

**Powys
Local Development Plan**

2011 - 2026

**Supplementary Planning Guidance
(SPG)**

**Consultation Statement
First Edition: October 2018**

DRAFT



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PART A

1. Introduction

1.0.1 The Powys Local Development Plan (LDP) 2011-2026 was adopted by Full Council in April 2018. Whilst the LDP contains policies and proposals which form the basis for decision-making on planning applications for the Powys Local Planning Authority area, it avoids excessive detail. Therefore, certain policies in the LDP are being supported by a set of guidance documents called Supplementary Planning Guidance (SPG) to assist in understanding, interpretation and application of the policy in making planning decisions.

1.0.2 The preparation of SPG documents has been prioritised according to both subject matter and available time and resource. The Council is required to monitor its performance on preparing and adopting SPG against the following agreed programme:

Table 1: The Powys Local Development Plan SPG Programme

SPG Topic Area		Link to Powys LDP Policy	Target Timescale following LDP Adoption	Target Date for SPG Adoption
Set 1	Planning Obligations	DM1	Within 6 months	October 2018
	Affordable Housing	H5, H6, SP3		
	Biodiversity	DM2, SP7		
Set 2	Landscape	DM4, SP7	Within 12 months	April 2019
	Renewable Energy	RE1, DM13		
Set 3	Conservation Areas	DM13, SP7	Within 18 months	October 2019
	Open Space	DM3		
	Residential Design Guide	DM13		
Set 4	Archaeology	SP7	Within 24 months	April 2020
	Historic Environment – including the Historic Environment Records	DM13, SP7		
	Land Drainage	DM6		

1.0.3 Powys County Council commenced the preparation of the Powys LDP in January 2011. The Delivery Agreement¹ for the LDP was first published in November 2010 and revised in March 2013, February and October 2015. This set out the timetable for preparing the LDP and a Community Involvement Scheme (CIS) describing how and

¹ LDP Delivery Agreement <http://www.powys.gov.uk/ldp>

when the County Council would involve interested persons and organisations in the LDP's preparation.

1.0.4 The Community Involvement Scheme for SPG preparation has been updated from the LDP Delivery Agreement CIS and is tailored for the SPG process. This means that the community engagement approach is developed to be reflective of and proportionate to the detail and content of SPG work and suitable for the parties expected to be involved, whilst meeting the preparation timeframes. The agreed CIS for the preparation of SPG is included in the Protocol for the Preparation and Adoption of Supplementary Planning Guidance² approved by the Council in June 2018 (hereafter referred to as the SPG Protocol).

1.0.5 In accordance with the SPG Protocol, this Consultation Statement summarises for each stage of SPG preparation:

- Who has been involved.
- A summary of Reference Group and Topic Stakeholder engagement.
- The steps taken to publicise the consultation.
- The total number of representation forms received from the public consultation.
- A summary of the main issues raised as part of the public consultation.
- The Council's responses to the main issues raised and any agreed changes to the SPG to address these.

1.0.6 Section 2 of this Consultation Statement is set out chronologically to accord with each stage of the SPG preparation and adoption procedure as laid out in the SPG Protocol:

Stage 1 - Review

Stage 2 - Reference Group, Topic Stakeholders and Working Draft SPG

Stage 3 - Consultation Draft SPG

Stage 4 - Public Consultation

Stage 5 - Final SPG

Stage 6 - Adoption

² Protocol for the Preparation and Adoption of Supplementary Planning Guidance

<http://www.powys.gov.uk/en/planning-building-control/local-development-plan/ldp-supplementary-planning-guidance-spg/>

2. Information on SPG Preparation Stages

2.0.1 In accordance with the SPG Protocol, the following stages of preparation are common to all SPG:

2.1 Stage 1 – Review

2.1.1 A review of national, regional and local legislation, policy and guidance was undertaken in order to form the background and context for the SPG and identify issues of relevance. Where considered appropriate, the Council has sought the involvement of specialist stakeholders with the aim of building consensus.

2.2 Stage 2 – Reference Group, Topic Stakeholders and Working Draft SPG

2.2.1 At an early stage in the SPG preparation process, professional stakeholders were contacted to form a Reference Group for each SPG and relevant Topic Stakeholders were identified. Following Reference Group involvement in the production of a Working Draft SPG, the Draft was shared with Topic Stakeholders to seek initial feedback. The details of the Reference Group and Topic Stakeholders contacted during the preparation of each SPG are shown in the relevant section in Part B below.

2.3 Stage 3 – Consultation Draft SPG

2.3.1 The Council's LDP Working Group, comprised of nine County Councillors, and chaired by the Council's Portfolio Holder for Economy and Planning, is used to scrutinise and approve the Draft SPG for Public Consultation. The agendas, reports and minutes of past LDP Working Group meetings are available for viewing on the Council's website via the following link:

<http://www.powys.gov.uk/en/democracy/council-committees-and-meetings/>

2.3.2. The first set of SPG were approved for the consultation stage by the LDP Working Group on 22nd June 2018.

2.4 Stage 4 – Public Consultation

2.4.1 SPGs have been subject to a six week public consultation period in accordance with the SPG Stakeholder and Community Involvement Scheme (see Appendix 1 of the SPG Protocol). Additionally, Town and Community Councils were provided with advance notice of the consultation period in accordance with the Protocol to enable them to publicise the SPG process in their own communities. The dates of the six-week public consultation period are shown in the relevant section for each SPG in Part B of this document.

2.4.2 Each SPG consultation document posed a series of questions for representors to respond to. This Consultation Statement records responses on a question by question basis and provides the Council's agreed responses to the issues raised.

2.4.3 The Council considers each representation carefully in order to draft a response which may include a recommendation to change or alter the SPG. Consultation responses are drafted with the assistance of Reference Group members where relevant and agreed by the LDP Working Group before being reported to Cabinet. A detailed set of representations will be appended to the Consultation Statement for each SPG.

2.5 Stages 5 and 6 – Final SPG and Adoption

2.5.1 The Cabinet are required to formally adopt the SPG before it is published and used for development management purposes. Part B of this Statement will record this process and will be updated as further SPG is prepared and approved by Cabinet.

2.6 SPG Impact Assessments

2.6.1 Whilst SPG documents are not formal policy in themselves they will be used to support the implementation of adopted Local Development Plan policy and therefore have been assessed informally as a matter of good practice using the Council's Impact Assessment Toolkit.

PART B**3. Public Consultation on the first set of SPG**

3.0.1 In accordance with the SPG programme agreed for the LDP (in Table 1 above), the first three SPGs prepared for public consultation were:

- **Planning Obligations**
- **Affordable Housing**
- **Biodiversity and Geodiversity**

3.0.2 In accordance with Stage 4 of the SPG Protocol, the Consultation Draft SPG were published for public consultation over 6 weeks with the consultation period running from 11th July to 21st August 2018.

3.0.3 County Councillors, Town and Community Councils and all representors on the Powys LDP database were informed of the consultation and the documents were available to view on the LDP pages of the Council's website.

3.0.4 Notice of the consultation period was publicised on the Council's News page, the LDP webpage, and via social media. A press release was issued to the local press.

3.0.5 Hard copies of the consultation documents were made available to view in the Council's main offices at:

- County Hall and The Gwalia, Llandrindod Wells.
- Neuadd Brycheiniog, Brecon.
- Neuadd Maldwyn, Welshpool.

3.0.6 Hard copies were made available to view in all Powys Public Libraries.

3.0.7 Representations were invited either by letter /email and the use of a standard representation form was encouraged.

3.0.8 Table B1 below shows how many representors made comments in relation to each SPG. A more detailed report of the responses received for each SPG can be found in the relevant appendices.

Table B1: Number of Representors making consultation comments on the first set of SPG

Consultation Draft SPG	No. of Representors who made Representations
Planning Obligations	7
Affordable Housing	7
Biodiversity and Geodiversity	10
Total	24

3.0.9 The main issues arising from the consultation are set out for each SPG in the tables below, together with the Council's response.

3.1 Planning Obligations SPG

3.1.1 Reference Group

3.1.2 In order to prepare the Planning Obligations SPG, the Council sought participation and involvement with various Topic Stakeholders, from which the Council formed a Reference Group.

3.1.3 The Reference Group comprised 14 members, which included either one or more representatives from the following Council services:

- Planning Policy
- Development Management (Planning and Monitoring Officer)
- Schools
- Housing
- Leisure and Recreation
- Highways and Transport
- Regeneration
- Welsh Language
- Finance
- Legal Services

3.1.4 Engagement with the Reference Group during the preparation of the draft SPG is summarised in table B2:

Table B2 – Reference Group Involvement (Planning Obligations SPG)

Date	Who and How?
Early May 2018	Contact made proposing an initial meeting, although this was followed up by written correspondence instead. The Reference Group were provided with the details of the SPG scoping exercise, the Draft SPG Protocol and a list of proposed Topic Stakeholders, and feedback was invited.
Late May 2018	Working Draft SPG circulated for feedback.
June 2018	Revised Working Draft SPG circulated to Reference Group and Topic Stakeholders. This was followed up by officer led discussions on various planning contribution topic areas to collate up to date evidence especially surrounding figures/costings for any "set" contributions. Individual meetings were held with Officers from Leisure and Recreation, Schools and Welsh Language. The purpose of this was to engage stakeholders so as to fill any remaining gaps in the Working Draft SPG. Suggested changes were considered and taken into account in the Consultation Draft SPG.
July 2018	Notice of public consultation period circulated to LDP Database. 6 week public consultation period from 11th July to 21st August.

July 2018	A reminder email was circulated to the group which included notification of key dates going forward.
Early August 2018	Involvement of the Welsh Language Officer re: targeting relevant interest groups. Following this, contact was made with a targeted list of Welsh language stakeholders (including those Town and Community Councils identified as Welsh Speaking Strongholds and Welsh Language interest groups) to highlight awareness of the public consultation.
August 2018	Representations received to the public consultation shared and discussed with relevant Reference Group members.
September 2018	Consultation Draft SPG showing proposed changes presented to the LDP Working Group shared with the Reference Group. The Reference Group was informed of any issues raised by the LDP Working Group before the SPG was finalised for Cabinet approval.

3.1.5 Topic Stakeholders

3.1.6 The larger Topic Stakeholder group included an additional 18 members, including representatives from the following services:

- Ecology
- Minerals
- Land Drainage and
- Active Travel;
- Additionally, Council Portfolio Holders with responsibility for Finance, Transport, Learning and Welsh Language, Highways, Housing and Economy and Planning were copied in to the Topic Stakeholder correspondence.

3.1.7 These stakeholders were invited to provide informal feedback on a working draft of the SPG prior to the formal public consultation stage, although no specific comments were received.

3.1.8 LDP Working Group

3.1.9 The Draft SPG was considered by the LDP Working Group on 22nd June 2018 and approved for Public Consultation.

3.1.10 SPG Consultation

3.1.11 The public consultation period ran from 11th July to 21st August 2018 and representations were received from the following:

Representor Name (Representor No.)

- Canal & River Trust in Wales / Glandwr Cymru (5704)
- Homebuilders Federation (78)
- Hughes Architects (Newtown) (1552)
- New Radnor Community Council (131)
- Mochdre with Penstrowed Community Council (516)
- Montgomery Town Council (517)
- Presteigne and Norton Town Council (525)

3.1.12 The main issues arising from the consultation and the Council's responses to these are set out in Table B3 below.

3.1.13 The representations and Council draft responses were considered by the LDP Working Group at its meeting on the 7th September 2018, and subsequently by the Council's Cabinet at its meeting on 9th October 2018.

