

**Date:** 10<sup>th</sup> October 2023  
**Our Ref:** CB/GT/DB/21.294

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Planning Services  
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Dear Sir or Madam,

**Town and County Planning Act 1990 (As Amended)**  
**Full application for the siting of a storage container and associated fencing**  
**Elan Valley Visitor Centre, Elan Valley, Rhayader, LD6 5HP**  
**Planning Portal Ref: PP-12491394**

Asbri Planning is appointed as planning agent to Dŵr Cymru Welsh Water to submit a full planning application to Powys County Council in respect of the siting of a storage container and associated fencing at the Elan Valley Visitor Centre, LD6 5HP. It should be noted that the container and fencing are already in place with the application retrospective in nature.

**Submission**

The planning application has been submitted via Planning Portal and the submission documents are listed below. The following drawings are submitted, prepared by Walton Build:

<b>Drawing name</b>	<b>Drawing reference</b>
Site Location Plan	Walton Build
Container and Fence Site Plan	Walton Build
Container and Fence Elevations	Walton Build

In addition, the supporting documents submitted comprise the following:

<b>Document name (reference where appropriate)</b>	<b>Prepared by</b>
Planning application forms	Asbri Planning
Planning Letter	Asbri Planning

In addition, the requisite planning fee of £230.00 will be made payable to Powys County Council in due course. This is on the basis that the site area covered by the proposal 112 square metres.

**Site Context & Planning History**

The site sits within the wider Elan Valley Visitor Centre site and sits to the east of the main visitor centre structure. The planning application relates to a rectangular section of land located directly to the north-east of the existing bike hub.

As for its surroundings, car parking spaces adjoin to the north with the Elan River abutting to the south. The aforementioned bike hub adjoins to the west with a wild garden abutting to the east.

The site sits at a slightly higher level than the adjacent car parking area. To the north-east of the site, within the adjacent existing wild garden area lies a Category B Birch tree (moderate retention value) and a narrow strip of hedgerow comprising of White Willow.

A review of Natural Resources Wales' Development Advice Map shows some of the site to sit within Zone C2, meaning it is without significant flood defence infrastructure. At this location the Flood Map for Planning (FMfP) is the best available information on flood risk. The FMfP identifies the application site to be outside the Flood Zones.

A review of Historic Wales' online mapping system highlights that the Visitor Centre building is Grade II listed with the nearby Caban Coch dam (and associated power stations) also listed structures. The River Elan SAC is located immediately south of the application site. This area is also designated as a Site of Special Scientific Interest (SSSI). The site is shown to sit within The Elan Valley Historic Landscape.

The wider centre sits adjacent to National Cycle Route 81, a route of 113 miles linking Aberystwyth to Wolverhampton. A number of Public Rights of Way surround the site with extensive routes shown to the north and south of the Elan River.

A planning history search for the site has been undertaken via Powys County Council's online planning search system. The following applications are relevant to the site:

<b>Proposals</b>	<b>Date Determined</b>	<b>Decision</b>
Ref: 21/2185/FUL The proposed development of a bike hub and associated works	Mon 04 Jul 2022	Approved
Ref: P/2015/1039 Proposed extension to existing play area and associated fencing and erection of new storage shed	Mon 18 Jan 2016	Approved
Ref: P/2013/0643 Erection of 28 roof mounted solar photovoltaic panels	Tue 17 Dec 2013	Refused
Ref: P/2013/0644 Erection of 28 roof mounted solar photovoltaic panels	Tue 17 Dec 2013	Refused

### **The Proposal**

The application seeks full planning permission for a storage container and associated fencing. The proposal is for the area directly to the north-east of the bike hub (consented under planning permission 21/2185/FUL). The area in question is shown within Figure 1. The submitted plans indicate that the site area is approximately 112 square metres and the storage container is to be of 30 square metres. The proposal is needed for storage for the Elan Valley Visitor Centre.

In terms of dimensions (see figure 1), the storage container will measure 12.19m in length, 2.45m in width and 2.57m in height. As for the fencing, the section of fencing to the south-east of the container comprises a 1.87m high Feather

Edge Timber fence running along the side of the adjacent bike store. The section of fencing to the north-west of the container is 2.4m high. Access to the site will be gained via a 1.87m high gate, to be located on the south-east corner.

