

**Water Resources Act 1991
Section 161A**

NOTICE TO CARRY OUT ANTI POLLUTION WORKS

To: Tower Regeneration Limited
Tower Colliery
Tirherbert Road
Rhigos
Aberdare
Mid Glamorgan
CF44 9UF

Company number: 06995899

Natural Resources Wales is satisfied that polluting matter; namely silts, is impacting the River Cynon, from operations at Tower Regeneration Limited. Under Section 161A of the Water Resources Act 1991 as amended, Natural Resources Wales is entitled to serve a works notice, as the responsible company.

You are required to carry out the works and/or operations set out in Schedule 1 of this Notice by the date(s) specified.

Date: 02/10/2020

Signed: 

Elliot Burge

Uwch swyddog, Caniatau Ansawdd Dwr /
Senior Officer – Water Quality Permitting

Natural Resources Wales
St Mellons Business Park,
Fortran Rd,
St. Mellons,
Cardiff
CF3 0EY

Please see over for notes.

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Notes:

General

1. Failure to comply with this Notice is an offence under Section 161D of the Water Resources Act 1991 and may result in legal action being taken against you.
2. You have a right of appeal against this Notice.
3. You may wish to seek independent legal advice.
4. Natural Resources Wales is entitled (unless the notice is quashed or withdrawn) to recover from you its costs or expenses reasonably incurred in carrying out such investigations as are mentioned in section 161(4) Water Resources Act 1991.
5. This works notice is without prejudice to the powers of Natural Resources Wales to carry out any works or operations under section 161(5)(a) or 161ZA(6)(a) Water Resources Act 1991.

Appeal Provisions

You are entitled to appeal against this Notice under Section 161C of the Water Resources Act 1991. Notice of appeal must be made within a period of 21 days beginning with the service of this Notice. An appeal does not suspend the requirements of this notice.

Welsh Ministers
The Planning Inspectorate for Wales
Crown Buildings
Cathays Park
Cardiff
CF10 3NQ
Tel: 029 2082 3866
E-Mail: wales@pins.gsi.gov.uk
<http://www.planningportal.gov.uk/planning/appeals>

At the same time you must send a copy of the appeal notice and documents to us.

The notice of appeal must contain or be accompanied by a statement of the grounds of the appeal. You must state whether you wish the appeal to be determined on the basis of written representations or a hearing. The notice of appeal must include your name and address. It must also include the names and addresses of all the persons you have served with a copy of the notice of appeal.

Include copies of any relevant documentation. Where the ground of appeal is that the notice might lawfully have been served on some other person, you must also send a copy of the notice and a list of documents to that person.

Welsh Ministers have the power to uphold your appeal, to modify any of the requirements of this notice, or to dismiss your appeal.

If you wish to withdraw your appeal, you must do so by notice informing Welsh Ministers and you should send a copy of the notice to us. You must also tell anyone else who you sent a copy of your notice of appeal.

In this document 'Natural Resources Wales' means the Natural Resources Body for Wales established by Article 3 of the Natural Resources Body for Wales (Establishment) Order 2012.

You should note that the Natural Resources Body for Wales has been formed by bringing together the Countryside Council for Wales, Forestry Commission Wales and Environment Agency Wales. The Natural Resources Body for Wales has been empowered to exercise Welsh devolved functions since 1st April 2013 and has, generally, taken over the responsibilities of the Countryside Council for Wales, the Forestry Commissioners and the Environment Agency in Wales.

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SCHEDULE 1 WORKS/OPERATIONS REQUIRED	
Works/Operations	By Date
Interim sacrificial seeding programme to selected areas across the site	5 th October 2020
Submit permit variation for Main Discharge AN0314801 to include new catchment area.	1 st November 2020
Establishment of 3 attenuations ponds in line with the hydrological assessment reference 2428: Interim Surface Water Drainage submitted 24 th August 2020, or as per agreement with NRW. Lagoons are to be constructed to prevent scouring using suitable Geotech methods. Pollution prevention steps to be implemented to ensure operations no longer contribute to the detriment of the River Cynon	1 st November 2020
Completion of drainage ditches to the 3 attenuation ponds layout detailed in hydrological assessment reference 2428: Interim Surface Water Drainage submitted 24 th August 2020. Drainage ditches are to be constructed using suitable Geotech methods to prevent scouring. Pollution prevention steps to be implemented to ensure operations no longer contribute to the detriment of the River Cynon	9 th November 2020