



The Planning Inspectorate  
Yr Arolygiaeth Gynllunio

**Application for consent to construct works on common land**

**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@pins.gsi.gov.uk](mailto:wales@pins.gsi.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

.....  
(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

.....  
(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

Orchard Croft  
Church Lane  
Newbold on Stour  
Warwickshire

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**

**Details of Agent (if appropriate)**

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

Contact Name

Organisation

7. Full postal address

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**

(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)

Grazing rights defined over 17 sub-sections of the common, each with its own commoner.

Are they ever exercised? ..... **Yes**

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

Please see attached registration document (1967, last amended 2006), my interpretation of this record (spreadsheet) and details of my discussions with the commoners.

The proposed works appear to lie within the area designated as Hafod y Rhedwydd (I do not have the 1888 edition OS map to check the field numbers given in the register). Richie Roberts of Penrhyn Isaf exercises the grazing rights to this area.

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

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

(a) fencing

(b) building/s

(c) other structure/s

(d) ditch/es, trench/es, embankments/s .

(e) other works .

Please specify

Water collection boxes and small weir in the stream. Settling tank. Buried pipe and cable (please see further details, attached).  
In addition to the provision for water extraction and monitoring, the buried cable will power an online weather station for the benefit of the local community.

11. Area and extent of works

(a) What area will be occupied by the works or enclosed by the fencing?  sq m/ha

(b) What length of works/fencing is proposed?  m

12. Are the proposed works:

(a) permanent?

(b) time-limited? (see Note 7)

(c) a mixture of both (a) and (b)

For time-limited works, how long will they be needed?  weeks/months/  
years

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

14. Describe the proposed works below

The works will provide an improved domestic water supply and feed a micro-hydro system to generate electricity for Hafod y Rhedwydd.

Please see further details (attached file HyR\_common\_land\_details\_v4.pdf).

No construction work has been started.

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)

Hafod y Rhedwydd is an off-grid holiday cottage. Over the past 20 years some 700 families have stayed there, using it as a base from which to explore the surrounding countryside, including CL.25.

Water currently comes from a nearby spring but this regularly dries up and has too little pressure for any filtration or sterilisation. Bottled water is provided for drinking but letting agencies are now demanding a sterilised water supply from all taps. The works will install water collection boxes in the stream above the cottage and a buried pipe to carry the water to the cottage. The cottage lies just outside the common land boundary; the planned extraction point within CL. 25 is however the only location from which a gravity feed is possible (downstream from this point the stream lies deep within a gorge).

Electricity is provided by a petrol generator and heating by oil-fired Rayburn. These emit 4300 kg carbon dioxide per annum (roughly) as well as being unreliable, inconvenient and polluting. The buried pipe will continue beyond the cottage to a turbine hut (details included for completeness in the information leaflet). The electricity generated will significantly reduce the fossil fuel

consumption and improve the holiday experience for our guests.

Any impediment to access during construction will be minimal since the works are very small scale. (The planning authority have for instance requested that the first 160 m of the 220 m pipe burial be dug by hand. The trench will be approximately 6" wide by 12-18" deep).

Please see *CL25 construction plan.pdf* for construction details.

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

Please see *Stakeholder information v2.pdf* which details my discussions with all interested parties. I have also had a great deal of support from the local Assembly Member, Janet Finch-Saunders.

### **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

No fence as such but the settling tank will have larch-lap cladding (approximately 1.2 m wide \* 1.8 m tall, horizontally planked) to camouflage the plastic tank and insulation - see attached details.

Nb. There is no need for temporary fencing during construction because the trench will be too small to constitute a significant hazard in the context of a remote wilderness area with numerous steep slopes, cliffs and gorges. Vegetation along the pipe route will be strimmed before work commences (to deter ground-nesting birds) so temporary trenches (see 15 above) will be easily visible.

(b) the height of fencing

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.

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?

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

Fencing will naturally weather to match the surrounding rock and heather. Wood stain will be used if necessary to achieve a suitable shade.

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)).

n/a

(b) Will the fencing cross any public right of way or road? (See 'Common Land Guidance - General Overview' note) ... **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

.....

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**

If **Yes**, has planning permission already been obtained? **Yes**

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

Planning SKM_C55819032813470.pdf granted 27/3/19
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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

(b) Has an Environmental Impact Assessment screening opinion been adopted? 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

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

The proposal lies within the Migneint-Arenig-Dduallt region which is designated as SAC, SPA and SSSI. Please see section 4 of the attached details.

(b) Will the proposal affect a Scheduled Ancient Monument (SAM)?  
.....

No

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

(c) Is the proposal in a National Park or Area of Outstanding National Beauty (AONB)?  
.....

Yes

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

Snowdonia National Park. The Park Authority have granted planning permission, ref NP4/29/44B.  
NRW have granted Abstraction and Impoundment licences (PAN-003016 & 3017) and Conwy Council have granted Ordinary Watercourse Consent (CRN43604 consent.pdf).

**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

.....

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

The common covers 2213 acres (see map). There is a single-track road through it (running past Hafod y Rhedwydd) and a boundary fence that designates the northern edge.

(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

.....

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

CL. 21 & 22 (Penmachno, Hundred of Nant Conway, 346.2 & 146 acres respectively) and CL.29 (Eidda, Hundred of Isaf, 10.2 acres) adjoin the Penmachno end of CL.25, 1-2 miles from the planned works. See CL25\_outline.pdf facsimile of register map.

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**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

.....

(b) Is the common subject to an Order of Limitation made under section 193? No

.....

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

See discussion in *CL25 Section 193 query.pdf*

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**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? No

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

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

**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?

North Wales Weekly News  
23/1/2019

27. Are you the owner of the land? No

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

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

Supporting letter attached (*s.23 Letter Tir  
Comin Plwyf Penmachno 18 October  
2019(0001880057.763.B3D54.pdf)*)

**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 (a) facsimile of the register maps, (b) boundary in green copied onto 1:50000 OS map, showing site area, (c) enlarged areas in the detail document.

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**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.

The Bro Machno Council meet in the Salem Chapel Vestry (<https://www.cyngorbromachno.org/welcome-3/>) – this might be a suitable venue.

Contact Name/Tel Number:

**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 (North Wales Weekly News 13/11/19)
- post a copy of the notice and map at the main entry points to the common (on 16/11/19)
- 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 apply under 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.

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.