.
- 6.9. The review of the LVIA is set out in **Appendix D**. The conclusions derived from this are that (as a matter of professional judgement):
- The sensitivity of various viewpoints are underplayed - especially those within BBNP.
  - The magnitude of effect is sometimes more and sometimes less than the LVIA states.

- Viewpoint D- the level of moderate/major significance of effect would be expected to remain at year 15 as the height of the intervening planting is unlikely to increase markedly to screen the stack which is prominent from this location.
  - Viewpoint H (Moel Penderyn)-the level of moderate/major significance of effect would be expected to remain at year 15 as the stack will remain noticeable and the boundary mitigation planting will only partially screen one elevation of the nearest low building which does not justify a significant reduction in magnitude of change.
  - Viewpoint M (Mynydd y Glog) - the sensitivity of this viewpoint in open access land within the BBNP is considered to be greater than medium to high. As such the likely significance of effect is likely to be moderate/major and significant at year 1 and year 15.
- 6.10. Overall, this review considers that there will be five viewpoints undergoing significant effects at year 15 rather than two stated in the LVIA. The significance of this is that this review considers that the significant effects intrude further into the National Park than the LVIA. However, it is important to note that the spread of effects in the National Park still appears to be relatively limited due to the location of the development within a developed valley bottom so the overall consideration of balance of this with other factors needs to be taken into account.

#### **Residential Amenity Assessment (RVA)**

- 6.11. Seven dwellings close by are identified by the LVIA as potentially having views of the proposed stack. Of these, the LVIA considers that four do not undergo significant effects. Three are assessed for effects on residential visual amenity using computer-generated images as the Covid-19 pandemic prevented an assessment from the dwellings. These are discussed below.
- 6.12. The effects on Buckley's Bungalow (A) is likely to have a similar view as at a nearby viewpoint (F) but at an oblique angle. The dwelling/guest house is more sensitive than the road and the development would be noticeable from the drive and garden but the effects are unlikely to be significant on the dwelling itself and the development would not be overbearing.
- 6.13. Views to the development from Reservoir House (B) appear to be restricted by intervening woodland in both winter and summer with limited effects.
- 6.14. Tre-banog-uchaf (C) is located on the elevated ground north of Penderyn reservoir. The LVIA considers that the effects would be moderate and not significant, with no overbearing effect identified. Assessing the image this appears to understate the effect with the revised stack breaking the skyline of the scarp to the south and being prominent in views. Whilst not overbearing, the effect would be major moderate on residents of this dwelling.
- 6.15. Tai-cwplau (D) appears to have an oblique view above existing nearby sheds which is likely to be not significant.
- 6.16. Tre-banog-Isaf (E) is well screened by intervening trees and is orientated sideways on to the development.
- 6.17. A dwelling between D and E is not included in the assessment but appears to be screened/filtered by trees and hedges along the adjacent lane although this has not been assessed in detail.
- 6.18. Tyle-Morgrug (F) at 1.5km away is stated as having mature intervening field boundary hedgerows close to the dwelling filtering views to the extent it is unlikely that the other parts of the revised stack would be visible. A review of Google Earth (2018) indicates an intervening tree boundary 100m from the property at about the same level which may have some screening effect although it is likely to be less effective in screening the upper part of the stack than other parts of the development. The effect may not be significant.

- 6.19. Views from Ty Newydd Hotel and Ty Newydd cottage (G) are said to be screened by tree cover. This appears to be the case from Google Earth (2018) although it is likely that visitors will have clear views towards the stack on the approach road based on views of the nearby pylons.
- 6.20. Overall, there is one likely significant effect on a dwelling (Tre-banog-uchaf) but none are likely breach the threshold for unacceptable effects on residential visual amenity.

## 7. Cumulative effects

- 7.1. The LVIA refers to Appendix 12.3 as the assessment of cumulative effects. This is in the 2017 report and so possibly this should read Appendix 8.3. Cumulative effects are noted at each viewpoint by referring to the individual and cumulative assessment for the Hirwaun Power project from the same viewpoint. The additional effects from combining the effects of the separate developments are assessed as being not significant. As stated above, there is no defined method for assessing cumulative effects. In summary, the LVIA states that only moderate cumulative landscape and visual effects are identified, assessed as not significant (8.104). This is an increase on the 2017 assessment.
- 7.2. Despite an opaque method for determining cumulative effects, it is considered that this judgement on cumulative effects is reasonable. The proposed development does combine with existing industrial development and windfarms to further erode the scenic qualities and tranquillity of this edge of the National Park but is considered to fall beneath the threshold of significant effects.

## 8. Consideration of policy

- 8.1. The LVIA indicates that the statutory purposes of National Parks are confirmed at Planning Policy Wales to conserve and enhance natural beauty, wildlife and cultural heritage and to promote opportunities for public understanding and enjoyment of their special qualities (6.3.6). The statutory duty of the planning authorities to have regard to National Purposes applies to all activities affecting the designation, whether those activities lie within or in the setting of the designated area (6.3.5). The proposed stack is very close to the boundary of the National Park and within its setting. BBNP policy SQ1: Special Qualities reinforces the objective to conserve and enhance the special qualities the Brecon Beacons National Park.
- 8.2. Relevant RCT LDP policies include policies AW5 New Development, AW6 Design and Placemaking, AW8 Protection and enhancement and NSA 25 Special Landscape Areas.
- 8.3. Overall, the LVIA concludes that the proposed scheme would not materially impact on the two specified special qualities of 'sweeping grandeur and outstanding natural beauty' or the 'working living patchwork of contrasting patterns, colours and textures' (8.117). This review considers that there are adverse effects on 'sweeping grandeur and outstanding natural beauty' and on 'peace and tranquillity' which are material considerations albeit affecting a relatively limited area of the National Park. As such, the development does not conserve and enhance the natural beauty of this part of the setting of the BBNP or enjoyment of its special qualities but the optimal colouration of the stack would assist in minimising effects.
- 8.4. The LVIA goes on to state that the increase in size of the stack would typically be most noticeable from close range locations but at no location does the proposed development result in significant adverse effects upon visual amenity where previously there were no significant effects as a result of the permitted scheme (8.122). Whilst this review considers that more viewpoints undergo significant effects, this may have also applied to the previous consented scheme which has not been assessed in this review.
- 8.5. In considering the increased stack size, this review considers that there are likely to be slightly greater effects on policies than the consented scheme. It is therefore imperative

that the optimum solution for the stack colour is chosen based on the recommendations set out in the review of the ECA.

## 9. Conclusions and recommendation

- 9.1. The proposed development and LVIA and relevant supporting information have been carefully assessed in this review using desk study and on-site assessment. The development comprises of the relocation of a proposed chimney stack to just outside the National Park and raising it from 45m to 90m with associated colour scheme to mitigate effects.
- 9.2. The LVIA by PSL is primarily based on a previous LVIA by Crestwood Environmental which considered the whole approved Enviroparks scheme including a lower stack. This approach is justified by PSL as proportionate to the limited change proposed. The PSL submission also includes an environmental colour assessment. The PSL LVIA study was constrained by Covid-19 lockdown restrictions which limited site assessment in April 2020. This was rectified through site visits in good weather in November 2020.
- 9.3. This review has identified shortcomings in the submission which have been pointed out to PSL who have submitted responses. Some of the comments made in this review also effectively apply to the Crestwood Environmental LVIA which was considered adequate by the local planning authority and consultees in supporting the previously approved scheme (noting that the location of the stack was within BBNP previously).

### Method and presentation

- 9.4. The main comments on the method and presentation are:
- The method and assessment tends to understate the level of effects in some locations. This is primarily a matter of professional judgement.
  - The photomontages and key photographs used for the ECA are not adequate as the sole guide to choosing the colours of the stack. This is critical and requires an on-site visit with an official RAL colour swatch to verify the optimal colours. This should at least be a planning condition.

### Landscape character effects

- 9.5. The LVIA effects on landscape character are limited to consideration of effects on LANDMAP aspect areas with significant effects on two areas- Penderyn (CYNONVS833) visual and sensory aspect area and BBNP (CYNONCL042) cultural landscape aspect area. The assessed effects on some areas are agreed but the spread of effects are wider than stated.
- 9.6. There is no LVIA assessment of the effects on the BBNP LCAs and it is not clear if this was agreed with RCT and consultees (eg NRW, BBNPA). The effects are considered by this review as significant on one LCA- 4: Waterfall Country and Southern Valleys. The effects on the BBNP special qualities are informed by the effects on the LCA.
- 9.7. The LVIA does not find significant effects on BBNP special qualities. This review find significant effects on a limited southern part of the National Park in regards to *'sweeping grandeur and outstanding natural beauty'* and *'peace and tranquillity'*.

### Visual effects

- 9.8. Overall, this review considers that there will be five viewpoints undergoing significant effects at Year 15 rather than two stated in the LVIA. The significance of this is that this review considers that the significant effects intrude further into the National Park than the LVIA. However, it is noted that the spread of effects in the National Park still appears to be relatively limited due to the location of the development within a developed valley bottom and seen against a large scale landscape backcloth.
- 9.9. There is one likely significant effect on a dwelling (Tre-banog-Uchaf), but no dwellings are likely breach the threshold for unacceptable effects on Residential Visual Amenity.

**Cumulative effects**

- 9.10. Despite an opaque method for determining cumulative effects, it is considered that this judgement on cumulative effects is reasonable. The proposed development does combine with existing industrial development and windfarms to erode the scenic qualities and tranquillity of this edge of the National Park.

**Summary and conclusions**

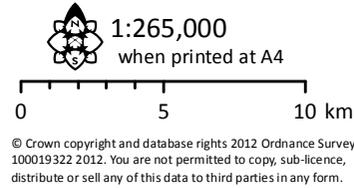
- 9.11. In conclusion, notwithstanding the adverse effects found in this report, it is considered that, with appropriate colour mitigation, the effect of the stack is likely to be minimised, especially seen in the context of the developed valley bottom and against a backcloth of higher upland landforms to the north and south.
- 9.12. This report addresses landscape and visual effects and it is appreciated that its findings will be balanced in the planning decision-making process with other considerations including any benefits that may arise.