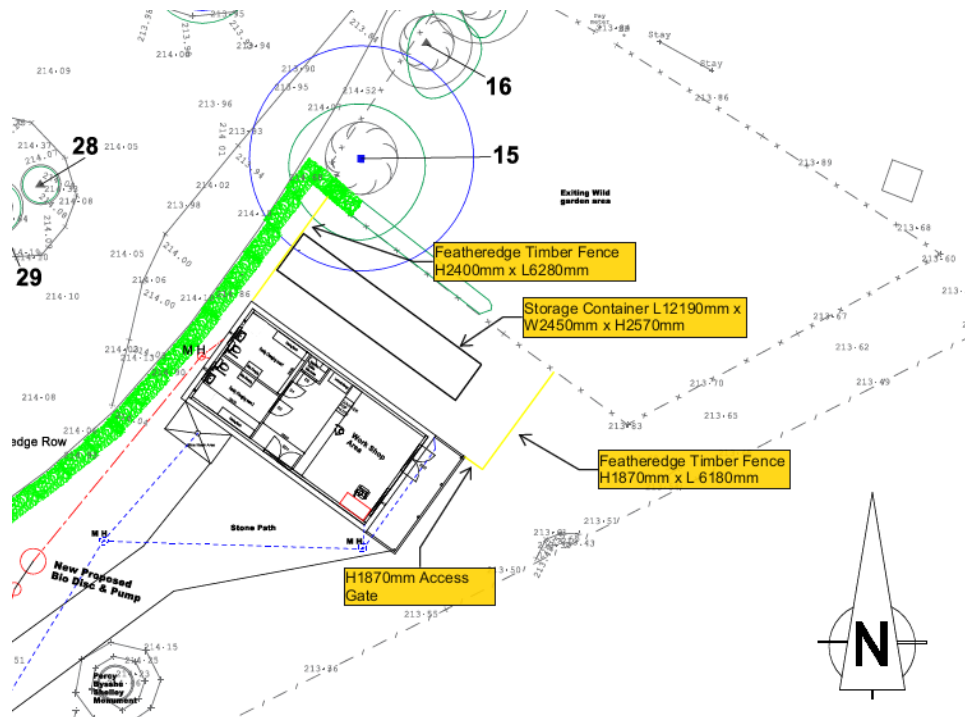


Figure 1: Proposed development site plan.

It is acknowledged that, even though the fencing to the south-east of the storage container is 1.8m high and is therefore permitted development, the fencing that sits over 2m in height and the siting of the container requires planning permission.

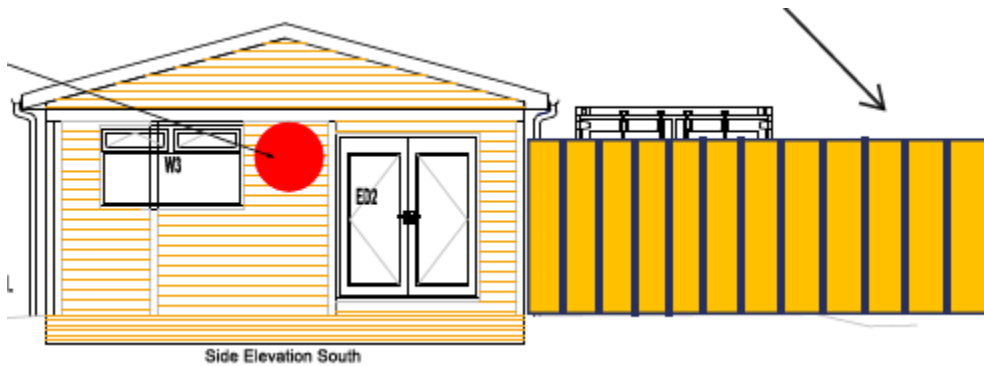


Figure 2: Southern elevation of container and fencing in context with adjacent approved bike hub.

## Planning Policy

### Introduction

The planning policy framework for the determination of this application is provided by the content and scope of National Policy, National planning guidance, together with the adopted Local Development Plan. National Planning

Policy is contained within Future Wales: The National Plan 2040, together with Planning Policy Wales (PPW 11<sup>th</sup> Edition), published by the Welsh Assembly Government in February 2021. PPW is supplemented by 19 Technical Advice Notes (TANs) which further details the specific aims and objectives outlined within PPW.

