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NEATH PORT TALBOT COUNTY BOROUGH COUNCIL
CYNGOR BWRDEISTREF SIROL CASTELL-NEDD PORT TALBOT

TOWN AND COUNTRY PLANNING ACT 1990
THE TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT
PROCEDURE) (WALES) ORDER 2012

APPROVAL OF FULL PLANNING PERMISSION

Name and address of the applicant

Mr Jonathan Beddoe
Dwr Cymru Welsh Water (Ty Awen)
Spooner Close
Coedkernew
Marshfield
Newport
NP10 8FZ

Name and address of the agent

Mr Harrison Moore
Arup
63 St Thomas Street
Redcliff
Bristol
BS1 6JZ

DATE REGISTERED: 9 February 2024

APPLICATION NO: P2024/0060

LOCATION: Land To The South West Of Trebanos Wastewater Treatment Works, Trebanos, Neath Port Talbot (Easting: 270961, Northing: 202127)

PROPOSAL: Outfall pipe, flap valve, safety grill, headwall and associated development including steps, re-positioning of boulders, ground works including excavation of bank and re-profiling of slopes, handrails and gate all in connection with Trebanos Wastewater Treatment Work

NEATH PORT TALBOT COUNTY BOROUGH COUNCIL as the Local Planning Authority in pursuance of its power under the above mentioned Act and Order hereby **GRANTS PLANNING PERMISSION** for the development as described above to be carried out in accordance with the application and the plans submitted therewith, subject to compliance with the following conditions:

This is decision notice revision 2 issued on 01/08/2024

Conditions:-

Time Limit Conditions

- 1 The development shall begin no later than five years from the date of this decision.

Reason:

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To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.

List of Approved Plans

2 ~~The development shall be carried out in accordance with the following approved plans and documents:~~

~~_____~~
~~_____Drawing Number: B16241-102503-01-ZZ-DR-CA-CI5051 - Rev 04 (Headwall outfall details)~~

~~_____Drawing Number: B16241-102503-07-ZZ-TA-PN9061 - Rev 01 (Existing site layout planning)~~

~~_____Drawing Number: B16241-102503-01-ZZ-DR-CA-CI5050 - Rev 02 (Pipe Network Final Effluent to outfall plan and profile)~~

~~_____Drawing Number: B16241-102503-07-ZZ-DR-TA-PN9060 - Rev 01 (Site location plan - planning)~~

~~_____Reason:~~

~~_____In the interests of clarity.~~

The above condition was amended as follows by Non-material amendment application P2024/0362 issued on 28.06.2024

2 The development shall be carried out in accordance with the following approved plans and documents:

-Drawing Number: B16241-102503-01-ZZ-DR-CA-CI5062 - Rev P01 (Headwall outfall plan and details)

-Drawing Number: B16241-102503-07-ZZ-TA-PN9061 - Rev 01 (Existing site layout - planning)

-Drawing Number: B16241-102503-01-ZZ-DR-CA-CI5050 - Rev 02 (Pipe Network Final Effluent to outfall plan and profile)

-Drawing Number: B16241-102503-07-ZZ-DR-TA-PN9060 - Rev 01 (Site location plan - planning)

-Drawing Number: B16241-102503-01-ZZ-DR-CA-CI5063 - Rev P01 (Headwall outfall Section 1-1)

-Drawing Number: B16241-102503-01-ZZ-DR-CA-CI5064 - Rev P01 (Headwall outfall Section 2-2)

-Drawing Number: B16241-102503-01-ZZ-DR-CA-CI5064 - Rev P01 (Headwall outfall Section 3-3 & 4-4)

Reason:

In the interests of clarity.

Pre-Commencement Conditions

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- 3 Prior to the commencement of work on site, a scheme shall be submitted to and approved in writing by the Local Planning Authority detailing any retaining structure/walls (including the headwall) and construction details for the approved development. The scheme shall include, but not be limited to -
- A Copy of the ground investigation report and confirmation of the suitability of the ground for the bored piles as specified.
 - Detail of the steel columns base plate connection onto the headwall base.
 - any steel element treatment/ protection work and for the life time expectancy by head wall.
 - The minimum steel reinforcement requirement for the head wall base and concrete steps.
 - Structural calculations
- The development shall be carried out in accordance with the approved details and retained as such thereafter.
- Reason
- In the interest of public safety, land stability and to ensure compliance with Policy BE1 of the Neath Port Talbot Local Development Plan.