## **Appendix A: Brecon Beacons landscape character assessment extracts**

# Brecon Beacons National Park Landscape Character Assessment

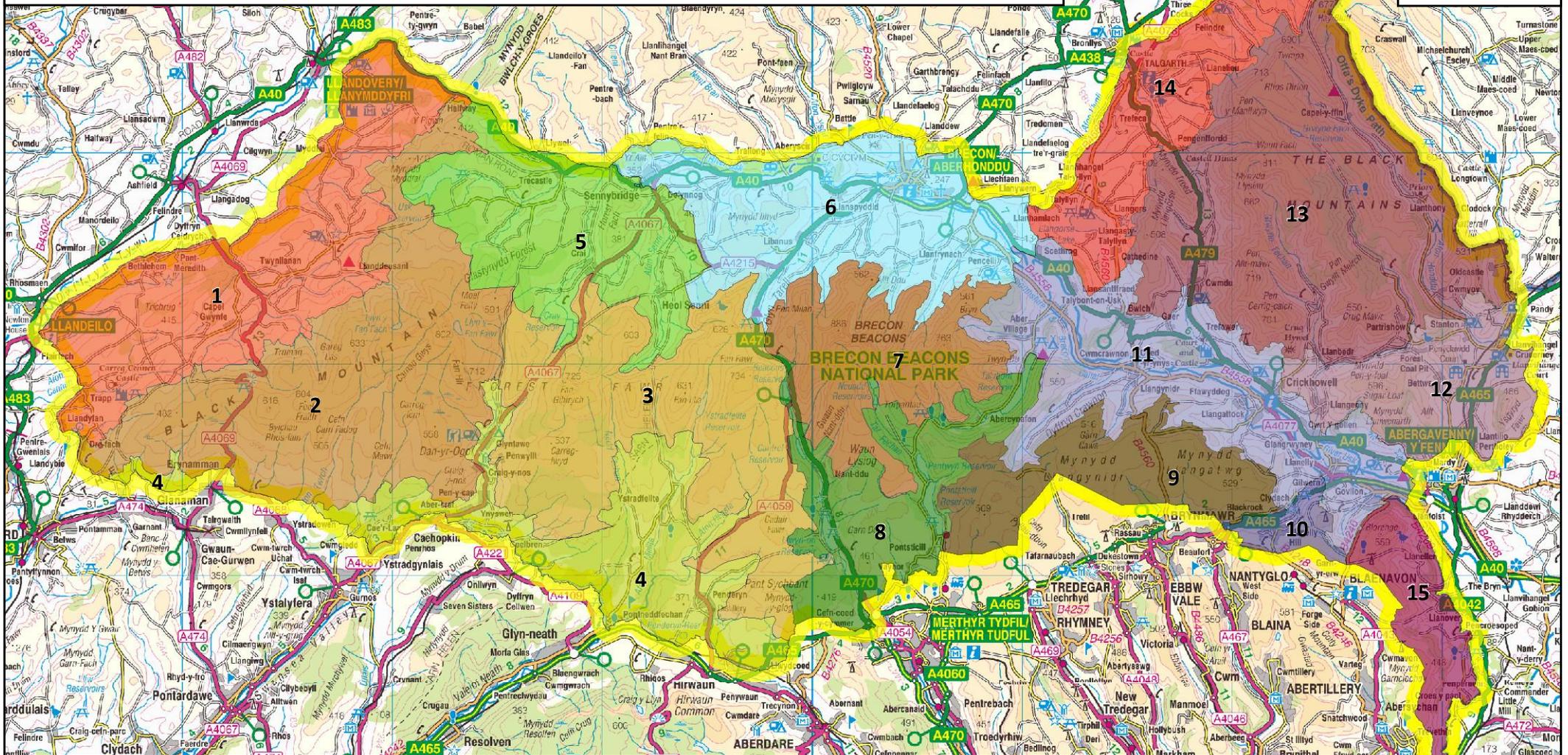
Landscape Character Areas  
August 2012

Note: The boundary of the National Park does not always relate to changes in landscape character. Therefore Landscape Character Areas may extend beyond the National Park Boundary. Please refer to Landscape Character Assessments prepared by relevant Unitary Authorities.



**FIONA FYFE**  
Associates Ltd.

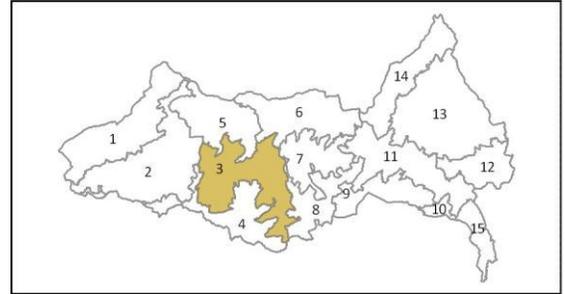
Drawing no. 1205/01  
Drawn JP Checked FF



- |                          |   |  |                            |                                |
|--------------------------|---|--|----------------------------|--------------------------------|
| 1. Towy Valley Foothills | 4. Waterfall Country and Southern Valleys | 7. Central Beacons                     | 10. Clydach Gorge          | 13. The Black Mountains        |
| 2. Y Mynydd Du           | 5. Western Usk Tributaries                | 8. Talybont and Taff Reservoir Valleys | 11. Eastern Usk Valley     | 14. Wye Valley Foothills       |
| 3. Fforest Fawr          | 6. Middle Usk Valleys                     | 9. Mynyddoedd Llangatwg and Llangynidr | 12. Skirrid and Sugar Loaf | 15. Blorenge Summit and Slopes |

**LANDSCAPE CHARACTER AREA 3: FFOREST FAWR****Broad Landscape Type: UPLANDS****Description****Location and Context**

This upland LCA is located towards the west of the National Park, between the uplands of the Central Beacons (to the east) and Mynydd Du (to the west). To the north and south are lower, enclosed Upland Valley landscapes.

**Summary Description**

A bleak, upland moorland landscape, the character of which is locally influenced by its past use as a royal hunting ground and more recent estate ownership, apparent through the dry stone boundary walls, estate cottages, shelterbelts and former rabbit farms. Remains of prehistoric and medieval occupation, and later industrial archaeological sites, are visible in the landscape. Away from the occasional roads which run across the area, it feels tranquil, and with a sense of remoteness and relative wildness. Its distinctive flat-topped summits and steep northern escarpment are prominent in views from the north.



*View north up Afon Llia, with Maen Llia on the horizon*

**Historical Development of the Landscape**

The area's long history of private ownership (first as a royal hunting forest and latterly as the Cnewr Estate) make it distinct from surrounding areas by its dry stone walls, estate cottages, shelter belts etc. Although this landscape feels empty and unsettled today, it has not always been so. The lack of recent development means that many features of earlier phases of occupation have survived including prehistoric monuments (cairns, standing stones etc.), field systems, abandoned medieval settlements, industrial sites (e.g. quarries and railway lines) and WW2 defences.

## Distinctive Characteristics

- Complex underlying geology, with the Senni and Brownstones formations of the Old Red Sandstone in the north, a broken band of Carboniferous Limestone across the middle, and Marros Group sandstones and mudstones in the south. All three units form north-facing escarpments, that of the Old Red Sandstone being the most imposing.
- A glaciated landscape with a steep northern escarpment and a series of elevated summits. Cwms, and deep valleys are separated by intervening ridges (generally running north-south). Landform in the south of the LCA is less dramatic, forming a gently sloping plateau dissected by river valleys.
- Steep, fast flowing and rocky mountain streams (often spring-fed, or sourced from upland bogs), flow into larger rivers in valley bottoms. Ystradfellte Reservoir located near centre of LCA.
- Predominantly unenclosed moorland used for open grazing, with some forest blocks, particularly in the south and west of the LCA.
- Trees almost entirely coniferous, planted in forestry blocks often with sharp outlines. Distinctive coniferous shelter belts in the northern part of the area.
- Very few field boundaries, but dry-stone walls marking estate boundaries are distinctive to this LCA. Occasional post-and-wire fences.
- Semi-Natural Habitats of Principal Importance to Wales including marshy grassland, dry heath, acid/ neutral flushes and small areas of blanket bog. Vegetation composition reflects variations in underlying geology.
- Extensive prehistoric ritual landscapes, particularly in the south-east. Also evidence of Roman road, medieval settlements, industrial archaeology, WW2 defences and estate influences.
- A very lightly-settled landscape today, with occasional estate cottages and farms at its periphery. However in the past it has been much more densely settled, and the landscape contains evidence of settlement over millennia.
- An elevated, simple and expansive landscape, with colours and textures varying subtly with the underlying geology. Much of the LCA remains inaccessible except on foot, giving a sense of tranquillity, remoteness and relative wildness.

## Landmap Components (See Appendix 3 for components of all LANDMAP Aspect Areas)

<b>Key Visual and Sensory Aspect Areas</b>	Fforest Fawr West (O); Fan Fawr/Fan Llia [Fforest Fawr East] (O); Cadair Fawr (H); Carreg Cadno (O); Mynydd y Garn (H); Y Wern Forest (M); Senni Valley (H); Nant y Fedwyn Upland (M); Ystradfellte Reservoir (H)
<b>Key to Landmap evaluation criteria:</b> (O) Outstanding: of international importance. (H) High: of regional or county importance. (M) Moderate: of local importance. (L) Low: of little/no importance	

## Settlements

Settlement is very limited in this area, but the estate buildings have a distinctive architecture, often symmetrical, whitewashed and embellished with porches etc. This LCA forms the horizon in views from a number of settlements to the north and south.

## Key Views

Key views out from within the LCA include those from the summits, with panoramic views over surrounding lower land, and across to the neighbouring uplands. The LCA is an important component in views from surrounding areas, often forming the horizon.

