



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

Application 20/0047/FUL for Full Planning Permission

Lightsource BP
Mr Richard Turner - Lightsource BP
Lightsource BP
33 Holborn
London
EC1N 2HU
United Kingdom

Applicant: Mr Richard Turner - Lightsource BP

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 **APPROVED** for the following development, namely:-

Extension to existing Solar Farm (inclusive of PV installation and associated infrastructure) at Solar Farm At Bryn Henllys, Cwm-twrch Uchaf, Abertawe, Powys

In accordance with the application and plan submitted to the Council on 7th January 2020 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 following plans and documents; Environmental Statement produced by Pegasus Group dated November 2019 P18-2622 including the following Appendices: 5.1 LVIA Methodology, 5.2 Arboricultural Survey, Impact Assessment and Protection Plan, 6.1 Ecological Assessment Methodology, 6.2 Biodiversity Management Plan, 7.1 Desk Based Assessment, 8.1 Construction Traffic Management Plan, 9.1 Flood Consequence Assessment, 10.2 Desk Based Assessment, 10.5 Assessment Methodologies, 10.6 Groundwater Reports, 10.7 Explosive Ordnance Assessment and 10.8 Coal Mining Risk

Assessment; Bryn Henllys Extension_Proposed Layout_Rev9 Bryn_01; BRYN_SLP_01; PNL_4L-BI; DRF_01; TFM_01; ACB_01; GTD_01; SWS_01; CCTV_01; RCS_01; Landscape Management Plan produced by Pegasus Group dated March 2020 P18-2622_25; Detailed Landscape Proposals produced by Pegasus Design dated 03/03/2020 P18-2622_21; Exploratory Phase Site Investigation Report produced by Wardell Armstrong dated April 2019; Glint and Glare Assessment produced by Neo Environmental dated 27/03/2020; Planning Statement produced by Pegasus Group dated November 2019; Design and Access Statement produced by Pegasus Group dated November 2019).

3. Before the development commences a scheme shall be submitted to and agreed in writing by the Local Planning Authority in respect of the control of noise and dust emanating from the construction phase of the development, together with details of the potential for noise disturbance from the electrical substation and the inverter/transformer cabins. Suitable sound installation of the substation and cabins shall be considered. The development shall thereafter be undertaken strictly in accordance with the details as approved and shall not be altered without the written approval of the Local Planning Authority.

4. Site development and construction works shall not take place outside 0800 hours to 1800 hours Monday to Friday and 0800 to 1600 hours on Saturday. No works to take place on Sundays and Bank Holidays.

5. No storm water drainage from the site shall be allowed to discharge onto the county highway.

6. No buildings, structures, fences or alteration of contours shall take place within 5 metres of the top of the bank of any ordinary watercourse, or 3 metres either side of any culverted watercourse without prior permission from the Local Planning Authority.

7. The development shall be carried out strictly in accordance with the approved Construction Traffic Management Plan prepared by PFA Consulting on behalf of Lightsource BP dated November 2019.

8. No development shall commence until a preliminary investigation and assessment of the nature and extent of contamination affecting the application site area has been submitted to and approved in writing by the local planning authority. This investigation and assessment must be carried out by or under the direction of a suitably qualified competent person, in accordance with current guidance and best practice, and shall assess any contamination on the site, whether or not it originates on the site.

The report of the findings shall include:

– A desk study – A site reconnaissance – Formulation of an initial conceptual model – A preliminary risk assessment

If the preliminary risk assessment identifies there are potentially unacceptable risks a detailed scope of works for an intrusive investigation, including details of the risk assessment methodologies, must be prepared by a suitably qualified competent person. The contents of the scheme and scope of works are subject to the approval in writing of the local planning authority.

All work and submissions carried out for the purposes of this condition must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and the WLGA document 'Development of Land Affected by Contamination: A Guide for Developers' (2012).

9. No development shall take place until a site investigation of the nature and extent of contamination has been carried out, by a suitably qualified competent person, in accordance with a methodology which has previously been submitted to and approved in writing by the local planning authority. A written report of the findings of the site investigation shall be made available to the local planning authority before any development begins.

The written report should include an appraisal of remedial options and identification of the most appropriate remediation option(s) for each relevant pollutant linkage. The report is subject to the written approval of the local planning authority.

10. No development shall take place until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the local planning authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 and The Contaminated Land (Wales) Regulations 2006, as amended by The Contaminated Land (Wales) (Amendment) Regulations 2012, in relation to the intended use of the land after remediation. The detailed remediation scheme should not be submitted until written approval for Condition 2 has been received from the local planning authority.

All work and submissions carried out for the purposes of this condition must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and the WLGA document 'Development of Land Affected by Contamination: A Guide for Developers' (2012).

