

# Brecon Beacons National Park Authority



## Town and Country Planning Act 1990

## Town and Country Planning (General Development Procedure) Order 1995

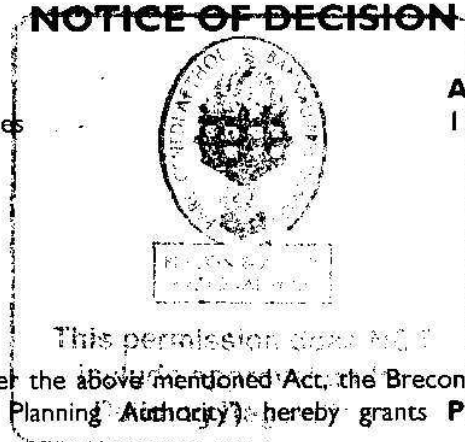
### NOTICE OF DECISION

**Applicant/Agent:**

Mr Alun Evans - Technical Services  
Blaenau Gwent C.B.C.  
Baldwin House  
Victoria Business Park  
Ebbw Vale  
Gwent  
NP23 8ED

**Application Reference:**

11/06855/FUL



In pursuance of its powers under the above mentioned Act, the Brecon Beacons National Park Authority (hereinafter called 'the Local Planning Authority') hereby grants **PERMISSION** for the following development:

**"Proposed shared use community and cycle route" (Full Application) at Land Between Ben Wards Field, Brynmawr To, Blaengelli Farm, Llanelly Hill, ,**

subject to the following condition(s):

- 1 The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
- 2 The development shall be carried out in all respects strictly in accordance with the approved plans (drawing nos. NP1v1, NP2v1, NP3v1, NP4v1, NP5v1, NP6v1, NP7v1, NP8v1, NP9v1, NP10v1, NP11v1 rcvd 22/6/2011), unless otherwise agreed in writing by the Local Planning Authority.
- 3 Prior to the installation of any sign, details of the design of signs shall be submitted to and approved in writing with the National Park Authority.
- 4 Notwithstanding the submitted plans, no new spoil shall be left on site which is the subject of this permission unless otherwise agreed in writing by the National Park Authority.
- 5 The development shall be completed in line with the Recommendations presented on pages 25 and 26, Section 6 (Conclusions and Recommendations) of the NCN Brynmawr to Racehorse Inn Mining Risk Assessment report (Capita Symonds, May 2011).
- 6 No development shall take place until the 'Reptile Mitigation Strategy' as presented in the Extended Phase I Ecological Survey report (Chris Hatch, August 2010) and listed in the programme illustrated in the Design and Access Statement has been implemented in full.
- 7 No development works shall take place until a Construction Method Statement, which has been prepared in conjunction with an appointed ecological Clerk of Works, has been submitted to and agreed in writing by the Local Planning Authority. The approved Method Statement shall be implemented in full.
- 8 No development works shall take place until a Biodiversity Enhancement Scheme for the woodland blocks crossed by the cycle route within the National Park has been submitted to and agreed in writing by the Local Planning Authority. The approved scheme shall be implemented in full.
- 9 The development shall be completed in line with the Recommendations presented on pages 13 and 14 of the Extended Phase I Ecological Survey report (Chris Hatch, August 2010).
- 10 No development shall take place until a highways safety audit has taken place, the details of which shall be submitted to and agreed in writing by the Local Planning Authority. The approved scheme shall be implemented in full prior to the beneficial use of the cycle route.

### Reasons:

- 1 Required to be imposed by Section 91 of the Town and Country Planning Act 1990.
- 2 To ensure adherence to the approved plans in the interests of a satisfactory form of development.
- 3 To ensure legible connections to the local rights of way network and to minimise visual impact on the character of the environment.
- 4 To minimise any impact on flora and fauna.
- 5 In the interests of the safe use of the path.
- 6 In the interests of protected species and their habitats
- 7 To protect those previously identified features of local ecological interest during the construction stage and to ensure a an acceptable form of development.
- 8 To provide enhancements that will be to the benefit of protected species and their habitats and to the general benefit of the area.
- 9 In the interests of protected species.
- 10 In the interests of highways safety.