## Evaluation

### Special Qualities

The natural beauty and recreational factors that make this landscape special are summarised in the table below, along with examples of their sensitivities to landscape changes:

Criteria	Special Qualities for this Landscape Character Area	Sensitivities
<b>Scenic quality and Sense of place</b>	<ul style="list-style-type: none"> <li>High scenic quality and a strong sense of place, particularly where there are views of distinctive summits and over surrounding lower land to provide a landscape context.</li> </ul>	Impacts from built or other developments (including quarrying within the LCA) which may detract from the LCA's sense of tranquillity and remoteness.
<b>Landscape quality and integrity</b>	<ul style="list-style-type: none"> <li>An extensive area of upland which is particularly valued for the integrity of its historic landscapes, and for its tranquillity and sense of remoteness.</li> </ul>	Visual impacts, noise and night-time light pollution associated with developments beyond the National Park boundary.
<b>Perceptual qualities</b>	<ul style="list-style-type: none"> <li>High tranquillity, resulting from many factors including openness, perceived naturalness, low noise (though roads have localised impacts at the periphery of the LCA), landform and dark skies (this LCA is within the BBNP core dark skies area). With the exception of occasional roads and Penwyllt quarry, few factors detract from the tranquillity. The LCA's inaccessibility, openness, timelessness and relative lack of human influence also contribute to its sense of relative wildness. In poor weather conditions the landscape becomes much more hostile and disorientating.</li> </ul>	<p>Features which break the smooth, open skylines.</p> <p>Small-scale features within the landscape (e.g. Glastir markers and waymarking) which have an individual and cumulative impact on the sense of remoteness and relative wildness.</p> <p>Traffic impacts: visual and noise.</p> <p>Neglect of estate features such as stone walls, particularly if estate management or ownership changes in the future.</p>
<b>Artistic and cultural associations</b>	<ul style="list-style-type: none"> <li>Associations with Opera singer Madam Adelina Patti, who lived at Craig-y-nos (in LCA 4) and had a private area at Penwyllt railway station.</li> </ul>	
<b>Rarity or representativeness</b>	<ul style="list-style-type: none"> <li>An example of an extensive upland landscape with a history of private land ownership going back to Medieval times, leaving distinctive traces in the landscape. The links between geology, biodiversity and people through time are readily apparent. The LCA also contains cliff habitats which support plant communities unique to the Brecon Beacons and are important examples of glacial geomorphology</li> </ul>	<p>See above</p> <p>Cliff habitats are sensitive to damage by climbing, abseiling etc.</p>
<b>Natural heritage features</b>	<ul style="list-style-type: none"> <li>Extensive SSSIs, designated for their vegetation representing limestone and brownstone plant communities including some Alpine plants, rare hawkweeds and whitebeam species unique to the Brecon Beacons. National Nature Reserves at Ogof Fynnon Ddu and Craig Cerrig-gleisiad. Part of the Brecon Beacons SAC is also within this area.</li> </ul>	<p>Changes in land management, e.g. changes in grazing levels affecting the composition of moorland vegetation.</p> <p>Changes in environmental conditions (e.g. air and water quality) and water retention</p>

	<ul style="list-style-type: none"> <li>An important geological landscape, within the Geopark and containing good examples of limestone features such as limestone pavements (some designated RIGS sites), solution hollows and sink holes. The Ogof Ffynnon Ddu cave system (designated SSSI) is the deepest (and one of the largest) in Britain.</li> </ul>	affecting surface vegetation, geological exposures and cave systems.
<b>Cultural heritage features</b>	<ul style="list-style-type: none"> <li>A rich archaeological environment with an exceptionally large assemblage of prehistoric ritual sites (including ring cairns, round cairns and standing stones designated Scheduled Monuments). Other Scheduled Monuments include a section of Roman road, deserted Medieval settlements, Post-medieval pillow mounds (resulting from rabbit farming) and WW2 infantry support trenches. Other archaeological sites include those associated with mining and transport, including quarries, tramways (e.g. the Brecon Forest Tramroad) and the route of the Neath and Brecon Railway with its station at Penwyllt. South-east part of LCA included on the Register of Landscapes of Historic Interest in Wales (no.48).</li> </ul>	Damage to archaeological features through natural processes (e.g. erosion), neglect, visitor pressure and also visual impacts on their settings.
<b>Opportunities for landscape enjoyment</b>	<ul style="list-style-type: none"> <li>Opportunities to explore and appreciate some of the most remote land in the National Park (and in Southern Britain) via the Beacons Way, extensive open access land and publicly-accessible nature reserves. Summits afford spectacular views.</li> </ul>	Insensitive visitor management and over-intensification of visitor numbers may impact on the LCA's special qualities.
<b>Recreation provision and access</b>	<ul style="list-style-type: none"> <li>Accessible from major roads, and can be appreciated whilst driving along them. Caving offers further recreational opportunities.</li> </ul>	

### **Contribution to Ecosystem Services and Green Infrastructure** (refer to sections 4.6 & 4.7 for terminology)

Principal ecosystem services include provisioning through rough grazing and fresh water supply, and regulation and supporting services through deep peat, organic soils and water regulation. Plantations provide timber and wood fuel. In common with the rest of the National Park, this LCA also contributes to cultural services such as spiritual enrichment, cultural heritage, recreation and tourism, and aesthetic experiences. There is potential for electricity generation through high head micro-hydro schemes. Green Infrastructure features include open access land, open water, rivers, woodland plantation, and the Beacons Way long distance trail. The Ogof Ffynnon Ddu - Pant Mawr and Craig Cerrig-gleisiad National Nature Reserves offer educational and leisure opportunities.



*Prehistoric Standing Stone at Maen Llia*



*The distinctive table-top summit of Fan Gyhirych. Note the estate wall*



*Craig Cerrig gleisiad NNR on the Old Red Sandstone northern scarp*

## **Forces for Change in the Landscape**

### **Local Forces for Change and Their Landscape Implications**

(See also the general forces for change described in section 6.0)

#### **Past and Present**

- Past construction of reservoirs and planting of forestry plantations, in this LCA and in adjacent LCAs which can be seen in views. Ongoing management/ clearance of plantations.
- Past quarrying leaving scars in the landscape. Continued occasional quarrying activities (particularly Penwyllt) locally reducing tranquillity.
- Developments beyond the National Park boundary affecting views from the area and its special qualities, especially to the south.
- Light pollution from roads, settlements and other developments affecting dark skies (particularly to the south of the LCA).
- Past and present estate management (e.g. shelter belt planting) affecting the landscape.
- Theft of walling stone, especially adjacent to roads, and poor maintenance of walls.
- Visually intrusive modern road signage on minor roads.
- Loss of traditional moorland vegetation (e.g. heather moorland) and ecological resilience resulting from changes in grazing practices (see section 6.0 for more detail).
- Bracken encroachment on side slopes.
- Repeated damage by wild fires.
- Acid rain, pollution and artificial drainage caused ecological degradation of upland habitats, particularly peat bogs, affecting biodiversity and the water flows in underlying cave systems.
- Loss of archaeological features as a result of natural processes (e.g. limestone solution and river erosion) and damage (e.g. illegal 4x4 vehicles/ off-road motorbikes on the Sarn Helen Roman road).
- Tir Gofal agri-environment scheme within the Cnewr estate.

#### **Future**

- Potential changes in land management /private ownership may affect the retention and management of estate features such as walls and cottages.
- Loss of traditional hillfarms, and potential changes to agri-environment schemes affecting grazing patterns and vegetation, e.g. effects and outcomes of the Glastir Common Land Element.
- Management of plantations, particularly if trees are cleared.
- Tree loss due to disease e.g. *Phytophthora ramorum*.
- Continued loss of archaeological features.
- Climate change potentially affecting environmental conditions and upland vegetation.
- Continued development pressure and planning applications beyond the southern boundary (e.g. windfarms (TAN 8 area), quarrying, open casting and waste developments) affecting views south from the area and impacting on tranquillity and dark skies.
- Positive moorland management schemes improving the condition and variety of upland vegetation.



*Insensitive road sign, Tawe valley*



*Penwyllt quarry*



*Deer fencing along dry stone wall*

## Strategy

### Overall Strategy

To protect and enhance the special qualities of the landscape, including tranquillity, remoteness and relative wildness, and its historic features, long views and open skylines. Development beyond the National Park boundary does not undermine the views or special qualities of the area. Positive land management enhances its biodiversity, geodiversity and distinctive estate features. The outstanding archaeology of the area is appropriately managed, protected from damage, recorded where necessary and its settings are respected. Visitors are encouraged to visit and appreciate the area and its special qualities (including its extensive Nature Reserves), but without putting unacceptable visitor pressure on the landscape or its biodiversity.

### LCA-Specific Management Guidelines

#### Protect

- Protect the **undeveloped character** of the landscape, and its special qualities including **tranquillity, remoteness, and dark night skies**.
- Protect the **open moorland** landscape, avoiding the development of vertical structures and the planting of trees.
- Protect the **geological and geomorphological features** of the area such as limestone pavements.
- Protect and enhance valuable **moorland habitats**.
- Protect surviving **estate features** (e.g. stone walls).
- Protect (through appropriate management) the area's rich **archaeological landscape**, in particular its prehistoric features around Cwm Cadlan and Mynydd-y-glog, and record archaeological features which are being lost through natural processes.
- Protect the **views** to and from the National Park which are integral to its setting.

#### Manage

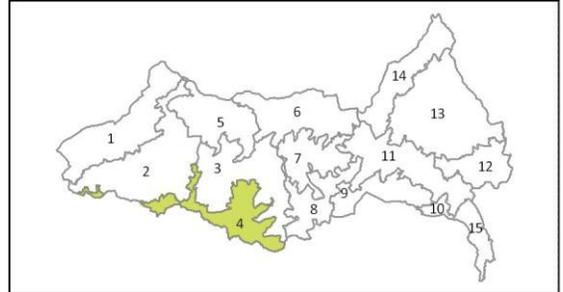
- Work with land owners and commoners to manage and enhance valuable **moorland habitats** (e.g. heather moorland and blanket bog), retaining and increasing the area's biodiversity.
- Manage **wetland sites** such as blanket bog to increase carbon sequestration and water storage capacity, reducing impacts of water flows on cave and river systems and potentially reducing downstream flooding.
- Work with landowners and commoners to manage **grazing land** using a viable grazing regime which supports traditional hillfarming, encourages biodiversity and retains an open moorland landscape.
- Manage **forestry plantations** with regard to their existing and potential biodiversity, and potential damage to underlying archaeology. Use/ develop forest management plans where possible.
- Manage **recreational pressure** to avoid visual scarring and damage to sensitive habitats and archaeological features. Minimise impacts of recreation on **perceptions of remoteness and tranquillity**.

