

Town and Country Planning Act 1990
Town and Country Planning (Development Management Procedure)
(England) Order 2015

PERMISSION

PERMISSION FOR DEVELOPMENT

Application number: 24/00505/FUL

Date application valid: 10th July 2024

Location: Land At Part Parcel 0006, Postlip, Winchcombe, Cheltenham, Gloucestershire

Proposal: Proposed construction of Cable Sealing End Compound (CSEC) to facilitate the connection between underground cables and existing Overhead Line and associated permanent access roads (and bell-mouth) to the CSECs in addition to temporary bell-mouths created to support the cable construction along classified roads.

In pursuance of their powers under the above mentioned Act, the Borough Council as Local Planning Authority **HEREBY PERMITS** the development described hereunder in accordance with the submitted application and the accompanying plan(s), but subject to the conditions hereunder stated.

Condition(s) and reason(s) attached to permission

1. The works hereby permitted shall be begun before the expiration of three years from the date of this consent.

Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the following approved documents:

Site Location Plan drawing no. 30167905-ARC-EGN-ZZ-DR-ZZ-00044-S2 Rev P01

Winchcombe Combe Cable Sealing end Compound Plan & Elevation Layout drawing no. PDD-101300-lay-024 Rev 04

Access Route from B4632 to Northern Sealing End Compound Sheet 01 of 04 drawing no. PDD-101300-LAY-020 Rev 03

Access Route from B4632 to Northern Sealing End Compound Sheet 02 of 04 drawing no. PDD-101300-LAY-020 Rev 03

Access Route from B4632 to Northern Sealing End Compound Sheet 03 of 04 drawing no. PDD-101300-LAY-020 Rev 03

Access Route from B4632 to Northern Sealing End Compound Sheet 04 of 04 drawing no. PDD-101300-LAY-020 Rev 03

except where these may be modified by any other conditions attached to this permission.

Reason: To ensure that the development is carried out in accordance with the approved plans

3. Prior to commencement of the development hereby permitted details of a construction management plan shall be submitted to and approved in writing by the Local Planning Authority. The approved plan shall be adhered to throughout the demolition/construction period, including the proposed escort by banksman of any large vehicles using the Northern Access Route. The plan/statement shall include but not be restricted to:

Parking of vehicle of site operatives and visitors (including measures taken to ensure satisfactory access and movement for existing occupiers of neighbouring properties during construction);

Advisory routes for construction traffic;

Any temporary access to the site;

Locations for loading/unloading and storage of plant, waste and construction materials;

Method of preventing mud and dust being carried onto the highway;

Arrangements for turning vehicles;

Arrangements to receive abnormal loads or unusually large vehicles;

Highway Condition survey;

Methods of communicating the Construction Management Plan to staff, visitors and neighbouring residents and businesses.

Reason: In the interests of safe operation of the adopted highway in the lead into development both during the demolition and construction phase of the development.

4. Prior to first use of the development hereby permitted the vehicular access shall be laid out and constructed in accordance with the submitted plan drawing no. PDD-101300-LAY-020 Rev 03 but with the area of access road within at least 20.0m of the carriageway edge of the public road surfaced in bound permeable material and shall be maintained and drained thereafter.

Reason: To reduce potential highway impact by ensuring that there is a safe, suitable, and secure means of access for all people that minimises the scope for conflict between traffic and cyclists and pedestrians in accordance with paragraph 115 and 117 of the National Planning Policy Framework.

5. The development hereby approved shall not be brought into use until visibility splays are provided from a point 0.6m above carriageway level at the centre of the proposed access and 2.4 metres back from the near side edge of the adjoining carriageway, (measured perpendicularly), for a distance of 154 metres in each direction measured along the nearside edge of the adjoining carriageway and offset a distance of 0.6 metres from the edge of the carriageway. These splays shall thereafter be permanently kept free of all obstructions to visibility over 0.6m in height above carriageway level.

