



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

Application P/2015/0148 for Full Planning Permission

**Roger Parry And Partners LLP (Oswestry)
Mr Richard Corbett
The Estates Offices
20 Salop Road
Oswestry
Shropshire SY11 2NU**

Applicant: DB & ED Evans

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:-

Full: Erection of wind turbine (36.6 metres to blade tip height and 24.8 metres to hub height) with control box and associated works Land at Penyglog, Aberhosan Machynlleth.

In accordance with the application and plan submitted to the Council on 02/03/2015 subject to the conditions specified hereunder:-

1. The development to which this permission relates shall be begun no later than the expiration of five years from the date of this permission.
2. The development shall be carried out strictly in accordance with the plans stamped as approved.
3. Notwithstanding the approved plans, prior to the commencement of development, a scaled plan detailing the exact location of the proposed development shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be undertaken strictly in accordance with the details so approved.
4. The proposed turbine once implemented shall be removed from the application site and the land restored to grassland should the turbine cease operation (i.e. generating electricity) for a continuous time period in excess of six months. The outlined removal shall take place within six months from the six month period referred to in the first part of this condition.
5. At the end of the 25 year period, the turbine shall be decommissioned and all related above ground structures shall be removed from the site. Twelve months before the decommissioning of the turbine, a scheme for the restoration of the site shall be submitted to the Local Planning Authority for approval in writing. The scheme shall make provision for the removal of the wind turbine and the associated ancillary equipment. The scheme shall include details of the management and timing for the works to be completed. All decommissioning

and restoration works shall thereafter be carried out in strict accordance with the approved scheme'.

6. The wind turbine 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.

7. The level of noise emitted by the wind turbine 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 condition 6.

8. Prior to commencement of development full details of any lighting to be used in connection with the turbine shall be submitted to and agreed in writing by the Local Planning Authority. The development shall thereafter be undertaken strictly in accordance with the details so approved.

9. The developer shall provide written confirmation of the following details to the Local Planning Authority not later than 7 days prior to the erection of the turbine:

- (i) Proposed date of commencement of the erection of the turbine;
- (ii) The maximum height of any construction equipment;
- (iii) The latitude and longitude of the turbine.

10. No development within the application site shall commence until a Construction Traffic Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Construction Traffic Management Plan shall detail the proposals for the movement of construction traffic and Abnormal Indivisible Loads (AIL) associated with wind farm development. The development shall thereafter be undertaken strictly in accordance with the Construction Traffic Management Plan so approved.

11. Notwithstanding the approved drawings, prior to commencement of development, details of the non- reflective finish to be applied externally to the turbine shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be fully implemented strictly in accordance with the details so approved.

12. Prior to the commencement of development a biodiversity enhancement scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of any appropriate mitigation measures. Development must thereafter be completed in full accordance with the details as approved.

Reasons

1. Required to be imposed by Section 91 of the Town and Country Planning Act 1990.
2. To ensure adherence to the plans stamped as approved in the interests of clarity and a satisfactory development.
3. In order to ensure a suitable location in accordance with policies SP12, GP1, ENV2, ENV3, ENV7 and RL6 of the Powys Unitary Development Plan (2010), Technical Advice Note 5 - Nature Conservation and Planning (2009), Technical Advice Note 16 - Sport, Recreation and Open Space (2009) and Planning Policy Wales (2014).

4. In the interests of the character and appearance of the area, in accordance with policies SP12, GP1, E3 and E4 of the Powys Unitary Development Plan (2010), Technical Advice Note 8: Planning for renewable Energy (2005) and Planning Policy Wales (2014).
5. In order to manage the visual and landscape impact in accordance with policies SP12, GP1, ENV2, E3, E4 of the Powys UDP (March 2010) Technical Advice Note 8 (2005) and Planning Policy Wales 2014.
6. 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 (2014) Technical Advice Note 11 - Noise (1997) and policies SP12, GP1 and E3 of the Powys Unitary Development Plan (2010).
7. 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 (2014) Technical Advice Note 11 - Noise (1997) and policies SP12, GP1 and E3 of the Powys Unitary Development Plan (2010).
8. In order to manage the visual impact of the proposed development to an acceptable level, in accordance with policies E3, E4, ENV2 and ENV3 of the Powys Unitary Development Plan (2010), Technical Advice Note 8: Planning for Renewable Energy (2005) and Planning Policy Wales (2014).
9. In the interests of aviation safety.
10. In order to safeguard highway safety and the free flow of traffic. This is imposed in accordance with policies SP12, GP1, GP4, T2 and E3 of the Powys Unitary Development Plan (2010), Technical Advice Note 18 - Transport (2007) and Planning Policy Wales (2014).
11. In the interests of the visual amenity of the area and to ensure the satisfactory appearance of the turbine in accordance with policies GP1, GP3, E3 and ENV2 of the Powys Unitary Development Plan (March 2010) and Planning Policy Wales (Edition 7,2014).
12. In the interest of the protection and preservation of biodiversity in accordance with policy ENV3 and ENV7 of the Powys Unitary Development Plan and Technical Advice Note 5 - Nature Conservation and Planning (2009).

The date on which this permission is **GRANTED** is 29/09/2015.



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.

P/2015/0148

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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