Ardal De/ Area South

ADRODDIAD PENNAETH CYNLLUNIO, CYFARWYDDIAETH YR AMGYLCHEDD

REPORT OF THE HEAD OF PLANNING, DIRECTORATE OF ENVIRONMENT

AR GYFER PWYLLGOR CYNLLUNIO CYNGOR SIR CAERFYRDDIN

TO CARMARTHENSHIRE COUNTY COUNCIL'S PLANNING COMMITTEE

AR 19 MEDI 2019
ON 19 SEPTEMBER 2019

I'W BENDERFYNU/
FOR DECISION

Cyngor Sir Gâr
Carmarthenshire
County Council

Mewn perthynas â cheisiadau y mae gan y Cyngor ddiddordeb ynddynt un ai fel ymgeisydd/asiant neu fel perchennog tir neu eiddo, atgoffir yr Aelodau fod yna rhaid iddynt anwybyddu'r agwedd hon, gan ystyried ceisiadau o'r fath a phenderfynu yn eu cylch ar sail rhinweddau'r ceisiadau cynllunio yn unig. Ni ddylid ystyried swyddogaeth y Cyngor fel perchennog tir, na materion cysylltiedig, wrth benderfynu ynghylch ceisiadau cynllunio o'r fath.

In relation to those applications which are identified as one in which the Council has an interest either as applicant/agent or in terms of land or property ownership, Members are reminded that they must set aside this aspect, and confine their consideration and determination of such applications exclusively to the merits of the planning issues arising. The Council's land owning function, or other interests in the matter, must not be taken into account when determining such planning applications.

COMMITTEE:	**PLANNING COMMITTEE**
DATE:	**19 SEPTEMBER 2019**
REPORT OF:	**HEAD OF PLANNING**

I N D E X - A R E A S O U T H

REF.	APPLICATIONS RECOMMENDED FOR APPROVAL	PAGE NOS
S/38106	**Variation of Condition 1 on S/30598 (Extension of Time) at Site 5 and 6, land adjacent to former Grillo Site, Burry Port, SA16 0LT**	**51-116**
S/38251	**Variation of Condition No. 1 of S/30678 (to allow a further 3 years for the submission or Reserved Matters) at former Grillo Works, Harbour Road, Burry Port, SA16 0LY**	**117-183**

APPLICATIONS RECOMMENDED FOR APPROVAL

Application No	**S/38106**

Application Type	Variation of Planning Condition(s)
Proposal & Location	VARIATION OF CONDITION 1 ON S/30598 (EXTENSION OF TIME) AT SITE 5 AND 6, LAND ADJACENT TO FORMER GRILLO SITE, BURRY PORT, SA16 0LT

Applicant(s)	WENDY WALTERS, DIRECTOR OF REGENERATION AND POLICY, COUNTY HALL, ST DAVIDS PARK, JOBSWELL ROAD, CARMARTHEN, SA31 1JP
Agent	ASBRI PLANNING - RICHARD BOWEN, SUITE D, 1ST FLOOR, 220 HIGH STREET, SWANSEA, SA1 1NW
Case Officer	Robert Davies
Ward	Burry Port
Date of validation	04/12/2018

CONSULTATIONS

Head of Highways – No objection. Advise that previous comments and conditions are applicable.

Head of Public Protection – No response received to date.

Head of Corporate Property – No response received to date.

Head of Housing – No response received to date.

Head of Education - No response received to date.

Head of Leisure (Parks) - No response received to date.

Pembrey and Burry Port Town Council – No response received to date.

Local Members – County Councillor A Fox has not responded to date. County Councillor John James is a Member of the Planning Committee and has also not responded to date.

Land Drainage – No objection.

Dwr Cymru/Welsh Water – No objection subject to any previous drainage conditions being re-imposed on any planning permission granted.

Natural Resources Wales – No objection to the extension of time but advise that additional survey work may need to be carried out as a consequence of this, in order to ascertain if the conclusions within any reports are still an accurate reflection of the conditions on site and to inform any recommendations and/or mitigation that may be required.

Network Rail – No response received to date.

CADW – No objection.

Coal Authority – No objection subject to a condition.

RELEVANT PLANNING HISTORY

The following previous applications have been received on the application site:-

S/37895	Installation of temporary toilet block (Portaloo) (retrospective) Full planning permission	19 November 2018
S/37044	Non-material amendment – to increase the number of car parking spaces from 14 to 28 within the original red-line curtilage of planning approval S/35075 Non-Material Amendment granted	19 April 2018
S/36537	Non-material amendment to S/35075 Non-Material Amendment granted	13 December 2017
S/36201	Discharge of conditions 3-5 of S/35075 (Site Investigation Report) Discharge of Planning Condition granted	24 October 2017
S/35075	The works include the erection of a new two storey lifeboat station to replace the existing station located to the north of the site, a concrete apron to the front of the building together with associated external works and drainage installations. The works also include a new flagpole, associated signage, and the demolition of the existing Harbour Master's accommodation and the RNLI boat store located to the north east of the site Full planning permission	17 May 2017
S/30598	Demolition of existing Harbour Master's Offices, HM Coastguard Station, and ancillary storage buildings and construction of up to 134 no. residential units with associated infrastructure works Outline planning permission Payment Received (no S106)	25 November 2015

S/28351	Variation of conditions 1 and 2 of planning permission S/23016 extension of time for a further three years as temporary station is still in use Variation of Planning Condition granted	24 July 2013
S/21243	Retention of expired temporary consent for Harbour Master's office and storage and retrospective temporary consent to retain existing boat storage yard, storage containers, workshop and public convenience for a period of 3 years Full planning permission	26 May 2011
S/24504	Retention of existing portacabin set out as a classroom and office for the purpose of teaching RYA Powerboat Theory, Marine Navigation and Short Wave Radio Full planning permission	12 April 2011
S/23016	Proposed casting of a concrete base and erection of a pre-fabricated steel building to house an additional lifeboat and launching rig. The proposed development will be temporary for up to 3 years, for the evaluation of an additional lifeboat Full planning permission	24 June 2010
S/19271	Siting of portacabin for use as RYA training centre Full planning permission	21 July 2008
S/01446	Burry Port enhancement scheme including the creation of a floating harbour, extended breakwaters, conversion of east and west docks to freshwater lakes, provision of cycleways/footpaths and associated hard and soft landscaping as part of the Millennium Coastal Park Development Withdrawn	30 November 1998
S/01405	Silt removal from Burry Port Harbour and its deposition onto approved areas within Millennium Coastal Park County Permission under Reg 3	04 September 1998
S/01403	Improvements to create part of Millennium Coastal Park to include areas of soft and hard landscaping, cycleway and footpaths Permission Under Regulation 3	04 September 1998
S/00820	Improvement to create part of Millennium Coastal Park to include areas of soft and hard landscaping, new footpaths, minor repairs to harbour walls, land train route, cycleways and infrastructure works County Permission Under Regulation 3	09 October 1997

APPRAISAL

This is an application in which Carmarthenshire County Council has an interest either as applicant/agent or in terms of land or property ownership.

In 2014, a number of outline applications were submitted by Carmarthenshire County Council for various developments linked with the wider regeneration of Burry Port harbour. These applications were subsequently approved towards the latter part of 2015.

This application relates to Site 5 & 6 at Burry Port Harbour, and is an application to vary Condition 1 of S/30598 in order to allow a further 3 years for the submission of Reserved Matters.

The application was accompanied by the same drawings as previously submitted along with the following reports that were also previously submitted:-

- **Heritage Desk Based Assessment 2014;**
- **Noise Assessment July 2014;**
- **Visual Assessment July 2014;**
- **Ground Investigation and Remediation Strategy August 2011.**

Due to the passage of time, the following supporting reports were updated and submitted for consideration as part of this Section 73 application:-

- **Planning Statement November 2018;**
- **Updated Ecological Appraisal October 2018;**
- **Drainage Strategy November 2018;**
- **Flood Consequence Assessment November 2018;**
- **Transport Assessment November 2018.**

The following reports are currently being updated also and are expected to be submitted shortly. As soon as they are received they will be re-consulted upon, and any comments received will be presented as part of the addendum.

- **Bat Report;**
- **Ecological Mitigation Strategy;**
- **Habitat Regulations Screening Report.**

This Section 73 application to extend the period for the submission of reserved matters has been subject to a full consultation exercise with no objections being received from either statutory consultees or third parties.

The Local Planning Authority considers that there has been no material change in circumstance since the previous outline planning permission was granted in 2015. The previous application was considered against the Carmarthenshire Local Development Plan which was adopted in 2014 and which remains to be the statutory local planning policy document for the County.

Whilst Planning Policy Wales Edition 10 is now relevant from a national planning policy perspective, it is considered that the proposal fully accords with the aims and aspirations of this document.

In terms of the Well-being of Future Generations (Wales) Act 2015 the decision considers the duty to improve the economic, social, environmental and cultural well-being of Wales, in accordance with the sustainable development principle, under section 3 of the Well-Being of Future Generations (Wales) Act 2015 (the WBFG Act). The decision takes into account the ways of working set out at section 5 of the WBFG Act and it is considered that this decision is in accordance with the sustainable development principle through its contribution towards one or more of the Welsh Ministers' well-being objectives set out in section 8 of the WBFG Act.

The proposal has an acceptable package of supporting reports and where identified mitigation measures which reduce the impact of the proposed development.

The Authority's Planning Ecologist is currently in the process of undertaking an Appropriate Assessment under the Habitat Regulations to assess whether there is likely to be any significant effects on the Carmarthen Bay and Estuaries SAC and Burry Inlet SPA and Ramsar features and their conservation objectives both alone or in combination with other projects. When complete, this Appropriate Assessment will be sent to Natural Resources Wales (NRW) for consideration and agreement. Therefore Members of the Planning Committee are respectfully requested to resolve to approve the application subject to this Appropriate Assessment being undertaken and signed off by NRW.

The previous Planning Committee Report is attached below for Members information. This application to Vary Condition 1 of the previous planning permission to allow a further 3 years for the submission of reserved matters is put forward with a favourable recommendation subject to the imposition of the following conditions.

PREVIOUS PLANNING COMMITTEE REPORT - 2ND JUNE, 2015

CONSULTATIONS

Head of Transport – No objection subject to conditions.

Head of Street Scene - Land Drainage – No objection subject to conditions.

Acknowledge that appropriate investigations have been undertaken to rule out the possibility of infiltration.

Agree that an un-attenuated discharge to the estuary can be made.

Raise no adverse comment to the proposed means of surface water disposal via the enabling works subject to conditions

In relation to flood risk offer no adverse comment. Agree that pluvial and surface water flood risk can be managed through the design and engineering of adequate storm water systems on site. Advise that NRW take the lead on the evaluation of tidal and fluvial flood risk.

Head of Public Protection – Air Quality – No objection subject to conditions.

Head of Public Protection – Noise – No objection subject to conditions.

Head of Public Protection – Contaminated Land – No objection. Advise that the proposed development is situated at or within 250 metres of former commercial or industrial land use. In order to ensure that former land uses are fully considered in relation to the proposed residential end use (and remediated where necessary), a suitably worded condition requiring further information to be submitted and approved prior to works commencing on site is requested. Conditions are also requested to address unsuspected contamination and soil importation.

Head of Corporate Property – No response received to date.

Head of Housing (Affordable Housing) – Request that 20% on site affordable housing is provided.

Head of Leisure (Parks) – A financial contribution of £10,000 administration/maintenance fee plus £2,463 per plot is requested towards improving local open space or play facilities.

Head of Education – A financial contribution of £110,624 based upon 134 residential units.

Public Rights of Way Officer – No response received to date.

Pembrey and Burry Port Town Council – No response received to date.

Local Members - County Councillor P E M Jones and County Councillor J James are both substitute Members of the Planning Committee and have therefore made no representations.

Natural Resources Wales - No objection subject to conditions.

The consultation response from NRW provides detailed comments in relation to Protected Sites, Protected Species (Bats), Ecology, Flood Risk, Foul and Surface Water Drainage, Carmarthen Bay and Estuaries European Marine Site Memorandum of Understanding, Contaminated Land, Waste and Pollution Prevention.

Dwr Cymru/Welsh Water – No objection subject to the imposition of conditions and advisory notes on any planning permission granted.

Dyfed Archaeological Trust – No objection. DAT draw reference to the Heritage Desk Based Assessment submitted with the application and advise that Site 5 was always peripheral to the industrial activities which surrounded it during the nineteenth and twentieth century. If any archaeological remains survive they would be associated with the rail lines connecting first the Pembrey Copper Works, and later the Carmarthen Bay Power Station to the Outer Harbour, and they would be of no more than low (local) significance. The development of Site 5 through the nineteenth and twentieth history is well mapped, and no significant knowledge would be gained from further archaeological investigations within Site 5.

DAT agree with the findings of the Heritage Assessment and recommend that no further action is required to protect historic environment interests within this area.

Site 6 contains potential for remains associated with the nineteenth century associated both with the Pembrey Copper Works and the Carmarthen Bay Power Station. However, the assessment concludes that the development of Site 6 through the later part of the 19th and

throughout the 20th centuries is well mapped and no significant knowledge would be gained from further intrusive archaeological investigations.

Below-ground archaeological deposits/features have been recorded at similar metallurgical works elsewhere, including the Upper Bank Copper & Zinc Works at Swansea. Here, archaeological excavation revealed large scale survival of furnace bases, flooring, rolling mill loadings, machinery loadings, and walls standing to a couple of metres height beneath C20 concrete floors. Pembrey Copper Works was the last copper works to be established in the region and can be seen on the 1880 1st edition Ordnance Survey map to extend into the north of Site 6 and still surviving on the 1907 2nd edition OS. DAT recommend that intrusive groundworks within this area of Site 6 should be monitored through an archaeological watching brief to confirm the presence (or not), extent and nature of sub-surface deposits associated with the copper works.

The Heritage Desk-Based Assessment also notes while most of the structures associated with these works have been demolished, the boundary wall that surrounded the Pembrey Copper Works remains along its north, west and southern sides; to the east of Site 4, to the north of Site 5, and to the west of Site 6. DAT recommend that a photographic record is made of this structure.

To summarise, DAT recommend that historic environment interests for Site 6 within application S/30598 be protected through the attachment of a suitable condition, should planning consent be forthcoming.

DAT accept the findings of this report and recommend that no further action is required to protect historic environment interests in this specific planning case.

CADW – No objection. Advise that the proposed development is adjacent to the scheduled ancient monument known as CM268 Iron Tub Boats at Burry Port Harbour**.**

CM268 constitutes a group of six iron canal boats of late nineteenth century date, located on the eastern side of the Outer Harbour breakwater. They were placed in this position in 1922 to shore up the breakwater at the harbour. The nearest boat is located some 85m to the southwest of the boundary of the application area. However, the relationship of the boats with the breakwater they were positioned against to strengthen is the critical one and not the use of the land to the north. Therefore there will be no significant adverse impact to the setting of the designated monument.

The northern part of the proposed development area was part of the Pembrey Copper Works where James Elkington of Birmingham installed the world's first electrolytic refining plant in 1869. The site has had a number of uses since the copper works closed and all of the buildings, apart from some of the boundary walls, have been demolished. However, it remains possible that elements of this important industrial concern may survive buried in the application area. Therefore, it is strongly recommended that the archaeological advisors to Carmarthenshire County Council, the Dyfed Archaeological Trusts, should be consulted on the impact of the proposed development on below ground archaeological remains.

The boundary of the Taf and Tywi Estuary Registered Landscape of Outstanding Historic Interest is immediately adjacent to the western boundary of the application area. This part of the Historic landscape has been characterised as being a product of the burgeoning coal industry of South-east Carmarthenshire during the 18th and early 19th century. The proposed redevelopment will therefore not be in full accord with the historic character, but

when the surrounding historic character area is considered, one of terraced stone- and brick-built 19th century residential development, infilled with 20th century housing in a variety of styles and materials, the proposal is not significantly variant from the surrounding area.

Network Rail – Has a holding objection towards the proposal. Whilst the transport assessment indicates that the proposed development will not have a big increase in vehicular movements across the Church Road crossing, the pedestrian movements will increase substantially. Network Rail also has concerns regarding the vehicular movements as the pedestrian movements will certainly be converted into car journeys during the winter months. Network Rail therefore suggests a meeting is arranged to discuss the overall safety concerns and traffic management criteria.

Neighbours/Public – The application was advertised by virtue of both press and site notices. No representations received to date.

RELEVANT PLANNING HISTORY

The following previous applications have been received on the application site:-

S/28351	Variation of conditions 1 and 2 of planning permission S/23016 extension of time for a further three years as temporary station is still in use Variation of Planning Condition granted	24 July 2013
S/21243	Retention of expired temporary consent for Harbour Master's office and storage and retrospective temporary consent to retain existing boat storage yard, storage containers, workshop and public convenience for a period of 3 years Full planning permission	26 May 2011
S/24504	Retention of existing portacabin set out as a classroom and office for the purpose teaching RYA powerboat theory, marine navigation and short wave radio Full planning permission	12 April 2011
S/23016	Proposed casting of a concrete base and erection of a pre fabricated steel building to house an additional lifeboat and launching rig. The proposed development will be temporary for up to 3 years, for the evaluation of an additional lifeboat Full planning permission	24 June 2010
S/19271	Siting of portacabin for use as RYA training centre Full planning permission	21 July 2008
LL/04643	Harbour Master's office being a standard portacabin, and compound including steel container and timber shed stores, enclosed by security fencing Full planning permission	15 September 2003

S/02563	Proposed refurbishment of fire damaged property life boat house, Burry Port Full planning permission	27 July 2000
S/02278	Auxiliary engineering works on sites 3, 4, 5 & 9 and preliminary works for route of proposed highway Full planning permission	01 February 2000
S/02087	Notice of proposed development to construct an additional 5 no. surfaced car parking spaces Circular no objections (cttee)	16 November 1999
S/01446	Burry Port enhancement scheme including the creation of a floating harbour, extended breakwaters, conversion of east and west docks to freshwater lakes, provision of cycleways/footpaths and associated hard and soft landscaping as part of the Millennium Coastal Park Development Withdrawn	30 November 1998
S/01304	Notice of proposed development to construct coastguard rescue equipment centre building Circular no objections (cttee)	13 July 1998

APPRAISAL

This is an application in which Carmarthenshire County Council has an interest either as applicant/agent or in terms of land or property ownership.

THE SITE

The application sites which are referred to as Sites 5 & 6, Burry Port harbour consist of land to the south and east of the former Grillo Zinc Oxide works. The majority of the site which extends to 3.37ha in total is owned by a Joint Venture between Carmarthenshire County Council and Welsh Government, with the exception of HM Coastguard Station and boat yard.

Site 5 comprises of a broadly rectangular shaped parcel of land with an area measuring approximately 1.17 hectares. The majority of the site is currently utilised as a storage yard for chandlery uses, which is enclosed by palisade fencing, and includes a boatyard workshop along the northern boundary. A portacabin and number of storage buildings lie along the western boundary and are utilised for the purpose of the Harbour Masters offices, whilst the HM Coastguard station lies in the north-west portion of the site and comprises of a nondescript building. The southern portion of the site comprises of a gated overnight car park wherein lies a pre-fabricated steel building which serves as a lifeboat storage facility. Meanwhile, the remaining southern portion of the site comprises of a grassed area with a cluster of mature trees in the south-east corner. The northern boundary lies directly adjacent to the former Grillo Zinc Oxide works which is defined by a prominent stone wall boundary. The southern boundary comprises of an open frontage which overlooks the Loughor estuary towards the Gower.

Site 6 which is contiguous with Site 5 comprises of an irregular shaped parcel of land with an area measuring approximately 2.2 hectares. The site is largely bare ground comprising of areas of coarse rubble and scrubland with dense vegetation delineating along the southern and eastern boundaries. The western boundary is defined by steel fencing with concrete posts which adjoins the former Grillo site, whilst the northern boundary abuts the B4311 and comprises of timber posts with wire fencing. To the east of the site is the former Burry Port power station site, which now forms part of the wider Millennium Coastal Park (MCP).

The harbourside area of Burry Port previously formed part of a wider regeneration strategy and masterplan, which was formally adopted as Supplementary Planning Guidance to the previous UDP by the Authority following extensive public consultation. This previous SPG however is no longer applicable to the LDP and a number of the Burry Port harbour sites were taken out of settlement limits in the LDP due to flooding planning policy concerns. Since 2002 significant public investment has been made in the area with the aim of bringing forward and facilitating this regeneration strategy. These works include a £10 million southern distributor road (SDR) and £8m investment into the harbour/marina itself. To date unfortunately no significant development has taken place within this identified regeneration area, however this is one of a number of planning applications currently being considered by the LPA for this area.

The intertidal area and sea body to the south of the site comprises the Carmarthen Bay and Estuaries European Marine Street (CBEEMS). Three marine Natura 2000 sites together form the European Marine Site – Carmarthen Bay and Estuaries Special Area of Conservation (SAC), Carmarthen Bay Special Protection Area (SPA) and Burry Inlet SPA.

THE PROPOSAL

The application seeks outline planning permission with all matters reserved for consideration for the demolition of the existing Harbour Master's offices, HM Coastguard station, and ancillary storage buildings and construction of up to 134 no. residential units with associated infrastructure works. The covering letter submitted with the application states that the aim of the proposal is to focus on attracting a broad demographic to the area so as to capitalise on a favourable occupier profile which would enhance the economy and local community. In this instance, the proposed housing development will seek to secure an appropriate mix of housing and tenure types and designs with a strong relationship to existing housing in the area. Early discussions have been had with regards to a new RNLI building down Burry Port harbour, which may or may not include the Coast Guard also, however this does not form part of the current application.

It is anticipated that the residential units proposed will range from 1 to 4 bedroom in size and be a mix of terraced, semi-detached and detached properties. It is expected the development will comprise of a mix of two to three storey buildings ranging in size and shape with a height between 7.5 metres and 12 metres.

The covering letter goes on to state that the proposed development would draw on small coastal town characteristics and would seek to replicate the design of neighbouring residential sites, particularly that evidenced by dwellings in the Chandler's Quay development to the south west of the site, and dwellings aligning along the green of Ashburnham Road. These dwellings are characterised by a typical maritime design highlighted by their varying render facades with restricted colour palette of pastel 'seaside' tones, plain gables and windows of a typically vertical emphasis.

This planning application should be read in conjunction with the separate full planning application submitted in tandem for various “enabling infrastructure works” to facilitate the development of sites 5 and 6, as well as the adjacent Grillo Zinc Oxide site. As shown on the indicative plans submitted with this outline application, the principal vehicular access for site 5 and 6 will be via a new junction and access road off the SDR which runs along the western side of the application site.

The outline planning application itself was originally accompanied by the following supporting information:-

- Location plan and site plans
- Design and Access Statement
- Planning Statement
- Transport Assessment
- Noise Assessment
- Ground Investigation and Remediation Strategy
- Visual Assessment
- Heritage Desk-Based Assessment
- Ecology Appraisal & Reptile Report
- Bat Survey
- Protected Species and Botanical Report
- Flood Consequence Assessment
- Drainage Strategy

During the course of the planning application process the following additional supporting information was received:-

- Welsh language linguistic statement
- Transport briefing note
- Paramics revised proposed modelling report (Traffic Impact)
- Paramics model forecasting report (Traffic Impact)
- Habitats Regulations screening report
- Drainage strategy supplementary report
- Ecological mitigation strategy

This is one of a number of planning applications submitted around the same time for the comprehensive regeneration of the Burry Port harbour area. The other applications are as follows:-

S/30597 (Site 4) – Outline application for leisure development

S/30599 (Site 7) – Outline application for employment uses and live/work

S/30600 (Site 8) – Outline application for a new Welsh medium primary school

S/30601 – Full application for enabling works to facilitate development

S/30678 (Former Grillo site) – Outline application for residential led development with some retail and leisure uses

PLANNING POLICY

Local Planning Policy Context

The application site is located partly within and partly outside the defined settlement limits of Burry Port as delineated in the Adopted Carmarthenshire Local Development Plan (LDP), 2014. Site 5 is within the defined settlement limits whilst Site 6 is outside the limits.

In respect of the applications policy context reference is drawn to the following Strategic and Specific planning policies: -

Policy SP1 of the LDP promotes environmentally sustainable proposals and encourages the efficient use of vacant, underused or previously developed land.

Policy SP2 of the LDP supports proposals which respond to, are resilient to and adapt to minimise for the causes and impacts of climate change. Proposals for development which are located within areas at risk from flooding will be resisted unless they accord with the provisions of TAN15.

Policy SP3 of the LDP refers to the settlement framework and states that provision for growth and development will be at sustainable locations in accordance with the LSP's settlement framework. In this respect Burry Port is identified as a Service Centre.

Policy SP6 of the LDP ensures the delivery of affordable housing that in turn will contribute to the creation of sustainable communities within the Plan area. The LPA has produced Supplementary Planning Guidance on affordable housing.

Policy SP9 of the LDP promotes the provision of an efficient, effective, safe and sustainable integrated transport system.

Policy SP13 of the LDP states that development proposals should preserve or enhance the built and historic environment of the County, its cultural, townscape and landscape assets, and, where appropriate, their setting in accordance with national guidance and legislation.

Policy SP14 of the LDP states that development should reflect the need to protect, and wherever possible enhance the County's natural environment in accordance with national guidance and legislation.

Policy SP17 of the LDP states that development will be directed to locations where adequate and appropriate infrastructure is available or can be readily available.

Policy SP18 of the LDP states that the interests of the Welsh language will be safeguarded and promoted.

Policy GP1 of the LDP promotes sustainability and high quality design, and seeks to ensure that development conforms with and enhances the character and appearance of the site, building or area in terms of siting, appearance, scale, height, massing, elevation treatment and detailing.

Policy GP2 of the LDP states that proposals within defined development limits will be permitted, subject to policies and proposals of the plan, national policies and other material planning considerations.

Policy GP3 of the LDP states that the Council, where necessary seek developers to enter into Planning Obligations (Section 106 Agreements), or to contribute via the Community Infrastructure Levy to secure contributions to fund improvements to infrastructure, community facilities and other services to meet requirements arising from new development. The LPA has produced Supplementary Planning Guidance on planning obligations.

Policy GP4 of the LDP states that proposals for development will be permitted where the infrastructure is adequate to meet the needs of the development. Proposals where new or improved infrastructure is required but does not form part of an infrastructure provider's improvement programme may be permitted where it can be satisfactorily demonstrated that this infrastructure will exist, or where the required work is funded by the developer. Planning obligations and conditions will be used to ensure that new or improved facilities are provided to serve the new development.

Policy H2 of the LDP states that proposals for housing developments on unallocated sites within development limits of a settlement will be permitted provided they are in accordance with the principles of the plan's strategy and its policies and proposals.

Policy AH1 of the LDP requires a contribution to affordable housing on all housing allocations and windfall sites. On such proposals for 5 or more dwellings affordable housing will be required to be provided on site.

Policy TR2 of the LDP states that developments which have the potential for significant trip generation, should be located in a manner consistent with the plan's objectives and in locations which are well served by public transport and are accessible by cycling and walking.

Policy TR3 of the LDP highlights the highway design and layout considerations of developments and states that proposals which do not generate unacceptable levels of traffic on the surrounding road network, and would not be detrimental to highway safety or cause significant harm to the amenity of residents will be permitted.

Policy EQ1 of the LDP states that proposals affecting landscapes, townscapes buildings and sites or features of historic or archaeological interest will only be permitted where it preserves or enhances the built and historic environment.

Policy EQ4 of the LDP relates to biodiversity and states that proposals for development which have an adverse impact on priority species, habitats and features of recognised principal importance to the conservation of biodiversity and nature conservation (i.e. NERC & Local BAP, and other sites protected under European or UK legislation), will not be permitted unless satisfactory mitigation is proposed, and where exceptional circumstances where the reasons for development outweigh the need to safeguard biodiversity and where alternative habitat provision can be made.

Policy EP1 of the LDP states that proposals will be permitted where they do not lead to a deterioration of either the water environment and/or the quality of controlled waters. Proposals will, where appropriate, be expected to contribute towards improvements to water quality.

Policy EP2 of the LDP states that proposals should wherever possible seek to minimise the impacts of pollution. New developments will be required to demonstrate and satisfactorily address any issues in terms of air quality, water quality, light and noise pollution, and contaminated land.

Policy EP3 of the LDP requires proposals to demonstrate that the impact of surface water drainage, including the effectiveness of incorporating Sustainable Urban Drainage Systems (SUDS), has been fully investigated.

Policy EP5 of the LDP states that proposals for development in coastal locations will be permitted provided that they are necessary in that location and they do not increase the risk of erosion, flooding or land instability.

Policy REC2 of the LDP states that all new residential developments of five or more units will be required to provide onsite open space in accordance with the Council's adopted standards of 2.4ha per 1000 populations. In the event that these standards cannot be met, or where there is sufficient existing provision already available to service the development, then off site financial contributions will be sought as and where appropriate.

National Planning Policy Context

National Planning Policy is contained within the Wales Spatial Plan, which provides an overall strategic framework, together with Planning Policy Wales (PPW), originally published by the Welsh Assembly Government in March 2002 with the most recent edition published in July 2014. PPW is supplemented by 21 Technical Advice Notes (TANs).

'People, Places, Futures, the Wales Spatial Plan' was updated in 2008. Llanelli is identified as a Primary Key Settlement as well as a Cross-Boundary Settlement in the Swansea Bay: The Waterfront and Western Valleys Area. Town Centre Regeneration in the Key Settlements is highlighted as a priority in the Wales Spatial Plan.

The WSP sets out a strategic framework to guide development across Wales, and its core theme seems to focus around promoting sustainable development. The WSP sets out visions for different areas of Wales. The vision for the 'Swansea Bay – Waterfront and Western Valleys' area, which includes Llanelli, is:

"An area of planned sustainable growth and environment improvement, realising its potential, supported by integrated transport within the area and externally and spreading prosperity to support the revitalisation of West Wales"

One of the main elements of the strategy for the area is the development of a modern, attractive and vibrant waterfront urban area, which stretches from Port Talbot in the east through to Burry Port in the west taking in Neath, Swansea and Llanelli.

The Plan recognises that the area has the potential to become a key driver of the Welsh economy and development should be focused on Port Talbot, Neath, Swansea, and Llanelli prioritising the use of the abundant supply of brownfield land.

Planning Policy Wales is the principle document of the Welsh Assembly Government which sets out the land-use policy context for the consideration and evaluation of all types of development. The main thrust of PPW is to promote sustainable development by ensuring that the planning system provides for an adequate and continuous supply of land available

and suitable for development to meet society's needs in a way that is consistent with overall sustainability principles.

