



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

Neath Port Talbot County Borough Council
FAO: Mr Steve Ball
Planning Department
The Quays
Brunel Way
Baglan Energy Park
Briton Ferry
SA11 2GG

Date: 22 June 2020
Officer: Davina Powell
Your Ref: P2020/0362
Our Ref: 20/18660/FRI

Dear Mr Ball,

Town and Country Planning Act 1990 (as amended)

Town and Country Planning (Development Management Procedure) (Wales) Order 2012

Proposal: "Construction of complementary restoration earthworks to create 2 looped landform platforms (part in cutting and part on embankment) with associated drainage infrastructure and areas of landscaping and habitat creation to create a flexible and adaptable area of land that could be used for a variety of uses including agriculture, nature conservation, leisure, tourism and industrial, research and development/business uses (potentially including a proposed rail testing, research and development and storage facility) Cross boundary application see also PCC 20/0738/FUL"

Address: Land At And Surrounding, Nant Helen Open Cast Coal Site Powys And, Onllwyn Distribution Centre, Neath Port Talbot

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

Thank you for your consultation received 28 May 2020 regarding the above.

We understand Celtic Energy Limited has submitted a full (cross-boundary) planning application to Powys County Council and Neath Port Talbot Council for proposed earthworks at the site of the Nant Helen Open case Coal site. It is understood from the submitted Planning Statement that this planning application relates to the entire extent of land subject to coaling operations over the history of the mine and that the proposed earthworks are intended to complement the revised restoration strategy associated with the western extent of the site to be delivered under a separate Section 73 planning application, which received resolution to grant permission at Committee in March 2020, and will amend the extant planning permission granted under planning application P/2011/0217 and Section 73 application 18/1070/REM.

It is understood that the red outline of the site subject to the above planning application measures 416 hectares and is circa 100m from the Brecon Beacons National Park Authority (NPA) boundary at its closest

point. It is noted that the vast majority of the site is located in Powys, with a smaller area in the southern area of the site located in Neath Port Talbot.

We set out below background on the NPA's policy and legal context. The letter ends with our comments on the planning application submission made available on your website.

Background

Policy and legal context

Section 63 of the Environment Act (1995) sets out the statutory purposes of the National Park as follows:-

- To conserve and enhance the natural beauty, wildlife and cultural heritage of the National Park; and
- To promote opportunities for the public understanding and enjoyment of the special qualities of the National Park

In accordance with section 62(2) of the Environment, any relevant Authority shall have regard to National Park purposes when performing any functions in relation to, or so as to affect, land in a National Park. Relevant Authorities include public bodies, government departments, local authorities and statutory undertakers.

The Special Qualities of the National Park may be significantly impacted by development proposals on the fringes of the National Park. The Brecon Beacons National Park Management Plan 2015-2020 defines the Special Qualities of the Brecon Beacons National Park as follows:

- A National Park offering **peace and tranquillity** with opportunities for quiet enjoyment, inspiration, relaxation and spiritual renewal.
- A feeling of **vitality and healthfulness** that comes from enjoying the Park's fresh air, clean water, rural setting, open land and locally produced foods.
- A **sense of place and cultural identity** - "Welshness" - characterised by the use of the indigenous Welsh language, religious and spiritual connections, unique customs and events, traditional foods and crafts, relatively unspoilt historic towns, villages and family farms. The continued practices of traditional skills developed by local inhabitants to live and earn a living here, such as common land practices and grazing.
- A **sense of discovery** where people are able to explore the Park's hidden secrets and stories such as genealogical histories, prehistoric ritual sites, medieval rural settlements, early industrial sites, local myths, legends and geological treasures.
- The Park's **sweeping grandeur and outstanding natural beauty** observed across a variety of harmoniously connected landscapes, including marvellous gorges and waterfalls, classic karst geology with caves and sink holes, contrasting glacial landforms such as cliffs and broad valleys carved from old red sandstone and prominent hilltops with extensive views in all directions.
- A **working, living "patchwork" of contrasting patterns, colours, and textures** comprising of well-maintained farmed landscapes, open uplands, lakes and meandering rivers punctuated by small-scale woodlands, country lanes, hedgerows, stone walls and scattered settlements.
- **Extensive and widespread access to the Park's diversity of wildlife and richness of semi-natural habitats**, such as native woodlands, heathland and grassland, natural lakes and riparian habitats, ancient hedgerows, limestone pavement and blanket bogs including those of international and national importance.
- In the context of the UK, **geographically rugged, remote and challenging landscapes**.
- **Enjoyable and accessible countryside** with extensive, widespread and varied opportunities to pursue walking, cycling, fishing, water-based activities and other forms of sustainable recreation or relaxation.
- **An intimate sense of community** where small, pastoral towns and villages are comparatively safe, friendly, welcoming and retain a spirit of cooperation.