Table B3 – Main Issues from the Public Consultation (Planning Obligations SPG)

Question 1: PO1 - Do you agree with the Council's approach not to pursue a CIL Charging Schedule at this point in time? If not, please explain why.	
Issue	Council Response
Community and town councils should have greater involvement in S106 agreements, and that further consultation should be undertaken on planning obligations later in the process. (Rep 131, Rep 525)	Opportunities exist for involvement at the pre-application and application stages where communities can raise issues. Unfortunately it would not be practical to formally consult on planning obligations separate to the planning application process.
The position or need for CIL should be kept under review to ensure infrastructure needed is being delivered. (Rep 517)	The Council will continue to monitor the suitability of introducing a CIL as explained in para, 4.17 of the SPG.
Developers should contribute towards necessary improvements to mitigate the adverse impact of development upon the Montgomery Canal infrastructure. (Rep 5704)	Planning obligations will be sought where they comply with the tests and this could include contributions towards the Canal. Specific reference to the Canal within the SPG is not considered appropriate because it has been written to refer to infrastructure generically.

Question 2: PO2 - Do you agree that, in the interests of avoiding duplication, this SPG only cross references to policies in the LDP and does not repeat them? Would you prefer the SPG to include the applicable policies? Is so, should they appear in the main document or in an Appendix?	
Issue	Council Response
Relevant LDP policies should be included in an appendix, or cross-reference with web links. (Rep 516, Rep 5704, Rep 1552)	Include hyperlinks in the SPG to assist readers.

Question 3: PO3 - Due to the nature of planning obligations, this SPG cannot include every scenario/detail. Do you think the document is clear in this respect? Do you agree that it enables officers, stakeholders and developers to understand that additional or alternative obligations may be sought? If not, please explain why.	
Issue	Council Response
Examples should be given of the circumstances in which additional obligations may be sought. (Rep 1552)	Para 5.5 explains that additional obligations will be sought where there is sufficient robust evidence to justify obligations.
Refer to the pre-application stage in para 5.6 as an opportunity to make developers aware of planning obligation requirements. (Rep 5704)	Agreed. Early awareness is important. This point has also been elaborated in revised wording to the Step by Step Flowchart.

Question 4: PO4 - Do you agree that “major” development should be the development that most often triggers obligations? If not, please explain why. Please detail any changes towards seeking obligations that you think may be suitable and relevant for Powys citing examples from other planning authorities where known. Nb. Definite targets/thresholds, where set within the LDP, are not negotiable at this point and would only be re-assessed at the Plan Review stage.

Issue	Council Response
Whilst agreeing with para. 5.11, it is not needed in the SPG. (Rep 78)	It is considered that para 5.11 should be retained because it is important to set out the expectation that planning obligations are likely to be sought for major developments, even though they may not eventually be required.
It should be made transparent that planning obligations may be required for any development. (Rep 517)	The position is correct, providing the tests for planning obligations are met. Para 5.11 states that each case will be considered on its merits so no amendment is considered necessary.
To avoid doubt, applications requiring pre-application consultation should be added as a trigger for an obligation. (Rep 517)	Major applications are those subject to pre-application consultation so no amendment to para 5.11 is considered necessary.

Question 5: PO5 - Do you consider the Step by Step Flowchart in Figure 1 to be clear and accurate? If not, what changes would you suggest? If you have experience of the process within Powys County Council, does this flowchart mirror your experience?

Issue	Council Response
The flowchart should include flexibility for a developer to draft the S106. (Rep 78)	Agreed that this is an option but recommend that para 5.9 is amended to explain this rather than any change to Figure 1.
The flowchart should include the pre-application consultation stage which enables early involvement of town and community councils. (Rep 517)	Noted, but no amendment needed because pre-application consultation is included at the end of the first paragraph in Figure 1. The Council recommends that the flowchart wording in Box 2 is strengthened by amending the wording to read: “The Case Officer makes an initial assessment of S.106 implications having regard to any discussions held or comments arising from the pre-application stage.
Consultation on planning obligations with community and town councils should be included. (Rep 525)	Opportunities exist for involvement at the pre-application and application stages where communities can raise issues. Unfortunately it would not be practical to formally consult on planning obligations separate to the planning application process.
Informal dialogue and informal pre-application discussions are valuable alongside the more formal chargeable pre-application enquiries. This is not emphasised in the flowchart. (Rep 1552)	Noted, but no change to the SPG is considered necessary. The pre-application service lies outside the scope of the SPG and is operated in accordance with Welsh Government Regulations.

Question 6: PO6 - Do you agree with the approach that it is the Affordable Housing SPG and not this SPG which includes the arrangements for assessing the financial viability of a specific development?

Issue	Council Response
Disagree because the viability of a scheme can be affected by any S106 requirement not just affordable housing. (Rep 78)	Comment noted, but no change deemed necessary because the Affordable Housing SPG addresses that point.
Include a hyperlink to the Affordable Housing SPG. (Rep 1552)	Agreed.

Question 7: PO7 - Whilst there is no statutory requirement to specify a time period in which planning contributions should be spent, do you agree with the suggested 10 year (maximum) period? If not, please explain why.

Issue	Council Response
Object to the proposed ten year period as unreasonable and recommends a five year period unless otherwise agreed with the developer. (Rep 78)	The Council is aware that other authorities have successfully operated a 10 year period, but accepts that para 6.17 should make it clear that this is a matter for negotiation.

Question 8: PO8 - Do you consider that the five main topic areas set out in Part 3 are the right topic areas for this document? If not, please explain what changes you would like to see and why.

Issue	Council Response
Community facilities could be a separate topic. (Rep 78)	Noted, but given that community facilities are likely to be site specific and addressed on a case by case basis it is considered that they should remain in the 'Other Topic Areas' category.

Question 9: PO9 - Do you agree that the detail provided in Part 3 for the various topic areas is relevant and sufficient to inform S.106 negotiations? If not, what changes would you like to see and why?

Issue	Council Response
Affordable Housing topic Make it clearer that there is an Affordable Housing SPG that should be used. (Rep 78)	Noted but no change considered necessary because the synopsis includes such a reference.
Education topic 1. Should Welsh medium schools be included in the list of schools supported by contributions? 2. The financial contributions in Table E2 are higher than those charged by other authorities and should be compared. 3. New security and safety measures should not be funded in full. (Rep 78)	1. Welsh medium schools are already accounted for and there is no need to list them separately. 2. The Council has applied BCIS figures which is considered to be accurate and appropriate for Powys, and can be updated more frequently. 3. The wording will be amended to refer to Security and safety improvement measures to provide a safe environment (including) to adequately facilitate an increase in pupil places.
Leisure, Recreation and Open Space topic	1. Noted but no change. The Council's decision not to adopt new open

<ol style="list-style-type: none"> 1. Object to the Council not adopting open space as this will lead to the creation of management companies and add costs to all residents including those in affordable housing. (Rep 78) 2. Town and Community Councils could establish trust funds to maintain open space and community facilities in perpetuity. (Rep 517) 3. Specific mention to improvements to the towpath of the Montgomery Canal should be included. (Rep 5704) 	<p>space lies outside the SPG; alternative management methods will be addressed in the preparation of the Open Space SPG.</p> <ol style="list-style-type: none"> 2. The suggestion is appreciated and will be considered in the preparation of the Open Space SPG. 3. Planning obligations will be sought where they comply with the tests and this could include contributions towards the Canal. Specific reference to the Canal within the SPG is not considered appropriate because it has been written to refer to infrastructure generically.
<p>Transportation and Access topic</p> <ol style="list-style-type: none"> 1. Travel plans and / or transport assessments are only likely to be required for major developments. (Rep 78) 2. Specific mention to improvements to the towpath of the Montgomery Canal should be included. (Rep 5704) 	<ol style="list-style-type: none"> 1. Amend the wording in the synopsis to read "Schemes that may generate significant amounts of traffic or travel will be required to demonstrate....". 2. Planning obligations will be sought where they comply with the tests and this could include contributions towards the Canal. Specific reference to the Canal within the SPG is not considered appropriate because it has been written to refer to infrastructure generically.

Question 10: PO10 - Do you agree with the methods and formulae (where provided) for calculating the required financial contributions as set out in Part 3? If not, please explain why.

Issue	Council Response
No issues raised.	Comments noted

Question 11: PO11 - If you have any other comments you want to make which are not covered by the above questions please include them here:

Issue	Council Response
Reference should be made to the fact that the Council will keep a public register of S106 agreements once signed and this will include a list with details of each contribution. (Rep 78)	The register of S106s is referenced in paragraph 6.18 so no further change is considered necessary.
Para 5.34 - on second line replace the word 'will' with 'could' as S106's will not always be sought. (Rep 78)	The sentence refers to seeking a planning obligation so the word 'will' is considered suitable.
Para 5.38 - the wording suggests that the thresholds are for negotiation on each application which is contrary to para 5.34 table 1 which sets the thresholds. This para should just refer to the trigger points for payment/ implementation of works being negotiated on a site by site basis. (Rep 78)	It is considered that para 5.38 makes it clear that there is a process of negotiation to be had and therefore considers no alteration is required.
Para 6.11 - this suggests that reviews of S106 contributions should be triggered by a change in the economy, although this is common practice recent work carried out by the HBF in relation to Swansea LDP showed that over a two year period	The information is noted and the Council accepts that developers may wish to present more up to date viability evidence and that the S106 may need to be adjusted as a result. However, this

although house prices had doubled build costs had gone up by three times the amount over the same period. The paragraph should explain that all factors and cost associated with the development will be considered as part of any review of viability. (Rep 78)	section refers to situations where viability resulted in nil or reduced contributions and enables the Council to 'check' this position should viability improve. As such, it is not recommended that the paragraph is amended.
Include contact details of the Council's S106 officer. (Rep 78)	Para. 6.18 refers to the Planning and Monitoring Officer who can be contacted via the email address in Appendix A.
It is not sensible to rely on developers to maintain play areas and their long term future must be addressed. (Rep 525) . This representor also welcomed a dedicated monitoring/compliance officer and asked that this continues.	Comments noted. The Council agrees that the future maintenance of play space is important and recognises that developers are not ideally placed for this long term role. Alternative methods are set out in the Leisure, Recreation and Open Space topic and this will be addressed further in the Open Space SPG.
Could new industrial and commercial development be required to contribute towards affordable housing or other infrastructure? (Rep 1552) Also issue of capacity for the S106 officer - caution re: overwhelm or at least slow down the process.	All applications will be considered on their own merits in line with national and local policies. Both levels of policy set the context for securing affordable housing and do not require commercial development to provide affordable housing. Contributions to local infrastructure such as transport improvements are possible, but will be considered at the application level.

3.2 Affordable Housing SPG

3.2.1 Reference Group

3.2.2 In order to prepare the Affordable Housing SPG, the Council sought participation and involvement with various Topic Stakeholders, from which the Council formed a Reference Group.

3.2.3 The Reference Group comprised 7 members, which included representatives from the following Council services:

- Planning Policy
- Development Management
- Housing Strategy
- Affordable Housing
- Legal Services

3.2.4 Engagement with the Reference Group during the preparation of the Draft SPG is summarised in table B4:

Table B4 – Reference Group Involvement (Affordable Housing SPG)

Date	Who and How?
May 2018	Meetings and correspondence with members of the Reference Group to discuss updated topic-related and planning information to inform the

	background and context of the SPG, to discuss the scope of the SPG and process involved, and to identify and agree a list of Topic Stakeholders to seek feedback from prior to public consultation.
June 2018	Initial working drafts of the SPG shared and discussed with the Reference Group to agree content of the working draft to be circulated to Topic Stakeholders. Initial feedback received from the Topic Stakeholders and suggested changes shared with the Reference Group. Specific issues raised by Topic Stakeholders discussed with the relevant members of the Reference Group. Comments from the Reference Group taken into account in preparing of the Consultation Draft.
July 2018	Notice of public consultation period circulated to LDP Database. 6 week public consultation period from 11 th July to 21 st August.
August 2018	Representations received to the public consultation shared with the Reference Group and specific issues discussed with the relevant members of the Reference Group. Any changes proposed to the SPG in response to the representations received also shared with the Reference Group and any outstanding issues discussed further.
September 2018	Consultation Draft SPG showing proposed changes presented to the LDP Working Group shared with the Reference Group. The Reference Group was informed of any issues raised by the LDP Working Group before the SPG was finalised for Cabinet approval.