Planning Policy Wales confirms at Paragraph 3.1.1 that the planning system:

"…is intended to help protect the amenity and environment of towns, cities and the countryside in the public interest while promoting high quality, sustainable development."

This document in Paragraph 1.2.2 confirms that a primary principle or basic premise of the planning system is that it:

"***… must provide for an adequate and continuous supply of land, available and suitable for development to meet society's needs. It must do this in a way that pays regard to:***

- ***overall sustainability principles, outcomes and objectives, paying particular attention to climate change as a key sustainability concern;***
- ***the Wales Spatial Plan;***
- ***detail policies on the different topic areas set out in PPW"***

Planning Policy Wales promotes the notion of sustainable development as being central to all planning decisions in Wales. Paragraph 4.1.1 of PPW states that:-

"the goal of sustainable development is to "enable all people throughout the world to satisfy their basic needs and enjoy a better quality of life without compromising the quality of life of future generations"

PPW in Paragraph 4.1.4 defines sustainable development in Wales:-

"In Wales, this means enhancing the economic, social and environmental well being of people and communities, achieving a better quality of life for our own generations in ways which:

- ***promote social justice and equality of opportunity; and***
- ***enhance the natural and cultural environment and respect its limits – using only our fair share of the earth's resources and sustaining our cultural legacy.***

Sustainable development is the process by which we reach the goal of sustainability."

The document outlines a number of relevant sustainable development principles, chief amongst which is the promotion of resource efficient settlement patterns and minimising land-take. There is also recognition that the location of development should aim to reduce demand for travel, especially journeys by private car.

Section 4.9 of PPW provides a preference for the re-use of land.

Paragraph 4.9.1 states that:

"Previously developed (or brownfield) land (see Figure 4.3) should, wherever possible, be used in preference to greenfield sites, particularly those of high agricultural or ecological value. The Welsh Government recognises that not all

previously developed land is suitable for development. This may be, for example, because of its location, the presence of protected species or valuable habitats or industrial heritage, or because it is highly contaminated. For sites like these it may be appropriate to secure remediation for nature conservation, amenity value or to reduce risks to human health."

Paragraph 4.9.2 goes on to state that:

"Many previously developed sites in built-up areas may be considered suitable for development because their re-use will promote sustainability objectives."

The Welsh Government, in the revised Chapter 7 of Planning Policy Wales (Economic Development), defines economic development as 'development of land and buildings for activities that generate wealth, jobs and incomes'. It goes on to state that it is essential that the planning system considers, and makes provision for the whole economy and not just those defined under parts B1-B8 of the Town and Country Planning Use Classes Order. The planning system should also support economic and employment growth alongside social and environmental considerations within the context of sustainable development (PPW paragraph 7.1.3).

Paragraph 7.6.1 advises on development management and requires local authorities to adopt a positive and constructive approach to applications for economic development. In determining applications for economic land uses authorities should take account of the likely economic benefits. Key factors include:

- '*The numbers and types of jobs expected to be created or retained on the site;*
- *Whether and how far the development will help redress economic disadvantage or support regeneration priorities;*
- *A consideration of the contribution to wider spatial strategies, for example the growth or regeneration of certain areas.'*

Planning Policy Wales is supplemented by various Technical Advice Notes (TAN's) which provide more in depth guidance on specific issues. In this instance guidance contained in the following TAN's are applicable:

- TAN 5 Nature Conservation and Planning (2009) seeks to ensure that protected species, habitats and designated sites are both protected and conserved by the planning system.

- TAN 11 Noise (1997) provides advice on how the planning system can be used to minimise the adverse impact of noise without placing unreasonable restrictions on development.

- TAN 12 Design (2014) seeks to promote sustainability principles through good design and identifies how local planning authorities can facilitate this process through the planning system.

- TAN 14 Costal Planning (1998) provides advice on key issues relating to planning for the coastal zone, including recreation and heritage and shoreline management plans.

- TAN 15 Development and Flood Risk (2004) aims to direct new development away from those areas that are at high risk of flooding. Those areas of high risk are defined on a series of Development Advice Maps (DAMs) which detail three principle zones, A, B, C and sub-categories C1 and C2 that should be used to trigger Flood Consequence Assessments. TAN 15 defines what is considered to be vulnerable development and provides advice on permissible land uses in relation to the location of the proposed development and the consequences of flooding.

- TAN18 Transport (2007) endeavours to ensure Wales develops an efficient and sustainable transport system to meet the needs of a modern, prosperous and inclusive society.

- TAN 20 Planning and the Welsh Language (2013) provides guidance on how the planning system considers the implications of the Welsh language when LDPs are prepared. Further advice is provided in terms of determining planning applications where the needs and interests of the Welsh language may be a material consideration. In essence, the TAN advises that planning applications should not be subject to Welsh language impact assessment as this would duplicate LDP site selection processes where LDP objectives indicated the need for such an assessment.

- TAN 23 Economic Development (2014) re-iterates the broad definition of economic development contained within the revised Chapter 7 of PPW, and states that it is important that the planning system recognises the economic aspects of all development and that planning decisions are made in a sustainable way which balance social, environmental and economic considerations.

With regards to protecting the integrity of the European designated site Regulation 61 of the Conservation of Habitats and Species Regulations 2010 reads as follows:-

Assessment of implications for European sites and European offshore marine sites

61.—

(1) A competent authority, before deciding to undertake, or give any consent, permission or other authorisation for, a plan or project which—

(a) is likely to have a significant effect on a European site or a European offshore marine site (either alone or in combination with other plans or projects), and

(b) is not directly connected with or necessary to the management of that site, must make an appropriate assessment of the implications for that site in view of that site's conservation objectives.

(2) A person applying for any such consent, permission or other authorisation must provide such information as the competent authority may reasonably require for the purposes of the assessment or to enable them to determine whether an appropriate assessment is required.

(3) The competent authority must for the purposes of the assessment consult the appropriate nature conservation body and have regard to any representations made by that body within such reasonable time as the authority specify.

(4) They must also, if they consider it appropriate, take the opinion of the general public, and if they do so, they must take such steps for that purpose as they consider appropriate.

(5) In the light of the conclusions of the assessment, and subject to regulation 62 (considerations of overriding public interest), the competent authority may agree to the plan or project only after having ascertained that it will not adversely affect the integrity of the European site or the European offshore marine site (as the case may be).

(6) In considering whether a plan or project will adversely affect the integrity of the site, the authority must have regard to the manner in which it is proposed to be carried out or to any conditions or restrictions subject to which they propose that the consent, permission or other authorisation should be given.

(7) This regulation does not apply in relation to a site which is—

(a) a European site by reason of regulation 8(1)(c), or

(b) a European offshore marine site by reason of regulation 15(c) of the 2007 Regulations (site protected in accordance with Article 5(4) of the Habitats Directive).

(8) Where a plan or project requires an appropriate assessment both under this regulation and under the 2007 Regulations, the assessment required by this regulation need not identify those effects of the plan or project that are specifically attributable to that part of it that is to be carried out in Great Britain, provided that an assessment made for the purpose of this regulation and the 2007 Regulations assesses the effects of the plan or project as a whole.

Planning Policy Wales Technical Advice Note 5 'Nature Conservation and Planning' also re-iterates this advice and seeks to ensure that protected species, habitats and designated sites are both protected and conserved by the planning system. In the case of this proposed development, where there is no direct on-site impact, it concentrates on those designated Natura 2000 sites to the south within the Loughor Estuary and Carmarthen Bay area.

In relation to flooding, when this planning application was originally received the application site was located within Zone C2 as defined by the Development Advice Maps (DAM) referred to under TAN 15. As a result of a detailed flood modelling exercise, Natural Resources Wales issued revised Flood Maps on the 1st May 2014, which indicate that the site is not at risk of flooding. This information has recently informed a change in the DAM's themselves, with the revised DAM's issued in January 2015 indicating that the site is within Zone A.

Figure 1 of Paragraph 4.2 of TAN 15 describes Zone A as being considered to be at little or no risk of fluvial or tidal/coastal flooding. Using the precautionary framework advocated by TAN 15, Zone A is used to indicate that the justification test outlined in Paragraph 6.2 of TAN 15 is not applicable and there is no need to consider flood risk further. Nevertheless a detailed Flood Consequence Assessment has been submitted with the application, and therefore the matter will be addressed in detail in the following appraisal with reference drawn to the consultation response received from NRW.

With regards to flooding and highly vulnerable development, Welsh Government issued a letter on the 9th January, 2014, which reinforces national planning policy on flooding and emphasises the need to consider climate change and the lifetime of development. Paragraph A1.5 of TAN15 identifies that a proposed development must provide a safe and secure living and/or working environment throughout its life and that an assessment should include a flood event which has a 0.1% (or 1 in a 1000) probability of occurrence in any year.

Natural Resources Wales advise that the lifetime of development for residential development is 100 years, and for other development it is considered to be 75 years.

Therefore it is necessary to take account of the potential impact of climate change over the lifetime of development including a flood event which has a 0.1 % probability of occurrence.

THIRD PARTY REPRESENTATIONS

It is noted that Network Rail has a holding objection which is addressed in the following appraisal.

APPRAISAL

Visual Assessment

A Visual Assessment has been completed for the sites known as the Joint Venture sites to assess their suitability for a mixed-use residential and commercial development in visual terms.

The assessment concludes that views from within the town centre of Burry Port are limited by the flat, low lying nature of the topography.

From receptors to the south, including within the estuary itself and from the Gower Peninsula (4km away) it is considered that due to the distances involved development on the site would not be distinguishable from the remainder of the town.

The assessment states that Burry Port is primarily characterised by two and three storey development, whilst the undulating rural landscape and hillside to the north of the town forms a backdrop preventing any development intruding on to the sky line from this direction.

The skyline from views from the east and west of the site is dominated by built environment rather than by natural features.

The report goes on to recommend that through careful design, and sensitive treatment of scale, form and colour within the development this will assist in the visual integration with the existing town, and provide opportunities to maximise the potential of panoramic views of the Gower.

In relation to visual impact it must be remembered that the current application is in outline form only and therefore the LPA has control over matters of scale, design and layout at any subsequent reserved matters stage. The Authority's Landscape Officer has raised no objection to the current application, whilst the Planning Inspector's comments on the previous call-in inquiry on Grillo are relevant in this respect and were as follows:-

"As indicated by Cadw, the impact on the Taf and Tywi Landscape of Outstanding Historic Interest is a material consideration". Whilst the Pembrey and Burry Port part of that landscape stands in sharp contrast to the more rural/agricultural neighbouring parts, apart from the harbours, little trace remains of the once thriving heavy industries of this area. Furthermore, the previous industrial buildings did nothing to enhance the character and appearance if this part of Burry Port and the same can be said of the site in its present state. The Archaeological Assessment shows that there would be no adverse impact on listed structures or scheduled ancient monuments.

Although the application is in outline with all matters reserved for future consideration, the voluntary DAS shows how the layout could be designed to enhance the port area and complement the wider plans for the area. As the site lies within settlement limits, there would be no impact on open countryside, and the development would be seen in the context of existing largely two and three storey development in Burry Port without breaking the skyline in views from the coastline to the south.

The evidence submitted leads me to the view that, subject to the reserved matters, the proposal would enhance the character and appearance of the surrounding area, including the Taf and Tywi Landscape of Outstanding Historic interest"

The Welsh Ministers agreed with Inspector's comments in this respect.

Heritage Assessment

A desk based archaeological and cultural assessment was commissioned to support the application.

It states that historic maps and other sources record the post medieval development of the site. Up to the early nineteenth century the site is recorded as undeveloped sand dunes. The Pembrey Iron and Coal Company was formed for the purpose of building a new harbour, to replace the silted Pembrey Harbour. In 1827 they were granted permission to do so with an Act of Parliament. This allowed the building of the "New Pembrey Harbour" (completed in 1935 and now known as Burry Port) and for the land to the east to be developed for several industrial purposes, the first of which was the nonferrous smelting which commenced in 1849 at the Pembrey Copper Works. This industrial site was redeveloped on several occasions for a number of uses

Site 5 is depicted as a largely open area, to the south of the Copper Works in the 1880 OS, with the exception of two single rail lines connecting it to the shore and to dockside. This remains the case until the 1969 OS which depicts a single train line connecting the Carmarthen Bay Power Station to the eastern side of the Outer Harbour. At this time an enclosed area is also depicted immediately adjacent to the southern wall of the Copper Works. By the time the 1991 OS was published this train line is no longer depicted, and a Boat Yard is occupying the enclosed area south of the Copper Works. The Carmarthen Bay Power Station was eventually demolished between 1991 and 1992, and the boatyard area seems to have since been relocated south of the originally enclosed area, which is currently empty. The Burry Port Coast Guard Station is located in the south-western quarter of the Site, along with a large warehouse for the Lifeguard Station.

Site 5 was therefore always peripheral to the industrial activities which surrounded it during the nineteenth and twentieth century. It is likely that at least part of it was used for tipping of copper ore slag, which was re-used in local bridges, school yard walls, and other boundary

walls such as the Copper Works walls to the north. Additionally the copper ore slag was also used in the construction of harbour walls. If any archaeological remains survive within Site 5, they would be associated with the rail lines connecting first the Pembrey Copper Works, and later the Carmarthen Bay Power Station to the Outer Harbour, and they would be of no more than low (local) significance. The development of Site 5 through the nineteenth and twentieth history is well mapped, and no significant knowledge would be gained from further archaeological investigations within Site 5.

The eastern side of the Pembrey Copper Works (Site 6) is depicted as part of the enclosed land surrounding the Pembrey Copper Works in the 1880 OS Map. A scoured area at its eastern end may have been used for sand extraction. By 1907 a number of buildings belonging to the Copper Works are depicted within the Site. A change of land use is illustrated in the 1969 OS Map, which depicts Site 6 as being part of the Carmarthen Bay Power Station, occupied by yards and rail lines. By 1988 the rail lines disappear, although a tank is still mapped in the north-west corner of the Site. Site 6 is currently open land adjacent to the Millennium Coastal Park.

Site 6 contains low potential for remains associated with the nineteenth century. The potential for later archaeological remains associated both with the Pembrey Copper Works and the Carmarthen Bay Power Station is high, however the development of Site 6 through the later part of the nineteenth and throughout the twentieth centuries is well mapped and no significant knowledge would be gained from further intrusive archaeological investigations.

The Harbour Walls, breakwater and locks (61059) immediately to the west of the JV development Site are an important element of this landscape. These are Grade II Listed and, along with the Lighthouse (8428), they are the nearest listed features to the JV development Site. The nearest Scheduled Monument (SM) lies approximately 200 m to the south west of the JV development Site and covers the nineteenth century canal boats. These assets would not be directly affected by the development, however the settings of these assets would most likely benefit from the proposals, as their setting no longer includes most of the standing remains that would have been associated with Burry Port's industrial history, and are for the most part rough pasture areas, which do not make a positive contribution to their historic setting. The only exception to this are the standing boundary walls of some of the works which survive around the JV development Site, and the only standing structures that remain of Burry Ports industrial development around the harbour.

The assessment has identified that the site does not contain any designated archaeological remains.

Although it is recognised that the wider area of the Loughor Estuary was the site of human activity during the prehistoric, Roman and medieval periods the HER records no archaeological sites, monuments or find spots of earlier than post-medieval date within the 2 km radius study area, with the exception of the record of the Medieval Dyfatty Water Mill.

The fragmentary remains of mid and later nineteenth century industry and transport features would not be considered as of more that local archaeological interest.

Loss of any potential archaeological remains within the Site can be mitigated through a basic programme of building recording, and a watching brief over ground penetrating works.

Just like the copper ore slag which was tipped on the foreshore “slag tip” and re-used in harbour area, still to be found on bridges, school yard walls, and walls such as the Pembrey Copper Works wall near the lifeboat station 27, once the walls are dismantled it may be possible to re-use the material in the future development in this area including public realm.

The LPA has consulted Cadw, Dyfed Archaeological Trust and the Authority’s Conservation Officer on the application. Whilst Conservation has not responded, Cadw have raised no objection whilst Dyfed Archaeological Trust also raises no objection subject to the imposition of conditions on any planning permission granted.

Air Quality

It is understood that pre-application discussion with the Authority’s Public Health Division established that a formal Air Quality Assessment Report was not required to accompany the application. Nevertheless this issue is a material consideration and attention is drawn to the consultation response from the Authority’s Environmental Health Practitioner that deals with Air Quality issues.

He advised that this application has been considered individually and in the context of the nature of other proposed developments in the wider Burry Port harbour area, along with consideration of their geographical location.

It is considered that the proposed development in isolation, subject to good spatial design, will not have a significant impact on air quality as regulated under the Environment Act 1995. However, there is a potential that the cumulative impact from all the developments may give rise to a significant impact. Whether the level of impact is sufficient to breach relevant air quality objective levels is unknown, and would be extremely difficult to model.

However, he goes on to advise that through the implementation of best practice and use of sustainable development techniques, reference to latest guidance and timely communication as developments proceed, the overall impacts can be minimised and hopefully ensure that air quality issues are not created. The response goes on to list some environmental mitigation measures that can assist in this respect.

The traffic assessments associated with the developments have indicated that there should not be a significant impact and the modelled traffic volumes do seem to fall below the criteria used for determining whether an air quality assessment would be required. However, as with all models it is difficult to predict future scenarios and with no previous air quality monitoring data for the town it is impossible to state that the increased traffic volumes relating to the developments will not impact on the locality. The location does benefit from being coastal and generally quite ‘open’ in nature, which will greatly assist with dispersion of pollution from traffic and other sources.

In order to determine whether there is any significant impact it is proposed to assess the existing road network in the vicinity to identify suitable locations to position nitrogen dioxide diffusion tubes that may form part of the Carmarthenshire air quality network. The data gathered from any tube sites set up will be used to try and determine whether there is any impact and if so, the magnitude of it.

The Authority’s Head of Public Protection therefore raises no objection on air quality subject to the imposition of conditions on any planning permission granted.

Noise

The application was accompanied by a Noise Assessment dated July 2014 and produced by Amledd Consulting. The key points raised in this document have been summarised in the consultation response received from the Authority's Environmental Health Practitioner that deals with Noise issues.

Advise that the TAN 11 assessment of Sites 5 & 6 indicates that with all future development for Burry Port present, the area falls into Noise Exposure Category (NEC) B and C. TAN 11 states that for NEC B, "Noise should be taken into account when determining planning applications and, where appropriate, conditions imposed to ensure an adequate level of protection," and for NEC C, "Planning permission should not normally be granted. Where it is considered that permission should be given, for example, because there are no alternative quieter sites available, conditions should be imposed to ensure a commensurate level of protection against noise."

Upon review, it was noted that the only area falling within NEC C is the northern boundary of the site. It is also noted from the report that approximately 10dB of mitigation is required to achieve NEC A, which could be achieved with the erection of an acoustic fence or a brick wall on the northern of the boundary. A condition to this effect is required on any planning permission granted.

It was also noted that the new road planned to run from the B4311 alongside the western boundary of site 6 would be in NEC B, with approximately 8dB of reduction required to bring it to NEC A. A further condition is requested in this respect.

It is recommended that a Construction Noise Management Plan is submitted prior to works commencing on site.

The Authority's Head of Public Protection therefore raises no objection on noise subject to the imposition of conditions on any planning permission granted.

Impact Upon the Welsh Language and Culture

Whilst a full Welsh Language Impact Assessment has not been required by the LPA, a Welsh Language Linguistic Statement dated October 2014 has been requested and submitted for all the pending Burry Port schemes, with the exception of the enabling works application. When this report was written, the application sites were allocated for development in the former Adopted Carmarthenshire Unitary Development Plan, 2006, whilst there was also a Development Brief that was adopted as Supplementary Planning Guidance. However as aforementioned, late on in the Local Development Plan process, the majority of the sites, with the exception of Site 4, were taken out of defined settlement limits due to conflict with the former Development Advice Maps referred to in TAN15.

The assessment, using the average household size for the Ward as derived from the 2011 Census information - 2.15 persons per household, states that the proposed developments as a whole would result in a population increase of some 860 (2.15 x 400).

In terms of demographics, at the time of the 2011 Census, the population of Burry Port Ward was 4,113 (aged 3 and over). Of this population, 36.2% (1,488) were able to read, write or speak Welsh, while the same figure for the County of Carmarthenshire was higher, at 46.5%. On a national level, this figure was 21.3%.

The assessment states, that as a result of the fact that the ward where the site is located has not only a greater proportion of individuals with an understanding of Welsh than at National level, though not at County level, it is evident that the Welsh language forms an important role and feature of the this community. Consequently, any proposed development within this community must wherever possible protect and promote the Welsh Language, as well mitigate any negative impacts such a development may introduce.

The assessment goes on to review the relevant planning policy context in relation to the Welsh Language, with specific attention drawn to TAN20, Policy SP18 of the Adopted LDP and the Adopted SPG on Welsh Language.

With regard to development management, the TAN maintains that, in determining individual planning applications and appeals where the needs and interests of the Welsh language may be a material consideration decisions must, as with all other planning applications, be based on planning grounds only and be reasonable. Adopted development plan policies are planning grounds, including those which have taken the needs and interests of the Welsh language into account. Planning applications should not be subject to Welsh language impact assessment, as this would duplicate LDP site selection processes where LDP objectives indicated the need for such an assessment.

On the latter issue, whilst the majority of the sites are no longer allocated for development within the Adopted LDP, they were only omitted at a very late stage in the LDP process (July 2013). Prior to this their sustainability credentials, including potential impact upon the Welsh Language would have been considered as part of the LDP allocation process. This was a relevant consideration in the LPA's decision not to request a full Welsh Language Impact Assessment, but nevertheless the impact upon the Welsh language is still a material consideration.

Policy SP18 of the LDP states that the interests of the Welsh language will be safeguarded and promoted. The SPG provides further guidance and elaborates on this and outlines examples of possible mitigation measures that could be included in development proposals to safeguard and promote the Welsh language where there would be an adverse effect on the Welsh language. The list is not exhaustive but includes housing (with reference to phasing and affordable housing); employment (including retail); and education.

The assessment states that the 2011 census indicated that at a national level the number of people who speak Welsh has fallen in the past 10 years; however there have been considerable increases in younger children who spoke Welsh. Carmarthenshire has experienced the second largest decrease in the percentage of Welsh speakers during this 10 year period, whilst the census statistics indicate that the Welsh language has a significant role in the community of Burry Port.

The proposed development of the harbour area as a whole will provide for a range of housing types, including a percentage of affordable housing. Whilst there is no policy requirement to impose a phasing condition on the housing, it is inevitable that not all the development will come forward at the same time whilst the release of land can be controlled by the Local Authority as principal land owner. The assessment draws reference to housing data from Persimmon homes on sites which they have developed within close proximity in recent years, whereby it evidences that the majority of people who purchased the houses already lived within the SA post code area. Reference is also drawn to Joint Housing Land Availability studies which indicate a slow rate of building within the locality in recent times

due to the slowdown in market conditions. In this respect it is argued that an increased rate of development is needed to meet local needs.

The developments will also contribute to local employment, primarily due to the leisure and tourism proposals on site 4, and the 10,500 sqm of employment space with an appreciable live/work element on site 7. The aim of the latter is to encourage indigenous businesses and possibly training opportunities. It is also worth noting that extant planning permission exists for Tesco to develop a retail store on a different site down the Burry Port harbour area, which will also create local jobs. Jobs will also be created during the construction phases of development.

The construction of a 330 place Welsh Primary school on site 8 which forms part of the local authority's future education development as contained within its Modernising Education Plan is also a key consideration in terms of impact on the Welsh language. This modern Welsh primary school will make a significant positive contribution towards learning in the medium of Welsh during early years. Financial contributions will also be secured from the residential developments towards improving education facilities generally within the catchment area as a whole, which may also relate to the Welsh medium secondary school at Stradey.

The assessment concludes that the proposed developments as a whole will only serve to have a positive impact on the Welsh language and its future in the settlement of Burry Port and the surrounding area. Nevertheless it does suggest some measures to maximise benefits on the Welsh language, which primarily relate to advertising, interpretation and holding local events in the medium of Welsh.

The proposed developments in the Burry Port harbour area will result in significant environmental and economic regeneration benefits. The LPA agrees with the conclusions and recommendations made in the Linguistic Assessment, whilst no objections or information to the contrary has been received. It has been evidenced that the proposed developments will contribute towards a range of house types including affordable housing, employment and education opportunities, which as a collective will contribute positively to safeguarding the Welsh language and culture.

On balance therefore it considered that a development of the scale proposed will not undermine the long-term viability of the Welsh language and culture of the wider area which is identified as a service centre in the Adopted LDP located on the sustainable transport corridor within close proximity to the growth area of Llanelli. The proposal is therefore considered to be in accord with the aims of Policy SP18 of the LDP.

Highways

The applications for the development of the Burry Port harbour sites were supported by a Paramics micro-simulation traffic model and a detailed transport assessment that identified the likely travel characteristics and hence impact of the proposed development(s) on the local highway network.

In response to the holding objection from Network Rail who originally opined that the developments are likely to have a significant impact on increasing high vehicular traffic over the level crossing and bridge, Asbri Transport produced a technical note that provides a detailed assessment of the impact of the regeneration area on the existing railway crossings.

In relation to the above, reference is drawn to the consultation response and appraisal received from the Authority's Head of Transport, which is as follows:-

In 2011 an update of the existing Paramics micro-simulation traffic model produced for the B4311 Burry Port highway network was commissioned by Carmarthenshire County Council (CCC) and produced by Waterman Boreham Transport Planning (WBTP). The model had been developed to test future- year traffic scenarios and the impact of the developments proposed within the Burry Port Masterplan area. Forecast traffic modelling for three scenarios were produced, namely;

Future year (2028 + committed)
Future year with development (2028 + committed + development)
Future year full Masterplan (2028 + committed + development + UDP allocation)

The model included for study of the following junctions:

A484 Danlan Road / A484 Heol Gwscwm / B4311
B4311 / Furnace Road
B4311 / Tan y Bryn
B4311 / Heol Vaughan
B4311/ Station Road / Ashburnham Road
B4311 / Harbour / Ashburnham Road
B4311 Car Park / Un-named Road to Millennium Coastal Path Car Park
B4311 / Access / Industrial Park Estate
A484 Pwll Road / B4311

In addition, the model network was amended to include additional links to the proposed development sites within the Masterplan area. These changes provided for three additional zones as follows;

Zone 18 - to serve the former Grillo site, Site 5 and Site 6.
Zone 19 - to serve Site 7
Zone 20 - to serve Site 8 (and Site 9, now contained within red line of Site 8).

The results showed that, for the full Masterplan Scenario - AM Peak, the additional traffic of this scenario adds 4 seconds to the base average journey time from west to east and 9 seconds from east to west and is considered insignificant. Queuing across the network is marginally increased. Similar results were obtained for the PM Peak and showed that 17 seconds is added to the journey time form west to east, 13 seconds from east to west which is considered insignificant. Again, queuing across the network was only marginally increased.

In conclusion, and from evaluation of the results of the modelled scenarios, WBTP considered that capacity–focussed improvement of the modelled highway network was not required as a result of the developments proposed in the Burry Port Masterplan.

Subsequently, in August 2014, outline with all matters reserved applications were received to develop various sites within the Masterplan, in addition to a full planning application for enabling works.

As a result of the above proposals, particularly the use of Sites 8 and 9 for a new school (now combined as Site 8) and relocation of the Llanelli Sand and Dredging Ltd access, a further revision of the Paramics Modelling of the Future Year Masterplan scenario was made in Feb 2015, on behalf of CCC and Codex Land Limited, the owners of the former Grillo site). This assessed the impact of reducing the speed limit along the SDR from 40mph to 30mph from a point just east of the RNLI Lifeboat Station roundabout to a point just east of the newly proposed LS&D site access. Also, an additional zone has been included to the Paramics model Zone Plan:

Zone 21 - to represent the relocated Llanelli Sand and Dredging Ltd Access.

Waterman again considered that the results from the modelling assessments have shown that the additional background traffic growth and traffic generated by the developments within the Burry Port Masterplan should not significantly affect journey times and the level of queuing within the network. It was considered by them that capacity-focussed improvements to the highway network are not required to accommodate the additional forecast Masterplan traffic and background traffic growth. The Burry Port Southern Distributor Road (B4311- SDR) was designed with the Masterplan in mind.

In between the running of the two PARAMICS traffic modelling scenarios outlined above, which assessed the traffic impacts associated with the proposed development sites, a Transport Assessment (TA), dated July 2014 was produced by Asbri Transport on behalf of the applicant, CCC. This TA was submitted in support of several outline planning applications for a major regeneration scheme in Burry Port.

The TA assessed the public transport, pedestrian and cycling infrastructure in the vicinity of all the proposed development sites which are located to both sides of the Burry Port Southern Distributor Road (B4311). It also analysed and discussed the findings of the PARAMICS modelling carried out by Waterman. In doing so the TA reports on the transport characteristics of the proposed developments and the likely impact of the proposals on the local transport network, namely:

- Consider any potential to increase congestion and delay on the SDR and the roundabouts along it;

- Analyse accident risks on the highway network within the assessment cordon adopted within the TA;

- Consider any potential to increase impact on noise and air quality;

- Identify any potential measures to increase accessibility/connectivity of the proposals.

Within the TA, a series of measures have been proposed to improve the permeability of the area for walking, cycling and access to public transport together with measures to facilitate integration with existing infrastructures/facilities. An area of previously unidentified land serving Llanelli Sand and Dredging Ltd has been incorporated within the site area to provide a formal off-street parking and drop-off area for the school.

The Authority’s Head of Transport’s response concludes that there is no highways technical reason why this application should be refused, and recommends approval subject to the imposition of a number of conditions on any planning permission granted.

With regards to the holding objection from Network Rail, as aforementioned Asbri Transport has produced a detailed assessment that identifies the impact of the Burry Port Regeneration Strategy Area (Regeneration Area) on the existing railway crossings across the West Wales Rail Line in Burry Port as follows:

- An automated level crossing on Heol Yr Eglwys; and,
- A road over-bridge and separate pedestrian footbridge on Station Road.

The technical note identifies:

- the existing traffic/pedestrian flows across the two crossings, based on recent surveys;
- the likely increases in traffic/pedestrian flows across the two crossings; and hence,
- the impact of the Regeneration Area on the existing crossings.

In order to assess the impact of the development proposals on the existing railway crossings, it was necessary to establish the conditions that exist within the surrounding transport network. Therefore, traffic surveys were undertaken at both crossings on Thursday 13th November 2014 (between 0700 and 1900) to determine the volume of vehicles and pedestrians currently using both crossings.

