



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

Application P/2016/0851 for Full Planning Permission

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Mr Richard Corbett
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Applicant: Mr A M Jones

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:-

**Erection of an agricultural building, alterations to access and all associated works at
Wernllwyd, Berriew, Welshpool**

In accordance with the application and plan submitted to the Council on 15/08/2016, 12/09/2016, 05/10/2016 and 06/10/2016 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 on 4th November 2016 (drawing no's: RPP/RC-JOB34-03 Rev C, RPP/RC-JOB34-05 Rev B, RJC-MZ64-Wernllwyd-03).
3. Prior to commencement of development a Tree and Hedgerow Protection Plan, in accordance with BS:5837:2012 shall be submitted to the Local Planning Authority and implemented as approved and maintained thereafter.
4. Prior to commencement of development a Pollution Prevention Plan shall be submitted to the Local Planning Authority and implemented as approved and maintained thereafter. This should include details of measures to be incorporated during both the construction and operational phases of the development.
5. Prior to commencement of development, a Biodiversity Enhancement Plan shall be submitted to the Local Planning Authority and implemented as approved and maintained thereafter.
6. Prior to first use of the building hereby approved, a lighting design scheme to take any impacts on nocturnal wildlife into consideration shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved scheme and thereafter maintained.

7. No development shall commence until a scheme for the disposal of foul and surface water from the site has been submitted to and approved in writing by the local planning authority. The approved scheme shall be operational before the site becomes into first use.
8. The minimum visibility distances available for vehicles emerging from the proposed access shall be 215m in each direction at a height 1.05 metres, measured to a point 0.26 metres above the nearer running edge of the trunk road carriageway. These visibility distances shall be available at point 2.4 metres from the running edge of the trunk road, measured along the centreline of the access road. The visibility splay so formed shall be free of any growth or obstruction, which would interfere with the minimum visibility requirements.
9. The access shall be at right angles to the trunk road carriageway for a distance of at least 15m, over which it shall not exceed a gradient of +/- 4%.
10. 4. The access and visibility requirements shall be substantially complete and available for use prior to the commencement of any other works associated with the development.
11. 5. The width of the proposed means of access shall be 6.0m (minimum) for at least the first 15m from the trunk road boundary. The access shall be constructed to appropriate standards with either concrete or bituminous surfacing for at least the first 5.0m from the running edge of the trunk road carriageway.
12. 6. No drainage from the development site shall be connected to or allowed to discharge into the trunk road drainage system, and the proposed access shall be constructed such that the access does not drain onto the trunk road.
13. 7. The applicant shall provide wheel-washing facilities or an alternative method to be approved by the Local Planning Authority in consultation with the Welsh Government at the site exit. Such facilities shall thereafter remain available during the construction stage and be used by all vehicles exiting the site.
14. In the event that contamination is encountered at any time when undertaking the approved development immediate contact must be made with the Local Planning Authority. The development must not continue until an investigation and risk assessment has been undertaken, by a qualified and experienced environmental consultant, and where remediation is necessary a Remediation Strategy must be prepared, which is subject to the approval in writing of the Local Planning Authority. Following completion of the remedial works identified in the approved Remediation Strategy a Verification Report that demonstrates compliance with the agreed remediation objectives must be produced by a qualified and experienced environmental consultant, and would be subject to the approval in writing of the Local Planning Authority, prior to commencement of use of the development.
15. The building hereby permitted shall be used for agricultural purposes only as defined by Section 336 of The Town and Country Planning Act 1990.

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. To comply with Powys County Council's UDP policies SP3, ENV2, ENV3 and ENV6 in relation to The Natural Environment and to meet the requirements of TAN 5: Nature Conservation and Planning, Welsh government strategies, and the Environment (Wales) Act 2016.
4. To comply with Powys County Council's UDP Policies ENV3, ENV4, ENV5 and ENV6 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 8, 2016), TAN 5: Nature Conservation and Planning and the Environment (Wales) Act 2016.

5. To comply with Powys County Council's UDP Policies SP3, ENV2, ENV3 and ENV7 in relation to The Natural Environment and to meet the requirements of TAN 5: Nature Conservation and Planning, Welsh government strategies, and the Environment (Wales) Act 2016.
6. To comply with Powys County Council's UDP Policies SP3 and ENV3 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 8, 2016), TAN 5: Nature Conservation and Planning and the NERC Act 2006.
7. To ensure that the proposed drainage systems for the site are fully compliant with regulations and are of robust design in accordance with policies GP1, DC9, DC11 and DC13 of the Powys Unitary Development Plan (2010).
8. To maintain the safety and free flow of trunk road traffic in accordance with Policy GP4 of the Powys Unitary Development Plan (2010).
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14. To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy DC15 of the Powys Unitary Development Plan (2010).
15. To safeguard the visual amenity of the area in compliance with Powys UDP Policy EC9.

Informative Notes

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

Please note the advice from Natural Resources Wales:

Under the Water Resources (Control of Pollution) (Silage, Slurry and Agriculture Fuel Oil) (Wales) Regulations 2010 (SSAFO) any slurry produced must be contained. This will include any liquid arising from solid manures and any liquid produced if feeding cattle on the hard standing as this is classified as slurry under the SSAFO Regulations.

If any arising slurry is being directed to an existing store the applicant must ensure there is sufficient capacity to allow for the required minimum 4 months storage. The SSAFO Regulations 2010 require all installations to be constructed to set standards with a durability life of at least 20 years. Installations for storing and/or making slurry and silage must not be constructed within 10 metres of any inland freshwater or coastal water.

Further information on the requirements of the SSAFO Regulations is contained within Welsh Government's SSAFO Guidance Notes for Farmers. This can be viewed at <http://wales.gov.uk/topics/environmentcountryside/farmingandcountryside/farmcountrypublicat ionindex/ssafowalesregs2010/?lang=en>.

We would advise the applicant that Natural Resources Wales must be notified in writing at least 14 days before bringing any new or substantially altered or enlarged silage or slurry store into use. It is a legal requirement to submit this information prior to using the new structure.

A form (WQE3) is available from our website at: <http://www.naturalresources.wales/farming/good-farming-practice/?lang=en> (please scroll to the bottom of the page).

Please note the comments from Welsh Government Transport:

a) Any works undertaken within or forming part of the highway shall meet the requirements of section 171 / 184 of the Highways Act 1980, and shall only be commenced with the specific agreement of the Highway Authority.

b) The applicant should note that planning permission does not constitute permission under the Highways Act for various activities that may be associated with the development i.e. use of the highway/footway/verge to: for example; deposit material, deposit skips, erect scaffolding, excavate within the highway or erect traffic management apparatus. Such activities will require the separate consent of the Highway Authority;

c) Any temporary traffic management arrangements required in connection with this application shall be in accordance with Chapter 8 of the Traffic Signs Manual and in accordance with the Safety at Street Works and Road Works Code of Practice, and shall be approved by the highway authority.

d) Road traffic signs in Wales must be bilingual, Welsh above English, and adhere to Welsh Government specifications, see following link for standard details; http://www.traffic-wales.com/traffic_signs.aspx

A public right of way passes very close to the development. The applicant/developer is reminded it is an offence to interfere with the surface of a public right of way and should be minded when undertaking works to not obstruct the public right of way. Further advice on compliance with the contaminated land condition (number 14) may be obtained by contacting the Environmental Health Service on 0870 1923757.

The date on which this permission is **GRANTED** is 04/11/2016.



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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