

CERTIFICATE OF DECISION

**TOWN AND COUNTRY PLANNING ACT 1990
TOWN & COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (WALES) ORDER 2012**

In pursuance of their powers under the above Act and Order, the County Council as Local Planning Authority hereby

GRANT PLANNING PERMISSION FOR:

PROPOSAL : Installation of a 100kw micro-hydro turbine with associated buried pipeline, turbine shed, buried power cable and a metering cabinet

LOCATION : Bonwm Hydro Powerhouse off Holyead Road (A5) Bonwm Corwen

subject to compliance with the condition(s) specified hereunder.


The Condition(s) is(are):

1. The development to which this permission relates shall be begun no later than 8 November 2023.
2. The development hereby permitted shall be carried out in strict accordance with details shown on the following submitted plans and documents unless specified as otherwise within any other condition pursuant to this permission
 - (i) Proposed turbine shed received 10 August 2018
 - (ii) Proposed hydro intake received 10 August 2018
 - (iii) Block plan received 10 August 2018
 - (iv) Location plan received 10 August 2018

3. PRE-COMMENCEMENT CONDITION

No development shall commence until a final Construction Environment Management Plan has been submitted and approved in writing by the local planning authority. The development shall be carried out in strict accordance with the approved Construction Environment Management Plan.

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Head of Planning and Public Protection Services
08/11/2018

4. Prior to the installation of the meter cubicle, full details of its design, materials and external colour shall be submitted to and approved in writing by the Local Planning Authority. The development shall proceed strictly in accordance with those details as approved.
5. If the development hereby permitted ceases to operate for a continuous period of not less than 12 months, within 6 months of that time, the turbine house and all other structures on or above the ground shall be dismantled, the materials removed from the site and the site restored to the satisfaction of the local planning authority.

The reason(s) for the conditions(s) is(are):

1. To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.
2. For the avoidance of doubt and to ensure a satisfactory standard of development.
3. In the interest of protecting the biodiversity of the area.
4. In the interest of visual amenity.
5. To ensure the long term reinstatement of the site, in the interests of landscape and visual amenity.

PLANNING POLICIES RELEVANT TO THE DECISION

Denbighshire Local Development Plan (adopted 4th June 2013)

Policy VOE1 – Key Areas of importance

Policy VOE2 – Area of Outstanding Natural Beauty and Area of Outstanding Beauty

Policy VOE5 – Conservation of natural resources

Policy VOE 10 – Renewable energy technologies

Supplementary Planning Guidance

Supplementary Planning Guidance Note: Clwydian Range and Dee Valley Area of Outstanding Natural Beauty

Supplementary Planning Guidance Note: Conservation and Enhancement of Biodiversity

Supplementary Planning Guidance Note: Trees & Landscaping

Government Policy / Guidance

Planning Policy Wales (Edition 9) November 2016

Development Control Manual November 2016

Technical Advice Notes

TAN5 – Nature Conservation and Planning

TAN8 – Renewable Energy

TAN11 – Noise

TAN 15 – Development and Flood Risk

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SPECIAL NOTES TO APPLICANT

Lead Local Flood Authority consent:

The consent of Denbighshire County Council, as the Lead Local Flood Authority (LLFA) will be required for the construction of any culvert, weir or other flow control structure(s) that are required in the Nant Llechog, which is a designated 'ordinary' watercourse. In particular, consent is likely to be required for the proposed impoundment weir structure and for any temporary in-channel structures that are required to manage river flows during the construction stage.

For further information contact:

Wayne Hope, Senior Engineer, Flood Risk Management, Denbighshire County Council
Tel: 01824 706901

NOTES TO APPLICANT

1. APPEALS AGAINST REFUSAL OF PLANNING PERMISSION, OR IMPOSED CONDITIONS

- 1.1 If the applicant is aggrieved by the decision of the Local Planning Authority to refuse permission or approval of the proposed development, or to grant permission or approval subject to conditions he/she may by notice served, appeal to the Planning Inspectorate in accordance with Section 78 of the Town and Country Planning Act 1990. In the case of a householder appeal or a minor commercial appeal, the notice must be served within twelve weeks from the date of the notice of the decision or determination giving rise to the appeal; in the case of any other appeal under section 78(1), six months from the date of the notice of the decision or determination giving rise to the appeal; or in a case in which the local planning authority have served a notice on the applicant in accordance with article 3(2) of the Town and Country Planning (Development Management Procedure) (Wales) Order 2015 that they require further information and the applicant has not provided the information, the date of service of that notice.
- 1.2 If permission to develop land is refused or granted subject to conditions, whether by the Local Planning Authority or by the Planning Inspectorate, and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted he may serve on the Council of the County in which the land is situated, as the case may be, a Purchase Notice requiring that Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

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- 1.3 In certain circumstances, a claim may be made against the Local Planning Authority for compensation, where permission is refused or granted subject to conditions by the Planning Inspectorate on appeal or on a reference of the application to him. The circumstances in which such compensation is payable are set out in Part V of the Town and Country Planning Act 1990.

