

**Public Examination
of
Powys County Council
Local Development Plan**

**Hearing Session 11
Action Points arising
in respect of**

Redraft of Policy DM3: Landscape



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Hearing Session 11

Action Points arising in respect of Redraft of Policy DM3: Landscape (Action Point 3)

1. Action Point 3 from Hearing Session 11, requested

Powys County Council to redraft policy DM3 to provide clear of definition of where the policy applies and its implementation. Delete reference to LANDMAP in the policy, and expand on the role of LANDMAP as a tool for assessing proposals in the RJ. Insert preamble.

Consult with CPRW, Cambrian Mountains Society and Elan Trust.

2. CPRW received notification of Powys Council's response to this Action Point mid-afternoon on Thursday 18th May, with a request to respond by Tuesday May 23rd. The following submission is CPRW response to Powys' proposed changes to Policy DM3. Copies of this response have been forward to the Powys officers and the Inspector for her information. .
3. Powys' revised version of Policy DM and its accompanying Reasoned Justification as received reads as follows:

Landscape

4.2.23 The quality of Powys' landscape is one of its most important assets and is a product of its natural history and geology and the influence of human activity. Maintaining the distinctiveness of Powys' landscape is an important factor in safeguarding the quality of its environment and ensuring the social, cultural and economic well-being of the area. It can help in attracting inward investment and employment opportunities, **it is important for the tourism industry and** also provides ~~and in providing~~ an attractive setting in which local people can live and work **(moved from below)**

Policy DM3 – Landscape

1. Development proposals must not ~~compromise, or~~ unacceptably adversely affect, either on their own or in combination with proposed, approved or existing development, the key characteristics and **qualities** of the Powys landscape. ~~as defined in the LANDMAP aspect areas for which the development is located,~~ **including:**

~~The development pattern of the area, its historical and ecological qualities, open views, tranquillity and sensitivity to change;~~

~~The topography and patterns of features such as broad, open uplands, peat moors, small hills and valleys, traditional field boundaries, woodlands, rivers and streams.~~

2. All proposals will also need to have regard to **LANDMAP**, Registered Historic Landscapes as well as to adjacent protected landscapes (National Parks and Areas of Outstanding Natural Beauty) and the visual amenity enjoyed by users of both Powys landscapes and adjoining areas.

3. All proposals must be appropriate and sensitive to the characteristics and qualities of the landscape. Where proposals could have a significant impact on the landscape, a landscape assessment will be required.

4. Development proposals outside the boundaries of the Towns and Large Villages will be assessed in relation to the scale and nature of the development and the ability of the proposal to be accommodated within the landscape.

~~4.2.23 Powys' landscape is one of its most important assets and is a product of its natural history and geology and the influence of human activity. Maintaining the distinctiveness of Powys' landscape is an important factor in safeguarding the quality of its environment and ensuring the social, cultural and economic well-being of the area. It can help in attracting inward investment and employment opportunities, the tourism industry, and in providing an attractive setting in which local people can live and work. Proposals for development will also be considered against the impacts they might have on the special qualities or purposes of the adjoining National Parks, and Areas of Outstanding Natural Beauty.~~

Powys has a rich and diverse natural, historic and cultural landscape encompassing large areas of farmland, river valleys, open upland hills and plateaux. Within these landscapes are areas recognised for their special qualities which include open panoramic views, cultural history and tranquillity, together with an extensive coverage of historic, ecological and geodiversity designations. The county is further characterised by its topography and patterns of features such as broad, open uplands, peat moors, small hills and valleys, traditional field boundaries, woodlands, rivers streams and reservoirs – the experience of which can make a place particularly distinctive. The county's towns, villages and rural settlements provide character and a sense of place where they display traditions in form, materials, and contribute positively to landscape.

All development proposals will be required to demonstrate good quality design that complements and/or enhances the character of the surrounding area in

terms of siting, appearance, integration, scale, height, massing, and design detailing (see also Policy DM15 – Design and Resources).

The characteristics and qualities of the Powys landscape are recorded in LANDMAP, the strategic evidence base to support landscape based decision making in Wales (Planning Policy Wales, 5.3.13). LANDMAP is an all-Wales landscape resource where landscape characteristics, qualities and influences on the landscape are recorded and evaluated into a nationally consistent Geographical Information System based data set.

There are five unique LANDMAP datasets (Geological Landscape, Landscape Habitats, Visual and Sensory Landscape, Cultural Landscape and Historic Landscape) consisting of aspect area maps and detailed surveys, recording key landscape characteristics, qualities, evaluations and management recommendations. Aspect areas identified as having a high or outstanding evaluation should be noted as being particularly sensitive, especially when this evaluation occurs in more than one dataset. Where areas have been evaluated as moderate or low, consideration should be given to enhancement. LANDMAP information and guidance can be accessed from the Natural Resources Wales website.

