

# 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 Rob Mitchell  
WYG Planning and Environment  
5th Floor Longcross Court  
47 Newport Road  
Cardiff  
CF24 0AD  
United Kingdom

**Application Reference:**

16/13860/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:

**“Demolition of existing garage building and development of a Standby Operating Reserve (diesel and/or battery) storage/generation facility with associated compound, access arrangements and landscaping” (Full Application) at Blaenafon Road, Waunavon, Llanelly Hill, NP7 0PU**

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 A097306 PA01.dwg (NP1v1), A097306 PA10.dwg (NP10v1), A097306 PA11.dwg (NP11v1) and A097306 PA12.dwg (NP12v1) received on the 09/08/16, A097306 PA03A.dwg (NP2v2), A097306 PA06A.dwg (NP5v2), A097306 PA07A.dwg (NP6v2) and A097306 PA13.dwg (NP13v1) received 07/10/16, A097306 P04B.dwg (NP4v3) and A097306 P05B.dwg (NP7v3) received 16/12/16 and the Air Quality and Plume Visibility Assessment dated November 2016 except where otherwise stipulated by conditions attached to this permission.
- 3 Before development begins on site detailed plans illustrating the existing ground levels and proposed ground levels including the finished height of the proposed structures and buildings shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and maintained in perpetuity.
- 4 The level of noise emitted from the site shall at no time not exceed the levels specified in the 'Noise - Technical Note for Barrier Layout and Construction' report received on the 16/12/16.
- 5 The Acoustic Fence detailed on the plan accompanying the 'Noise - Technical Note for Barrier Layout and Construction' report received on the 16/12/16 shall be erected prior to the beneficial use of the development hereby approved and maintained in perpetuity.
- 6 Before development begins on site and notwithstanding the information provided on the approved plans samples including and external colour of the switch buildings, palisade fencing, close board fencing and generation house/battery store shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out strictly in accordance with the approved details and maintained as such in perpetuity.
- 7 Development shall not begin until the details of the method of surface water drainage details have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out strictly in accordance with the approved details and maintained as such in perpetuity.

- 8 Before development begins on site, a full working method statement shall be submitted to the Local Planning Authority and shall be implemented as approved. Construction measures and the method statement shall incorporate the recommendations in Section 5 of the ecological report dated August 2016. The biodiversity mitigation measures shall be undertaken and/or installed prior to first use of the development. Following the installation of the mitigation, a report confirming their adequate installation shall be submitted in writing to the Local Planning Authority.
- 9 Before development begins on site, a landscaping plan and biodiversity enhancement scheme that shall include use of native species, shall be submitted to and approved in writing to the Local Planning Authority. The approved scheme shall be implemented in the first planting season following the beneficial use of the development. The plan shall include details of the planting specifications - the species, sizes and planting densities - and a timetable for implementation and future management to ensure good establishment.
- 10 No external lighting shall be installed until an external lighting plan is submitted to and approved in writing by the Local Planning Authority. The scheme shall avoid conflict with bat mitigation/enhancement measures and shall be implemented as approved.
- 11 No part of the development, including the demolition of any existing buildings or site clearance shall commence until:
- a) An appropriate Desk-Study of the site has been carried out, to include a conceptual model and preliminary risk assessment, and the results of that study have been submitted to and approved in writing by the Local Planning Authority.
  - b) if potential contamination is identified then an appropriate intrusive site investigation shall be undertaken and a Site Investigation Report to BS 10175:2011, containing the results of any intrusive investigation, shall be submitted and approved in writing by the Local Planning Authority.
  - c) Unless otherwise agreed in writing by the Local Planning Authority as unnecessary, a Remediation Strategy, including Method statement and full Risk Assessment shall be submitted to and approved in writing by the Local Planning Authority.  
No part of the development hereby permitted shall be occupied until:
  - d) Following remediation a Completion/Validation Report, confirming the remediation has being carried out in accordance with the approved details, shall be submitted to, and approved in writing by, the Local Planning Authority.
  - e) Any additional or unforeseen contamination encountered during the development shall be notified to the Local Planning Authority as soon as is practicable. Suitable revision of the remediation strategy shall be submitted to and approved in writing by the Local Planning Authority and the revised strategy shall be fully implemented prior to further works continuing.
- 12 No part of the development, including the demolition of any existing buildings or site clearance shall commence until:
- a) The submission of a scheme of intrusive site investigations regarding potential mining activities on the site is submitted to and approved in writing by the Local Planning Authority.
  - b) the undertaking of the intrusive site investigation shall be carried out in strict accordance with the approved scheme of intrusive site investigations.
  - c) A report detailing the results of the intrusive site investigation shall be submitted to and approved in writing by the Local Planning Authority.
  - d) The scheme of any remedial works that are identified as a result of the site investigations shall be submitted to and approved in writing by the Local Planning Authority.