The above condition was approved by discharge of condition application P2024/0439 on 01/08/2024

- 4 Notwithstanding the submitted Construction Environmental Management Plan, a revised Construction Environmental Management Plan (CEMP) shall be submitted to and agreed in writing with the local planning authority prior to commencement of any development on site. The revised CEMP shall include management of construction in respect of its impact on highway and pedestrian safety, drainage, noise and odour, but also include, and not be limited to, the following additional biodiversity considerations:
- a) Risk assessment of potentially damaging construction activities;
 - b) Identification of "biodiversity protection zones" (including retained habitat areas, areas of peat, wildlife receptor sites);
 - c) Details of pre-commencement checks for protected species;
 - d) Survey information (where necessary) to establish any material change in the presence and/or abundance of S7/SINC habitats and species, protected species, reptiles, birds, terrestrial invertebrates and bats; and identify any likely new ecological impacts that might arise from any changes;
 - e) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements). Measures shall include, but are not limited to: a method statement for the conservation of reptiles (including details of receptor sites and their suitability); measures to prevent wildlife becoming trapped in excavations; measures to prevent pollution of watercourses on and off-site; measures to eradicate invasive non-native species; measures to deter species where necessary;
 - f) The location and timing of sensitive works to avoid harm to biodiversity features;
 - g) The times during construction when specialist ecologists need to be present on site to oversee works;
 - h) Responsible persons and lines of communication;
 - i) Use of protective fences, exclusion barriers and warning signs;
 - j) A programme of ecological checks to address any changes in ecological constraints which may occur as a result of the construction timetable / phasing.
- The approved CEMP shall be adhered to and implemented throughout the construction strictly in accordance with the approved details.
- Reason:

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In the interests of biodiversity, drainage, highway safety and the amenity of the area as a whole and to ensure the development complies with Policy EN7 and TR2 of the Neath Port Talbot Local Development Plan.

The above condition was approved by discharge of condition application P2024/0439 on 01/08/2024

- 5 Notwithstanding the submitted information and condition 6, no development or site clearance shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of tree replanting. The scheme shall include indications of all existing trees to be removed as a result of the development and achieve a minimum ratio of at least 3 new trees for every one lost, information on the species, size and location proposed for the replacement trees, ground preparation, planting and post planting maintenance details. This information should be in accordance with the British Standards 3936:1992 and 8545:2014 and current best practice.

All tree planting comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the first use of the approved development or the completion of the development, whichever is the sooner; and any trees 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.

Reason:

In the interests of maintaining a suitable scheme of landscaping to protect the visual amenity of the area, to maintain the special qualities of the landscape and habitats through the protection, creation and enhancement of links between sites and their protection for amenity, landscape and biodiversity value, and to ensure the development complies with Policies SP15 and BE1 of the Neath Port Talbot Local Development Plan.

The above condition was approved by discharge of condition application P2024/0439 on 01/08/2024

Action Conditions

- 6 The development shall be carried out in accordance with the recommendations of the The ArbTS tree report dated the 23rd January 2024.

Reason:

To ensure all existing trees to be retained are protected throughout the construction of the development, in the interest of visual amenity, and to ensure the development complies with Policies SP15 and BE1 of the Neath Port Talbot Local Development Plan.

- 7 The approved Biodiversity enhancement measures and green infrastructure improvements shall be implemented on site prior to first use of the approved development and retained as such thereafter.

Reason:

In the interests of Biodiversity and to provide a net benefit to Biodiversity in accordance with Policy 9 of Future Wales and so as to accord with Policy SP15 of the adopted Neath Port Talbot Local Development Plan.

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- 8 Pre-commencement Ecological surveys shall be carried out in accordance with the recommendations set within approved document 'Morgan Sindall - Trebanos WwTW Outfall, Preliminary Ecological Appraisal' and an Ecological Clerk of Works must also be present on site during works in accordance with the requirements of this document. Details of the findings of the pre-commencement ecological surveys, together with any required ecological mitigation required as a result of the surveys and a timeframe for its implementation, shall be submitted to and agreed in writing with the local planning authority prior to commencement of any works. The development shall be carried in accordance with the agreed details.

