

## Approval of Planning Permission

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

Application No: **DC/2014/00873**

<b>Applicant:</b> Miss Nassim Esfahani Archiception Ltd C/O Agent	<b>Agent:</b> Asbri Planning Ltd Unit 9 Oak Tree Court Cardiff Gate Business Park Cardiff CF23 8RS
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**MONMOUTHSHIRE COUNTY COUNCIL** as Local Planning Authority hereby **permits** the following development in accordance with the plans and application submitted to the Council, subject to any conditions.

<b>Location:</b>	Russell Hill Trostre Usk NP15 1LA
<b>Description of Proposal:</b>	Construction of a ground-mounted solar PV generation project and associated works.

### PLEASE READ THE ATTACHED NOTES

Date: 31 July 2015



Signed:  
**Philip Thomas**  
**Development Control Manager**  
Monmouthshire County Council  
PO Box 106  
Caldicot  
NP26 9AN

**IT IS IMPORTANT THAT YOU COMPLY WITH THE APPROVED PLANS AND THE PLANNING PERMISSION, INCLUDING CONDITIONS. PLEASE READ THE NOTES ACCOMPANYING THIS DECISION.**

**IMPORTANT THIS COMMUNICATION AFFECTS YOUR PROPERTY**

## **Conditions and Reasons**

<b>Condition No.</b>	<b>Condition</b>
1	This development shall be begun within 5 years from the date of this permission.
2	The development shall be carried out in accordance with the list of approved plans set out in the table below.
3	The development hereby approved shall be carried out in accordance with the biodiversity recommendations made in Section 5 'Recommendations' of the Biodiversity Report undertaken by Halpin Robbins Ecological Services dated 27th January 2015.
4	Notwithstanding the Town & Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order with or without modification) no lighting or lighting fixtures shall be installed within the development boundary until an appropriate lighting plan which includes low level lighting and allows dark corridors for bats has been agreed in writing with the Local Planning Authority.
5	A landscape and ecological management plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority prior to the commencement of the development. The content of the LEMP shall include the following: a) Description and evaluation of features to be managed. b) Ecological trends and constraints on site that might influence management. c) Aims and objectives of management. d) Appropriate management options for achieving aims and objectives. e) Prescriptions for management actions. f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period). g) Details of the body or organization responsible for implementation of the plan. h) Ongoing monitoring and remedial measures.

6	The development shall be carried out in accordance with the details agreed in the LEMP.
7	All existing trees shall be protected in accordance with The Vegetation Protection details as shown on the Planting Mitigation Layout Plan (drawing no AJA 383/01).
8	Fence/hedge lines enclosing public paths shall be kept at a minimum distance of 4m apart.
9	<p>Green Infrastructure Management Plan shall be submitted to, and be approved in writing by, the local planning authority prior to the commencement of the development. The content of the Management Plan shall build upon the principles in the submitted Landscape Management Plan and include the following;</p> <ol style="list-style-type: none"> <li>a) Description and evaluation of Green Infrastructure assets to be managed.</li> <li>b) Trends and constraints on site that might influence management.</li> <li>c) Aims and objectives of management.</li> <li>d) Appropriate management options for achieving aims and objectives.</li> <li>e) Prescriptions for management actions.</li> <li>f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a twenty-year period).</li> <li>g) Details of the body or organization responsible for implementation of the plan.</li> <li>h) Restoration of temporary compound.</li> <li>i) Ongoing monitoring</li> </ol>
10	The development shall be carried out in accordance with the details agreed within the Green Infrastructure Management Plan.
11	<p>No works or development shall take place until full details of both hard and soft landscape proposals have been submitted to and approved by the Local Planning Authority. These details shall include, as appropriate:</p> <p>Soft landscape details shall include:</p> <ul style="list-style-type: none"> <li>• Planting plans</li> <li>• Written specifications (including cultivation and other operations associated with plant and grass establishment)</li> <li>• Schedules of plants, noting species, planting sizes and proposed numbers /</li> <li>• densities where appropriate</li> <li>• Implementation timetables.</li> </ul>
12	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, unless the Local Planning Authority gives written consent to any variation.
13	Within one month of commissioning the solar park the local planning authority shall be notified of that commissioning date. Within one month of the commissioning date a Decommissioning Plan shall be submitted to and approved in writing by the local planning authority. The Decommissioning Plan shall include details of the works necessary to revert the site to its original condition, including the method for removal from the site of all solar PV panels and associated development above and below ground and details of how the site is to be restored to its original condition. The Decommissioning Plan shall also include a timeframe for such works.
14	The Decommissioning Plan shall be implemented following the cessation of the use of the site as a solar park for a continuous period in excess of six months, or 25 years after the commissioning date, whichever is the sooner.