Reason: In the interests of highway safety.

6. The development hereby permitted shall not be brought into use until the proposed CSEC facilities have been provided in accordance with the submitted plan drawing no. PDD-101300-LAY-020 Rev 03.

Reason: To ensure that a safe, suitable and secure means of access for all people that minimises the scope for conflict between traffic and cyclists and pedestrians is provided in accordance with the paragraphs 114 and 116 of the National Planning Policy Framework.

7. Notwithstanding the submitted details, prior to the commencement of any works on-site, a Construction and Ecological Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The CEMP will follow recommendations to protect wildlife during the construction phase made within the submitted Ecology reports. The CEMP should include:

- Detailed mitigation for ecological features, particularly retained woodland/hedgerow/trees, River Isbourne & tributaries (i.e. pollution control measures etc), bats, nesting birds, GCN/common toads, reptiles, hedgehogs, badgers, dormice, otters and Roman snails
- Mitigation for dealing with the invasive Himalayan balsam

The mitigation outlined in the final CEMP, once approved by the Local Planning Authority, should be strictly complied with (a copy should be kept in the site office to ensure all contractors have it available to refer to during works).

Reason: In the interests of preserving and enhancing ecological assets.

8. Prior to commencement of any works on-site, a preconstruction survey for otters/holts, badgers/setts and trees with barn owl roost potential shall be submitted to and approved in writing by the Local Planning Authority. If nesting barn owls, holts/new setts be found and/or the outlying setts become active, then appropriate mitigation and licensing should be undertaken, with a badger/otter/barn owl report submitted to the Local Planning Authority for review.

Reason: To ensure proper provision is made to safeguard protected species and their habitats.

9. Notwithstanding the submitted details, the development hereby approved shall not be brought into use until a Landscape and Ecological Management Plan (LEMP) is submitted to and approved in writing by the Local Planning Authority. The LEMP will include:

Landscaping plans for all three areas specified in the EclA and BNG report and ensure management of habitats for all three areas is considered

Management specific to Himalayan balsam found on site

The Lemp should cover the 30-year management required by the BNG process throughout

Reason: In the interests of preserving and enhancing ecological assets.

10. Prior to the installation of any external lighting for the development hereby permitted details of the lighting shall be submitted to and approved by the Local Planning Authority. This lighting scheme shall show contour plans highlighting lux levels, specifically when spilling onto adjacent/important habitats for wildlife. The details shall include, but not be limited to, the following:

- i. A drawing showing sensitive areas and/or dark corridor safeguarding areas;
- ii. Identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging;
- iii. Show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species;
- iv. Description, design or specification of external lighting to be installed including shields, cowls or blinds where appropriate.;
- v. A description of the luminosity of lights and their light colour including a lux contour map; vi. A drawing(s) showing the location and where appropriate the elevation of the light fixings; and
- vii. Methods to control lighting control (e.g. timer operation, passive infrared sensor (PIR)). The development hereby permitted shall not be carried out otherwise than in accordance with the approved lighting details and the approved lighting details shall thereafter be retained for the lifetime of the development.

Reason: In the interests of biodiversity.

11. No development hereby permitted shall take place except in accordance with the terms and conditions of the Council's Organisational Licence (WML-OR138, or a 'Further Licence') and with the proposals detailed on plan "Land At Part Parcel 0006: Impact plan for great crested newt District Licensing (Version 2)", dated 5th February 2025.

Reason: In order to ensure that adverse impacts on great crested newts are adequately mitigated and to ensure that site works are delivered in full compliance with the Organisational Licence (WML-OR138, or a 'Further Licence'), section 15 of the National Planning Policy Framework, Circular 06/2005 and the Natural Environment and Rural Communities Act 2006.

12. No development hereby permitted shall take place unless and until a certificate from the Delivery Partner (as set out in the District Licence WML-OR138, or a 'Further Licence'), confirming that all necessary measures regarding great crested newt compensation have been appropriately dealt with, has been submitted to and approved by the planning authority and the authority has provided authorisation for the development to proceed under the district newt licence.