Planning Policy Wales (PPW) (Edition 10) acknowledges the statutory purposes of National Parks and references the “Sandford Principle”, whereby if there is a conflict between the statutory purposes, greater weight shall be given to the first purpose of conserving and enhancing the natural beauty, wildlife and cultural heritage.

PPW states that “planning authorities have a statutory duty to have regard to National Parks and AONB purposes. This duty applies in relation to all activities affecting National Parks and AONBs, whether those activities lie within, or in the setting of, the designated areas. The designated landscapes should be drivers of the sustainable use and management of natural resources in their areas, and planning authorities should have regard to their identified special qualities in the exercise of their functions and any relevant management plans.” (see para 6.3.5) (underlining is my emphasis).

Consideration

The Planning Application

It is understood that the proposed development relates to a combination of proposed cuttings (mostly to the west, east and south) and embankments (mostly to the north) creating a loop form. The materials for the earthworks would all originate on site and represent a volume of approximately 3,255,000m³.

Together with the required site preparation works a works programme of approximately 18 Months, with approximately 300-600 vehicle movements a day, is proposed. With the exception of the Northern Embankment, works would be carried out over 16 hours a day, 7 days a week (which we understand is the existing site operation times for the opencast mine). Due to the closer proximity of the northern embankment to residential receptors, works on this area would be based on a shorter 60-hour working week (6 days a week).

The submitted Environmental Statement (ES) includes a Landscape Visual Impact Assessment (LVIA) which utilises a 8km Zone of Theoretical Visibility (ZTV) and has assessed 18 viewpoints, some of which were requested by the NPA in previous comments. The ES concludes that there will be significant adverse visual impacts during construction on 14 viewpoints (out of 18), 5 of which are noted to be recreational receptors within the National Park. On completion of the works (year 1), significant adverse visual effects are noted on 8 viewpoints (out of 17), 3 of which are noted to be recreational receptors within the National Park. Photomontages do not form part of the LVIA to illustrate these findings – wire frame pictures of some viewpoints have been submitted instead.

The ES appears to not assess in detail the landscape and visual effects of the development for a longer period than year 1 completion as ES para 9.5.6 states: “...the future use of the earthworks is at this stage undefined. Therefore, assessment of the significance of effects based on the future establishment/maturity of planting (typically presented as assessment of effects at year 15 and year 30) has been excluded. However, mitigation planting proposals that would reduce the significance of effects have been described at the end of this chapter”.

Although it appears from para 9.5.6 a LVIA beyond 1 year completion has not been undertaken, a section of native broadleaf woodland is proposed as landscape mitigation around the proposed new embankment to the north of the site (within Powys). This is intended to replace established coniferous tree area which includes a small part of a Plantation on Ancient Woodland (PAW) site and some hedgerows and field pattern, which will be lost due to the creation of the new embankment. It is noted that NRW has previously raised concern with the adequacy of this mitigation, stating this was likely to take a long time to establish and that the effects of the planting would only be noticeable after year 15. NRW stated that further consideration be given to the design of the scheme to establish whether a revised design can avoid or mitigate adverse impacts on the National Park. The ES responds to these previous comments stating: “consideration of the slackening of embankment slopes has been given. To the north of the scheme this would result in the encroachment of engineered landform closer to residential properties and the removal of further woodland/vegetation, neither of which would be deemed advantageous. Planting of broadleaved woodland along the northern embankment would, over time help to integrate the earthworks with the surrounding wooded valley character of the landscape. In order to reduce the timeframe for the integration of the Project, it is proposed that a proportion of the planting should be larger stock and that a perceptible reduction in

adverse effects would be experienced within the first 5 years. As the future use of the earthworks is yet to be established, full details of planting proposals and a landscape strategy would be developed prior to implementation” (see ES Table 9.1).