Asbri Transport also sought information on level crossing activations at Heol Yr Eglwys from Network Rail's Level Crossing Manager. As a worst-case scenario, the existing barriers are down a maximum of four times with a total closure time of 12 minutes (during the morning peak hour), and a maximum of 11 times with a total closure time of 33 minutes (during the evening peak three hour period).

In terms establishing the proposed impact of the development sites, the report looks at the travel characteristics of both vehicles and pedestrians. With regards to vehicles it has been established that the entire Regeneration Area will add a maximum of 51 vehicle movements (two-way) across the Station Road Bridge between 1700 and 1800, which equates to less than one vehicle per minute (two-way). At the level crossing it is anticipated the Regeneration Area will add a maximum of 35 vehicle movements (two-way) on Heol Yr Eglwys between 0800 and 0900, which equates approximately one vehicle (two-way) every two minutes.

With regards to pedestrian movements, it is anticipated that the volume of pedestrian trips across the network generated by the Regeneration Area during periods will be relatively low. However, the proposed primary school (plot 8), which is close to the existing level crossing on Heol Yr Eglwys, will generate a significant proportion of pedestrian trips during network peak periods. It has been established that the entire Regeneration Area is likely to add a maximum of 35 pedestrian movements (two-way) across the Station Road footbridge (between 1500 and 1600), which equates to approximately one pedestrian (two-way) every two minutes. Across the level crossing, the Regeneration Area could add a maximum of 237 pedestrian movements (two-way) between 1500 and 1600), which equates to approximately 4 pedestrians per minute.

The assessment concludes that the maximum increases in traffic and pedestrian flows across the Station Road Bridge are relatively modest, with less than one vehicle per minute (two way) and approximately one pedestrian (two-way) every two minutes. It is therefore anticipated the impact of the Burry Port Regeneration Strategy Area on the Station Road Bridge will be minimal.

The maximum increases in traffic flows across the Heol Yr Eglwys level crossing are also considered to be relatively minor, with approximately one vehicle every two minutes. With the level crossing closed for three minutes (every time a train passes) the proposed development could increase the number of queuing vehicles by between one and two vehicles in total. Bearing in mind the crossing is closed a maximum of 4 times during the am peak hour (and less throughout the rest of the day) it is considered that the impact of the proposed development will be negligible.

However the increase in pedestrian flows across the crossing (primarily as a result of the proposed primary school) is greater, with up to four pedestrians (two-way) per minute. Again, with the crossing closed for up to three minutes (with every train pass) the average number of pedestrians waiting to cross the crossing could increase by up to 12 pedestrians. Bearing in mind the crossing is closed a maximum of 4 times during the am peak hour (and less throughout the rest of the day) it is considered that the impact of the proposed development will be negligible.

In conclusion, the report states that the increases in vehicular and pedestrian volumes as a result of the Regeneration Strategy Area will be relatively modest, and that the regeneration area will have a negligible impact on the operation/safety of the existing crossings.

The LPA has re-consulted Network Rail on the technical note received during the course of the planning application process, whilst Asbri Transport in producing this assessment has also liaised with Network Rail. Network Rail has stated that after studying the details submitted and consultation with their Level Crossing Manager and Asset Protection Engineer, Network Rail submits a holding objection to the above proposal. Network rail goes on to state that from their interpretation of the transport assessment it does not look as if the proposed development will have a big increase in vehicular movements across the Church Road crossing, however, the pedestrian movements will increase substantially. Network Rail also have concerns regarding the vehicular movements as the pedestrian movements will certainly be converted into car journeys during the winter months, therefore suggest a meeting is arranged to discuss the overall safety concerns and traffic management criteria.

This revised response from Network Rail does not raise concern with regards to Station Road Bridge crossing, and acknowledges that the proposed developments will not have a big increase in vehicular movements across Church Road. However it does raise concern over the substantial increase in pedestrian movements across Church Road, which as aforementioned will be associated with the new school development. In this respect, whilst Network Rail has a holding objection to all the pending applications, it does appear that their concern only relates to the potential impact associated with the proposed school development. In this respect the LPA will arrange a meeting with Network Rail and the applicant/agent to discuss their safety concerns and traffic management criteria in relation to the school development. Therefore Members of the Planning Committee are respectfully requested to resolve to approve the application pending the holding of such a meeting.

The B4311 Southern Distributor Road will be the principal means of access to all the Burry Port harbour development sites. This road was constructed at significant public expense to facilitate the regeneration of the Burry Port harbour area, an aspiration that has not been realised to date. Prior to the construction of the SDR there would have been more vehicular and pedestrian movements across the railway line, and therefore the SDR has relieved pressure in comparison to the historic situation. It is acknowledged that the character of a section of this road needs to change in order to successfully integrate the developments, for example by reducing the speed limit to 30mph and introducing additional footways and crossing points. The majority of the pending applications, with the exception of the enabling works application are currently in outline form with all matters reserved, and therefore the exact detail in terms of access points etc. will be agreed at reserved matters stage.

Ground Conditions

The application was accompanied by a detailed Ground Investigation and Remediation Strategy produced by Environmental Scientifics Group dated August 2011. This report relates to all of the JV sites down the Burry Port harbour area (Sites 4, 5/6, 7, 8 and enabling works) which have an industrial history, and deals with ground investigation, risk assessments for human health and water quality, groundwater modelling and provision of an outline remedial strategy.

The scope of work for the report included:

- review of findings from reports of previous investigations (2004 to 2011);
- identification of sources of contamination on Sites 4, 5, 6, 7 and 8 by means of intrusive investigation, sampling, in-situ testing and laboratory testing;
- groundwater level and quality monitoring; tidal monitoring;
- assessment of the hydrogeology;
- assessment of the risks to human health;
- assessment of the risks to water quality using the Environment Agency Remedial Targets Methodology and related spreadsheet models for both upper and lower aquifer for each site and for the wider area;
- outline assessment of options for any remediation needed to protect human health and water quality.

The data on soils from Sites 4, 5 and 6, and previous land uses described for Sites 7 and 8 in previous reports were used to determine the substances likely to cause risks to human health, which were then included in the suite of determinants analysed on soil samples taken during the investigation. An outline appraisal of historic water quality data was carried out to identify substances of concern to be included in the suite of determinants for water samples. Tables of soils and water quality data, including the results of this and previous investigations, were complied as a basis for the risk assessments.

Site-wide sources of contamination include former coal transport and railway use and made ground. In addition, there was a garage/petrol station in the south east of Site 7, adjacent to Site 8, a lead foundry on Site 7, zinc oxide works on the Grillo Site, copper works on Site 6,

a boatyard on Site 5 and harbour dredgings on Site 4. The main contaminants identified prior to this study, in either soils or water, were:

- Grillo site: metals, total petroleum hydrocarbons (TPH) and benzo(a)pyrene;
- Site 4: arsenic, TPH;
- Site 5: metals, TPH (including phenols);
- Site 6: metals, TPH including benzo(a)pyrene and other PAHs;
- Site 7: metals, phenols, naphthalene.

The published geological map covering the site and previous site investigations show the superficial deposits to comprise Blown Sands and estuarine alluvium over glacial deposits, including Boulder Clay and glacial sand and gravel. Made ground is present over those areas that have been investigated previously, and was expected to be found in those parts of the site included in this investigation.

The solid geology is shown to comprise predominantly Carboniferous sandstone, siltstone and mudstone with interbedded coal seams. Coal has been mined at depth beneath the site.

The site works were carried out in two phases. In Phase 1, between 31 January and 9 March 2011, intrusive investigations were carried out, comprising 26 trial pits and 20 rotary boreholes, sampling and analysis of soils and waters. The exploratory locations were chosen to provide information in areas that had not previously been investigated, and in some cases to substantiate previous investigations. Phase 2, in April 2011, comprised sampling and analysis of groundwater from all available boreholes in the Blown Sands, which had, by then, been identified as posing the main risk to the quality of surface water in the harbour and Loughor Estuary. Six groundwater level monitoring visits were undertaken during the period 7 March to 27 April 2011.

Preliminary risk assessments have been undertaken for the sites which identify the main potential sources, pathways and receptors. The sources of pollution are those soils that have been affected by industrial activity in the past. The potential pathways were identified as direct contact with contaminated soils and lateral and vertical migration through soils and aquifers. The receptors are of course the end users, site workers and aquifers/estuary.

The report goes on to provide a human health risk assessment and controlled waters risk assessment for each site before outlining remediation options.

Given the industrial history of the area, the number and concentrations of contaminants of concern to both human health and water quality were found to be relatively low. It appears that there has been significant attenuation of organic substances in both soils and water since previous investigations several years ago. Nevertheless, potential risks to human health from metals, PAHs (hydrocarbons) and asbestos were identified in some areas. PAHs of concern are limited to Sites 6 and 8. On Site 6 these are widespread, but on Site 8 they have only been found at high enough concentrations to pose a risk in the west of the site, possibly associated with the former garage in the east of Site 7. Where covered by hard standing they do not pose a risk to end users of the sites. Metals in soils at concentrations high enough to pose a risk to human health are widespread. Asbestos has been identified in a few locations.

It is concluded that the most appropriate method for soil treatment is to import the top 1m of clean cover in areas of gardens and soft landscaping on all of the sites to be developed. Due to the presence of asbestos, and its possible presence in locations that have not been

subject to intrusive investigation, earth moving should be kept to a minimum during construction, and appropriate health and safety procedures used. Dust blow, in particular, should be prevented. Soils should only be removed for treatment to a waste facility if ground levels cannot be raised, and excavation is needed before placing the clean cover.

The import of clean soils for soft landscaping and gardens will also address the presence of boron, copper and zinc at concentrations high enough to cause phytotoxic effects.

Also given the long industrial history of the site, the concentrations of potential contaminants in both aquifers is lower than might be expected. The results of this investigation and assessment indicate that there is little risk of metals or PAHs causing pollution. The increase in areas of hard standing accompanying development will reduce infiltration over Sites 5, 6 and the Grillo Works, which comprise the main primary sources of the substances of concern. Their concentrations in the Blown Sands will, therefore, reduce over time. Improvements in water quality in the lower aquifer will take longer as there will be a significant time lag during migration through the alluvium. Moreover, the alluvium represents a long-term source as metals will, in effect be stored there. It is concluded that active remediation of groundwater in either aquifer does not present a cost-effective or necessary measure.

If possible, soils imported to protect human health should be of a similar pH to the soils on site, i.e. between 8 and 9. If the pH is below 7, there is a risk of metals being mobilised at higher concentrations by infiltrating rainwater, potentially leading to increased concentrations in groundwater.

In terms of controlled waters risk it is however recommended that continued monitoring of groundwater quality and levels is undertaken.

This report along with other previous assessments have been considered in detail by NRW, and the Authority's own Public Health Division. In their response to the current application NRW welcome the submission of the reports and advise that the controlled waters at this site are of high environmental sensitivity, due to its close proximity to the Carmarthen Bay and Estuaries SAC. NRW note the content of the reports and raise no objection towards the proposed development from this perspective subject to the imposition of conditions on any planning permission granted. The Authority's Public Health Division has also raised no objection subject to conditions.

On the issue of contamination and remediation generally, it is worth noting at this juncture that the Planning Inspector in his report on the previous Grillo call in inquiry at Paragraphs 51 and 119 notes the significant environmental benefits in terms of remediating contamination which is already leaching into the underlying aquifers and has the potential to impact on the CBEEMS. In this respect also, the Welsh Ministers in Paragraph 39 of their report agreed with the Inspector's conclusions on the effects of the remediation of the contamination of the Grillo site. Even though the JV sites are not as heavily contaminated as Grillo, these comments are in some respect relevant in this instance also as the proposed development will remediate an existing contaminated site and thus will result in an environmental improvement.

Flooding

As aforementioned in the planning policy section of this report, at the time of the planning submission the application site was partially located within Zone C2 as defined by the

Development Advice Maps (DAM's) referred to under TAN15, and therefore the application was accompanied by a detailed Flood Consequence Report produced Waterman Transport and Development LTD dated July 2014 and hydraulic modelling. However in January 2015 Welsh Government issued new DAM's which indicate that the site is now outside of the flood outlines zones, and this fact is acknowledged by NRW in their most recent response.

The accuracy of the DAM's for the Burry Port harbour area have been disputed for a number of years, and the revised DAM's now correspond with the revised flood maps issued by NRW in May 2014. The accuracy of the DAM's and the conflict with national planning policy on flooding was the key consideration in the call in inquiry relating to Grillo (2011/12). The Planning Inspector submitted that the most reliable evidence in respect on flooding should be given precedence, and whilst the NRW flood maps and DAM's had not been changed at that time, the Planning Inspector concluded that planning permission should be granted as material considerations were sufficient to outweigh conflict with planning policies restricting residential development within Zone C2. The Welsh Ministers (2013) disagreed with the Planning Inspector and refused planning permission on the basis that the proposal was contrary to planning policies which restrict residential development within Zone C2.

As already noted the application site is now within Zone A which TAN15 defines as being considered to be at little or no risk of fluvial or tidal/coastal flooding. Using the precautionary framework advocated by TAN 15, Zone A is used to indicate that the justification test outlined in Paragraph 6.2 of TAN 15 is not applicable and there is no need to consider flood risk further. Nevertheless due to the history of the area, and the fact that the application was originally accompanied by an FCA with associated hydraulic modelling, the matter is discussed further in this section of the report. In this respect reference is primarily drawn to the consultation response from NRW which provides their technical comments on the FCA and hydraulic modelling. NRW's response provides technical guidance on the site specific FCA and cumulatively with all the other development sites proposed down the Burry Port harbour area.

In terms of the site specific comments, in addition to the FCA a 1D2D Estry Tuflow model has been submitted, in support of the FCA that was created in a joint venture between NRW and Carmarthenshire County Council (CCC) in early 2014. The purpose of the model was to provide a detailed assessment of fluvial flood risk from the Nant Dyfatty, the primary watercourse within Burry Port. Upon receipt, the model underwent a review by NRW to ensure its suitability for assessing the fluvial flood risk from the Nant Dyfatty and enable flood map to be updated. The conclusion of the review was that the model was fit for purpose to determine flood risk. As such, no technical review of the model has occurred as part of this FCA review.

The consultants have used the NRW/CCC Estry Tuflow model, under licence, to assess the fluvial flood risk to a number of development sites in Burry Port. However, in order to satisfy the requirements of TAN 15, the consultants have made minor amendments to the model in the form of:

- Assessment of blockage scenarios.
- Assessment of extreme tidal events.

The blockage scenarios include a 50% blockage to two culverts at Ashburnham Road and B4311. The proportion of blockage and location of the affected structures is considered appropriate.

An assessment of extreme tidal events was not conducted as part of the joint venture between NRW and CCC. Therefore, the consultants have included a tidal boundary, for which the application and location are considered appropriate. All tidal runs have included a constant QMED fluvial flow in the Nant Dyfatty, which is also considered appropriate.

All additional runs conducted to assess blockage and extreme tidal events are stable and have mass balance error well within the acceptable range, as stated within the TUFLOW manual.

The site remains dry in the fluvial 1%, 1% + climate change (CC), 0.1% and 0.1% + CC annual probability event (APE) modelled scenarios.

The site remains dry for the 1% + CC and 0.1% + CC fluvial events with a 50% blockage applied to the Ashburnham Road and B4311 culverts.

The site remains dry in the tidal 0.5%, 0.1% and 0.5% + CC APE modelled scenarios. However, both Sites 5 and 6 site are inundated to a maximum depth of ~300mm in the 0.1% + CC APE tidal event. A flow path develops on the outer harbour and East Dock before flowing in an Easterly direction through the Grillo site and into sites 5 and 6.

The consultant has also run an extreme tidal event for the 0.5% APE event, plus climate change, with tidal levels at the upper extent of the confidence interval. This approach adds 0.3m and 0.5m to the 200yr + CC and 1000yr + CC tidal levels respectively. This results in a modelled tidal level of 7.05 mAOD for the 0.5% + CC event. This approach is considered conservative and is designed to assess uncertainty in the predicted tidal levels.

Results from the confidence interval model run show that there would be significant inundation of both Site 5 and 6, with a maximum depth of ~ 1.3 metres.

The consultants have modelled proposed scenarios, in which a plateau, covering the entirety of Sites 5 and 6, has an elevation of 7.1 mAOD. The proposed model has been run for the 0.5% + CC plus Confidence Interval tidal event, which has a tidal peak of 7.05 mAOD, and also the 0.1% + CC fluvial event with 50% culvert blockage.

In both the proposed modelled scenarios, development Sites 5 and 6 remain dry when modelled with the 7.1 mAOD plateau.

A comparison has been conducted to determine the impact upon third parties as a result of the proposed plateau.

Significant detriment is seen to the West of Site 6, with water levels increasing by a maximum of ~230mm within the Grillo site. This is due to the proposed plateau within Site 6 preventing the Easterly flow path towards the Millennium Coastal Park. The increased water depth is almost wholly confined to the Grillo development site, but a small area, with a maximum increase of ~120mm, is seen on the B4311. All areas of water elevation increase are outside of the designated boundary for development Sites 5 and 6.

Water surface elevation increases shown to the North of the B4311 main road have a maximum increase of 3mm, and as such are considered with modelling tolerances and are thus of no consequence.

In summary, the FCA concludes that the site is at risk of flooding but proposes mitigation in the form of raising ground elevations to address flood risk; it also assesses the effect of the mitigation and there is a very small increased flood risk on the B4311 to the west of the site. There is also significant increased flood risk on the former Grillo Site, however, NRW are aware that this site forms part of the wider redevelopment proposal and the ground on this site is intended to be elevated above its current level.

Access and egress is discussed within the FCA, however NRW advise, that is a matter for the Local Authority's consideration. In this respect the FCA states that the primary access to the Site will be via a new junction onto the Southern Distributor Road (B4311) to the north of the Site. Internal roads within the Grillo Site, Site 5 and Site 6 will provide direct access to the main joint infrastructure road. In emergency situations in the event of an extreme tidal flood the access/egress route would be via the Distributor Road, which remains flood-free during all modelled scenarios. The most appropriate emergency evacuation route would be to travel along the B4311 in an easterly direction towards the A484. This then provides access to the main town centre of Llanelli and wider transport links to the M4.

The Distributor Road to the west of the Grillo Site is shown to be affected by floodwaters up to 0.5m deep during the 0.5% probability event in 2114 with Upper Confidence Interval applied. However, it is only affected for a short distance of circa 60m at the B4311 Roundabout for a total period of circa 2 hours. Peak flood velocities along the affected section reach 0.37m/s; however interrogation of the model output data shows that velocities exceed 0.3m/s for only 10 minutes. The aforementioned route is however preferable.

The hydraulic modelling is robust and considers extreme events including climate change and the potential for flood risk from blockage at structures through which flood water passes. We accept that the proposed mitigation works effectively create a plateau that remains flood free for all scenarios considered within the FCA.

NRW's technical comments go on to state that although individual FCA's have been received for each development site, each development site is part of a larger, overall development for Burry Port, which has been termed the 'Master Plan'.

Each FCA has been reviewed from the viewpoint that each development is 'standalone', i.e. the developments are not part of the Master Plan. The response also assesses the impacts of the proposed sites as a collective.

The existing flood risk for each proposed development site has been assessed through use of a detailed 1D2D Estry TUFLOW model for both fluvial and tidal scenarios. The consultant has also met the requirements of TAN 15 through assessment of structure blockage and incorporation of predicted fluvial flow increases and sea level rise due to climate change. Where development sites are shown to be at risk during the modelled scenarios, mitigation proposals have been modelled to demonstrate how the flood risk can be managed.

Based upon the information provided to NRW, the Master Plan comprises of 6 sites. Each site has been assessed individually to determine the current flood risk and impacts of the proposals. As each development is part of the overall Master Plan, the consultant has modelled the Master Plan as a whole which assesses all development proposals in conjunction.

The modelled proposals are as follows:

- Site 4: Development Plateau set at 7.1 mAOD covering the entirety of the site.

- Site 5 and 6: Development Plateau set at 7.1 mAOD covering the entirety of the site.

- Site 7: Development Plateau set at 7.1 mAOD covering the entirety of the site, along with a conveyance channel along the Southern boundary with an elevation of 6.6 to 6.8 mAOD.

- Site 8: Development Plateau set at 6 mAOD which covers the proposed school building footprint.

- Former Grillo Site: Development Plateau set at 7.1 mAOD covering the entirety of the site.

The Master Plan scenario, encompassing all development proposals was only run for the tidal 0.5% plus climate change (CC) plus confidence interval, which throughout the individual site assessments, has represented the worst case scenario in terms of flood risk and inundation. The Master Plan scenario has not been run for any fluvial events. However, due to the limited flood outline arising from the extreme fluvial event, it is unlikely that the Master Plan would result in any changes to the results discussed in the FCA reviews for Site 7 and Site 4. The extreme fluvial flood outline does not extend to Sites 5, 6 and the former Grillo site.

All sites, during the Master Plan assessment remain dry. This is due to all development plateaus, except Site 8, being set at a level above the tidal 0.5% + CC plus confidence interval peal elevation.

An assessment of water surface elevation change was also conducted. It can be seen from the results that some areas of detriment do exist, primarily within the Western area of Site 8, the B4311 roundabout to the North of the former Grillo site and an area to the South of the former Grillo Site. However, all of these detriment areas were highlighted within the individual site assessments and the in combination assessment does not increase detriment in these areas or create new areas of detriment. The Master Plan assessment does show that when all development plateaus are modelled in combination, the residential area of Burrows Terrace, Morlan Terrace and Silver Terrace all experience a reduction in flood level of up to ~30mm. In the individual site assessments, this residential area was not shown to experience a reduction in flood level. This is due to the development plateaus acting in combination to prevent the West to East flow path during the extreme tidal scenario.

In summary, NRW have reviewed the site specific FCAs and considered the combined development or Master Plan that relies on the results of hydraulic modelling. The FCAs conclude that flood risk at each site can be managed with mitigation, mainly in the form of raised ground elevations. It also assesses the effect of the mitigation and there is a small increased flood risk on the B4311 to the west of the site; there is also a very small increased flood risk on in an open public area adjacent to the marina all of which are detailed in the specific FCAs. It is also noteworthy that there is a reduction in flood risk to some existing residential property as a result of the Master Plan proposals.

Access and egress is discussed within each FCA, however NRW advise that is a matter for the Local Authority’s consideration.

The hydraulic modelling is robust and considers extreme events including climate change and the potential for flood risk from blockage at structures through which flood water passes. NRW accept that the proposed Master Plan and site specific proposals acceptably manage flood risk associated with the proposals.

Water Quality

There has been a long standing concern in relation to water quality in the CBEEMS, and therefore this section of the report is dedicated to this issue. However, this should not be read in isolation and needs to be considered in conjunction with following sections, especially that on foul and surface water drainage proposals.

In terms of water quality, a number of Environmental Statements have been produced in recent years with regards to other proposed developments within the Llanelli Waste Water Treatment catchment, which were tightly scoped to look at water quality. A number of key studies and reports have also been undertaken and referred to below which are relevant in this respect.

The quality of water discharged into the European protected CBEEMS is seen as a key issue in assessing the impact of this, and other proposed developments, on the Loughor Estuary. As early as 2001 the Loughor Estuary was designated as a “Sensitive” area (eutrophic) under the Urban Waste Water Treatment Directive. Such a designation and acknowledgement of the need to improve water quality has been the main driver in implementing improvements in water treatment at various waste water treatment works (WwTW) which discharge into the Burry Inlet and wider estuary. Successive Asset Management Plan programmes (AMPs) by Dwr Cymru/Welsh Water (DCWW) have seen improvements in nitrogen removal at Llanelli, Gowerton, and Llannant, in addition to which, ultra violet (UV) disinfection to kill bacteria has also been implemented to improve the quality of effluent discharged through combined sewer overflows (CSOs). The latter being a safety mechanism which discharges untreated sewerage into the estuary when excessive storm water volumes overload the system, in order to avoid surcharging of domestic properties, with raw sewerage discharged into the estuary.

The ‘Loughor Estuary – Water Quality & Nutrient Assessment’ (Final), Report No. RN2020, Revision 2 (1 May 2009), prepared by Metoc PLC, commonly known as the Metoc Report provides a qualitative assessment of water quality in the Loughor Estuary by analysing monitoring data from 1990 to 2008, thereby defining the past and current trends in terms of chemical determinants and water quality generally. A key consideration is that the sewage system in the majority of the Llanelli catchment carries both foul and surface water. During storm conditions the surface water runoff enters the system and combines with foul water. In order to prevent flooding to properties in severe storm conditions, excess storm sewage is discharged via combined sewer overflows (CSO’s) to watercourses or the Estuary. The matter is therefore one of capacity within the conveying system to accommodate additional surface water flows.

The analysis undertaken as part of the Metoc study indicates that the load level of all chemical determinants from domestic sewerage to the Estuary have reduced significantly over the past ten years or so in response to sewerage improvements under successive AMP periods and the rationalisation of treatment facilities. Nitrate and phosphate loads have decreased to 54% and 64% of previous levels respectively and biological oxygen demand (BOD) to 60%.

Further breakdown of the contribution of loading from primary sources show that the nitrate load contributed by all the WwTW discharges more than halved over the monitoring period between 1990 and 2008 from 52% to 25%. The phosphate load contribution reduction was significantly less, a 9% reduction from 73% to 64%. This indicates that phosphate levels remain relatively high, compared to improvements in nitrates and BOD. Moreover, the study indicates that WwTW are the highest contributors of phosphates to the total load in the Estuary which suggests that in order to improve the quality of water in the Estuary, further phosphate removal would be required at the WwTWs.

The accurate baseline provided by the Metoc Report has provided the basis for required mitigation. Welsh Water's AMP 4 programme at Northumberland pumping station was substantially completed in March 2010 and involved the conversion of former primary settlement tanks to provide additional storage for combined overflows during storm conditions. The programme also included the provision of Ultra Violet treatment facilities at the plant to treat the bacterial load in the overflow waters. The Ultra Violet treatment effectively reduces the bacterial load in the discharges such that the impact on the controlled waters of the Estuary would be reduced to levels compliant with the Shellfish Waters Directive. Similarly, as part of the programme Ultra Violet disinfection is also being provided on the overflow at Llanelli WwTW.

In the context of the Llanelli WwTW catchment area, DCWW previously confirmed that the AMP 4 works were designed to accommodate a level of development that is broadly equivalent to that previously committed and designated in the Authority's UDP, based upon current discharge rates and with no additional surface water being allowed to enter the system. This should be further qualified in terms of the permitted level of CSOs, which although intermittent in nature, would remain within consented levels, even with the proposed and identified developments in the previous UDP. The effects of CSOs mean that additional nutrients are released into the estuary under storm conditions, which given the less than favourable condition of the CBEEMS, has meant the receiving waters are under review as a candidate Polluted Water (Eutrophic) under the Nitrates Directive. As a result, any increase in nutrient levels, however small, would not be acceptable without mitigation.

The application site was originally allocated for development within the previous UDP, and similarly in the LDP prior to its late omission from the LDP on flooding grounds. The Planning Inspector's report on the LDP noted that the current rolling 5 year Asset Management Plan (AMP) 5 runs from April 2010 to March 2015. There are planned improvements and upgrades to infrastructure in Carmarthenshire that would be delivered within this AMP 5 period. The Inspector noted that funding for the AMP 6 programme is not anticipated to be confirmed until December 2014. However, where necessary, a phased release of sites could be delivered post 2015 or appropriate developer contributions could be sought to facilitate bringing forward any necessary improvements to accommodate development[84]. DCWW confirmed during the examination that the existing and planned infrastructure would have sufficient capacity to service the level of growth anticipated to 2021.

One practical and direct means of mitigation is the segregation of foul and surface water at source, which would prove most beneficial on brownfield sites where there may be historic foul and surface water flows discharged into the combined system. This would see a reduction in surface water entering the combined system, and thereby reduce the premature discharge of storm sewage. The on-site separation of surface and foul flows and the progressive removal of surface water from the combined system would release capacity to accommodate more raw sewerage, while the AMP 4 programme has provided additional

storage at Northumberland pumping station, reducing the volume of spillages thereby ensuring more sewerage is processed through the biological treatment process and anoxic zone treatment. This should result in an increase in the removal of nitrates through the anoxic zone process at the WwTW and consequently decrease the loading of nitrates discharged into the Estuary. The additional storage provided at Northumberland PS will not eliminate CSOs, but should mark a reduction in their frequency and duration. The aforementioned UV treatment of CSOs will also assist in treating the bacterial content of untreated effluent.

The data in the Metoc study suggests that the proposed levels of development indicated in the previous UDP would lead to an increase of approximately 2,840 domestic population equivalence or 4% of the design population equivalence of the receiving WwTW. This equates to an increase in sewer flow of 0.8% of present flow to the WwTW which the system presently has capacity to process. It should be stressed, however, that the Metoc study is based on the modelling of previously recorded data and does not therefore take account of the significant benefits provided by the recent AMP 4 works at Northumberland pumping station and Llanelli WwTW, which DCWW have estimated would accommodate the requirements of a population equivalence of 4000 people. The Metoc report also could not consider and envisage the improvements and upgrading works committed through AMP 5 (2010-2015), AMP6 (2015-2020) and other schemes undertaking by DCWW to reduce CSO spills e.g. Rainscape, Llanelli.

Further on the issue of surface water removal, the Memorandum of Understanding (MoU) entered into between Carmarthenshire County Council, City and County of Swansea, Dwr Cymru/Welsh Water and the former Environment Agency and Countryside Council for Wales (now Natural Resources Wales) 2011 is relevant. This document sets out the partnership approach to improve and safeguard the environmental quality of the CBEEMS when taking decisions on development and regeneration schemes. The MOU includes, inter alia, a commitment on the part of the Local Planning Authority to manage a Register which records the increased foul sewage discharges (emanating from new developments) and also the amount of surface water to be removed from the combined sewerage network as part of development proposals. The commitment by developers to remove surface water from the combined system as part of development proposals thereby achieving betterment in the system is defined in the MOU and this in turn achieves benefits the in terms of hydraulic loading and a reduction in the frequency of existing discharge events into the estuary.

In recognition of the need to mitigate any increase in nutrient loading, however small, the removal of nutrients, and principally phosphate removal has been seen as a priority. The installation of an additional phosphate removal process at the WwTW at Llannant treatment works (which discharges into the estuary) in 2010 was seen as one action to serve this process and the incremental dosing of the phosphate ensures that any developments subsequently permitted would not increase the phosphates discharged.
Since the most recent Memorandum of Understanding was signed in September 2011, two significant developments have taken place:-

Burry Inlet Cockle Mortalities Investigation report 2009 - 2011: a technical report to Environment Agency Wales published in January 2012. This three-year investigation into the cockle deaths that damaged the fishery in the Burry Inlet has concluded that pollution is not to blame. The study, led by experts from Hull University, ruled out the vast majority of possible causes of the mortalities. The report concluded that a combination of parasites, over-crowding and conditioning of the cockles after spawning is likely to have contributed to the mortalities. The report stated that ‘the overall conclusion from the water quality analysis

must be that it is most unlikely that the general water quality of the Burry Inlet is contributing in any meaningful way to the decline of the cockle fishery' (p.34).

