



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

Application P/2015/0054 for Full Planning Permission

**The Planning Group
Mr Grahame French
Unit D1 Pimley Barns
Pimley Manor
Sundorne Road
Shrewsbury
SY4 4SD**

Applicant: Mr Stephen Harris

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:-

Installation of a wind turbine (blade tip height of 17.98m & hub height of 15.18m) at grid ref: E:329267/N:295618 (retrospective) (resubmission of planning application P/2013/0641) Land at Cowlton Old Churchstoke Montgomery

In accordance with the application and plan submitted to the Council on 15/01/2015 subject to the conditions specified hereunder:-

1. This permission being retrospective as prescribed by Section 73(a) of the Town and Country Planning Act 1990 (as amended) shall be deemed to take effect from 22nd September 2015.
2. Should the turbine hereby approved cease electricity generation for a continuous period of 6 months, the turbine and related infrastructure shall be removed from the site and the site restored in accordance with a scheme to be submitted to and approved in writing by the local planning authority. Restoration shall be completed within a period of 6 months from the end of the generation period.
3. The wind turbine(s) noise level measured shall be in accordance with the guidance contained within the Department of Trade and Industry Report 'The Assessment and Rating of Noise from Wind Farms' (ETSU-R-97) and, as such, shall not exceed an absolute noise level of 35 dB expressed as L A90 10min at any existing dwelling, up to on-site wind speeds of 10m/s measured at a height of 10m.
4. The level of noise emitted by the wind turbine(s) shall be demonstrated at the request of the Local Planning Authority. Should the wind turbine(s) be identified as operating at an absolute noise level that exceeds 35 dB expressed as L A90 10min at any existing dwelling, up to on-site wind speeds of 10m/s measured at a height of 10m, the turbine(s) shall be taken out of use until such time as maintenance or repair is undertaken sufficient to reduce the

absolute noise level of the operating turbine(s) to within the parameters specified in the above condition.

Reasons

1. To comply with Section 63 of the Town and Country Planning Act 1990.
2. In the interests of visual amenity and in accordance with Powys Unitary Development Plan Policy GP1 and ENV2.
3. In order to maintain and protect the amenity of nearby residents by the reduction of ambient noise levels to an acceptable level in accordance with the requirements of Section 13.13 (Reducing Noise and Light Pollution) of Planning Policy Wales, Edition 4 (February 2011); Technical Advice Note (Wales) 11 (October and; Policy SP12 (Energy Conservation and Generation) of the Powys Unitary Development Plan, adopted 1st March 2010.
4. In order to maintain and protect the amenity of nearby residents by the reduction of ambient noise levels to an acceptable level in accordance with the requirements of Section 13.13 (Reducing Noise and Light Pollution) of Planning Policy Wales, Edition 4 (February 2011); Technical Advice Note (Wales) 11 (October and; Policy SP12 (Energy Conservation and Generation) of the Powys Unitary Development Plan, adopted 1st March 2010.

Notes

A Building regulations application may be required, please contact Building Regulations on 01874 612290.

The date on which this permission is **GRANTED** is 22/09/2015.



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. If the application is for householder development or minor commercial development you have 3 months to appeal, for any other applications or appeals against conditions you have 6 months to appeal. 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.

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