The delivery partner certificate must be submitted to this planning authority for approval prior to the commencement of the development hereby approved.

Reason: In order to adequately compensate for negative impacts to great crested newts, and in line with section 15 of the National Planning Policy Framework, Circular 06/2005 and the Natural Environment and Rural Communities Act 2006.

13. No development hereby permitted shall take place except in accordance with Part 1 of the Great Crested Newt Mitigation Principles, as set out in the District Licence (WML-OR138, or a 'Further Licence') and in addition in compliance with the following:

Works which will affect likely newt hibernacula may only be undertaken during the active period for amphibians.

Capture methods must be used at suitable habitat features prior to the commencement of the development (i.e., hand/destructive/night searches), which may include the use of temporary amphibian fencing, to prevent newts moving onto a development site from adjacent suitable habitat, installed for the period of the development (and removed upon completion of the development).

Amphibian fencing and pitfall trapping must be undertaken at suitable habitats and features, prior to commencement of the development.

Reason: In order to ensure that adverse impacts on great crested newts are adequately mitigated and to ensure that site works are delivered in full compliance with the Organisational Licence (WML-OR138, or a 'Further Licence'), section 15 of the National Planning Policy Framework, Circular 06/2005 and the Natural Environment and Rural Communities Act 2006.

14. No below or above ground development shall commence until a detailed site waste management plan or equivalent has been submitted to and approved in writing by the local planning authority. The detailed site waste management plan must identify: - the specific types and amount of waste materials forecast to be generated from the development during site preparation & demolition and construction phases; and the specific measures will be employed for dealing with this material so as to: - minimise its creation, maximise the amount of re_use and recycling on-site; maximise the amount of off-site recycling of any wastes that are unusable on-site; and reduce the overall amount of waste sent to landfill. In addition, the detailed site waste management plan must also set out the proposed proportions of recycled content that will be used in construction materials. The detailed site waste management plan shall be fully implemented as approved unless the local planning authority gives prior written permission for any variation.

Reason: To ensure the effective implementation of waste minimisation and resource efficiency measures in accordance with adopted Gloucestershire Waste Core Strategy: Core Policy WCS2 - Waste Reduction and adopted Minerals Local Plan for Gloucestershire Policy SR01.

15. A 30-year Habitat Management and Monitoring Plan (HMMP) shall be submitted to, and approved in writing by, the Local Planning Authority prior to any above ground works of the development hereby approved being undertaken. The plan shall be prepared in accordance with the Biodiversity Gain Plan and must include, but not necessarily be limited to, the following information:

- i. Description and evaluation of features to be managed, including locations shown on a site map;
- ii. Establishment details, including preparation of the land;
- iii. Landscape and ecological trends and constraints on site that might influence management;
- iv. Aims and objectives of management, including ensuring the delivery of at least a 10% net gain in habitat, hedgerow and watercourse (if applicable) units;
- v. Appropriate management options for achieving the aims and objectives;
- vi. Prescriptions for all management actions;

- vii. A work schedule matrix (i.e. an annual work plan) capable of being rolled forward over 5- or 10-year periods;
- viii. Details of the body or organisation responsible for the implementation of the plan;
- ix. Ongoing monitoring of delivery of the habitat enhancement and creation details to achieve net gain as well as details of possible remedial measures and adaptive measures might need to be put in place; and
- x. Timeframe for reviewing and reporting on the plan. Reporting on year 1, 2, 5, 10, 15, 20, 25 and 30, with biodiversity reconciliation calculations at each stage.

The HMMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body (ies) responsible for its delivery. The HMMP shall be implemented in accordance with the approved details and all habitats shall be retained in that manner thereafter. Notice in writing shall be given to the Council when the habitat creation and enhancement works as set out in the Biodiversity Gain Plan have commenced and once all habitat creation and enhancements have been completed.