The Development Plan for the purpose of Section 38 (6) of Planning and Compulsory Purchase Act 2004 is the Powys Local Development Plan 2011-2026 which was adopted in April 2018. The adopted LDP provides the statutory framework for the development and use of land within the plan area up to 2026.

### **The Well-Being of Future Generations (Wales) Act**

The Well-Being of Future Generations (Wales) Act came into force in 2015 and focuses on improving the social, economic, environmental and cultural well-being of Wales. The Act places a duty on public bodies to think more about the long-term, work better with people and communities and each other, look to prevent problems and take a more joined-up approach. To make sure that all public bodies are working towards the same vision, the Act puts in place seven well-being goals. These include working towards:

- A globally responsible Wales
- A prosperous Wales
- A resilient Wales
- A healthier Wales
- A more equal Wales
- A Wales of cohesive communities
- A Wales of vibrant culture and thriving Welsh Language

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

Published on the 28<sup>th</sup> February 2021, Future Wales comprises the first national development plan of its kind within Wales. It is a development plan with a strategy for addressing key national priorities through the planning system, including sustaining and developing a vibrant economy, achieving decarbonisation and climate-resilience, developing strong ecosystems and improving the health and well-being of our communities.

Future Wales' spatial strategy is a guiding framework for where large-scale change and nationally important developments will be focused over the next 20 years. The strategy blends the existing settlement patterns and the distribution of jobs and homes with a vision of managing change and future trends for the benefit of everyone in Wales.

### **Planning Policy Wales**

Planning Policy Wales (PPW) – Edition 11 (February 2021) is the principal document which sets out the land use policy context of the Welsh Government. Its primary objective is to ensure that the planning system itself contributes towards the delivery of sustainable development whilst improving the social, economic, environmental and cultural well-being of Wales, as required by the Well-being of Future Generations Act 2015 and other pertinent legislation.

PPW encourages a planning system with a *“wider, sustainable and problem-solving outlook which focuses on integrating and addressing multiple issues rather than on an approach which is fragmented, un-coordinated and deals with issues in isolation”*.

Planning Policy Wales (PPW) acknowledges at para 2.4 that *“Individual places can take many forms and interpretation of what makes a good place will vary. Each place will have its own unique characteristics, history and identity, based on how people have and will interact with the landscape and townscape. This ‘sense of place’ varies, from the rural*

*countryside which provides an economic and environmental base for agriculture and tourism to thrive, to urban areas which are continually evolving and providing the focus for major social and economic development. The intrinsic value of a place to people or communities is particularly important, which may be due to aesthetic, cultural, spiritual or historical reasons and planning authorities are best placed to understand these. Many of the unique characteristics of places will be revealed in the local well-being assessments and area statements produced in accordance with the Well-being of Future Generations and Environment Acts”.*

PPW confirms that *“Tourism involves a wide range of activities, facilities and types of development and is vital to economic prosperity and job creation in many parts of Wales. Tourism can be a catalyst for regeneration, improvement of the built environment and environmental protection”.* Para 5.5.2 confirms that the planning system should seek to encourage tourism where it contributes to economic development, conservation and rural diversification. Appropriate tourism-related development in new destinations is encouraged by PPW; though it is noted that *“there may be a need to limit new development to avoid damage to the environment or the amenity of residents and visitors”.*

Para 5.5.3 confirms that *“In rural areas, tourism-related development is an essential element in providing for a healthy and diverse economy. In addition to more traditional forms of rural tourism, planning authorities should plan positively for active, green and cultural tourism where they are appropriate. Development should be sympathetic in nature and scale to the local environment”.*

With regard to rural development, PPW states at paragraph 5.6.1 that *“The rural economy must develop a wide base if it is to be adaptable and resilient to the challenges it faces now and in the future. Events such as the climate emergency, the coronavirus pandemic and exiting the European Union all bring economic and societal uncertainty, and the ability to respond flexibly to these issues will be key to the future success of rural areas”.*

