

**Consultation  
Response Form**

Your name: Keith Davies

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**Q1 Do you agree beauty salons (and associated uses) should be included within use class A1 (shops)?**

No Comment

**Q2 Do you agree betting offices should be removed from use class A2?**

No Comment

**Q3 Do you agree hot food takeaways should be placed in their own use class?**

No Comment

**Q4 Do you agree restaurants and takeaways with drive-through facilities should be grouped with hot food takeaways?**

No Comment

**Q5 Do you agree with the proposal to place drinking establishments and restaurants in the same use class?**

No Comment

**Q6 If you answered no to Q5, how should the UCO be amended to protect public houses in Wales?**

n/a

**Q7 Do you agree with the principle of a new Café and Sandwich Bar Use Class?**

No Comment

**Q8 Do you consider this new use class will help the flexible management of town centre uses and contribute to their vitality and viability? Please explain your view.**

No Comment

**Q9 Will the clarification of the A1 Use Class in relation to consumption on the premises help understanding of the order or cause additional confusion to users of the planning system?**

No Comment

**Q10 Is a timescale appropriate to help define this use class? If yes, is 6am to 7pm suitable or are there more appropriate times?**

No Comment

**Q11 We welcome your views about how a distinction can be made between a daytime café use and mixed takeaway and restaurant use.**

No Comment

**Q12 Should cafes solely catering for on premises consumption be included in this use class? If so, how can a clear distinction be made between restaurants and café uses?**

No Comment

**Q13 Should a floorspace threshold be used to help define this use class? If yes, what threshold would be appropriate and why?**

No Comment

**Q14 Do you agree with the proposal to re-number B8 (Storage and Distribution) as B3 (Storage and Distribution)?**

No Comment

**Q15 Do you agree use as a nightclub should be specified within the UCO as a unique use?**

No Comment

**Q16 Do you agree use as a retail warehouse club should be specified within the UCO as a unique use?**

No comment

**Q17 Other than the changes discussed above, does the UCO remain fit for purpose as a deregulatory tool?**

No comment

**Q18 Are there any other changes not referred to in this consultation which you wish to see made to the UCO? If yes, please specify and provide justification/evidence for the proposed change.**

We consider that the following uses should be exempted from class B2.

**Thermal Treatment of Waste**

Thermal treatment of waste includes facilities of other less common technologies, such as gasification or pyrolysis. These types of facilities are generally complex and present a range of risks to residential areas and the environment if they are not managed and sited properly e.g. pathways to receptors from emissions to air.

We recommend exempting thermal treatment of waste from B2 in any future Order. We would welcome further discussion with you on this matter.

**Residual Waste**

The storage and treatment of residual waste can also give rise to a number of different problems for communities and the environment. In recent years we have seen incidents at residual waste sites, which have had a detrimental impact on the local environmental receptors. These incidents include a number of large fires, which have burned for multiple days, and cases where pest infestation has seriously impacted on communities in the vicinity

of the sites. Whilst some of the impacts can be managed through the application of the Environmental Permitting Regulations 2016 (as amended) we believe that the first step should be to undertake proper consideration of new facilities under the planning in order to properly safeguard communities and the environment system through ensuring the right development in the right place. We therefore recommend exempting the storage and treatment of residual waste from B2. We would welcome further discussion with you on this matter.

### **Biological Treatment**

Biological treatment facilities can vary widely in complexity from one process to another. They can be broken down into two main processes, Aerobic treatment, (which usually means composting or Effluent Treatment Plants), or treatment in Anaerobic Digestors.

We have seen an increase in the number of Anaerobic Digestors across Wales in recent years. These facilities can provide a vital part of an integrated waste network if sited and managed correctly. Digestors are complicated processes and do have the potential to cause significant harm if they are not appropriately located and properly managed.

