



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

Application P/2013/0978 for Full Planning Permission

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Carmarthenshire
SA19 6PD**

Applicant: Mr G F Grigg G F Grigg Ltd

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:-

Engineering operations comprising slope stabilising of quarry faces at Penstrowed Quarry, Penstrowed, Caersws, Powys, SY17 5SG.

In accordance with the application and plan submitted to the Council on 11/10/2013 subject to the conditions specified hereunder:-

1. The development hereby permitted shall be carried out in accordance with the attached plans and specifications (which are listed in the "Notes to the Applicant" below), unless specified otherwise in the conditions of this permission.

REASON: To ensure that the development is carried out in accordance with the approved details.

2. The development hereby approved shall be commenced within 5 years of the date this planning permission is issued.

REASON: To comply with the provisions of Sections 91 to 93 of the Town and Country Planning Act, 1990.

3. A copy of this permission and any schemes approved pursuant to conditions shall be kept at the site offices and be available for reference and inspection by the Minerals and Waste Planning Authority during normal working hours.

REASON: To ensure that the permission and conditions are available for inspection and reference. To assist monitoring and conditions compliance in accordance with policy MW1 of the adopted Powys UDP.

4. Prior to the commencement of the development the dust management plan already implemented on site shall be provided to the LPA to assess its suitability in relation to the proposal. Upon written approval, the scheme, including any amendments if deemed necessary, shall be implemented for the life of the development.

REASON: To prevent dust being generated in sufficient quantities to result in perceptible dispersion beyond the boundary of the site, in accordance with policies MW1 and MW16 of the adopted Powys UDP.

5. Prior to the commencement of the development the noise management plan already implemented on site shall be provided to the LPA to assess its suitability in relation to the proposal. Upon written approval, the scheme, including any amendments if deemed necessary, shall be implemented for the life of the development.

REASON: To control noise produced by the development, in the interests of residential amenity, and in accordance with policies MW1 and MW14 of the adopted Powys UDP.

6. Prior to the completion of backfilling in each phase a scheme for the restoration, including landscaping, restoration planting, appropriate seeding mix, and the proportion of species used, will be submitted to and agreed in writing with the LPA. Once agreed the scheme will be implemented in accordance with the agreed details upon the completion of backfilling in each phase.

REASON: To ensure the appropriate restoration of the site in the interests of visual amenity and biodiversity, in accordance with policies ENV2 and ENV3 of the adopted Powys UDP.

7. The backfilling and restoration of the site will be completed within 30 years of the date of this permission.

REASON: To ensure the development has a fixed end date and the site is appropriately restored, in accordance with policies ENV2 and ENV3 of the adopted Powys UDP.

8. In the event of a cessation of backfilling operations prior to the completion of the approved scheme (a cessation constituting 12 consecutive months without deposition of material) a revised restoration scheme to include details of revised levels, landscaping, planting, seed/species mix, and a timetable for implementation will be submitted to the LPA within six months of the date that backfilling ceased. Upon written approval, the revised restoration scheme shall be implemented.

REASON: To ensure the satisfactory restoration of the site in accordance with policies MW1, ENV2 and ENV3 of the adopted Powys UDP.

9. In the event that the deposition of material ceases for a period of 12 consecutive months the operator will inform the LPA in writing of that cessation within 21 days.

REASON: To ensure the satisfactory restoration of the site in accordance with policies MW1, ENV2 and ENV3 of the adopted Powys UDP.

10. All planting or seeding comprised in the approved details for restoration shall be carried out in the first planting season following the completion of backfilling, or cessation of

backfilling, whichever is the sooner. Any trees or plants which within a period of 5 years from the date of planting die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species.

REASON: In the interests of visual amenity and character of the area in accordance with policies MW1, ENV2 and ENV3 of the adopted Powys UDP.

11. Within 6 months of completion or cessation of backfilling, whichever is the sooner; a schedule of aftercare for a period of at least 5 years for restored areas shall be submitted for the approval in writing of the LPA. The schedule shall include details of the arrangements for its implementation. Aftercare shall then be carried out in accordance with the approved details.

REASON: To ensure the satisfactory long term restoration of the site in accordance with policies MW1, ENV2 and ENV3 of the adopted Powys UDP.