- 13 Prior to import to site, soil material or aggregate used as clean fill or capping material, shall be chemically tested to demonstrate that it meets the relevant screening requirements for the proposed end use. This information shall be submitted to and approved in writing by the Local Authority. No other fill material shall be imported onto the site.

**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 protect the visual amenities of the area.  
4 To safeguard the amenities of the locality.  
5 To safeguard the amenities of the locality.  
6 To ensure the satisfactory appearance of the development.  
7 To comply with Section 5 of Planning Policy Wales (2016), Technical Advice Note 5 and Policies SP3, 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.  
8 To comply with Section 5 of Planning Policy Wales (2016), Technical Advice Note 5 and Policies SP3, 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.  
9 To comply with Section 5 of Planning Policy Wales (2016), Technical Advice Note 5 and Policies SP3, 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.  
10 To comply with Section 5 of Planning Policy Wales (2016), Technical Advice Note 5 and Policies SP3, 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.  
11 To ensure that any potential risks to human health or the wider environment which may arise as a result of potential land contamination are satisfactorily addressed.  
12 To ensure any historical mining activities are identified and mitigated for.  
13 To ensure that any potential risks to human health or the wider environment which may arise as a result of potential land contamination are satisfactorily addressed.

**Informative Notes:**

- 1 The developer shall note if there are changes to the plans hereby approved due to building regulation requirements or any third party requirements, details should also be submitted to and approved in writing by the Local Planning Authority prior to the commencement of work.  
2 In the event of a new or altered vehicular access being formed, the requirements of Section 184 of the Highways Act 1980 must be acknowledged and satisfied. In this respect the applicant shall apply for permission pursuant to Section 184 of the Highways Act 1980 prior to commencement of access works via the Local Highway Authority.  
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  
4 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 pounds, 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.

- 5 Natural Resources Wales refer the applicant to the Pollution Prevention Guidance (PPGs) which provide useful advice on pollution prevention matters, and which can be found on the following website: <https://www.gov.uk/government/collections/pollution-prevention-guidance-ppg>

#### **Policies considered relevant to this decision:**

UK Government's Department for Energy and Climate Change 2011

Planning Policy Wales (Edition 9: 2017)

Technical Advice Note 5: Nature Conservation and Planning

Technical Advice Note 12: Design March 2016

Brecon Beacons National Park Authority Local Development Plan

SPI National Park Policy

Policy 1 Appropriate Development in the National Park

SP10 Sustainable Distribution of Development

SP16 Sustainable Infrastructure

SP3 Environmental Protection

Policy 21 Historic Landscapes

Policy 59 Impacts of Traffic

Policy 14 Air Quality

Policy 58 Sustainable Drainage Systems

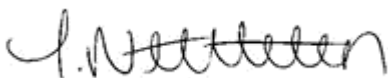
Policy 3 Sites of European Importance

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



**Signed:**

**National Park Authorised Officer**

**Date: 11<sup>th</sup> January 2017**

**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).