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Annex 2: Cross-Reference Legal Matrix

Issue	Evidence from Mr. D Clarke	Legislation / Regulation	Case Law	Planning Principle / Consequence
1. Sewerage is not a reserved matter	*"The arrangement for sewerage is not a reserved matter… the committee needs to know what the arrangements… are before considering the grant of any planning permission."*	DMPO (Wales) 2012, Reg. 2 (definition of reserved matters)	—	Sewerage must be resolved **before** outline permission; cannot be deferred.
2. ES inadequate – cannot lawfully grant permission	*"The ES should be rejected as inadequate and therefore the Council cannot, in law, proceed to consider the possible grant of planning permission."*	EIA Regs (Wales) 2017, Reg. 3	Gillespie; Swire	Permission **must not** be granted unless ES is adequate.
3. Cog Moors already breaching environmental law	*"Overflows… are already breaching regulations… discharging untreated and partially treated sewerage into the Bristol Channel."*	Environmental Permitting Regs; Water Industry Act	—	Additional load is unacceptable; precautionary principle applies.
4. NRW non-enforcement does not remove legal breach	*"NRW is not enforcing the breaches… disguising the lack of capacity at Cog Moors."*	Environmental Permitting Regs	—	Non-enforcement ≠ compliance; capacity deficit remains material.
5. Need for foul drainage strategy	*"The ES is meant to demonstrate… adequate arrangements… and to spell out what they are."*	EIA Regs Sch. 4 (information requirements)	Gillespie	ES must include mitigation detail; cannot rely on later work.
6. Need for hydraulic modelling	*"Why would such a requirement… be left to a later stage?"*	EIA Regs	Gillespie	Capacity must be demonstrated at outline stage.
7. Pumping station capacity unknown	*"Is the pumping station… sufficient for the increased load?"*	EIA Regs	—	Infrastructure adequacy must be proven before permission.
8. No viable sewer connection route	*"There is nothing to show it is a viable option… a convenient line drawn without any regard to what can be safely delivered."*	EIA Regs; Sewerage Design Standards (Welsh Ministers)	—	ES must demonstrate deliverability; speculative routes are unlawful.
9. Third-party land constraints ignored	*"Assumes access… across land in third party ownership… no regard to ground conditions."*	EIA Regs	—	ES must assess land control, access, maintenance

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				feasibility.
10. Reinforcement works required but uncosted	*"Urgent need for reinforcement/upgrade… the development is uneconomic and cannot meet the expense."*	EIA Regs; Well-being of Future Generations Act	—	Undeliverable mitigation cannot be relied upon; ES defective.
11. Water supply reinforcement also unassessed	*"Likely reinforcement works of the local water supply system… no obvious reason why this cannot be carried out ahead of permission."*	Water Industry Act; EIA Regs	—	Water supply capacity is a material consideration at outline stage.
12. Viability evidence shows scheme cannot fund mitigation	*"The development proposed is uneconomic… loss making… cannot meet proper standards."*	—	—	If mitigation cannot be funded, ES must acknowledge this; otherwise misleading.
13. Public health risk from existing overflows	*"The environment already receives too much untreated sewerage… public health and safety."*	Environmental Permitting Regs; Public Health Act	—	Public health is a primary planning consideration.
14. EIA must include controversial issues	*"Highly controversial… failure to cover the issue in the ES… suspicious."*	EIA Regs	Gillespie	Controversial mitigation **must** be assessed in ES.
15. ES must allow public participation	*"These things need to be properly included… to allow the public to comment."*	EIA Regs (public participation duties)	Gillespie	ES must be transparent; cannot defer key issues.
16. Council must not rely on Dŵr Cymru letter alone	*"The Council should not rely on… a letter from Dwr Cymru… when the Council is well aware of the pollution."*	EIA Regs; DMPO	—	LPA must make independent, informed assessment.
17. Developer's omission appears deliberate	*"Perhaps the failure… is not accidental?… applicant is playing fast and loose with public health."*	EIA Regs	—	ES must be complete and honest; omission undermines validity.
18. Regulation 3 prohibits granting permission	*"Regulation 3 prevents the grant of a planning permission."*	EIA Regs 2017, Reg. 3	Gillespie; Swire	LPA **legally barred** from granting permission.
19. Reserved matters cannot fix fundamental constraints	*"Reserved matters are mere tweaking… not issues that determine whether the development is in the wrong place."*	DMPO 2012	—	Sewerage capacity is a fundamental constraint, not a detail.
20. Public interest	*"The public already have issues with the sewer*	Well-being of Future	—	LPA must protect residents

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strongly engaged	*and water systems."*	Generations Act		and environment.
21. Developer's approach risks future public cost	*"Danger that the public is then required to cover the cost of issues that suddenly need to be sorted."*	Well-being of Future Generations Act	—	Planning must avoid shifting risk to public.
22. ES must assess cumulative impacts	*"Overflowing of the CSOs is an issue around the Vale."*	EIA Regs (cumulative effects)	—	ES must consider existing system stress.
23. Lack of NRW enforcement does not justify inaction	*"NRW… disguising the lack of capacity."*	Environmental Permitting Regs	—	LPA must assess environmental harm independently.
24. Developer's viability claims undermine mitigation	*"Applicant claims it cannot afford this additional expense."*	—	—	If mitigation cannot be funded, permission cannot be granted.
25. ES must include costed, viable mitigation	*"Absence of a fully considered, proposed, costed analysis… is a fundamental defect."*	EIA Regs	Gillespie	ES must show mitigation is deliverable.
26. Requirement to resubmit an ES	*"Council should require the applicant to resubmit their ES and deal with issues in a lawful fashion."*	EIA Regs	Gillespie	ES must be corrected before determination.
27. Outline permission would be premature	*"It would be wrong to consider (and allow) outline permission at this time."*	EIA Regs; DMPO	—	Prematurity due to unresolved infrastructure constraints.
28. Precautionary principle applies	*"Any additional load is unacceptable at this time."*	EIA Regs; Environmental law	—	Where uncertainty exists, permission must be refused.
29. LPA must protect existing users	*"Vale has to have regard to protecting other users… residents, businesses, the environment."*	Planning Act; Well-being Act	—	Infrastructure capacity is a material planning consideration.
30. ES omissions undermine transparency	*"Where is the information?"*	EIA Regs	—	ES must be complete, transparent, and publicly examinable.