



**Town and Country Planning Act 1990
Town and Country Planning (Development Management Procedure)
(Wales) Order 2012**

Application P/2014/1021 for Full Planning Permission

**Berrys
Mr Nick Williams
Willow House East
Shrewsbury Business Park
Shrewsbury
SY2 6LG**

Applicant: Mr Roger Hughes R J Hughes & Co

In pursuance of its powers under the above-mentioned Act and Order Powys County Council (hereinafter called "the Council") as local planning authority hereby gives you notice that **FULL PLANNING PERMISSION** is **GRANTED** for the following development, namely:-

Full: Construction of a 250 kW on-farm Anaerobic Digester plant including digester tank, digester store tank, 3 silage clamps, storage shed, slurry tank, CHP unit, transformer and substation, gas flare together with retaining wall, formation of access road, engineering operations including formation of earth bund and all associated works at Land at Argoed Farm Trefeglwys Caersws

In accordance with the application and plan submitted to the Council on 14/10/2014 subject to the conditions specified hereunder:-

1. The development to which this permission relates shall be begun no later than the expiration of five years from the date of this permission.
2. The development shall be carried out strictly in accordance with the plans stamped as approved on 12/12/14 (drawing no's: SA17243/01, 02A, 03A, 04, SA17246/05 and SA17243 06).
3. Other than for testing and maintenance purposes, the anaerobic digester and its buildings shall not be managed and operated other than by the owners/partners of Argoed Farm (R J Hughes & Co)
4. The anaerobic digester and its buildings shall remain under the same ownership as Argoed Farm (R J Hughes & Co) unless otherwise agreed in writing by the Local Planning Authority.
5. The input materials (feedstock) for use in the digester process shall comprise of 100% by volume sourced from the land outlined in red on plan stamped approved NW/CW/SA17243 06 unless otherwise agreed in writing by the Local Planning Authority.
6. The digestate (output) from the plant shall not be spread on, or injected into, ground other than land outlined in red on the approved plan NW/CW/SA17243 06 which is managed by the owners/partners of Argoed Farm (R J Hughes & Co).

7. Prior to the commencement of any construction works, a construction traffic management plan shall be submitted for approval . The management plan shall include details relating to the timing of the works, the contractor, the method of construction, details of the proposed signing and guarding to the highway, and details of measures to minimise disruption to highway users. The construction traffic shall be carried out in accordance with the thereby approved traffic management plan.
8. No development shall take place until details of any external lighting proposed to illuminate the development has been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details and there shall be no other external illumination of the development.
9. Prior to commencement of development a Pollution Prevention Plan shall be submitted to the Local Planning Authority and implemented as approved and maintained thereafter unless otherwise agreed in writing with the LPA.
10. Prior to commencement of development a Tree and Hedgerow Protection Plan in accordance with BS: 5837:2012 shall be submitted to the Local Planning Authority and implemented as approved and maintained thereafter unless otherwise agreed in writing with the LPA.
11. No development shall commence until full engineering details, calculations and location of the porosity tests and proposed soakaways or other best management practice Sustainable Drainage Systems should be submitted and approved in writing by the LPA. The approved scheme shall be completed before any of the development comes into operational use. The scheme to be submitted shall show foul drainage being connected to an appropriate foul water treatment system.
12. Notwithstanding the landscaping and planting details submitted, prior to commencement of development further details of landscaping shall be submitted to and approved in writing by the Local Planning Authority. The details should include a planting and management schedule indicating the location of planting, species type, planting height and planting density and an ongoing management plan .
13. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation. If any plants fail more than once they shall continue to be replaced on an annual basis until the end of the 5 year defects period.
14. Within 12 months of the cessation of use of the site as an anaerobic digester all related plant and buildings shall be removed from the site.

Reasons

1. Required to be imposed by Section 91 of the Town and Country Planning Act 1990.
2. To ensure adherence to the plans stamped as approved in the interests of clarity and a satisfactory development.
3. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
4. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
5. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
6. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.

7. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
8. To safeguard local amenities and wildlife in accordance with policies GP1 and DC3 of the Powys Unitary Development Plan.
9. To comply with Powys County Council's UDP policies SP3, ENV2, ENV3 and ENV6 in relation to The Natural Environment and to meet the requirements of TAN 5: Nature Conservation and Planning, Welsh government strategies, and the NERC Act 2006.
10. To comply with Powys County Council's UDP policies SP3, ENV2, ENV3 and ENV6 in relation to The Natural Environment and to meet the requirements of TAN 5:
11. To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal in accordance with policies GP1 and DC13 of the Powys Unitary Development Plan.
12. To ensure a satisfactory and well planned development and to preserve and enhance the quality of the environment, visual amenity and privacy in accordance with policies GP1 and ENV2 of the Powys Unitary Development Plan.
13. To ensure a satisfactory and well planned development and to preserve and enhance the quality of the environment, visual amenity and privacy in accordance with policies GP1 and ENV2 of the Powys Unitary Development Plan.
14. Required to be imposed by Section 72 (5), and paragraph 1 of Part 1 of Schedule 5 of the Town and Country Planning Act 1990.

Notes

A Building regulations application may be required, please contact Building Regulations on 01874 612290.

The date on which this permission is **GRANTED** is 12/12/14.



Sue Bolter
Pennaeth Adfywio, Eiddo a Chomisiynu /
Head of Regeneration, Property & Commissioning

Notes

1. If the applicant is aggrieved by the decision of the local planning authority to refuse permission or approval for the proposed development, or to grant permission or approval subject to conditions, he/she may appeal to the National Assembly in accordance with Section 78 of the Town and Country Planning Act 1990 within 6 months of the date of this notice. Appeals must be made on a form obtainable from the Planning Inspectorate, Cathays Park, Cardiff CF10 3NQ. The National Assembly has power to allow a longer period for the giving of a notice of appeal but will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving notice of appeal. The National Assembly is not required to entertain an appeal if it appears that permission for the proposed development could not have been granted by the local planning authority, or could not have been so granted otherwise than subject to the conditions imposed by them, having regard to the statutory requirements, to the provisions of the development order, and to any direction given under the order. It does not in practice refuse to entertain appeals solely because the decision of the local planning authority was based on a direction given by it.
2. If permission to develop land is refused or granted subject to conditions, whether by the local planning authority or by the National Assembly, 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 in which the land is situated, 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.
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 National Assembly on appeal or on a reference of the application to it. The circumstances in which such compensation is payable are set out in Section 114 of the Town and Country Planning Act 1990.
4. Failure to adhere to the details of the approved proposals for development contained in this application or to comply with any conditions or limitations subject to which this permission was granted will constitute a breach of planning control which may result in the local planning authority serving an enforcement notice requiring the breach to be remedied under Section 172 of the Town and Country Planning Act 1990.

P/2014/1021

IMPORTANT – Please read carefully the notes below

Failure to comply could make the development hereby permitted unauthorised.

- 1) This consent is granted in strict accordance with the approved plans:
 - a) **ANY VARIATION** from the approved plans after commencement of the development, irrelevant as to the degree of variation, will be constituted as unauthorised development and may be liable to enforcement action.
 - b) You or your agent or any other person responsible for implementing this permission should inform the Case Officer immediately of any proposed variation from the approved plans and you or they will be informed as to the best method to resolve the matter.
- 2) This consent is granted subject to conditions and it is the owner and the person responsible for the implementation of the development who will be fully responsible for their compliance throughout the development and beyond:
 - a) If there is a condition that requires work to be carried out or matters to be approved prior to the commencement of the development this is called a “condition precedent”.
 - b) If a “condition precedent” is not complied with, the whole of the development will be unauthorised, you may be liable to enforcement action
 - c) In addition if a condition precedent is breached, the development is unauthorised and the only way to rectify the breach is the submission of a new application.
 - d) If any other type of condition is breached then you will be liable to a Breach of Condition Notice.

-