~~LANDMAP is a standardised approach to landscape assessment and an important resource which assesses the diversity of landscapes within Wales. It identifies and explains their most important characteristics and qualities of landscapes including geological landscapes, landscape habitats, visual and sensory landscapes, cultural landscapes and historic landscapes.~~

Development boundaries distinguish the Towns and Large Villages from the open countryside which surrounds them. Development proposals outside of the development boundaries (excludes development that is of a very minor nature such as an extension to a dwelling) will be required to take the following approach:

- Firstly the value of the landscape should be determined by using the evaluation data for each of the five LANDMAP layers.
- Secondly the susceptibility of the landscape to the scale and nature of the specific development proposal should be considered. This should include looking at how the proposal will impact on the key characteristics identified for each of the five LANDMAP layers.
- The combination of the results identifying the value of the landscape and the susceptibility of the landscape to the development proposal should then be used together to determine landscape sensitivity. This will inform whether or not the development proposal can be satisfactorily integrated into the landscape. A site appraisal that identifies any local variations in LANDMAP information, together with an understanding of the visual characteristics and extent of visual influence, may be submitted as evidence if the developer considers the LANDMAP information to be insufficient. Where development proposals can be integrated into the landscape proposals will need to

demonstrate measures for its protection and/or conservation and/or enhancement.

Further guidance on this approach will be provided as SPG.

Proposals which could have a significant impact on the landscape and/or visual amenity will require a Landscape and Visual Impact Assessment to be undertaken in accordance with relevant guidance. This will include all wind energy proposals (excluding anemometry masts) and most major developments. The landscape assessment should be informed by all five LANDMAP layers.

Developers are advised to refer to LANDMAP to determine how / whether development proposals can be integrated into the landscape whilst incorporating measures for its protection and/or conservation and/or enhancement.

4.2.26A Natural Resources Wales NRW has published a useful series of Guidance Notes on the use of LANDMAP including “Guidance Note 3: Using LANDMAP for Landscape and Visual Impact Assessment of Onshore Wind Turbines” which should be referred to. Further details on the approach to be taken in relation to Landscape will be given in Supplementary Planning Guidance (SPG).

4.2.26 Eleven of the fifty eight Registered Landscapes of Historic Interest in Wales are either partially or entirely within Powys. The impact of development affecting these landscapes may require assessment under the ‘Assessment of the Impact of Development on Historic Landscapes’ (ASIDOHL2) process

4.2.25 Proposals for development will also be considered against the impacts they might have on the special qualities or purposes of the adjoining National Parks, and Areas of Outstanding Natural Beauty. When considering development in Powys Under Section 62(2) of the Environment Act the Council have a duty to conserve and enhance the wildlife, natural beauty and cultural heritage and historic environment of the Brecon Beacons and Snowdonia National Parks. Where applications for development may have an impact on the Brecon Beacons National Park either by virtue of their scale and/or location Policy SP1 of the BBNPA LDP will be considered¹.

CPRW’s response

4. Having reviewed Powys’ suggested revised version of the Policy DM3, **CPRW is not convinced that its current rewording provides adequate,**

¹ The special qualities of the National Park are set out by the National Park Management Plan which can be found at <http://www.beacons-npa.gov.uk/the-authority/who-we-are/npmp/2010-2015-national-park-management-plan/>

clear or a robust means of safeguarding the scope of all those factors which characterise the quality, diversity, value and significance of the landscapes of Powys.

5. This view is further reinforced by Powys' assertion that it does not intend to designate in the Plan those landscapes which clearly have outstanding or high landscape qualities as identified by our assessment of the LANDMAP data as Special Landscape Areas.

6. In addition we submit the suggested policy does not provide a policy framework to safeguard those additional areas which provide nationally important ecosystems goods and services, as highlighted in the evidence we set out in our submission to Hearing Session 11 and our recent response to Action Point 7 arising from that same Hearing session.

7. CPRW does not accept therefore, that either the scope or content of the revised Policy DM3 is appropriate nor is the revised policy robust enough to provide sufficient certainty of intent so far as the requirements of such an important overarching landscape policy, to fulfil its intended purpose in the Local Development Plan and Development Management context.

8. Given these weaknesses, CPRW has redrafted Policy DM 3 to adequately reflect these deficiencies.

9. To provide clarity, all the previous highlights and deletions of the text in the Powys version of the Policy dated May 18th, have been removed. Only the text (in blue) which follows, CPRW submits is acceptable.

CPRW's favoured version of Policy DM3 and its associated Reasoned Justification

Landscape

4.2.23 The character and quality of Powys' landscape is one of its most important assets being a combination of its natural history and geology and the influence of human activity on these natural assets.