Reason: To secure the delivery of at least a 10% biodiversity net gain through successful establishment and management of all newly created and enhanced habitats in accordance with Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021), paragraph 187, 192 and 193 of the NPPF, Policy NAT1 (Biodiversity, Geodiversity and Important Natural Features) of the Tewkesbury Borough Plan and Policy SD9 of the Joint Core Strategy Gloucester, Cheltenham and Tewkesbury 2011 - 2031.

16. No development shall commence on site until a detailed design, maintenance & management strategy and timetable of implementation for a surface water drainage strategy has been submitted to and approved in writing by the Local Planning Authority. The detail must demonstrate the technical feasibility/viability of the drainage system through the use of SuDS to manage the flood risk to the site and elsewhere and the measures taken to manage the water quality for the life time of the development. The scheme for the surface water drainage shall be carried out in accordance with the approved details before the development is first put in to use/occupied.

Reason: To ensure the development is provided with a satisfactory means of drainage and thereby preventing the risk of flooding. It is important that these details are agreed prior to the commencement of development as any works on site could have implications for drainage, flood risk and water quality in the locality.

17. No development shall be brought in to use/occupied until a SuDS management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker or Management Company and any other arrangements to secure the operation of the scheme throughout its lifetime, has been submitted to and approved in writing by the Local Planning Authority. The approved SUDS maintenance plan shall be implemented in full in accordance with the agreed terms and conditions.

Reason: To ensure the continued operation and maintenance of drainage features serving the site and avoid flooding.

18. Notwithstanding the submitted details, the development hereby permitted shall not be brought into use until details of the size and species of planting have been submitted to and approved in writing by the Local Planning Authority.

The planting shall be carried out in accordance with a phasing plan/timescales which has been submitted to and approved in writing by the Local Planning Authority. Any trees or plants which, within a period of ten years from completion of the development, die, are removed, or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of visual amenity.

19. Prior to commencement of any development a Construction (and demolition) Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The CEMP shall include (but is not limited to):

- a. Site access/egress
- b. Staff/contractor facilities and travel arrangements
- c. Dust mitigation
- d. Noise and vibration mitigation
- e. Mitigation of the impacts of lighting proposed for the construction phase
- f. Measures for controlling leaks and spillages, managing silt and pollutants
- g. Plans for the disposal and recycling of waste

Development shall take place only in accordance with the approved CEMP.

Reason: To protect existing and proposed properties from the impacts of short term exposure to noise, vibration, light and dust nuisance.

20. During the construction phase (including demolition and preparatory groundworks), no machinery shall be operated, no process shall be carried out and no deliveries shall be taken at or dispatched from the site outside the following times: Monday-Friday 8.00 am-6.00pm, Saturday 8.00 am-1.00 pm nor at any time on Sundays, Bank or Public Holidays, unless agreed in writing with the Local Planning Authority.

Reason: To protect the noise climate and amenity of local residents.

21. No development including demolition, site clearance, materials delivery or erection of site buildings, shall start on the site until measures to protect trees/hedgerows on and adjacent to the site have been installed in accordance with details that have been submitted to and approved in writing by the local planning authority. These measures shall include:

1. Temporary fencing for the protection of all retained trees/hedgerows on and adjacent to the site whose Root Protection Areas (RPA) fall within the site to be erected in accordance with BS 5837(2012) or subsequent revisions (Trees in Relation to Design, Demolition and Construction). Any alternative fencing type or position not strictly in accordance with BS 5837 (2012) shall be agreed in writing by the local planning authority prior to the start of development. The RPA is defined in BS5837(2012).