#### Plan

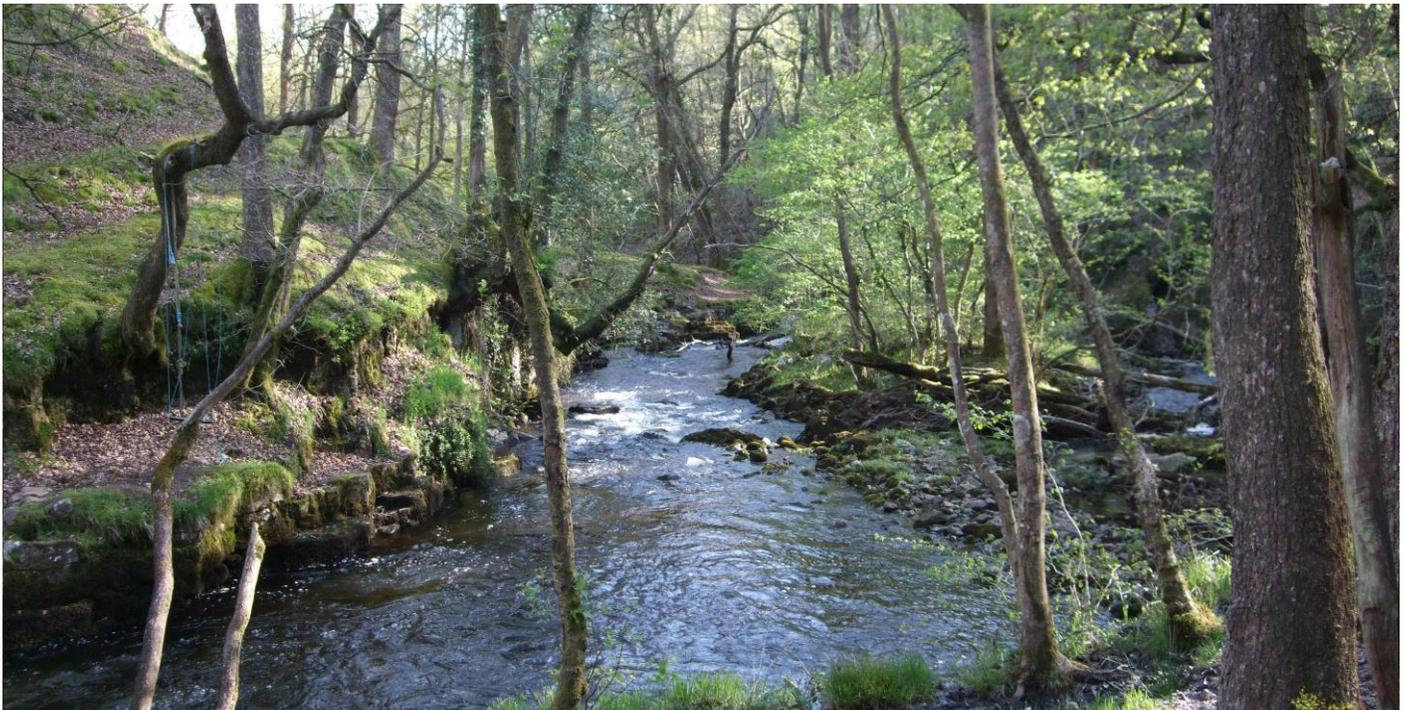
- Plan to **reduce quarrying** activities within the LCA.
- Plan to reduce the **visual impact** of mineral extraction, wind turbines and other development beyond the National Park boundary.
- Plan to retain the area's **dark skies** and reduce incidence of light pollution, in particular along the southern boundary.
- Plan for the **creation, extension and linking of traditional moorland habitats**, e.g. heather, blanket bog and heath. Reduce the overall area of acid grassland and encourage heather regeneration (whilst maintaining a mosaic of habitats for ground nesting birds and to retain species diversity).
- Plan to encourage landowners, public bodies and NGOs to re-open old railway line as a **cycle route**.

**LANDSCAPE CHARACTER AREA 4: WATERFALL COUNTRY AND SOUTHERN VALLEYS****Broad Landscape Type: UPLAND VALLEYS****Description****Location and Context**

This LCA is located in the south of the National Park, adjacent to the National Park boundary. It includes the villages of Ystradfellte, Penderyn and Glyntawe, and comprises the enclosed limestone landscapes to the south of Y Mynydd Du and Fforest Fawr LCAs. It includes a small outlier of similar character to the west of Brynmanan, and is partially intervisible with land beyond the southern National Park boundary.

**Summary Description**

The predominantly limestone geology of this LCA creates its characteristic rough texture and grey colour, appearing in the crags, walls and buildings of this enclosed and relatively settled pastoral landscape. Ancient woodlands surround the streams and spectacular waterfalls which are found in the south of the LCA, flowing in deep, fern-filled gorges. Between the valleys are ridges of higher land with a more open quality and long views. The dark green of the extensive blocks of conifers in the south of the area contrasts with the surrounding grasslands.



*The Nedd Fechan river near Pont Melin-Fach has a popular riverside path and is designated SSSI and SAC*

**Historical Development of the Landscape**

The relatively sheltered natural landform of this area has made it a focus for settlement, agriculture and transport for many centuries. Historic villages, farms, roads, bridges and fields are integral parts of this landscape. Evidence also remains in the landscape for Bronze Age settlement and ritual activity (cairns), Iron Age hillforts, Roman occupation (roads and camps) and later industrial activities including quarrying, lime burning, water-powered mills and a gunpowder factory. 20<sup>th</sup> century changes to the landscape included forest plantation and road improvements.

## Distinctive Characteristics

- A complex underlying geology. Carboniferous limestone in the north with extensive cave systems. Elsewhere, predominantly sandstones and mudstones of the Marros Group and South Wales Lower Coal Measures.
- A dramatic landform of steep, enclosed valleys, separated by ridges of flatter, higher land.
- A series of fast-flowing, rocky streams and rivers running along the valley floors, often in shallow gorges. Numerous waterfalls – some spectacular- particularly at changes in geology. Many waterfalls are accessible, including the popular Sgwyd yr Eira ('fall of snow')
- Land use predominantly pastoral agriculture, but with extensive areas of forestry, particularly in the south of the area.
- Limestone walls and hedgebanks enclosing irregular fields in valleys, with some hedges (predominantly beech or hawthorn). Higher land less enclosed, with more use of post-and-wire fencing.
- A well-wooded landscape, with ancient broad-leaved woodland in valleys and along streams, with blocks of conifer plantation on higher land.
- Key Semi-Natural Habitats of Principal Importance to Wales including broadleaved woodland, wet woodland, a range of grasslands (calcareous, neutral and acid), fens, limestone pavement and wet heath.
- A range of historic features in the landscape giving the area a strong sense of time-depth and reflecting the LCA's past use for settlement, agriculture, transport and industry.
- Settlements include villages of Ystradfellte and Penderyn, plus numerous scattered farms. Development concentrated in valley floors, particularly along the A4067 and A4059. Some intervisibility with settlements, roads and other development beyond the National Park boundary
- Limestone geology, field patterns and woodland creating a strongly textured landscape in the valleys, with grey and green the dominant colours. Higher areas are more open and simple in composition, with dark blocks of conifers contrasting in colour with the surrounding grassland.

## Landmap Components (See Appendix 3 for components of all LANDMAP Aspect Areas)

<b>Key Visual and Sensory Aspect Areas</b>	Nedd Fechan and Mellte Valleys (O); Penderyn (M); Tawe Valley and Cwm Twrch (M); Upper Tawe Valley (H); Coed-y-Rhaiadr (M); Gwaun Hepste (M); Hepste Valley (H); Black Mountain Southern Slopes; Bryn Henllys Open Cast (L)
<b>Key to Landmap evaluation criteria:</b> (O) Outstanding: of international importance. (H) High: of regional or county importance. (M) Moderate: of local importance. (L) Low: of little/no importance	

## Settlements

Settlement within this LCA is relatively limited, with small settlements including the clustered, valley floor villages of Ystradfellte and Penderyn, both with ancient church sites. Traditional buildings are usually stone built and painted white, with slate roofs. There are several settlements to the south (along the A4067 and A4109, outside the National Park boundary) which have a close visual relationship with this LCA. It provides their setting and backdrop when viewed from the south, and developments in these villages (which are generally linear in form, following the contours of the hillsides) are visible from the National Park.

## Key Views

Long views across the area may be viewed from adjacent Upland LCAs, and from within the valleys themselves. Southern parts of the LCA (particularly higher land) have intervisibility with land beyond the National Park boundary, with long views southwards. Magnificent close-up views of waterfalls may be experienced from riverside paths.

**Evaluation****Special Qualities**

The natural beauty and recreational factors that make this landscape special are summarised in the table below, along with examples of their sensitivities to landscape changes:

<b>Criteria</b>	<b>Special Qualities for this Landscape Character Area</b>	<b>Sensitivities</b>
<b>Scenic quality and Sense of place</b>	<ul style="list-style-type: none"> <li>The combination of rivers, waterfalls, woodland and pastoral land against a rugged limestone backdrop gives the area high scenic quality and a strong sense of place.</li> </ul>	Changes in traditional land management, and introduction of incongruous features into the landscape
<b>Landscape quality and integrity</b>	<ul style="list-style-type: none"> <li>Continuity of land use and restriction of development to the main roads along valley floors has generally enabled the LCA's landscape quality and integrity to be retained over the majority of the area.</li> </ul>	As above
<b>Perceptual qualities</b>	<ul style="list-style-type: none"> <li>Waterfalls paths stimulate many senses, with unique combinations of sight, feel, sound and smell. They also provide opportunities to experience closeness to nature; their enclosure and visual isolation enabling a sense of tranquillity. Parts of the LCA are within the core dark skies area.</li> </ul>	Loss of tranquillity due to visible or audible developments.
<b>Rarity or representativeness</b>	<ul style="list-style-type: none"> <li>Contains some of the most dramatic and accessible waterfalls in the National Park.</li> </ul>	
<b>Natural heritage features</b>	<ul style="list-style-type: none"> <li>High nature conservation importance, including numerous SSSIs covering woodlands, river systems, meadows, grasslands and other habitats. Three sites are also designated SAC for their variety of woodland and wetland habitats and the plants and butterflies they support.</li> <li>An important geological landscape, containing some of the largest cave systems in Britain. The area is within the Geopark and contains RIGS and geological SSSIs (exposures and limestone pavements).</li> </ul>	Changes in woodland and grassland management (e.g. changes in grazing practices). Cave systems are vulnerable to changes in surface conditions, e.g. denudation of peat bogs leading to increased groundwater flows.
<b>Cultural heritage features</b>	<ul style="list-style-type: none"> <li>An historic landscape with a strong sense of time-depth. Scheduled Monuments and other archaeological sites and buildings reflect the survival of features in the landscape from many periods, including Roman roads, small traditional farms and industrial sites. The gardens of Craig-y-nos-Castle (home of opera singer Adeline Patti) are listed grade II* as an example of a romantic high Victorian garden in a spectacular setting.</li> </ul>	Decline in traditional hillfarming leading to loss of landscape features. Archaeological features vulnerable to natural processes (e.g. limestone solution; water erosion) as well as damage or neglect.

<p><b>Opportunities for landscape enjoyment</b></p>	<ul style="list-style-type: none"> <li>• Opportunities include caving, canoeing cycling and walking, including the many accessible ‘Waterfall Country’ paths. These paths enable access to many waterfalls, including the iconic Sgwyd yr Eira and Upper Henrhyd waterfalls.</li> </ul>	
<p><b>Recreation provision and access</b></p>	<ul style="list-style-type: none"> <li>• A variety of recreation opportunities, with visitor infrastructure concentrated along main roads. Visitor attractions include Dan-yr-Ogof showcaves, Craig-y-nos Country Park, Porth-y-ogof cave entrance and Penderyn distillery. Accessible from main roads and from settlements outside the National Park to the south.</li> </ul>	

**Contribution to Ecosystem Services and Green Infrastructure** (refer to sections 4.6 & 4.7 for terminology)

Principal ecosystem services include extensive pasture (food provision), woodfuel and timber and water resources. In common with the rest of the National Park, this LCA also contributes to cultural services such as spiritual enrichment, cultural heritage, recreation and tourism and aesthetic experiences.

