



The Planning Inspectorate
Yr Arolygiaeth Gynllunio

Application for consent to construct works on common land

Commons Act 2006: Section 38

National Trust Act 1971: Section 23

Return completed application to:

Planning Inspectorate Wales
Crown Buildings
Cathays Park
Cardiff
CF10 3NQ

Tel: 0303 444 5940

E-mail: wales@planninginspectorate.gov.uk

Application for consent to construct works on common land

- Answer all the questions on this form in full and only use a separate sheet where there is insufficient space for your answer
- Refer to separate **Notes** on completing this form (the "Notes") and the 'Common Land Guidance - General Overview' note before, and when, applying
- Consult informally and widely about your ideas before developing a formal proposal

This application is made under (tick as applicable)

Section 38: Commons Act 2006

Yes

.....
(if there is a Scheme of Management or local Act applying to the land, see Section I and 'Common Land Guidance – Special Consent Provisions (other than National Trust Land)' note before applying)

Section 23: National Trust Act 1971

No

.....
(see Common Land Guidance – Special Consent Provisions (National Trust Commons)' note before applying))

SECTION A – The land (see Notes 1, 2 and 3)

1. Name of Common CL No.

(a) Community/Town of

(b) Borough/County Borough/City of

2. Commons Registration Authority

3. Does owner of common consent to proposals

SECTION B – The applicant

4. Title (e.g. Mr/Mrs/Miss/Ms/Dr)

(a) Forename(s)

(b) Surname

(c) Position/Organisation (if appropriate)

5. Full postal address

c/o CLS Civil Engineering Ltd
Atherton Way, Brigg
Lincolnshire

Postcode

Telephone number (incl national dialling code)

Mobile number

Fax number (incl national dialling code)

E-mail address

I prefer to be contacted by E-mail Post

Details of Agent (if appropriate)

6. Title (e.g. Mr/Mrs/Miss/Ms/Dr)

Contact Name

Organisation

7. Full postal address

Watermans Lane, The Green, Pembroke, Pembrokeshire

Postcode

Telephone number (incl national dialling code)

Mobile number

Fax number (incl national dialling code)

E-mail address

SECTION C – Area of common and common rights (see Note 4)

8. (a) Is the land on which the works are proposed registered as common land? Yes X No

(b) If **No**, why do you need to apply?

9. (a) What is the total area of the common as registered?

(b) What common right(s); if any, are registered? (e.g. number and type)

No rights are held on this land

Are they ever exercised?n/a..... Yes No

If **Yes**, to what extent (e.g. which commoners are active, which rights are exercised and how frequently?)

n/a

SECTION D – The proposal (see Note 5 and 6)

10. What works are proposed? (tick **all** that apply)

- (a) fencing x
- (b) building/s
- (c) other structure/s
- (d) ditch/es, trench/es, embankments/s .
- (e) other works . x

Please specify

This proposal is for emergency works to replace a failed surface water system with a new improved system including temporary fencing for the period of the works

11. Area and extent of works

(a) What area will be occupied by the works or enclosed by the fencing? 970 m² but not all at same time – refer to proposed temporary fencing plan sq m/ha

(b) What length of works/fencing is proposed? 300m in total but the whole length will not be in place at one time – refer to proposed temporary fencing plan m

12. Are the proposed works:

- (a) permanent? No
- (b) time-limited? **(see Note 7)** No
- (c) a mixture of both (a) and (b) Yes

For time-limited works, how long will they be needed?

Temporary fence will be time limited for 2 months max

 weeks/months/years

13. Is this application, or any part of it, for works that have already been constructed? **(see Note 8)** Yes No

14. Describe the proposed works below

Replacement of part of failed surface water drainage system via a new route, temporary fencing and re-instatement of tarmacadam path surfacing. The proposed works are described in the enclosed drawings.

The Town Moor is a stretch on common land used as the town park in the centre of Narberth. It is used by adults and children as a recreational area.

