

## Planning, Taxi Licensing and Rights of Way Committee Report

**Application Number:** 24/0062/FUL

**Grid Ref:** E: 284921  
N: 291803

**Community Council:** Trefeglwys Community

**Valid Date:** 29.01.2024

**Applicant:** Esgair Galed Energy Park Limited

**Location:** Land 3800 Metres West of Staylittle, Staylittle, Llanbrynmair, Powys.

**Proposal:** Erection and operation of a temporary meteorological mast for an approximate 36-month period

**Application Type:** Full Application

### The reason for Committee determination

The application has been 'called-in' by the Local Member.

### Consultee Responses

#### Consultee

#### Received

Community Council

19th Feb 2024

Customer made comments in support of the Planning Application

Ward Councillor

5th Feb 2024

**Stance:** Customer objects to the Planning Application

**Reasons for comment:**

- Affect local ecology
- Development too high
- Out of keeping with character of area
- Over development

**Comments:** Due to the significant concerns raised by many members of the community's I represent to the overly large energy park that is proposed on and around this site and that this meteorological mast would feed results into I must object to this

element of the proposal. The proposals of the wider energy park have raised many elements of concern from constituents, from the impact to the diverse ecology of the areas to the visual and noise impacts on residents.

PCC-(N) Highways

29th Feb 2024

The County Council as Highway Authority for the County Unclassified Highway, U2526

Wish the following recommendations/Observations be applied  
Recommendations/Observations

The proposed development gains access off the U2526 through road. The Unclassified highway is narrow; however, the road only serves the farm to which the proposed development is located.

No Abnormal Indivisible Load (AIL) movements are proposed only two rigid HGV movements are proposed, the remaining 6 delivery movements are to be undertaken by 4x4's towing trailers (4) and a transit van (2), which are akin to many agricultural movements on the network.

The Highway Authority considers that the proposed development shall not have a significant impact on the highway network, therefore, we do not wish to make any further comments at this stage.

#### Advisory Notes

NOTE: THE ATTENTION OF THE APPLICANT MUST BE DRAWN TO RELATED HIGHWAYS LEGISLATION WHICH MAKES PROVISION FOR THE FOLLOWING;

1. Under Section 50 of the New Roads & Street Works Act 1991 it is a requirement that a Streetworks licence is obtained from the Highway Authority to place, or to retain, apparatus in the highway and thereafter to inspect, maintain, adjust, repair, alter or renew the apparatus, change its position or remove it.
2. The need to inform and obtain the consent of Statuary Undertakers (Electricity, Water, Gas, BT), Land Drainage Authority, etc. to the works.
3. The New Roads & Street Works Act 1991 requires that all works, be properly notified and approved prior to commencement.

Further advice on the above highway matters can be obtained from:-

[http://www.powys.gov.uk/en/roads-transport-parking/  
street.works@powys.gov.uk](http://www.powys.gov.uk/en/roads-transport-parking/street.works@powys.gov.uk)

Street Works

Powys County Hall  
Spa Road East  
Llandrindod Wells  
Powys  
LD1 5LG  
0845 6027035

Hafren Dyfrdwy

6th Feb 2024

As the proposal has no impact on the public sewerage system, I can advise we have no objections to the proposals and do not require a drainage condition to be applied.

IMPORTANT NOTE: This response only relates to the public wastewater network and does not include representation from other areas of Severn Trent Water/Hafren Dyfrdwy, such as the provision of water supply or the protection of drinking water quality

PCC-Ecologist

29th Jan 2024

Recommendation:

No objection - subject to planning conditions and/or planning obligations

Policy background:

- o Planning Policy Wales, Edition 11, 2021
- o Technical Advice Note (TAN) 5
- o Powys Local Development Plan 2011 - 2026:

DM2 - The Natural Environment

DM4 - Landscape

DM7 - Dark Skies and External Lighting

- o Powys Supplementary Planning Guidance: Biodiversity and Geodiversity (2018)

Legislative background:

- o The Conservation of Habitats and Species Regulations 2017 (as amended)
- o Environment (Wales) Act 2016

Statutory sites within 500m:

- o None

Non-statutory sites within 500m:

- o None

Records of protected and/or priority species reported within 500m? Yes

Comments:

No ecological information has been submitted with the application; the following comments are based on review of the proposed plans and aerial images, as well as records of protected and priority species and designated sites within 500m of the proposed development.