4.2.24 Maintaining the distinctiveness of Powys' landscape is an important factor in safeguarding and enhancing the quality of its environment and ensuring the future social, cultural and economic well-being of the area.

4.2.25 The quality of the Powys landscapes helps attract inward investment and creates employment opportunities, is critically important in profiling the landscape's importance as a major tourism asset. Equally the quality of the Powys landscapes

also provide the sense of place and distinctive setting in which local people live and work and for those who visit the county during their leisure time and for their personal pleasure and enjoyment.

Policy DM3 – Landscape

- 1. Development proposals, either on their own or in combination with proposed, approved or existing development, must not so significantly and adversely affect the characteristic qualities or values of the Powys landscapes, as to detrimentally affect their distinctiveness, resilience or sense of place**

- 2. When submitting proposals for consideration, all schemes must have full regard to**
 - the findings of the LANDMAP information resource in respect of not only the proposal site but also its surroundings,**

 - the values of any relevant Registered Historic Landscapes or other acknowledged heritage feature or historic asset and their settings,**

 - the impact the proposal may have on the Strategic Resources of Powys identified in Policy SP 7.**

 - the need to avoid damage or disturbance to any carbon rich soils**

 - the special qualities of any adjacent Protected landscape (National Parks and Areas of Outstanding Natural Beauty)**

 - the effect of the proposal on the visual amenity and / or those less tangible but distinctive values which people experience, appreciate and enjoy when they use, or visit the county's landscapes and their adjoining areas,**

- 3 All proposals must be appropriate and sensitive to the characteristics and qualities of the landscape and their constituent ecosystems. Where proposals could have a significant impact on the landscape, or its constituent ecosystems, an environmental or landscape assessment or any other relevant ecosystems assessment, will be required.**

- 4. Where development is proposed either in exceptional circumstances or because it can only be located out with the development boundaries of the Towns and Large Villages, it will be assessed in relation to the scale nature**

and design of the development and its ability to be accommodated within the landscape.

Reasoned Justification

Powys has a rich and diverse natural, historic and cultural heritage as reflected in its landscape. These encompass large areas of farmland, river valleys, open upland hills and plateaux. Within these landscapes are areas recognised for their special qualities including open panoramic views, its rich cultural heritage and a strong sense of remoteness and tranquillity, all represented in their own right or through the extensive coverage of historic, ecological and geodiversity designations. The county is further characterised by its topography and patterns of features such as broad, open uplands, expansive peat uplands and moorlands, the intimate relationship of rounded hills and valleys, traditional field boundaries, woodlands, rivers streams and areas of open water.

All these landscape features and resources, individually and collectively, provide an important range of ecosystems goods and services, the diversity, quality and resilience of which, is important to safeguard. Collectively, they contribute directly not only to the experience of a place and what makes it particularly distinctive, but also the quality of life within a community.

The county's towns, villages and rural settlements provide character and a sense of place where buildings and structures display traditions in their form, materials, and contribute positively to their local landscape.

All development proposals will be required to demonstrate good quality design that complements and/or enhances the character of its surroundings, in terms of siting, appearance, integration, scale, height, massing, and design detailing (see also Policy DM15 – Design and Resources).

The characteristics and qualities of the Powys landscape are recorded in LANDMAP, the strategic evidence base to support landscape based decision making in Wales (Planning Policy Wales, 5.3.13). LANDMAP is an all-Wales landscape resource where landscape characteristics, qualities and influences on the landscape are recorded, evaluated and collated into a nationally consistent Geographical Information System based data set.

There are five unique LANDMAP datasets (Geological Landscape, Landscape Habitats, Visual and Sensory Landscape, Cultural Landscape and Historic Landscape) consisting of aspect area maps and detailed surveys, recording key landscape characteristics, qualities, their sensitivity to change and management recommendations to safeguard their integrity.

Aspect areas identified as having an outstanding or high evaluation reflect Powys' finest landscapes. Such areas have special characteristics which need to be safeguarded regardless of the nature of any proposed change. These areas should be noted as being particularly sensitive, especially when those values occur in more than one dataset. Information must be provided to demonstrate how these

qualities within the development site and its surroundings will be safeguarded from any potentially unacceptable impacts arising from a proposed development.

If harm is likely to be caused to these high value areas, the development proposed must fulfil all the following conditions

- Be demonstrated to be in the public interest,*
- Prove that the benefit to the wider public clearly outweighs the local harm,*
- Ensure that measures to minimise the harm or to mitigate it, both on and off-site, have been described and can be assured.*

Where the landscape character of an area has been evaluated as moderate or low, consideration should be given as to how any proposed development will enhance the character and qualities of the area. LANDMAP information and guidance can be accessed from the Natural Resources Wales website.