3.2.5 Topic Stakeholders

3.2.6 The following Topic Stakeholders were involved:

- Registered Social Landlords operating in the area
- Grwp Cynefin (hosts of the Tai Teg Affordable Housing Register)
- Community Housing Cymru
- National Community Land Trust Network
- District Valuations Services
- Home Builders Federation
- Country Landowners Associations
- Council for Mortgage Lenders/UK Finance
- Principality Building Society
- Brecon Beacons National Park Authority
- Welsh Government Local Plans.

3.2.7 These stakeholders were invited to provide informal feedback on a working draft of the SPG prior to the formal public consultation stage.

3.2.8 A working draft of the SPG was also shared with Strategic Housing Partnership (SHP) and also presented to the SHP at a meeting on the 6th of June 2018.

3.2.9 Comments received from the Topic Stakeholders were considered and responded to, with further discussion taking place on specific issues where necessary. The input from Topic Stakeholders was used to inform changes to the working draft of the SPG.

3.2.10 LDP Working Group

3.2.11 The Draft SPG was considered by the LDP Working Group on 22nd June 2018 and approved for Public Consultation.

3.2.12 SPG Consultation

3.2.13 The public consultation period ran from 11th July to 21st August 2018 and representations were received from the following:

Representor Name (Representor No.)

- Homebuilders Federation (78)
- Hughes Architects (Newtown) (1552)
- Mid Wales Housing Association (4628)
- Mochdre with Penstrowed Community Council (516)
- Montgomery Town Council (517)
- Abermule with Llandyssil Community Council (542)
- Presteigne and Norton Town Council (525)
- Canal & River Trust in Wales / Glandwr Cymru (5704)

3.2.14 The main issues arising from the consultation and the Council's responses to these are set out in Table B5 below.

3.2.15 The representations and Council draft responses were considered by the LDP Working Group at its meeting on the 7th September 2018, and subsequently by the Council's Cabinet at its meeting on 9th October 2018.

Table B5 – Main Issues from the Public Consultation (Affordable Housing SPG)

Question 1: AH1 - Do you agree that the affordable housing definitions and types as set out are relevant to the Powys LDP area? If not, please explain why.	
Issue	Council Response
Requesting clarification on whether and in what circumstances self-build would be included in the definition of affordable housing. (Rep 1552)	Self-build is referred to under the definition of 'intermediate affordable housing for sale'. In order to qualify as affordable housing for planning purposes, self-build will need to comply with the definition provided and subject to the relevant restrictions and mechanisms. No changes recommended.
Question 2: AH2 - Do you agree with the data sources and calculations used to work out the affordability level for Powys? If not, please explain why.	
Issue	Council Response
Questions whether the average house price fairly represents the affordable level due to the range of houses in the Authority's area. Suggests calculation that does not include the most	The figure used for the average house price is based on the Land Registry's House Price Index, which is calculated in a way that reduces the weighting given to

<p>expensive housing would be more appropriate. (Rep 78)</p>	<p>high value properties and is close to the median figure. It is considered to be appropriate to use this figure to compare with income levels, in order to demonstrate housing affordability issues in the area. No changes recommended.</p>
<p>Disagrees with the figures used as they do not reflect local variations in prices and wages. (Rep 525, Rep 1552)</p>	<p>The figures used are based on the data available from official government sources, and there are limitations on the data available at a more local level. The availability of data will be kept under review, particularly in connection with the review of the Local Housing Market Assessment. No changes recommended.</p>
<p>Disagrees with the average wage used, given primarily agricultural and light industrial employment at national minimum wage. (Rep 576)</p>	<p>The figures used are based on the data available from official government sources, which are based on averages. It is not possible to account for specific wage levels or types of employment in the calculation of the affordability level. However, the range of affordable housing types provided for are aimed at meeting the varying needs of households, and individual circumstances will be taken into account in assessing local housing need. No changes recommended.</p>
<p>Disagrees with the gross disposable household income figure being based on two full-time workers - does not account for single parent families, part-time employment or where only 1 in full-time employment. (Rep 516, Rep 542, Rep 525)</p>	<p>The figures used are based on the data available from official government sources, which are based on averages, and therefore it is not possible to account for all household situations or employment arrangements. However, the range of affordable housing types provided for are aimed at meeting the varying needs of households, and individual circumstances will be taken into account in assessing local housing need. No changes recommended.</p>
<p>Calculations do not take account of build costs. Only RSLs/SHA capable of financing affordable housing and implications for viability where not possible to secure involvement of RSL or the Council. (Rep 1552)</p>	<p>The calculation is based on the cost of purchasing a house and is aimed at establishing the level at which households, on average, are able to afford to purchase housing. Build costs are not relevant to this calculation, however these costs have been taken into account in the LDP's viability assessment and policy targets. Where involvement of an RSL or SHA cannot be secured, the SPG allows for financial contributions to be made in lieu of on-site provision. No changes recommended.</p>
<p>The figure of numbers of persons in need of affordable housing in East Radnor is too low. Refer to Presteigne and Norton Town Council's own housing survey in 2011 identifying 80 people in need and PCC housing register in 2011 had</p>	<p>The figures referred to in the SPG are taken from the Local Housing Market Assessment (2010, updated 2014), which is in the process of being reviewed. It is recommended that a note is included after</p>

158 in need. (Rep 525)	the table explaining this and cross-referring to para. 6.6.5 of the SPG in relation to evidence used in decision-making.
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Question 3: AH3 - Do you agree with the approach towards seeking affordable housing contributions from specialist market housing developments? If not, please explain why.

Issue	Council Response
There are more likely to be viability issues having regard to the additional design features required of certain specialist provision. (Rep 1552)	Site specific viability issues, where evidenced, will be taken into account in determining the level of affordable housing contribution that can be secured from specialist housing schemes. No changes recommended.

Question 4: AH4 - Do you agree with the examples given of circumstances where alternative provision to on-site provision may be considered? If not, please explain why.

Issue	Council Response
Support for the prevention of subdivision/phasing of development sites to avoid contributions and in defining the density of sites to avoid 4 homes being provided rather than five on a 0.25 hectare site. (Rep 525)	This support is noted.
Request for the monies received to be spent within the same community as the original site. (Rep 525)	Financial contributions will be spent on schemes available within the same settlement, however in case of situations where there are no schemes available within the same settlement, the cascade set out in para. 6.5.7 of the SPG will be applied. This will ensure that contributions are spent locally where possible, or if not, are spent in a way that continues to support the provision of affordable housing in the LDP's area. No changes recommended.
Request for further information on who will be required to provide evidence (and in what form) that a contribution in a different location would have a greater contribution towards meeting local affordable housing. (Rep 1552)	The Council will decide whether alternative provision to on-site provision is appropriate and justified in specific circumstances. The developer may propose alternative provision and provide evidence to support this, however the Council will determine the appropriateness of any proposals. No changes recommended.
Suggestion that the last example box at para. 6.3.4 emphasises the potential role of RSLs as they are increasingly involved in market development. (Rep 1552)	The last example box referred to relates to intermediate housing for rent or sale and does not refer to market development as such. The involvement of RSLs in market developments through developer transfer of units/land is covered in the first two example boxes. No changes recommended.

Question 5: AH5 - Do you agree with the approach used to determine whether off-site provision would be appropriate? If not, please explain why.

Issue	Council Response
Requesting clarity on arrangements where site is not within the same ownership, and on the section 106 arrangements, legal and financial negotiations involved in this. (Rep 1552)	The option of providing affordable housing on an alternative site is only intended to apply where other suitable land is within the control of the developer, as explained in para. 6.4.1. The use of off-site contributions will not be appropriate where the land is not within the same ownership. Any permission involving off-site provision would be subject to a section 106 agreement as explained in para. 6.4.2. No changes recommended.

Question 6: AH6 - Do you agree with the method and formulae for calculating the required financial contribution? If not, please explain why.

Issue	Council Response
Affordable housing need figures not felt to be even close to correct. See previous response to AH2. (Rep 525)	This response is referring again to the figures of local housing need included in the LHMA. The use of evidence of local housing need to determine the type of dwelling that would have been required on-site is referred to in para. 6.5.2. See response to Question AH2 regarding this matter.
There may be a risk that, where it is possible for them to do so, developers will seek sites in areas where there is less requirement for affordable housing. (Rep 1552)	The financial contribution will reflect the % target required by policy H5 for the sub-market area where the planning application is located. The representation appears to be referring to the policy requirements that have already been set out and approved in the LDP, and therefore this is not a matter for the SPG. No changes recommended.

Question 7: AH7 - Do you agree with the examples given as to how the Council may spend financial contributions and with the cascade to be applied? If not, please explain why.

Issue	Council Response
Suggestion to include cross-reference to the Planning Obligations SPG in respect of specifying a time period for using contributions. Objection to the 10 year period for spending contributions as it is far too long with regard to affordable housing. (Rep 78)	It is recommended that a cross-reference to the detail regarding the process for handling financial contributions in the Planning Obligations is included after para. 6.5.7. The comments regarding the 10 year period for spending contributions relate to the content of the Planning Obligations SPG and are responded to separately.
The cascade applied to spending commuted sums should also be applied to other types of provision. (Rep 78)	This representation is aimed at applying the cascade to off-site provision on an alternative site to enable a developer to provide affordable housing on an alternative site outside of the local area. The off-site option is only intended for

	situations where there is another site available in the locality within the control of the developer, and therefore it would not be appropriate to allow the area to be widened out by using a cascade. No changes recommended.
Spend should be strictly limited to immediate locality rather than potentially cascaded out, as it is difficult to see how financial contributions could not be applied given housing requirements, potential for upgrading existing or derelict stock, and the commitment to building Council houses. (Rep 517)	Financial contributions will be spent on schemes available within the same settlement, however in case of situations where there are no schemes available within the same settlement, the cascade set out in para. 6.5.7 will be applied. This will ensure that contributions are spent where possible, or if not, are spent in a way that continues to support the provision of affordable housing in the LDP's area. No changes recommended.
BBNPA forms part of the SHA as the rest of the County. Contributions should be able to be spent in adjoining settlements within the BBNPA. Suggests reciprocal agreement with BBNPA. (Rep 1552)	The wording of a) and b) of the cascade already allows for contributions to be spent in the same settlement and, where no schemes are available, within the same community, which means that contributions may be spent within settlements/ communities that cross over the boundary between the Powys LPA area and the BBNP area. It is recommended that the wording of f) is amended to clarify that this final stage applies to the remaining areas of the BBNP. The cascade is compatible with the cascade used by the BBNP.

Question 8: AH8 - Do you agree with the sources of evidence to be used by the Council to determine local housing need? If not, please explain why.

Issue	Council Response
LHMA is already four years out of date. Suggest that para. 6.6.5 clearly states the updated 2018 evidence will be used as soon as it is available and to state time period for next update. (Rep 78)	The SPG states that updated evidence will be referred to by the Council, therefore, it will be used once it is made available for use in decision-making. The expected timescales for further updates i.e. every 2 years, is considered to be clear. No changes recommended in response to this representation, however it is recommended that the timescale stated in para. 6.6.5 for the review of the LHMA is updated as it is now expected by April 2019.
Support for review of the LHMA, noting from local knowledge some data may be inaccurate. (Rep 517)	The LHMA is in the process of being reviewed as explained in the SPG and will provide updated evidence on local housing needs. No changes recommended.
Subject to overhaul of Common Housing Register, developing and promoting the affordable housing register, and transparent, timely mechanisms for conducting local housing need surveys to meet information gaps. LHMA	This representation refers to issues with the sources of evidence listed by the SPG to be used in negotiations, and refers to actions that go beyond the scope of this SPG. These matters have been referred

provides only a snap shot and cannot drill down to any meaningful level to inform site specific applications. (Rep 1552)	onto the SHA. The SPG promotes the use of the Tai Teg Affordable Housing Register in the planning process, and the LHMA is to be used to inform planning decisions. No changes are recommended.
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Question 9 AH9 - Do you agree with the arrangements and information requirements for assessing the financial viability of a specific development and proposals for reviewing viability? If not, please explain why.