The Planning Statement produced by CarneySweeney Planning dated January 2024 states that the proposed location of the Met Mast is located within a field comprising agricultural land, a review of aerial photographs and available Phase 1 Habitat information supports this assessment identifying the proposed location and adjacent habitats as improved grassland and aerial photographs indicate this area is currently used for grazing. Improved grassland habitats are generally of relatively low ecological value due to a lack of species and structural diversity. The Planning Statement identifies that an infrared aviation light is required for aviation safety purposes and that bird divertors would be fitted on outer guy wires only at 5m intervals to make the guyed structure visible to birds and thus prevent collision. No new access tracks (temporary or permanent) are required.

Given the location of the proposed development, it is recommended that a condition is attached to restrict installation of any external lighting (other than that required for aviation safety) if this is likely to be required at any time.

Biodiversity enhancement:

No details of enhancement measures have been provided. Given the scale and temporary nature of the scheme, it is acknowledged that the scope for inclusion of beneficial enhancements is limited.

Subject to inclusion of the conditions below, would the development result in a significant negative effect on biodiversity? No

Conditions:

Should Development Management be minded to approve this application, inclusion of the

following conditions is recommended:

1. All outer guy wires shall have bird deflectors attached at a spacing of 5m along the entire length. The deflectors shall be installed on the guy lines of the mast for the duration of the planning consent and any deflectors found to be broken or detached shall be replaced within one month.
2. No external lighting (other than that required for aviation safety) shall be installed unless a detailed external lighting design scheme has been submitted to and approved in writing by the Local Planning Authority. The external lighting scheme shall identify measures to avoid impacts on nocturnal wildlife, including bats and otter, in accordance with the recommendations outlined in the BCT and ILP Guidance Note 08/23 Bats and Artificial Lighting at Night (2023). The development shall be carried out in accordance with the approved details.

Reason: To comply with Powys County Council's LDP Policies DM2 and DM7 and to meet the requirements of Planning Policy Wales (Edition 11, February 2021), TAN 5: Nature Conservation and Planning and Part1 Section 6 of the Environment (Wales) Act 2016.

Thank you for your letter inviting our comments on the information submitted for the above planning application.

### Advice

Having carefully considered the information provided, we have no objection to the proposed development in regard to the scheduled monuments or registered historic parks and gardens listed in our assessment of the application below.

The national policy and Cadw's role in planning are set out in Annex A.

### Assessment

#### Scheduled Monuments

**CD246 Carn Fawr Round Cairns**  
**CD278 Hengwm Ring Cairns**  
**MG105 Pen y Crogben Round Barrow**  
**MG106 Pen y Crogben Earthwork**  
**MG107 Bryn y Fedwen Round Barrows**  
**MG108 Foel Fadian Round Barrow**  
**MG110 Carn Biga, Pumlumon Farw/Plynlimon**  
**MG113 Carn Fach Bugeilyn**  
**MG171 Barrow Group W of Staylittie**  
**MG226 Nant yr Eira Prehistoric Copper Mines & 19th Century Lead Mine**  
**MG247 Dyngwm/Castle Rock Lead Mine**  
**MG252 Carreg Wen Prehistoric Standing Stone**  
**MG255 Hut Circle Settlement below Foel Isaf, Bugeilyn**  
**MG266 Cefn Llwyd Round Barrow and standing stone**  
**MG282 Y Ffridd Round Barrow**

## **MG323 Cwmbiga long cairn**

The above designated historic assets are located inside 3km of the proposed development.

The proposal is for a temporary meteorological mast up to 122.5m in height of aluminium alloy construction held up by high tensile guy wires extending to between 30-80m from the mast.

In most cases either intervening topography will block views between the proposal and the above scheduled monuments or if views are possible the slender nature of the proposed mast will mean it is unlikely to be clearly visible. The exception will be scheduled monument MG266 Cefn Llwyd Round Barrow and standing stone located between some 250 and 390m to the north northwest of the proposed mast.

Scheduled Monument MG266 Cefn Llwyd Round Barrow and standing stone comprises the remains of an earthen built round barrow, dating to the Bronze Age (c. 2300 - 800 BC), and is sited in a prominent position on the Cefn Llwyd ridge. The barrow is circular in shape on plan and has a rounded profile, measuring 15m in diameter and 1.8m high. Also, present is a large white quartz stone 1.8m in length, situated some 100m north of the barrow, which may be contemporary.