David Tyldesley and Associates have undertaken a Habitat Regulation Assessment of the effects of wastewater associated with new development in the catchment of the Carmarthen Bay and Estuaries European Marine Site for the City and County of Swansea (*Habitats Regulation Assessment of the Effects of Wastewater associated with new Developments in the Catchment of the Carmarthen Bay and Estuaries European Marine Site*, April 2012).

The assessment concluded that developments which could be accommodated within the current licence arrangements/capacity of the WwTWs (as consented by the former EAW and reviewed under their RoC process) will not be likely to have a significant effect either alone or in combination on the CBEEMS. These cover the Gowerton, Llanelli and Llannant sewerage catchments.

It also concludes that within the context of the requirements of Regulation 61 of the Habitats Regulations, and based upon current understanding of the potential links between water quality and cockle mortality, there was no requirement for precautionary interim nutrient stripping at Llannant for developments that can be accommodated within current NRW discharge consents within the CBEEMS.

In addition, while the separation of surface water may be beneficial in terms of improving water quality within the system as whole, the Assessment finds that it was not deemed to be necessary in terms of meeting the requirements of the Regulation 61 assessment.

Given that the impacts associated with the relevant WwTW have already been assessed by the former EAW as the relevant Competent Authority in respect of discharge consents within the catchment of the CBEEMS, it can be concluded that the same principles apply within Carmarthenshire for the current proposal as the EAW review of consents process covers catchments within Carmarthenshire, the WwTWs covering the Burry Inlet discharge area (Gower, Llanelli and Llannant sewerage catchment area) which serves this development. NRW has confirmed that the most recent RoC was undertaken in early 2010 when all the Burry Port harbour sites were allocated for development in the former UDP.

However, despite the findings of the above assessment, the precautionary approach adopted by the Authority whereby development schemes are required to provide compensatory measures to the sewer system, combined with the ongoing nutrient stripping at the Llanant Plant, will serve to continue the trend of progressive improvements in the water quality of the Loughor Estuary. Nutrient removal measures are not within the control of developers and therefore must be provided by DCWW on the advice of NRW, both of which have raised no objection to this application. The issue of drainage betterment is addressed in further detail on the foul and surface water drainage section of this report.

Also in relation to water quality, it is worth noting the comments made by the Planning Inspector and subsequently Welsh Ministers who considered and determined the previous Grillo call-in. Having considered the matters of remediating contamination of the site and on sewerage and surface water discharges they concluded that they were satisfied that the proposal, alone and/or in combination with other developments, would not have a significant effect on the integrity of the CBEEMS or an adverse impact on the wider environment.

The Planning Inspector's report for the LDP draws reference to the successive AMP programmes, agreed Memorandum of Understanding and removal of surface water schemes before referring to the Habitat Risk Assessment (HRA). The HRA considered the potential effects of the Plan on the European site network and found there to be no likely significant effects on the CBEEMS alone or in-combination with other known plans or projects. The Inspector stated that the plan makes provision for appropriate considerations and measures to address water quality issues. In addition, there are a number of multi-agency commitments via the partners and signatories to the MOU to ensure that water quality issues are addressed. These include improvements in the Waste Water Treatment Works capacity, treatment levels and discharge quality through programmes in the River Basin Management Plan (under the requirements of the WFD) and through funding allocations and priorities secured through the AMP process.

The Inspector went on to note that development could be brought forward and through the provisions of the Plan, could contribute incrementally towards betterment in terms of reducing the amount of surface water entering the combined system. Improved infrastructure could also be delivered through the DCWW AMP and via appropriate developer contributions where necessary. Furthermore, multi-agency initiatives and infrastructure improvements within the area would enable the level of development planned to proceed.

In summary, it has been demonstrated that Dwr Cymru/Welsh Water's AMP programmes and the provision of additional phosphate removal have resulted in progressive improvements in water quality in the Estuary and mitigate the potential impacts associated with developments identified in the previous UDP, whilst subsequent AMP programmes will continue this trend to ensure deliverability of LDP. In addition, the progressive removal of surface water from the combined system will result in betterment in terms of the capacity of the sewerage system and discharges into the Estuary.

Foul and Surface Water Drainage

The application was originally accompanied by a detailed foul and surface water drainage strategy which explains existing site drainage conditions and proposed means of foul and surface water drainage methods. A subsequent Drainage Strategy Supplementary Report has also been received which provides information relating to the removal of surface water from the combined drainage system at a donor site in Burry Port, and this report should be read in conjunction with the original drainage report.

The supporting Drainage Reports submitted make reference to a Hydraulic Modelling Assessment (HMA) undertaken by DCWW, the outcome of which has informed the relevant drainage strategy. In order to investigate the hydraulic capacity of the existing sewerage system CCC commissioned DCWW (in early 2012) to undertake a HMA of the existing foul, surface water and combined sewers in the Burry Port Harbour area.

Extensive physical surveys and monitoring were undertaken to inform the Hydraulic Model. The model was verified and this was followed by an assessment of the development proposals in the Burry Port harbour area. The additional foul flows for all developments proposed in the Burry Port harbour area will either gravitate or be pumped to eventually outfall into the existing Burry Port Pumping Station. The HMA considered all sites in a holistic manner.

The HMA modelling of the existing sewerage infrastructure indicated that during high rainfall events high surcharge levels tend to prevail in the combined sewer under Ashburnham Road. This sewer, which extends along Glanmor Terrace, acts as an on-line storage facility. In this case, non-return valves are incorporated on connections to the sewer so as to avoid surcharging and flooding in the Glanmor Terrace, Silver Terrace and Morlan Terrace areas.

The HMA Conclusions are summarised as follows: -

- The existing network in the Burry Port catchment is generally in good condition but lacks the capacity to convey storm flows during wet conditions. This leads to surcharge and flooding during rainfall events.

- The effect of adding an additional development to the system which is already hydraulically overloaded will be to further increase the volume and occurrence of flooding. To enable the proposed development to proceed, it will be necessary to undertake additional works to reduce the flood volumes back to those which are currently predicted to occur and hence avoid detriment to the existing performance of the sewerage system.

- Any additional works will need to be in line with the Memorandum of Understanding for Burry Inlet. This Document includes details on development in both Llanelli and Gowerton catchments and under what circumstances new development will be allowed to connect. Appendix 1 of the Memorandum states that foul flows generated by a development will only be allowed to connect to the sewerage system once existing flows (surface water or foul) have been removed from the system to allow capacity or other works undertaken to improve the infrastructure.

The HMA Recommendations are summarised as follows: -

- The HMA considered that the sewers in Burry Port Harbour area were generally in good condition and that no rehabilitation measures were necessary as part of the development.

- The option involving upsizing of pipes and upgrading the existing SPS, CSO's and pumped overflows was discounted in terms of cost and impact of spills which would impact on the water quality in the Estuary. The option would have resulted in increased pumped flows to Pwll PS and beyond and further upgrades may have been identified during the detail design process.

- As an alternative to upgrading drainage apparatus the HMA considered the provision of on line storage facilities. In this case, the pumping rate to Pwll PS would remain the same but the daily pumped flows would increase. The HMA considered the implications of the introduction of on line storage on the duration of peak flows and spills. The HMA concluded that spill durations would increase and there could be an adverse impact on the protected waters of the Estuary. As such this option was not considered further.

- The preferred recommendation related to the removal of surface water from the combined system in Burry Port Harbour area. This option would be in line with the MoU. The removal of the surface water would create capacity to accommodate the increased foul flows from the proposed developments in the Harbour Area.

- As part of the site investigations for the HMA a sewer connectivity survey was undertaken on Glanmor Terrace, Silver Terrace, Morlan Terrace, Burrows Terrace and Woodbrook Terrace. The survey identified that the highway is either drained by a separate surface water system which connects into the combined sewer of that the highway gullies connect directly into the combined sewer. Also many of the houses have downpipes discharging to ground at the fronts of the houses. These downpipe discharges flow overland and are picked up by gullies. The HMA suggest a number of ways in which the surface water from highways and downpipes could be separated from the combined system. This would be subject to detailed design.

- The surface water removed from the combined system would need to be discharged via an existing or proposed surface water sewer, or stream source, which would ultimately discharge to the Estuary. The proposed surface water sewerage to be constructed as part of the proposed development works could be designed to convey the removed surface water.

In terms of the existing drainage conditions, the Drainage Strategy states that the Burry Port harbour area generally is served by both foul and combined systems gravitating in an easterly direction prior to out falling in a DCWW pumping station situated to the east of Burry Port industrial estate, south of the railway line. The foul is subsequently transferred from this point to Llanelli WwTW at Penclacwydd after passing through two lift stations (Pwll and Northumberland).

There report suggests that some existing surface water drainage networks may have once existed in the general area. Several surface water outfalls pass through the revetments and harbour/dock walls, although it was not possible at this stage to determine their origins or confirm the catchments that they drain. The B4311 SDR is positively drained whilst the MCP contains a large pond feature, although it was not possible at this stage to confirm how this is fed or balances.

Due to fluctuations in groundwater levels and risk of contaminants, disposal as surface water via infiltration as a general drainage solution across the whole sites is thought to be inappropriate, although this can be reviewed on a site by site basis.

Specifically in relation to Site 5 & 6 a site investigation report has revealed that ground water contamination is present throughout the site, therefore it is intended that the site will be remediated before construction of the proposed work takes place.

The site does not currently have any formalised surface water drainage system and therefore surface water runoff currently drains naturally overland into low lying areas of the site where it ponds. Site investigation reports in the area indicate that the immediate surface soils comprise of made ground consisting of silty sandy gravel with fragments of clayey silty sand, thereby indicating low permeability. It is therefore unlikely that surface water runoff will permeate into the subsoil to any extent.

Historically the surface water from the working sites discharged directly into the estuary via a number of outfalls which are now redundant but of which evidence is still present on the shore line. It is clear that the site does not currently contribute to the flow in any part of the combined sewerage system, which currently serves the south Llanelli area.

The Site is a reclaimed historic Brownfield site and it is clear that there is no existing foul water drainage system serving the Site.

Having regard to the above, it is clear that there are no existing foul flows from the development site which discharge to the existing combined sewerage system serving the south Llanelli area.

In terms of proposed surface water disposal, the nature of the ground beneath the existing site does not allow the use of soakaways in the development proposals owing to a varying water table due to the proximity of the site to a tidal water body. It is also likely that the imported granular fill used to raise site levels for the development plateau would preclude the use of soakaways due to the highly contaminated nature of the ground below and the possibility of opening up pathways for contaminated groundwater.

In the event that soakaways are unlikely to be a viable option, the next most desired method of surface water disposal as required by TAN15 is by means of an agreed discharge to the nearest water body. The nearest water body to the site is the Burry Inlet which is adjacent to the southern boundary.

The preferred option for the surface water emanating from the development sites would be via a gravity piped system which could serve the future development of the former Grillo Site and sites 5, 6, 7 and (potentially) Site 8. The proposed surface water outfall is located adjacent to (and to the east of) a slipway into the Burry Estuary. Surface water will be discharged to the Estuary at an un-attenuated rate of flow. Given that the sites are located on the coastal fringe of the Burry Inlet and have no further downstream catchments between the site and the point of discharge into the Estuary, the drainage proposals will not present a flood risk to any third parties and there are no capacity issues for the receiving body of water given its extent.

The surface water from the new highway will pass through trapped gulleys before entering into the pipe system to ensure that water quality is maintained. Surface water from the individual sites will be dealt with as required and will be agreed as part of the detailed planning process for each parcel of land.

In terms of proposed foul water discharge, the proposed development site and the other development sites in the Burry Port harbour area are located in the Northumberland Sub-Catchment of the Llanelli WwTW drainage catchment.

The existing Burry Port Pumping Station conveys the combined sewage to Pwll Pumping Station and from there to Northumberland Pumping Station. Finally the Northumberland Pumping Station conveys the sewage to Llanelli WwTW at Penclacwydd.

It is proposed that a new foul Pumping Station be constructed to the south east of the proposed Grillo Site. This Station would have the potential to accommodate operational and emergency storage of foul flows.

It is proposed that the foul water flows emanating from the identified development sites (including the Grillo Site) will connect via a new gravity system to outfall into the new Sewerage Pumping Station (SPS). The gravity sewer to the pumping station has been sized to accommodate the peak foul flows from the proposed development of the Grillo Site and Sites 5, 6, and 7.

A rising main from the new pumping station will convey the foul flows northwards via the new access road before reaching the junction with the B4311 distributor road. The rising main then crosses the B4311 turning east parallel to the Distributor Road to the point of the boundary between Sites 7 & 8. From this point there are two possible connection points to the existing foul gravity sewer.

Option 1 proposes a rising main which would continue in an easterly direction in the highway verge to the extent of Site 8. From this point the rising main continues north in highway land on the access road east of Woodbrook Terrace. A short section of gravity sewer will then convey the foul flow to the existing 375mm foul gravity sewer in Woodbrook Terrace.

Option 2 sees the rising main alternatively being routed in a northerly direction at the boundary between Sites 7 and 8 and would connect to the 225mm diameter gravity foul sewer located at the eastern end of Burrows Terrace.

Both options utilised the same foul gravity sewer outfall network and it was decided that the adequacy for the point of connection would be determined through the HMA undertaken by DCWW.

In order to design the capacity of the new Pumping Station wet well, and prior to the completion of the HMA by DCWW, a worst case operational scenario was applied to assess storage requirements. A minimum pumping rate of 7 l/s to achieve self-cleansing of the rising main was assumed. Due to sensitivities in the Burry Inlet as described in the Water Quality section no provision has been made for an emergency overflow therefore the pumping station has been designed to accommodate capacity for operational and emergency storage.

The addition of the development in the Burry Port Harbour area will clearly increase foul flows. It is not appropriate to increase the pumping rate from the existing public SPS to remove additional flows from the Harbour area because all that would happen would be that the pumping capacity problem would pass downstream to Pwll PS, Northumberland PS and finally to Llanelli WwTW. The existing network would not be able to cope with additional flows in this way.

Additional foul flows will need to be dealt with locally either by providing storage for the additional foul flow or alternatively by creating additional capacity in the combined system (by removal of surface water to facilitate the additional flows).

The infrastructure required to facilitate the proposed means of foul and surface water disposal is subject to a separate full planning application for enabling works (S/30601).

The proposed means of foul water disposal to the mains is the most preferable and sustainable method, whilst the strategy outlined above also ensures that no surface water from the development enters the combined sewer network.

Having established the general principles of the Drainage Strategy it has also been necessary to confirm compliance with the requirements of the Memorandum of Understanding in respect of water quality generally, and as a result a Supplementary Report has been submitted to address this issue.

The MoU requires an appropriate flow of surface water to be removed from the combined systems sufficient to generally accommodate two times the additional net foul flow discharging to the combined system from this proposed development and others currently proposed in the Burry Port harbour area. This will ensure that not only would there be no increase in hydraulic loading on the combined system but there would also be betterment in terms of surface water removal from the existing combined system. Given that the development sites are effectively Brownfield and there are generally no combined sewers serving the existing sites (except in the case of Site 8, school development), there is currently no surface water from the sites discharging to the existing combined systems in the area (except in the case of Site 8).

The only opportunity of removing any surface water currently entering the combined systems from the defined development sites would be in the case of Site 8. The removal of surface water discharging to the combined sewer from Site 8 would in isolation be insufficient to accommodate the requirements of the MoU for the wider development proposed in the harbour area. In this case, the surface water to be removed to offset the increase in foul sewage from the whole of the defined development sites would need to take place elsewhere in the wider Llanelli WwTW drainage catchment (as provided for in the MoU). Ideally the removal should be accommodated in the immediate catchment associated with the existing Burry Port Harbour Pumping Station. This would relieve the future pressure on the pumping system from Burry Port through to Pwll and Northumberland.

However, it should be made clear that in terms of Site 8, the ability to remove surface water currently discharging to the existing combined system, will be sufficient to accommodate the precise requirements of the MoU for Site 8 in isolation. As such the removal of surface water coupled with the precise surface water drainage strategy proposed renders the scheme not reliant on the progression of the Donor Site to achieve development in accordance with the MoU.

Since the drafting of the initial MoU, CCC and DCWW have set up an on-going programme to identify locations in the wider Llanelli drainage catchment where surface water can be removed from the combined systems and a number of opportunities have been converted to provide headroom to facilitate a degree of development. The location where surface water removal can take place is termed a Donor Site.

When the original Drainage Strategy was submitted two options were proposed to achieve the necessary betterment, the first was a localised solution in Burry Port, and the second an opportunity at Llanelli leisure centre. In light of the results of the Hydraulic Modelling Assessment undertaken by DCWW and the fact that the localised solution was sequentially preferable in accordance with the MOU, the LPA asked the applicant to pursue the localised solution.

The localised solution referred to is identified in the urban area between Glanmor Terrace and Burrows Terrace where highway drainage and some roof drainage discharges to the combined system.

As part of the site investigations for the HMA a sewer connectivity survey was undertaken in the area of Glanmor Terrace, Silver Terrace, Morlan Terrace, Burrows Terrace and Woodbrook Terrace. The survey identified that the highway is either drained by a separate surface water system which connects into the combined sewer or that the highway gullies connect directly into the combined sewer. Also many of the houses have downpipes discharging to ground at the fronts of the houses. These downpipe discharges flow overland

and are picked up by gullies. The HMA suggested a number of ways in which the surface water from highways and downpipes could be separated from the combined system. This would be subject to detailed design.

The surface water removed from the combined system would need to be discharged via an existing or proposed surface water sewer, or watercourse, which would ultimately discharge to the Estuary. The proposed surface water sewer to be constructed as part of the proposed Enabling Infrastructure Works can be designed to convey the removed surface water.

Therefore recently an assessment was undertaking to maximise the potential of the Donor Site and if possible establish that the Site could accommodate all the harbour development sites (including the Grillo Site).

The Connectivity Survey undertaken by DCWW as part of the HMA provided a good indication of where surface water could be removed from the combined system. In essence the principal carrier sewers in the urban area in the general vicinity of Glanmor Terrace, Silver Terrace, Morlan Terrace, Burrows Terrace and Woodbrook Terrace are combined sewers. These principal sewers however collect flows from combined sub-systems and from separate foul and surface water sewers. The greatest potential for removing surface water from the combined sewers presents itself in the redirection of surface water flows in existing dedicated SW sewers to discharge along new dedicated SW sewers, which would eventually link with the proposed outfall surface water sewer which discharges to the Estuary.

Consideration of the topographical levels in the area of the Donor Site indicates that ground levels tend to crown at the mid east/west section of the site. In other words surface flows would flow to the west for the western half of the Donor Site. The eastern portion of the urban area falls to the east and generally away from the proposed route of the proposed outfall surface water sewer. Clearly the level profile of the ground will be reflected in the gradient of pipes under the ground surface.

Taking into account the ground level constraints it was established that the greatest potential for surface water removal was in the Silver Terrace area. Run-off from highways is currently collected by road gullies and gravity SW pipework. The SW flows gravitate to the south to discharge into the combined DCWW sewer near the junction of Silver Terrance and Burrows Terrace. Also run-off from the roofs of terraced houses on approximately 50% of the length of the western side of Silver Terrace also discharges into the SW sewers which outfall into the combined DCWW system.

Given that the Donor Site needs to connect into a downstream system there is clearly a significant advantage if the new replacement (or part replacement) conduits are set as high as possible. In this case, Combined Kerb/Drainage Systems have been incorporated in the assessment. These systems could be applied on each side of Silver Terrace as appropriate. The outfalls from the Combined Kerb/Drainage Systems combined at the southern end of Silver Terrace before outfalling into a length of gravity pipework linking the Donor Site area with the proposed SW Outfall sewer.

As part of the assessment the Donor Site was maximised whilst maintaining a high level conduit. The catchment area of the Donor Site is indicated on a drawing attached to the Supplementary Report and it can be seen from this drawing that limited areas of Glanmor Terrace and Morlan Terrace with longitudinal gradients falling to the west have been included in the catchment area for the Donor Site. The combination of gradients, capacity of conduit and outfall levels limit the Donor Site to the area shown on the drawing.

The hydraulic capacity of the Donor Site has been established from the criteria defined in Appendix 1 of the MoU. In terms of capacity in relation to the overall development areas it has been established that the Donor Site has sufficient capacity to accommodate the Grillo Site and Sites 4, 5, 6 and 7. It is not possible to extract any more surface water from the Donor site because this would cause downstream flooding (along the disposal route). The inclusion of Site 4 is however beneficial in that the surface water removal for this site relieves the hydraulic load on the Ashburnham Road/Glanmor Terrace combined sewer. This would allow a new foul connection to be made from Site 4 to the Ashburnham Road/Glanmor Terrace combined sewer.

With regard to Sites 8, the levels of the ground and existing sewers are too low to abstract surface water from the combined system and to divert the abstracted flow by gravity to the outfall chamber at the southern end of Silver Terrace. A separate self-sufficient solution in respect of Sites 8 is discussed in this Report.

The total foul flows associated with sites 4, 5/6, 7 and Grillo is estimated at approximately **6.47 l/p/s**. The actual surface water removal from the donor site is anticipated to be some **14.17 l/p/s**. Given that no post development surface water runoff will enter the combined system as a result of development, the overall anticipated “betterment” is some **7.75 l/p/s** in volumetric terms which equates to a factor of **1.2** times.

The total foul flows associated with site 8 are estimated at approximately **2.05 l/p/s**. The actual surface water removal from the site is anticipated to be some **15.02 l/p/s**. Given that no post development surface water runoff will enter the combined system as a result of development, the overall anticipated “betterment” is some **12.97 l/p/s** in volumetric terms which equates to a factor of **6.3** times.

However, when a holistic approach is adopted in terms of both the donor site and Site 8 the actual surface water removal is anticipated to be some **29.19 l/p/s** and that no post development surface water run-off will enter the existing combined system. The approximate foul flows associated with Sites 4, 5/6, 7, 8 and the Grillo site as a result of development is **8.52 l/p/s**, the overall anticipated “Betterment” is some **20.67 l/p/s** in volumetric terms which equates to a factor of **2.45** times.

In order to derive a holistic solution for the drainage, the catchment of the Donor Site has been added to the hydraulic model of the proposed SW Outfall sewer, which runs via the Distributor Road to a new Outfall Structure into the Estuary. In effect, the hydraulic drainage model has been extended to include the Donor Site.

Prior to the addition of the Donor Site into the drainage model the gradient of the SW Outfall sewer had been set at a constant minimum practical gradient of 1 in 500. The invert level at the Outfall Structure was set at 4.3mAOD. In order to facilitate a regular soffit to soffit connection the previously proposed outfall sewer has had to be lowered by 400mm. This makes the invert level of the SW Outfall pipe at the Outfall Structure 3.9mAOD, which, at the equivalent level of Mean High Water Springs, is the recommended normal minimum level for the Estuary Outfall. The report states that this has been agreed with DCWW.

The revised hydraulic calculations are included within the report and it is clear that with the changes in levels, the SW flow calculations will now be superseded on account of the inclusion of the Donor Site.

In summary, the supplementary report has provided a review of the previous Drainage Strategy Reports and has provided supplementary information regarding the selection of a Donor Site to remove surface water from the combined system in the Burry Port Harbour area. The principal Donor site will facilitate development in respect of the Grillo Site and Sites 4, 5, 6 and 7. An on-site solution (acting independently from the principal Donor site) has been established to serve Sites 8.

The report has explained the rationale in terms of the selection of the SW Removal Donor Site and has provided substantial detailed calculations/modelling to demonstrate that an extension of the Enabling Infrastructure Works drainage system is achievable. In order for the Donor Site to be drained it will be necessary to lower the level of the previously proposed Surface Water Outfall Sewer.

The proposed means of foul and surface water drainage associated with this development is considered acceptable, whilst the donor site proposal ensures compliance with the MOU and addresses the issues raised in the HMA undertaken by DCWW.

In this respect it is worth noting that DCWW, NRW and the Authority's Land Drainage Division have raised no objections in relation to drainage subject to the imposition of conditions on any planning permission granted.

DCWW has stated that it has assessed the submitted drainage strategy. It is considered to be rational and capable of delivering adequate foul and surface water drainage without detriment to the public sewerage system. The precise details of that system, its connection points, rates of attenuation and associated surface water removal schemes will need to be agreed as part of the reserved matters submission. DCWW consider it likely that further conditions will need to be imposed in respect of such details when the reserved matters are considered.

DCWW also confirm that no problems are envisaged with the Waste Water Treatment Works for the treatment of domestic discharges from this site.

Ecology

The application was accompanied by a number of reports that relate to this issue including the original ecological report and protected species report, and subsequently an ecological mitigation strategy and habitat regulations screening report. These reports have been assessed in detail by both the Authority's own Planning Ecologist and Natural Resources Wales and therefore their consultation responses are key in this respect and are referred to in this section.

The Ecological Mitigation Strategy provides a useful summary of the survey results for all the Burry Port harbour sites under consideration before providing a general overview in terms of the broad strategy required in order to mitigate the impacts of the proposed developments.

The Ecological Mitigation Strategy provides the following summary of the results of the initial and subsequent surveys undertaken by Waterman Energy, Environment and Design LTD for all of the Burry Port harbour sites

Bats

The Coast Guard Station, situated in Site 5, was considered to have low potential to support roosting bats, given the potential roosting features recorded during the external building inspection. All other buildings on site were considered to be of negligible value to bats. This building will need to be demolished to allow for the proposed residential development within Site 5, therefore a bat dawn re-entry survey of this building was undertaken to reasonably determine the presence/likely absence of roosting bats.

The Coast Guard Station was subject to an internal building inspection and a single dawn re-entry bat survey in June 2014. Based on the survey findings to date, the Coast Guard Station is considered to support a common Pipistrelle roost for small numbers of common bat species only.

The common Pipistrelle is considered one of the most common and widespread bat species in the UK (Wray et al, 2007), but which is a SoPI listed on S42 of the NERC Act and a priority species listed on the LBAP. Given the distribution and abundance of this species and the type of roost recorded, based on Natural England guidance (Mitchell-Jones, 2004) the roosts are considered to be of low conservation significance.

It is noted that all British bat species are European Protected Species by virtue of their listing under Annex IV of EC Directive 92/43/EEC ('The Habitats Directive'). This Directive has been transposed into British Law under the Conservation of Habitats and Species Regulations 2010.

Regulation 9(5) of the 2010 Regulations requires all local planning authorities, in the exercise of all their functions, to have regard to the provisions of the Habitats Directive so far as they might be affected by those functions.

Under Regulation 41 of the 2010 Regulations it is an offence to:

(1) deliberately capture, injure or kill any wild animal of a European protected species;

(2) deliberately disturb animals of any such species. Disturbance of animals includes in particular any disturbance which is likely—

  (a) to impair their ability—

    (i) to survive, to breed or reproduce, or to rear or nurture their young; or

    (ii) in the case of animals of a hibernating or migratory species, to hibernate or migrate; or

  (b) to affect significantly the local distribution or abundance of the species to which they belong

(3) deliberately take or destroy the eggs of such an animal; or (4) damage or destroy a breeding site or resting place of such an animal (including sites that are currently unoccupied).

It is acknowledged that all British bats are also protected under Schedule 5 of the Wildlife and Countryside Act (1981) (as amended). This legislation makes it an offence to intentionally to kill, injure, take from the wild, possess or trade in any species of British Bat, as well as intentionally or recklessly damage, destroy or obstruct access to any structure or place which bats use for shelter or protection. It is also an offence to disturb a bat/bats whilst they are using such a place. The possibility of encountering bats unexpectedly during works should be noted.

As the bat survey revealed the presence of a bat, any work will require derogation in the form of a licence from NRW, which the developer has to apply for. Before such a licence can be granted, the following tests (specified in Article 16 of the EU Habitats Directive and in regulation 53 (9) of the 2010 Regulations) must be satisfied:

(i) there is "no satisfactory alternative" to the derogation;

(ii) the derogation is "not detrimental to the maintenance of the populations of the species concerned at a favourable conservation status in their natural range";

(iii) the derogation is "in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment".

Planning Policy Wales states that to avoid developments with planning permission subsequently not being granted a licence in relation to a European Protected Species (EPS), planning authorities must take the three requirements for derogation into account when considering development proposals where an EPS is present.

In terms of the first test, it is considered that there is no satisfactory alternative to the derogation. The demolition of the existing Coastguard Station is necessary to ensure that the site is developed in the most efficient and comprehensive manner possible.

In relation to the second test, NRW in their consultation response have confirmed that they consider that there should not be a detriment to the maintenance of the favourable conservation status of the bat species present. NRW recommend the imposition of conditions on any planning permission granted requiring a method statement and a suitable roosting resource.

Finally in relation to the third test, it is considered that the derogation is in the public interest. The application site consists of a former industrial site and therefore its redevelopment in the manner proposed, and especially when considered with other proposed developments in Burry Port harbour, will result in significant environmental, social and economic benefits as referred to in other parts of this report. The proposed development will result in the sustainable re-use of previously developed land, and will form an integral part of the regeneration of the Burry Port harbour area.

Reptiles

During the reptile survey both common lizard and slow worm were recorded. The populations on the various sites ranged in terms size but was in general regarded as being low.

All common British reptiles, including common lizard and slow-worm are protected under Schedule 5 of the Wildlife and Countryside Act 1981 (as amended) making it an offence to kill or injure these species. Common lizard and slow-worm are SoPI under S42 of the NERC Act and are also listed on the LBAP. To avoid infringement of the legislation, contravention of the planning policies and harm to any reptiles found to be present on Site (in the former Grillo and Sites 5, 6, 7 and 8), prior to development it will be necessary to agree a mitigation strategy with the Local Planning Authority and NRW. This strategy will involve moving reptiles from the development area to a suitable receptor site, followed by monitoring and management of the receptor area to ensure the reptile population persists.

Breeding and Wintering Birds

Habitats on Site such as trees, scrub and rough grassland offer potential to support common and notable nesting birds during the breeding season and wintering birds. As such it was recommended that surveys for breeding birds were conducted in all areas of the Site (Sites 4, 5, 6, 7 & 8) in order to assess the value of the Site for both breeding and wintering birds.

Breeding bird surveys were carried out between 3rd June 2014 and 4th July 2014, which is within the optimal period for such surveys. Six survey visits were undertaken which is considered to be suitable to give an overall picture of the use of the Site by breeding birds.