Issue	Council Response
Support for the rigorous approach to ensuring affordable homes are constructed as required by the S106 and agree that affordable and market housing to be built concurrently and market homes not to be completed first. If developer considers this unviable, application should be withdrawn. (Rep 517)	The SPG makes it clear that the completion of all open market housing prior to the completion of the affordable homes will not be acceptable, whilst allowing for a proportion of market housing to be built. This flexible approach is aimed at enabling developments to remain viable. No changes recommended.
Require reassurance of Council capacity and expertise to undertake viability assessment and suggests perhaps SHA could lead on this. (Rep 1552)	It is explained that the financial viability appraisal will be assessed by the Council, but only where possible (para. 6.6.9) and therefore this will be dependent on the capacity and expertise available within the Council at the time. Where this is not possible, the DVS will be commissioned. Development Management are expected to lead on negotiations. No changes recommended.
Does not follow argument on reducing timescales for development unless specifically to ensure development achieved within policy timeframes, and not for reasons of financial viability. (Rep 1552)	As explained in para. 6.6.10, the purpose of reducing timescales for development where a lower/nil contribution has been agreed is to enable the position on viability to be kept under review. Otherwise a site could continue to benefit from an extant or implemented permission over a long period of time, however in the meantime development viability may have improved or changed. No changes recommended.

Question 10 AH10 - Do you agree with the guidance on assessing the appropriateness of the location, scale and type of affordable housing on exception sites in Towns and Large Villages? If not, please explain why.

Issue	Council Response
Providing infrastructure can accept such developments and that logical extensions up to 5 houses should also be assessed in terms of impact on integrity of the settlement, transport/highways infrastructure, landscape/heritage site impacts and impact on amenity of existing dwellings. (Rep 517)	Consideration will be given to these matters, where relevant, in assessing proposals for all types of exception sites. The SPG should be read in conjunction with the policies of the LDP, which includes policies relating to these matters. No changes recommended.
Considers there to be a case for exception sites in rural locations. Difficulties for dwelling to be built on farmland by family members, precluding younger farmers remaining on the land. (Rep 517)	Dwellings on farmland for farmers, referred to in planning as Rural Enterprise Dwellings, are dealt with under national guidance (PPW and TAN6). The SPG does not provide guidance on Rural Enterprise

	Dwellings as they do not fall within the definition Affordable Housing and are assessed differently from a planning point of view. No changes recommended.
Wording of para. 7.4 regarding consideration of harm to the character and appearance of the surrounding landscape – this should apply whether affordable housing on exception sites or not. (Rep 1552)	The guidance within para. 7.4 is aimed at ensuring that regard is given to landscape/visual impact in selecting exception sites for affordable housing, avoiding the most sensitive sites and considering alternative sites. The assessment process set out within para. 4.2.32 relating to LDP Policy DM4 will apply to exception sites as they lie outside the boundaries of Town and Large Villages. No changes recommended.

Question 11: AH11 - Do you agree with the guidance on determining whether a site should be viewed as infill or as a logical extension in Small Villages? If not, please explain why.

Issue	Council Response
Noting that only development of less than 5 units/0.25 will be considered, and consider this sensible in view of needs and infrastructure of Small Villages. (Rep 1552)	This support is noted. The guidance within the SPG supports LDP policy H1 in respect of affordable housing in Small Villages.

Question 12: AH12 - Do you agree with the guidance on the tests to be used to determine whether a proposal is located within a Rural Settlement? If not, please explain why.

Issue	Council Response
Emphasises the need for robust and reliable local affordable housing register information to determine whether or not appropriate to provide affordable housing in these areas. (Rep 1552)	Evidence of the local housing need of specific individual households will be needed to justify affordable housing in Rural Settlements, and the Affordable Housing Register (Tai Teg) will be used, as explained in Appendix C. No changes recommended.

Question 13 AH13 - Do you agree with the guidance and principles to be used in assessing Affordable Housing Schemes? If not, please explain why.

Issue	Council Response
Requesting further clarity on self-build or specialised accommodation. (Rep 1552)	An example of requirements of an Affordable Housing Scheme for developing a single intermediate house for sale by an individual (self-build) is included in Appendix F of the SPG. The SPG refers to arrangements for specialist market housing, however it is not possible to provide detailed guidance on Affordable Housing Schemes for such bespoke schemes as part of the SPG. No changes recommended.
Requesting consideration to be given to larger accommodation for extended households by reviewing the maximum size of the property or other arrangements (e.g. allowing semi-	The size of an affordable dwelling is required to reflect the identified local housing need. The maximum size set out in the SPG is based on a household size of 7

detached units to be used as a single unit, and then reverting back to two units when no longer needed). (Rep 1552)	persons, and therefore is expected to cover need in the majority of circumstances. The assessment of local housing need will take into account the needs of the households involved. The appropriateness of any arrangements will need to be considered in planning terms. No changes recommended.
Requesting ACG information in respect of flatted accommodation given demand for this type of housing. (Rep 1552)	It is recommended that the ACG notional floor area for flats is added into the table under para. 8.16.

Question 14: AH14 - Do you agree with the process for assessing the local housing need of proposed occupiers? If not, please explain why.

Issue	Council Response
Support for strengthening guidance for meeting local housing need and maintaining occupancy restrictions unless incontrovertibly proved no longer required. (Rep 517)	This support is noted.
Majority of recent developments are 2 or 3 bed, small third bedroom, with inadequate room for growing family, need for family accommodation. SPG does nothing to encourage sustainable homes to retain families in the villages. (Rep 542)	Para. 8.16 of the SPG expects affordable housing on market developments to be of a range of sizes and to give regard to ACG space standards. The local housing need assessment (Appendix C) also allows for existing owners of affordable housing to transfer to other affordable housing to meet changing circumstances. No changes recommended.
See comments under AH13. (Rep 1552)	See response for AH13 above.

Question 15: AH15 - Do you agree with the approach towards ensuring the provision, affordability and availability of affordable housing at each stage of the planning process? If not, please explain why.

Issue	Council Response
Divergence from LDP stating affordable / local needs can be a home for life, and need to reflect this in considering future applications to modify unit, but keeping within defined parameters. (Rep 517)	The SPG at para. 8.18 explains that planning applications for future extensions will be assessed on a case by case basis taking into account the local need and effect on affordability. No changes recommended.
Support for withdrawal of permitted development rights, ability to refuse applications on underdevelopment, and simultaneous building of market and affordable housing. Requirements to be effectively and rigorously enforced and request for detail of monitoring arrangements to ensure compliance. (Rep 517)	Development Management has responsibility for enforcement and monitoring processes, including planning conditions and obligations. Reports of any breaches will be investigated and enforcement taken where necessary, as stated in section 8.32 of the SPG. No changes recommended.
Detrimental effect of capping the re-sale price at 72% of open market value, disadvantage for first time buyers wanting to move up the ladder, deterrent to moving on, and on releasing dwelling back onto the market. (Rep 542)	The TAN 2 definition of intermediate affordable housing requires prices/rents to be below market housing prices or rents. By restricting the sale/re-sale value of an affordable dwelling, this provides a mechanism for ensuring that the housing is and remains accessible to those in local

	housing need. No changes recommended.
Subject to capacity within the system. Requesting clarification on the S106 Officer's role and capacity to deal with this and other planning obligations. (Rep 1552)	Development Management has responsibility for the planning processes described in this part of the SPG. The role of the Planning and Monitoring Officer in relation to section 106 agreements is explained in the Planning Obligations SPG. No changes recommended.

Question 16: AH16 - If you have any other comments you want to make which are not covered by the above questions please include them here:

Issue	Council Response
Regarding the guidance on time limited permissions to enable review of viability, sites may also become less viable. Comments on the WG S106 guidance (2009) and suitability of the review mechanisms. Notes that the wording of the SPG provides flexibility. Request for cross-reference to the WG guidance. (Rep 78)	It is considered to be appropriate (at para. 6.6.10) to apply a reduced time limit for commencement and/or control over completion in order to enable viability of a development to be kept under review, and the Council is aware of appeal decisions that support this approach. The WG guidance on delivering affordable housing using section 106 agreements referred to is included in Appendix A of the SPG. No changes recommended.
Worth noting in the document that WG are currently reviewing Affordable Housing and therefore there may be changes in the next few years. (Rep 78)	Recommend reference is made to the Affordable Housing Review under Monitoring and Review in para. 9.2 of the SPG.
Deliverability is a fundamental issue. The Council and its strategic partners need to consider further options to stimulate the 5 year land supply, identify and bring forward suitable sites, and other means to meet strategic objectives on housing delivery. (Rep 1552)	This support and comments are noted. This SPG is aimed at assisting the delivery of affordable housing through the LDP's planning policies. The actions called for by the Representor go beyond the scope of this SPG. These matters have been referred onto SHA. No changes recommended.
Requesting clarification on how applications for 100% affordable housing provided by RSLs are processed and conditioned at planning application stage, as current inconsistencies (examples provided). Prefer no restrictions due to effects on borrowing. (Rep 4268)	Recommend adding note after para. 8.6 to clarify the requirements in relation to RSL development. This means that where an RSL is developing a site within their ownership within the development boundary, conditions attached relating to affordable housing will only require the % of affordable housing required under policy H5. This approach is acceptable to the representor.

3.3 Biodiversity and Geodiversity SPG

3.3.1 Reference Group

3.3.2 In order to prepare the Biodiversity and Geodiversity SPG, the Council sought participation and involvement with various Topic Stakeholders, from which the Council formed a Reference Group.

3.3.3 The Reference Group comprised 6 members, which included representatives from the following Council services and outside organisations:

- Planning Policy
- Development Management
- Countryside
- Natural Resources Wales

3.3.4 Engagement with the Reference Group during the preparation of the Draft SPG is summarised in table B6:

Table B6 – Reference Group Involvement (Biodiversity and Geodiversity SPG)

Date	Who and How?
Early April to early May 2018	Contact made with Reference Group members, to confirm membership, discussion and agreement of role and timetable etc.
May 2018	Discussion of suggested scope of SPG, aims, structure and key components. Writing of first draft ready for Topic Stakeholder consultation. Teleconference with Reference Group on 10 th May. Email to Topic Stakeholders to alert them to pending consultation period.
May and June 2018	Circulation of first draft to Topic Stakeholders for consultation period from 25 th May to 8 th June, 2018.
June to July 2018	Teleconference with Reference Group on 13 th June to consider Topic Stakeholder responses. Also to confirm timetable for remainder of the process. Communicating with Reference Group to consider and confirm appropriate revisions. Amending draft SPG ready for public consultation period. Draft SPG presented to LDP Working Group for approval prior to public consultation period.
July 2018	Notice of public consultation period circulated to LDP Database. 6 week public consultation period from 11 th July to 21 st August.
August to September 2018	Teleconference with Reference Group 29 th August to discuss representations and agree required changes. Also to confirm timetable for remainder of the process. Amending draft SPG ready for adoption.
September 2018	Consultation Draft SPG showing proposed changes presented to the LDP Working Group shared with the Reference Group. The Reference Group was informed of any issues raised by the LDP Working Group before the SPG was finalised for Cabinet approval.