Bronze Age funerary and ritual monument are thought to have been located so that they had views to and from neighbouring funerary monuments, prominent natural features, and associated settlement sites. Whilst there are distant views to the locations of neighbouring Bronze Age barrows some 2.5-3km away the significant view is that which links the two components of the scheduled monument: the barrow and standing stone in a north and south direction.

The proposed mast will be prominent in views south from the standing stone as its location will be some 120m east of the barrow in this view. This will have an adverse effect on the way the monument is experienced, understood, and appreciated. However, the proposed application is temporary, for a 3-year period after which the mast will be removed. Consequently, the proposed development will have limited and minor adverse impact on the setting of scheduled monument MG266.

### PCC-Rights Of Way Senior Manager

No comments received at the time of writing this report.

Thank you for consulting the Ministry of Defence (MOD) on the above proposed development received by this office on 29 January 2024.

The Defence Infrastructure Organisation (DIO) Safeguarding Team represents the Ministry of Defence (MOD) as a consultee in UK planning and energy consenting systems to ensure that development does not compromise or degrade the operation of defence sites such as aerodromes, explosives storage sites, air weapon ranges, and technical sites or training resources such as the Military Low Flying System.

The applicant has submitted a full application seeking permission for a proposed installation and operation of an 120m high meteorological mast for a period of 36 months.

### Physical Obstruction

In this case the development falls within Tactical Training Area 7T (TTA 7T), an area within which fixed wing aircraft may operate as low as 100 feet or 30.5 metres above ground level to conduct low level flight training. The addition of turbines in this location has the potential to introduce a physical obstruction to low flying aircraft operating in the area.

To address this impact, and given the location and scale of the development, the MOD require conditions are added to any consent issued requiring that the development is fitted with aviation safety lighting and that sufficient data is submitted to ensure that structures can be accurately charted to allow deconfliction. Suggested condition wordings are set out in Appendix A.

As a minimum the MOD would require that the meteorological mast is fitted with 25cd visible or infra-red (IR) lighting.

### Summary

Subject to the two conditions requested above and provided in Appendix A, the MOD has no objections to the development.

The MOD must emphasise that the advice provided within this letter is in response to the data and information detailed in the developer's documents provided in support of application 24/0062/FUL for which the MOD were consulted by Powys County Council on 29 January 2024.

Any variation of the parameters (which include the location, dimensions, form, and finishing materials) detailed may significantly alter how the development relates to MOD safeguarding requirements and cause adverse impacts to safeguarded defence assets or capabilities. In the event that any amendment, whether considered material or not by the determining authority, is submitted for approval, the MOD should be consulted and



provided with adequate time to carry out assessments and provide a formal response.

## **Appendix A**

### **Condition - Aviation Lighting**

Prior to commencing construction of any meteorological masts, or deploying any construction equipment or temporal structure(s) 15 metres or more in height (above ground level) the undertaker must submit an aviation lighting scheme for the approval of the Powys County Council in conjunction with the Ministry of Defence defining how the development will be lit throughout its life to maintain civil and military aviation safety requirements as determined necessary for aviation safety by the Ministry of Defence.

This should set out:

- a) details of any construction equipment and temporal structures with a total height of 15 metres or greater (above ground level) that will be deployed during the construction of meteorological mast and details of any aviation warning lighting that they will be fitted with; and
- b) the locations and heights of all meteorological mast featured in the development identifying those that will be fitted with aviation warning lighting identifying the position of the lights on the meteorological mast; the type(s) of lights that will be fitted and the performance specification(s) of the lighting type(s) to be used.

Thereafter, the undertaker must exhibit such lights as detailed in the approved aviation lighting scheme. The lighting installed will remain operational for the lifetime of the development.

Reason for condition.

To maintain aviation safety.

### **Condition - Aviation Charting and Safety Management**

The undertaker must notify the Ministry of Defence, at least 14 days prior to the commencement of the works, in writing of the following information:

- a) the date of the commencement of the erection of meteorological mast;
- b) the maximum height of any construction equipment to be used in the erection of the meteorological mast;
- c) the date any meteorological mast are brought into use;
- d) the latitude and longitude and maximum heights of each meteorological mast.

The Ministry of Defence must be notified of any changes to the information supplied in accordance with these requirements and of the completion of the construction of the development.