The surveys were carried out following standard Common Bird Census methodology with all birds observed recorded on a map with their age, sex and behaviour recorded where possible. Surveys were carried out between 4:30am and 09:00am in suitable weather conditions.

A total of 36 species were recorded on the sites during the six breeding bird survey visits in 2014. During surveys of the ‘Grillo site’ undertaken between June and July 2014 a pair of ringed plover were seen showing signs of breeding behaviour. Ringed plover Charadrius hiaticula are an amber listed Bird of Conservation Concern (BoCC) and are listed as a Species of Principal Importance in Wales under Section 42 of the NERC Act.

Under the Section 1 of the Wildlife and Countryside Act 1981 (as amended) it is an offence to kill or injure any wild bird, take, damage or destroy the nest of any wild bird while that nest is in use or being built.

Flora & Habitats

No protected plant species were recorded on Site during the ‘Extended’ Phase 1 Habitat Survey of the Site in 2014, although a large amount of the locally significant kidney vetch, as well as other notable species such pale flax were recorded in the majority of areas of the Site (Sites 4, 6, 7 & 8).

Additionally, several records of plant species identified as notable were returned by the Botanical Society of the British Isles (BSBI) as part of the Ecological Assessment undertaken by Waterman CPM in 2007. These included; hoary cress Lepidium draba and sea campion Silene uniflora.

The combined habitats on Site are considered to be classified as ‘open mosaic habitats on previously developed land’ which is a Habitat of Principal Importance (HoPI) for Conservation of Biological Diversity in Wales under section 42 of the Natural Environment and Rural communities Act 2006 (NERC Act).

The Ecological Report goes on to outline the mitigation strategy required to ensure that the Burry Port harbour sites can move forward in terms of development without having a detrimental impact upon the above listed. The mitigation measures are as follows:-

Bats

The demolition of the Coastguard Station building would need to be carried out under a Natural Resources Wales (NRW) European Protected Species (EPS) licence and appropriate mitigation measures will be required to compensate for the loss of the roost within this building.

It is recommended that based on best practice guidelines further evening emergence and dawn re-entry surveys are undertaken to fully determine the use of this building by roosting bats and hence the ecological value of this building. This will allow the roost status to be fully classified and to inform the requirement for mitigation to compensate for the loss of the roost within this building.

Reptiles & Amphibians

The majority of sites were shown to accommodate reptile populations of varying degrees.

In terms of mitigation it has been concluded at this stage, an area within the adjacent Millennium Coastal Park (MCP) of approximately 3.3ha, located adjacent to the eastern boundary of Site 6, is considered to be a suitable receptor site for reptiles, with large areas of rough unmanaged grassland similar to habitat found on the Burry Port harbour sites. This area was surveyed for presence/likely absence of reptiles and the results indicate that a 'low' population of slow-worm and a 'good' population of common lizard exist within this area of the MCP.

Reptile populations within the MCP are able to disperse eastwards through suitable habitat within the wider MCP area, it is therefore considered that following suitable enhancement, this area will have an increased carrying capacity for reptiles and will be able to support translocated slow-worm and common lizard populations from the Site (former Grillo and Sites 5, 6, 7 & 8).

It is recommended that a detailed mitigation and enhancement strategy is produced as part of any planning condition. This should detail the proposed enhancements of the receptor site which will need to undertake prior to the translocation exercise and a suitable management and monitoring regime required post translocation. The land adjacent to the eastern boundary of site 6 is within CCC control as part of the MCP.

Breeding & Wintering Birds

It is noted that all breeding birds receive legal protection under the Wildlife and Countryside Act 1981 (as amended). Therefore, it is recommended that any vegetation clearance / building demolition works are undertaken outside the breeding bird season (March to August). However, if works cannot be undertaken outside the breeding bird season it is recommended that an ecologist inspects any trees to be felled, scrub and/or tall vegetation to be cleared and buildings to be demolished. An experienced ecologist should be deployed to carry out an inspection within 24 hours prior to the clearance. If an occupied nest is

detected, then a buffer zone should be created around the nest, and clearance of this area delayed until the young have fledged.

Ringed plover Charadrius hiaticula are an amber listed Bird of Conservation Concern (BoCC) and are listed as a Species of Principal Importance in Wales under Section 42 of the NERC Act. During surveys of the Grillo site undertaken between June and July 2014 a pair of ringed plover were seen showing signs of breeding behaviour and it is considered that habitats on the site are suitable for this species to nest. Ringed plover are an uncommon breeding bird in the southwest of Wales and so appropriate mitigation is recommended to reduce impacts of the development to this species.

Nesting gravel areas or islands within nearby water bodies (ponds, SuDS) would provide suitable nesting areas for the ringed plover currently using the site. The proposed construction works should be carried out outside of the breeding bird season (March to August inclusive). If works cannot be undertaken outside the breeding bird season, it is recommended an experienced ecologist is deployed to carry out an inspection no more than 24 hours prior to the commencement of works. If an occupied nest is detected, an appropriate buffer zone would be created around the nest, and clearance of this area delayed until the young have fledged.

Generally the Burry Port harbour sites are considered to offer limited potential for birds that are supported by the nearby designated sites (Burry Inlet and Loughor Estuary SSSI, Burry Inlet SPA and Ramsar site) due to habitats within the Site being unsuitable to support these wintering bird species which feed out on the mudflats and sandflats.

Flora & Habitats

Following a review of the submitted ecological reports and following detailed discussions with officers within the Authority it has been was highlighted that the proposed mitigation as set out in the original ecological reports was not feasible due to the contaminated nature of the sites.

Several options for mitigation for the loss of the ‘Open Mosaic Habitats on Previously Developed Land’ which is a Section 42 (NERC) habitats have been discussed. Large scale habitat creation was also discussed, however this would require the identification of a suitable site, and problems were discussed regarding the public perception of mitigation brownfield habitats in the MCP and also how many other sites would be unsuitable for creation purposes due to high fertility and unsuitable ground conditions.
As such an option which is currently being pursued is that of securing a large area of land at Morfa Berwick in Llanelli as a brownfield nature reserve and provision of management at the site. This land is owned by CCC and the applicant on the JV applications has confirmed acceptance of this in principle.

The above will entail the creation of a new nature reserve at the former Morfa Berwick site totally approximately 6 hectares in total area which is commensurate to the area of existing brownfield habitat to be lost on Sites 4,6, 7 and partially 8 as a result of the developments. In relation to Site 8 the development, will allow the retention and enhancement of existing habitat within the overall site with the exact area to be defined as part of any subsequent submission.

In relation to Invertebrates, it has been agreed that off-site brownfield mitigation will allow some benefit to invertebrates, however as this is likely to be offsite and not in close proximity to existing invertebrate populations a suitable onsite landscaping scheme must also be devised.

The mitigation strategy concludes by recommending that the above mentioned mitigation measures are secured by the LPA wither via condition or legal agreements.

In relation to the survey results and mitigation measures outlined above, the Authority's Planning Ecologist and NRW have raised no objection towards the proposed developments subject to the imposition of conditions and/or legal agreements. The Planning Ecologist has stated that the ecological mitigation strategy and ecological reports submitted in respect to the site and other applications in the wider area adequately addresses the required mitigation for the application in relation to habitat, reptiles, amphibians, invertebrates and breeding birds. NRW also welcome the mitigation measures outlined above.

Conservation of Habitats and Species Regulations 2010

The Habitat Regulations Screening Report for the Burry Port harbour sites under consideration has been prepared to provide information on the implications of the Burry Port harbour regeneration sites on the CBEEMS. There is a requirement to assess any potential impacts to these sites under the Conservation of Habitats and Species Regulations 2010. Regulation 61 requires Carmarthenshire County Council as the competent authority to undertake a test of likely significant effects of the proposal on the SAC.

The Authority's Planning Ecologist undertook a TLSE in respect of all the pending planning applications in Burry Port harbour and this was sent to NRW for consideration on the 30th March, 2015. The TLSE identifies and addresses the following potential hazards and impacts on the features of the CBEEMS and their conservation objectives:-

- Increased organic matter and nutrient input into the CBEEMS.

- Construction/operational phase impacts on water quality by pollution run-off and dust.

- Disturbance to adjacent water bodies that may be used by Otter (SAC Feature) or wading bird species (SPA Feature) by noise and vibration.

- Disturbance to nearby SAC Habitats and SPA bird features by increased recreational pressure generated by the development.

The TLSE makes reference to the mitigation measures outlined in such documents as the Habitat Regulations Screening Report, Noise and Ecological reports etc. submitted with the planning application before concluding that there will be no likely significant effects on the Carmarthen Bay & Estuaries SAC and Burry Inlet SPA & Ramsar features and their conservation objectives both alone or in combination.

In this respect it is worth noting that the Planning Inspector, and subsequently Welsh Ministers who determined the previous call in for Grillo concluded the same.

On the 7th April, 2015, NRW responded to consultation on the TLSE stating that they agree with the conclusion that the proposal is not likely to have a significant effect on Carmarthen Bay and Estuaries Special Area of Conservation (SAC), Burry Inlet Special Protection Area (SPA) and Burry Inlet Ramsar either alone or in combination.

EIA Screening

Members are advised that a screening exercise relating to the requirement of an Environmental Impact Assessment was undertaken within the first three weeks of receipt of the application. The proposed development falls within Schedule 2, Part 10b of the Town and Country Planning (Environment Impact Assessment) (England and Wales) Regulations 1999. The area of development exceeds 0.5 hectares which is the applicable threshold for urban development projects, and as such the indicative threshold and criteria as shown in Column 3, Part 10 (infrastructure Projects) of Schedule 2 is relevant. Following due consideration of the proposal, including the significant amount of supporting information submitted with the application, the development was not considered to have significant environmental effects in terms of its siting and size; it does not occupy a sensitive location and will not give rise to any complex adverse impact; and there are no important historical or environmental features associated with the site. On this basis it was not considered that the requirement of an EIA is applicable.

The Planning Inspector in his report on the previous Grillo call in inquiry stated in Paragraph 3 that "the possible need for EIA was considered afresh by Welsh Government after deciding to call the application in. It was concluded that the development would be unlikely to have significant environmental effects and that EIA was not required".

As aforementioned in the preceding section of this report, the LPA as the competent authority has undertaken a TLSE in relation to this and other pending applications in the Burry Port harbour area and concluded that there will be no likely significant effects on the Carmarthen Bay & Estuaries SAC and Burry Inlet SPA & Ramsar features and their conservation objectives both alone or in combination. NRW has agreed with this conclusion.

Community Benefits

As aforementioned Policy GP3 of the LDP states that the Council, where necessary seek developers to enter into Planning Obligations (Section 106 Agreements), or to contribute via the Community Infrastructure Levy to secure contributions to fund improvements to infrastructure, community facilities and other services to meet requirements arising from new development. Policy AH1 and REC2 are also relevant in this respect.

The LPA has also produced Supplementary Planning Guidance on planning obligations, with specific reference made to affordable housing, education, and leisure, recreation and open space.

With regards to this application the applicant has agreed to the following community benefit contributions:-

- 20% on site affordable housing;
- Leisure, recreation and open space contribution of £10,000 administration/maintenance fee plus £2,463 per plot;
- Education contribution of £110,624 based upon 134 residential units.

In addition to the above community benefit contributions off site highway works required to facilitate the wider regeneration of the Burry Port harbour area will be secured via the imposition of an appropriately worded Grampian condition.

CONCLUSION

Section 38(6) of the Planning and Compensation Act 2004 says that determinations must have regard to the development plan unless material considerations indicate otherwise. Whilst part of the application site lies outside the defined settlement limits of Burry Port as defined in the Adopted LDP, it does lie immediately adjacent to the limits, and there a number of material considerations to consider.

The site comprises previously developed industrial land located within a sustainable location, and its redevelopment accords with the vision for the 'Swansea Bay – Waterfront and Western Valleys' area, which includes Llanelli as outlined in the Wales Spatial Plan. The redevelopment of this site will contribute to the wider regeneration of the Burry Port harbour area.

The redevelopment of this site will build on the considerable public investment already made in the harbour and the southern distributor road and deliver much needed regeneration to this part of Burry Port.

A further benefit of the scheme would be the remediation of the contamination under the site which poses a risk to controlled waters in the CBEEMS, and thus there are environmental benefits in this respect.

As aforementioned, the proposed scheme will make provision for community benefit contributions in the form of affordable housing, and financial contributions towards education and open space.

The efficient re-use of this previously developed site, and when considered both in isolation and in conjunction with the other pending planning applications for the wider Burry Port harbour area, will result in significant economic, environmental and social benefits to the area.

It is the LPA's view, that when taken together, these material considerations are considered sufficient to outweigh any conflict with planning policies which seek to prevent residential development outside of defined settlement limits, and justify a degree of flexibility in recognition of the benefits of investing in this previously developed and contaminated site.

The development plan should be read as a whole rather than each and every word. In this respect it is acknowledged that the proposal accords with the majority of the LDP's policies, whilst its departure from the policies preventing residential development outside limits is considered acceptable in this instance as material considerations indicate otherwise, and warrant a departure from the Adopted LDP.

It is considered that the above appraisal has addressed the key material considerations associated with this application in detail.

On balance after careful examination of the site and its surrounding environs in the context of this application, together with the representations received to date it is considered that whilst the proposal does not fully accord with the LDP the other material considerations

outlined justify a departure from the development plan in this instance. Allowing the development would not in the LPA's opinion undermine the adopted development plan and set a harmful precedent.

As such this application is put forward with a favourable recommendation subject to the imposition of the following conditions.

RECOMMENDATION – APPROVAL

CONDITIONS

1 Application for approval of reserved matters must be made to the local planning authority before the expiration of six years from the 25th November, 2015, and the development must be commenced not later than whichever is the later of the following:-

a) the expiration of eight years from the 25th November, 2015;

b) the expiration of two years from the date of approval of the last of the reserved matters to be approved.

2 Development shall not commence until detailed plans of the access; appearance; landscaping; layout; and scale of each building stated in the application, have been submitted, and received the written approval of the local planning authority.

3 Prior to the commencement of development (or such other date or stage of development as may be agreed in writing with the local planning authority) a reptile clearance, mitigation and translocation scheme shall be undertaken in accordance with details previously submitted to and approved in writing by the local planning authority.

4 The development shall be undertaken in strict accordance with the recommendations made in the Updated Ecological Appraisal Report produced by Eco Vigour received 21st November 2018 and the Habitat Mitigation Strategy Report produced by Asbri Planning received 30th August 2019.

5 Prior to the commencement of development (or such other date or stage of development as may be agreed in writing with the local planning authority) a full detailed ecological mitigation, enhancement and monitoring strategy shall be submitted to and approved in writing by the local planning authority.

6 The development shall be undertaken in strict accordance with the recommendations made in the Breeding Birds and Bat Survey Report produced by Eco Vigour received 30th August 2019, unless otherwise agreed in writing by the local planning authority.

7 Works shall be carried out in accordance with a method statement (MS) to be agreed with the local planning authority prior to any work commencing at the site. The MS should include, but not be limited to, timing of works, measures to avoid killing and injuring bats during works, use of materials (such as timber, roofing membranes), positioning and size of entrances, size and location of roosting areas, a suitable roosting resource appropriate to the species and its use of the structure vegetation

retention/management, proposals for lighting as appropriate and should be implemented as agreed.

8 Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the local planning authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

(i) A preliminary risk assessment which has identified:

- all previous uses;
- potential contaminants associated with those uses;
- a conceptual model of the site indicating sources, pathways and receptors;
- potentially unacceptable risks arising from contamination at the site.

(ii) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

(iii) The site investigation results and the detailed risk assessment (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

9 Prior to the commencement of development (or such other date or stage of development as may be agreed in writing with the local planning authority), a verification plan providing details of the data that will be collected in order to demonstrate that the approved remediation strategy is complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved verification plan.

10 Prior to commencement of development (or such other date or stage of development as may be agreed in writing with the local planning authority) a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a “long-term monitoring and maintenance plan”) for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the local planning authority.

11 Reports on monitoring, maintenance and any contingency action carried out in accordance with a long-term monitoring and maintenance plan shall be submitted to the local planning authority as set out in that plan. On completion of the monitoring programme a final report demonstrating that all long- term site remediation criteria have been met and documenting the decision to cease monitoring shall be submitted to and approved in writing by the local planning authority.

12 If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted, and obtained written approval from the local planning authority for, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.

13 Prior to commencement of development (or such other date or stage of development as may be agreed in writing with the local planning authority) full details of the surface water drainage system and separate foul water drainage system shall be submitted to and approved in writing by the local planning authority. The approved systems shall be completed before any building is occupied.

14 Prior to commencement of development (or such other date or stage of development as may be agreed in writing with the local planning authority) a scheme to install oil and petrol separators, trapped gullies and roof drainage, sealed at ground level, shall be submitted to, and approved in writing by, the local planning authority. The scheme shall be implemented as approved.

15 Prior to commencement of development (or such other date or stage of development as may be agreed in writing with the local planning authority) a pollution prevention management plan detailing all necessary pollution prevention measures for the construction phase of the development including a scheme to treat and remove suspended solids from surface water run-off during construction works shall be submitted to and approved in writing by the local planning authority. The details of the plan shall be implemented as approved and must be efficiently communicated to all contractors and sub-contractors (for example, via toolbox talks) and any deficiencies rectified immediately.

16 Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater.

17 Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound should be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound should be at least equivalent to the capacity of the largest tank, or the combined capacity of interconnected tanks, plus 10%. All filling points, vents, gauges and site glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework should be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets should be detailed to discharge downwards into the bund.

18 Prior to the commencement of development (or such other date or stage of development as may be agreed in writing with the local planning authority) a Construction Management Plan should be submitted to and approved in writing by the local planning authority.

19 Prior to the importation of any soil a copy of the certificate of analysis, details of the source of the topsoil and an interpretation of the analytical results by a suitably

qualified individual shall be submitted to and approved in writing by the local planning authority.

20 Prior to the commencement of demolition/construction works a scheme for the mitigation of dust shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented during all stages of demolition and construction. Vehicles transporting materials which are likely to cause dust onto and off site shall be suitably covered.

21 Prior to the commencement of the development (or such other date or stage of development as may be agreed in writing with the local planning authority), a scheme for the control of noise and vibration shall be submitted to and approved by the local planning authority. The scheme shall comply with the guidance found in the BS5228: Noise Vibration and Control on Construction and Open Sites. Upon commencement of the development, work shall be carried out in accordance with the approved scheme.

22 Prior to the commencement of development (or such other date or stage of development as may be agreed in writing with the local planning authority) a scheme of lighting shall be submitted to and approved in writing by the local planning authority. The submitted details shall be designed in such a way as to avoid illumination of the adjacent coast line both during and post construction. Development shall take place in accordance with the approved details.

23 Prior to the commencement of development (or such other date or stage of development as may be agreed in writing with the local planning authority) details of an acoustic barrier, to be erected along the northern boundary of the development site running parallel with the B4311, shall be submitted to and approved by the local planning authority and once approved this shall be installed prior to occupation of the proposed dwellings and permanently retained thereafter.

24 Prior to the commencement of development (or such other date or stage of development as may be agreed in writing with the local planning authority) details of an acoustic barrier, to be erected along the western boundary of the development site running along the new road, shall be submitted to and approved by the local planning authority and once approved this shall be installed prior to occupation of the proposed dwellings and permanently retained thereafter.

25 No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority.

26 No development shall take place until a photographic record of the boundary wall that surrounded the Pembrey Copper Works shall be submitted to and approved in writing by the local planning authority.

27 The development shall be undertaken in strict accordance with the mitigation measures outlined in the Flood Consequence Assessment undertaken by WSP received 21st November 2018, unless otherwise agreed in writing by the local planning authority.

28 Prior to the beneficial occupation of any of the development hereby approved, the offsite drainage betterment scheme identified in the Glanmor Terrace/Burrows Terrace area of Burry Port as outlined in the Drainage Strategy Report undertaken by WSP received 21st November 2018, shall be undertaken in strict accordance with that report unless otherwise agreed in writing by the local planning authority.

29 Prior to commencement of development full details of the proposed measures to facilitate traffic management, and the proposed crossing points on the B4311 Southern Distributor Road shall be submitted for the written approval of the local planning authority and to the specification of the Local Highways Authority. Thereafter the approved scheme shall be implemented in full prior to the beneficial use of the development hereby approved.

30 Prior to the beneficial occupation of the development hereby approved a detailed Travel Plan for the site, setting out ways of reducing car usage and improvements to public transport, walking and cycling provision in the locality of the site and shall be submitted to and agreed in writing with the local planning authority. The detailed Travel Plan shall be implemented in accordance with the approved details and at a timescale to be approved in writing by the local planning authority.

31 No development shall commence until a scheme for the provision of affordable housing as part of the development has been submitted to and approved in writing by the local planning authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in Annex B of TAN 2 or any future guidance that replaces it. The scheme shall include:

i) the numbers, type, tenure and location on the site of the affordable housing provision to be made which shall consist of not less than 20% of housing units;

ii) the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;

iii) the arrangements for the transfer of the affordable housing to an affordable housing provider [or the management of the affordable housing (if no RSL involved)];

iv) the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and

v) the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

REASONS

1 Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.

2 In order to ensure a satisfactory layout of the site and in the interest of visual amenities.

3-7 In the interests of biodiversity.

8-12 To protect the environment and human health and comply with LDP Policy.

13 To reduce the risk of pollution to controlled waters (in particular the Carmarthen Bay and Estuaries SAC) and to prevent the increased risk of flooding, by ensuring the provision of a satisfactory means of foul and surface water disposal.

14 To protect controlled waters.

15 Prevent pollution of controlled waters and the wider environment.

16 There is an increased potential for pollution of controlled waters from inappropriate methods of piling.

17 To prevent pollution of the water environment.

18 Prevent pollution of controlled waters and the wider environment.

19-20 To protect human health.

21 To preserve residential amenity and to protect human health.

22 To minimise disturbance to protected species using the coast and minimise light pollution.

23-24 To protect residential living conditions.

25-26 To protect historic environment interests whilst enabling development.

27 To ensure that the development remains flood free.

28 To protect the integrity of the public sewerage system and prevention of pollution to the environment.

29-30 In the interest of highway safety.

31 To provide an appropriate level of affordable housing in accordance with Policy AH1 of the LDP and TAN 2.

REASONS FOR GRANTING PLANNING PERMISSION

The decision to grant planning permission has been taken in accordance with Section 38 of the Planning and Compulsory Purchase Act 2004, which requires that, in determining a planning application the determination must be in accordance with the Development Plan unless material considerations indicate otherwise.

- It is considered that the proposal complies with Policy SP1 of the Local Development Plan (LDP) in that the proposed development is environmentally sustainable.

- It is considered that the proposal complies with Policy SP2 of the LDP in that the proposed development is resilient to the impact of climate change and accords with the provisions of TAN15.

- It is considered that the proposal complies with Policy SP3 of the LDP in that the proposed development accords with the LDP's settlement framework.

- It is considered that the proposal complies with Policy SP6 of the LDP in that provision is made for affordable housing within the scheme.

- It is considered that the proposal complies with Policy SP9 of the LDP in that the proposed development is located in a sustainable location, accessible by a variety of transport means.

- It is considered that the proposal complies with Policy SP13 of the LDP in that the proposed development respects, and will not adversely affect the built and historic environment or its setting.

- It is considered that the proposal complies with Policy SP14 of the LDP in that proposed development protects and does not adversely affect the natural environment.

- It is considered that the proposal complies with Policy SP17 of the LDP in that the proposed development will be served by appropriate infrastructure.

- It is considered that the proposal complies with Policy SP18 of the LDP in that the interests of the Welsh language will be safeguarded and promoted.

- It is considered that the proposal complies with Policy GP1 of the LDP in that the proposed development is sustainable and will enhance the character and appearance of the area.

- Whilst the proposed development does not strictly comply with Policy GP2 of the LDP, the site is located immediately adjacent to the limits and it is considered that other material considerations as referred to under Section 38(6) of the Planning and Compensation Act 2004 warrant a relaxation of the policy requirements in this instance.

- It is considered that the proposal complies with Policy GP3 of the LDP in that the application will be subject to a Planning Obligation to meet the requirements arising from the development.

- It is considered that the proposal complies with Policy GP4 of the LDP in that adequate infrastructure is proposed to serve the proposed development.

- It is considered that the proposal complies with Policy H2 of the LDP in that the proposed housing element of the scheme is located within defined settlement limits and accords with the principles of the plan's strategy and its policies.

- It is considered that the proposal complies with Policy AH1 of the LDP in that provision is made within the proposed scheme for affordable housing.

- It is considered that the proposal complies with Policy TR2 of the LDP in that the proposed development is located in a highly accessible and sustainable location.

- It is considered that the proposal complies with Policy TR3 of the LDP in that the proposed development would not be detrimental to highway safety or cause significant harm to the amenity of residents.

- It is considered that the proposal complies with Policy EQ1 of the LDP in that the proposed development preserves the built and historic environment.

- It is considered that the proposal complies with Policy EQ4 of the LDP in that the proposed development will not have an adverse impact on priority species, habitats and features of principal importance.

- It is considered that the proposal complies with Policy EP1 of the LDP in that the proposed development will not lead to a deterioration of either the water environment and/or the quality of controlled waters.

- It is considered that the proposal complies with Policy EP2 of the LDP in that the proposed development will not result in any adverse pollution issues.

- It is considered that the proposal complies with Policy EP3 of the LDP in that the impact of surface water drainage and the effectiveness of incorporating SUDS has been fully investigated.

- It is considered that the proposal complies with Policy EP5 of the LDP in that the proposed development in this coastal location will not increase the risk of erosion, flooding or land instability.

- It is considered that the proposal complies with Policy REC2 of the LDP in that a financial contribution towards improving off site open space will be made.

NOTE(S)

1 The applicant/developer should note that the following financial contributions have already been made:-

- £110,624 towards improving education facilities within the catchment area;
- £192,500 towards improving parks and open space provision within the locality;
- £137,500 towards conservation and enhancement of offsite brownfield habitat.

2 The development hereby permitted shall be carried out strictly in accordance with the following schedule of plans received on the 21st November, 2018:-

- Existing location plan (001) 1:1250 @ A0;
- Block plan (008a) 1:500 @ A0;
- Proposed location plan 1:1250 @ A0 (002);
- Proposed site plan 1:500 @ A0 (003).

3 Comments and guidance received from consultees relating to this application, including any other permissions or consents required, are available on the Authority's website.

4 Please note that this consent is specific to the plans and particulars approved as part of the application. Any departure from the approved plans will constitute unauthorised development and may be liable to enforcement action. You (or any subsequent developer) should advise the Council of any actual or proposed variations from the approved plans immediately so that you can be advised how to best resolve the matter.

In addition, any Conditions which the Council has imposed on this consent will be listed above and should be read carefully. It is your (or any subsequent developers') responsibility to ensure that the terms of all Conditions are met in full at the appropriate time (as outlined in the specific condition).

The commencement of development without firstly meeting in full the terms of any Conditions which require the submission of details prior to the commencement of development will constitute unauthorised development. This will necessitate the submission of a further application to retain the unauthorised development and may render you liable to formal enforcement action.

Failure on the part of the developer to observe the requirements of any other Conditions could result in the Council pursuing formal enforcement action in the form of a Breach of Condition Notice.

Application No	**S/38251**

Application Type	Variation of Planning Condition(s)
Proposal & Location	VARIATION OF CONDITION NO. 1 OF S/30678 (TO ALLOW A FURTHER 3 YEARS FOR THE SUBMISSION OF RESERVED MATTERS) AT FORMER GRILLO WORKS, HARBOUR ROAD, BURRY PORT, SA16 0LY

Applicant(s)	CARMARTHENSHIRE C C & CASTLETOWN ESTATES LTD, C/O AGENT
Agent	ASBRI PLANNING - MR RICHARD BOWEN, SUITE D, 1ST FLOOR, 220 HIGH STREET, SWANSEA, SA1 1NW
Case Officer	Robert Davies
Ward	Burry Port
Date of validation	07/01/2019

CONSULTATIONS

Head of Highways – No objection. Advise that previous comments and conditions are applicable.

Head of Public Protection – No response received to date.

Head of Housing – No response received to date.

Head of Education - No response received to date.

Head of Leisure (Parks) - No response received to date.

Land Drainage – No objection.

Pembrey and Burry Port Town Council – Recommend approval.

Local Members – County Councillor A Fox has not responded to date. County Councillor John James is a Member of the Planning Committee and has also not responded to date.

Dwr Cymru/Welsh Water – No objection subject to any previous drainage conditions being re-imposed on any planning permission granted.

Natural Resources Wales (NRW) – No objection to the extension of time but advise that additional survey work may need to be carried out as a consequence of this, in order to ascertain if the conclusions within any reports are still an accurate reflection of the conditions on site and to inform any recommendations and/or mitigation that may be required.

Network Rail – No response received to date.

CADW – No objection.

Coal Authority – No objection.

Dyfed Archaeology - No response received to date.

RELEVANT PLANNING HISTORY

The following previous applications have been received on the application site:-

S/30678	Redevelopment of the site for up to 230 homes and up to 465sqm of retail and leisure floorspace (A1, A3 and D1 Uses). Creation and alteration of existing vehicle and pedestrian accesses, landscaping, public open space, all services and infrastructure, demolition, remediation of the site and associated works Outline planning permission	27 January 2016
S/30601	An enabling works scheme, to serve the proposed development of the former Grillo site and masterplan sites 5, 6 and 7, comprising of the construction of drainage infrastructure, a new vehicular entrance from the existing B4311 via a new junction located to the immediate east of the Grillo site, and pedestrian/cycle access via the existing Grillo site entrance Full planning permission	25 November 2015
S/30598	Demolition of existing harbour masters offices, HM Coastguard Station, and ancillary storage buildings and construction of up to 134 no. residential units with associated infrastructure works Outline planning permission	25 November 2015
S/21243	Retention of expired temporary consent for harbour master's office and storage and retrospective temporary consent to retain existing boat storage yard, storage containers, workshop and public convenience for a period of 3 years Full planning permission	26 May 2011
S/18723	Redevelopment of former works for residential development and up to 465 square metres of retail/ leisure floor space (A1, A3 and D2 Uses), creation of new and alteration of existing vehicle and pedestrian accesses, landscaping, public open space, remediation	

	and associated works Pending s106 signed - commuted sum Appeal dismissed	21 March 2013
S/05999	Application for hazardous substances consent Hazardous Substances Consent approval	31 March 2004
LL/04643	Harbour master's office being a standard portacabin, and compound including steel container and timber shed stores, enclosed by security fencing Full planning permission	15 September 2003
LL/01399	3.1km of 7.3m wide carriageway, incorporating 7 no junctions, 3 no structures, cyclepaths/footpaths and all associated works Full planning permission granted	18 July 2002
LL/00154	Assisted living and day centre - 38 no 1 bedroom flats plus day centre and associated facilities (administration residential care etc) Full planning permission	08 February 2002
S/02305	Site office for harbour superintendent measuring 20' x 8' x 8'6" (temporary) Full planning permission	13 March 2000
S/02278	Auxiliary engineering works on sites 3, 4, 5 & 9 and preliminary works for route of proposed highway Full planning permission	01 February 2000
S/01446	Burry Port Enhancement Scheme including the creation of a floating harbour, extended breakwaters, conversion of east and west docks to freshwater lakes, provision of cycleways/footpaths and associated hard and soft landscaping as part of the millennium coastal park development Withdrawn	30 November 1998
S/01403	Improvements to create part of Millennium Coastal Park to include areas of soft and hard landscaping, cycleway and footpaths Full planning permission granted	04 September 1998
S/01385	Functional advertisement re: interpretative centre Advertisement granted	19 January 1999
S/00094	Millennium Coastal Park V - harbour improvements etc. Full planning permission	25 November 1996

APPRAISAL

This is an application in which Carmarthenshire County Council has an interest as joint applicant.