**Technical Advice Notes**

**TAN 13: Tourism (July 2010)**

TAN 13 acknowledges that *“Tourism makes a major contribution to the Welsh economy, provides employment in a wide variety of occupations and can bring benefits to local economies and communities in urban and rural areas”.* TAN 13 encourages development plans to *“provide guidance on opportunities for larger scale or innovative projects, appropriate facilities for the countryside or designated areas and the provision of facilities in historic towns and seaside resorts”.*

**Powys Local Development Plan (2011-2026)**

The site lies within the Open Countryside as defined within the Powys County Council Local Development Plan. Following a review of the adopted LDP, the policies contained in the table below are deemed to be most pertinent with regards to the consideration of the proposals. Those of most relevance are copied below:

<b>Policy reference</b>	<b>Relating to</b>
<i>Strategic Policies</i>	
Policy SP5	Settlement Hierarchy
<i>Development Management Policies</i>	
Policy DM2	The Natural Environment
Policy DM4	Landscape

Policy DM13	Design and Resources
Planning for Tourism	
Policy TD1	Tourism Development

Policy SP5 (Settlement Hierarchy) identifies the settlement hierarchy as follows;

- Towns
- Large Villages
- Small Villages
- Rural Settlements
- Open Countryside including the Undeveloped Coast

The open countryside is defined as land outside the (development) boundaries of defined settlements including the undeveloped coast associated with the Dyfi Estuary.

Policy DM2 (The Natural Environment) seeks to protect the Natural Environment and confirms that

*"Development proposals shall demonstrate how they protect, positively manage and enhance biodiversity and geodiversity interests including improving the resilience of biodiversity through the enhanced connectivity of habitats within, and beyond the site. Development proposals which would impact on the following natural environment assets will only be permitted where they do not unacceptably adversely affect:*

*1. The important site designations, habitats and species afforded the highest levels of protection through European legislation including:*

*A. European Sites (SAC, SPA and Ramsar).*

*i. Development proposals likely to have a significant effect on a European site, when considered alone or in combination with other proposals or plans, will only be permitted where it can be demonstrated that:*

- a) The proposal is directly connected with or necessary for the protection, enhancement and positive management of the site for conservation purposes; or*
- b) The proposal will not adversely affect the integrity of the site.*

*ii. Where it cannot be demonstrated that development proposals would not adversely affect the integrity of the site and there is no satisfactory alternative solution, permission will be refused unless:*

- a) There are imperative reasons of over-riding public interest; and*
- b) Appropriate compensatory measures are secured.*

*B. European Protected Species afforded strict protection by the Conservation of Habitats and Species Regulations 2017 (Habitats Directive Annex IV Species).*

*Development proposals likely to have an adverse effect on a European Protected Species will only be permitted where it can be demonstrated that:*

- i. The proposal is for the purposes of preserving public health or public safety or there are imperative reasons of over-riding public interest; and*
- ii. There is no satisfactory alternative; and*
- iii. The action authorised will not be detrimental to the maintenance of the habitat or population of the species concerned at a favourable conservation status in their natural range.*

*2. The important site designations, habitats and species afforded levels of protection in line with national policy and legislation including:*

- A. National Nature Reserves and Sites of Special Scientific Interest;*
- B. Protected Species including those listed in Wildlife and Countryside Act 1981 (as amended) and the Protection of Badgers Act 1992;*
- C. Habitats and Species of principal importance for the purpose of maintaining and enhancing biodiversity conservation in Wales as listed in Section 7 of the Environment (Wales) Act 2016; and*
- D. National Biodiversity Action Plan Habitats and Species.*

*Development proposals likely to have an adverse effect on the conservation value of nationally protected sites, habitats or species, either directly, indirectly or in combination, will only be permitted where it can be demonstrated that:*

- i. The proposal contributes to the protection, enhancement or positive management of the site, habitat or species; or*
- ii. There is no suitable alternative to the proposed development; and*
  - a) It can be demonstrated that the benefits from the development clearly outweigh the special interest of the site, habitat or species; and*
  - b) Appropriate compensatory measures are secured; and*
  - c) The population or range and distribution of the habitat or species will not be adversely impacted.*

*3. The locally important site designations, habitats and species including:*

- A. Local Nature Reserves;*
- B. Local Biodiversity Action Plan Habitats and Species; and*
- C. Regionally Important Geodiversity Sites and Geological Conservation Review Sites. Development proposals likely to have an adverse impact upon these sites, habitats or species will only be permitted where it can be demonstrated that:*