Reason for condition.

To maintain aviation safety.

Environmental Protection

30th Jan 2024

Environmental Protection have no objection

Thank you for the opportunity to review and comment on the above development.

Arqiva is responsible for providing the BBC, ITV and the majority of the UK's radio transmission network and is responsible for ensuring the integrity of Re-Broadcast Links.

Tall infrastructure such as wind turbines and other tall structures have the potential to block radio transmission links and rebroadcasting links (through direct blocking of radio signal or deflecting signal). Our radio transmission networks normally operate with a 100m buffer either side of a radio link, free from interference by tall development.

We have considered whether this development is likely to have an adverse effect on our operations and have concluded that we have no objection.

If you would like to discuss this matter further, please do make contact. My email details are [windfarms@arqiva.com](mailto:windfarms@arqiva.com)

## **Representations**

Following the display of a site notice on 12/02/2024, 60 public representations have been received at the time of writing this report.

These raise the following concerns:

- Potential of leading to a subsequent windfarm proposal
- Objections to any windfarm proposal
- Height of the mast / landscape impact
- Impact upon birds
- Impact upon aircraft
- Impact upon dark skies from the aviation light
- Proximity to right of ways (ROWs)
- Noise and visual impact when using the ROWs
- Highway network appropriateness
- Proximity to SSSI
- Pouring of concrete (pollution from it, ability to reinstate the land afterward)
- Impact upon property prices
- Impact upon existing tourist businesses
- Determination by PCC instead of PEDW
- Possibility of the mast becoming permanent
- Archaeological impacts
- Disturbance of peat bogs

- Reputation of the developers

### Planning History

App Ref	Description	Decision	Date
None			

### Principal Planning Constraints

Clywedog Article 4  
 Right of Way approx. 180m away  
 Within a distance of 1km from a Scheduled Ancient Monument

### Principal Planning Policies

Policy	Policy Description	Year	Local Plan
NATPLA	Future Wales - The National Plan 2040		National Development Plan 2021
PPW	Planning Policy Wales (Edition 12, February 2024)		National Policy
TAN5	Nature Conservation and Planning		National Policy
TAN6	Planning for Sustainable Rural Communities		National Policy
TAN8	Renewable Energy		National Policy
TAN11	Noise		National Policy
TAN12	Design		National Policy
TAN18	Transport		National Policy
TAN24	The Historic Environment		National Policy
DM2	The Natural Environment		Local Development Plan 2011-2026
DM4	Landscape		Local Development

		Plan 2011-2026
DM7	Dark Skies and External Lighting	Local Development Plan 2011-2026
DM13	Design and Resources	Local Development Plan 2011-2026
DM15	Waste Within Developments	Local Development Plan 2011-2026
SP7	Safeguarding of Strategic Resources and Assets	Local Development Plan 2011-2026
T1	Travel, Traffic and Transport Infrastructure	Local Development Plan 2011-2026
RE1	Renewable Energy	Local Development Plan 2011-2026
SPGLAN	Landscape SPG	Local Development Plan 2011-2026
SPGBIO	Biodiversity and Geodiversity SPG (2018)	Local Development Plan 2011-2026
SPGRE	Renewable Energy SPG	Local Development Plan 2011-2026

### **Other Legislative Considerations**

Crime and Disorder Act 1998  
 Equality Act 2010  
 Planning (Wales) Act 2015 (Welsh language)  
 Wellbeing of Future Generations (Wales) Act 2015  
 Marine and Coastal Access Act 2009

### **Officer Appraisal**

#### Site Location and Description

The application site is located within the open countryside, and forms part of Trefeglwys Community Council area. The site lies approximately 3.8km west of Staylitttle, and 2.5km southwest of Dylife. The site is accessed via the C2020, which leads to the U2526, before going onto private land.

Consent is sought for the erection of a meteorological mast for a temporary period of 3 years. The mast itself would be 120 metres in height, with additional equipment making it 122.5m tall, and would be secured by 3 legs of guy wires, each with 19 guys. The outermost guys will be anchored to a point 80m from the base of the mast.

