Powys

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

Application P/2014/0466 for Full Planning Permission

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

Applicant: Mr David Parry, DJ & M Parry.

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: Proposed construction of a 250 kw on-farm Anaerobic Digester (AD) plant, feedstock building, silage clamps and associated works at The Warren, Rhos-Y-Meirch, Knighton.

In accordance with the application and plan submitted to the Council on 22/05/2014 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 received stamped as approved.

3. Prior to the commencement of development, a Biosecurity Risk Assessment shall be submitted to and approved in writing by the Local Planning Authority. The assessment shall include (i) appropriate measures to control any Invasive Non Native Species on site; and (ii) measures or actions that aim to prevent INNS being introduced to the site for the duration of construction phase of scheme. Thereafter, the development shall be undertaken strictly in accordance with the Biosecurity Risk Assessment so approved.

4. Prior to commencement of development, a Construction Ecological Mitigation Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be undertaken strictly in accordance with the Construction Ecological Mitigation Plan so approved.

5. Prior to commencement of development, an External Lighting Scheme shall be submitted to and approved in writing by the Local Planning Authority. The development shall

thereafter be implemented strictly in accordance with the External Lighting Scheme so approved and retained as such in perpetuity.

6. Prior to commencement of development, a Biodiversity Enhancement Scheme shall be submitted and approved in writing by the Local Planning Authority. The Biodiversity Enhancement Scheme shall include a scheme of implementation. Thereafter, the development shall be undertaken strictly in accordance with the scheme so approved and retained as such in perpetuity.

7. Prior to the first use of the Anaerobic Digester, a report confirming that the Biodiversity Enhancement measures (condition 6) have been implemented and are fit for purposes shall be submitted to and approved in writing by the Local Planning Authority.

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 safeguard biodiversity in accordance with policies ENV3 and ENV7 of the Powys Unitary Development Plan (2010), Technical Advice Note 5 – Nature Conservation and Planning (2009) and Planning Policy Wales (2014).

4. In order to safeguard protected species and their habitats in accordance with policies ENV3 and ENV7 of the Powys Unitary Development Plan (2010), Technical Advice Note 5 – Nature Conservation and Planning (2009) and Planning Policy Wales (2014).

5. In order to safeguard protected species and nocturnal wildlife in accordance with policies ENV3 and ENV7 of the Powys Unitary Development Plan (2010), Technical Advice Note 5 – Nature Conservation and Planning (2009) and Planning Policy Wales (2014).

6. In order to safeguard and enhance biodiversity in accordance with policies ENV3 and ENV7 of the Powys Unitary Development Plan (2010), Technical Advice Note 5 – Nature Conservation and Planning (2009) and Planning Policy Wales (2014).

7. In order to ensure the biodiversity measures are fit for purpose and therefore safeguard and enhance biodiversity in accordance with policies ENV3 and ENV7 of the Powys Unitary Development Plan (2010), Technical Advice Note 5 – Nature Conservation and Planning (2009) and Planning Policy Wales (2014).

Notes

Environmental Permitting

As the output of the AD facility is 250kw, and all the fuel is sourced from the farm or operators land, it is likely that this facility will require an Exemption from us. Further guidance is provided via the following link but the applicant should confirm this by contacting the NRW permitting centre.

Further Advice to Applicant

We inspect farms on a regular basis and we recommend that all associated pipework/storage associated with the proposal to be above ground to allow and easier inspection. The application has also mentioned using the treated digestate as fertiliser but no details have been included of the capacity of their muck storage facilities. If the applicant intends to use field heaps we remind them that standard Code of Good Agricultural Practice should be complied with. This states that any heap should not be in any one footprint for more than 12 months and should not be restored to that footprint for 3 years.

The date on which this permission is **GRANTED** is 01/09/2014.



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.

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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.