Reason:

In the interests of ecology and biodiversity and to accord with Policy SP15 of the adopted Neath Port Talbot Local Development Plan.

Regulatory Conditions

- 9 Notwithstanding the submitted 'Site Specific Environmental Management Plan', no construction deliveries, removal of waste or works vehicles in excess of 3.5 tonnes shall access or egress the site via any route between the hours of 8am to 9.30am and 2.30pm to 4pm during school term times.

Reason

Due to the nearby school and in the in interest of highway and pedestrian safety and to ensure compliance with Policy TR2 of the Neath Port Talbot Local Development Plan.

Informatives:

1 The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at: www.gov.uk/government/organisations/the-coal-authority

2 Welsh Water Advisory notes The applicant may need to apply to Dwr Cymru / Welsh Water for any connection to the public sewer under S106 of the Water industry Act 1991. If the connection to the public sewer network is either via a lateral drain (i.e. a drain which extends beyond the connecting property boundary) or via a new sewer (i.e. serves more than one property), it is now a mandatory requirement to first enter into a Section 104 Adoption Agreement (Water Industry Act 1991). The design of the sewers and lateral drains must also conform to the Welsh Ministers Standards for Gravity Foul Sewers and Lateral Drains, and conform with the publication "Sewers for Adoption"- 7th Edition. Further information can be obtained via the Developer Services pages of www.dwrcymru.com The applicant is also advised that some public sewers and lateral drains may not be recorded on our maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. The presence of such assets may affect the proposal. In order to assist us in dealing with the proposal the applicant may contact Dwr Cymru Welsh Water on 0800 085 3968 to establish the location and status of the apparatus. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times. Our response is based on the information provided by your application. Should the proposal alter during the course of the application process we kindly request that we are

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re-consulted and reserve the right to make new representation. If you have any queries please contact on 0800 917 2652 or via email at developer.services@dwrcymru.com

3 NPTC Drainage note: Prior to any works commencing on site SAB approval will be required. To commence work is a breach of SAB approval required under Paragraph 7 (1) Schedule 3 of the Flood and Water Management Act 2010 whereby legal action will be taken by the Authority under The Sustainable Drainage (Enforcement) (Wales) Order 2018. Guidance and applications can be found on <https://www.npt.gov.uk/sab>

NOTES TO APPLICANT Please note that from 7th January 2019, all new developments of more than 1 house, or where a construction area is of 100m² or more, plus if the SAB authority believe that any redevelopment of land has significant surface water drainage implications. This will require sustainable drainage - built in accordance with mandatory standards for sustainable drainage published by Welsh Ministers - to manage on-site surface water. More information is available in Schedule 3 of the Flood & Water Management Act 2010. These systems must be approved by the Council's Highway Development Control service acting in its SuDS Approving Body (SAB) role before construction work begins. In this respect it is essential that a developer of any such project gain SAB approval of its surface water drainage alongside any relevant planning permission. You will not be allowed to start construction until both permissions have been approved. If you have not done so already, and your development would not fall into any of the relevant exceptions, you are therefore strongly encouraged to request further advice from the SAB. Involving the SAB Officers in pre-application discussions will allow for SuDS drainage matters (to ensure suitability of proposed SuDs design in line with national standards and adequate site layout) to be considered alongside the assessment of planning merits. There is an additional charge of £250 for this service. This can be as part of any agreed further pre-application submissions with the Planning Authority (recommended) or independently/ direct with the SAB. You are advised, however, that failing to engage in joint pre-application discussions has the potential to lead to delays and, most notably, the potential need to obtain further planning permission should any agreed SuDS design not be compliant with any relevant planning permission. Further details are available at www.npt.gov.uk/sab

4 In addition to those works highlighted within the submitted planning application, below ground work is proposed from the existing WWTW to the proposed outfall pipe, including new pipework and associated works. In order to establish if these works are permitted development under Schedule 2, Part 16, Class A of the General Permitted Development (Order) 1995 (the GPDO) the developer would be required to submit a lawful development certificate (proposed).