### Principle of Development

This application proposes infrastructure that is associated with a potential future development of wind turbines. Policy RE1 of the Powys Local Development Plan (LDP) states that:

*“Proposals for renewable and low carbon energy development will be permitted subject to the following criteria:*

- 1. Within or close to the Strategic Search Areas (SSAs), proposals for wind energy greater than 25MW will be permitted subject to criteria 3 to 5; all other proposals for renewable and low carbon energy will only be permitted where they can demonstrate they would not prejudice the purpose of the SSA.*
- 2. Within the Local Search Areas (LSAs), proposals for solar PV between 5 – 50MW will be permitted subject to criteria 3 to 5; all other proposals for renewable and low carbon energy will only be permitted where they can demonstrate they would not prejudice the purpose of the LSA.*
- 3. Proposals for all types of renewable and low carbon energy development and associated infrastructure either on their own, cumulatively or in combination with existing, approved or proposed development, shall comply with all other relevant policies in the LDP.*
- 4. Satisfactory mitigation shall be in place to reduce the impact of the proposal and its associated infrastructure. Proposals shall make provision for the restoration and after-care of the land for its beneficial re-use.*
- 5. Where necessary, additional compensatory benefits will be sought by agreement with applicants in accordance with Policy DM1 - Planning Obligations”*

Whilst the wind turbines themselves are not subject to this planning application, this mast is designed to gather meteorological data to inform whether or not it would be viable to pursue a renewable development proposal in this location. This application therefore, falls within the scope of ‘associated infrastructure’ which is submitted on its own for a future potential proposed development, referred to within point 3.

There are no other specific policies that deal with renewable energy proposals, or meteorological masts within the LDP, however consideration is given to Policy DM13 which states that development proposals must be able to demonstrate a good quality design and shall have regard to the qualities and amenity of the surrounding area, local infrastructure and resources.

The mast is temporary, and any impact from it will be removed once the mast is

removed after the temporary 3-year period. Conditions will be attached to any granting of consent requiring that the land be reinstated to its condition pre-development, which is considered to be sufficient to ensure that no long-term impacts are had from this development by itself, in accordance with point 4 of Policy RE1.

Consideration is given to other policy requirements, and material considerations, below.

### Design and Landscape Impact

LANDMAP evaluates the area as 'high' and defines the area as *“Moorland and marginal land to the north and northeast of Pumlumon. Much of the area is open moorland and common land, with the fringes partly enclosed in the post-medieval and modern periods with large irregular and straight-sided boundaries. There are also small areas of registered common land in the northern part of the area. There are also large blocks of 20th-century conifer woodland. The natural, post-glacial lakes of Bugeilyn and Glaslyn lie within the area. Early settlement and land use is indicated by dispersed clusters of Neolithic to Bronze Age hilltop burial mounds and flint-scatter sites. The Roman road west of Caersws crosses the central part of the area, passing the Roman fortlet at Penycrocbren. Extensive areas late 19th and early 20th lead mining industrial remains. Later settlement and land use indicated by scattered medieval and post-medieval house sites.”*

Whilst the area of the site is high in its value, the area does not form part of a defined 'area of outstanding natural beauty' (of which there are none in Powys), nor a national park.

Whilst it is acknowledged that the mast will be visible from a wide area, the mast is constructed using slim aluminium, which will reduce the visual massing of the structure. It is also noted that the mast will be sited for up to 3-years, and that as such, any impact upon the landscape will be temporary.

Further, planning policy gives significant weight to the provision of renewable energy sources. Whilst this site doesn't form part of a pre-assessed area for wind farm development, the national development framework (Future Wales: The National Development Plan 2040) does not prohibit development outside of these pre-assessed zones. As such, the acceptability of any wider development will be assessed by relevant determining bodies should any future application be submitted. The concerns raised regarding any potential future development is not considered to be a reason to refuse this temporary application for a meteorological mast.

### Decommissioning

The submission indicates that after the operational period the met mast would be dismantled, and the anchors removed. Due to the temporary nature of the structure, site restoration beyond reinstating the anchor trenches would not be required. The proposed decommissioning is considered acceptable in accordance with LDP Policy RE1 and to

ensure that the site is restored to its former condition, it is recommended that it a condition is attached.

### Highways

The application does not seek alterations to the existing means of access to the site. The Local Highway Authority has not offered any objection and taking into account the minimal traffic movements associated with the development, it is considered that the development is served by an adequate means of access in accordance with LDP Policies DM13 and T1.