Green Infrastructure features include the extensive accessible woodland at Coed y Rhaiadr. Other features of note are the tributaries of the Tawe, Neath and Amman, and their associated landscapes. There are a number of recreational, leisure and cultural heritage assets such as Craig-y-nos Country Park and the access to Dan-yr-ogof caves.



*Ystradfellte village in its landscape setting*



*Upper Henrhyd waterfall.  
(Photo by Robin Lines)*



*Bluebell woods in the Nant Cyw valley*

## **Forces for Change in the Landscape**

### **Local Forces for Change and Their Landscape Implications**

(See also the general forces for change described in section 6.0)

#### **Past and Present**

- Past mining of silica and gunpowder works in the Nedd and Mellte valleys.
- Past planting of extensive forestry plantations, particularly in the south of the area changing the composition of the landscape.
- Management of forests, especially as trees reach maturity.
- Decline in traditional hillfarming (particularly in more marginal areas) resulting in a loss of traditional practices such as common grazing, and landscape features such as dry stone walls. Economic pressures for farms to expand/ amalgamate, and to construct larger agricultural buildings.
- Loss/ alteration to vernacular domestic and agricultural buildings.
- Ongoing quarrying at Penderyn, adjacent to the LCA.
- Extensive existing opencast workings and a wind farm just beyond the southern boundary of the National Park are prominent in views, especially from higher land.
- Impact of light pollution on the area's dark skies.
- Recreation pressure (car parking, footpath erosion, litter, wild camping etc.) at popular sites, particularly along main roads.
- Localised 'urban fringe' issues such as fly tipping.

#### **Future**

- Continued decline in traditional hillfarming affecting the landscape and biodiversity of the area.
- Uncertainty over future agricultural grants potentially affecting stocking numbers and the maintenance of historic features such as walls and hedgebanks.
- Management of forests, particularly once trees have been felled.
- Tree loss due to disease e.g. *Phytophthora ramorum*.
- Continued implementation of the *Waterfall Country Management Plan*.
- Potentially significant impacts from future wind farm developments in close proximity to this area (TAN 8 areas E and F are close to the southern boundary of the National Park).
- Applications for further opencasting, quarrying, waste schemes and electricity schemes just beyond the southern boundary which would affect views from this area.



*Forestry plantations and pylons in the south of the LCA, near the National Park boundary.*



*Afon Hepste quarry near Penderyn*



*Windfarm beyond the National Park boundary to the south, viewed from within the National Park.*

## Strategy

### Overall Strategy

**To maintain and enhance the special qualities of the landscape, in particular its historic features and magnificent waterfalls, resisting development which would impact on views from the area.** Agriculture is supported, and traditional practices such as common grazing encouraged. Woodlands, rivers and other semi-natural habitats are well managed, as are historic features and their settings. The landscape is accessible to visitors and local people, with opportunities for appropriate recreation. Geological features, including caves, are in good condition. The special qualities of the area are not compromised by inappropriate development within or outside the National Park.

### LCA-Specific Management Guidelines

#### Protect

- Protect (through appropriate management) **historic features** within the landscape, including those associated with **farming and settlement**.
- Protect the **built heritage** of the area, particularly **vernacular buildings**.
- Protect the **upland skylines** and occasional **long views** which form the backdrop to the area.
- Protect vulnerable **geological sites** such as limestone pavements.

#### Manage

- Manage **semi-natural habitats** such as grasslands and moorlands through appropriate management and grazing.
- Manage **farmlands**, encouraging a viable farming community which farms in a traditional way to maintain the landscape and biodiversity of the area.
- Manage broadleaf **woodlands** using traditional techniques (e.g. coppicing) to encourage age and species diversity.
- Manage **coniferous forests** to maximise biodiversity and minimise visual impacts and damage to archaeology, particularly following felling.
- Manage (and record where necessary) **archaeological sites**, particularly where they are at risk (e.g. 4x4 damage to Sarn Helen Roman Road)
- Manage **recreation**, encouraging visitors and local people whilst minimising impacts on the area's biodiversity, heritage and special qualities.
- Manage **cave systems** (and related surface vegetation and activities) to protect subterranean habitats and features.

#### Plan

- Plan for **community education and involvement** in the management of the area, developing links with the communities beyond the National Park boundary.
- Plan for the **creation, extension and linking of semi-natural habitats**, e.g woodland and grasslands.
- Plan to **reduce the visual impacts** of existing open-cast sites, windfarms, quarries and other development beyond the National Park boundary, and **resist applications** for future development which would **harm the special qualities** of the area.
- Plan to retain the area's **dark skies** and reduce incidence of light pollution.
- Plan **recreation** strategically across the National Park, reducing pressure on 'honeypot' sites.

## **Appendix B: Brecon Beacons special qualities**

## Appendix 2: Special Qualities of the National Park

Extract from *National Park Management Plan: Managing Change Together*, Section 3: Special Qualities, Table 3.1, Page 28.

Special Qualities	Stakeholder Quotations
A National Park offering <b>peace and tranquility</b> with opportunities for quiet enjoyment, inspiration, relaxation and spiritual renewal.	<i>“Isolated from ‘commercial bustle’ of everyday life in the UK.”</i>
A feeling of <b>vitality and healthfulness</b> that comes from enjoying the Park’s fresh air, clean water, rural setting, open land and locally produced foods.	<i>“A place that is relatively free from the roar of traffic and has ‘clean’ air.”</i>
<b>A sense of place and cultural identity</b> —“Welshness” – characterized by the indigenous Welsh language, religious and spiritual connections, unique customs and events, traditional foods and crafts, relatively unspoilt historic towns and villages, family farms and continued practices of traditional skills developed by local inhabitants to live and earn a living here, such as common land practices and grazing.	<i>“Breathing space close to home for those who live in the Park and for those in the industrial valleys.”</i>  <i>“A sense of timelessness.”</i>
<b>A sense of discovery</b> where people explore the Park’s hidden secrets and stories such as genealogical histories, prehistoric ritual sites, relic medieval rural settlements, early industrial sites, local myths and legends and geological treasures from time immemorial.	<i>“A rich archaeological resource – still to be explored and understood.”</i>  <i>“A cultural landscape where history, people, culture and activity are obviously linked.”</i>
The Park’s <b>sweeping grandeur and outstanding natural beauty</b> 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.	<i>“Stunning views!”</i>  <i>“Brecon Beacons National Park has great variety of beautiful geography in a compact area.”</i>
A working, living “patchwork” of <b>contrasting patterns, colours, and textures</b> comprising well-maintained farmed landscapes, open uplands, lakes and meandering rivers punctuated by small-scale woodlands, country lanes, hedgerows and stone walls and scattered settlements.	<i>“Outstanding landscapes and countryside and well-maintained agricultural land.”</i>  <i>“The back garden of the Valleys.”</i>
Extensive and widespread access to the Park’s <b>diversity of wildlife and richness of semi-natural habitats</b> , such as native woodlands, heath land and grassland, natural lakes and riparian habitats, ancient hedgerows, limestone	<i>“The variety is special, particularly the vast difference between the park’s eastern and western areas.”</i>

Special Qualities	Stakeholder Quotations
pavement and blanket bogs including those of international and national importance.	<i>“A place where local people and visitors can learn about the environment.”</i>
In the context of the UK, geographically <b>rugged, remote and challenging</b> landscapes.	<i>“Outstanding and beautiful natural environment to be treasured, respected and preserved.”</i>
<b>Enjoyable and accessible countryside</b> with extensive, widespread and varied opportunities to pursue walking, cycling, fishing, water-based activities and other forms of sustainable recreation or relaxation.	<i>“Opportunities for all ages to engage with the natural landscape.”</i>
An <b>intimate sense of community</b> where small, pastoral towns and villages are comparatively safe, friendly, welcoming and retain a spirit of cooperation.	<i>“Seeing it stay as it is but accepting there may have to be change.”</i>

## **Appendix C: Review of effects on landscape character**

**Table 1: Enviroparks, Hirwaun- Review of landscape effects**

Landscape receptors	Name	Pleydell Smithyman assessment				This report comment
		Sensitivity	Magnitude	Significance of effect	Nature of effect	
LANDMAP						
Visual and sensory						
CYNONVS833	Penderyn	Medium	Very large to medium at close to medium range	Major to moderate /Major	Adverse	<p>Sensitivity: not agreed. Much of the area lies within BBNP which contributes to value and is susceptible to industrial installations with 90 m high structures. The likely sensitivity overall is at least high/medium.</p> <p>Magnitude of effect: agree very large effect close to but larger than medium at medium range (0.5 to 1km).</p> <p>Significance: <b>Major</b></p>
CYNONVS833	Penderyn	Medium	Medium to very small at medium to long-range	Minor/moderate	Adverse	<p>Sensitivity: as above</p> <p>Magnitude of effect: underplays effect. Visual effects in ‘long range’ are considered to undergo medium effects (H) and some slopes across the area run towards the development.</p> <p>Significance: underplayed- <b>Major/moderate</b> to minor/moderate.</p>
CYNONVS340 Actually 430	Hirwaun Common	Medium	Medium at long range	Moderate	Adverse	<p>Sensitivity: agreed (as turbines on it and outside designation)</p> <p>Magnitude of effect: agreed</p> <p>Significance: agreed</p>
CYNONVS735	Cadair Fawr	Medium	Small to medium long-range	Minor/moderate	Adverse	<p>Sensitivity: not agreed. It is open moorland grazing within BBNP and so is high sensitivity.</p> <p>Magnitude of effect: not agreed. It is likely to be small on the area as a whole as it is at a distance and the proposed development is sited in a developed valley landscape separated from the moorland by a settled valley landscape.</p>

						Significance: not agreed. Likely to be moderate significance (not significant).
		<b>Pleydell Smithyman assessment</b>				
<b>Landscape receptors</b>	<b>Name</b>	<b>Sensitivity</b>	<b>Magnitude</b>	<b>Significance of effect</b>	<b>Nature of effect</b>	<b>This report comment</b>
CYNONVS368	Tower colliery	-	-	-	-	Area lies to the south of the site at close range. Sensitivity: Medium to low Magnitude of effect: Medium Significance: Minor/moderate
CYNONVS522	Aberdare	-	-	-	-	Area lies directly adjacent to the site to the south. Sensitivity: Low Magnitude of effect: Moderate Significance: Minor/moderate
Landscape habitats						
CYNONLH051	-	Medium	Small- from the additional planting	Minor/moderate	Beneficial	Sensitivity: agreed Magnitude of effect: agreed Significance: agreed
Geological landscape						
CYNONGL028	-	Medium	Very small	Minor	Adverse	Sensitivity: agreed Magnitude of effect: agreed Significance: agreed
Historic landscape						
CYNONHL117	Cynon Valley	Medium to	No effect at close to	Neutral	Adverse	Sensitivity: agreed