5 We advise that as you have mentioned in your method statement when undertaking works near water that you should refer to the GPP 5 guidance for pollution prevention, which can be found here <https://www.netregs.org.uk/media/1418/gpp-5-works-andmaintenance-in-or-near-water.pdf>

- o Prior to commencing any excavation in the bed or bank of the watercourse, the Permit Holder must put in place agreed pollution protection measures to ensure that there is no adverse impact from the works. The work must not cause a pollution incident to the watercourse.

- o We would advise that you should avoid entering/working in the watercourse whenever possible, and where this is not possible time spent in the watercourse should be minimised.

- o Any water that comes into contact with wet concrete must be treated as contaminated and must not be allowed to discharge into any watercourse. Specific attention should be paid to section 3 of the above guidance.

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- o The agreed method of working must be compiled with at all times to avoid discolouration/sedimentation or pollution of the watercourse. Should any discolouration/sedimentation or pollution of the watercourse occur, work must stop immediately, and Natural resources Wales notified on 0300 065 3000 to review work practices before work commences. All fuel, oil and chemicals used on Site must be stored away in a locked store which is bunded to 110% capacity of the total volume stored.
 - o We'd also advise that silt nets are to be placed downstream of the site. However, the placement of silt nets downstream is not a license for increased silt production. All efforts should still be made to prevent any silt being produced by the works.
 - o Silt mitigation measures should be implemented throughout the work site where appropriate. A variety of measures should be employed in conjunction as they work more effectively in combination.
 - o The installation of pollution control products within a watercourse should be the last stage of mitigation measures; the principles of the pollution control hierarchy should always be followed: 1. Contain at source. 2. Contain close to source. 3. Contain on the surface. 4. Contain in the drainage system. 5. Contain on the watercourse.
 - o Metal pins/rods should not be used to support silt fencing or sedi-mats as they don't provide sufficient support, resulting in the products sagging or collapsing. Wooden stakes should be used in accordance with the manufacturer's installation recommendations.
 - o Wherever possible clean or uncontaminated water should be intercepted and diverted around the working area. This should help minimise the volume of dirty water generated and therefore requiring treatment (if reasonably practicable).
 - o The early establishment of buffer strips during surface restoration work can filter run off and reduce soil erosion - such measures are particularly important on steep slopes and bare soil vulnerable to run off.
 - o Water quality leaving the working area will need to be regularly monitored to avoid a pollution incident. It may be necessary to: adjust, replace, or augment the pollution control products deployed and/or adapt the work method further, as work recommences and progresses.
 - o As with all pollution mitigation measures, these will need to be reviewed by yourselves regularly through the works and if found not to be sufficient, other options should be considered.
 - o Daytime working hours are adopted for any construction works, to commence no sooner than one hour after sunrise and finish no later than one hour before dusk. At night, a quiet dark corridor will be retained along the watercourse and its bankside vegetation.
 - o Construction materials will be stored well away from the watercourse in way that prevents otters gaining access or using them to rest in (Eg. pipe ends will be capped or covered).
 - o Any trenches that are left open overnight will have planks of wood placed at regular intervals to allow otters a way out.
 - o All tools, food, litter and construction materials and packaging that may constitute a hazard to otters will be removed daily from the site.
 - o We would advise that if additional lighting is required for works, then it would be conservative.
- The CEMP shall be implemented as approved during the site preparation and construction phases of the development.

6 Natural Resources Wales note: Where a European Protected Species is present and development proposal is likely to contravene the legal protection they are afforded, the development may only proceed under licence issued by Natural Resources Wales, having satisfied the three requirements set out in the legislation. One of these requires that the development authorised will 'not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status (FCS) in their natural range'. These

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requirements are translated into planning policy through Planning Policy Wales (PPW) February 2024, section 6.4.35 and 6.4.36, and Technical Advice Note (TAN) 5, Nature Conservation and Planning (September 2009).

7 The developer is advised to establish whether a protected species survey is required for this development

8 Natural Resources Wales note We advise the applicant that, in addition to planning permission, it is their responsibility to ensure they secure all other permits, consents, licences relevant to their development. Please refer to our website for further details.