In recent years in Wales, we have seen several examples of Anaerobic Digestors failing with significant consequential impact on the environment. Unfortunately, these have in some cases, been built under PDRs, and have operated under an exemption from the requirements of the Environmental Permitting Regulations 2016 (as amended). Further investigation of these failures has shown that the plant was built in inappropriate locations, without the level of environmental protection we would expect. Had these schemes been properly sited we consider it's likely that the wide-ranging design failures, along with concerns around setting, would have been addressed.

We would like to see PDRs to be removed for such schemes to ensure Anaerobic Digester sites are appropriately assessed through the planning system.

Composting activities can often give rise to odours, and if not managed properly, they can also give rise to contaminated run-off. Bioaerosols are also released from composting facilities, and these can have an adverse impact on proximate communities. We believe that full consideration should be given to managing the appropriate siting of these forms of development, to ensure that the risks to the environment and the community are understood, assessed, and minimised.

To manage potential risks from the inappropriate location of such schemes we recommend biological treatment facilities are exempted from B2.

We would welcome further discussion on our above comments.

**Q19 Do you agree with the proposals for amending Article 4 directions? If not, how could the proposal be improved?**

No comment

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<b>Q20 Do you agree that developers and LPAs should be able to agree longer determination periods for the consideration whether prior approval is required?</b>
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We agree with the principle of allowing developers and LPAs the discretion to agree longer determination periods for the consideration of whether prior approval is required for more complex cases and allowing interested parties to assess and understand potential effects during decision-making.

<b>Q21 Do you agree that HMOs should not benefit from permitted development rights granted by Part 1 of the GPDO?</b>
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We agree with the proposal to remove PDRs from HMOs in principle. If PDRs are removed, there is a potential benefit to allow Local Planning Authorities to better understand potential flood risks and consequences to be understood at planning application stage. This would better reflect the approach of Planning Policy Wales (PPW) and Technical Advice Note 15 (TAN15) in the approach to development and the management of flood risk.

<b>Q22 Do you agree that condition A3(a) relating the materials for Class A development should be removed?</b>
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We do not agree that condition A3(a) should be completely removed as this would potentially allow proposals contrary to landscape and built environment policies. In designated landscapes, it is a particular issue in relation to the statutory purpose of AONBs and National Parks and their conservation and enhancement. We recommend that condition A3(a) restriction is retained. We also recommend that new guidance is issued from Welsh Government for local planning authorities to encourage them to develop Supplementary Planning Guidance to reflect the policy objectives of TAN12 in relation to materials being appropriate to particular areas. We would welcome further discussion on our above comments.

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<b>Q23    If you answered no to Q22, should condition A3(a) be varied to allow more flexible use of materials for additions to the rear where there is no visual impact?</b>
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<p>We agree that condition A3(a) should be varied to allow for more flexible use of materials to the rear subject to the condition the proposal not being visible from a public highway and/or is sited within an AONB and/or National Park. We do not agree that condition A3(a) should be varied to include proposals in National Parks and/or AONBs due to risk of harm to the purposes of designated landscapes to enhance and conserve natural beauty.</p>
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<b>Q24    Do you agree with the proposed condition for the provision and replacement of hard surfaces within the curtilage of a dwellinghouse in Development Class F? If not, please suggest alternative approaches, restrictions or thresholds that could be adopted.</b>
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<p>We agree with the proposal for the existing permeability condition to apply to all areas of new or replacement hard surfacing within the curtilage of a dwelling. Drainage capacity issues can be compounded by the effects of ‘development creep’ where Permitted Development such as driveways and patios increase the volume of run-off to the drainage system. This has the potential to contribute to increased surface water runoff problems and potential impacts on local flooding. This proposal should allow Local Planning Authorities &amp; Lead Local Flood Authorities to better manage sources of surface water flooding. It also aligns with the principles of Schedule 3 of the Flood and Water Management Act 2010 for the implementation of sustainable drainage schemes.</p>
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<b>Q25    Do you agree with the introduction of permitted development rights for the installation of smart meter antenna?</b>
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<p>We support the introduction of PDRs for the installation of smart meter antenna subject to restrictions of PDRs applying to Article 1(5) land. If no restrictions are in place in these areas, there is a risk of adverse impacts on designated landscape character and visual amenity which would be contrary to the purpose of designated landscapes to conserve and enhance natural beauty. We recommend that conditions are imposed similar to class H criteria (d) if PDRs are allowed on Article 1(5) land, and that a prior approval process is required so that there is an opportunity to influence the siting and design of proposals.</p>
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**Q26 Do you agree with the permitted development proposals for electric vehicle charging infrastructure?**

