

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 Simon Brown
Sustain by Design
14 Monk Street
Monmouth
Monmouthshire
NP25 3NZ

Application Reference:

15/12808/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:

“Ground-mounted PV solar array.” (Full Application) at Land adjoining , The Long Barn, Ty Mawr Road, Gilwern Monmouthshire

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, NP4v1, NP5v2 and NP6v2), unless otherwise agreed in writing by the Local Planning Authority.
- 3 If the solar panel scheme hereby permitted fails to produce electricity for a continuous period of 12 months, the panels and associated equipment shall be removed from the site and the land shall be reinstated within a period of 6 months from the end of that 12 month period, in accordance with a scheme submitted to and approved in writing by the Local Planning Authority, prior to the commencement of removal works. The scheme shall include details of the management and timing of the works. The solar panel operator / land owner shall provide operational data for the panel to the Local Planning Authority on reasonable request, within 2 weeks of any written request being made.
- 4 Prior to the commencement of the development, a Biodiversity Enhancement and Llandscaping Plan shall be submitted to and agreed in writing with the Local Planning Authority and shall be implemented in the first planting season following implementation of the development. The Plan shall include:
 - a. Grassland management and wildflower enhancement measures
 - b. Native species hedgerow and tree planting
 - c. Details of the planting specifications the species, sizes and planting densities
 - d. A timetable for implementation and future management to ensure good establishment.

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 In the interests of the visual amenity of the area in accordance with Policy 1 of the Local Development Plan and to ensure that any harm is justified only while the scheme is in operation.

- 4 In the interests of the visual amenity and biodiversity of the area in accordance with Policy I of the Local Development Plan.

Informative Notes:

- I 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

Policies considered relevant to this decision:

Brecon Beacons National Park Authority Local Development Plan 2007-2022

SPI	National Park Policy
Policy 1	Appropriate Development in the National Park
SP3	Environmental Protection – Strategic Policy
Policy 3	Sites of European Importance
Policy 4	Sites of National Importance
Policy 5	Sites of Importance for Nature Conservation
Policy 6	Biodiversity and Development
Policy 7	Protected and Important Wild Species
Policy 17	The Setting of Listed Buildings
Policy 23	Sustainable Design in the Adaption and Re-use of Existing Buildings
SP9	Renewable Energy
CYD LPI	Enabling Appropriate Development in the Countryside

Signed:



National Park Authorised Officer

Date:

28th November 2015

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).