Development boundaries distinguish the Towns and Large Villages from the open countryside which surround them. Where development is proposed either in exceptional circumstances or because it can only be located out with the development boundaries (excluding development of a very minor nature such as an extension to a dwelling), the Authority will require the following sequential approach to be adopted when outlining the nature of any proposal and its implications:

- Firstly, the quality and value of the landscape character of the location of the proposed development and its surroundings should be assessed using the evaluation data for each of the five LANDMAP layers and any other relevant data relating to the characteristic values of the proposed development site and its surroundings.*
- Secondly the susceptibility of the landscape and its relevant receptors to the scale and nature of the specific development proposal within and in the context of its surroundings, must be considered and explained. This should include consideration of how the proposal will impact on the key characteristics identified for each of the five LANDMAP layers or any other relevant ecosystems information.*
- The combination of the results identifying the value of the landscape and the susceptibility of the landscape in its entirety to the development proposal should then be used collectively to determine the sensitivity of the landscape not only where the development is proposed but in the context of its surroundings. .*

This outcome of this objective assessment will inform and indicate whether or not the development proposal can be satisfactorily integrated into the landscape. A site appraisal that identifies any local variations in LANDMAP information, together with an understanding of the visual characteristics and extent of visual influence, may be submitted as evidence if the developer considers the LANDMAP information to be insufficient.

Where development proposals can be demonstrated to be capable of being satisfactorily integrated into the landscape by means of acceptable design, scale, form or siting, or that acceptable mitigation of the impact of the development is feasible, such proposals must adequately demonstrate this combination of measures will protect and/or conserve and / or enhance those particular qualities and values which reflect the site or the area's importance.

Further guidance on this approach will be provided as Supplementary Planning Guidance to this Plan.

Proposals which could have a significant impact on the landscape and / or visual amenity of the development area, especially those which give rise to the perception of the landscapes being adversely industrialised, will require a Landscape and Visual Impact Assessment to be undertaken in accordance with relevant guidance. This will include all wind energy and all other types of renewable energy proposals (excluding anemometry masts) and most forms of other industrial scale or major developments. The landscape assessment should be informed by all five LANDMAP layers.

4.2.26A NRW has published a useful series of Guidance Notes on the use of LANDMAP including "Guidance Note 3: Using LANDMAP for Landscape and Visual Impact Assessment of Onshore Wind Turbines" which should be referred to.

NRW is also producing further guidance on how to assess the sensitivity of landscapes to renewable energy schemes. When published this will provide a further point of reference for the assessment of the impacts of different forms of development on the landscape.

4.2.26 Eleven of the fifty eight Registered Landscapes of Historic Interest in Wales are either partially or entirely located within Powys. The impact of development affecting these landscapes will require assessment under the 'Assessment of the Impact of Development on Historic Landscapes' (ASIDOHL2) process or any other subsequent guidance stemming from the Historic Environment (Wales) Act 2016.

4.2.27 In addition, given the importance of Powys' environment and its high value ecosystems, proposals which affect the open countryside of the county, especially in the uplands, must include:

- Independently verified information which provides an objective assessment of the nature and importance of the ecosystems in and surrounding the proposed development site.*
- An objective evaluation of the impacts of the proposal on the range, integrity and resilience of those ecosystems and the services they provide, which would be affected by the proposal.*
- The measures proposed to enhance or satisfactorily mitigate the impacts of any scheme thereby ensuring the status and resilience of the*

ecosystems within or surrounding the development site, are not permanently nor detrimentally affected.

4.2.25 Proposals for development will also be considered against the impacts they might have on the Purposes and Special qualities of the adjoining National Parks, and Areas of Outstanding Natural Beauty.

As required by Section 62(2) of the Environment Act, when considering development in Powys, which may affect a nationally designated landscape, the Council has a duty to have due regard to ensuring that any such proposal does not detrimentally harm nor conflict with the conservation and enhancement of the wildlife, natural beauty, cultural heritage and historic environment of such an area. In this respect such proposals would include any which directly or indirectly affect the character or qualities of the Brecon Beacons National Park, the Snowdonia National Park, the Shropshire Hills AONB and the Clwydian Range and Dee Valley AONB.²

Summary of CPRW's position

10. CPRW does not believe the revised policy as suggested by Powys is either adequate in terms of its scope or content, to provide a robust means of safeguarding the recognised high quality and distinctive character of the landscape and the diverse range values their ecosystems provide, for the people of Powys, the nation and the public in general.

11. CPRW believes its version of Landscape Policy DM 3, as outlined in this submission however is both appropriate, fit for purpose and provides greater clarity of intent in terms of its role in the Development Management process.

12. CPRW therefore commends our version of Policy DM 3 and its Reasoned Justification to the Council and Inspector for her endorsement.

Peter Ogden

May 22nd 2017

² The special qualities of the National Park are set out by the relevant National Park or equivalent AONB Management Plan