**Reasons:-**

1.	To comply with Section 91 of the Town and Country Planning Act 1990.
2.	To ensure the development is carried out in accordance with the approved drawings, for the avoidance of doubt.
3.	To safeguard the landscape amenities and nature conservation value of the site in accordance with LDP Policy NE1
4.	To safeguard foraging/commuting habitat of Species of Conservation Concern in accordance with LDP Policy NE1.
5.	In the interests of biodiversity conservation and enhancement in accordance with Section 40 Natural Environment and Rural Communities Act 2006, paragraph 5.2.8 of Planning Policy Wales (2010) and paragraph 1.4.3 of TAN 5 (2009).
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7.	To protect valuable tree or other landscape features on site in the interest of preserving the character and appearance of the visual amenities generally.
8.	To ensure continued use of the Public Right of Way is available to the Public.
9.	To safeguard the landscape amenities of the area.
10.	To safeguard the landscape amenities of the area.
11.	To safeguard the landscape amenities of the area.
12.	To safeguard the landscape amenities of the area.
13.	To safeguard the landscape amenities of the area.
14.	To safeguard the landscape amenities of the area.

## Informatives :-

It should be brought to the attention of the applicant that in the event of a new or altered vehicular access being formed, the requirements of Section 184 of the Highways Act 1980 must be acknowledged and satisfied. In this respect the applicant shall apply for permission pursuant to Section 184 of the Highways Act 1980 prior to commencement of access works via MCC Highways.

Surface maintenance of public paths to be enclosed is to become the responsibility of the landowner for the life of the site.

## Monmouthshire Local Development Plan Policies :-

1	S7 LDP Infrastructure Provision
2	S8 LDP Enterprise and Economy
3	S13 LDP Landscape, Green Infrastructure and the Natural Environment
4	S17 LDP Place Making and Design
5	SD1 LDP Renewable Energy
6	LC1 LDP New Built Development in the Open Countryside
7	LC5 LDP Protection and Enhancement of Landscape Character
8	GI1 LDP Green Infrastructure
9	NE1 LDP Nature Conservation and Development
10	EP1 LDP Amenity and Environmental Protection
11	EP3 LDP Lighting
12	MV1 LDP Proposed Developments and Highway Considerations
13	MV3 LDP Public Rights of Way
14	DES1 LDP General Design Considerations

The **Plans** approved with this permission are:

Plan Ref No.	Version No.	Status
2364.01		Approved
2364.02		Approved
AJA 383/01		Approved
D1-00	C	Approved
D2-03		Approved
D0-01		Approved
D1-01		Approved
D2-01		Approved
D1-02	C	Approved
D2-02		Approved
Inverter and Inverter Housing		Approved
DNO/Customer Substation House		Approved

**This is a planning permission only. It may be necessary to obtain consent under the Building Regulations or other legislation before the development is carried out.**

# IMPORTANT NOTICE

## YOUR PLANNING PERMISSION HAS BEEN GRANTED

**PLEASE READ THE FOLLOWING INFORMATION CAREFULLY**  
If you are an agent please pass this Notice to your client with the Planning Permission

*How you proceed with your development may affect your property, for example its value or sale and lead to enforcement action if you do not follow this advice.*

### Conditions

*Please read the conditions carefully. It is your responsibility to comply with them.*

- Some conditions may require the submission of details, eg materials or landscaping, *before* work starts or a change of use is made. You must ensure that you comply with all conditions of this type before work starts or within the period specified.
- Failure to submit matters required by condition will make your planning permission invalid and may lead to enforcement action being taken against you.

### Compliance With Approved Plans

*You must carry out the development as approved or agree changes.  
**If you do not carry out the development in strict accordance with the approved plans your permission will be invalid.***

- If you wish to vary your scheme or changes result from other requirements you will need to make a new application.

*The Council can take enforcement action which may lead to prosecution in the Magistrates Courts where a fine of up to £20,000 can be imposed. In order to ensure that you avoid any of the above consequences please ensure that you comply with all aspects of your permission and plans.*

**Please Keep this Notice with Your Planning Permission  
Make Sure Your Builder has a Copy of the Approved Plans**

## NOTES

### Appeals to the Welsh Government

- If you are aggrieved by the decision of the Local Planning Authority to grant planning permission subject to conditions, then you can appeal to the Welsh Government in accordance with Section 78 of the Town and Country Planning Act 1990.
- If you want to appeal, then you must do so within **six months** of the date of this notice using a form which you can get from the Planning Inspectorate, Cathays Park, Cardiff CF10 3NQ.
- The Welsh Government can allow a longer period for the giving of a notice of an appeal but will not normally be prepared to use this power unless there are special circumstances that excuse the delay in giving notice of appeal.
- The Welsh Government need not consider an appeal if it seems that the Local Planning Authority could not have granted the permission without the conditions they imposed having regard to statutory requirements, to the provisions of the development order and to any directions given under the order.
- In practice the Welsh Government does not refuse to consider appeals solely because the Local Planning Authority based their decision on a direction given by the Welsh Government.

### Purchase Notices

- If either the Local Planning Authority or the Welsh Government refuse permission to develop land or grant it subject to conditions, the owner of the land may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.
  - In these circumstances the owner may serve a purchase notice on the Council in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.