### Informative Notes:

- 1 Work should halt immediately and CCW contacted for advice in the unexpected event that protected species are discovered during the course of the development. To proceed without seeking the advice of CCW may result in an offence being committed. CCW, Cantref Court, Brecon Road, Abergavenny, NP7 7AX. Tel. 01873 737000.
- 2 The timing of development works should be such as to avoid conflict with the bird nesting season.
- 3 The plans hereby approved do not grant consent for any works outside of the National Park boundary.
- 4 This application relates only to the variation of condition 2 of planning permission 10-05795-FUL. The remaining conditions attached to planning permission 10-05795-FUL remain in force as well as the associated Section 106 Agreement.

### Policies considered relevant to this decision:

- LPG10:** "Development and flood risks." (Local Plan 1999)
- LPG11:** "Development and flood risks." (Local Plan 1999)
- LPCL5:** "Wildlife and landforms." (Local Plan 1999)
- LPCL6:** "Wildlife and landforms." (Local Plan 1999)
- LPT1:** "Tourist, recreation and education." (Local Plan 1999)
- LPT14:** "Recreational paths." (Local Plan 1999)
- LPRI2:** "Cycling and walking." (Local Plan 1999)
- G3:** "Development in the National Park" (Unitary Development Plan 2007)
- G4:** "Development Affecting Trees" (Unitary Development Plan 2007)
- G6:** "Design" (Unitary Development Plan 2007)
- Q4:** "Protected and Important Wild Species" (Unitary Development Plan 2007)
- Q5:** "Biodiversity and Development" (Unitary Development Plan 2007)
- Q20:** "Development relating to the enjoyment of" (Unitary Development Plan 2007)
- Q21:** "Rights of Way and Long Distance Routes" (Unitary Development Plan 2007)
- H2:** "Development and the Risk of Flooding" (Unitary Development Plan 2007)
- H3:** "Reducing the Risk of Flooding" (Unitary Development Plan 2007)
- ES44:** "Provision for Walking" (Unitary Development Plan 2007)
- ES45:** "Provision for Cycling" (Unitary Development Plan 2007)
- LPG2:** "Allocation of Land for development." (Local Plan 1999)
- LPG3:** "Development in the National Park." (Local Plan 1999)
- LPG6:** "Development in the National Park." (Local Plan 1999)
- LPG8:** "Accessibility and safety." (Local Plan 1999)

Signed:



National Park Authorised Officer

Date: 28<sup>th</sup> September 2011

Brecon Beacons National Park Authority

#### **NOTES TO APPLICANT**

##### **Appeals to the National Assembly for Wales**

If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the National Assembly for Wales under Section 78 of the Town and Country Planning Act 1990 (as amended).

If you want to appeal, then you must do so within six months of the date of this notice, using a form which you can get from the Planning Inspectorate at Crown Buildings, Cathays Park, Cardiff CF10 3NQ.

The National Assembly for Wales can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The National Assembly for Wales need not consider an appeal if it seems to him that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions it imposed, having regard to the statutory requirements, to the provisions of the development order and to any directions given under the order.

In practice, the National Assembly for Wales does not refuse to consider appeals solely because the local planning authority based its decision on a direction given by him.

##### **Purchase Notices**

If either the local planning authority or the National Assembly for Wales refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonable beneficial use in its existing state nor can he render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances, the owner may serve a purchase notice on the local planning authority in whose area the land is situated. This notice will require the local planning authority to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990 (as amended).

##### **Compensation**

In certain circumstances compensation may be claimed from the local planning authority if permission is refused or granted subject to conditions by the National Assembly for Wales on appeal or on reference of the application to him.

These circumstances are set out in Sections 114 and related provisions of the Town and Country Planning Act 1990 (as amended).

##### **Notes**

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. This 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 (as amended).