3.3.5 Topic Stakeholders

3.3.6 The larger Topic Stakeholder group included an additional 41 members, consisting of representatives from the following outside organisations:

- Biodiversity Information Service (BIS)
- Botanical Society of the British Isles
- Brecknock Bird Group
- Brecknock Dragonfly Group
- Brecknock Geology Group
- Brecknock Mammal/Bat Group
- Brecknock Moth Group
- Brecknock Wildlife Trust
- British Geological Survey
- Butterfly Conservation
- Canal and River Trust
- Central Wales RIGS Group
- Clwyd Powys Archaeological Trust
- Coed Cymru
- Glandwr Cymru - Canal & River Trust in Wales
- Llandinam Lives/Powys Species Habitat Protection Group
- Montgomery Canal Partnership / Canal & River Trust
- Montgomeryshire Barn Owl Group
- Montgomeryshire Moth Group
- Montgomeryshire Wildlife Trust
- Natural England
- Natural Resources Wales
- Plantlife
- Radnorshire Invertebrate Group
- Radnorshire Mammal Group
- Radnorshire Moth Group
- Radnorshire Wildlife Trust
- Rhayader By Nature
- RSPB Cymru
- The Inland Waterway Association
- The River Wye Preservation Trust
- The Woodland Trust Wales/Coed Cadw
- Welsh Government
- Welsh Kite Trust
- Wye & Usk Foundation
- Environment Agency England
- British Trust for Ornithology
- Amphibian and Reptile Conservation
- Bat Conservation Trust
- Vincent Wildlife Trust
- Severn Rivers Trust

3.3.7 These stakeholders were invited to provide informal feedback on a working draft of the SPG prior to the formal public consultation stage.

3.3.8 Comments received from the Topic Stakeholders were considered and responded to, with further discussion taking place on specific issues where necessary. The input from Topic Stakeholders was used to inform changes to the working draft of the SPG.

3.3.9 LDP Working Group

3.3.10 The Draft SPG was considered by the LDP Working Group on 22nd June 2018 and approved for Public Consultation.

3.3.11 SPG Consultation

3.3.12 The public consultation period ran from 11th July to 21st August 2018 and representations were received from the following:

Representor Name (Representor No.)

- Clwyd Powys Archaeological Trust (27)
- Elan Valley Trust (222)

- Mochdre with Penstrowed Community Council (516)
- Abermule (with Llandyssil) Community Council (542)
- The Coal Authority (1481)
- Powys Wildlife Trusts (5201)
- Canal & River Trust in Wales / Glandwr Cymru (5704)
- Sarah Bond (6160)
- CPRW (Brecknock and Radnor Branch) (6235)
- Natural Resources Wales (7076)

3.3.13 The main issues arising from the consultation and the Council's responses to these are set out in Table B7 overleaf.

3.2.14 The representations and Council draft responses were considered by the LDP Working Group at its meeting on the 7th September 2018, and subsequently by the Council's Cabinet at its meeting on 9th October 2018.

Table B7 – Main Issues from the Public Consultation (Biodiversity and Geodiversity SPG)

Question 1: BG1 - Is the information in the Biodiversity and Geodiversity SPG presented in a clear and logical format for the different audiences (i.e. professional developers and domestic (non-professional) planning applicants)?	
Issue	Council Response
Large document likely to feel over-whelming particularly for public seeking permission for small-scale domestic development. Needs to be made clear which sections applicants for different types of development need to read. (Rep 5201)	Comments noted. Clarification to be added to start of Section 8 'Biodiversity and Geodiversity in the Planning Process'.
Table 1 – for clarity, include a bold horizontal line between the sub-sections of sites, habitats and species. (Rep 5201)	Table 1 will be revised to make it clearer.
Paragraph 6.31 – suggest moving this paragraph below Table 1 to make it stand out. (Rep 5201)	Agreed.
Subject to specific comments, the document would appear to be appropriate. Images may help. (Rep 5704)	Comments noted.
No, it is of concern that it is considered that the SPG is only for planning applicants when it will be a material consideration when determining planning applications and is of relevance to Planning Officers, Planning Inspectors and the general public. (Rep 6160)	Comments noted. The Council is content that the SPG makes clear it is relevant advice and an important material consideration to all parties involved in the planning process.
The text needs amending to address: <ul style="list-style-type: none"> • numerous repetitions. • poor paragraph ordering of some topics. • poor or muddled wording in some 	Comments noted. Editing will be undertaken to address these concerns.

<p>paragraphs</p> <ul style="list-style-type: none"> • errors in cross referencing to paragraph numbers including Appendix C. • worrying omissions. (Rep 6160) 	
Confused by the two versions of the SPG available on the Powys website. (Rep 6235)	The correct version for public consultation was available on the main LDP web page, and labelled as such, from the beginning of the consultation period.
The text is sometimes vague, long-winded and repetitive. (Rep 6235)	Comments noted. Editing will be undertaken.
<p>The audience includes all interested parties. It should concentrate on clarifying how existing legislation, policy and guidance on biodiversity and geodiversity is incorporated into the Powys planning process in order to help all interested parties.</p> <p>Audiences need to know exactly how responsibilities in the planning process are allocated between PCC and NRW. This is not clear and we suggest detailed discussion and agreement with NRW to establish this. (Rep 6235)</p>	The Council will review the SPG to make sure roles are clearly defined.
The overall format is well thought out and follows a logical progression. (Comments on details provided in a tracked changes version of the SPG). (Rep 7076)	Comments noted.

Question 2: BG2 - Is the language and terminology used in the SPG appropriate for these different audiences?

Issue	Council Response
Throughout the document, the phrase “proposed development site” should replace “development site. (Rep 5201)	Comments noted. The text to be amended accordingly.
Table 1 – The final six columns of this table are confusing. For example, the applicant may be left thinking that a site listed under " <i>No Statutory Protection</i> " can be ignored. We recommend that the final six columns are removed from Table 1. (Rep 5201)	Comments noted. The Council has reviewed Table 1 and has clarified the purposes of the columns by rewording the text in the column headers and adding a footnote.
Welcome the inclusion of Wildlife Trust Reserves, however, it seems odd that other NGO nature reserves are absent, notably those of the Woodland Trust & RSPB. If changed, paragraph 6.18 would also need updating. (Rep 5201)	Comments noted. This change may be possible at a future date, but no change required at the moment.
References to the Powys LBAP should be amended to refer to the Powys Nature Recovery Action Plan (NRAP) including Paragraphs 6.33 - 6.35, Appendices B & C, etc. (Rep 5201)	Comments noted. Whilst the Council agrees with the desirability of the proposed change, the LBAP is, until the NRAP is adopted, still the appropriate Plan for applicants to consult. Removal of references to the LBAP at this stage would therefore create the potential for this important source of local information to be omitted from an applicant’s preparatory research. No change required.

<p>Appendix A - Section 42 'important (priority) habitat and species' no longer exists and should be referred to as 'Section 7'. (Rep 5201)</p>	<p>This reference in the Glossary is provided for clarity as the term 'Section 42', and references to the NERC Act, are still in use and often seen in documentation. The superseding of Section 42 by Section 7 is explained in the text under this entry in the Glossary. No change required.</p>
<ol style="list-style-type: none"> 1. Subject to specific comments the document would appear to be appropriate. (Rep 5704) 2. Yes with proviso that glossary expanded – e.g., NRAP, SoNaRR. (Rep 6160) 3. The language used within the document is appropriate for the target audience. (Rep 7076) 	<ol style="list-style-type: none"> 1. Comments noted 2. Comments noted. Both NRAP and SoNaRR are cited and explained in Appendix C. 3. Comment noted.
<p>The language is sometimes verbose making the SPG unnecessarily long. E.g. Paragraph 6.7 SPAs could read: <i>“Special Protection Areas (SPAs): a European designation for the conservation of birds. Three SPAs are wholly or partially within the Powys planning area and another two are close enough to be at risk from development within the planning area. Developers should be aware of ranging and foraging buffers around SPAs”</i>. (Rep 6235)</p>	<p>Comments noted. The opportunity has been taken to review the document and wherever necessary changes have been made.</p>

<p>Question 3: BG3 - Is there any content missing from the SPG, or parts that could be improved?</p>	
<p>Issue</p>	<p>Council Response</p>
<ol style="list-style-type: none"> 1. Paragraph 6.16 – Amend to read: “These are assessed and selected using specific criteria which recognise their wildlife value, developed and agreed by members of the Powys Nature Partnership (see Appendix A)”. 2. Paragraph 6.18 – Amend to read: “The three Wildlife Trusts in Powys also own, lease and manage land as Wildlife Trust Reserves (WTRs). These protect locally or nationally rare or vulnerable wildlife or habitats and many carry statutory designations. In Powys there are...” (Rep 5201) 	<ol style="list-style-type: none"> 1. Agreed. 2. Agreed, plus the additional wording ‘and many carry statutory designations’ to be made.
<ol style="list-style-type: none"> 1. Table 1 - Section 7 habitats and species and Veteran Trees are missing from Table 1 and should be added. 2. Paragraph 6.27 – should include the Ancient Woodland Inventory’s four categories: <ul style="list-style-type: none"> * Ancient Semi-Natural Woodland (ASNW) * Plantation of Ancient Woodland Sites (PAWS) * Restored Ancient Woodland Sites (RAWS) * Ancient Woodland Site of Unknown Category (AWSU) 3. Paragraphs 6.30 & 6.31 - Powys has internationally important areas of veteran trees / historic parkland which should be 	<ol style="list-style-type: none"> 1. Agreed. 2. Agreed. All Categories to be included in the SPG. 3. Comment noted. Having reviewed the text, the current wording is considered adequate so no change required.

emphasised e.g. the Elan Valley. (Rep 5201)	
<ol style="list-style-type: none"> 1. The SPG should be stronger in recognising that non-statutory sites can have biological features of international significance, in the same way that not all sites of SSSI quality end up being designated SSSI. For example biologically rich ponds should be included. The Freshwater Habitats Trust has recognised that parts of Powys are 'Internationally Important Areas for Ponds (IAPs) e.g. 'mawn' pools found on common land across North Brecknock and Radnorshire. These lack statutory protection yet are areas of significant biodiversity value and have high populations of important species, such as the Great Crested Newt. 2. It is important to remember that the national network of SSSIs forms a representative suite of the country's very best wildlife and geographical sites; this needs to be emphasised in paragraph 6.12. (Rep 5201) 	<ol style="list-style-type: none"> 1. Comments noted. Add new para. to include reference to non-statutory sites containing features of international significance and using mawn pools as an example. 2. Agreed. Add the following 'and as such form a representative suite of the country's very best wildlife and geological sites.'
<ol style="list-style-type: none"> 1. Paragraph 6.32 – it is important to retain the significance of the difference between nationally important and locally important sites. Either list the Section 7 habitats here (could remove any that aren't relevant for Powys) or refer the reader to the Wales Biodiversity Partnership for the list. 2. Paragraph 6.33 - Depending on how paragraph 6.32 is dealt with, either list the NRAP habitats or refer the reader to the Powys NRAP for the list. (Rep 5201) 	<ol style="list-style-type: none"> 1. Comments noted. Include reference to the Wales Biodiversity Partnership. 2. The Powys LBAP is still extant until the NRAP is adopted, so the reference to the LBAP Habitats should remain.
<ol style="list-style-type: none"> 1. Paragraphs 7.7 & 7.8 – Environmental Permits (EPRs) are not mentioned and could be included here. 2. Table 2 – emphasise the need for Phase 2 vegetation surveys, at the appropriate time of year if the preliminary ecological appraisal identifies interesting habitat. This is relevant for the top 10 development sites in the table. 3. Paragraph 7.27 - further surveys should include those for priority habitats and species as well as EPS. 4. Table 3 – amend the dormouse survey optimal period to May to October inclusive, whilst the rest of the year would be sub-optimal. (Rep 5201) 	<ol style="list-style-type: none"> 1. Comments noted. 2. Table 2 – additional clarification will be provided. 3. Insert additional text: 'such as those for priority habitats and species and EPS.' 4. Agreed, amend Table 3 accordingly.
Paragraph 8.26 - when saying that "compensation does not necessarily need to be like for like replacement" it should be emphasised that the replacement gain should have integrity and value within the ecological landscape it sits in. (Rep 5201)	Comments noted. The text will be revised.
Intensive Livestock Units Paragraphs 9.16 - 9.20– in the Chief Planning	Comments noted. The Council is familiar with the clarification letters cited and

