



## **Penderfyniad ar gostau**

Ymweliad â safle a wnaed ar 17/05/2022

gan **A L McCooey BA (Hons) MSc**

**Arolygydd a benodir gan Weinidogion Cymru**

**Dyddiad: 19/07/2022**

## **Costs Decision**

Site visit made on 17/05/2022

by **A L McCooey BA (Hons) MSc**

**an Inspector appointed by the Welsh Ministers**

**Date: 19/07/2022**

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**Costs application in relation to Appeal Ref: CAS-01594-H8FON5**

**Site address: Derry Ormond Railway Halt, Betws Bledrws, Lampeter, SA48 8NP**

**The Welsh Ministers have transferred the authority to decide this application to me as the appointed Inspector.**

- The application is made under the Town and Country Planning Act 1990, sections 78, 322C and Schedule 6.
  - The application is made by Ms Sonia Gibbon for an award of costs against Cyngor Sir Ceredigion County Council.
  - The appeal was against the failure of the Council to issue a notice of their decision within the prescribed period on an application for planning permission for the change of use from a former railway halt to a holiday let unit.
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### **Decision**

1. The application for an award of costs is refused.

### **Reasons**

2. The Section 12 Annex 'Award of Costs' of the Development Management Manual ('the Annex') advises that, irrespective of the outcome of an appeal, costs may only be awarded against a party who has behaved unreasonably, thereby causing the party applying for costs to incur unnecessary or wasted expense in the appeal process.
3. The appeal was received on 20 January 2022. The appellant argues that the Local Planning Authority has not acted in a timely manner and caused huge delays in dealing with the application. It is alleged that the Council failed to keep the appellant updated on new information. This has resulted in the loss of a years' worth of income.
4. Determination of the application was delayed due to notification by Natural Resources Wales (NRW) that development could cause phosphate pollution to riverine Special Areas of Conservation (SAC). The Local Planning Authority was therefore required to undertake a Habitat Regulations Assessment. This was prepared in a timely manner. The Local Planning Authority had a residual concern in relation to the periodic disposal of sludge from a private package treatment plant and potential resulting adverse impacts on the SAC. This matter was the subject of ongoing discussions with NRW and the appellant when the appeal was lodged.

5. The consideration of the application by the relevant committee coincided with the NRW announcement on riverine SACs. It was inevitable that there would be some delay. Subsequently, advice from NRW was sought on the issue of disposal of sludge from the proposed package treatment plant. The consultation reply from NRW on the appeal refers to a Technical Note dated 16 August 2021 on this issue and further consideration continuing beyond this date. NRW has only relatively recently confirmed its final position on this issue. The Local Planning Authority was justified in delaying the determination of the application as it was awaiting confirmation from NRW on an appropriate way forward. Habitat Regulations Assessment is an important duty for a decision-maker and must be based on reliable evidence. I therefore conclude that there was a substantive reason to justify delaying the determination of the application. The appellant and Council have referred to several meetings (including with NRW) and correspondence between the parties on this issue. In these circumstances, I do not agree that there has been undue delay or that the appellant was not informed of progress.

### **Conclusion**

6. Having considered the costs application as submitted and all the evidence supplied, I conclude that the costs application should be refused.

*A L McCooey*

Inspector