9 Flood Risk Activity Permit Please advise the Applicant that the Environmental Permitting Regulations (2016) require them to obtain a bespoke Flood Risk Activity Permit for any works or structures located in, under, over or within 8 metres of the bank top of the River Tawe, a designated "main river". Further advice and guidance is available on our website:<http://www.naturalresources.wales/permits-and-permissions/flood-risk-activities/flood-riskactivity-permits-information/?lang=en>

10 Environmental Permit In the wider context of the rebuilding/upgrading of this works, several aspects of which will be controlled by an Environmental Permit. Any changes which relate to increased discharge flows, changes in discharge quality or changes in location of discharge of Final or Storm effluents will require the existing permit to be varied. DCWW therefore, must apply to NRW's permitting service for these changes so they can be appropriately determined. We note this application is for the construction of a combined Storm and Final Effluent outfall. In order to allow discharge from this proposed outfall the Environmental Permit must be varied before any discharge can occur.

11 Natural Resources Wales - Pollution Prevention Construction and demolition activities can give rise to pollution and so it is important that appropriate provisions are in place to manage dust, silt, surface water and the storage of waste during the construction phase. You should take any precaution to prevent contamination of surface water drains and local watercourses. All works at the site must be carried out in accordance with GPP5, 'Works and maintenance in or near water' and PPG6, 'Working at construction and demolition sites' which is available on the following website:<http://www.netregs.org.uk/environmental-topics/pollution-prevention-guidelines-ppgs-andreplacement-series/guidance-for-pollution-prevention-gpp>

12 Authority highways notes to developer:

1. Prior to any works commencing on site SAB approval will be required. To commence work is a breach of SAB approval required under Paragraph 7 (1) Schedule 3 of the Flood and Water Management Act 2010 whereby legal action will be taken by the Authority under The Sustainable Drainage (Enforcement) (Wales) Order 2018. Guidance and applications can be found on <https://www.npt.gov.uk/sab> NOTES TO APPLICANT Please note that from 7th January 2019, all new developments of more than 1 house, or where a construction area is of 100m² or more, plus if the SAB authority believe that any redevelopment of land has significant surface water drainage implications. This will require sustainable drainage - built in accordance with mandatory standards for sustainable drainage published by Welsh Ministers - to manage on-site surface water. More information is available in Schedule 3 of the Flood & Water Management Act 2010. These systems must be approved by the Council's Highway Development Control service acting in its SuDS Approving Body (SAB) role before construction work begins. In this respect it is essential that a developer of any such project gain SAB approval of its surface water drainage alongside any relevant

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planning permission. You will not be allowed to start construction until both permissions have been approved. If you have not done so already, and your development would not fall into any of the relevant exceptions, you are therefore strongly encouraged to request further advice from the SAB. Involving the SAB Officers in pre-application discussions will allow for SuDS drainage matters (to ensure suitability of proposed SuDs design in line with national standards and adequate site layout) to be considered alongside the assessment of planning merits. There is an additional charge of £250 for this service. This can be as part of any agreed further pre-application submissions with the Planning Authority (recommended) or independently/ direct with the SAB. You are advised, however, that failing to engage in joint pre-application discussions has the potential to lead to delays and, most notably, the potential need to obtain further planning permission should any agreed SuDS design not be compliant with any relevant planning permission. Further details are available at www.npt.gov.uk/sab.

The decision to recommend planning permission has been taken in accordance with Section 38 of The Planning and Compulsory Purchase Act 2004, which requires that, in determining a planning application the determination must be in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan comprises Future Wales - the National Plan 2040 and the Neath Port Talbot Local Development Plan (2011-2026) adopted January 2016.

It is considered that the proposal represents an appropriate form of development that would provide essential drainage infrastructure and would have no unacceptable impact on the residential amenity of adjacent residents; the character and appearance of the immediate and wider surrounding area, the highway and pedestrian safety and would improve the current foul drainage within the area. There would also be no adverse impact upon land stability or biodiversity. Accordingly, the proposed development is in accordance with Policies SP1, SP2, SP3, SP15, SP16, SC1, EN7, TR2, EN8 and BE1 of the Neath Port Talbot Local Development Plan.

It is further considered that the decision complies with Future Wales - the National Plan 2040 and the Council's well-being objectives and the sustainable development principle in accordance with the requirements of the Well-being of Future Generations (Wales) Act 2015.