In 2014, a number of outline applications were submitted by Carmarthenshire County Council for various developments linked with the wider regeneration of Burry Port harbour. An outline application was also submitted by the private landowner of the former Grillo site. These applications were subsequently approved towards the latter part of 2015.

This application relates to the former Grillo Zinc Oxide factory site at Burry Port harbour, and is an application to vary Condition 1 of S/30678 in order to allow a further 3 years for the submission of Reserved Matters.

The application was accompanied by the same drawings as previously submitted along with the following reports that were also previously submitted:-

- **Design and Access Statement;**
- **Planning Statement;**
- **Protected Species Report;**
- **Ecological Appraisal and Reptile Survey;**
- **Ecological Mitigation Strategy;**
- **Bat Survey;**
- **Visual Assessment;**
- **Heritage Desk Based Assessment;**
- **Flood Consequence Assessment;**
- **Water Quality in the Loughor Estuary Statement;**
- **Drainage Strategy;**
- **Transportation Assessment;**
- **Noise Impact Assessment;**
- **Air Quality Assessment;**
- **Ground Conditions Report;**
- **Economic Impact Statement;**
- **Welsh Language Linguistic Statement;**
- **Transport Briefing Note;**
- **Paramics Revised Proposed Modelling Report (Traffic Impact);**
- **Paramics Model Forecasting Report (Traffic Impact);**
- **Habitats Regulations Screening Report;**
- **Drainage Strategy Supplementary Report;**
- **Enabling Infrastructure Works – Location of Surface Water Headwall.**

Due to the passage of time, the applicant has provided a commitment to update the following supporting reports as part of this Section 73 application:-

- **Updated Ecological Assessment;**
- **Updated Flood Consequence Assessment;**
- **Updated Transport Assessment;**
- **Updated Ecological Mitigation Strategy;**
- **Updated Habitat Regulations Screening Report.**

To date the updated Ecological Assessment has been received and is currently being considered by the Authority's Planning Ecologist and Natural Resources Wales (NRW). The other reports are due to be submitted shortly and will be consulted upon when received. Any comments received as a result of these re-consultations will be attached to the addendum for Members information.

This Section 73 application to extend the period for the submission of reserved matters has been subject to a full consultation exercise with no objections being received to date from either statutory consultees or third parties.

The Local Planning Authority (LPA) considers that there has been no material change in circumstance since the previous outline planning permission was granted in 2015. The previous application was considered against the Carmarthenshire Local Development Plan which was adopted in 2014 and which remains to be the statutory local planning policy document for the County.

Whilst Planning Policy Wales Edition 10 is now relevant from a national planning policy perspective, it is considered that the proposal fully accords with the aims and aspirations of this document.

In terms of the Well-being of Future Generations (Wales) Act 2015 the decision considers the duty to improve the economic, social, environmental and cultural well-being of Wales, in accordance with the sustainable development principle, under section 3 of the Well-Being of Future Generations (Wales) Act 2015 (the WBFG Act). The decision takes into account the ways of working set out at section 5 of the WBFG Act and it is considered that this decision is in accordance with the sustainable development principle through its contribution towards one or more of the Welsh Ministers' well-being objectives set out in Section 8 of the WBFG Act.

The proposal has an acceptable package of supporting reports and where identified mitigation measures which reduce the impact of the proposed development.

The Authority's Planning Ecologist is currently in the process of undertaking an Appropriate Assessment under the Habitat Regulations to assess whether there are likely to be any significant effects on the Carmarthen Bay and Estuaries SAC and Burry Inlet SPA and Ramsar features and their conservation objectives both alone or in combination with other projects. When complete, this Appropriate Assessment will be sent to Natural Resources Wales for consideration and agreement. Therefore Members of the Planning Committee are respectfully requested to resolve to approve the application subject to this Appropriate Assessment being undertaken and signed off by NRW and also subject to the successful completion of a Section 106 Agreement.

The previous Planning Committee Report is attached below for Members information. This application to Vary Condition 1 of the previous planning permission to allow a further 3 years for the submission of reserved matters is put forward with a favourable recommendation subject to the imposition of the following conditions and completion of a revised Section 106 agreement.

PREVIOUS PLANNING COMMITTEE REPORT 2ND JUNE, 2015

CONSULTATIONS

Head of Transport – No objection subject to conditions.

A £60,000 financial contribution towards the 'Safe Routes in the Community Scheme', which aims to create safe formal crossing points and reduced vehicle speeds has been requested. This will improve linkages with the existing town centre and integrate the harbour side developments. This is linked to the offsite highway works proposed to facilitate the wider regeneration of the wider Burry Port harbour area.

Head of Street Scene – Land Drainage – No objection to the surface water drainage strategy subject to conditions.

Agree that ground conditions are not conducive to infiltration as a means of surface water disposal. However the use of other SUDs techniques should be considered. Also agree that submerged surface water outlets will play an integral part in the design of a surface water management system. As such would welcome the use of sustainable systems where surface water can be retained prior to discharge when the tide has fallen.

In relation to flood risk offer no adverse comment. Agree that pluvial and surface water flood risk can be managed through the design and engineering of adequate storm water systems on site. Advise that NRW take the lead on the evaluation of tidal and fluvial flood risk.

Head of Public Protection – Air Quality – No objection subject to conditions.

Head of Public Protection – Noise – No objection subject to conditions.

Head of Public Protection – Contaminated Land – No objection. Advise that the proposed development is situated at or within 250 metres of former commercial or industrial land use. In order to ensure that former land uses are fully considered in relation to the proposed residential end use (and remediated where necessary), a suitably worded condition requiring further information to be submitted and approved prior to works commencing on site is requested. Conditions are also requested to address unsuspected contamination and soil importation.

Head of Corporate Property – No response received to date.

Head of Housing (Affordable Housing) – In light of the significant abnormal costs associated with remediating the site request a reduced requirement of 10% on site affordable housing.

Head of Leisure (Parks) – Request a contribution of £200,000 towards improving existing off site open space and play areas.

Head of Education – Request a financial contribution of £189,876 based upon 230 residential units to improve local educational facilities within the catchment.

Public Rights of Way Officer – No objection. Advise that a public right of way being a Byway Open to All Traffic (BOAT) 71/24 appears to be partly within the development area. The Wales Coast Path is also within and adjacent to the development.

If the application is approved it is requested that a note is imposed on the planning permission advising that public rights of way and the Wales Coast Path should not be obstructed, encroached upon or developed over.

This application appears to be connected to a number of other planning applications relating to the wider development of the area.

The sections of the Wales Coast Path (which do not run over public rights of way) in this vicinity are used on a permissive basis over Council owned land in this area. Development must not be allowed to affect or obstruct the route of the Wales Coast Path.

Pembrey and Burry Port Town Council – No response received to date.

Local Members - County Councillor P E M Jones and County Councillor J James are both substitute Members of the Planning Committee and have therefore made no representations.

Natural Resources Wales - No objection subject to conditions.

The consultation response from NRW provides detailed comments in relation to Protected Sites, Protected Species (Bats), Ecology, Flood Risk, Foul and Surface Water Drainage, Carmarthen Bay and Estuaries European Marine Site Memorandum of Understanding, Contaminated Land, Waste and Pollution Prevention.

Dwr Cymru/Welsh Water – No objection subject to the imposition of conditions and advisory notes.

Dyfed Archaeological Trust – No objection. Advise that the Heritage Desk Based Assessment has identified that, with the exception of documentary evidence for medieval Dyfatty Mill (PRN 12670) 570m to the north of the site, there are no recorded archaeological sites within a 2km radius study area that are of earlier date than post-medieval. It considers that loss of any potential archaeological remains within the site boundary can be mitigated through a basic programme of building recording and a watching brief over ground penetrating works.

Accordingly, DAT recommend that historic environment interests should be protected through the attachment of a Grampian-style condition, should planning consent be forthcoming.

Cadw – No response received to date

Network Rail – Has a holding objection towards the proposal. Whilst the transport assessment indicates that the proposed development will not have a big increase in vehicular movements across the Church Road crossing, the pedestrian movements will increase substantially. Network Rail also has concerns regarding the vehicular movements as the pedestrian movements will certainly be converted into car journeys during the winter months. Network Rail therefore suggests a meeting is arranged to discuss the overall safety concerns and traffic management criteria.

Neighbours/Public – The application was advertised by virtue of both press and site notices. One letter of representation has been received objecting to the application on the following grounds:-

- The proposal involves building on a flood plain which would necessitate raising the level of the site which, it has been admitted, increases the likelihood of flooding neighbouring areas.

- It is in an area which is subject to prosecution for infringement of habitat regulations as a result of failure to treat sewage appropriately and properly.

- The ground is likely to be polluted; environmental assessment has advised the removal of topsoil.

RELEVANT PLANNING HISTORY

The following previous applications have been received on the application site:-

S/30601	An enabling works scheme, to serve the proposed development of the former Grillo site and masterplan sites 5, 6 and 7, comprising of the construction of drainage infrastructure, a new vehicular entrance from the existing B4311 via a new junction located to the immediate east of the Grillo site, and pedestrian/cycle access via the existing Grillo site entrance	Pending
S/30598	Demolition of existing harbour masters offices, HM Coastguard Station, and ancillary storage buildings and construction of up to 134 no. residential units with associated infrastructure works	Pending
S/21243	Retention of expired temporary consent for harbour master's office and storage and retrospective temporary consent to retain existing boat storage yard, storage containers, workshop and public convenience for a period of 3 years Full planning permission	26 May 2011
S/18723	Redevelopment of former works for residential development and up to 465 square metres of retail/ leisure floor space (A1, A3 and D2 Uses), creation of new and alteration of existing vehicle and pedestrian accesses, landscaping, public open space, remediation and associated works Pending s106 signed - commuted sum Appeal dismissed	21 March 2013
S/05999	Application for hazardous substances consent Hazardous Substances Consent approval	31 March 2004

LL/04643	Harbour master's office being a standard portacabin, and compound including steel container and timber shed stores, enclosed by security fencing Full planning permission	15 September 2003
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LL/00154	Assisted living and day centre - 38 no 1 bedroom flats plus day centre and associated facilities (administration residential care etc) Full planning permission	08 February 2002
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S/02278	Auxiliary engineering works on sites 3, 4, 5 & 9 and preliminary works for route of proposed highway Full planning permission	01 February 2000
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S/01385	Functional advertisement re: interpretative centre Advertisement granted	19 January 1999
S/00094	Millennium Coastal Park V - harbour improvements etc Full planning permission	25 November 1996

APPRAISAL

This is an application in which Carmarthenshire County Council has an interest either as applicant/agent or in terms of land or property ownership.

This planning permission is dependent upon the developer, prior to the commencement of development, entering into a Section 106 Agreement with Carmarthenshire County Council.

THE SITE

The application site consists of the former Grillo Zinc Oxide works and adjoining land which has been included for access, drainage infrastructure and public realm works, and in total extends to 4.55 hectares.

The former factory site itself consists of a large, rectangular shaped, relatively level parcel of land, which extends to some 2.97 hectares in area located to the immediate east of the harbour, and to the immediate south of B4311 southern distributor road in Burry Port. The site itself which has been cleared of its former factory building lies approximately 500 metres to the south of town centre. The site consists predominantly of concrete hardstandings and other impermeable surfaces. In the south western corner of the site there is a large deposit of rubble, from the demolished buildings which were formerly located on the site. The former factory site's northern, western and southern boundaries are formed by 2m high brick and masonry walls. The site has an existing vehicle access off the B4311 in the north west corner of the site.

The Grillo Zinc Oxide works site has a heavy industrial past and the Ground Investigation Reports identify that the site contains a wide range of pollutants including organic compounds, hydrocarbons and heavy metals.

The remainder of the application site consists of land in Carmarthenshire County Council/Welsh Assembly Government joint ownership to the immediate east, west and south, which has been included for site access, drainage infrastructure and public realm improvement reasons. The extension of the application site red line to the south east in a linear corridor is to accommodate the surface water drainage system to its discharge point on the coast line.

The harbourside area of Burry Port previously formed part of a wider regeneration strategy and masterplan, which was formally adopted as Supplementary Planning Guidance to the previous UDP by the Authority following extensive public consultation. This previous SPG however is no longer applicable to the LDP and a number of the Burry Port harbour sites were taken out of settlement limits in the LDP due to flooding planning policy concerns. Since 2002 significant public investment has been made in the area with the aim of bringing forward and facilitating this regeneration strategy. These works include a £10 million southern distributor road (SDR) and £8m investment into the harbour/marina itself. To date unfortunately no significant development has taken place within this identified regeneration area; however this is one of a number of planning applications currently being considered by the LPA for this area.

As aforementioned, the main B4311 SDR is located to the immediate north of the application site, whilst Burry Port railway station is located within walking distance to the north. The coastal path and Sustrans cycle way is located to the south east of the application site. To the east of the site is the former Burry Port power station site, which now forms part of the wider Millennium Coastal Park (MCP).

The intertidal area and sea body to the south of the site comprises the Carmarthen Bay and Estuaries European Marine Site (CBEEMS). Three marine Natura 2000 sites together form the European Marine Site – Carmarthen Bay and Estuaries Special Area of Conservation (SAC), Carmarthen Bay Special Protection Area (SPA) and Burry inlet SPA.

THE PROPOSAL

The application seeks outline planning permission with all matters reserved for future consideration for the comprehensive redevelopment of the former works site for residential led development for up to 230 dwellings and up to 465 square metres of retail/leisure floor space (A1, A3 and D2 uses), along with associated works that include the creation of new and alteration of existing vehicle and pedestrian accesses, landscaping, public open space, all services and infrastructure, demolition, remediation and associated works. The covering letter submitted with the application states that the vision is to redevelop this former industrial site into a vibrant, high quality, residential development incorporating a range of house types, sizes and tenures.

Indicative masterplan and harbour side scene drawings submitted depict a mixture of both high and medium density residential development with an active commercial frontage at ground floor on to the harbourside edge. Vehicular access to the site will be gained both from the existing road leading off the SDR and down towards the harbour to the west of the site, and also via a new access and road leading off the SDR and to the east of the site. The existing vehicular access serving the former Grillo zinc oxide factory site will be retained for pedestrian, cyclists and emergency access only.

The outline planning application itself was originally accompanied by the following supporting information:-

- Location plan and site plan
- Composite masterplan
- Illustrative harbour side scene drawing
- Design and Access Statement
- Planning Statement
- Protected Species Report
- Ecological Appraisal and Reptile Survey
- Bat Survey
- Visual Assessment
- Heritage Desk Based Assessment
- Flood Consequence Assessment
- Water Quality in the Loughor Estuary Statement
- Drainage Strategy
- Transportation Assessment
- Noise Impact Assessment
- Air Quality Assessment
- Ground Conditions Report
- Economic Impact Statement

During the course of the planning application process the following additional supporting information was received:-

- Welsh language linguistic statement
- Transport briefing note
- Paramics revised proposed modelling report (Traffic Impact)
- Paramics model forecasting report (Traffic Impact)
- Habitats Regulations screening report
- Drainage strategy supplementary report

This is one of a number of planning applications submitted around the same time for the comprehensive regeneration of the Burry Port harbour area. The other applications are as follows:-

S/30597 (Site 4) – Outline application for leisure development

S/30598 (Site 5 & 6) – Outline application for residential development

S/30599 (Site 7) – Outline application for employment uses and live/work

S/30600 (Site 8) – Outline application for a new Welsh medium primary school

S/30601 – Full application for enabling works to facilitate development

PLANNING POLICY

Local Planning Policy Context

The application site is located outside, but immediately adjacent to the defined settlement limits of Burry Port as delineated in the Adopted Carmarthenshire Local Development Plan (LDP), 2014.

In respect of the applications policy context reference is drawn to the following Strategic and Specific planning policies: -

Policy SP1 of the LDP promotes environmentally sustainable proposals and encourages the efficient use of vacant, underused or previously developed land.

Policy SP2 of the LDP supports proposals which respond to, are resilient to and adapt to minimise for the causes and impacts of climate change. Proposals for development which are located within areas at risk from flooding will be resisted unless they accord with the provisions of TAN15.

Policy SP3 of the LDP refers to the settlement framework and states that provision for growth and development will be at sustainable locations in accordance with the LSP's settlement framework. In this respect Burry Port is identified as a Service Centre.

Policy SP6 of the LDP ensures the delivery of affordable housing that in turn will contribute to the creation of sustainable communities within the Plan area. The LPA has produced Supplementary Planning Guidance on affordable housing.

Policy SP8 of the LDP states that retail proposals will be permitted where they maintain and enhance the existing retail provision within the County, and protect and promote the viability and vitality of the defined retail centres. Proposals for small local convenience shopping facilities in rural and urban areas where they accord with the settlement framework will be supported.

Policy SP9 of the LDP promotes the provision of an efficient, effective, safe and sustainable integrated transport system.

Policy SP13 of the LDP states that development proposals should preserve or enhance the built and historic environment of the County, its cultural, townscape and landscape assets, and, where appropriate, their setting in accordance with national guidance and legislation.

Policy SP14 of the LDP states that development should reflect the need to protect, and wherever possible enhance the County's natural environment in accordance with national guidance and legislation.

Policy SP15 of the LDP states that proposals for tourism related developments will be supported where they accord with the locational hierarchy set out within this policy, and are acceptable in terms of scale, type of development, siting and general impact.

Policy SP17 of the LDP states that development will be directed to locations where adequate and appropriate infrastructure is available or can be readily available.

Policy SP18 of the LDP states that the interests of the Welsh language will be safeguarded and promoted.

Policy GP1 of the LDP promotes sustainability and high quality design, and seeks to ensure that development conforms with and enhances the character and appearance of the site, building or area in terms of siting, appearance, scale, height, massing, elevation treatment and detailing.

Policy GP2 of the LDP states that proposals within defined development limits will be permitted, subject to policies and proposals of the plan, national policies and other material planning considerations.

Policy GP3 of the LDP states that the Council, where necessary seek developers to enter into Planning Obligations (Section 106 Agreements), or to contribute via the Community Infrastructure Levy to secure contributions to fund improvements to infrastructure, community facilities and other services to meet requirements arising from new development. The LPA has produced Supplementary Planning Guidance on planning obligations.

Policy GP4 of the LDP states that proposals for development will be permitted where the infrastructure is adequate to meet the needs of the development. Proposals where new or improved infrastructure is required but does not form part of an infrastructure provider's improvement programme may be permitted where it can be satisfactorily demonstrated that this infrastructure will exist, or where the required work is funded by the developer. Planning obligations and conditions will be used to ensure that new or improved facilities are provided to serve the new development.

Policy AH1 of the LDP requires a contribution to affordable housing on all housing allocations and windfall sites. On such proposals for 5 or more dwellings affordable housing will be required to be provided on site.

Policy TR2 of the LDP states that developments which have the potential for significant trip generation, should be located in a manner consistent with the plan's objectives and in locations which are well served by public transport and are accessible by cycling and walking.

Policy TR3 of the LDP highlights the highway design and layout considerations of developments and states that proposals which do not generate unacceptable levels of traffic on the surrounding road network, and would not be detrimental to highway safety or cause significant harm to the amenity of residents will be permitted.

Policy EQ1 of the LDP states that proposals affecting landscapes, townscapes buildings and sites or features of historic or archaeological interest will only be permitted where it preserves or enhances the built and historic environment.

Policy EQ4 of the LDP relates to biodiversity and states that proposals for development which have an adverse impact on priority species, habitats and features of recognised principal importance to the conservation of biodiversity and nature conservation (i.e. NERC & Local BAP, and other sites protected under European or UK legislation), will not be permitted unless satisfactory mitigation is proposed, and where exceptional circumstances where the reasons for development outweigh the need to safeguard biodiversity and where alternative habitat provision can be made.

Policy EP1 of the LDP states that proposals will be permitted where they do not lead to a deterioration of either the water environment and/or the quality of controlled waters. Proposals will, where appropriate, be expected to contribute towards improvements to water quality.

Policy EP2 of the LDP states that proposals should wherever possible seek to minimise the impacts of pollution. New developments will be required to demonstrate and satisfactorily address any issues in terms of air quality, water quality, light and noise pollution, and contaminated land.

Policy EP3 of the LDP requires proposals to demonstrate that the impact of surface water drainage, including the effectiveness of incorporating Sustainable Urban Drainage Systems (SUDS), has been fully investigated.

Policy EP5 of the LDP states that proposals for development in coastal locations will be permitted provided that they are necessary in that location and they do not increase the risk of erosion, flooding or land instability.

Policy REC2 of the LDP states that all new residential developments of five or more units will be required to provide on site open space in accordance with the Council's adopted standards of 2.4ha per 1000 populations. In the event that these standards cannot be met, or where there is sufficient existing provision already available to service the development, then off site financial contributions will be sought as and where appropriate.

National Planning Policy Context

National Planning Policy is contained within the Wales Spatial Plan, which provides an overall strategic framework, together with Planning Policy Wales (PPW), originally published by the Welsh Assembly Government in March 2002 with the most recent edition published in July 2014. PPW is supplemented by 21 Technical Advice Notes (TANs).

'People, Places, Futures, the Wales Spatial Plan' was updated in 2008. Llanelli is identified as a Primary Key Settlement as well as a Cross-Boundary Settlement in the Swansea Bay: The Waterfront and Western Valleys Area. Town Centre Regeneration in the Key Settlements is highlighted as a priority in the Wales Spatial Plan.

The WSP sets out a strategic framework to guide development across Wales, and its core theme seems to focus around promoting sustainable development. The WSP sets out visions for different areas of Wales. The vision for the 'Swansea Bay – Waterfront and Western Valleys' area, which includes Llanelli, is:

"An area of planned sustainable growth and environment improvement, realising its potential, supported by integrated transport within the area and externally and spreading prosperity to support the revitalisation of West Wales"

One of the main elements of the strategy for the area is the development of a modern, attractive and vibrant waterfront urban area, which stretches from Port Talbot in the east through to Burry Port in the west taking in Neath, Swansea and Llanelli.

The Plan recognises that the area has the potential to become a key driver of the Welsh economy and development should be focused on Port Talbot, Neath, Swansea, and Llanelli prioritising the use of the abundant supply of brownfield land.

Planning Policy Wales is the principle document of the Welsh Assembly Government which sets out the land-use policy context for the consideration and evaluation of all types of development. The main thrust of PPW is to promote sustainable development by ensuring that the planning system provides for an adequate and continuous supply of land available and suitable for development to meet society's needs in a way that is consistent with overall sustainability principles.

Planning Policy Wales confirms at Paragraph 3.1.1 that the planning system:

"…is intended to help protect the amenity and environment of towns, cities and the countryside in the public interest while promoting high quality, sustainable development."

This document in Paragraph 1.2.2 confirms that a primary principle or basic premise of the planning system is that it:

"***… must provide for an adequate and continuous supply of land, available and suitable for development to meet society's needs. It must do this in a way that pays regard to:***

- ***overall sustainability principles, outcomes and objectives, paying particular attention to climate change as a key sustainability concern;***
- ***the Wales Spatial Plan;***
- ***detail policies on the different topic areas set out in PPW"***

Planning Policy Wales promotes the notion of sustainable development as being central to all planning decisions in Wales. Paragraph 4.1.1 of PPW states that:-

"the goal of sustainable development is to "enable all people throughout the world to satisfy their basic needs and enjoy a better quality of life without compromising the quality of life of future generations"

PPW in Paragraph 4.1.4 defines sustainable development in Wales:-

"In Wales, this means enhancing the economic, social and environmental well being of people and communities, achieving a better quality of life for our own generations in ways which:

- ***promote social justice and equality of opportunity; and***
- ***enhance the natural and cultural environment and respect its limits – using only our fair share of the earth's resources and sustaining our cultural legacy.***

Sustainable development is the process by which we reach the goal of sustainability."

The document outlines a number of relevant sustainable development principles, chief amongst which is the promotion of resource efficient settlement patterns and minimising land-take. There is also recognition that the location of development should aim to reduce demand for travel, especially journeys by private car.

Section 4.9 of PPW provides a preference for the re-use of land.

Paragraph 4.9.1 states that:

"Previously developed (or brownfield) land (see Figure 4.3) should, wherever possible, be used in preference to greenfield sites, particularly those of high agricultural or ecological value. The Welsh Government recognises that not all previously developed land is suitable for development. This may be, for example, because of its location, the presence of protected species or valuable habitats or industrial heritage, or because it is highly contaminated. For sites like these it may be appropriate to secure remediation for nature conservation, amenity value or to reduce risks to human health."

Paragraph 4.9.2 goes on to state that:

"Many previously developed sites in built-up areas may be considered suitable for development because their re-use will promote sustainability objectives."

The Welsh Government, in the revised Chapter 7 of Planning Policy Wales (Economic Development), defines economic development as 'development of land and buildings for activities that generate wealth, jobs and incomes'. It goes on to state that it is essential that the planning system considers, and makes provision for the whole economy and not just those defined under parts B1-B8 of the Town and Country Planning Use Classes Order. The planning system should also support economic and employment growth alongside social and environmental considerations within the context of sustainable development (PPW paragraph 7.1.3).

Paragraph 7.6.1 advises on development management and requires local authorities to adopt a positive and constructive approach to applications for economic development. In determining applications for economic land uses authorities should take account of the likely economic benefits. Key factors include:

- '*The numbers and types of jobs expected to be created or retained on the site;*
- *Whether and how far the development will help redress economic disadvantage or support regeneration priorities;*

- *A consideration of the contribution to wider spatial strategies, for example the growth or regeneration of certain areas.'*

Planning Policy Wales is supplemented by various Technical Advice Notes (TAN's) which provide more in depth guidance on specific issues. In this instance guidance contained in the following TAN's are applicable:

- TAN 4 Retailing and Town Centres (1996) provides guidance on the type of information needed to assess the vitality, attractiveness and viability of town centre.

- TAN 5 Nature Conservation and Planning (2009) seeks to ensure that protected species, habitats and designated sites are both protected and conserved by the planning system.

- TAN 11 Noise (1997) provides advice on how the planning system can be used to minimise the adverse impact of noise without placing unreasonable restrictions on development.

- TAN 12 Design (2014) seeks to promote sustainability principles through good design and identifies how local planning authorities can facilitate this process through the planning system.

- TAN 13 Tourism (1997) provides advice on tourism related issues in planning.

- TAN 14 Costal Planning (1998) provides advice on key issues relating to planning for the coastal zone, including recreation and heritage and shoreline management plans.

- TAN 15 Development and Flood Risk (2004) aims to direct new development away from those areas that are at high risk of flooding. Those areas of high risk are defined on a series of Development Advice Maps (DAMs) which detail three principle zones, A, B, C and sub-categories C1 and C2 that should be used to trigger Flood Consequence Assessments. TAN 15 defines what is considered to be vulnerable development and provides advice on permissible land uses in relation to the location of the proposed development and the consequences of flooding.

- TAN18 Transport (2007) endeavours to ensure Wales develops an efficient and sustainable transport system to meet the needs of a modern, prosperous and inclusive society.

- TAN 20 Planning and the Welsh Language (2013) provides guidance on how the planning system considers the implications of the Welsh language when LDPs are prepared. Further advice is provided in terms of determining planning applications where the needs and interests of the Welsh language may be a material consideration. In essence, the TAN advises that planning applications should not be subject to Welsh language impact assessment as this would duplicate LDP site selection processes where LDP objectives indicated the need for such an assessment.

- TAN 23 Economic Development (2014) re-iterates the broad definition of economic development contained within the revised Chapter 7 of PPW, and states that it is important that the planning system recognises the economic aspects of all development and that planning decisions are made in a sustainable way which balance social, environmental and economic considerations.

With regards to protecting the integrity of the European designated site Regulation 61 of the Conservation of Habitats and Species Regulations 2010 reads as follows:-

Assessment of implications for European sites and European offshore marine sites

61.—

(1) A competent authority, before deciding to undertake, or give any consent, permission or other authorisation for, a plan or project which—

(a) is likely to have a significant effect on a European site or a European offshore marine site (either alone or in combination with other plans or projects), and

(b) is not directly connected with or necessary to the management of that site, must make an appropriate assessment of the implications for that site in view of that site's conservation objectives.

(2) A person applying for any such consent, permission or other authorisation must provide such information as the competent authority may reasonably require for the purposes of the assessment or to enable them to determine whether an appropriate assessment is required.

(3) The competent authority must for the purposes of the assessment consult the appropriate nature conservation body and have regard to any representations made by that body within such reasonable time as the authority specify.

(4) They must also, if they consider it appropriate, take the opinion of the general public, and if they do so, they must take such steps for that purpose as they consider appropriate.

(5) In the light of the conclusions of the assessment, and subject to regulation 62 (considerations of overriding public interest), the competent authority may agree to the plan or project only after having ascertained that it will not adversely affect the integrity of the European site or the European offshore marine site (as the case may be).

(6) In considering whether a plan or project will adversely affect the integrity of the site, the authority must have regard to the manner in which it is proposed to be carried out or to any conditions or restrictions subject to which they propose that the consent, permission or other authorisation should be given.

(7) This regulation does not apply in relation to a site which is—

(a) a European site by reason of regulation 8(1)(c), or

(b) a European offshore marine site by reason of regulation 15(c) of the 2007 Regulations (site protected in accordance with Article 5(4) of the Habitats Directive).

(8) Where a plan or project requires an appropriate assessment both under this regulation and under the 2007 Regulations, the assessment required by this regulation need not identify those effects of the plan or project that are specifically

attributable to that part of it that is to be carried out in Great Britain, provided that an assessment made for the purpose of this regulation and the 2007 Regulations assesses the effects of the plan or project as a whole.