We agree with the PDR proposals for electric vehicle charging infrastructure subject to the suggested restrictions and, also a prior approval process being required for proposals on Article 1(5) land. Prior approval in Article 1(5) land would provide an opportunity to influence the siting and location of proposals and is recommended because there is otherwise a risk of adverse impacts on visual amenity and landscape which would be contrary to the purpose of conserving and enhancing natural beauty in designated landscapes.

**Q27 Do you agree that there should be no permitted changes of use from the new use class A4 (drinking establishments and restaurants)?**

No comment

**Q28 Do you agree with the proposed permitted changes from hot food takeaways (A5)?**

No comment

**Q29 Should the permitted development rights be extended to permit two flats with a betting office or part of a mixed A1 or A2 use?**

There is a risk that this proposed change could inadvertently increase the vulnerability of uses to flood risk. Paragraph 5.2 of Technical Advice Note (TAN) 15 states: "The vulnerability attributed to a mixed-use proposal will be defined by the most vulnerable use". Furthermore, paragraph 11.20 of TAN15 notes that "instances where changes of use permitted under the T&C Planning (Use Classes) Order 1987 as amended, could result in a change from low vulnerability use to a high vulnerability use and therefore the consequences of flooding may be unacceptable in zone C." We therefore recommend that this change is subject to a prior approval procedure for schemes in flood zone C so that the risk and consequences of flooding may be considered as part of the decision-making process.



**Q30 Do you agree with the proposed permitted changes from a betting office?**

No comments

**Q31 Do you agree that permitted development rights for the change of use of car showrooms should not be restated in the consolidation GPDO?**

No comments

**Q32 Does Part 16 provide sufficient permitted development rights for development by or on Behalf of Sewerage Undertakers?**

We have no objections in principle to the extension of PDRs in part 16, subject to compliance with regulatory requirements under the Environmental Permitting Regulations (as amended 2016).

**Q33 If not, what types of development should be included within Part 16? Please specify any associated limitations and conditions.**

No additional comments

**Q34 Do you agree with the proposed increases in height for the installation, alteration or replacement of a mast on protected and unprotected land?**

We do not agree with the proposed increases in height for the installation or replacement of a mast. We have concerns that increases in height may lead to detrimental impacts on landscape amenity particularly to designated landscapes where the principle purpose is to enhance and conserve natural beauty.

This is an important provision as appeal decisions highlight how even small scale vertical structures, can have a significant impact on the purposes of designated landscapes, if the siting is inappropriate. An example is the Inspector's decision (APP/PP9502/A/07/2047339) to dismiss an appeal for a proposed 3-bladed windmill attached to the top of an 11m high,

metal pole. The Inspector considered that the siting and appearance of the proposed development would not respect the landscape of this part of the National Park. Given the recognised potential adverse impact of vertical structures on protected landscapes' purposes, we do not consider it appropriate to further increase the height of masts which can benefit from PDR within such areas.

**Q35 Do you agree with the change to mast width described in relation to the alteration or replacement of a mast?**

We agree with the proposal subject to a restriction of the PDRs not being extended to National Parks and AONBs. This is because without the appropriate checks and balances in place, there is a risk of harmful impacts arising to designated landscapes from increases in width of masts. There is potential of an increased visual impact detrimental to the purpose of conserving and enhancing natural beauty in designated landscapes.