Whilst it is noted that third party comments have raised concerns with the ability of the highway network to accommodate construction vehicles for the mast, these concerns are not shared with the Highway Authority, or the Local Planning Authority. The development, during construction phase, will require 1 digger (which will be delivered and collected upon a single flatbed trailer), two 4x4 vehicles with trailers, and one transit van, which will deliver all mast components for installation on site. Construction staff will then utilise two 4x4 vehicles for each day of construction works (of which there are estimated to be between 6 and 10). These movements are akin to agricultural movements that would be seen upon the highway network daily in any case, regardless of the proposal. It is therefore not considered that the development would detriment highway safety within the surrounding area.

### Neighbour Amenity

Given the distance involved, the lack of moving parts, the slender design and intervening topography, it is considered that the development is unlikely to have any unacceptable impacts upon the visual or other amenities enjoyed by occupiers of any residential properties in the vicinity in accordance with LDP Policies RE1 and DM13.

It is noted that concerns have been raised in relation to the aviation light which will be fitted to the top of the mast, however, it is not considered that the light would offer a detrimental impact upon the amenity of any neighbouring properties.

### Natural Environment

#### *Protected Species*

No ecological information has been submitted with the application. The PCC Ecologist has been consulted and has noted that they have no objection to the development, subject to the inclusion of appropriate conditions on any granting of consent, relating to bird deflectors and no other external lighting apart from the aviation light.

#### *Protected Sites*

The Pumlumon SSSI is located approximately 1km away from the site. The PCC

Ecologist has not raised any concerns in this regard. There are no other statutory designated sites within the vicinity.

### *Biodiversity*

The PCC Ecologist has commented that *“no details of enhancement measures have been provided. Given the scale and temporary nature of the scheme, it is acknowledged that the scope for inclusion of beneficial enhancements is limited.”* It is therefore not considered appropriate to request biodiversity enhancement measures on this occasion.

No green infrastructure will be impacted by the development other than a minor area of low-ecological value grazed grassland. There is therefore not considered to be any loss of biodiversity that requires compensation.

### Right of Way

The development is located approximately 180m west of Public Rights of Way (ROW) 257/160/3, which is a bridleway. PCC Rights of Way department have been consulted on the proposal, though no comments have been received at the time of writing this report.

Given the degree of separation, whilst the mast will be visible to users of the ROW, it will not block their path. Given the minimal transportation vehicles that are proposed as part of the construction of the mast it is not considered likely that they would park in such a way as to block the right of way, as they would more likely park closer to the site for unloading ease.

### Impact upon Aviation

The mast will be 122.5m tall, and as such, has the potential to impact upon low flying aircraft. The Ministry of Defence have been consulted on the proposal and have confirmed that they have no objection, subject to the inclusion of suggested conditions.

### Archaeology / Scheduled Ancient Monument

There are several scheduled ancient monuments (SAMs) within the vicinity of the development, and as such, Cadw have been consulted.

Cadw have noted that there are 16 SAMs within 3km, and that in most cases either intervening topography will block views between the proposal and the SAMs, or if views are possible, the slender nature of the mast will mean that it is unlikely to be clearly visible. They have however noted that SAM MG266: Cefn Llwyn Round Barrow will be an exception to this.

The main issue is therefore the effect of the proposal may have on MG266 which is located between 250-390m to the northwest of the mast. The SAM is a round barrow



dating back to the bronze age and located within a prominent location on the Cefn Llwyd Ridge, also present is a large quartz stone.

Cadw note that the mast will have an adverse effect upon how the monument is experienced, understood, and appreciated and therefore significant weight and consideration is given to the identified impact of the proposed development.

When considering PPW and TAN24 it is considered that given the temporary nature of the mast, which could be removed from site with minimal disturbance to the land, on balance and considering Cadw's comments (and no objection) it is considered that subject to a condition ensuring the mast is removed in its entirety the harm could be appropriately mitigated against.