- i. They conserve and where possible enhance the natural heritage importance of the site, habitat or species;*  
*or*
- ii. The development could not reasonably be located elsewhere; and*
  - a) The benefits of the development outweigh the natural heritage importance of the site, habitat or species;*  
*and*
  - b) Mitigation and/or compensation measures are provided where adverse effects are unavoidable.*

*4. The achievement of the Water Framework Directive's overarching objectives.*

*5. Trees, woodlands and hedgerows of significant public amenity, natural or cultural heritage".*

Policy DM4 (Landscape) which seeks to manage landscape Impact confirms that:

*"Proposals for new development outside the Towns, Large Villages, Small Villages and Rural Settlements defined in the Settlement Hierarchy must not, individually or cumulatively, have an unacceptable adverse effect, on the valued characteristics and qualities of the Powys landscape. All proposals will need to:*

- 1. Be appropriate and sensitive in terms of integration, siting, scale and design to the characteristics and qualities of the landscape including its: topography; development pattern and features; historical and ecological qualities; open views; and tranquillity; and*
- 2. Have regard to LANDMAP, Registered Historic Landscapes, adjacent protected landscapes (National Parks and Areas of Outstanding Natural Beauty) and the visual amenity enjoyed by users of both Powys landscapes and adjoining areas.*

*Proposals which are likely to have a significant impact on the landscape and/or visual amenity will require a Landscape and Visual Impact Assessment to be undertaken."*

Policy DM13 (Design and Resources) lists 14 design and resource criteria which must be met (where relevant) during the consideration of development proposals. Criterion 1, 9, 11 & 13 are deemed particularly pertinent:

*"1. Development has been designed to complement and/or enhance the character of the surrounding area in terms of siting, appearance, integration, scale, height, massing, and design detailing.*

*11. The amenities enjoyed by the occupants or users of nearby or proposed properties shall not be unacceptably affected by levels of noise, dust, air pollution, litter, odour, hours of operation, overlooking or any other planning matter*

*13. It demonstrates a sustainable and efficient use of resources by including measures to achieve:*

- i. Energy conservation and efficiency.*
- ii. The supply of electricity and heat from renewable sources.*
- iii. Water conservation and efficiency.*
- iv. Waste reduction.*
- v. The protection, where possible, of soils, especially important carbon sinks such as thick peat deposits".*

Policy TD1 (Tourism Development) sets out key elements of compliance. This key policy states:

*"Development proposals for tourist accommodation, facilities and attractions, including extensions to existing development, will be permitted as follows:*

- 1. Within settlements, where commensurate in scale and size to the settlement.*
- 2. In the open countryside, where compatible in terms of location, siting, design and scale and well-integrated into the landscape so that it would not detract from the overall character and appearance of the area and in particular where:*

- i. It is part of a farm diversification scheme; or*
- ii. It re-uses a suitable rural building in accordance with TAN 6; or*



- iii. *It complements an existing tourist development or asset, without causing unacceptable adverse harm to the enjoyment of that development or asset; or*
  - iv. *It is not permanent in its nature.*
3. *Accommodation shall not be used for permanent residential accommodation”.*

The supporting text at para 4.8.5 confirms that *“New tourist development is encouraged because of its contribution to the economy in terms of visitor spending, supporting local business and employment generation. However, the Council seeks to ensure that developments are sustainable and do not have an unacceptably adverse impact and effect upon the character and appearance of an area, the natural and historic environment or existing amenities, assets or designations”.*

## **Appraisal**

### **Principle of Development**

The application site is located outside of the settlement boundary and is designated open countryside in the LDP. Future Wales: The National Plan 2040 identifies those foundational economic activities which remain the backbone of the rural economy. In particular, tourism and leisure are recognised as a major and growing employer and contributor to the Welsh rural economy. Technical Advice Note 13 (Tourism) (TAN13) and Future Wales identify the importance of tourism and its major contribution to the Welsh economy, with Future Wales stating specifically in regards to Mid Wales that *“Tourism is an important sector to the Mid Wales economy”.*

Policy TD1 of the adopted LDP, which seeks to control Tourism Development confirms that development proposals for tourist accommodation, facilities and attractions, will be permitted in the open countryside, where compatible in terms of location, siting, design and scale and well-integrated into the landscape so that it would not detract from the overall character and appearance of the area. Policy TD1 is the pertinent local planning policy by which this proposal will need to be considered. This Policy is an ‘or’ Policy, whereby development can be justified on the basis of compliance with one of the criteria enlisted.