**Q36 Do you agree with the definition of 'small antenna' and 'small cell system'?**

No comment.

**Q37 Do you agree with the proposed changes to small antennas and small cell systems allowed on buildings and structures (other than dwellinghouses and within their curtilages) in unprotected areas, and protected areas?**

We agree with the proposed changes subject to existing restrictions on the location of small antennas and small cell systems within Article 1(5) land because there is potential of an increased visual impact detrimental to the purpose of conserving and enhancing natural beauty in designated landscapes

**Q38 Do you agree with the changes to permitted development rights for small antenna and small cell systems on dwelling houses and within their curtilages in unprotected areas; and dwelling houses in protected areas and conservation areas?**

We agree with the proposal subject to existing restrictions on the location of small antenna and small cell systems within Article 1(5) land because there is potential of an increased visual impact detrimental to the purpose of conserving and enhancing natural beauty in designated landscapes.

**Q39 Do you agree these changes are sufficient to accommodate the likely needs of future network requirements?**

No comment.

**Q40 Do you agree with the changes to other antenna system and to the increase in numbers of electronic Communications code operators present on a building?**

We agree with this proposal subject to restrictions on the location of antenna within Article 1(5) land. Without this restriction, there is an increased risk of harmful visual and landscape impacts that would be contrary to the purpose of conserving and enhancing natural beauty of designated landscapes

**Q41 Do you agree to an increase in the time from 6 months to 18 months, where land may be used in an emergency to station and operate moveable electronic communications apparatus required to replace unserviceable equipment?**

We do not agree with this proposal. We consider that a period of 18 months would introduce a duration of impacts which we consider would go beyond 'short term' and would potentially extend the lifetime of activities which would conflict with the purposes of designated landscapes.

**Q42 Do you agree the clause inserted by The Town and Country Planning (General Permitted Development) (Amendment) (Wales) (No. 2) Order 2014 relating to broadband services should be made permanent, removing the requirement to submit a prior approval?**

Natural Resources Wales do not agree that there should be a permanent removal of the requirement to submit prior approval. There is a risk that poles and cabinets can have detrimental impacts on landscape contrary to the purpose of conserving and enhancing natural beauty in designated landscapes. This is particularly a concern in National Parks/AONBs. Electricity and telephone infrastructure to communities within rural areas commonly takes the form of timber poles and overhead wires, alongside lanes and through villages and hamlets. Upgrading of broadband infrastructure within rural villages without prior notification can lead to the re-siting of poles and overhead wires in sensitive locations which can cause an accumulation of overhead lines and clutter with an adverse effect on visual amenity. We remain of the view that prior notification should be required. Guidance and prior notification requirements would reduce the risks of adverse impacts on these assets.

**Q43 If you answered yes to Q42, should the notification requirement be retained?**

No comment.

**Q44 Do you agree Cadw should be granted permitted development rights to reflect their role in the management, maintenance and restoration of historic buildings and monuments in Wales?**

Yes, we agree with this proposal, subject to guidance being produced to inform CADW that any works they undertake should be in accordance with GLVIA; National Park and AONB Management Plans and a condition that CADW consult with National Park Authorities and Local Authorities respectively if proposals are within designated landscapes. If a historic building and monument supports protected species, we would recommend a condition is inserted that NRW are consulted on the timing and scope of the proposed works carried out by CADW.

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<b>Q45 Do you agree that the demolition direction should be cancelled and the categories of demolition currently in the direction prescribed in the permitted development order?</b>
Natural Resources Wales do not agree with this proposal. There is a risk that protected species could be harmed if PDRs were introduced. As a minimum, we would recommend that conditions are attached that surveys are undertaken to establish the presence or otherwise of protected species, and if a presence of a protected species is found, we recommend that NRW are contacted as a license may be required. Also, if PDRs are introduced there is the risk of loss of important heritage features of conservation areas and scheduled monuments leading to the potential of features of a local and designated landscape being lost. This would be contrary to landscape policies and the purpose of conserving and enhancing natural beauty of designated landscapes.