2. THE CHOICE OF APPEAL PROCEDURES

- 2.1 There is a choice of three appeal procedures and the Planning Inspectorate will co-operate with you, or your agent, in enabling your appeal to be processed in the way you would prefer. But there may be a few occasions when the Planning Inspectorate has to use a procedure which is not your own preference, in order to ensure that all aspects of the appeal are thoroughly and fairly considered. When this happens, the Planning Inspectorate will explain why.

- 2.2 The available appeal procedures are:

- i. by written representations which you and the Local Planning Authority make, followed by an accompanied or unaccompanied inspection of the appeal site by the appointed Inspector.
- ii. by written representations which you and the Local Planning Authority make, followed by an Informal Hearing conducted by the appointed Inspector who hears oral representations from interested parties which may continue on an accompanied inspection of the appeal site.
- iii. by a formal Local Inquiry conducted by the appointed Inspector following submission of proofs of evidence/statements of case. The Inspector hears representations from interested parties, allowing cross-examination of witnesses, and undertakes an accompanied inspection of the appeal site.

The procedures described in i. and ii. are likely to enable you to receive the quickest possible decision on your appeal, as the procedures for exchanging written representations are tightly timetabled. Written representations or Hearings are not suitable for cases which have generated substantial third party representations, or which involve cases where it is desirable to cross-examine evidence.

The procedure described in iii. is usually the slowest and most expensive method of appealing and you should only opt for this procedure if you have good reason to ask for a local hearing of your appeal. Normally, local inquiries are confined to those cases that require advocacy.

- 2.3 Should the appellant wish the Planning Inspectorate to appoint a Welsh speaking Inspector to hear any appeal against the Local Planning Authority's decision, the request should be made to the Planning Inspectorate when notice of the appeal is forwarded.

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THE ADDRESS FOR APPEALS AND APPEAL FORMS

- 2.4 All appeals have to be submitted to the Planning Inspectorate within the relevant period of the date of the Local Planning Authority's decision against which you are appealing. The best way to appeal is to complete the Planning Inspectorate's official appeal form which may be obtained from:

THE PLANNING INSPECTORATE, CROWN BUILDINGS, CATHAYS PARK, CARDIFF, CF10 3NQ.

- 2.5 The telephone number is 0303 444 5940, if you need more information or advice from the Planning Inspectorate.

3. COMPLIANCE WITH APPROVED PLANS AND CONDITIONS

- 3.1 You are reminded that any permission or consent must be carried out strictly in accordance with the approved plans, and any conditions attached to the certificate of decision. If any amendments are proposed to the plans, you should not proceed without obtaining the written approval of the Local Planning Authority. Any proposed amendments must be notified to the Head of Planning Services in writing with detailed plans suitably revised to illustrate the changes proposed. The Head of Planning Services will advise in writing whether the amendments can be accepted within the terms of the permission granted, or whether a fresh application is required. You are reminded in accordance with other Notices that it will also be necessary for you to ensure that amendments are acceptable to the other County Council Departments and statutory bodies where separate legislation applies.
- 3.2 Responsibility for the accuracy of the detailed plans and drawings forming part of the submission rests with the applicant, agent or developer.
- 3.3 Applications for Compliance with Conditions - If this Decision Certificate includes conditions requiring the further consent, agreement, or approval of the planning authority, you should submit the information required for consideration by way of an application form stating the reference number of the permission and the condition in question, and with a suitable description of the proposed details, and plans or drawings to a recognised metric scale. The planning authority has eight weeks to determine such an application.
- 3.4 Proceeding Without Permission - Any further development carried out prior to the grant of the relevant permission/consent, without compliance with the plans and particulars forming part of this permission, or without compliance with the conditions of this permission, is entirely at the owner/developer's own risk, and may oblige the planning authority to take formal Enforcement Action.

4. REQUIREMENT FOR SEPARATE CONSENTS


- 4.1 It is important to appreciate that this decision certificate relates solely to an application submitted in accordance with the Acts/Regulations specified on the first sheet of this document. The Certificate does not convey any approval which may be required under separate legislation or from other statutory bodies, and does not override any private legal restrictions which may prevent the implementation of the proposal. (e.g. development on land in third party ownership).

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- 4.2 Your particular attention is drawn to the possibility that the proposal MAY require Building Regulations Consent or oblige compliance with regulations under the control of the Council's Public Protection Officer. The onus rests on the applicant, agent or developer to ensure all relevant consents are obtained in connection with any development.
- 4.3 The erection of building extensions or other property alterations may give rise to important issues affecting the provision of gas, electricity, water and/or telephone services for an occupier and his/her neighbours. In certain circumstances interference may contravene legislation and you are advised that if it is possible that the provision of any service to the premises is within the area of a proposed extension or alteration you should notify the appropriate authority prior to commencing the works.
- 4.4 Where development involves works on or close to a boundary, including on shared internal walls, compliance may be necessary with the requirements of the Party Walls etc., Act 1996, and you should obtain separate legal advice on this matter. The Local Planning Authority is not responsible for the enforcement of The Party Walls etc., Act, or for resolving private legal disputes arising therefrom.

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