### Third Party Comments

Several third-party comments have been received during the processing of this application. Whilst some of the concerns raised have been addressed above, the remainder are addressed below:

- Potential of a subsequent windfarm proposal
  - Not a consideration of this planning application. Should the developers decide to pursue other development, they will need to apply for planning permission at that time, at which point it would be assessed.
- Objections to any windfarm proposal
  - These objections appear to mistakenly believe that this application is for a windfarm proposal and include many aspects of objection (such as transportation of large blades, pouring of concrete, visual impact, lifespan of turbines, decommissioning of turbines, carbon impact of how turbines are made, compliance with planning policy etc.). This application relates solely to the meteorological mast and does not include any proposal for a windfarm.
- Pouring of concrete (pollution from it, ability to reinstate the land afterward)
  - The development will not include the pouring of any concrete. The guy wire anchor points will be held in place using buried railway sleepers, which will also be removed once the mast is decommissioned.
- Impact upon property prices
  - the courts have taken the view that planning is concerned with land use in the public interest, the protection of purely private interests such as the impact of a development on the value of a neighbouring property is not a material planning consideration, no further weight will therefore be given to this matter.
- Determination by PCC instead of PEDW

- As this application is not a development of national significance, it does not require determination by PEDW.
- Possibility of the mast becoming permanent
  - The application is proposed as temporary and will be conditioned as such. Should the developer wish to extend the period for the siting of the mast, a new planning application will be required and it will be assessed at that time on its own merits.
- Disturbance of peat bogs
  - NRW peatland mapping does not include the development site area itself as being peatland.
- Reputation of the developers
  - Not a planning consideration.

## **RECOMMENDATION**

In light of the above, on balance it is considered that the proposal complies with relevant planning policies, and the recommendation is therefore one of consent subject to the below conditions:

### **Conditions**

1. The development shall begin not later than five years from the date of this decision.
2. The development shall be carried out in accordance with the following approved plans and documents;
  - Application Form
  - Figure 1 – Location Plan
  - Figure 2 – Environmental Constraints
  - Figure 3 – Site Layout Plan
  - Figure 4 – Site Access Plan
  - Meteorological Mast Elevation
  - Meteorological Mast Plan View
  - Planning Statement
  - Green Infrastructure Statement
3. The mast hereby permitted shall be removed and the land restored to its former condition within 3 years from the date of commissioning. The applicant shall inform the Local Planning Authority of the date of commissioning accordingly within 3 months of such date.

4. Notwithstanding the submitted information, prior to commencing construction of the meteorological mast, or deploying any construction equipment or temporal structure(s) 15 metres or more in height (above ground level), the undertaker must submit an aviation lighting scheme for approval in writing by the Local Planning Authority in conjunction with the Ministry of Defence. This scheme should define how the development will be lit throughout its life to maintain civil and military aviation safety requirements as determined necessary for aviation safety by the Ministry of Defence and identify measures to avoid impacts on nocturnal wildlife, including bats and otter, in accordance with the recommendations outlined in the BCT and ILP Guidance Note 8 Bats and Artificial Lighting (12th September 2018). This should set out:
  - a. Details of any construction equipment and temporal structure(s) with a total height of 15 metres or greater above ground level that will be deployed during construction of the meteorological mast and details of any aviation warning lighting that they will be fitted with; and
  - b. The locations and heights of the meteorological mast hereby approved, identifying the position of the aviation lights on the mast; the type(s) of lights that will be fitted and the performance specification(s) of the lighting type(s) to be used.

Thereafter, the undertaker must exhibit such lights as detailed in the approved aviation lighting scheme. The lighting installed will remain operational for the lifetime of the development.

5. The undertaker must notify the Ministry of Defence, at least 14 days prior to the commencement of the development, in writing of the following:
  - a. The date of the commencement of the erection of meteorological mast;
  - b. The maximum height of any construction equipment to be used in the erection of the meteorological mast;
  - c. The date any meteorological mast are brought into use;
  - d. The latitude and longitude and maximum height of the meteorological mast.

The Ministry of Defence must be notified of any changes to the information supplied in accordance with these requirements and of the completion of the construction of the development.

## **Reasons**

1. Required to be imposed by Section 91 of the Town and Country Planning Act

1990.

2. To ensure adherence to the approved plans in the interests of clarity and a satisfactory development.
3. To enable the situation to be reassessed by the local planning authority at the expiry of that period having regard to the circumstances appertaining at the time in compliance with policy RE1 of the Powys Local Development Plan (2011-2026).
4. To comply with Policy DM2 of the Powys Local Development Plan (2011-2026) and to meet the requirements of Planning Policy Wales (Edition 12, February 2024), Technical Advice Note (TAN) 5: Nature Conservation and Planning (2009) and Part1 Section 6 of the Environment (Wales) Act 2016 and to maintain aviation safety.
5. To maintain aviation safety.