Policy TD1 confirms that proposals in the open countryside will be supported if they complement an **existing tourist development or asset**, without causing unacceptable adverse harm to the enjoyment of that development or asset. The proposed development for a storage container and associated fencing complements the Elan Valley Visitor Centre. In accordance with Policy TD1, the proposed development will clearly complement an existing tourist asset, whilst the sensitive positioning, layout and design of the proposal will ensure that it can be delivered without causing any unacceptable adverse harm to the Elan Valley Visitor Centre and surrounding area.

In view of the modest dimensions of the storage container, it is considered that the storage container is of an appropriate scale and proportion relative to the adjacent bike hub and wider Visitor Centre. It is also deemed to have been sympathetically designed to complement the surrounding area. The proposal is therefore considered to fundamentally comply with the relevant LDP Policy DM4 and DM13.

Also, it is worth noting the approval of a similar planning permission for the erection of a storage shed and associated fencing (under ref. P/2015/1039) indicates that the principle of development of a storage container and associated fencing is acceptable in this location.

The proposal complies with the requirements of the LDP and the national requirements of TAN 13 (Tourism) and Future Wales. It is considered that the principle of development is acceptable subject to compliance with pertinent detailed planning considerations which are discussed in turn below.

### **Landscaping and Visual Impact**

Policy DM4, DM13 and TD1 of the adopted LDP seek to ensure that development proposals demonstrate a good quality design and have regard to the qualities and amenity of the surrounding area, local infrastructure and resources.

In terms of landscaping, an existing Birch tree and White Willow narrow hedge couple with a proposed native planting hedgerow (indicated in green in the figure above and approved under the previous planning application for the bike store) will screen the proposal from the adjacent Visitor Centre Car Park to the north of the site. Moreover, to further shield the site all year round, the proposed 2.4m timber fence will further minimise any visual impact. Also, the proposed container is painted green in order not to be prominent within the landscape.

As a result of the mitigation measures incorporated within the design of the development, the proposal is considered to be of a scale that will not result in any visual effect on the wider landscape and is considered compatible with the established context. Its location, siting, design and scale is considered to not only conform to, but assimilate into the surrounding landscape. The proposal is therefore considered justified in light of Policy DM4, and DM13, and does not detract from the overall character and appearance of the surrounding Elan Valley Historic Landscape.

In addition, the proposal aligns with Policy TD1 of the LDP, which confirms that development proposals for tourist accommodation, facilities and attractions, will be permitted in the open countryside, where compatible in terms of location, siting, design and scale and well-integrated into the landscape so that it would not detract from the overall character and appearance of the area.

### **Biodiversity**

Policy DM2 states that proposals shall demonstrate how they protect, positively manage and enhance biodiversity and geodiversity interests. Proposals which would impact on natural environment assets will only be permitted where they do not unacceptably adversely affect those assets. No tree felling is required as part of the proposals and the proposed layout and detail design has been carefully considered to minimise the impact on established trees. Proposals fully comply with Policy DM2 of the LDP.

### **Other Matters**

In terms of drainage, the floorspace of the proposed container is approximately 30 square metres. As such, there is no requirement to gain SuDS Approving Body (SAB). Also, the proposed development will have no impact in terms of phosphate discharge.

As for access, the proposed development does not impact or cause any obstruction to the nearby car park or any of the nearby public rights of way, and it is not foreseen that the scheme will lead to increased vehicle numbers within the site.

### **Conclusion**

In light of the above, the proposed development is deemed not to compromise existing planning decisions in place and considered an appropriate type of development in this location and should have no adverse impact. Therefore, the siting of the storage container and associated fencing is considered acceptable and the granting of planning permission is warranted.

I trust that the submitted documents allow the application to be validated and look forward to receiving details of the name of the case officer, application reference number and target determination date. If you have any queries in the meantime, please do not hesitate to get in touch.

Yours faithfully,

*D. Bertaggia*

**Davide Bertaggia**

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*Cc Dŵr Cymru Welsh Water (Client)*