2. Construction Exclusion Zone (CEZ): The area around trees and hedgerows enclosed on site by protective fencing shall be deemed the CEZ. Excavations of any kind, alterations in soil levels, storage of any materials, soil, equipment, fuel, machinery or plant, site compounds, cabins or other temporary buildings, vehicle parking and delivery areas, fires and any other activities liable to be harmful to trees and hedgerows are prohibited within the CEZ, unless agreed in writing with the local planning authority. The approved tree protection measures shall remain in place until the completion of development or unless otherwise agreed in writing with the local planning authority.

Reason: To ensure adequate protection measures for existing trees/hedgerows to be retained, in the interests of visual amenity and the character and appearance of the area.

22. Where excavations or surface treatments are proposed within the root protection areas (RPA) of retained trees and hedgerows, full details shall be submitted to and approved in writing by the local planning authority before any development starts. The RPA is defined in BS5837:2012. Details shall include the proposed locations of excavations and/or surface treatments, proposed methods & specifications of excavations and/or surface treatments and any post excavation remedial works. All excavations or surface treatments shall be carried out in accordance with the approved details.

Reason: To prevent damage to or loss of trees.

Informative:

1. In accordance with the requirements of the NPPF the Local Planning Authority has sought to determine the application in a positive and proactive manner by offering pre-application advice, publishing guidance to assist the applicant, and publishing to the council's website relevant information received during the consideration of the application thus enabling the applicant to be kept informed as to how the case was proceeding.

2. The proposed development may involve works to be carried out on the public highway, if so; the applicant/developer is required to enter into a legally binding highway works agreement (including appropriate bond) with the County Council before commencing those works.

3. The Highway Authority will seek to recover extraordinary maintenance payments for identifiable damage caused by construction traffic, in accordance with the provisions of Section 59 of the Highways Act 1980.

4. IMPORTANT: BIODIVERSITY NET GAIN CONDITION - DEVELOPMENT CANNOT COMMENCE UNTIL A BIODIVERSITY GAIN PLAN HAS BEEN SUBMITTED (AS A CONDITION COMPLIANCE APPLICATION) TO AND APPROVED BY TEWKESBURY BOROUGH COUNCIL.

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition "(the biodiversity gain condition)" that development may not begin unless:

- (a) a Biodiversity Gain Plan has been submitted to the planning authority, and
- (b) the planning authority has approved the plan in writing.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan if one is required in respect of this permission would be Tewkesbury Borough Council. There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. Based on the information available this permission is considered to be one which will require the approval of a biodiversity gain plan before development is begun because none of the statutory exemptions or transitional arrangements are considered to apply. If the onsite habitats include irreplaceable habitats (within the meaning of the Biodiversity Gain Requirements (Irreplaceable Habitats) Regulations 2024) there are additional requirements for the content and approval of Biodiversity Gain Plans.

Date of decision: 24.07.2025



Associate Director Planning
duly authorised in that behalf

PLEASE SEE NOTES OVERLEAF

NOTES

APPEALS TO THE DEPARTMENT FOR COMMUNITIES AND LOCAL GOVERNMENT (DCLG)

If the applicant is aggrieved by the decision of the Local Planning Authority to grant permission for the proposed development subject to conditions then you can appeal to the Secretary of State, under Section 78 of the Town and Country Planning Act, 1990.

If you want to appeal, then you must do so within **six months** of the date of this notice using a form which you can get from the Planning Inspectorate, Customer Support Unit, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN or from the appeals area on

www.gov.uk/topic/planning-development/planning-permission-appeals Some personal information will be displayed on this website please contact the Planning Inspectorate on 0303 444 00 00 if you have any concerns

The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to him that the Local Planning Authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of the Development Order and to any directions given under a Development Order.

BIODIVERSITY NET GAIN

IMPORTANT: BIODIVERSITY NET GAIN CONDITION - DEVELOPMENT CANNOT COMMENCE UNTIL A BIODIVERSITY GAIN PLAN HAS BEEN SUBMITTED (AS A CONDITION COMPLIANCE APPLICATION) TO AND APPROVED BY TEWKESBURY BOROUGH COUNCIL.