The surface water drainage system through the Town Moor is required to overcome the defects within the existing surface water drainage system which historically served the former school site as well as part of the Town Moor itself to help remedy saturated areas often with standing water within the Town Moor due to the defects in the current system.

The proposed new system is also attenuated to reduce peak flow rates which requires provision of a storage volume upstream of the Hydro-Brake. The flow regulation provides betterment to comply with Welsh Government SuDS Standards for surface water discharge from the Old School Development site.

The scheme is described on the enclosed drawings. The route of the pipework varies from the existing to avoid damage to the tree roots is an important group of trees with landscape a value in the Town Moor. The purpose of the works is to replace a drainage system which currently serves the old school development site and part of the Town Moor.

It is regarded as imperative works as it is believed that the damaged system is the main culprit for standing water forming in the park. The faults means that it cannot cope with the surface water from the areas which it currently serves.

The works will better the enjoyment of the Town Moor.

15. Say more about the nature and purpose of the proposal, and explain why the proposed works are needed on the common (**see Note 9**)

The need for the works has arisen after drainage investigation related to the development of the old school site. The developer has a right to connect to the current system via a pipe on the old school land. This system serves the Town Moor and the old School development. After investigation however it was determined that the system in the Town Moor needs major repair work. The system has failed. There is standing water in the park after rainfall which is not ideal in a public park where children play. This raises health and safety issues.

The current route of the surface water system is through a group of mature trees which have a landscape value in the park. These trees have caused many of the issues through root growth through the pipes. To simply replace the pipe would at least damage and in all likelihood kill a couple of the trees. The option of replacing the drainage via the existing route was therefore disregarded and another solution was required. Photographs which show the proximity of the existing run to the trees (nearest manhole) are included in the documents enclosed. The standing water is after a single day's rain following one of the driest April months on record.

The proposed new route has been carefully considered to avoid damage trees, keep to the side of the common and to join into the remainder of the system as soon as practical.

Currently there is a minor blockage close to the old school site in the car park which is impeding the flow of water into the already saturated area within the Town Moor. Once this blockage is removed, the problem in the Town Moor will worsen without this drainage replacement.

The works are regarded as emergency because there is an existing failure in the surface water system, which will worsen once the minor blockage is removed and which currently results in standing water in the public park.

The works will consist of the excavation and laying of the new drainage system together with reinstatement of the grassed areas and the tarmac paths the drainage needs to cross. For the duration of the works temporary fencing will be erected to protect the public.

The works proposed will help to maintain the common by providing a functioning drainage

system through it. It will improve the common by reducing the wet areas.

The proposed scheme is also an improvement in that it satisfies SAB requirements. Measures are being taken on the old school site to slow down run off and this continues off site.

The proposed scheme should alleviate the current problems and replace the failed system with a better one.

The works will better the enjoyment of the Town Moor.

16. It is strongly recommended that you consult **informally** on your proposals at an early stage in their development. **(See Note 10 and 'Common Land Guidance - General Overview' note)**

What **informal** consultation have you carried out? Give details below

Consultations have been held with Pembrokeshire County Council
A SAB application has been made and approved by Pembrokeshire County Council
Scheme has been submitted to satisfy condition of planning permission for Old School, Development
The Property Section of Pembrokeshire County Council are happy with the proposals
The LPA are aware of the proposals

SECTION D1 – Additional questions where proposed works involve fencing
(If your proposal does not include fencing, go straight to Section E)

17. Please give details of:

(a) the type(s) of fence proposed

Temporary heras fencing will be used to enclose the works whilst they are being carried out. The heras fencing will be tied together and supported in special heras feet which will sit on the ground.

(b) the height of fencing

2.1 m

18. Please give **full** details of the need for fencing. This should cover: why fencing of this type is needed, what the aim of the fencing is, and why it is the length proposed.

Heras fencing will be used to enclose the works whilst they are being carried out. The heras fencing will be tied together and supported in heras feet which will sit on the ground.

The fencing is purely required during the works for health and safety reasons to protect the public from entering the site and to fulfil the needs of the CDM Regulations. Upon completion of the works it will be removed.