<b>Q46 Do you agree that the demolition of a public house should require planning permission in order for the LPA to consider the impacts resulting from the loss of the use?</b>
No comments.

<b>Q47 Do you agree with reintroducing permitted development rights for the protection of poultry and other captive birds?</b>
Yes, we agree with the proposed change subject to restrictions that buildings are time limited to during an avian influenza outbreak and that they are removed once avian influenza controls are lifted. These buildings can be large and there is a risk without restrictions in place, that there could be long term harm to landscape, particularly to designated landscapes where there is a purpose of conserving and enhancing their natural beauty.

<b>Q48 Do you agree with the principle of establishing permitted development rights for non-domestic Solar PV and Thermal without applying a specific energy threshold?</b>
We agree with the principle of not applying an energy threshold and recommend that option 2 approach is followed to proposals in unprotected areas. Solar PV and thermal on non-domestic buildings have the potential to be large scale. For proposals in designated landscapes, there is potential of harm to visual amenity of designated landscapes contrary to the purpose of conserving and enhancing their natural beauty. We recommend that PDRs are not extended to designated landscapes.

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<b>Q49</b> Do you agree that ‘development not permitted’ listed, (a) to (f), is sufficient to control the potential impacts of solar PV or solar thermal permitted development?
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Yes, subject to spatial limits on PDRs.
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<b>Q50</b> Do you agree that the existing conditions are sufficient to control the potential impacts of solar PV or solar thermal permitted development?
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Yes. We recommend that guidance is produced to clarify the interpretation of the existing conditions as they are open to interpretation at present.
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<b>Q51</b> Do you agree there should be no change to the size of ground based solar panel developments (and therefore their energy output) within the curtilage of a non-domestic building?
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Yes, we agree with this proposal because of the potential of harm to visual amenity of designated landscapes contrary to the purpose of conserving and enhancing their natural beauty and, also the risk of negative impacts on the wider landscape that could be potentially similar to those of standalone ground mounted solar arrays which require planning permission.
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<b>Q52</b> Do you agree ‘development not permitted’ listed above, (a) to (c), is sufficient to control the potential impacts of ground based solar PV or solar thermal permitted development within the curtilage of a non-domestic building?
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Yes. We agree with this proposal. The proposed restrictions minimise the potential of harm to visual amenity of designated landscapes contrary to the purpose of conserving and enhancing their natural beauty.

**Q53 Do you agree no change is required to the conditions for non-domestic ground based solar PV or thermal developments?**

Yes. We recommend that guidance is produced to clarify the interpretation of the existing conditions as they are open to interpretation at present.

**Q54 Do you agree with our approach of not including limitations on non-domestic ground based solar PV or thermal developments on listed buildings, scheduled monuments or other landscape areas? If not, what limitations would you like to see which would still maximise opportunities for deployment on these buildings / sites?**

We do not agree with the suggested approach. We suggest limitations are included on location and siting of ground based solar PV or thermal developments on listed buildings; scheduled monuments and within designated landscapes. This is to prevent visual harm to listed buildings and the purpose of conserving and enhancing natural beauty in designated landscapes.

**Q55 Do you agree with the principle of establishing permitted development rights for small scale, low risk hydropower developments in Wales?**

We agree with the principle of establishing permitted development rights (PDR) for small scale, low risk hydropower subject to the imposition of appropriate planning conditions attached to the PDRs.

Paragraph 3.150 of the consultation suggests that PDRs would not apply if works affect a main river, but then refers to where a Flood Risk Activity Permit (FRAPs) issued by a Local Authority have been refused. Clarity is needed over the wording. Lead Local Flood Authorities issue 'Ordinary Watercourse Consents' for works (ordinary watercourses),

whereas FRAPs are issued by NRW (for main river works). This would cover main rivers, ordinary watercourses and IDD's. Legally, works should not be progressed until the necessary permissions are in place. We would be happy to discuss the PDR criteria further with Welsh Government.

