



Important Notice About Your Planning Decision

To be read by all applicants before commencing your development

- Please find enclosed the formal decision notice in relation to your application.
- You must carefully read the planning conditions that your permission is subject to and any informative / advisory notes.
- You must comply with **all** of the planning conditions on the decision notice.
- You must not commence development until you are sure that you have complied with all the planning conditions.
- Some planning conditions require further information to be submitted to the Local Planning Authority for formal approval **prior to the commencement of works**. To obtain approval, you must submit a **discharge of condition application** with the required information and await a decision before commencing work. The application form is here: [Planning application forms - Powys County Council](#)
- Please note that the Authority has a statutory period of 8 weeks in which to consider details submitted to discharge conditions.

What happens if you do not comply with the planning conditions?

- This could result in the permission being invalidated or the Authority serving a Breach of Condition Notice on you. Non-compliance with such a Notice could result in you being prosecuted in a Magistrates' Court and a fine imposed.

For Further Information and Assistance

- Should you require further advice on what is required to commence development/formally discharge conditions you can contact the Local Planning Authority through the pre-planning application advice service.
- To access this service, you need to complete and submit a pre-application enquiry form and provide as much information as possible. The form is available here: [Pre-planning application advice - Powys County Council](#)

Informative and Advisory Notes

- Please read these as they refer you to other consents and permissions that you must obtain and comply with before starting work.

PLANNING GRANTED
20/3/24



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

Application 23/1467/OUT for Outline Planning Permission

Roger Roberts Surveys Limited
Mr Luke Roberts
18a Station Road
Ystradgynlais
Swansea
SA9 1NT .

Applicant: Mr Kevin Lock .

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 **OUTLINE PLANNING PERMISSION** is **APPROVED** for the following development, namely:-

Outline: Erection of a dwelling with all matters reserved (resubmission 22/2160/OUT) at Land Adjacent To Talycoed, Neath Road, Ystradgynlais, Powys

In accordance with the application and plan submitted to the Council on 9th October 2023 subject to the conditions specified hereunder:-

- 1 Details of the access, appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.
- 2 Any application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.
- 3 The development shall begin either before the expiration of five years from the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

4 At the same time as the submission of reserved matters in respect to 'landscaping' a landscaping scheme shall be submitted to and approved in accordance with the details as approved. The scheme shall include indications of all existing trees (including spread and species) and hedgerows on the land, indicating a minimum of the planting of 9 no. native trees. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

5 At the reserved matters stage, full details of the biodiversity enhancements as indicated in the Biodiversity Enhancement Scheme dated 6 February 2024 shall be indicated on all elevational drawings of the dwelling hereby proposed and shall be retained as agreed in perpetuity.

6 Prior to installation of any external lighting, an External Lighting Design Scheme to avoid and reduce potential impacts on nocturnal wildlife shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall thereafter be adhered to and implemented in full.

7 The Tree Protection Plan as indicated within the Arboricultural Report (dated 5 February 2024) shall be implemented in full accordance with the details as specified within the report.

8 All works and ancillary operations in connection with the construction of the dwelling which are audible at the site boundary shall be carried out only between the following hours:

- o 0800-1800 hrs Monday to Friday
- o 0800-1300 hrs Saturday
- o At no time on Sundays and Bank Holidays

Deliveries to and removal of plant, equipment, machinery and waste from the site must also only take place within the permitted hours detailed above.

9 No development shall commence until and at the time of submission of any reserved matters a Coal Mining Risk Assessment Report which includes the full layout of the application site including any built development and its proximity to mine shaft have been clearly identified and avoided. Development thereafter shall only be completed in full accordance with the details as approved.

10 No development shall take place 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:

- o A desk study
- o A non-intrusive site reconnaissance
- o Formulation of an initial conceptual model
- o 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 'Land Contamination Risk Management' and the WLGA document 'Development of Land Affected by Contamination: A Guide for Developers' (2012).

11. 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. A mine gas risk assessment should form part of the overall assessment. 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.

12. 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 11 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 'Land Contamination Risk Management' and the WLGA document 'Development of Land Affected by Contamination: A Guide for Developers' (2012). 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).

Reasons

- 1 Required to be imposed by Section 91 of the Town and Country Planning Act 1990.
- 2 Required to be imposed by Section 91 of the Town and Country Planning Act 1990.
- 3 Required to be imposed by Section 91 of the Town and Country Planning Act 1990.
- 4-7 To comply with Powys County Council's LDP Policies DM2, DM4 and to meet the requirements of Planning Policy Wales (Edition 12, 2024), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.
- 8 To protect the amenities of nearby residential properties in accordance with the Local Development Plan policy DM13.
- 9-12 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 DM10 of the adopted Local Development Plan (2018)].

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

The date on which this permission is **APPROVED** is 20th March 2024.



Gwilym Davies

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

Croeso i chi gysylltu â ni yn Gymraeg. Byddwn yn ymateb yn Gymraeg, heb oedi.
You are welcome to contact us in Welsh. We will respond in Welsh, without delay.

Pa mor dda ydyn ni'n neud? Rydym yn croesawu eich adborth, defnyddiwch y [ddolen yma](#).

How are we doing? We welcome your feedback, please use the following [link](#).

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 and Environment Decisions Wales, 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.

23/1467/OUT

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.