



Town and Country Planning Act 1990

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

Application P/2014/0672 for FULL Planning Permission

Agent:

Cunnane Town Planning LLP
PO Box 305
Manchester
M21 2BQ

Applicant:

Hendy Wind Farm Limited

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 REFUSED** for the following development, namely:

Full: Construct and operate 7 wind turbines with a maximum tip height of 110m and maximum hub height of 69m together with ancillary development comprising substation, control building, new and upgraded access points and tracks, hardstanding and temporary compound and associated works at land off A44, SW of Llandegley, Llandrindod Wells, Powys

Which was the subject of the application and plans submitted to the Council on 14/07/2014 & 08/10/2014

The grounds for the Council's decision to **REFUSE** permission for the development are:-

1. The proposed development is unacceptable in landscape and visual terms due to the extent and degree of the significant landscape effects on LANDMAP High overall evaluation VSAs (Upland Moor Radnor Forest and Upland Moor Glaschw Hill) and moderate overall evaluation VSAs (Upland Moor north of Hundred House Rocky Moorland Gilwern Hill and Rolling Hills central south-east). The proposed development is contrary to policies UDP SP12, ENV2, GP1 and E3 of the Powys Unitary Development Plan (March 2010), Technical Advice Note 8: Renewable Energy (2005) and Planning Policy Wales: Edition 9 (2016).

2. The proposed development would have a significant effect on users of the BOAT, Open Access Land and Public Rights of Way and thereby contrary to policies UDP SP12, GP1 and E3 of the Powys Unitary Development Plan (March 2010) and Planning Policy Wales: Edition 9 (2016).

3. The proposed development would have an unacceptable adverse impact on the setting of Scheduled Nant Brook Enclosure, Scheduled Graig Camp, Scheduled Llandegley Rocks Hillfort and Scheduled Crug Eyr Mound and Bailey Castle. The proposed development is therefore contrary to policies UDP SP12, UDP SP3, ENV17 and E3 of the Powys Unitary Development Plan (March 2010), Welsh Office Circular 60/96: Planning and the Historic Environment: Archaeology (1996) and Planning Policy Wales: Edition 9 (2016).

The date on which this application is **REFUSED** is 18/05/2017.



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, Crown Buildings, 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 to it 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 itself.
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.

NODIADAU

1. Os yw'r ymgeisydd yn tybio iddo/iddi gael cam gan benderfyniad yr awdurdod cynllunio lleol i wrthod caniatâd neu gymeradwyo'r datblygiad arfaethedig, neu i roi caniatâd neu gymeradwyaeth yn ddarostyngedig i amodau, gall ef / hi apelio at Y Cynulliad Cenedlaethol yn unol ag Adran 78 o Ddeddf Cynllunio Gwlad a Thref 1990 o fewn 6 mis o ddyddiad y rhybudd hwn. Rhaid apelio ar ffurflen sydd ar gael gan yr Arolygwyr Cynllunio, Parc Cathays, Caerdydd, CF10 3NQ. Mae gan y Cynulliad Cenedlaethol bwerau i ymestyn y cyfnod ar gyfer rhoi rhybudd o apelio, ond fel arfer, ni fydd yn barod i ddefnyddio'r pŵer hwn oni bai bod yna amgylchiadau arbennig sy'n esgusodi'r oedi am roi rhybudd o apêl. Nid oes rhaid i'r Cynulliad Cenedlaethol ystyried apêl os yr ymddengys iddo na allai'r awdurdod cynllunio lleol fod wedi rhoi caniatâd cynllunio i'r hysbysebion, neu na ellid fod wedi rhoi caniatâd heblaw ei fod yn ddarostyngedig i'r amodau a osodwyd ganddynt, gan ystyried yr anghenion statudol, i ddarpariaethau'r gorchymyn datblygu, ac i unrhyw gyfarwyddyd a roddir dan y gorchymyn. Fel arfer, nid yw'n gwrthod ystyried apêl er i benderfyniad yr awdurdod cynllunio lleol fod wedi ei seilio ar gyfarwyddiadau a rhoddwyd ganddo ef.
2. Os y gwrthodir neu y rhoddir caniatâd i ddatblygu tir yn ddarostyngedig ar amodau, un ai gan yr awdurdod cynllunio lleol neu gan y Cynulliad Cenedlaethol, a bod perchennog y tir yn honni nad yw'r tir o ddefnydd llesol rhesymol fel ag y mae'n bodoli ar hyn o bryd ac ni ellir ei adfer yn dir a fyddai o ddefnydd llesol rhesymol trwy wneud gwaith datblygu sydd wedi neu a fyddai wedi ei ganiatau, medr gyflwyno rhybudd pryniant ar y Cyngor lle y mae'r tir wedi ei leoli, er mwyn prynu ei fudd yn y tir yn unol â'r darpariaethau yn Rhan VI Deddf Cynllunio Gwlad a Thref 1990.
3. Mewn amgylchiadau penodol, gellir gwneud cais am iawndal yn erbyn yr awdurdod cynllunio lleol, pan fo caniatâd wedi ei wrthod neu wedi ei roi yn ddarostyngedig i amodau gan y Cynulliad Cenedlaethol ar apêl neu wrth gyfeirio'r cais ymlaen ato. Mae'r amgylchiadau pan y telir iawndal wedi eu nodi yn Adran 114 Deddf Cynllunio Gwlad a Thref 1990.