11. The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the local planning authority. The local planning authority must be given two weeks written notification of commencement of the

remediation scheme works.

If during the course of development any contamination is found that has not been identified in the site investigation, additional measures for the remediation of this source of contamination shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures before the development is occupied.

Following completion of the measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the local planning authority. The verification report contents must be agreed with the local planning authority before commencement of the remediation scheme.

All work and submissions carried out for the purposes of this condition must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and the WLGA document 'Development of Land Affected by Contamination: A Guide for Developers' (2012).

12. A monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over a period of duration to be agreed in writing with the local planning authority and the provision of reports on the same must be prepared, both of which are subject to the approval in writing of the local planning authority.

Within six months following the completion of the measures identified in that scheme and the achievement of the remediation objectives, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced, and submitted to the local planning authority. This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

13. No development shall commence until a Landscape Ecological Management Plan (LEMP) for the provision, management and maintenance of the landscape and ecological features of the site, has been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in strict accordance with the approved details.

14. No development shall commence until a site wide Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in strict accordance with the approved details.

15. Within 40 calendar years from the date when electricity is first generated to the grid, or within 6 months of the cessation of electricity generation by the solar facility,

whichever is sooner, the solar panels and all associated works and equipment shall be dismantled and removed from the site and the land restored to its former condition in line with a restoration plan to be submitted and approved in writing by the Local Planning Authority prior to decommissioning commencing.

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 control development which has the potential to have adversely affect the amenity of the area in contradiction to policy DM13 of the Powys Local Development Plan (April 2018) and Planning Policy Wales (2018).
4. In order to control development which has the potential to have adversely affect the amenity of the area in contradiction to policy DM13 of the Powys Local Development Plan (April 2018) and Planning Policy Wales (2018).
5. In the interest of highway safety and the free flow of traffic in accordance with policies T1 and DM13 of the Powys Local Development Plan, Technical Advice Note 18 and Planning Policy Wales.
6. In the interest of highway safety and the free flow of traffic in accordance with policies T1 and DM13 of the Powys Local Development Plan, Technical Advice Note 18 and Planning Policy Wales.
7. In the interest of highway safety and the free flow of traffic in accordance with policies T1 and DM13 of the Powys Local Development Plan, Technical Advice Note 18 and Planning Policy Wales.
10. In the interests of land contamination and stability in accordance with the provisions of Powys LDP Policy DM10.
11. In the interests of land contamination and stability in accordance with the provisions of Powys LDP Policy DM10.
12. In the interests of land contamination and stability in accordance with the provisions of Powys LDP Policy DM10.
13. To comply with Powys County Council's LDP Policy DM2 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 10, December 2018), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.
14. To comply with Powys County Council's LDP Policy DM2 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 10, December 2018), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.
15. In the interest of highway safety and the free flow of traffic in accordance with policies T1 and DM13 of the Powys Local Development Plan, Technical Advice Note 18 and Planning Policy Wales.

Major Development – Notification and Publication of Commencement of Development in

line with the Planning (Wales) Act 2015 and the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 (as amended)

Any planning permission for major developments must give notice of the commencement of development. The notice must be given to the Local Planning Authority before beginning any development and must be in the form set out in Schedule 5A of the Town and Country (Development Management Procedure) (Wales) (Amendment) Order 2016;

A notice must be displayed at all times when development is being carried out and must;

- (a) Be in the form set out at in Schedule 5B of the Town and Country (Development Management Procedure) (Wales) (Amendment) Order 2016 or in a form substantially to the like effect
- (b) Be firmly affixed and displayed in a prominent place at or near the place where the development is being carried out;
- (c) Be legible and easily visible to the public without having to enter the site; and
- (d) Be printed on durable material

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

All information including the Environmental Statement and Environmental Information has been considered in the determination of this application.

The date on which this permission is **APPROVED** is 28th July 2020.



Gwilym Davies

Head of Property, Planning and Public Protection
Pennaeth Eiddo, Cynllunio a Gwarchod y Cyhoedd

Croesewir gohebiaeth yn y Gymraeg a'r Saesneg/Correspondence welcomed in Welsh and English

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.
- Challenging the decision - Judicial Review
- A Judicial Review is a legal review of a planning authority's decision to grant planning permission. The review happens in the High Court and looks at whether the decision made by the local planning authority was fair. The review process looks at the way that the decision was made – it does not consider the conclusion that was reached by the planning authority.
- If you are considering going down the route of judicial review, please go to the following

link for more detailed guidance;

<https://www.gov.uk/guidance/administrative-court-bring-a-case-to-the-court>

Do seek legal advice before starting the judicial review process as you may have to pay costs if the review of the decision fails.

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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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