A drawing is enclosed which shows how it is intended to enclose a section of the works at a time to minimize impact.

19.(a) What other measures (i.e. alternatives to fencing) have you considered? Why are these not available to you, or not considered to be practical?

The fencing is purely required during the works for health and safety reasons to protect the public from entering the site and to fulfil the needs of the CDM Regulations. Upon completion of the works it will be removed.

Timber hoarding would be visually more intrusive and difficult to adapt.

The flexibility of heras fencing will allow it to be easily adapted as moved as work progresses

The heras fencing is a low impact fencing system recognised for providing suitable protections measures on construction sites. Its height deters people climbing over it.

(b) Give details of any measures proposed to mitigate the visual effect of the fencing.

The amount of fencing will be the minimum amount required to enclose the works and will be moved with the works to minimise its impact.
The heras fencing will be moved on once a section is completed, minimizing the amount of heras fencing needed and its impact. Upon completion of the works it will be removed

Welfare facilities will be provided on the Old School site, avoiding the need for cabins and their visual impact.

20.(a) How will you ensure that the public and others with rights (e.g. common rights holders) will have access to the land after the fencing is in place? Give details of the number, type and location of stiles and gates (see also question 17.(b)).

The fencing will not prevent access around the park. It will only affect the immediate area of the works. No stiles or gates will be necessary. The drainage works will need to cross two paths. These crossings will be carried out one at a time, so one path will remain open.

(b) Will the fencing cross any public right of way or road? (See 'Common Land Guidance - General Overview' note) ... Yes No

If **yes**, has the consent of the highway authority been given for any stile, gate or cattle grid and bypass which may be required? Yes No
.....n/a.....

If **Yes**, please enclose a copy. Copy enclosed

If **No**, but consent is needed please give:

Date of Application

Reference Number

Highway Authority Contact: Name

Tel

E-mail

Details of Application and stage reached

SECTION E – Other consents (see Notes 11 and 12)

21.(a) Is planning permission needed for your proposal? Yes No

If **Yes**, has planning permission already been obtained? Yes No

If **Yes**, please enclose a copy. Copy enclosed

If **No**, but application has been made please give:

Date of Application

Reference Number

Planning Authority Contact: Name

Tel

E-mail

Details of Application and stage reached

Application submitted.

(b) Has an Environmental Impact Assessment screening opinion been adopted? Yes No
(See 'Common Land Guidance - General Overview' note)

If **Yes**, has a screening application been approved by Welsh Government? Yes No

If **Yes**, please enclose a copy. Copy enclosed

If **No**, but an opinion is needed, please give details of application:

SECTION F – Designations

22.(a) Is the proposal in or near a Site of Special Scientific Interest (SSSI), a Special Area of Conservation (SAC) a Special Protection Area (SPA), a wetland listed in accordance with the Ramsar convention? (**See Note 13 and General Overview**) Yes No

If **Yes**, please give details, identify on the map (see Section K), and provide evidence that you have consulted Natural Resources Wales.

n/a

(b) Will the proposal affect a Scheduled Ancient Monument (SAM)? Yes No

If **Yes**, please give details, identify on the map (see Section K), and provide evidence that you have consulted Cadw (**see Note 14**).

n/a

(c) Is the proposal in a National Park or Area of Outstanding National Beauty (AONB)? Yes No

If **Yes**, please give details and provide evidence that you have consulted the National Park Authority or Natural Resources Wales.

n/a

SECTION G – Existing works and adjacent common land (see Note 15)

23.(a) Are there any existing buildings, roads, fences or other constructions on the common? Yes
No

These are unaffected by the proposals.....