**Q56 Do you agree that new permitted development rights should be accompanied by practice guidance? If yes, what aspects should the guidance cover?**

We agree that any PDRs for small scale, low risk hydro schemes should be accompanied by practice guidance. Natural Resources Wales consider that from our experience a significant element of risk to the environment tends to be during the construction phase of hydro schemes and is associated with poor and inappropriate construction practices. We recommend that the guidance incorporate two principal components:

- \* Guidance for developers that defines whether a particular scheme qualifies as PDR;
- \* Practical guidance for developers that details environmentally sensitive construction practices and actions that are recommended for identifying and conserving protected species, habitats and designated sites, addressing flood risk, minimising impact on landscapes and preventing and controlling pollution.

We would be welcome the opportunity to discuss further guidance requirements with Welsh Government.

**Q57 Do you agree with the concept to allow permitted development rights for small scale, low risk Hydropower schemes in National Parks and AONBs?**

We agree with the concept in principle to extend PDRs to allow small scale, low risk hydro power schemes in designated landscapes subject to additional criteria to manage the form of schemes which can benefit from PDR within these areas to reflect the sensitive nature of designated landscapes. Even small-scale hydropower schemes have the potential for significant visual impacts in designated landscape locations and can be contrary to the



purposes and special qualities for which AONBs and National Parks are designated. We therefore recommend that PDRs in such locations should be limited to schemes which are of a prescribed pipeline diameter and length, and turbine house dimensions to support this in restricting the scale of development in designated landscapes. We recommend further work is required to set these standards.

**Q58 Do you agree with those areas where permitted development rights for hydropower schemes would not apply?**

We agree that PDRs should not apply where any part of a scheme is sited within a European or nationally protected site for nature conservation. Natural Resources Wales consider this criterion should be extended to '*sited within or likely to have a significant effect on internationally designated nature conservation sites and/or likely to damage a nationally designated site,*' to account for any likely significant indirect impacts on designated site features that may occur beyond the construction boundary (e.g hydrology, water quality, geomorphology etc).

Ancient and semi-natural woodlands (ASNW) should also be included as areas in which PDRs do not apply. Planning Policy Wales (PPW) at paragraph 5.2.9 states that 'ancient and semi-natural woodlands are irreplaceable habitats of high biodiversity value which should be protected from development that would result in significant damage.'

Small scale hydro schemes through the trenching; laying of pipelines and cabling works can be intrusive works during the construction phase.

Excluding PDR within ASNW would be in line with Section 6 of Part 1 of the Environment (Wales) Act 2016 which sets out a duty on public authorities in the exercise of their functions to enhance biodiversity and the resilience of ecosystems in Wales.

**Q59 Do you agree with the proposed non-spatial limitations where permitted development rights for hydropower schemes would not apply?**

We agree with the proposed non-spatial limitations. However, we clarify that there should be a requirement for developers to have secured abstraction and impoundment licences from us to qualify for PDRs. There may however be very rare occasions for some low head hydropower schemes or those where an impoundment is not built where Natural Resources Wales consents may not be required. In these cases, we recommend that the developer should seek written confirmation from us detailing this.

PDRs should also only apply where a developer has also secured a Flood Risk Activity Permit from Natural Resources Wales for any works associated with a scheme that are in or adjacent

to a Main River and an Ordinary Watercourse Consent from the Lead Local Flood Authority for works affecting an Ordinary Watercourse.

We agree that a hydropower development should not qualify for PDRs if there is a likelihood that it may harm a protected species or habitat protected by primary or secondary nature conservation legislation. It will be necessary to develop clear guidance in this regard ensuring that developers fully understand their responsibilities and to avoid them committing an offence under environmental law. Natural Resources Wales water resources licensing (abstraction and impoundment licences) will not cover terrestrial ecology and a framework must be in place to ensure that non-spatial aspects of terrestrial ecological protection are fully addressed (e.g. rare species or important habitats that are not mapped nationally but may be present in the construction area).

