



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

Application P/2014/0528 for Full Planning Permission

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

Applicant: Mr & Mrs G & A Powell

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: Installation of an anaerobic digester plant to include erection of a digester tank, digestate storage tank, separator and clamp, together with the erection of a new building, landscaping and all other associated works at Glanmeheli Farm, Kerry, Newtown, Powys, SY16 4LN.

In accordance with the application and plan submitted to the Council on 02/06/2014 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 as stamped approved.
3. 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.
4. The landscaping details as agreed pursuant to condition 3 shall be planted within the first planting season following the granting of planning permission and implemented in accordance with the approved Landscaping and Planting Schedule and retained in perpetuity and managed thereafter in accordance with a management schedule.

5. Notwithstanding the details of the approved plans on its first installation the external elevations of the built form of the development in its entirety shall be finished in a Juniper Green colour. The application of any other alternative shade of green prior to its application shall first be submitted to and approved in writing by the Local Planning Authority.
6. Prior to the commencement of development details of the artificial lighting scheme associated with the development in its entirety shall be submitted to and approved in writing by the Local Planning Authority.
7. The lighting scheme shall be implemented and retained in accordance with the approved details.
8. 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.

Informative:

Great Crested Newts – Wildlife & Countryside Act 1981 (as amended) and The Conservation of Habitats and Species Regulations 2010 (as amended)

Great Crested Newts are known to be present in the vicinity of the proposed development site. The great crested newt is fully protected under schedule 5 of the Wildlife and Countryside Act 1981 (as amended) and Schedule 2 of The Conservation of Habitats and Species Regulations 2010.

It is therefore an offence to:

- Deliberately capture, injure or kill a great crested newt;
- Deliberately disturb an great crested newt in such a way as to be likely to significantly affect the local distribution, abundance or the ability of any significant group of great crested newts to survive, breed, rear or nurture their young;
- Damage or destroy a great crested newt breeding site or resting place;
- Intentionally or recklessly disturb a great crested newt; or
- Intentionally or recklessly obstruct access to a breeding site or resting place.

If a great crested newt is discovered while work is being undertaken, all work must stop and advice sought from Natural Resources Wales and the Council's Ecologist. This advice may include that a European protected species licence is sought.

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 order to minimise impact of the development on the open countryside setting and to safeguard it's amenity in compliance with policies GP1, ENV 2, EC 09 of the Powys Unitary Development Plan (March 2010).

- 4 In order to minimise impact of the development on the open countryside setting and to safeguard it's amenity in compliance with policies GP1, ENV 2, EC 09 of the Powys Unitary Development Plan (March 2010).
- 5 In order to minimise impact of the development on the open countryside setting and to safeguard it's amenity in compliance with policies GP1, ENV 2, EC 09 of the Powys Unitary Development Plan (March 2010).
- 6 To safeguard the visual amenity of the area in compliance with Powys Unitary Development Plan policy GP1
- 7 To safeguard the visual amenity of the area in compliance with Powys Unitary Development Plan policy GP1
- 8 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

The date on which this permission is **GRANTED** is 29/09/2014.



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

P/2014/0528

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.

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.