Planning Policy Wales Technical Advice Note 5 'Nature Conservation and Planning' also re-iterates this advice and seeks to ensure that protected species, habitats and designated sites are both protected and conserved by the planning system. In the case of this proposed development, where there is no direct on-site impact, it concentrates on those designated Natura 2000 sites to the south within the Loughor Estuary and Carmarthen Bay area.

In relation to flooding, when this planning application was originally received the application site was located within Zone C2 as defined by the Development Advice Maps (DAM) referred to under TAN 15. As a result of a detailed flood modelling exercise, Natural Resources Wales issued revised Flood Maps on the 1st May 2014, which indicate that the site is not at risk of flooding. This information has recently informed a change in the DAM's themselves, with the revised DAM's issued in January, 2015 indicating that the site is within Zone A.

Figure 1 of Paragraph 4.2 of TAN 15 describes Zone A as being considered to be at little or no risk of fluvial or tidal/coastal flooding. Using the precautionary framework advocated by TAN 15, Zone A is used to indicate that the justification test outlined in Paragraph 6.2 of TAN 15 is not applicable and there is no need to consider flood risk further. Nevertheless a detailed Flood Consequence Assessment has been submitted with the application, and therefore the matter will be addressed in detail in the following appraisal with reference drawn to the consultation response received from NRW.

With regards to flooding and highly vulnerable development, Welsh Government issued a letter on the 9th January, 2014, which reinforces national planning policy on flooding and emphasises the need to consider climate change and the lifetime of development. Paragraph A1.5 of TAN15 identifies that a proposed development must provide a safe and secure living and/or working environment throughout its life and that an assessment should include a flood event which has a 0.1% (or 1 in a 1000) probability of occurrence in any year.

Natural Resources Wales advise that the lifetime of development for residential development is 100 years, and for other development it is considered to be 75 years.

Therefore it is necessary to take account of the potential impact of climate change over the lifetime of development including a flood event which has a 0.1 % probability of occurrence.

THIRD PARTY REPRESENTATIONS

As aforementioned, one letter of representation has been received objecting to the application. The reasons for objection relate to flooding, water quality and ground contamination which are addressed in detail in the following appraisal.

It is also noted that Network Rail has a holding objection which is also addressed in the following appraisal.

APPRAISAL

Visual Assessment

A Visual Assessment has been completed for the former Grillo site to assess its suitability for a mixed-use residential and commercial development in visual terms.

The assessment concludes that views from within the town centre of Burry Port are limited by the flat, low lying nature of the topography.

From receptors to the south, including within the estuary itself and from the Gower Peninsula (4km away) it is considered that due to the distances involved development on the site would not be distinguishable from the remainder of the town.

The assessment states that Burry Port is primarily characterised by two and three storey development, whilst the undulating rural landscape and hillside to the north of the town forms a backdrop preventing any development intruding on to the sky line from this direction.

The skyline from views from the east and west of the site is dominated by built environment rather than by natural features.

The report goes on to recommend that through careful design, and sensitive treatment of scale, form and colour within the development this will assist in the visual integration with the existing town, and provide opportunities to maximise the potential of panoramic views of the Gower.

In relation to visual impact it must be remembered that the current application is in outline form only and therefore the LPA has control over matters of scale, design and layout at any subsequent reserved matters stage. The Authority's Landscape Officer has raised no objection to the current application, whilst the Planning Inspector's comments on the previous call-in inquiry on Grillo are relevant in this respect and were as follows:-

"As indicated by Cadw, the impact on the Taf and Tywi Landscape of Outstanding Historic Interest is a material consideration". Whilst the Pembrey and Burry Port part of that landscape stands in sharp contrast to the more rural/agricultural neighbouring parts, apart from the harbours, little trace remains of the once thriving heavy industries of this area. Furthermore, the previous industrial buildings did nothing to enhance the character and appearance if this part of Burry Port and the same can be said of the site in its present state. The Archaeological Assessment shows that there would be no adverse impact on listed structures or scheduled ancient monuments.

Although the application is in outline with all matters reserved for future consideration, the voluntary DAS shows how the layout could be designed to enhance the port area and complement the wider plans for the area. As the site lies within settlement limits, there would be no impact on open countryside, and the development would be seen in the context of existing largely two and three storey development in Burry Port without breaking the skyline in views from the coastline to the south.

The evidence submitted leads me to the view that, subject to the reserved matters, the proposal would enhance the character and appearance of the surrounding area, including the Taf and Tywi Landscape of Outstanding Historic interest"

The Welsh Ministers agreed with Inspector's comments in this respect.

Heritage Assessment

A desk based archaeological and cultural assessment was commissioned to support the application.

It states that historic maps and other sources record the post medieval development of the site. Up to the early nineteenth century the site is recorded as undeveloped sand dunes. The Pembrey Iron and Coal Company was formed for the purpose of building a new harbour, to replace the silted Pembrey Harbour. In 1827 they were granted permission to do so with an Act of Parliament. This allowed the building of the "New Pembrey Harbour" (completed in 1935 and now known as Burry Port) and for the land to the east to be developed for several industrial purposes, the first of which was the nonferrous smelting which commenced in 1849 at the Pembrey Copper Works. This industrial site was redeveloped on several occasions for a number of uses. The eastern side of the Works was separated and later occupied by yards and tramways, and more recently associated with the Carmarthen Bay Power Station. The western part (the Site) was most recently occupied by the Grillo Zinc Oxide chemical works, but these buildings have now been mostly demolished.

The report goes on to state that the Site represents the western half of the footprint of the Pembrey Copper Works, and the impact of the Development proposal would be minor, as the Works have largely been demolished and the only standing evidence of their presence are the north, west and south perimeter walls, including some partial lean-to type structures.

The Harbour Walls, breakwater and locks (61059) immediately to the west of our site are an important element of this landscape. These are Grade II Listed and, along with the Lighthouse (8428), they are the nearest listed features to the site. The nearest Scheduled Monument (SM) lies approximately 200m to the south west of the site and covers the nineteenth century canal boats. These assets would not be affected by the proposed Development, although there would be beneficial impacts on their settings.

The assessment has identified that the site does not contain any designated archaeological remains.

Although it is recognised that the wider area of the Loughor Estuary was the site of human activity during the prehistoric, Roman and medieval periods the HER records no archaeological sites, monuments or find spots of earlier than post-medieval date within the 2 km radius study area, with the exception of the record of the Medieval Dyfatty Water Mill.

Loss of any potential archaeological remains within the Site can be mitigated through a basic programme of building recording, and a watching brief over ground penetrating works.

Just like the copper ore slag which was tipped on the foreshore "slag tip" and re-used in harbour area, still to be found on bridges, school yard walls, and walls such as the Pembrey Copper Works wall near the lifeboat station 27, once the walls are dismantled it may be possible to re-use the material in the future development in this area including public realm.

The LPA has consulted Cadw, Dyfed Archaeological Trust and the Authority's Conservation Officer on the application. Whilst Cadw and Conservation have not responded, Dyfed Archaeological Trust raises no objection subject to the imposition of conditions on any planning permission granted.

Air Quality

The application was accompanied by an Air Quality Assessment dated July 2014 and produced by Waterman Infrastructure and Environment Limited. The key points raised in this document have been summarised in the consultation response received from the Authority's Environmental Health Practitioner that deals with Air Quality issues.

He advised that this application has been considered individually and in the context of the nature of other proposed developments in the wider Burry Port harbour area, along with consideration of their geographical location.

It is considered that the proposed development in isolation will not have a significant impact on air quality as regulated under the Environment Act 1995.

This particular application seeks to develop the former Grillo site to provide up to 230 residential dwellings along with proposed retail space. Pre-application discussions identified that it was unlikely that an Air Quality Assessment (AQA) would be required but that any submission would have to provide detailed justification as to why an AQA was not required. Documentation provided with the application supports the decision that an AQA was not required with cross reference to all relevant elements of existing guidance concluding that no 'trigger levels' would be exceeded in respect of the need to carry out an AQA. Therefore it is not considered that the development will have a significant adverse impact on air quality as regulated under the Environment Act 1995 and in relation to the requirements of Local Air Quality Management.

However, there is the potential for dust to be generated at levels that may impact on the locality and give rise to complaints and this has been recognised in the supporting documents with suggested mitigation proposed to minimise the impacts from the construction phase of the development.

Therefore, as part of reserved matters, it is suggested that a dust management plan detailing those aspects of the development work that may generate dust and the mitigation measures that will be taken to minimise the impact of any dust be submitted to the Local Planning Authority for written approval prior to any full planning consent being granted.

However, there is a potential that the cumulative impact from all the developments may give rise to a significant impact. Whether the level of impact is sufficient to breach relevant air quality objective levels is unknown, and would be extremely difficult to model.

However, he goes on to advise that through the implementation of best practice and use of sustainable development techniques, reference to latest guidance and timely communication as developments proceed, the overall impacts can be minimised and hopefully ensure that air quality issues are not created. The response goes on to list some environmental mitigation measures that can assist in this respect.

The traffic assessments associated with the developments have indicated that there should not be a significant impact and the modelled traffic volumes do seem to fall below the criteria used for determining whether an air quality assessment would be required. However, as with all models it is difficult to predict future scenarios and with no previous air quality monitoring data for the town it is impossible to state that the increased traffic volumes relating to the developments will not impact on the locality. The location does benefit from

being coastal and generally quite ‘open’ in nature, which will greatly assist with dispersion of pollution from traffic and other sources.

In order to determine whether there is any significant impact it is proposed to assess the existing road network in the vicinity to identify suitable locations to position nitrogen dioxide diffusion tubes that may form part of the Carmarthenshire air quality network. The data gathered from any tube sites set up will be used to try and determine whether there is any impact and if so, the magnitude of it.

The Authority’s Head of Public Protection therefore raises no objection on air quality subject to the imposition of conditions on any planning permission granted.

Noise

The application was accompanied by a Noise Assessment dated July 2014 and produced by Waterman Infrastructure and Environment Limited. The key points raised in this document have been summarised in the consultation response received from the Authority’s Environmental Health Practitioner that deals with Noise issues.

Advise that the noise assessment highlights that there will be a ‘minor adverse’ impact from the construction phase of the proposed development, and there is also the potential for ‘moderate adverse’ impact on the other proposed housing development (Sites 5 & 6, S/30598) should it receive planning permission and are occupied prior to the works at this site.

Measures to mitigate the noise at the construction phase are detailed in the Noise Assessment and therefore conditions are recommended on any planning permission granted.

It is noted that the TAN 11 assessment of the development indicates that with all future development for Burry Port present, the area falls into Noise Exposure Category (NEC) B. TAN 11 states that for NEC B, “Noise should be taken into account when determining planning applications and, where appropriate, conditions imposed to ensure an adequate level of protection.”

Mitigation measures have been proposed to ensure suitable internal and external noise levels, for which conditions are recommended on any planning permission granted.

The Authority’s Head of Public Protection therefore raises no objection on noise subject to the imposition of conditions on any planning permission granted.

Impact Upon the Welsh Language and Culture

Whilst a full Welsh Language Impact Assessment has not been required by the LPA, a Welsh Language Linguistic Statement dated October 2014 has been requested and submitted for all the pending Burry Port schemes, with the exception of the enabling works application. When this report was written, the application sites were allocated for development in the former Adopted Carmarthenshire Unitary Development Plan, 2006, whilst there was also a Development Brief that was adopted as Supplementary Planning Guidance. However as aforementioned, late on in the Local Development Plan process, the majority of the sites, with the exception of Site 4, were taken out of defined settlement limits due to conflict with the former Development Advice Maps referred to in TAN15.

The assessment, using the average household size for the Ward as derived from the 2011 Census information - 2.15 persons per household, states that the proposed developments as a whole would result in a population increase of some 860 (2.15 x 400).

In terms of demographics, at the time of the 2011 Census, the population of Burry Port Ward was 4,113 (aged 3 and over). Of this population, 36.2% (1,488) were able to read, write or speak Welsh, while the same figure for the County of Carmarthenshire was higher, at 46.5%. On a national level, this figure was 21.3%.

The assessment states, that as a result of the fact that the ward where the site is located has not only a greater proportion of individuals with an understanding of Welsh than at National level, though not at County level, it is evident that the Welsh language forms an important role and feature of the this community. Consequently, any proposed development within this community must wherever possible protect and promote the Welsh Language, as well mitigate any negative impacts such a development may introduce.

The assessment goes on to review the relevant planning policy context in relation to the Welsh Language, with specific attention drawn to TAN20, Policy SP18 of the Adopted LDP and the Adopted SPG on Welsh Language.

With regard to development management, the TAN maintains that, in determining individual planning applications and appeals where the needs and interests of the Welsh language may be a material consideration decisions must, as with all other planning applications, be based on planning grounds only and be reasonable. Adopted development plan policies are planning grounds, including those which have taken the needs and interests of the Welsh language into account. Planning applications should not be subject to Welsh language impact assessment, as this would duplicate LDP site selection processes where LDP objectives indicated the need for such an assessment.

On the latter issue, whilst the majority of the sites are no longer allocated for development within the Adopted LDP, they were only omitted at a very late stage in the LDP process (July 2013). Prior to this their sustainability credentials, including potential impact upon the Welsh Language would have been considered as part of the LDP allocation process. This was a relevant consideration in the LPA's decision not to request a full Welsh Language Impact Assessment, but nevertheless the impact upon the Welsh language is still a material consideration.

Policy SP18 of the LDP states that the interests of the Welsh language will be safeguarded and promoted. The SPG provides further guidance and elaborates on this and outlines examples of possible mitigation measures that could be included in development proposals to safeguard and promote the Welsh language where there would be an adverse effect on the Welsh language. The list is not exhaustive but includes housing (with reference to phasing and affordable housing); employment (including retail); and education.

The assessment states that the 2011 census indicated that at a national level the number of people who speak Welsh has fallen in the past 10 years; however there have been considerable increases in younger children who spoke Welsh. Carmarthenshire has experienced the second largest decrease in the percentage of Welsh speakers during this 10 year period, whilst the census statistics indicate that the Welsh language has a significant role in the community of Burry Port.

The proposed development of the harbour area as a whole will provide for a range of housing types, including a percentage of affordable housing. Whilst there is no policy requirement to impose a phasing condition on the housing, it is inevitable that not all the development will come forward at the same time whilst the release of land can be controlled by the Local Authority as principal land owner. The assessment draws reference to housing data from Persimmon homes on sites which they have developed within close proximity in recent years, whereby it evidences that the majority of people who purchased the houses already lived within the SA post code area. Reference is also drawn to Joint Housing Land Availability studies which indicate a slow rate of building within the locality in recent times due to the slowdown in market conditions. In this respect it is argued that an increased rate of development is needed to meet local needs.

The developments will also contribute to local employment, primarily due to the leisure and tourism proposals on site 4, and the 10,500 sqm of employment space with an appreciable live/work element on site 7. The aim of the latter is to encourage indigenous businesses and possibly training opportunities. It is also worth noting that extant planning permission exists for Tesco to develop a retail store on a different site down the Burry Port harbour area, which will also create local jobs. Jobs will also be created during the construction phases of development.

The construction of a 330 place Welsh Primary school on site 8 which forms part of the local authority's future education development as contained within its Modernising Education Plan is also a key consideration in terms of impact on the Welsh language. This modern Welsh primary school will make a significant positive contribution towards learning in the medium of Welsh during early years. Financial contributions will also be secured from the residential developments towards improving education facilities generally within the catchment area as a whole, which may also relate to the Welsh medium secondary school at Stradey.

The assessment concludes that the proposed developments as a whole will only serve to have a positive impact on the Welsh language and its future in the settlement of Burry Port and the surrounding area. Nevertheless it does suggest some measures to maximise benefits on the Welsh language, which primarily relate to advertising, interpretation and holding local events in the medium of Welsh.

The proposed developments in the Burry Port harbour area will result in significant environmental and economic regeneration benefits. The LPA agrees with the conclusions and recommendations made in the Linguistic Assessment, whilst no objections or information to the contrary has been received. It has been evidenced that the proposed developments will contribute towards a range of house types including affordable housing, employment and education opportunities, which as a collective will contribute positively to safeguarding the Welsh language and culture.

On balance therefore it considered that a development of the scale proposed will not undermine the long-term viability of the Welsh language and culture of the wider area which is identified as a service centre in the Adopted LDP located on the sustainable transport corridor within close proximity to the growth area of Llanelli. The proposal is therefore considered to be in accord with the aims of Policy SP18 of the LDP.

Highways

The applications for the development of the Burry Port harbour sites were supported by a Paramics micro-simulation traffic model and a detailed transport assessment that identified

the likely travel characteristics and hence impact of the proposed development(s) on the local highway network.

In response to the holding objection from Network Rail who originally opined that the developments are likely to have a significant impact on increasing high vehicular traffic over the level crossing and bridge, Asbri Transport produced a technical note that provides a detailed assessment of the impact of the regeneration area on the existing railway crossings.

In relation to the above, reference is drawn to the consultation response and appraisal received from the Authority's Head of Transport, which is as follows:-

In 2011 an update of the existing Paramics micro-simulation traffic model produced for the B4311 Burry Port highway network was commissioned by Carmarthenshire County Council (CCC) and produced by Waterman Boreham Transport Planning (WBTP). The model had been developed to test future- year traffic scenarios and the impact of the developments proposed within the Burry Port Masterplan area. Forecast traffic modelling for three scenarios were produced, namely;

Future year (2028 + committed)
Future year with development (2028 + committed + development)
Future year full Masterplan (2028 + committed + development + UDP allocation)

The model included for study of the following junctions:

A484 Danlan Road / A484 Heol Gwscwm / B4311
B4311 / Furnace Road
B4311 / Tan y Bryn
B4311 / Heol Vaughan
B4311/ Station Road / Ashburnham Road
B4311 / Harbour / Ashburnham Road
B4311 Car Park / Un-named Road to Millennium Coastal Path Car Park
B4311 / Access / Industrial Park Estate
A484 Pwll Road / B4311

In addition, the model network was amended to include additional links to the proposed development sites within the Masterplan area. These changes provided for three additional zones as follows;

Zone 18 - to serve the former Grillo site, Site 5 and Site 6.
Zone 19 - to serve Site 7
Zone 20 - to serve Site 8 (and Site 9, now contained within red line of Site 8).

The results showed that, for the full Masterplan Scenario - AM Peak, the additional traffic of this scenario adds 4 seconds to the base average journey time from west to east and 9 seconds from east to west and is considered insignificant. Queuing across the network is marginally increased. Similar results were obtained for the PM Peak and showed that 17 seconds is added to the journey time form west to east, 13 seconds from east to west which is considered insignificant. Again, queuing across the network was only marginally increased.

In conclusion, and from evaluation of the results of the modelled scenarios, WBTP considered that capacity–focussed improvement of the modelled highway network was not required as a result of the developments proposed in the Burry Port Masterplan.

Subsequently, in August 2014, outline with all matters reserved applications were received to develop various sites within the Masterplan, in addition to a full planning application for enabling works.

As a result of the above proposals, particularly the use of Sites 8 and 9 for a new school (now combined as Site 8) and relocation of the Llanelli Sand and Dredging Ltd access, a further revision of the Paramics Modelling of the Future Year Masterplan scenario was made in Feb 2015, on behalf of CCC and Codex Land Limited, the owners of the former Grillo site). This assessed the impact of reducing the speed limit along the SDR from 40mph to 30mph from a point just east of the RNLI Lifeboat Station roundabout to a point just east of the newly proposed LS&D site access. Also, an additional zone has been included to the Paramics model Zone Plan:

Zone 21 - to represent the relocated Llanelli Sand and Dredging Ltd Access.

Waterman again considered that the results from the modelling assessments have shown that the additional background traffic growth and traffic generated by the developments within the Burry Port Masterplan should not significantly affect journey times and the level of queuing within the network. It was considered by them that capacity-focussed improvements to the highway network are not required to accommodate the additional forecast Masterplan traffic and background traffic growth. The Burry Port Southern Distributor Road (B4311- SDR) was designed with the Masterplan in mind.

In between the running of the two PARAMICS traffic modelling scenarios outlined above, which assessed the traffic impacts associated with the proposed development sites, a Transport Assessment (TA), dated July 2014 was produced by Asbri Transport on behalf of the applicant, CCC. This TA was submitted in support of several outline planning applications for a major regeneration scheme in Burry Port.

The TA assessed the public transport, pedestrian and cycling infrastructure in the vicinity of all the proposed development sites which are located to both sides of the Burry Port Southern Distributor Road (B4311). It also analysed and discussed the findings of the PARAMICS modelling carried out by Waterman. In doing so the TA reports on the transport characteristics of the proposed developments and the likely impact of the proposals on the local transport network, namely:

- Consider any potential to increase congestion and delay on the SDR and the roundabouts along it;

- Analyse accident risks on the highway network within the assessment cordon adopted within the TA;

- Consider any potential to increase impact on noise and air quality;

- Identify any potential measures to increase accessibility/connectivity of the proposals.

Within the TA, a series of measures have been proposed to improve the permeability of the area for walking, cycling and access to public transport together with measures to facilitate integration with existing infrastructures/facilities. An area of previously unidentified land serving Llanelli Sand and Dredging Ltd has been incorporated within the site area to provide a formal off-street parking and drop-off area for the school.

The Authority's Head of Transport's response concludes that there is no highways technical reason why this application should be refused, and recommends approval subject to the imposition of a number of conditions on any planning permission granted.

With regards to the holding objection from Network Rail, as aforementioned Asbri Transport has produced a detailed assessment that identifies the impact of the Burry Port Regeneration Strategy Area (Regeneration Area) on the existing railway crossings across the West Wales Rail Line in Burry Port as follows:

- An automated level crossing on Heol Yr Eglwys; and,
- A road over-bridge and separate pedestrian footbridge on Station Road.

The technical note identifies:

- the existing traffic/pedestrian flows across the two crossings, based on recent surveys;
- the likely increases in traffic/pedestrian flows across the two crossings; and hence,
- the impact of the Regeneration Area on the existing crossings.

In order to assess the impact of the development proposals on the existing railway crossings, it was necessary to establish the conditions that exist within the surrounding transport network. Therefore, traffic surveys were undertaken at both crossings on Thursday 13th November 2014 (between 0700 and 1900) to determine the volume of vehicles and pedestrians currently using both crossings.

Asbri Transport also sought information on level crossing activations at Heol Yr Eglwys from Network Rail's Level Crossing Manager. As a worst-case scenario, the existing barriers are down a maximum of four times with a total closure time of 12 minutes (during the morning peak hour), and a maximum of 11 times with a total closure time of 33 minutes (during the evening peak three hour period).

In terms establishing the proposed impact of the development sites, the report looks at the travel characteristics of both vehicles and pedestrians. With regards to vehicles it has been established that the entire Regeneration Area will add a maximum of 51 vehicle movements (two-way) across the Station Road Bridge between 1700 and 1800, which equates to less than one vehicle per minute (two-way). At the level crossing it is anticipated the Regeneration Area will add a maximum of 35 vehicle movements (two-way) on Heol Yr Eglwys between 0800 and 0900, which equates approximately one vehicle (two-way) every two minutes.

With regards to pedestrian movements, it is anticipated that the volume of pedestrian trips across the network generated by the Regeneration Area during periods will be relatively low. However, the proposed primary school (plot 8), which is close to the existing level crossing on Heol Yr Eglwys, will generate a significant proportion of pedestrian trips during network peak periods. It has been established that the entire Regeneration Area is likely to add a maximum of 35 pedestrian movements (two-way) across the Station Road footbridge (between 1500 and 1600), which equates to approximately one pedestrian (two-way) every

two minutes. Across the level crossing, the Regeneration Area could add a maximum of 237 pedestrian movements (two-way) between 1500 and 1600), which equates to approximately 4 pedestrians per minute.

The assessment concludes that the maximum increases in traffic and pedestrian flows across the Station Road Bridge are relatively modest, with less than one vehicle per minute (two way) and approximately one pedestrian (two-way) every two minutes. It is therefore anticipated the impact of the Burry Port Regeneration Strategy Area on the Station Road Bridge will be minimal.

The maximum increases in traffic flows across the Heol Yr Eglwys level crossing are also considered to be relatively minor, with approximately one vehicle every two minutes. With the level crossing closed for three minutes (every time a train passes) the proposed development could increase the number of queuing vehicles by between one and two vehicles in total. Bearing in mind the crossing is closed a maximum of 4 times during the am peak hour (and less throughout the rest of the day) it is considered that the impact of the proposed development will be negligible.

However the increase in pedestrian flows across the crossing (primarily as a result of the proposed primary school) is greater, with up to four pedestrians (two-way) per minute. Again, with the crossing closed for up to three minutes (with every train pass) the average number of pedestrians waiting to cross the crossing could increase by up to 12 pedestrians. Bearing in mind the crossing is closed a maximum of 4 times during the am peak hour (and less throughout the rest of the day) it is considered that the impact of the proposed development will be negligible.

In conclusion, the report states that the increases in vehicular and pedestrian volumes as a result of the Regeneration Strategy Area will be relatively modest, and that the regeneration area will have a negligible impact on the operation/safety of the existing crossings.

The LPA has re-consulted Network Rail on the technical note received during the course of the planning application process, whilst Asbri Transport in producing this assessment has also liaised with Network Rail. Network Rail has stated that after studying the details submitted and consultation with their Level Crossing Manager and Asset Protection Engineer, Network Rail submits a holding objection to the above proposal. Network rail goes on to state that from their interpretation of the transport assessment it does not look as if the proposed development will have a big increase in vehicular movements across the Church Road crossing, however, the pedestrian movements will increase substantially. Network Rail also have concerns regarding the vehicular movements as the pedestrian movements will certainly be converted into car journeys during the winter months, therefore suggest a meeting is arranged to discuss the overall safety concerns and traffic management criteria.

This revised response from Network Rail does not raise concern with regards to Station Road Bridge crossing, and acknowledges that the proposed developments will not have a big increase in vehicular movements across Church Road. However it does raise concern over the substantial increase in pedestrian movements across Church Road, which as aforementioned will be associated with the new school development. In this respect, whilst Network Rail has a holding objection to all the pending applications, it does appear that their concern only relates to the potential impact associated with the proposed school development. In this respect the LPA will arrange a meeting with Network Rail and the applicant/agent to discuss their safety concerns and traffic management criteria in relation

to the school development. Therefore Members of the Planning Committee are respectfully requested to resolve to approve the application pending the holding of such a meeting.

The B4311 Southern Distributor Road will be the principal means of access to all the Burry Port harbour development sites. This road was constructed at significant public expense to facilitate the regeneration of the Burry Port harbour area, an aspiration that has not been realised to date. Prior to the construction of the SDR there would have been more vehicular and pedestrian movements across the railway line, and therefore the SDR has relieved pressure in comparison to the historic situation. It is acknowledged that the character of a section of this road needs to change in order to successfully integrate the developments, for example by reducing the speed limit to 30mph and introducing additional footways and crossing points. The majority of the pending applications, with the exception of the enabling works application are currently in outline form with all matters reserved, and therefore the exact detail in terms of access points etc will be agreed at reserved matters stage.

Ground Conditions

The application was accompanied by a detailed Ground Conditions Report produced by Waterman Infrastructure and Environment Limited dated July 2014. Due to the nature of ground conditions within the wider area and the remediation recommendations it has by necessity resulted in the consideration in some instances of geotechnical and geo-environmental issues across development site boundaries. Therefore the Ground Investigation and Remediation Strategy produced by Environmental Scientifics Group dated August 2011 and submitted with the other applications in the Burry Port harbour area is also relevant, and is also referred to by NRW in their response to this application.

Historic maps indicate that the site has previously been developed for use by various local industries. The last known industrial use was a zinc oxide plating plant (on the Grillo Site).

The Waterman report considers the ground conditions on and under the masterplan Sites. The Report also considers the ground water bodies passing under the site. Contamination of surface and near surface soils can adversely affect groundwater bodies and could impact on Water Quality in the SAC, SPA and RAMSAR protected sites.

A number of ground investigation reports have been carried out over the years in relation to wider Burry Port harbour sites. The scopes of the investigations were specifically designed to take into account the previous uses which have occupied the Grillo Site area, and known contamination and pollution issues in the Harbour area as a whole.

The last known industrial uses were:

- a zinc oxide plating plant (Grillo)
- a Copperworks (Site 7)
- a power station (Site 6)
- a boat yard / car park(Site 5)

The report states that there have been significant water quality issues in the Loughor Estuary, which has led to legislation with regard to drainage in the vicinity, but pollution from groundwater leachate emanating from ground contamination is also a major consideration.

The scope of the ground investigations included inter alia the requirement to undertake the following:

- review of findings from reports of previous investigations (from 2004 to 2011);
- identification of sources of contamination by means of intrusive investigations, sampling, in-situ testing and laboratory testing;
- groundwater level and quality monitoring; tidal monitoring;
- assessment of the hydrogeology;
- assessment of the risks to human health;
- assessment of the risk to water quality using the Environment Agency Remedial Targets Methodology and related spreadsheet models for both upper and lower aquifers for individual sites and for the wider area;
- outline assessment of options for any remediation needed to protect human health and water quality.

A number of the previous investigations and assessments were considered at the time of the previous outline application for Grillo and the clear indications at that time were that substantial remediation of the surface soils on the Grillo Site would need to be carried out. Heavy metals in particular were identified at surface or near surface level which could impact ground water bodies below.

The report states that the further investigations by ESG in 2011 concentrated on the contamination emanating from the JV Sites rather than the Grillo Site. The general conclusion from the ESG Report was that as far as the JV Sites were concerned there had been considerable attenuation of organic substances in both soil and water since the time of the previous investigations in 2007. The Grillo Site however was found (from boundary sampling) to have significantly more contamination at or near surface level.

The report recommends that further assimilation and groundwater modelling should be undertaken to reconcile variations in implied permeability in some of the materials encountered. The outcome of those further tests and reporting will lead to confirmation or modification of the recommended remediation strategy which is currently proposed for the Grillo Site.

An overview of ground conditions is provided in the report. The typical cross section of physical soil types on the Grillo Site and adjacent masterplan Sites are as follows:

- up to 3.4m Made ground overlying
- to 8.2m 'Blown Sand' overlying
- to 14.7m 'Alluvium' overlying
- over 16.5m Glacial Sands and Gravel

Groundwater was encountered in the blown sands and again in the glacial sands and gravels. There was a close relationship between tidal levels and the groundwater levels in the blown sands.

The made ground was observed to comprise a variety of materials, predominantly from former generations of construction / demolition on the sites, and 'stockpile residues' of process materials or fuels.