Signed: 

Ceri Morris – Head of Planning & Public Protection

Date: 29 May 2024

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IMPORTANT:

(1) Please note that for all decisions issued after 16th March 2016 for outline or full planning permission, a revised decision notice will be issued whenever a subsequent consent is given, for example providing details of any Reserved Matters approvals (outline applications only) and/or approval of conditions (including on Reserved Matters). This will ensure that the current status of the conditions applied to a consent is clear. Accordingly you are advised to visit www.npt.gov.uk/planning to view the application documentation to see if this is the current version, or whether it has been superseded by a more up-to-date revision of this Decision Notice. For Reserved Matters approvals the revised Decision Notice will only be shown under the Outline approval.

(2) Please note that this consent is specific to the plans and particulars approved as part of the application. Any departure from the approved plans will constitute unauthorised development and may be liable to enforcement action. You (or any subsequent developer) should advise the Council of any actual or proposed variations from the approved plans immediately so that you can be advised how to best resolve the matter.

(3) In addition, any conditions that the Council has imposed on this consent will be listed above and should be read carefully. It is your (or any subsequent developers) responsibility to ensure that the terms of all conditions are met in full at the appropriate time (as outlined in the specific condition). Please note that any works carried out without compliance with the conditions attached to this approval will be entirely at the risk of the persons involved and may result in formal action being taken by the Local Planning Authority.

(4) The developer should have regard to Sections 4, 7, 8 and 8A of the Chronically Sick and Disabled Persons Act 1970 and to the British Standards Institution's Code of Practice for "Design of buildings and their approaches to meet the needs of disabled people" (BS 8300:2009+A1:2010).

(5) From 1st October 2012 it has been an offence to install a public sewer or lateral drain without having an adoption agreement in place. From the 1st October 2012 the vast majority of all existing private sewers and lateral drains which link with the public sewer network were transferred to Welsh Water. For further details on how this will affect your development please contact: Welsh Water Developer Services, PO Box 3146, Cardiff, CF30 0EH. Telephone No. 0800 9172652 or email: developer.services@dwrcymru.com.

(6) Welsh Water Dwr Cymru advise that the planning permission hereby granted does not extend any rights to carry out any works to the public sewerage or water supply systems without first having obtained the necessary permissions required by the Water Industry Act 1991.

Please note, in accordance with Construction and Design Management (CDM) Regulations, it is the applicant's responsibility to ensure that any proposed works within their curtilage do not conflict with any underground services and is recommended they review their land registry title deeds for any legal covenants. For Sewers or Watermains that may be present and affected by your proposals, you are advised to contact Dwr Cymru Welsh Water who will be able to explain whether your proposed works will be acceptable as well as any consent required. Prior to commencing works, it is also recommend the applicant review the information and guidance on Building Over Sewers

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available on Welsh Water's website at

<https://developers.dwrcymru.com/en/applications/planning/build-over-or-near-to-sewers>

The applicant is also advised that some public sewers and lateral drains may not be recorded on Welsh Water maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. The presence of such assets may affect the proposal. In order to assist us in dealing with the proposal the applicant may contact Dwr Cymru Welsh Water to establish the location and status of the apparatus. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

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IMPORTANT INFORMATION: TOWN AND COUNTRY PLANNING ACT 1990

The applicant's attention is drawn to the notes below.