	Corridor	high	long-range			<p>Magnitude of effect: not agreed - the development lies within the area and introduces a noticeable new element into the area with a tall stack thus modifying its character, albeit remaining industrial. The effect is minor/moderate.</p> <p>Significance: not agreed- the effect is likely to be moderate.</p>
		<b>Pleydell Smithyman assessment</b>				
<b>Landscape receptors</b>	<b>Name</b>	<b>Sensitivity</b>	<b>Magnitude</b>	<b>Significance of effect</b>	<b>Nature of effect</b>	<b>This report comment</b>
CYNONHL150	Moel Penderyn	Medium	No effect	Neutral	Adverse	<p>Sensitivity: agreed</p> <p>Magnitude of effect: agreed</p> <p>Significance: agreed</p>
CYNONHL176	Penderyn	Medium	No effect	Neutral	Adverse	<p>Sensitivity: not agreed- this area is an important multi-period fieldscape with the sensitivity likely to be at least medium to high.</p> <p>Magnitude of effect: the development lies directly adjacent and is noticeable in conjunction with the multi-period landscape and as such has some effect- low.</p> <p>Significance: not agreed cash the effect is likely to be moderate to minor.</p>
CYNONHL183	Tower colliery	Low to medium	No effect	Neutral	Adverse	<p>Sensitivity: agreed</p> <p>Magnitude of effect: agreed</p> <p>Significance: agreed</p>
CYNONHL687	Rhondda uplands	Medium	No effect	Neutral	Adverse	<p>Sensitivity: agreed (as turbines on it and outside designation)</p> <p>Magnitude of effect: agreed</p> <p>Significance: agreed</p>
CYNONHL903	Hirwaun Common	Medium	No effect	Neutral	Adverse	<p>Sensitivity: agreed</p> <p>Magnitude of effect: agreed</p> <p>Significance: agreed</p>

CYNONHL002	Hirwaun Common south (sic) (name should be Mynydd y Glog)	-	-	-	-	<p>Sensitivity: this area is a multi-period fieldscape with the sensitivity likely to be at least medium.</p> <p>Magnitude of effect: the development is at a distance and is a minor element in conjunction with other development and as such has a limited effect- very low.</p> <p>Significance: the effect is likely to be minor.</p>
		<b>Pleydell Smithyman assessment</b>				
<b>Landscape receptors</b>	<b>Name</b>	<b>Sensitivity</b>	<b>Magnitude</b>	<b>Significance of effect</b>	<b>Nature of effect</b>	<b>This report comment</b>
CYNONHL003	Penderyn relict field scope	-	-	-	-	<p>Sensitivity: this area is a multi-period fieldscape with the sensitivity likely to be at least medium.</p> <p>Magnitude of effect: the development lies close by and is noticeable in conjunction with the multi-period landscape and as such has some effect- low.</p> <p>Significance: the effect is likely to be moderate to minor.</p>
Cultural landscape						
CYNONCL041	The Rhigos	Medium	Small to medium	Moderate /minor	Adverse	<p>Sensitivity: agreed</p> <p>Magnitude of effect: agreed</p> <p>Significance: agreed</p>
CYNONCL042	Hirwaun	Medium	Medium to large at close to medium range	Moderate	Adverse	<p>Sensitivity: not agreed - would expect the sensitivity to be medium to low</p> <p>Magnitude of effect: agreed</p> <p>Significance: agreed</p>
CYNONCL044	BBNP	High	Large at close range	Major	Adverse	<p>Sensitivity: agreed</p> <p>Magnitude of effect: agreed</p> <p>Significance: agreed</p>

CYNONCL044	BBNP	High	Very small to medium at medium to long-range	Moderate /major to minor/ moderate	Adverse	Sensitivity: agreed Magnitude of effect: agreed Significance: agreed
		Pleydell Smithyman assessment				
<b>Landscape receptors</b>	<b>Name</b>	<b>Sensitivity</b>	<b>Magnitude</b>	<b>Significance of effect</b>	<b>Nature of effect</b>	<b>This report comment</b>
CYNONCL056	Designated landscape areas	Medium	No direct or indirect effects	Neutral	Adverse	Sensitivity: agreed Magnitude of effect: not agreed - the stack does actually lie within this area within a few metres of the BBNP and this area boundary. The magnitude of effect is large at close range. Significance: not agreed - the effect is likely to be moderate as it is on the very edge of a large dispersed area.
<b>BBNPA landscape character areas</b>						
3	Fforest Fawr	-	-	-	-	Sensitivity: As open elevated moorland with long views within BBNP it is likely to be high sensitivity although views of industrial development and windfarms to the south already exist. Magnitude of effect: not agreed. It is likely to be small on the area as a whole as it is at a distance and the proposed development is sited in a developed valley landscape separated from this LCA by another LCA (4 below). Significance: Likely to be moderate significance.
4	Waterfall Country and Southern valleys	-	-	-	-	Part of the overall Enviroparks site lies in the area and the stack lies directly adjacent to the boundary. Sensitivity: Likely to be high sensitivity as a scenic landscape within BBNP, although enclosed wooded valleys in places and views of industrial development and windfarms to the south already exist. Magnitude of effect: agree very large effect close to reducing with

						distance to medium and small to medium for intervisible slopes to the north, north west and east. These areas cover a proportion of the eastern part of the LCA. Significance: Likely to be major significance.
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**Notes**

- Yellow background indicates additional significant effects identified in this review. These effects take into account the plume as well as stack.

## Appendix D: Review of visual effects

Enviroparks, Hirwaun- Review of visual effects of revised stack scheme (2020)

Vpt no	Viewpoint location	Pleydell Smithyman assessment				This report comment
		Sensitivity	Magnitude-Year 1	Significance of effect-Year 1	Significance of effect-Year 15	
A	Northern boundary of site near public footpath	Medium	Very large	Major	Moderate	Sensitivity: not agreed- medium/high as PROW in BBNP but near industrial estate. Magnitude: agreed. Significance: agreed.
B	Southern edge of Penderyn reservoir	Medium	Very large	Major	Major	Sensitivity: not agreed- medium/high as in area used for recreation in BBNP albeit not public access. Magnitude: agreed. Significance: agreed.
C	Northern edge of Penderyn reservoir	Medium to high	Large to very large	Major	Major	Sensitivity: agreed Magnitude: agreed. Significance: agreed.
D	Public footpath near the farmstead of Tai-cwpiaw	Medium to high	Large	Moderate /major	Moderate	Sensitivity: not agreed- high as PROW in BBNP with visual connection to the rural slopes to the north. Magnitude: agreed Significance: not agreed- likely to be major at Year 1 and at least moderate/major at Year 15 as stack will remain prominent.*
E	Layby on the A465	Low	Medium to large	Moderate	Minor/moderate	Sensitivity: agreed Magnitude: agreed. Significance: agreed.
F	Fifth Avenue adjacent to	Low to	Medium	Moderate	Moderate	Sensitivity: agreed

	hotel access road	medium				Magnitude: not agreed- moderate to moderate/high. Significance: agreed.
		<b>Pleydell Smithyman assessment</b>				
<b>Vpt no</b>	<b>Viewpoint location</b>	<b>Sensitivity</b>	<b>Magnitude- Year 1</b>	<b>Significance of effect- Year 1</b>	<b>Significance of effect- Year 15</b>	<b>This report comment</b>
G	Track to property of Tylemorgrug	Medium to high	Very small to <small>small</small>	Minor/ moderate	Minor	Sensitivity: agreed as not general public access. Magnitude: could be medium if viewpoint located around 50m to the east without barn and tree in the foreground. (Poorly located viewpoint is not in accordance with guidance). Significance: not agreed-could be likely to be moderate/major if in worst case location around 50m to the east. However, on a private track so not visited and weight limited.
H	Public bridleway near Moel Penderyn	High	Medium	Moderate / major	Moderate	Sensitivity: agreed Magnitude: agreed Significance: not agreed-remains moderate/major at Year 15 as stack will remain noticeable and boundary mitigation planting will only partially screen one elevation of the nearest building which does not justify a significant reduction in magnitude of change.*
I	Sports field on the north eastern margin of Rhigos	Medium to high	<small>Small</small>	Minor/ moderate	Minor	Sensitivity: agreed Magnitude: agreed Significance: agreed
J	A461 near junction with public footpath	Medium	<small>Small to medium</small>	<small>Minor/ moderate</small>	<small>Minor/ moderate</small>	Sensitivity: agreed Magnitude: agreed Significance: agreed
K	Public footpath between Rhigos and the A4061	Medium to high	<small>Small to medium</small>	<small>Minor/ moderate</small>	<small>Minor/ moderate</small>	Sensitivity: agreed Magnitude: agreed

						Significance: not agreed. It would be expected that the effect would be moderate with the combination of magnitude and sensitivity.
		Pleydell Smithyman assessment				
Vpt no	Viewpoint location	Sensitivity	Magni- tude- Year 1	Signific- ance of effect- Year 1	Signific- ance of effect- Year 15	This report comment
L	Public footpath near the southern edge of Cefn Rhigos	Medium	Small to medium	Minor/moderate	Minor/moderate	Sensitivity: not agreed- medium/high as a PROW outside BBNP. Magnitude: agreed Significance: not agreed- moderate (not significant)
M	Open access land above Pontbren Llwyd	Medium to high	Small to medium	Moderate	Moderate	Sensitivity: not agreed. High as open access land in BBNP. Magnitude: agreed Significance: not agreed. Small to medium effect on a high sensitivity receptor is likely to be moderate/major and significant at year 1 and year 15.
N	A4061 near layby and promoted viewpoint	High to very high	Small	Moderate	Minor/moderate	Sensitivity: agreed Magnitude: agreed Significance: agreed.

### Notes

- Blue text shows change from 2019 consented scheme (all higher/larger).
- Pink background indicates LVIA significant effects. The LVIA identifies the same number of significant effects as for the 2019 assessment with the lower 45m stack although the level of effect increases in some instances.
- Yellow background indicates additional significant effects identified in this review. These effects take into account the plume as well as stack.
- \* indicates that the effect is not significantly greater than for the 45m stack.