Landscape and visual impact

Having reviewed the submission, the NPA comments focus mostly on the landscape and visual impact of the proposal as these are the aspects of the proposal which are considered to impact on the National Park’s purposes and ‘sweeping grandeur and outstanding natural beauty’ and ‘working, living “patchwork” of contrasting patterns, colours, and textures’ special qualities. We make the following comments:

1. It is noted that the Zone of Theoretical Visibility (ZTV) has been extended to 8km following previously issued comments on this aspect. This change from a 2km ZTV is supported.
2. Previous comments from the National Park also outlined the need for additional viewpoints to be included in the LVIA some of which have now been included. It is unclear why some of the suggested viewpoints were not deemed appropriate.
3. Significant adverse visual effects on the National Park are outlined in the ES from the north (areas within Powys County) and therefore the National Park Authority has significant concerns with the impact the proposal will have on the special qualities of the National Park from this direction – namely the National Park’s ‘sweeping grandeur and outstanding natural beauty’ and ‘working, living “patchwork” of contrasting patterns, colours, and textures’ special qualities. It would seem these impacts around the northern areas may be significant for a considerable length of time, in advance of any landscape mitigation establishing. Whilst it is up to the decision-maker regarding how the requirement on planning authorities to give regard to the purposes of the National Park and the National Park’s identified special qualities are taken into account in determining this cross-boundary planning application, it would seem that given the impacts a more effective landscape mitigation strategy is required from the northern direction (in the apparent absence of the applicant being able to revisit the scheme’s design).
4. Wireframe details have been produced as part of the LVIA showing the proposed outline of the proposal but no photomontages – photomontage information is recommended in order to understand the expected change and how effective the landscape mitigation proposed will be to the north. This information is also recommended to provide a basis for the statement on residual effects set out in para 9.11.1 which states “once mitigation planting has established in 10-15 years it is anticipated there will be no residual significant landscape and visual effects”.
5. We share NRW’s previously raised concern over the length of time which it will take for the proposed landscape mitigation to the north (in Powys) to fully establish and the resultant impact on the length of significant adverse visual effect on the National Park. We have concerns as to whether planting larger specimens will address this issue given the specific characteristics of the site which may mean such planting may be more susceptible to failure.
6. We do not consider it is appropriate for full details relating to landscape mitigation to be left until the future use of the earthworks has been established (as suggested in table 9.1). Planning authorities have a statutory duty to have regard to the National Park purposes (as set out in PPW). Information on landscape mitigation including its associated maintenance and management are considered important in understanding the impact on the National Park Special Qualities. It is recommended the decision-maker requires this information in order to inform the determination of this planning application.

Conclusion

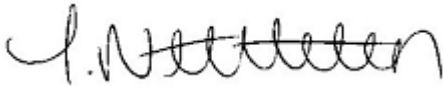
Based on the comments above, the Brecon Beacons National Park Authority currently has **significant concern** that the proposal will have adverse impacts on one of the National Park’s statutory purposes – namely “to conserve and enhance the natural beauty, wildlife and cultural heritage of the National Park”. The NPA also have **significant concern** that the proposal will adversely impact on two of the Special Qualities of the Park – its “sweeping grandeur and outstanding natural beauty” and the “working, living “patchwork” of contrasting patterns, colours, and textures”. It is recommended that the decision-maker requests further information from the applicant to understand the visual impacts upon the National Park (namely from the north which is most

relevant for Powys County Council's decision) and that a detailed and effective landscape mitigation strategy is provided as part of this planning application.

Please note that this response has been prepared by Officers, and will not receive formal ratification from Members until 28th July 2020 after which point in time I may provide supplementary response as necessary.

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

Yours faithfully,

A handwritten signature in black ink, appearing to read 'T. Nettleton'.

Tracy Nettleton
Planning and Heritage Manager

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