

# Brecon Beacons National Park Authority



## Town and Country Planning Act 1990 Town and Country Planning (General Development Procedure) Order 1995

### NOTICE OF DECISION



This permission does NOT  
include approval under  
Building Regulations

**Applicant/Agent:**  
Miss Gemma Samuel  
TGV Hydro Ltd.  
CRIC  
Beaufort Street  
Crickhowell  
Powys  
NP8 1BN

**Application Reference:**  
15/12149/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:

**“High head micro hydro scheme, with turgo runner in turbine house. System consisting of intake weir and integrated forbay tank, pipe, turbine house and export cable.” (Full Application) at Nant Dyar Watercourse, Nr Box Cottage, Clydach, Abergavenny NP7 0RD**

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. NP1v2 received on 5th June, 2015; NP2v1 received on 23rd April, 2105; NP3v2 received on 5th June, 2015; NP4v1, NP5v1, NP6v1 and NP7v1 received on 23rd April, 2105), unless otherwise agreed in writing by the Local Planning Authority.
- 3 Construction measures shall be carried out strictly in accordance with the methodology and recommendations described in Section 6 of the Biodiversity Impact Assessment document received on 2nd June 2015.
- 4 The biodiversity enhancement measures (Annex 1 - Specification of bird and bat boxes for Nant Dyar and Annex 2 - Specification of seed mix for grassland restoration for Nant Dyar) received on 15th July, 2015 shall be undertaken and/or installed prior to first beneficial use of the development. Within 3 months of the installation of the enhancement measures, a report confirming their adequate installation shall be submitted to 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 approved plans in the interests of a satisfactory form of development.
- 3 To comply with Section 5 of Planning Policy Wales (2014), Technical Advice Note 5 and Policies SP3, 3, 4, 6 and 7 of the adopted Local Development Plan for the BBNPA. To comply with the Wildlife & Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2010 (as amended) and the Natural Environment and Rural Communities Act 2006.
- 4 To comply with Section 5 of Planning Policy Wales (2014), Technical Advice Note 5 and Policies SP3, 3, 4, 6 and 7 of the adopted Local Development Plan for the BBNPA. To comply with the Wildlife & Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2010 (as amended) and the Natural Environment and Rural Communities Act 2006.

## Informative Notes:

- 1 Work should halt immediately and Natural Resources Wales (NRW) contacted for advice in the event that protected species are discovered during the course of the development. To proceed without seeking the advice of NRW may result in an offence under the Conservation of Habitats and Species Regulations 2010 and/or the Wildlife & Countryside Act 1981 (as amended) being committed. NRW can be contacted at: NRW, Cantref Court, Brecon Road, Abergavenny, NP7 7AX Tel: 01873 737000.
- 2 All nesting birds, their nests, eggs and young are protected by law and it is an offence to:
  - intentionally kill, injure or take any wild bird
  - intentionally take, damage or destroy the nest of any wild bird whilst it is in use or being built
  - intentionally take or destroy the egg of any wild bird
  - intentionally (or recklessly) disturb any wild bird listed on Schedule I while it is nest building, or at a nest containing eggs or young, or disturb the dependent young of such a bird. The maximum penalty that can be imposed - in respect of a single bird, nest or egg - is a fine of up to £5,000, six months imprisonment or both.

The applicant is therefore reminded that it is an offence under the Wildlife and Countryside Act 1981 (as amended) to remove or work on any hedge, tree or building where that work involves the taking, damaging or destruction of any nest of any wild bird while the nest is in use or being built, (usually between late February and late August). If a nest is discovered while work is being undertaken, all work must stop and advice sought from Natural Resources Wales.

- 3 Work should halt immediately and Natural Resources Wales (NRW) contacted for advice in the event that protected species are discovered during the course of the development. To proceed without seeking the advice of NRW may result in an offence under the Conservation of Habitats and Species Regulations 2010 and/or the Wildlife & Countryside Act 1981 (as amended) being committed. NRW can be contacted at:

NRW, Cantref Court, Brecon Road, Abergavenny, NP7 7AX Tel: 0300 065 3000

Reasons:

To comply with Section 5 of Planning Policy Wales (2014), Technical Advice Note 5 and Policies SP3, 3, 4, 6, 7, 8 and 9 of the adopted Local Development Plan for the BBNP

To comply with the Wildlife & Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2010 (as amended) and the Natural Environment and Rural Communities Act 2006

## Policies considered relevant to this decision:

<b>SP1</b>	<i>"National Park Policy"</i> Local Development Plan (2013)
<b>Policy 1</b>	<i>"Appropriate Development in the National Park"</i> Local Development Plan (2013)
<b>Policy 2</b>	<i>"Notifiable Installations"</i> Local Development Plan (2013)
<b>Policy 3</b>	<i>"Site of European Importance"</i> Local Development Plan (2013)
<b>Policy 4</b>	<i>"Site of National Importance"</i> Local Development Plan (2013)
<b>Policy 5</b>	<i>"Site of Importance for Nature Conservation"</i> Local Development Plan (2013)
<b>Policy 6</b>	<i>"Biodiversity and Development"</i> Local Development Plan (2013)
<b>Policy 7</b>	<i>"Protected and Important Wild Species"</i> Local Development Plan (2013)
<b>Policy 8</b>	<i>"Trees and Development"</i> Local Development Plan (2013)
<b>Policy 9</b>	<i>"Ancient Woodland and Veteran Trees"</i> Local Development Plan (2013)
<b>Policy 10</b>	<i>"Water Quality"</i> Local Development Plan (2013)
<b>Policy 11</b>	<i>"Sustainable Use of Water"</i> Local Development Plan (2013)
<b>Policy 17</b>	<i>"The Settings of Listed Buildings"</i> Local Development Plan (2013)
<b>Policy 22</b>	<i>"Areas of Archaeological Evaluation"</i> Local Development Plan (2013)
<b>Policy 49</b>	<i>"Rights of Way and Long Distance Routes"</i> Local Development Plan (2013)
<b>SP3</b>	<i>"Environmental Protection – Strategic Policy"</i> Local Development Plan (2013)
<b>SP9</b>	<i>"Renewable Energy"</i> Local Development Plan (2013)
<b>CYD LPI</b>	<i>"Development in the Countryside"</i> Local Development Plan (2013)

Signed: 

National Park Authorised Officer

Date: 

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).