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- (a) a Biodiversity Gain Plan has been submitted to the planning authority, and
- (b) the planning authority has approved the plan in writing.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan if one is required in respect of this permission would be Tewkesbury Borough Council. There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. Based on the information available this permission is considered to be one which will require the approval of a biodiversity gain plan before development is begun because none of the statutory exemptions or transitional arrangements are considered to apply. If the onsite habitats include irreplaceable habitats (within the meaning of the Biodiversity Gain Requirements (Irreplaceable Habitats) Regulations 2024) there are additional requirements for the content and approval of Biodiversity Gain Plans.

In summary: Biodiversity gain plans are required to be submitted to, and approved by, the planning authority before development may be begun (the overall plan), and before each phase of development may be begun (phase plan), if relevant.

Advice about how to prepare a Biodiversity Gain Plan and a template can be found at [Submit a biodiversity gain plan - GOV.UK](#).

The applicant will need to apply to approve the details reserved by the 30-year Habitat Management and Monitoring Plan (if required) and the Biodiversity Gain Plan at the same time. A step-by-step guide on how to apply for approval of conditions can be found here:

[Post decision information - Tewkesbury Borough Council](#)

COMMUNITY INFRASTRUCTURE LEVY (CIL)

Tewkesbury Borough Council is a charging authority for the Community Infrastructure Levy (CIL). It is important that you ensure that the requirements of the CIL Regulations are met (including notification requirements and those that need to be met prior to commencement of development and/or following completion of development) to ensure that you avoid any unnecessary surcharges and that any relevant relief, exemption or instalment policy is applied. Further information regarding CIL can be found on our website at <https://www.tewkesbury.gov.uk/planning> or you can contact us at cil@tewkesbury.gov.uk.

PURCHASE NOTICES

If permission to develop land is refused or granted subject to conditions, whether by the Local Planning Authority or by the Secretary of State and the owner of the claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, he may serve on the Borough Council, a purchase notice requiring the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act, 1990.

PARTY WALL ACT & RIGHT TO ENTER

Your attention is drawn to the Party Wall Act 1996. Further information is available on [Party Wall Act](#)

This permission does not imply any rights of entry to any adjoining property nor does it imply that the development may extend into or project over or under any adjoining boundary.

ENFORCEMENT ACTION

Attention is drawn to the fact that any failure to adhere to the details of approved plans or to comply with conditions attached to consents constitutes a contravention of the provisions of the Town and Country Planning Act, 1990 in respect of which enforcement action may be taken.

CUSTOMER SATISFACTION QUESTIONNAIRE

The Development Management team want to continually improve the service we provide by reviewing what we do and your feedback about the service you have received is really important to us. We would appreciate if you could take part in our short online questionnaire, it should take around 5 minutes to complete. Please click on the following link to access the questionnaire:

<https://www.tewkesbury.gov.uk/forms/planning-application-service-questionnaire>

DISCHARGE OF PLANNING CONDITIONS

There are often conditions attached to planning permissions that need further details, for example, samples of materials. This additional information must be submitted to us for formal agreement - known as 'discharge of conditions'. Further details can be found on our website: <https://www.tewkesbury.gov.uk/discharge-of-planning-conditions>.

OTHER INFORMATION

This permission relates to planning control only. Any other statutory consent necessary must be obtained from the appropriate authority. Building Regulations consent for the development may be necessary and you should approach the Building Control section on BuildingControl@cheltenham.gov.uk.

If the work authorised by this permission involves the alteration to an access or the crossing of the highway verge or kerb, you are requested to consult the County Highways Divisional Manager before commencing such work. The address of the Gloucestershire Highways, Imperial Gate Business Park, Corinium Avenue, Barnwood, Gloucester, GL4 3BW

If the work authorised by this permission requires the supply of utility or other public services, you are requested to contact the appropriate statutory or other undertaker as soon as possible following the receipt of this decision. Failure to do so may result in a delay in the provision of these services.