## **Appendix E: Review of PSL clarification response dated November 2020**

Draft stage 1 LVIA review recommendations summarised in White Consultants, email, 11/11/20	Summary of PSL response dated November 2020	White Consultants comments on PSL response
Confirmation of the visual nature of the emissions plume (eg velocity, height, frequency) and whether the LVIA takes this into account. A repeat of the Chapter 2 description is not required.	PSL understands there is no plume.	<p>We note and accept this as the basis for the PSL assessment.</p> <p>ES Ch 3 Scheme description 3.10 iv states that urea is added to abate oxides of nitrogen, reducing emissions to nitrogen and water vapour. In our experience, water vapour can be visible in certain weather conditions, displaying an occasional white plume, and so our assessment is based on this.</p>
Confirmation of which viewpoints were visited in April 2020 to inform the LVIA and ECA.	PSL were constrained to the site and limited parts of surrounding area due to Covid restrictions.	This effectively confirms that the updated LVIA by PSL was essentially a desk study based on Crestwood's 2016/2017 information and photos. PSL have subsequently visited key viewpoints in late November which now act as a reasonable basis for the assessment.
Confirmation if the ECA involved analysis of other photographs either from the same or other viewpoints or was tested and verified on site using official RAL colour swatches.	A revised ECA is included which appears to benefit from higher quality photos taken in November as part of the clarification response.	<p>Viewpoints in BBNP are reconsidered- H and M. The other viewpoints C and J remain the same.</p> <ul style="list-style-type: none"> <li>• Viewpoint H- 3 middle ground colours are changed to reflect less misty conditions. One colour tone is corrected (RAL 7030).</li> <li>• Viewpoint M- additional viewpoint colours are analysed using higher quality photos.</li> <li>• Both of the above analyses lead to a change of one colour in the recommended Option 3- RAL 7005. This is darker and a reasonable suggestion.</li> </ul> <p>However, the above analysis remains a desk study essentially relying on digital reproduction of colours and without testing on site with official RAL colour swatches. This is critical in making sure that the visual impact of the stack is minimised as far as possible. It is strongly recommended that a competent person/persons carries this out before implementation. Whether this is done before the planning application is considered or, if approved, as a condition is for RCT to</p>

		decide. In any case, the developer should bear the cost of obtaining and providing official RAL swatches.
<b>Draft LVIA review recommendations summarised in White Consultants, email, 11/11/20</b>	<b>Summary of PSL response dated November 2020</b>	<b>White Consultants comments on PSL response</b>
A visualisation method formalising the informal emails sent is desirable- to avoid the need to reference the latter and minimise the number of documents that need to be considered.	This is provided.	This is helpful- no further information is required.
An assessment of the effects on the two BBNP LCAs within the study area and their special qualities which should inform a revised assessment on the effects on special qualities and purposes of the BBNP. (LCAs and special qualities attached). This should include an additional assessment of the effects of the proposals on the peace and tranquillity special quality.	PSL does not undertake an assessment of the two BBNP LCAs within the study area and their special qualities. No explanation is given.  PSL briefly addresses the overall effects on the peace and tranquillity special quality based on their consideration of scenic quality which they consider as the only relevant component of tranquillity.	The BBNP landscape character assessment informs special qualities and effects on the designation. It was omitted from the 2017 Crestwood assessment as well as this assessment. Instead, there is general consideration of BBNP's special qualities combined with consideration of LANDMAP.  RCT has a duty to take the purposes of BBNP into account and these are informed by the special qualities. White Consultants note this omission and carry out an assessment of the LCAs to inform decision-makers as part of this report.
The 2008 LANDMAP assessment has been used as baseline. PSL may also wish to review whether up to date LANDMAP aspect areas not assessed in this 2020 assessment (or the 2017 assessment) undergo significant effects. This is not essential in consideration of the proportionate nature of the assessment required and the expected consideration of the BBNP LCAs and associated special qualities.	PSL do not choose to update the LANDMAP assessment.	This is not essential but is an indication of a limited updating of Crestwood's LVIA.



**Cyfoeth  
Naturiol  
Cymru  
Natural  
Resources  
Wales**

Ein cyf/Our ref: CAS-127272-N9Z2  
Eich cyf/Your ref: 20/0986/10

Rivers House,  
St Mellons Business Park,  
St Mellons,  
Cardiff,  
CF3 0EY

Rhondda Cynon Taf,  
Sardis House,  
Sardis Road,  
Pontypridd,  
Rhondda Cynon Taf,  
CF37 1DU

ebost/email:  
southeastplanning@cyfoethnaturiolcymru.gov.uk  
Ffôn/Phone: 03000 65 3091

25/11/2020

Annwyl Syr/Madam / Dear Sir/Madam,

**BWRIAD / PROPOSAL: CONSTRUCTION AND USE OF A STACK WITH ASSOCIATED PIPEWORK AND A CONTINUOUS EMISSIONS MONITORING SYSTEMS GANTRY WITH LADDER ACCESS.**

**LLEOLIAD / LOCATION: FIFTH AVENUE, HIRWAUN INDUSTRIAL ESTATE, HIRWAUN.**

Thank you for consulting Cyfoeth Naturiol Cymru / Natural Resources Wales about the above, which we received on 07/10/2020.

We have previously provided statutory pre-application advice to this application on the 29 July 2020 (our reference CAS-118210-W2N5) where we provided advice regarding Designated Sites and Flood Risk at this site. We have reviewed the updated submitted information and provide the following advice.

**We have significant concerns with the proposed development as submitted. We recommend you should only grant planning permission if you attach the following conditions from the February 2019 planning permissions, as detailed on the RCTCBC Decision Notice (ref 17/0249/10) and BBNPA Decision Notice (ref 17/14587/FUL) to the permission. Otherwise, we would object to this planning application.**

- Condition: Dust Management Plan
- Condition: Additional Technologies
- Conditions: Land Contamination

**Further to this, we recommend you should only grant planning permission if you include the following document within the condition identifying approved plans and documents on the decision notice:**

- 'Environmental Statement Addendum - Chapter Eight – Appendix 8.3' prepared by Enviroparks dated September 2020.

**In addition, a new or amended s106 will be required.**

We understand the application site has extant planning permission, known as the '2019 scheme', granted in February 2019, for a sustainable waste resources recovery and energy production park, including an emissions stack of 45m under planning references 17/0249/10 (RCT) and 17/14587/FUL (BBNPA). We further understand that the purpose of the current application is solely to amend to the location and height (from 45m to 90m) of the main emission chimney stack.

We are aware that a permit application under the Environmental Permitting (England and Wales) Regulations (EPR) 2016 has not yet been received for the current proposals. An EPR permit application was made in 2017, however, this was subsequently withdrawn. We understand that the applicant does not intend to twin-track their planning and EPR applications. However, we advise this is undertaken to try and ensure that there is no conflict between any planning permission granted and the permit requirements.

Based on the application as proposed, we have reviewed the submitted information and have the following comments:

**Designated Sites**

The application site is within screening distance of three Natura 2000 sites; Blaen Cynon SAC, Coedydd Nedd a Mellte SAC and Cwm Cadlan SAC and subsequent SSSI sites.

We have completed a high level review of the submitted air quality assessment and as a result of this review, we are satisfied that the dispersion modelling methodology is appropriate for the purposes of informing the planning application. However, it would only be when full details of modelling and technology is provided and considered as part of an EPR application, that NRW's permitting function would be in a position to properly verify the data.

The results of the latest modelling give Process Contributions (PCs) for both nutrient nitrogen deposition and acid which are lower than those for the 2019 scheme. Table 9A from Appendix A (Volume 2 EWL ES-addendum 2020 Technical Appendices) shows that the PCs for nutrient nitrogen deposition and acid deposition are predicted to be 0.056% and 0.40% respectively. An in-combination assessment demonstrates that the combined PCs for nutrient nitrogen is 0.78% and acid deposition is 1.03%.

As the in-combination PCs is above the 1% significance threshold for acid deposition at the Blaen Cynon SAC, we advise that an Appropriate Assessment should be undertaken by the Planning Authority.

Mitigation Measures

We note the proposed mitigation measures in Chapter 9 of the Shadow HRA. This includes provision for a dust management plan as outlined in section 9.2.1, an additional technologies condition as outlined in section 9.2.2 and provisions for conservation management via a Section 106 agreement.

Given the low in-combination percentage for acid deposition, we consider that the mitigation proposed is sufficient to ensure adverse effects to the Special Areas of Conservation can be avoided.

**In consideration of the above, we would therefore request that the following conditions from the February 2019 planning permission, as detailed on the RCTCBC Decision Notice (ref 17/0249/10) and BBNPA Decision Notice (ref 17/14587/FUL) are included on any permission the planning authority is minded to grant:**

- Condition 5 – Dust Management Plan
- Condition 6 – Additional Technologies

**In addition, a new or amended s106 will be required.** We note the proposal for a Deed of Variation for the existing s106. It will be a matter for the LPA to determine the appropriate form of the s106 (i.e. whether a variation or otherwise), however, please note, we would wish to be consulted on the draft and it should be approved by NRW prior to being finalised.

## **Landscape**

### Brecon Beacons National Park

We note that the proposal would result in an increased adverse visual effect on the adjacent landscape of the National Park. There would be an increase in the areas of the National Park from which the proposed stack is visible as a result of the increase in height from 45m to 90m. The proposed stack would include a metal gantry & ladder at approximately 18.5m and would be metal clad in a smooth finish with a graded colour scheme intended to be visually recessive.

The majority of views of the proposed stack from and towards the National Park are from high ground, with the exception of close views from Penderyn Reservoir and the immediate locality. In these views from high ground, the stack would be seen in the context of the industrial estate and against the backdrop of the landform, rather than against the sky in silhouette.

We have reviewed the updated 'Environmental Statement Addendum - Chapter Eight – Appendix 8.3 prepared by Enviroparks dated September 2020'. We agree the changed colour scheme (Option 3) is more sensitive to its context and would better integrate the stack in views from and towards the National Park.

**We would therefore recommend you include the document as outlined above, within the condition identifying approved plans and documents on the decision notice**

### Brecon Beacons International Dark Sky Reserve

We note infra-red aviation lights are proposed, which are invisible to the human eye, therefore we are satisfied there would be no additional light pollution on the Brecon Beacons International Dark Sky Reserve.