<p>Officer letter (12/6/18) from Welsh Government, the impacts of intensive agricultural developments were emphasised. The appropriate wording of this section is a great opportunity to improve the current decision making process.</p> <p>PCC is urged to take heed of recent advice from the Welsh Government regarding the importance of a wide range of consultees when considering these developments. (Letter from Lesley Griffiths AM, Cabinet Sec for Energy, Planning and Rural Affairs, 30/4/018). (Rep 5201)</p>	<p>considers it already follows the advice. Having reviewed the Intensive Livestock Units section it is not felt necessary to make any changes.</p>
<ol style="list-style-type: none"> 1. Paragraph 6.42 – refers to “Section 4.4 below”, but this section does not exist. 2. Paragraph 8.18 - refers to Sections 5.5 and 5.6, but these do not exist. 3. Paragraph 8.23 – remove “However” from the start of the second sentence and insert “For example,” instead. 4. Paragraph 8.30 – in the second bullet point, please include ‘bat bricks’. 5. Paragraphs 9.13 & 9.15 – these make reference to section 6.5 which does not exist. (Rep 5201) 	<p>Comments noted. The cross-references will be updated, a reference to ‘bat bricks’ included in Table 5, and the SPG will be edited.</p>
<p>Section 7 could be moved to an appendix. (Rep 5704)</p>	<p>Noted, but the Council considers this is an important section to retain in the body of the SPG.</p>
<p>Paragraph 4.1 – Amend to read “...consider the potential impacts of proposals upon these interests on or near development sites”. (Rep 6160)</p>	<p>Noted. The words ‘and beyond’ will be added.</p>
<p>Paragraph 4.7 states, “<i>As a consequence of its extent, it has a considerable diversity of habitat types</i>”. This statement is misleading. It is not because of Powys’ extent but its geodiversity and man’s interaction that there is considerable diversity of habitats. (Rep 6160)</p>	<p>Comments noted. Add the word ‘Partly’ to the beginning of the paragraph..</p>
<p>Table 2 - is inconsistent when describing surveys. As a result the text following this table becomes confusing about the status of species, e.g. 7.29 to 7.36 discusses EPS but then bats are discussed separately at 7.41. (Rep 6160)</p>	<p>Comments noted. Table 2 has been reviewed and editing amendments made as necessary.</p>
<p>Paragraph 7.27 – Refers to CIEM guidance, but guidance is regularly updated. (Rep 6160)</p>	<p>Agreed. Insert the text:”or any updated”.</p>
<ol style="list-style-type: none"> 1. Para. 7.37 - This paragraph is unacceptable because it totally dismisses many protected avian species in Powys. Most other raptors are Schedule 1 birds, as are some other species which may be affected by development in Powys. 2. Paras 7.37 and 7.38 should be moved and amalgamated with para 8.48 in section 8. 3. Para 7.39 should have a new heading, e.g. ‘avian surveys’, and include discussion about 	<ol style="list-style-type: none"> 1. Comments noted. The Council disagrees. Barn Owls are detailed in the SPG as they commonly nest and roost in buildings so are an example of a species that may be at risk from development. Many other Schedule One birds are found in Powys however these will be covered by surveys already included in the SPG. No change required.

<p>nesting birds and protected birds. (Rep 6160)</p>	<p>2. & 3. It will be made clear that these surveys are examples. A new sub-heading will be inserted.</p>
<p>Paragraph 7.39 “.....<i>Areas of dense vegetation (e.g. hedgerows, or long-derelict land) are also important for other nesting birds</i>” This statement whilst correct is an oversimplification. It ignores ground nesting birds and in particular the critical status of curlew which nest in damp habitats and are particularly susceptible to the types of agricultural development being applied for and the solar LSAs. (Rep 6160)</p>	<p>Comment noted. Whilst the Council disagrees that this para. ignores ground nesting birds, the words ‘<u>or open</u>’ and ‘<u>or agricultural</u>’ will be added, and the word ‘or’ be removed.</p>
<ol style="list-style-type: none"> 1. Amend 8.2 - to read “biodiversity and geodiversity interests affected by development sites”. 2. Paragraph 8.27 - should explain compensatory measures will be conditioned. 3. Paragraph 8.34 - It is of great concern that this document has been put forward for public consultation with this illustration missing. 4. Paragraph 8.38 - omits reptiles from the list of fauna e.g. slow worms. 5. Paragraph 8.44 - Should read, “affected by development proposals”. 6. Paragraph 8.45 “..... <i>If a planning application is likely to directly impact on a pond, canal, ditch or cellar a great crested newt survey may be required.</i>” This is incorrect advice and contradictory to advice on EPS at 7.23 A survey for great crested newts is required if: <ul style="list-style-type: none"> * there are historical records of newts within or close to the site proposed for development. * there’s a pond within 500 metres of the application site boundary even if it only holds water some of the year * the development site includes refuges (eg log piles or rubble), grassland, scrub, woodland or hedgerows. (Rep 6160) 	<ol style="list-style-type: none"> 1. Comments noted. The opening paragraphs will be revised for clarity. 2. Agreed. Add following wording: “Compensatory measures may also be subject to planning conditions and ongoing monitoring.” 3. Comment noted but the diagram was only for illustrative purposes. 4. The list of species is not intended to be exhaustive. 5. The comment is noted. It is recommended that the change be made accordingly. 6. Agreed. The word ‘directly’ will be removed.
<ol style="list-style-type: none"> 1. Paragraphs 4.2 and 4.5, 6.16, 6.25, 6.26, 6.27, 7.35 – Repetitious. 2. Paragraph 6.20 - Omit NB – unnecessary. 3. Paragraphs 6.42, 7.33, 8.8. 8.14. 8.18, 8.39, 8.41.8.43, 9.13, 9.15 - Incorrect cross refs. (Rep 6160) 	<p>Comments noted. The SPG will be subject to futher editing.</p>
<ol style="list-style-type: none"> 1. Prior to section ‘5.0 LDP policies’, The Environment (Wales) Act Part 1, Sections 3, 4 and 6 should be set out as they are in the Act. 2. Section 5.0 LDP policies - Should make it clear that the LDP is an integrated document and other policies besides SP7 and DM2 are relevant to Biodiversity and Geodiversity. For instance: <ul style="list-style-type: none"> • DM7 on light pollution 	<ol style="list-style-type: none"> 1. The Council disagrees with this representation. The Environment Act is summarised in Appendix C. No change required. 2. This point is made already in the introduction to the document. It is also repeated in Appendix C which already lists the key LDP Policies that are likely to have a bearing upon Biodiversity and Geodiversity. No change required.

<ul style="list-style-type: none"> • DM13.13.v. on protection of soils • DM14.2 Air quality management • DM15 Waste within developments (Rep 6235) 	
<p>Major elements missing from the SPG:</p> <ol style="list-style-type: none"> 1. Importance of State of Nature Wales report: urgency of reversing decline in Biodiversity. 2. Discussion of Protection of Soils. 3. Discussion of Cumulative impacts. 4. Informative discussion about Intensive Livestock Proposals, regulatory framework and PCC role. (Rep 6235) 	<p>Comments noted. The following changes be made to the document:</p> <ol style="list-style-type: none"> 1. Insert reference to 'State of Nature' report. 2. Agreed. Add new section on 'Soils' within the Geodiversity and Development Proposals section. 3. Agreed. Add new section on 'Cumulative and In Combination Effects' within the Biodiversity and Geodiversity in the Planning Process section. 4. The Council has already included a section on Intensive Livestock Units which is considered adequate. No change required.
<p>SPG to include additional information on:</p> <ol style="list-style-type: none"> 1. Ancient semi natural woodland. 2. The Birds directive. 3. Associated legislation not regulated under planning. (see comments on page 17 of SPG draft attached). 4. NRW role in flood defence. 5. Consideration of long term post construction issues. 6. Clarification over INNS legislation and biosecurity requirements during the planning process. 7. Public Authorities duties including Powys LPA to report and monitor on the Nature Recovery Action Plan under Section 6 of the Env't. Act. (Rep 7076) 	<p>Comments noted. Amend SPG to include:</p> <ol style="list-style-type: none"> 1. Additional information on Ancient Woodlands. 2. Text concerning SPAs and a link to more information on the Birds Directive inserted into Appendix B. 3. Comments noted, however the Council believes this information to be unnecessary. 4. Requirement to consult NRW inserted 5. Agreed. Text amended in a number of places to reflect this 6. Text regarding INNS inserted into Section 9. 7. Text inserted in Appendix C under the Environment (Wales) Act regarding LPA duties. The SPG already contains a number of paras regarding unlawful activity and these have been placed under a new heading to draw attention to them, so no change is felt to be necessary.

Question 4: BG4 - Section 6 covers a complex topic. Could the layout or contents of this section be improved? If so how?

Issue	Council Response
<ol style="list-style-type: none"> 1. The layout is good (Rep 542) 2. It is clearly laid out. (Rep 5201) 3. It could be condensed or detail placed in an appendix. The introduction of images may help. Some terms are duplicated in the glossary. (Rep 5704) 4. Paragraphs 6.25- 6.27 are repetitive. 6.27 and 6.28 discuss wood pasture but fail to 	<ol style="list-style-type: none"> 1. & 2. Comment noted. 3. – 11. Comments noted. Section 6 has been reviewed and necessary changes made.

<p>explain what it is - does it include old orchards or ffridd?</p> <p>5. Paragraph 6.31 - Suggest para has a title, e.g. 'designated sites mapping'.</p> <p>6. Paragraph 6.43 - discusses UK protected species but fails to explain how plants are protected. (Rep 6160)</p> <p>7. Section 6 could be improved in its layout and structure of headings. Bold Headings for the designations would help. e.g. 6.11, 6.13, 6.16, 6.17, 6.18, 6.19, 6.21.</p> <p>8. The section is very confusing. Terms need to be used carefully and consistently. Careful explanation is needed for: "designation" and "statutory"; "protected" and "important"; devolution to Wales of some planning functions; what information applicants need to provide about woodland and LBAP categories; what regard PCC will have to LBAP categories in planning determinations.</p> <p>9. In the sub-sub-headings, LBAP habitats and species are only "important", however, in Table 1, LBAP Habitats and Species do have statutory protection but RVNRs and AW do not have statutory protection.</p> <p>10. It needs to be clear that the duty to enhance and maintain biodiversity everywhere where there is no national or international designation lies with Powys CC.</p> <p>11. For International and Nationally designated sites, PCC is responsible for considering cumulative impacts. PCC is also responsible for considering cumulative impacts on all other biodiversity interests. (Rep 6235)</p>	
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Question 5: BG5 - Would the sections on 'Incorporating Resilience into Development Proposals' and 'Green Infrastructure and Resilience' (paras 8.67 to 8.77) be better embedded within the 'Design' section (8.17 to 8.34)?

Issue	Council Response
<p>1. Yes. (Rep 516, 5704, 6160, 6235, 7076)</p> <p>2. Yes; also suggest rationalising this section by removing Table 5 and paragraphs 8.70 & 8.71 as this is all mentioned elsewhere and is likely to mean very little to an applicant. (Rep 5201)</p>	<p>1. Comment noted. The paragraphs will be moved.</p> <p>2. The Council disagrees and considers that Table 5 has a role to play in the SPG. An explanation is provided in the following paras. No change required.</p>

Question 6: BG6 - Would the inclusion of a checklist or flowchart for incorporating biodiversity and geodiversity in the planning process be of use to summarise the process, or could this oversimplify important considerations?