12. The operator will notify the LPA of the completion of restoration in each phase of the development within 14 days of said completion and an annual aftercare meeting will be held between the operator and the LPA for a period of 5 years to ensure the site is restored in accordance with the approved details.

REASON: To monitor the progress of restoration on the site and ensure satisfactory standards, in the interest of visual and ecological amenity in accordance with policies MW1, ENV2 and ENV3 of the adopted Powys UDP.

13. The development hereby permitted and all associated activities will be restricted to between 0800 hours and 1800 hours Monday to Friday and between 0800 hours and 1400 hours on a Saturday. No operations will be conducted on a Sunday or Bank/Public Holiday.

REASON: In the interest of residential amenity in accordance with policies GP1, MW1, MW14, MW16 of the adopted Powys UDP.

14. Prior to the commencement of development the applicant shall submit an application for the diversion of Public Footpath No. 6 which crosses the site.

REASON: To ensure the diversion of the footpath to a more appropriate route in accordance with policy RL6 of the adopted Powys UDP.

15. Within 3 months of the approval of the footpath diversion, details of any proposed landscaping, planting or earthworks required to facilitate the diverted route will be submitted to the LPA for written approval. The landscaping, planting and earthworks will be conducted in accordance with the approved details, and to the specified timescales.

REASON: In the interest of visual amenity and public safety in accordance with policies GP1, ENV2 and RL6 of the adopted Powys UDP.

16. No development or earth works shall take place along the eastern boundary of the site, other than those approved in connection with the public right of way diversion process.

REASON: In the interest of residential amenity and land stability, in accordance with policies GP1, ENV2 and MW1 of the adopted Powys UDP.

17. Once backfilling has commenced, the operator will be required to produce a site survey detailing the progression of backfilling (including levels) and restoration for submission to the LPA at 5 yearly intervals unless otherwise agreed in writing.

REASON: To allow the LPA to monitor the progression of the development and restoration of the site in the interests of visual amenity in accordance with policy ENV2 of the adopted Powys UDP.

Notes to Applicant -

1. The development hereby approved will be carried out in accordance with the approved plans and documents, listed below:

Document	Date Received
Planning Application Form	17/10/13
Working Plan and Methodology	17/10/13
Landscaping Statement	17/10/13
Preliminary Ecological Appraisal	17/10/13
GroundSolve Ltd Report	17/10/13
Site Location Plan	17/10/13
Proposed Earthworks ref: CG01 Issue B	17/10/13

2. The Council has had regard to the derogation tests applicable to the European designated sites, species and habitats, and is satisfied that there would be no significant adverse impacts, which would be capable of negatively affecting the features of interest, range, population, or favourable conservation status.

In determining this application, the Council has had regard to the Policies of the Development Plan, and regional and national policy, legislation and guidance as listed below. Subject to the imposition of conditions as listed above, there is no valid planning reason why planning permission should be refused and it is recommended that planning permission should be granted.

This application has been determined in accordance with The Town and Country Planning Acts and in the context of the governments current planning policy guidance and the relevant circulars, together with the relevant Development Plan policies, including those referred to under specific conditions above and below. The proposed development gives rise to no material harm, is in accordance with the development plan and there are no material considerations that indicate that the decision should have been made otherwise.

National Policy

Planning Policy Wales (2011)

Technical Advice Note 21 – Waste (2001)

Draft Technical Advice Note 21 – Waste (2013)

Minerals Planning Policy Wales (2000)

Minerals Technical Advice Note 1: Aggregates 2004

Minerals Planning Guidance Note 7: Reclamation of Mineral Workings 1989

Local Policy

Adopted Powys Unitary Development Plan:

GP1 – Development Control

GP4 – Highway and Parking Requirements

ENV5 – Nationally Important Sites

ENV6 – Sites of Regional and Local Importance

MW8 - Noise

MW19 – Development Affecting Sites of Geological or Palaeontological Interest

RL6 – Rights of Way and Access to the Countryside

DC9 – Protection of Water Resources

DC13 – Surface Water Drainage

The date on which this permission is **GRANTED** is 01/05/2014.



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 within 6 months of the date of this notice. 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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