### **Land Contamination**

We understand that site investigation works have been undertaken for all phases of this development and that the work completed to date has identified contamination around the site. We understand that further investigation work is proposed within the Phase 2 area. We understand that in addition to the increase in height, the proposal includes adjustment to the location of the proposed stack. **Therefore, for completeness we would request that the following conditions from the February 2019 planning permission, as detailed on the RCTCBC Decision Notice (ref 17/0249/10) and BBNPA Decision Notice (ref 17/14587/FUL) are included on any permission the planning authority is minded to grant:**

- Condition 18 & 19 – Land Contamination

### **Further Advice - EPR**

#### Design

We note that the stack height selection has been explained but it has not been shown to be optimum. Similarly, optimisation of efflux velocity to maximise plume rise under all wind conditions is not discussed.

This may be particularly important if high terrain/high wind speed interactions were not modelled due to the localised use of terrain assessment. The source term derivation appears to be based upon the waste incineration Bref ELVs which are daily averages, however short-term air quality impacts may also need to consider emissions at the potentially higher 30 minute average ELV values required by Chapter IV and Annex VI of the Industrial Emissions Directive. Assessment of atypical activities during pre-commissioning and commissioning, such as refractory dry-out phases should be undertaken, to provide assurance that reduced plume momentum and buoyancy will not result in significant air quality impacts. As well as ensuring that local air quality impacts are minimised, consideration should also be given to ensuring that the development contribution to the UK emissions inventory under the National Emissions Ceiling Directive is minimised.

Both these aspects will need to be addressed as part of a future EPR application and as such, it is possible the stack height could be subject to change.

#### Air quality impact assessment

We have undertaken a high-level review of the submitted air quality assessment; 'Atmospheric dispersion modelling assessment of proposed emissions' from Enviroparks (Wales) Limited, Hirwaun Industrial Estate. Environmental Visage Ltd Dated May 2020.' As

a result of this review, we are satisfied that the dispersion modelling methodology is appropriate for the purposes of informing the planning application. Notwithstanding this, further advice has been provided to assist the applicant when considered as part of an Environmental Permitting (England and Wales) Regulations 2016 (EPR) application. Our high level comments are provided below in Annex 1 for your convenience.

### **Other Matters**

Our comments above only relate specifically to matters 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 development to affect other interests.

We advise the applicant that, in addition to planning permission, it is their responsibility to ensure they secure all other permits/consents/licences relevant to their development. Please refer to our [website](#) for further details.

If you have any queries on the above, please do not hesitate to contact us.

Yn gywir / Yours faithfully

### **Lindy Marshall**

Cynghorydd - Cynllunio Datblygu / Advisor - Development Planning  
Cyfoeth Naturiol Cymru / Natural Resources Wales

## **Annex 1 - High level review of 'Atmospheric dispersion modelling assessment of proposed emissions' from Enviroparks (Wales) Limited, Hirwaun Industrial Estate. Environmental Visage Ltd Dated May 2020.'**

As a result of this high-level review, we are satisfied that the dispersion modelling methodology is appropriate for the purposes of informing the planning application.

### Environmental Permitting (England and Wales) Regulations 2016

Notwithstanding the above, and our consideration of the modelling methodology, please be aware that it would only be when full details are provided and considered as part of an Environmental Permitting (England and Wales) Regulations 2016 (EPR) application, that NRW's permitting function would be in a position to verify the modelled outputs themselves. In anticipation of a future permit application, we provide some comments below for consideration. These comments relate to matters that have come to light as a result of our high-level review and we advise they should be addressed in order to support a permit application.

- Sensitivity Analysis

We note that modelling was carried out using CERC's ADMS version 5.2 and included effects of terrain obtained from OS Terrain 50 DTM data, a digital terrain model with a horizontal resolution of 50m. The modelling was carried out using meteorological data from the Met Offices Sennybridge observation station over five years (2015 to 2019 inclusive) as required by the Environment Agency's "Environmental permitting: air dispersion modelling reports" guidance document.

The nearest observed meteorological data is located approximately 35km to the north at Sennybridge (289405, 241779). The distance between the Sennybridge measurement site and the location of the proposed plant, along with differences in local topography, may result in the Sennybridge data not being representative of regional meteorology at the Hirwaun site. Therefore, we recommend the applicant consider a sensitivity analysis of the Sennybridge observed meteorological data against modelled data, i.e., numerical weather prediction met data extracted at the proposed Hirwaun site which is available from the met office.

- Receptor Locations

For each meteorological year, maximum predictions over a 6km x 6km grid with a 30m horizontal resolution were reported along with predictions at a number of additional receptor locations.

Additional receptor locations included designated sites (e.g. SSSI & SAC) and ancient woodland (AW) sites as required by NRW and Environment Agency [guidance](#) along with a number of human receptors. However, receptor coordinates for sensitive habitats in the submitted risk assessment are not representative of the closest point for the majority of identified sites with differences between 1m to 348m (average of 68m) and 21m to 647m

(average of 115m) from the habitat coordinates closest to the stack for designated sites and ancient woodland sites respectively. It is not expected that this will result in significant impacts on the final predictions.

We have identified nine local wildlife sites of importance for nature conservation within 2km of the proposed stack location, which do not appear to have been considered. No rationale for their exclusion from consideration has been included in the submitted risk assessment. We advise that potential impacts at local wildlife sites within 2km of the facility should be included.

We continue to advise that the applicant twin-track the proposals, to try to ensure that there is no conflict between any planning permission granted and the permit requirements.



**PARC CENEDLAETHOL BANNAU BRYCHEINIOG  
BRECON BEACONS NATIONAL PARK**

Christopher Jones  
Rhondda Cynon Taf County Borough Council

**Date:** 5 November 2020

**Officer:** Davina Powell

**Your Ref:** 20/0986/10

**Our Ref:** 20/19116/FRI

Dear Sir/Madam,

**Town and Country Planning Act 1990 (as amended)**  
**Town and Country Planning (Development Management Procedure) (Wales) Order 2012**

**Proposal:** "Construction and use of a stack with associated pipework and a continuous emissions monitoring systems gantry with ladder access"

**Address:** Fifth Avenue, Hirwaun Industrial Estate, Hirwaun Rhondda Cynon Taff

**The Authority welcomes feedback from agents and applicants on the quality of the service received. For further information, please visit [www.beacons-npa.gov.uk/planningsurvey](http://www.beacons-npa.gov.uk/planningsurvey) to fill in a brief online survey.**

Thank you for your consultation received 7 October 2020 regarding the above and for agreeing to the slight extension of time until the 6<sup>th</sup> November 2020 for us to comment on the planning application.

We understand Enviroparks (Wales) Limited has submitted a planning application to Rhondda Cynon Taf Council for a 90m (3.95m diameter) stack at Fifth Avenue, Hirwaun Industrial Estate. The red outline for this proposal is located entirely in Rhondda Cynon Taf but is almost immediately adjacent to the Brecon Beacons National Park Authority (NPA) boundary.

It is noted that planning permission ref: 17/14587/FUL (Brecon Beacons National Park Authority) and 17/0249/10 (Rhondda Cynon Taf Council) approved a 45m stack (3.5m diameter) within the Brecon Beacons National Park Authority area (approximately 90m away from the location now currently being proposed). The submission suggests a higher stack in a different location is being proposed to improve the emissions profile of the plant, particularly in respect of acid and nutrient nitrogen deposition on adjacent Special Areas of Conservation (SAC).

We set out below some background on the NPA's policy and legal context. The letter ends with our comments on the planning application submission which was made available on the Council's website. You will note the National Park Authority provided comments as part of the Pre-Application Consultation (PAC) stage in July 2020 and a copy of this letter is in the applicant's PAC Report.

## Background

### 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 defines the Special Qualities of the Brecon Beacons National Park as follows:

- A National Park offering **peace and tranquility** 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 un-spoilt 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 10) 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).

## Planning Application Submission

We have reviewed the submission – principally the Environmental Statement and Design and Access Statement. As outlined at PAC stage, we consider the key issues which have the potential to impact on the National Park Authority's statutory purposes and special qualities are in relation to landscape and visual impact. We make the following comments on the submission:

- The Zone of Theoretical Visual maps shows the revised stack to be visible from similar locations to the consented stack although we note slightly larger areas are identified particularly to the north (around Coed Cae Ddu Farm) and west which are in the National Park (beyond the 5km radius however).
- Table 8.2 of the ES states the changes in landscape impact and shows worsen effects for the Penderyn Area Name (CYNONOV833), Hirwaun (CYNONCL042) and The Rhigos (CYNONCL041). BBNP (CYNONCL044) is now identified to have a major significant effect compared to moderate/major for the consented stack at close range.
- Table 8.3 of the ES states the changes in the viewpoint assessment (proposed development compared with consented). It shows that five viewpoints to have worsen effects at year 1 (Viewpoints C, E, F, J and K) one of which appears to be the National Park (C: Northern edge of Penderyn Reservoir). Worsened visual effects are noted for B-N viewpoints at the 15-year stage (seven of which are located in the National Park area). It is however noted that no location would the proposed development result in significant adverse effects where previously there were no significant effects as a result of the permitted scheme.
- The National Park Authority would ask the determining local planning authority to carefully consider the finish and colour of the stack - it is noted an Environmental Colour Assessment has been prepared. NRW highlighted in their PAC comments the stack be a matt and muted colour. The National Park Authority concur with NRW's comments in this regard.
- Whilst the National Park Authority does still have some concern over the landscape and visual impact of the proposal and its impact on the Special Qualities of the National Park it will be for the determining local planning authority to give this due regard in the determination of this planning application. It is noted that the current consent is for a 45m stack within the National Park boundary itself.

## Conclusion

The Brecon Beacons National Park Authority have some concern over the landscape and visual impacts of the proposed 90m stack and the impacts this then has the statutory purpose of the National Park - *"to conserve and enhance the natural beauty, wildlife and cultural heritage of the National Park"*. The NPA also have concerns that the proposal will adversely impact on two of the Special Qualities of the Park – its *"sweeping grandeur and outstanding natural beauty"* and the *"working, living "patchwork" of contrasting patterns, colours, and textures"*. It will be for the determining local planning authority to give due regard to these impacts in the determination of this planning application.

Please note that this response has been prepared by Officers, and will not receive formal ratification from Members until 15<sup>th</sup> December 2020 after which point in time I may provide supplementary response as necessary.

We trust the above comments are of assistance however if you wish to discuss any aspect further please do not hesitate to contact me.

Yours faithfully,

Tracy Nettleton  
Planning and Heritage Manager

*Yr ydym yn croesawu gohebiaeth yn y Gymraeg. Bydd unrhyw ohebiaeth yn y Gymraeg yn cael ei ateb yn y Gymraeg a ni fydd unrhyw gyswllt trwy gyfrwng y Gymraeg yn arwain at oedi yn y mater sy'n cael ei drin.*  
*We welcome correspondence in Welsh. Any correspondence in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in the matter being dealt with.*