If **Yes**, give details below (see Section K)

These are unaffected by the proposals

(b) Does any area of common land or village green, of a different registration number, adjoin the common on which the works are proposed? Yes No

If **Yes**, give details and identify the boundaries on the map (see Section K)

SECTION H – Public access (see Notes 16, 17 and 18)

24.(a) Do the public have a right of access to the common for air and exercise under section 193 of the Law of Property Act 1925? Yes No

(b) Is the common subject to an Order of Limitation made under section 193? Yes No
..... Land is a registered village green

If **Yes**, give its date and other details, and send us a copy of the Order

Land is a registered village green

SECTION I – Schemes of management and local Acts (see Notes 19 and 20)

25.(a) Is there a Scheme of Management for the common made under the Commons Act 1899? Yes No

(b) Is there any other regulatory Scheme or Act for the common? (e.g. a Provisional Order Confirmation Act under the Commons Act 1876) Yes No

If **Yes** to (a) or (b), give its date and other details, and send us a copy of the Scheme or Act.

Land is a registered village green

SECTION J – Advertisement and consultation (see Notes 21, 22 and 23)

You must advertise your proposal in one main local newspaper and at the main points of entry to the common **within 7 days** of making your application. Use the draft notice at **Annex A** of **Notes**.

You must also send a copy of the notice (using the letter at **Annex C** of **Notes**) to the following:

- the owners of the land
- the commons council or association (if there is one)
- all known commoners
- others with a legal interest e.g. tenants, those with easements, or other rights over the land
- any relevant community/town, borough/county borough, city or county council
- Natural Resources Wales
- Cadw
- National Park authority (if the proposal is in a National Park)
- Open Spaces Society (**see Note 24**)

26. Which newspaper will the advertisement appear in, and on what date?

Western Telegraph

Within 7 days of this application.

27. Are you the owner of the land? Yes No
.....

If **No**, does the owner support your application? Yes No
.....

Provide written evidence of the owner's views. Evidence enclosed yes

SECTION K – Maps (see Note 25)

You must include with your application **two copies** of a map which fully meets the requirements set out in **Note 25**. The map must clearly show what you are proposing to do and where.

28. Two copies of the map that meets the requirements set out in **see Note 25** are enclosed ✓

SECTION L – Public inquiry or hearing (see Note 26 and ‘Common Land Guidance - General Overview’ note)

29. Give the name and address of a suitable place in the locality for holding a public inquiry or hearing, should this be needed.

Queens Hall, High Street, Narberth

Contact Name/Tel Number: 01834 861212

Checklist (tick to confirm)

For all applications:

I have read the relevant **Notes** and ‘Common Land Guidance - General Overview’ note

For section 38 applications only:

• I am satisfied that:

.....

-the land is registered as common land or is otherwise within the scope of section 38

-the proposed works would prevent or impede access

~~For section 23 applications only:~~

~~• I have enclosed a letter from the National Trust confirming its view that the proposed works are "desirable" under section 23(1)~~

For all applications:

• I have:

- answered all the questions on this form in full

- enclosed two copies of the map that meets the requirements of Section K.

- enclosed a copy of the commons register in respect of this common, where registered (i.e. details of land, rights, and ownership, and the register map)

- enclosed a copy of any document mentioned in answering the questions on this form (e.g. planning permission, scheme of management, written permission of the landowner, letters from informal consultees etc.)

- understood that any of the application papers may be copied to interested parties on request, and have informed people as necessary

I will within 7 days:

- advertise the proposal in one local newspaper √
- post a copy of the notice at the main entry points to the common. √
- send a copy of the notice to all those listed at Section J √
- place a copy of the notice, map and application at the inspection point √

I will write to you as early as possible, using the letter at **Annex D** of the **Notes** to confirm that the advertising requirements have been met

SECTION M – Declaration

I/We* apply under section 38 of the Commons Act 2006/section 23 of the National Trust Act 1971* to the Welsh Ministers for CONSENT to construct the works described in Section D of this form.

**delete as appropriate*

Signed



Name (BLOCK letters)

Position (if applicable)

Organisation (if applicable)

Date

You must keep a copy of your completed form

Data Protection Act

Your application will be in the public domain. As such, all papers associated with it will be disclosed during the application process to others, including other Central Government Departments, public bodies, local authorities, other organisations and members of the public.