We agree that PDRs should not apply to any hydropower scheme that has been assessed as requiring a formal Environmental Impact Assessment as determined by EIA Regulations.

**Q60 Do you agree with these conditions relating to minimising the visual / environmental impact of the intake structures and the header tank elements?**

We agree with the suggested conditions i.e. that the intake structure and header tank should be pre-fabricated with the latter buried underground. Use of pre-fabricated components such as pre-cast concrete reduces the need for onsite mixing and/or casting of concrete associated with which is a risk of river pollution. We do recognise though that there may be some need for grouting or sealant between components and that clarity should be provided in guidance on the materials that can be used. It may also be necessary to condition provision for facing of the intake structure with natural stone to minimise visual impact on the landscape.

Use of pre-fabricated components is consistent with the principles of small scale, low risk construction where it encourages low impact design and it is more likely to favour small scale schemes and construction methods that use local, natural materials and minimises disturbance to river banks and channel bed.

**Q61 Do you agree with these conditions to minimise the visual impact of the pipelines?**

We agree with the suggested conditions subject to the following comments:

We recommend guidance for PDRs should set out that the first choice of method for laying pipelines should be to bury them using good construction practices to minimise the visual impact on landscape. The circumstances where pipelines may be laid over ground need to be detailed and should be restricted to those sites where trenching may cause unacceptable damage to the environment such as disturbance to natural woodland. Natural Resources Wales agree that in these circumstances black pipelines should be used, and all opportunities taken to cover it using methods set out in the 'Permitted Development Rights and Small Scale, Low Risk Hydropower' research study.

We recommend that pipelines should not be laid within a river channel except where exiting the intake structure.

We agree that construction of new open channels should not be allowed under the proposed PDRs.

We agree that any section of the pipeline should not exceed 355mm outside diameter. This provides a suitable cap on the scale of a hydropower development to meet the low risk, small scale criteria but is still likely to convey sufficient flow to operate most domestic and small-scale farm hydropower schemes to which the proposed Permitted Development Rights are targeted.

Data from 178 licenced hydropower schemes shows that the average length of depleted river reach is 884 metres. This can be used as proxy for pipeline length. Only 10% of depleted reaches exceed 1500 metres. Given that the measure of 1500 metres represents approximately 90% of schemes licensed by Natural Resources Wales in the last 4 years then it is Natural Resources Wales' view that it does not represent small scale low risk hydro. The pipeline is the component that has the largest construction footprint and risk of damage to habitats and species. A limit of pipeline length will by default limit environmental risk simply through having a smaller construction footprint. It is probable that having a maximum external pipeline diameter of 355 mm as proposed will constrain the length of pipeline that can be achieved due to hydraulic constraints.

We recommend that the maximum pipeline length be reduced to 1000m as, from the data above, it better represents small scale hydropower and has lower environmental risk.

There are occasions where above ground pipelines associated with HEP schemes are proposed. These sometimes run parallel with watercourses and the associated flood plain (where defined by DAM/Flood Map). An example may be where the requirement for the pipeline to be no higher than 300mm from ground level could have the potential to affect flood flow routing and displace flood waters if it is routed through a flood risk area. A Flood Consequences Assessment would be required to ensure the pipeline is designed to minimise impacts on potential flood flow routes.

**Q62 Do you agree with these conditions to minimise visual / amenity / environmental impacts of the powerhouse and outfall?**

We agree that the turbine house should be constructed using natural materials to minimise visual impact on the landscape. We don't agree that an apex height of 4.2 metres is appropriate as this would allow large structures to be built that risks adverse visual impact on

the landscape and are not consistent with the principles of small scale hydropower. Given that turbine houses are likely to be independent buildings in open countryside we propose that any turbine house or ancillary structure should have an apex height of no more than 3 metres. It is preferable that where possible schemes are constructed with turbine housings and utility cabinets rather than new buildings.