- (1) If the applicant is aggrieved by the decision of the Local Planning Authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Welsh Government under Section 78 of the Town and Country Planning Act 1990 (as amended).
- (2) You can also appeal to the Welsh Government against a decision to refuse permission or grant subject to conditions in respect of applications made for :- Listed Building or Conservation Area Consent; Consent under a Tree Preservation Order; Advertisement Consent.
- (3) You can also appeal If your application for a Certificate of Lawful Existing Use or Lawful Proposed Use is partly or wholly refused or is granted differently from what you asked for (under Section 195/196) of the Town and Country Planning Act 1990 (as amended).
- (4) If you are aggrieved of the LPAs decision, the following deadlines apply for appeals to be submitted to the Welsh Government (from the date of the Council's decision):-
 - (1) Planning Permission (with the exception of Minor Commercial and Householder applications – see below) Within 6 Months
 - (2) Householder Appeal see endnote i Within 12 weeks
 - (3) Minor Commercial Appeal see endnote i Within 12 weeks
 - (4) Listed Building or Conservation Area Consent appeals Within 6 months
 - (5) Tree Preservation Order (TPO) Consent Within 28 days
 - (6) Advertisement Consent Within 8 weeks
 - (7) Certificate of Lawfulness of Existing (Section 191) or Proposed (Section 192) Use or Development Within 6 months
 - (8) Hazardous Substances Consent Within 6 months
- (5) Appeals must be made on a form which is obtainable from the Planning & Environment Decisions Wales, Crown Buildings, Cathays Park, Cardiff, CF10 3NQ – Tel 0300 060 4400, or online at <https://planningcasework.service.gov.wales/>.
- (6) The Welsh Government has power to allow a longer period for the giving of notice of appeal but they will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- (7) The Welsh Government is not required to entertain an appeal if it appears to them that permission for the proposed development could not have been granted having regard to the statutory requirements to the provisions of the development order, and to any directions given under the Order. They do not in practice refuse to entertain appeals solely because the decision of the Local Planning Authority was based on a direction given by them.
- (8) If permission to develop land is refused or granted subject to conditions, whether by the Local Planning Authority or by the Welsh Government, and the owner of the land claims that the land has become incapable of reasonable beneficial use in its existing state and cannot be rendered capable of reasonable beneficial use by the carrying out of any development which has been or would be permitted, he may serve on the County Borough Council, in which the land is situated, as the case may be, a **purchase notice** requiring that Council purchase his interest in the land in

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accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

Making an Appeal

- (9) Please note that for all applications received by the LPA after 5th May 2017, it is now a requirement that any appeal made to the Planning Inspectorate (other than Householder and Minor Commercial Appeals, and appeals against refusal to grant advertisement consent) must be accompanied by all the information and evidence you intend to rely upon (a **“full statement of case”**). You must also send a copy of the notice of appeal and full statement of case to the LPA.
- (10) In addition, for ‘planning appeals’ an amendment to an application following notice of appeal may only be made to correct an error.
- (11) Additional details and information on making an appeal to the Welsh Government is available from the Planning Inspectorate at the above address and website. The relevant documents are entitled “making your planning appeal” and “planning appeals Public Local Inquiries”.
- (12) Further correspondence regarding this application should bear the reference number quoted on the top of the decision notice.

THIS NOTICE RELATES ONLY TO A PLANNING DECISION AND DOES NOT RELATE TO OTHER LEGISLATION INCLUDING ANY LEGISLATION UNDER:

- BUILDING REGULATIONS – Please contact buildingcontrol@npt.gov.uk or 01639 686820 to discuss all aspects of the service that is offered by Building Control
- HIGHWAY LEGISLATION

IF PLANNING CONSENT HAS BEEN GRANTED IT IS ADVISABLE TO ESTABLISH WHETHER ANY OTHER FORM OF CONSENT IS REQUIRED AND TO OBTAIN SUCH CONSENT BEFORE COMMENCING DEVELOPMENT

ⁱ Please see the [Town and Country Planning \(Referred Applications and Appeals Procedure\) \(Wales\) Regulations 2017](#) for appeal procedures and for full definitions of:

- *“householder application”* (essentially an application for the enlargement, improvement or other alteration of a dwellinghouse, or development within the curtilage of such a dwellinghouse, or change of use to enlarge the curtilage of a dwelling house)
- *“householder appeal”* means an appeal in relation to a householder application, but excludes an appeal against conditions on the grant of planning permission; or an appeal which is accompanied by an enforcement or listed building consent appeal.
- *“minor commercial application”* (essentially relates to existing buildings of no more than 250 square metres gross external floor space at ground floor level, currently in use for any of the purposes set out in Schedule 1A to The Town and Country Planning (Development Management Procedure) (Wales) (Amendment) Order 2015 which is an application for change of use from Class A1 to A2 or A3; or Class A2 to A3); or the carrying out of building or other operations to a shop front.
- *“minor commercial appeal”* means an appeal in relation to a minor commercial application but excludes an appeal against conditions on the grant of planning permission; or an appeal which is accompanied by an enforcement or listed building consent appeal.