Issue	Council Response
<p>1. Yes, an indicative graphical illustration, such as a flowchart, is likely to be very helpful for applicants. Perhaps an app could be</p>	<p>1. and 2. Comments noted. An indicative flowchart will be included.</p>

<p>developed, as this would allow the detail to be retained. (Rep 516; Rep 5201, 5704 7076)</p> <p>2. No. This would just duplicate text and oversimplify considerations and would not be available for public consultation. In general the text could be tightened and sometimes shortened to underline exactly what a developer has to do. (Rep 6160, 6235)</p>	
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Question 7: BG7 - Does Appendix C tie in to and support other parts of the SPG adequately enough, or should the legal context (i.e. the reason why something is required) be reinforced?

Issue	Council Response
<p>1. Yes. (Rep 516) Appx C is adequate. (Rep 6160)</p> <p>2. Appendix C could be reinforced through referencing in other parts of the document. (Rep 5201)</p> <p>3. Reference is provided within the main document to appendix C, e.g. at paragraphs 2.1, 7.2, 8.13. Given the length of the document it may be useful to elaborate upon the legal context within section 2.0 of the document. (Rep 5704)</p>	<p>1. The comment is noted.</p> <p>2. Extra references to Appendix C will be inserted wherever appropriate.</p> <p>3. Comment noted, however it is considered that Section 2 and Appendix C provide this elaboration already.</p>
<p>1. The WBFGA is much less clear and specific about Biodiversity and Geodiversity than the Environment (Wales) Act section 6 duties which are key to this SPG and their text is a serious omission. The description in Appendix C is not good enough and these should be set out in full earlier in the document. (Rep 6235)</p> <p>2. Relevant legislation should be mentioned within the SPG because it helps to clarify what is a legislative requirement and what is best practice / guidance. Appropriate reference to Appendix C should be made for additional details. (Rep 7076)</p>	<p>1. Comments noted, however the Council considers that the content relating to Environment (Wales) Act and the WBFGA is sufficient and in the right place. No change required.</p> <p>2. Comments noted</p>
<p>To avoid confusion, clarification is needed in Appendix C in relation to Schedule 2 projects of the Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations (2017). (Rep 542)</p>	<p>The Regulations are not matters within the control of the Council, so no change to the SPG is required.</p>

Question 8: BG8 – If you have any other comments you want to make which are not covered by the above questions please include them here:

Issue	Council Response
<p>CPAT welcomes this SPG. It may be worth noting that there is some cross over between biodiversity and the historic environment and there may be occasions when historic environment policies might be brought to bear to assist biodiversity issues. For example peat bogs, hedges and boundaries, field</p>	<p>Comment noted. Mention of this overlap will be included.</p>

systems, veteran trees, ancient woodland, parkland, caves, rivers, streams, lakes and ponds, etc. have an historic environment dimension which might be useful allies to biodiversity. Mention might be made of this cross over. (Rep 27)	
It is good that policy DM7 is referenced, given Powys's important dark skies and the benefits of dark skies to biodiversity. A robust lighting management policy should be incorporated into the planning process. (Rep 222)	Comments noted. LDP Policy DM7 does cover light pollution and refers to dark sky designations. No change required.
Paragraph 6.17, Appendix B – the Powys wildlife trusts names and contacts need correcting. (Rep 5201)	Agreed.
<ol style="list-style-type: none"> 1. Paragraph 4.7 - should include 'canals', within the list of habitats, especially given the Montgomery canal is designated as a SAC and SSSI. 2. Paragraph 8.30 – Amend wording to read <i>“Creation of a buffer zone along natural watercourses planted with native species (where appropriate)”</i>. This would provide flexibility in respect of development adjacent to the canal. 3. Paragraph 9.11 - should refer to the Montgomery canal designated as a SAC. (Rep 5704) 	<ol style="list-style-type: none"> 1. Agreed. 2. With development alongside man-made waterways already being covered by related regulations, it is felt that inserting 'where appropriate' alongside the use of the word 'natural' would unnecessarily weaken the guidance. The paragraph will be amended to refer to Table 5. 3. Agreed.
Geodiversity - Despite the LDP at DM13 referring to protection of soils as resources providing ecosystem services this is not expanded upon in this SPG. (Rep 6160)	A new section on soils will be included.
<ol style="list-style-type: none"> 1. Water Framework Directive (WFD) - The WFD requirements should be made to dovetail better with biodiversity beyond phosphate pollution. It also ties in with geodiversity and protection of soils. (Rep 6160) 2. This WFD section fails to set out the LPA role in achieving the objectives of the WFD, under which it has duties as a competent authority to protect water quality in Powys. The SPG suggests that all responsibility lies with NRW however NRW has published an advice note “Local Authority services and the water environment” https://naturalresources.wales/media/2627/wfd-docs-eng.pdf In order to fulfil this role, LPAs must have the relevant information about the water environment. Suggest adding: <i>“Applicants must provide <u>contour maps with clearly mapped details of all water features on the development site and surrounding land wherever any flooding or pollution risks may occur.</u>”</i> (Information on Scimap included). (Rep 6235) 	Comments noted and the WFD paragraphs will be reviewed and changes made accordingly.
1. Intensive Livestock Units (ILUs) - Relegating the discussion of requirements for intensive	Comments noted, however the Council is content that sufficient information is

<p>livestock proposals to “other considerations” is unacceptable and illogical. Logically, ILUs should sit next to householder applications in Section 8.</p> <p>2. Paragraph 9.18 - This is misleading. NRW only responds to emissions impacts on internationally / nationally designated sites. It is for the local authority to consider effects on other biodiversity interests. It is therefore for the LPA to consider effects of, e.g., bryophytes in ancient woodland.</p> <p>3. Application documents - The SPG has not seized the opportunity to enforce best practice for application documents to aid the LPA’s environmental statutory duties. E.g. (a) poultry ranging plans with contours which NRW have stated is a requirement. Scimapping should be a requirement. E.g. (b) manure management plans are accepted without contour plans. Land put forward as enough acreage for the waste from the ILU could all be on slopes that should only have seasonal spreading. Colour coded manure management plans should be a standard requirement. (Rep 6160)</p> <p>4. Paragraphs 9.16 to 9.20 – The ILU section is unsatisfactory and misleading. The Council has not explained its own responsibilities in determining ILU planning applications. It is essential that the SPG:</p> <ul style="list-style-type: none"> • is factually right and in sufficient detail. • accords with WG and NRW advice. • explains the roles of NRW and PCC in enhancing and maintaining biodiversity in the planning process. • is crystal clear to PCC officers, applicants and the general public. • informs all parties how planning conditions will be monitored and by whom . • is not published until any unclear issues are resolved. <p>(Detailed comments were provided by the Representer – Please refer to Appendix 1). (Rep 6235)</p>	<p>provided on intensive livestock units so no changes are considered necessary.</p>
<p>1. Paragraph 2.1 - The SPG is important for all stakeholders and Powys residents. The first bullet point should be amended to: “<i>Set out the way in which LDP planning policy is to be interpreted and applied to protect biodiversity and geodiversity in the public interest.</i>” The second bullet point should read: “<i>applicants and all developers, consultants and other agents involved in preparing planning applications.</i>”.</p> <p>2. Paragraph 4.1 - The ecological impacts of development do not stop at the site boundary.</p>	<p>1. Comments noted, however the Council does not consider any change is required to the bullet points.</p> <p>2. The words ‘<u>and beyond</u>’ will be included.</p> <p>3. The wording in Paragraph 4.2 will be amended to shorten the explanation.</p> <p>4. Para. 4.3 will be revised.</p> <p>5. Noted, but no change to the SPG.</p>

<p>Amended wording to: <i>“It is essential to consider the potential impacts of each proposal upon the ecology of the development site and also the ecology beyond the development site”.</i></p> <p>3. Paragraph 4.2 - It would be clearer to explain at the outset that: (a) the LDP sits within overarching International/EU and National legislation and policy which is already reflected in the latest version of Planning Policy Wales. (b) LDP policy re bio/geodiversity, which is mainly set out in SP7 and DM2, does not directly repeat PPW (PPW9 2.3.1). (c) The SPG therefore expands the guidance in the LDP by setting out the requirements for planning decisions derived from all of these sources to make them clear and accessible for all.</p> <p>4. Paragraph 4.3 – amend last sentence to: <i>“biodiversity and geodiversity have been assessed and accommodated....”</i></p> <p>5. Paragraph 4.5 - Two simple definitions are: <i>“totality of genes, species and ecosystems of a region”</i>; <i>“a biological community of interacting organisms and their physical environment”</i>.</p> <p>6. This introductory section needs further explanation - enhancing and maintaining biodiversity cannot be achieved by only protecting nature reserves and certain species categories whether of international, national or local importance. The ecosystem duty applies to biodiversity throughout Powys and this will be taken into account in planning determination. (The SPG statement Biodiversity in Powys 4.9 <i>“designations alone cannot guarantee the integrity and prolonged existence of these valuable resources”</i> is not clear and forceful enough). We do not understand the full extent of negative impacts of our development activities. Therefore we should exercise the “precautionary principle”. However we do know that improving and preventing loss of existing natural habitats and creation of new ones is the best way to avoid loss of species. (Rep 6235)</p>	<p>6. Comments noted. The SPG will be edited, and a new section will be included on un-designated sites.</p>
<p>1. Table 1 - A note on mapped / unmapped categories would be useful.</p> <p>2. Paragraph 6.32 - Section 7 of Env't.(Wales) Act imposes the duty to create a list but does not contain the habitat or species lists which are published by the Wales Biodiversity Partnership (but under the name of the WG) as is described in 6.3.4 for species). Suggest: <i>“<u>The Welsh Government publishes a list of habitats of importance for the conservation of Biodiversity in Wales as required by the Environment (Wales) Act (2016).</u>”</i></p>	<p>1. Table 1 will be amended for clarification.</p> <p>2. Comment noted, the wording will be amended.</p> <p>3. The existing wording will be revised to refer to the refusal of planning permission.</p>

<p>3. Paragraph 6.38 – Amend wording from “<i>if it is absent then it may delay determination</i>” to “<i>This information is required to be submitted with the application documents prior to determination</i>” (Rep: 6235)</p>	
<p>1. Paragraph 7.2 - This section on Environmental Impact assessment should be improved. It is vague and misleading and should refer to and explain “Schedule 1” and “Schedule 2” development of the EIA regulations.</p> <p>2. Paragraph 7.3 - it should be more precise and say that there are a listed variety of development types to which specific criteria and thresholds are applied to determine if the project counts as Schedule 2 development. Any Schedule 2 development must be screened by the LPA (or WG or NRW as appropriate) to determine if there are likely significant impacts which indicate that an EIA is required. (Rep: 6235)</p>	<p>1. & 2. Comments noted. Further clarification will be made to the EIA section.</p>
<p>HRA</p> <p>1. Paragraph 7.16 - The stringency of the HRA test should be made clear. Suggest: “<i>Consent cannot be granted unless the results of the <u>Appropriate Assessment show beyond reasonable scientific doubt that the proposal will not have a significant adverse effect on the integrity of the protected site</u></i>”</p> <p>2. Paragraph 7.18 - Unable to trace this reference so a better easily located reference needs to be provided. The SPG should also explain here that, irrespective of site boundaries or buffer zones, significant air and water pollution can occur far beyond a development site. (Rep: 6235)</p>	<p>1. Comments noted. The HRA section will be reviewed.</p> <p>2. Amend Appendix B to provide a link to this mapping.</p>
<p>Biodiversity Surveys</p> <p>1. Paragraph 7.20 - Surveys are not necessary for every development. Suggest: “<i>It is often necessary to carry out desk-top or field surveys to understand which protected sites, habitats and species will be affected on the site or beyond the application site</i>”.</p> <p>2. Paragraphs 7.21-7.23, Table 2 - This is confusing. 7.23 mentions EPS which a reader might equate with “<i>protected species surveys</i>”. Then Table 2 mentions two general types of survey: “<i>preliminary ecological appraisal</i>” and “<i>protected species surveys</i>” but for Watercourses we have “<i>fish</i>” and “<i>birds</i>” and for Woodlands we have EPS and “<i>badgers, birds</i>”.</p> <p>3. Table 2 - Needs revision. There is no mention of plants or potential important habitats. There is no guidance as to what species are considered “<i>protected</i>”. The duty to maintain and enhance biodiversity cannot be fulfilled by</p>	<p>1. Comments noted. The text in the following paragraphs will be amended.</p> <p>2. Amendments will be made to address the comments.</p> <p>3. Amendments will be made to Table 2.</p> <p>4. Paragraph 7.23 will be reviewed.</p> <p>5. The paragraphs will be reviewed along with the EPS and HRA sections of the SPG.</p> <p>6. The tests reflect the wording of Policy DM2 (criterion 1.B) and should be retained.</p> <p>7. Noted the SPG will be reviewed and edited as appropriate.</p> <p>8. Agreed.</p> <p>9. The wording will be reviewed.</p>

a limited checklist approach.