Similarly, a maximum turbine house floor area of 30 m<sup>2</sup> is not, in our opinion consistent with our view of what constitutes small scale and low risk with regards to size of building and potential visual impact on landscape. We propose that a smaller threshold more proportionate to the electro-mechanical requirements of small scale hydropower schemes be determined with a recommendation that 12 m<sup>2</sup> be a maximum threshold for this purpose.

We recognise that turbine houses are likely to be sited near to rivers given their purpose. TAN15 advises that these types of developments will be subject to the acceptability of consequences part of the test as outlined in section 7 and the requirements of appendix 1 (section 5.3). In adopting a precautionary approach, we agree with the principle that the turbine house be located outside of the flood risk area, wherever possible. We propose that PDRs apply where the turbine house satisfy TAN15 requirements, including the building is designed flood free in the 100-year annual probability event + climate change allowance, and meets the justification tests set out in Section 6 of TAN15.

We would welcome further discussion with you on where turbine houses are located, in considering flood risk and how these can be applied to PDR.

New buildings within a flood risk area must not increase flood risk elsewhere. It is therefore important that the dimensions of any turbine house are minimised, supporting our proposal that the footprint of any such structure should not exceed 12 m<sup>2</sup>. This threshold is recommended as a floorspace sufficient to house the electro – mechanical equipment for a small hydro scheme, which is typical of the size of structures built to date.

We propose that any turbine house within a 100 year + climate change flood risk area and with footprint greater than 12m<sup>2</sup> should require full planning consent and be obliged to carry out a supporting flood consequences assessment. We recommend that turbine houses or outfalls should not be located within 125 metres of residential properties. This is a recommended suitable distance to prevent disturbance to residential properties from noise arising from operation of the turbine and discharge of the outfall. We agree that the outfall structure should not involve any cast in situ concrete. This would favour use of natural landform and existing natural materials for outfall construction. We consider that a 1m<sup>2</sup> outfall pipe diameter is greater than what we associate with small scale hydropower and that sizeable construction works would be required for its installation. We propose that a smaller outfall diameter be set as a standard and that further work is carried out that can associate an outfall diameter with the conveyance and hence discharge capacity of a maximum pipeline diameter as set out in Question 61 above.

**Q63 Do you agree with these miscellaneous conditions relating to tree felling, water course crossings, construction practices and decommissioning?**

We agree in principle with the miscellaneous conditions. Tree felling is restricted by legal protections (such as Tree Preservation Orders and designations – Ancient & Semi-Natural Woodlands) and controlled through the requirements of a felling licence. PDRs for small scale hydro should respect these existing regulatory requirements that in turn should be incorporated into guidance to ensure that developers are clear on their legal responsibilities and eligibility for PDRs.

We agree that watercourse crossings, pipe trenching or construction of access track within or adjacent to a river channel should meet the requirements of existing legislation on flood risk and require the appropriate flood risk consents (FRAPS or OWCs) for their installation. As we have set out above any scheme that requires an access track should require full planning permission.

We agree that all construction practices should meet standards set out in current regulatory guidance notes.

We agree that within the proposed PDRs there should be a requirement for all hydropower schemes that are no longer required or capable of generation to be decommissioned and removed. Further consents may be required to do this so that the environmental risk of decommissioning works can be appropriately managed. These include Flood Risk Activity Permits or Ordinary Watercourse Consents for demolition activities in or adjacent to a river channel and an Impoundment Licence for removal of the intake structure.

**Q64 We have asked a number of specific questions. If you have any related issues which we have not specifically addressed, please use this space to report them:**

None.

Responses to consultations are likely to be made public, on the internet or in a report. If you would prefer your response to remain anonymous, please tick here

Responses are welcome in either English or Welsh and should arrive no later than **28 September 2018**.

You can reply in any of the following ways:

**Post:**

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**Email:** [planconsultations-i@gov.wales](mailto:planconsultations-i@gov.wales)

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