4. Paragraph 7.23 - Suggest: *“When a development proposal is on land, or has an impact on land beyond the site, in one of the categories in Table 2, it is likely that an ecological survey will be required. This survey may need to extend beyond the site boundary.”*
5. Paragraphs 7.30 to 7.36 - This is repetitive. Suggest: *“if a proposal is likely to affect EPS on or beyond the application site, all relevant survey information and assessment of the likely impacts on EPS must be submitted in a survey report as part of the planning application. The report must include mitigation proposals for any adverse impacts, and details matching the mitigation requirements in the Survey Report must be clearly shown on any submitted plans and drawings. The survey, survey reportlicensed surveyor*

The LPA needs sufficient information to assess the information against the Habitat Regulations and to decide whether the proposal would pose a risk to maintaining the Favourable Conservation Status of the species at risk (the “FCS test”). NRW is usually consulted for comments on the content and conclusions of the ecological report and advice about planning conditions to protect biodiversity if permission is granted.

If EPS are present and significant damage or disturbance to individuals, their habitat or resting places is likely and cannot be sufficiently mitigated, the LPA must either refuse the application, or, in exceptional circumstances, apply three derogation tests.”

6. The second of the three LPA derogation tests (FCS test) is wrong: the tests are “no alternative”, “IROPI”, “necessary compensation for network of European sites”. Copy the tests from <http://www.assembly.wales/research documents/17-038/17-038-web-english.pdf>
7. It would be clearer to write about permission first and then about the need for an NRW licence.
8. Paragraphs 7.37-7.43 - these could be labelled *“examples of specific surveys”* because there are many other types of survey as shown in Table 3.
9. Paragraph 7.48 - confusing repetition of 7.33 in EPS section and then introduction of *“conservation licence”* in UKPS section so reader can't tell if a *“development licence”* only

<p>applies to EPS or not. Suggest policy and licensing professional from NRW reviews and helps amend this section. (Rep: 6235)</p>	
<p>Step-wise Approach</p> <ol style="list-style-type: none"> 1. Paragraph 8.5 - suggest adding: <i><u>"The LPA will need to consider evidence for whether the new features or habitats will lead to sufficient biodiversity gain to mitigate, off set or compensate for the adverse impacts of the development."</u></i> 2. Paragraph 8.14 - Repeats points already made so heading is confusing. Suggest delete heading and retain 8.15 as third para. of Pre-Application discussions saying: <i><u>"Where pre-application discussions suggest the need for ecological surveys, up-front.....(see Table 3) and early surveying could minimise delays in the application process."</u></i> 3. Paragraph 8.16 - suggest delete heading and make this fourth para. of Pre-Application discussions saying: <i><u>"In some cases.....needed however Developers should..... that in other cases additionalapplication."</u></i> 4. Paragraphs 8.12 - 8.13 - Suggest new heading: <i><u>"Unlawful Activity"</u></i> 5. Paragraph 8.21 - This is unacceptable. If <i><u>"the land take for construction"</u></i> involves any earthworks, habitat, species or geological disturbance, it <u>should be within the red line</u> shown on the application form. The ecological impact should be taken into consideration in the biodiversity assessment and any mitigation and restoration plans should be described. 6. Paragraphs 8.24–8.30 - Welcome the text but would like a proviso that the gains are evidence-based and subject to condition and monitoring because in our experience they do not always happen. (Rep: 6235) 	<p>Comments noted.</p> <ol style="list-style-type: none"> 1&2. The Council will review the wording of this section. 3. Agreed to amend the heading. The wording will be reviewed. 4. Agreed. 5. The wording of para 2.81 will be reviewed 6. It is recommended that the wording be amended to refer to compensatory measures being subject to planning conditions and ongoing monitoring.
<p>Incorporating Biodiversity into a Domestic Application</p> <ol style="list-style-type: none"> 1. Paragraph 8.50 - Reads as if author ran out of steam. E.g. <i><u>"Further advice can be sought from... the internet."</u></i> 2. This section could be tightened up and simplified. E.g. Suggest Para. 8.38 reads: <i><u>"Bats and birds, especially..... martins and barn owls may nest or roost in buildings. Great crested newts may be found in cellars or, more commonly, outdoors in ponds, canals or ditches and among stones"</u></i> 3. Suggest all the headings re-ordered to put EPS first, mammals, then GCNs, then non-EPS bird categories. If they were presented as e.g. <i><u>Hazel Dormouse (EPS)</u></i> there would be no need to say <i><u>"this is an EPS"</u></i>! 	<ol style="list-style-type: none"> 1. Comments noted. The reference to the internet was inserted previously at the request of a topic stakeholder but will be deleted. 2. Comments noted but no change considered necessary. 3. It is recommended that the headings / sections be re-ordered. 4. -7. The wording will be reviewed.

<p>4. Paragraphs 8.51 to 8.58 - Vague and does not inspire confidence in information presented or management of these issues. People need to know how to find out/who to ask about these things because the SPG is where they will expect precise detailed advice.</p> <p>5. Paragraph 8.59 - Misunderstanding of “enhancement and maintaining”. Promoting, learning about and publicising Geodiversity is desirable but <u>not</u> the same as enhancing and maintaining it.</p> <p>6. Paragraph 8.67 – Disagree that this is “<i>relatively easy</i>”. It is extremely difficult to get applicants, particularly those for the larger scale proposals, to “<i>target their actions</i>” to these attributes. On the whole, habitat and species destruction from development and modern agricultural practices far outweighs any of these measures. While we fully support all these resilience measures, this document is SPG and there is nothing in this add-on section to make us feel confident that these resilience ambitions will be incorporated into the planning system.</p> <p>7. Agree that these measures should be incorporated into the design phase where they will attract better scrutiny. (Rep: 6235)</p>	
<p>Missing Sections</p> <p>1. The SPG should include sections at the beginning of the document on:</p> <p>(a) State of Nature (Wales) Report</p> <p>(b) Environment (Wales) Act Part 1, Section 3: Sustainable Management of natural resources; Section 4: Principles of Sustainable Management of natural resources; Section 6: Biodiversity and resilience of ecosystems duty.</p> <p>2. Section 5.0 - Should make it clear that the LDP is an integrated document and other policies besides SP7 and DM2 are relevant to Biodiversity and Geodiversity. For example: DM7 on light pollution, DM13.13.v. on protection of soils, DM14.2 Air quality management, DM15 Waste within developments.</p> <p>3. Cumulative impacts on biodiversity and geodiversity.</p> <p>4. <u>Soils</u> - DM13.13.v.Protects soils and particularly peat which are geodiversity features. This policy is not mentioned in the SPG and the only specific mention of soils is in relation to woodland. Carbon soils, including peat provide a valuable carbon sink and specific soil types support unique ecosystems. (Rep: 6235)</p>	<p>1. Comments noted. Reference to the State of Nature Report will be added, but Appendix C is considered sufficient to explain the legislative requirements.</p> <p>2. The introduction explains this and Appendix C which already lists the key LDP.No change required.</p> <p>3. & 4. New sections will be added on on:</p> <ul style="list-style-type: none"> • Cumulative and In Combination Effects • Soils.
<p>Comments on Section 6</p> <p>1. Paragraph 6.1 - explains that the section follows</p>	<p>1. The Council will review the structure of section 6.</p>

<p>the format of DM2, but in the material which follows the main headings are inconsistent</p> <ul style="list-style-type: none"> - <u>Designated Sites</u> - <u>Habitats of principal importance</u> - <u>Protected and important Species</u> <p>Geodiversity is combined with Biodiversity and a new level of “Regional” is introduced. It would be better to treat Geodiversity separately from Biodiversity in this section.</p> <ol style="list-style-type: none"> 2. The structure of headings needs to be clear and consistent. Bold <u>headings</u> should be used to guide reader clearly through different designations instead of scattering specific designations within paragraph text eg 6.11, 6.13, 6.16, 6.17, 6.18, 6.19, 6.21. 3. Section 6 - is confusing. Terms and format need to be used clearly and consistently: “designation” vs “statutory”, “protected” vs “important”, devolution to Wales of some planning functions, what information applicants need to provide about woodland and LBAP categories, what regard PCC will have to LBAP categories in planning determinations. In the sub-sub-headings, LBAP habitats and species are only “important”, however, in Table 1, LBAP Habitats and Species have <u>statutory</u> protection but RVNRs and AW do not. 4. It needs to be clear that the duty to enhance and maintain biodiversity) <u>everywhere</u> where there is no national or international designation lies with Powys CC. For International and Nationally designated sites, PCC is responsible for considering cumulative impacts. PCC is also responsible for considering cumulative impacts on all other biodiversity interests. A similar statement is needed for geodiversity (especially soils). (Rep 6235) 	<ol style="list-style-type: none"> 2. Headings will be reviewed. 3. These terms will be reviewed. 4. The Section 6 duty of the Environment Wales (Act) will be included in the SPG.
<ol style="list-style-type: none"> 1. Section 8 - It could be explained that some sites are not suitable for development and for developers / applicants to seek professional advice. 2. It would be useful to provide a framework to applicants for how it might be justified that the benefit of development proposals may significantly outweigh the effects on the environment. (Rep 7076) 	<p>1 & 2 The comments are noted. No change required.</p>

3.4 Approval and Adoption of the first set of SPG by the Council

3.4.1. Having considered the issues and comments received and scrutinised the Consultation Draft SPGs, the Cabinet approved the three SPGs at its Cabinet meeting on 9th October 2018. **Note: This paragraph subject to editing further to decision-making at the Cabinet Meeting on 9th October 2018.**

Note: Following sections 4. to 6. to be completed over 2019-2020 as the SPG preparation programme continues.

4. Public Consultation on the second set of SPG

4.0.1 In accordance with the SPG programme agreed for the LDP (in Table 1 on page 1), the second set of SPG to be prepared for public consultation:

- **Landscape**
- **Renewable Energy**

5. Public Consultation on the third set of SPG

5.0.1 In accordance with the SPG programme agreed for the LDP (in Table 1 on page 1), the third set of SPG to be prepared for public consultation:

- **Conservation Areas**
- **Open Space**
- **Residential Design Guide**

6. Public Consultation on the fourth set of SPG

6.0.1 In accordance with the SPG programme agreed for the LDP (in Table 1 on page 1), the fourth set of SPG to be prepared for public consultation:

- **Archaeology**
- **Historic Environment**
- **Land Drainage**