In terms of the chemicals and contaminants encountered, numerous instances of toxic and phytotoxic heavy metals were recorded including arsenic, lead, nickel, copper, zinc and cadmium. There are also numerous incidences or hotspots of hydrocarbon contamination.

With regards to ground water quality, the majority of contaminants identified in the ‘solid’ materials were analysed and found to be present in leachable forms. This was further confirmed in analysis of groundwater samples.

Constraints encountered were, in many instances, identified at levels which are considered hazardous to human health.

In terms of ground water movement the report states that the relative permeability of the material layers encountered indicated that groundwater movement could be taking place both vertically and horizontally. This movement could mobilise leachates from the contamination hotspots, and this could lead to movement and ultimate discharge into the Loughor Estuary.

Extensive modelling and analysis has been undertaken to identify representative permeability of, principally, the blown sand layer, which is where the highest levels of water borne contaminants have been recorded.

The results of those assessments of hydraulic conductivity have appeared to be variable, indicating a potentially wide range of permeability of the near surface materials. Consequently the report recommends that further sensitivity testing should be undertaken to enable the groundwater modelling assessments to be expanded and further reported to identify a reliable regime parameter to inform and enable review of remediation proposals.

Preliminary risk assessments have been undertaken for the Grillo site which identifies the main potential sources, pathways and receptors. The potential sources include the aforementioned metal substances and hydrocarbons, whilst potential offsite sources from the east and north from the historic landfill lead and silver works has also been identified. The potential pathways were identified as direct contact with contaminated soils and lateral and vertical migration through soils and aquifers. The receptors are of course the end users, site workers and aquifers/estuary.

The PRA sequentially led to the preparation of a Preliminary Quantitative Risk Assessment which identified measures that would be required to protect against human health, landscape planting, controlled waters and ecology/marine life, which in turn informed the proposed remediation strategies.

In terms of remediation, as noted by the previous Planning Inspector on the Grillo call in inquiry numerous strategies have been proposed and refined through considerable discussion with the former EAW since 2007. At the time of the previous call in inquiry the Inspector noted that final agreed strategy was not prescriptive in terms methodology to be used to remediate, but remediation parameters were defined. Contract documents were prepared and tenders invited from experienced contractors. Those tendering were required to submit proposals to remediate to defined parameters and a wide range of proposals were submitted. The most comprehensive tender amounted to some £2.9m with an alternative

cost, which proposed stabilisation as a method of remediation, at a cost of £1.05m also being submitted. The latter proposed a principle of removing identified hotspots of contamination to licensed tips, combination of in-situ bioremediation and stabilisation, with groundwater containment. The process was proposed to treat the top 1.5m of surface material followed by the capping of the surface with 200mm of clean crushed material. The alternative proposal included the cost of full monitoring and validation of the remediation works. This strategy was agreed in principle with the former EAW, now NRW.

The ESG report in 2011 carried out further ground investigation on the JV sites adjacent and in close proximity to Grillo. The report found that ground conditions and instances of contamination were similar, whilst the results of groundwater contaminants whilst also similar varied reflecting the spatial locations of the JV sites, with exception of Site 5, being upstream of the specific Grillo site groundwater environment, and the differences in historical industrial uses.

The most significant difference identified between the results of the ESG investigations and the previous investigations specific to the Grillo site was the apparent hydraulic conductivity of the blown sand 'aquifer' layer. Results seem to indicate and predict higher degrees of 'cementation' in the layer, with resultant lower permeability values, of potential significance.

The detailed analysis of the results, with these reduced conductivity predictions, implies a less hostile risk environment to be addressed.

This suggests a potential remediation strategy for the land adjacent to the Grillo Site involving less intrusive and shallower treatments, as leachate migration potential would appear not to be as great as that previously indicated for the Grillo Site. This should be expected because the surface contamination on the Grillo Site has far more potential to impact on the ground water bodies by leachates emanating from the surface contamination. For this reason significant remediation has been proposed for the Grillo Site.

Further intrusive investigations should be undertaken to confirm the variations in the values of hydraulic conductivity of the blown sand aquifer layer. A revised performance specification for the remediation of the Grillo Site and JV Sites should be prepared and tenders invited from experienced remediation contractors.

It is concluded however from the extensive ground investigations already undertaken that there will be no general requirement for the remediation of groundwater for either the Grillo Site or the JV Sites. It is also anticipated that given the industrial history of the sites that the surface soil remediation on the Grillo Site will be far more extensive then will be required for the JV Sites.

The report states that as a result of these findings special attention has been paid to the design and construction of the proposed works. In order to comply with the minimum finished floor level criteria dictated by flood risk analysis, the proposed development works will be constructed to a minimum level of 7.1m AOD. Therefore construction works will be virtually entirely above existing ground and imported capping blanket levels, and no additional construction detailing to cater for overly aggressive ground conditions is anticipated. The new surface and foul water sewers will be constructed at a shallow depth across the site, and likely to be located within the imported material, and remediated stabilised materials. Nevertheless some precautionary measures are proposed to prevent any horizontal migration of groundwater into the new surface water sewer. The new foul pumping station

however will be constructed at depths of approximately 8m below finished ground level and therefore special precautions will be required in the design and construction of the structure.

This report along with the ESG and other assessments have been considered in detail by the former EAW and now NRW, and the Authority's own Public Health Division. In their response to the current application NRW welcome the submission of the reports and advise that the controlled waters at this site are of high environmental sensitivity, due to its close proximity to the Carmarthen Bay and Estuaries SAC. NRW note the content of the reports and raise no objection towards the proposed development from this perspective subject to the imposition of conditions on any planning permission granted. The Authority's Public Health Division has also raised no objection subject to conditions.

On the issue of contamination and remediation, it is worth noting at this juncture that the Planning Inspector in his report on the previous Grillo call in inquiry at Paragraphs 51 and 119 notes the significant environmental benefits in terms of remediating contamination which is already leaching into the underlying aquifers and has the potential to impact on the CBEEMS. In this respect also, the Welsh Ministers in Paragraph 39 of their report agreed with the Inspector's conclusions on the effects of the remediation of the contamination of the Grillo site.

Flooding

As aforementioned in the planning policy section of this report, at the time of the planning submission the application site was partially located within Zone C2 as defined by the Development Advice Maps (DAM's) referred to under TAN15, and therefore the application was accompanied by a detailed Flood Consequence Report produced Waterman Transport and Development LTD dated August 2014 and hydraulic modelling. However in January 2015 Welsh Government issued new DAM's which indicate that the site is now outside of the flood outlines zones, and this fact is acknowledged by NRW in their most recent response.

The accuracy of the DAM's for the Burry Port harbour area have been disputed for a number of years, and the revised DAM's now correspond with the revised flood maps issued by NRW in May 2014. The accuracy of the DAM's and the conflict with national planning policy on flooding was the key consideration in the call in inquiry relating to Grillo (2011/12). The Planning Inspector submitted that the most reliable evidence in respect on flooding should be given precedence, and whilst the NRW flood maps and DAM's had not been changed at that time, the Planning Inspector concluded that planning permission should be granted as material considerations were sufficient to outweigh conflict with planning policies restricting residential development within Zone C2. The Welsh Ministers (2013) disagreed with the Planning Inspector and refused planning permission on the basis that the proposal was contrary to planning policies which restrict residential development within Zone C2.

As already noted the application site is now within Zone A which TAN15 defines as being considered to be at little or no risk of fluvial or tidal/coastal flooding. Using the precautionary framework advocated by TAN 15, Zone A is used to indicate that the justification test outlined in Paragraph 6.2 of TAN 15 is not applicable and there is no need to consider flood risk further. Nevertheless due to the history of the site, and the fact that the application was originally accompanied by an FCA with associated hydraulic modelling, the matter is discussed further in this section of the report. In this respect reference is primarily drawn to the consultation response from NRW which provides their technical comments on the FCA and hydraulic modelling. NRW's response provides technical guidance on the site specific

FCA and cumulatively with all the other development sites proposed down the Burry Port harbour area.

In terms of the site specific comments in addition to the FCA a 1D2D Estry Tuflow model has been submitted, in support of the FCA that was created in a joint venture between NRW and Carmarthenshire County Council (CCC) in early 2014. The purpose of the model was to provide a detailed assessment of fluvial flood risk from the Nant Dyfatty, the primary watercourse within Burry Port. Upon receipt, the model underwent a review by NRW to ensure its suitability for assessing the fluvial flood risk from the Nant Dyfatty and enable flood map to be updated. The conclusion of the review was that the model was fit for purpose to determine flood risk. As such, no technical review of the model by NRW has occurred as part of their FCA review.

The consultants have used the NRW/CCC Estry Tuflow model, under licence, to assess the fluvial flood risk to a number of development sites in Burry Port. However, in order to satisfy the requirements of TAN 15, the consultants have made minor amendments to the model in the form of:

- Assessment of blockage scenarios.
- Assessment of extreme tidal events.

The blockage scenarios include a 50% blockage to two culverts at Ashburnham Road and B4311. The proportion of blockage and location of the affected structures is considered appropriate by NRW.

Assessment of extreme tidal events was not conducted as part of the joint venture between NRW and CCC. Therefore, the consultants have included a tidal boundary, for which the application and location are considered appropriate. All tidal runs have included a constant QMED fluvial flow in the Nant Dyfatty, which is also considered appropriate by NRW.

All additional runs conducted to assess blockage and extreme tidal events are stable and have mass balance error well within the acceptable range, as stated within the TUFLOW manual.

The site remains dry in the fluvial 1%, 1% + climate change (CC), 0.1% and 0.1% + CC annual probability event (APE) modelled scenarios.

The site remains dry for the 1% + CC and 0.1% + CC fluvial events with a 50% blockage applied to the Ashburnham Road and B4311 culverts.

The site remains dry in the present day tidal 0.5% and 0.1% APE events. However, within the 0.5% + CC APE modelled scenario some inundation, up to a maximum of 100mm, is seen along the extreme Western boundary of the Grillo site. Within the 0.1% + CC APE event, significant inundation is seen within the Northern and Southern areas of the site, up to a maximum depth of ~330mm. During the 0.1% + CC APE event, a flow path develops on the Western boundary of the Grillo site before flowing in an Easterly direction through the neighbouring development Site 6 and into the Millennium Coastal Park.

The consultant has also run an extreme tidal event for the 0.5% APE event, plus climate change, with tidal levels at the upper extent of the confidence interval. This approach adds 0.3m and 0.5m to the 200yr + CC and 1000yr + CC tidal levels respectively. This results in a modelled tidal level of 7.05 m above ordnance datum (AOD) for the 0.5% + CC event. This

approach is considered conservative and is designed to assess uncertainty in the predicted tidal levels.

Results from the confidence interval model run show that there would be significant inundation within the vast majority of the site, with maximum depths of ~0.6 metres. A significant flow path passes through the site from West to East into neighbouring Site 6.

The consultants have modelled proposed scenarios, in which a plateau, covering the entirety of the Grillo site, has an elevation of 7.1 mAOD. The proposed model has been run for the 0.5% + CC plus confidence interval tidal event, which has a tidal peak of 7.05 mAOD and represents the extreme tidal scenario. Although the site is also inundated during the 0.5% + CC and 0.1% + CC tidal events these events have not been modelled for the proposed scenario.

In the proposed modelled scenario, the Grillo development site remains dry when modelled with the 7.1 mAOD plateau.

A comparison has been conducted to determine the impact upon third parties as a result of the proposed plateau within the Grillo site.

An increase in water surface elevation is seen in two main locations. The first is along the Western boundary of the Grillo site, within the neighbouring Site 4 development site, where a maximum increase of 7mm is seen. The second area is to the North of the Grillo site on the B4311 roundabout. The maximum increase seen at this location is ~110mm.

One area of increased water surface elevation, is Morlan Terrace, where the maximum increase in level is ~ 9mm. This is above the 5mm acceptability criteria adopted by NRW.

However, although an increase of 9mm would be deemed detriment, the flow path for floodwater to reach the Morlan Terrace location only increases by 1-2mm. Therefore as the mechanism of flooding cannot be deemed to be detriment, the Morlan Terrace water surface elevation increase is also deemed insignificant by NRW.

All other areas of Water surface elevation increases to the North of the B4311 main road have a maximum increase of 3mm, and as such are considered insignificant by NRW.

In summary, the FCA concludes that the site is at risk of flooding but proposes mitigation in the form of raising ground elevations to address flood risk. It also assesses the effect of the mitigation and there is a small increased flood risk on the B4311 to the west of the site and a very small increased flood risk on Site 4. However, NRW are aware that this site forms part of the wider development proposal and the ground on Site 4 is also intended to be elevated above its current level.

Access and egress is considered within the FCA, however NRW advise that is a matter for the Local Authority's consideration. In this respect the FCA states that the primary access to the Site will be via a new junction onto the Southern Distributor Road (B4311) to the north of the Site. In emergency situations in the event of an extreme tidal flood the access/egress route would be via the Distributor Road, which remains flood-free during all modelled scenarios. The most appropriate emergency evacuation route would be to travel along the B4311 in an easterly direction towards the A484. This then provides access to the main town centre of Llanelli and wider transport links to the M4.

The Distributor Road to the west of the Grillo Site is shown to be affected by floodwaters up to 0.5m deep during the 0.5% probability event in 2114 with Upper Confidence Interval applied. However, it is only affected for a short distance of circa 60m at the B4311 Roundabout for a total period of circa 2 hours. Peak flood velocities along the affected section reach 0.37m/s; however interrogation of the model output data shows that velocities exceed 0.3m/s for only 10 minutes. The aforementioned route is however preferable.

NRW consider that the hydraulic modelling is robust and considers extreme events including climate change and the potential for flood risk from blockage at structures through which flood water passes. NRW accept that the proposed mitigation works effectively create a plateau that remains flood free for all scenarios considered within the FCA.

NRW's technical comments go on to state that although individual FCA's have been received for each development site, each development site is part of a larger, overall development for Burry Port, which has been termed the 'Master Plan'.

Each FCA has been reviewed from the viewpoint that each development is 'standalone', i.e. the developments are not part of the Master Plan. The response also assesses the impacts of the proposed sites as a collective.

The existing flood risk for each proposed development site has been assessed through use of a detailed 1D2D Estry TUFLOW model for both fluvial and tidal scenarios. The consultant has also met the requirements of TAN 15 through assessment of structure blockage and incorporation of predicted fluvial flow increases and sea level rise due to climate change. Where development sites are shown to be at risk during the modelled scenarios, mitigation proposals have been modelled to demonstrate how the flood risk can be managed.

Based upon the information provided to NRW, the Master Plan comprises of 6 sites. Each site has been assessed individually to determine the current flood risk and impacts of the proposals. As each development is part of the overall Master Plan, the consultant has modelled the Master Plan as a whole which assesses all development proposals in conjunction.

The modelled proposals are as follows:

- Site 4: Development Plateau set at 7.1 mAOD covering the entirety of the site.
- Site 5 and 6: Development Plateau set at 7.1 mAOD covering the entirety of the site.
- Site 7: Development Plateau set at 7.1 mAOD covering the entirety of the site, along with a conveyance channel along the Southern boundary with an elevation of 6.6 to 6.8 mAOD.
- Site 8: Development Plateau set at 6 mAOD which covers the proposed school building footprint.
- Former Grillo Site: Development Plateau set at 7.1 mAOD covering the entirety of the site.

The Master Plan scenario, encompassing all development proposals was only run for the tidal 0.5% plus climate change (CC) plus confidence interval, which throughout the individual site assessments, has represented the worst case scenario in terms of flood risk and inundation. The Master Plan scenario has not been run for any fluvial events. However, due to the limited flood outline arising from the extreme fluvial event, it is unlikely that the Master Plan would result in any changes to the results discussed in the FCA reviews for Site 7 and

Site 4. The extreme fluvial flood outline does not extend to Sites 5, 6 and the former Grillo site.

All sites, during the Master Plan assessment remain dry. This is due to all development plateaus, except Site 8, being set at a level above the tidal 0.5% + CC plus confidence interval peal elevation.

An assessment of water surface elevation change was also conducted. It can be seen from the results that some areas of detriment do exist, primarily within the Western area of Site 8, the B4311 roundabout to the North of the former Grillo site and an area to the South of the former Grillo Site. However, all of these detriment areas were highlighted within the individual site assessments and the in combination assessment does not increase detriment in these areas or create new areas of detriment. The Master Plan assessment does show that when all development plateaus are modelled in combination, the residential area of Burrows Terrace, Morlan Terrace and Silver Terrace all experience a reduction in flood level of up to ~30mm. In the individual site assessments, this residential area was not shown to experience a reduction in flood level. This is due to the development plateaus acting in combination to prevent the West to East flow path during the extreme tidal scenario.

In summary, NRW have reviewed the site specific FCAs and considered the combined development or Master Plan that relies on the results of hydraulic modelling. The FCAs conclude that flood risk at each site can be managed with mitigation, mainly in the form of raised ground elevations. It also assesses the effect of the mitigation and there is a small increased flood risk on the B4311 to the west of the site; there is also a very small increased flood risk on in an open public area adjacent to the marina all of which are detailed in the specific FCAs. It is also noteworthy that there is a reduction in flood risk to some existing residential property as a result of the Master Plan proposals.

Access and egress is discussed within each FCA, however NRW advises that is a matter for the Local Authority's consideration.

The hydraulic modelling is robust and considers extreme events including climate change and the potential for flood risk from blockage at structures through which flood water passes. NRW accept that the proposed Master Plan and site specific proposals acceptably manage flood risk associated with the proposals.

Water Quality

There has been a long standing concern in relation to water quality in the CBEEMS, and therefore this section of the report is dedicated to this issue. However, this should not be read in isolation and needs to be considered in conjunction with following sections, especially that on foul and surface water drainage proposals.

In terms of water quality, a number of Environmental Statements have been produced in recent years with regards to other proposed developments within the Llanelli Waste Water Treatment catchment, which were tightly scoped to look at water quality. A number of key studies and reports have also been undertaken and referred to below which are relevant in this respect.

The quality of water discharged into the European protected CBEEMS is seen as a key issue in assessing the impact of this, and other proposed developments, on the Loughor Estuary. As early as 2001 the Loughor Estuary was designated as a "Sensitive" area

(eutrophic) under the Urban Waste Water Treatment Directive. Such a designation and acknowledgement of the need to improve water quality has been the main driver in implementing improvements in water treatment at various waste water treatment works (WwTW) which discharge into the Burry Inlet and wider estuary. Successive Asset Management Plan programmes (AMPs) by Dwr Cymru/Welsh Water (DCWW) have seen improvements in nitrogen removal at Llanelli, Gowerton, and Llannant, in addition to which, ultra violet (UV) disinfection to kill bacteria has also been implemented to improve the quality of effluent discharged through combined sewer overflows (CSOs). The latter being a safety mechanism which discharges untreated sewerage into the estuary when excessive storm water volumes overload the system, in order to avoid surcharging of domestic properties, with raw sewerage discharged into the estuary.

The 'Loughor Estuary – Water Quality & Nutrient Assessment' (Final), Report No. RN2020, Revision 2 (1 May 2009), prepared by Metoc PLC, commonly known as the Metoc Report provides a qualitative assessment of water quality in the Loughor Estuary by analysing monitoring data from 1990 to 2008, thereby defining the past and current trends in terms of chemical determinants and water quality generally. A key consideration is that the sewage system in the majority of the Llanelli catchment carries both foul and surface water. During storm conditions the surface water runoff enters the system and combines with foul water. In order to prevent flooding to properties in severe storm conditions, excess storm sewage is discharged via combined sewer overflows (CSO's) to watercourses or the Estuary. The matter is therefore one of capacity within the conveying system to accommodate additional surface water flows.

The analysis undertaken as part of the Metoc study indicates that the load level of all chemical determinants from domestic sewerage to the Estuary have reduced significantly over the past ten years or so in response to sewerage improvements under successive AMP periods and the rationalisation of treatment facilities. Nitrate and phosphate loads have decreased to 54% and 64% of previous levels respectively and biological oxygen demand (BOD) to 60%.

Further breakdown of the contribution of loading from primary sources show that the nitrate load contributed by all the WwTW discharges more than halved over the monitoring period between 1990 and 2008 from 52% to 25%. The phosphate load contribution reduction was significantly less, a 9% reduction from 73% to 64%. This indicates that phosphate levels remain relatively high, compared to improvements in nitrates and BOD. Moreover, the study indicates that WwTW are the highest contributors of phosphates to the total load in the Estuary which suggests that in order to improve the quality of water in the Estuary, further phosphate removal would be required at the WwTWs.

The accurate baseline provided by the Metoc Report has provided the basis for required mitigation. Welsh Water's AMP 4 programme at Northumberland pumping station was substantially completed in March 2010 and involved the conversion of former primary settlement tanks to provide additional storage for combined overflows during storm conditions. The programme also included the provision of Ultra Violet treatment facilities at the plant to treat the bacterial load in the overflow waters. The Ultra Violet treatment effectively reduces the bacterial load in the discharges such that the impact on the controlled waters of the Estuary would be reduced to levels compliant with the Shellfish Waters Directive. Similarly, as part of the programme Ultra Violet disinfection is also being provided on the overflow at Llanelli WwTW.

In the context of the Llanelli WwTW catchment area, DCWW previously confirmed that the AMP 4 works were designed to accommodate a level of development that is broadly equivalent to that previously committed and designated in the Authority's UDP, based upon current discharge rates and with no additional surface water being allowed to enter the system. This should be further qualified in terms of the permitted level of CSOs, which although intermittent in nature, would remain within consented levels, even with the proposed and identified developments in the previous UDP. The effects of CSOs mean that additional nutrients are released into the estuary under storm conditions, which given the less than favourable condition of the CBEEMS, has meant the receiving waters are under review as a candidate Polluted Water (Eutrophic) under the Nitrates Directive. As a result, any increase in nutrient levels, however small, would not be acceptable without mitigation.

The application site was originally allocated for development within the previous UDP, and similarly in the LDP prior to its late omission from the LDP on flooding grounds. The Planning Inspector's report on the LDP noted that the current rolling 5 year Asset Management Plan (AMP) 5 runs from April 2010 to March 2015. There are planned improvements and upgrades to infrastructure in Carmarthenshire that would be delivered within this AMP 5 period. The Inspector noted that funding for the AMP 6 programme is not anticipated to be confirmed until December 2014. However, where necessary, a phased release of sites could be delivered post 2015 or appropriate developer contributions could be sought to facilitate bringing forward any necessary improvements to accommodate development[84]. DCWW confirmed during the examination that the existing and planned infrastructure would have sufficient capacity to service the level of growth anticipated to 2021.

One practical and direct means of mitigation is the segregation of foul and surface water at source, which would prove most beneficial on brownfield sites where there may be historic foul and surface water flows discharged into the combined system. This would see a reduction in surface water entering the combined system, and thereby reduce the premature discharge of storm sewage. The on-site separation of surface and foul flows and the progressive removal of surface water from the combined system would release capacity to accommodate more raw sewerage, while the AMP 4 programme has provided additional storage at Northumberland pumping station, reducing the volume of spillages thereby ensuring more sewerage is processed through the biological treatment process and anoxic zone treatment. This should result in an increase in the removal of nitrates through the anoxic zone process at the WwTW and consequently decrease the loading of nitrates discharged into the Estuary. The additional storage provided at Northumberland PS will not eliminate CSOs, but should mark a reduction in their frequency and duration. The aforementioned UV treatment of CSOs will also assist in treating the bacterial content of untreated effluent.

The data in the Metoc study suggests that the proposed levels of development indicated in the previous UDP would lead to an increase of approximately 2,840 domestic population equivalence or 4% of the design population equivalence of the receiving WwTW. This equates to an increase in sewer flow of 0.8% of present flow to the WwTW which the system presently has capacity to process. It should be stressed, however, that the Metoc study is based on the modelling of previously recorded data and does not therefore take account of the significant benefits provided by the recent AMP 4 works at Northumberland pumping station and Llanelli WwTW, which DCWW have estimated would accommodate the requirements of a population equivalence of 4000 people. The Metoc report also could not consider and envisage the improvements and upgrading works committed through AMP 5 (2010-2015), AMP6 (2015-2020) and other schemes undertaking by DCWW to reduce CSO spills e.g. Rainscape, Llanelli.

Further on the issue of surface water removal, the Memorandum of Understanding (MoU) entered into between Carmarthenshire County Council, City and County of Swansea, Dwr Cymru/Welsh Water and the former Environment Agency and Countryside Council for Wales (now Natural Resources Wales) 2011 is relevant. This document sets out the partnership approach to improve and safeguard the environmental quality of the CBEEMS when taking decisions on development and regeneration schemes. The MOU includes, inter alia, a commitment on the part of the Local Planning Authority to manage a Register which records the increased foul sewage discharges (emanating from new developments) and also the amount of surface water to be removed from the combined sewerage network as part of development proposals. The commitment by developers to remove surface water from the combined system as part of development proposals thereby achieving betterment in the system is defined in the MOU and this in turn achieves benefits the in terms of hydraulic loading and a reduction in the frequency of existing discharge events into the estuary.

In recognition of the need to mitigate any increase in nutrient loading, however small, the removal of nutrients, and principally phosphate removal has been seen as a priority. The installation of an additional phosphate removal process at the WwTW at Llannant treatment works (which discharges into the estuary) in 2010 was seen as one action to serve this process and the incremental dosing of the phosphate ensures that any developments subsequently permitted would not increase the phosphates discharged.
Since the most recent Memorandum of Understanding was signed in September 2011, two significant developments have taken place:-

Burry Inlet Cockle Mortalities Investigation report 2009 - 2011: a technical report to Environment Agency Wales published in January 2012. This three-year investigation into the cockle deaths that damaged the fishery in the Burry Inlet has concluded that pollution is not to blame. The study, led by experts from Hull University, ruled out the vast majority of possible causes of the mortalities. The report concluded that a combination of parasites, over-crowding and conditioning of the cockles after spawning is likely to have contributed to the mortalities. The report stated that 'the overall conclusion from the water quality analysis must be that it is most unlikely that the general water quality of the Burry Inlet is contributing in any meaningful way to the decline of the cockle fishery' (p.34).

David Tyldesley and Associates have undertaken a Habitat Regulation Assessment of the effects of wastewater associated with new development in the catchment of the Carmarthen Bay and Estuaries European Marine Site for the City and County of Swansea (*Habitats Regulation Assessment of the Effects of Wastewater associated with new Developments in the Catchment of the Carmarthen Bay and Estuaries European Marine Site*, April 2012).

The assessment concluded that developments which could be accommodated within the current licence arrangements/capacity of the WwTWs (as consented by the former EAW and reviewed under their RoC process) will not be likely to have a significant effect either alone or in combination on the CBEEMS. These cover the Gowerton, Llanelli and Llannant sewerage catchments.

It also concludes that within the context of the requirements of Regulation 61 of the Habitats Regulations, and based upon current understanding of the potential links between water quality and cockle mortality, there was no requirement for precautionary interim nutrient stripping at Llannant for developments that can be accommodated within current NRW discharge consents within the CBEEMS.

In addition, while the separation of surface water may be beneficial in terms of improving water quality within the system as whole, the Assessment finds that it was not deemed to be necessary in terms of meeting the requirements of the Regulation 61 assessment.

Given that the impacts associated with the relevant WwTW have already been assessed by the former EAW as the relevant Competent Authority in respect of discharge consents within the catchment of the CBEEMS, it can be concluded that the same principles apply within Carmarthenshire for the current proposal as the EAW review of consents process covers catchments within Carmarthenshire, the WwTWs covering the Burry Inlet discharge area (Gower, Llanelli and Llannant sewerage catchment area) which serves this development. NRW has confirmed that the most recent RoC was undertaken in early 2010 when all the Burry Port harbour sites were allocated for development in the former UDP.

However, despite the findings of the above assessment, the precautionary approach adopted by the Authority whereby development schemes are required to provide compensatory measures to the sewer system, combined with the ongoing nutrient stripping at the Llannant Plant, will serve to continue the trend of progressive improvements in the water quality of the Loughor Estuary. Nutrient removal measures are not within the control of developers and therefore must be provided by DCWW on the advice of NRW, both of which have raised no objection to this application. The issue of drainage betterment is addressed in further detail on the foul and surface water drainage section of this report.

Also in relation to water quality, it is worth noting the comments made by the Planning Inspector and subsequently Welsh Ministers who considered and determined the previous Grillo call-in. Having considered the matters of remediating contamination of the site and on sewerage and surface water discharges they concluded that they were satisfied that the proposal, alone and/or in combination with other developments, would not have a significant effect on the integrity of the CBEEMS or an adverse impact on the wider environment.

The Planning Inspector's report for the LDP draws reference to the successive AMP programmes, agreed Memorandum of Understanding and removal of surface water schemes before referring to the Habitat Risk Assessment (HRA). The HRA considered the potential effects of the Plan on the European site network and found there to be no likely significant effects on the CBEEMS alone or in-combination with other known plans or projects. The Inspector stated that the plan makes provision for appropriate considerations and measures to address water quality issues. In addition, there are a number of multi-agency commitments via the partners and signatories to the MOU to ensure that water quality issues are addressed. These include improvements in the Waste Water Treatment Works capacity, treatment levels and discharge quality through programmes in the River Basin Management Plan (under the requirements of the WFD) and through funding allocations and priorities secured through the AMP process.

The Inspector went on to note that development could be brought forward and through the provisions of the Plan, could contribute incrementally towards betterment in terms of reducing the amount of surface water entering the combined system. Improved infrastructure could also be delivered through the DCWW AMP and via appropriate developer contributions where necessary. Furthermore, multi-agency initiatives and infrastructure improvements within the area would enable the level of development planned to proceed.

In summary, it has been demonstrated that Dwr Cymru/Welsh Water's AMP programmes and the provision of additional phosphate removal have resulted in progressive improvements in water quality in the Estuary and mitigate the potential impacts associated with developments identified in the previous UDP, whilst subsequent AMP programmes will continue this trend to ensure deliverability of LDP. In addition, the progressive removal of surface water from the combined system will result in betterment in terms of the capacity of the sewerage system and discharges into the Estuary.

Foul and Surface Water Drainage

The application was originally accompanied by a detailed foul and surface water drainage strategy which explains existing site drainage conditions and proposed means of foul and surface water drainage methods. A subsequent Drainage Strategy Supplementary Report has also been received which provides information relating to the removal of surface water from the combined drainage system at a donor site in Burry Port, and this report should be read in conjunction with the original drainage report.

The supporting Drainage Reports submitted make reference to a Hydraulic Modelling Assessment (HMA) undertaken by DCWW, the outcome of which has informed the relevant drainage strategy. In order to investigate the hydraulic capacity of the existing sewerage system CCC commissioned DCWW (in early 2012) to undertake a HMA of the existing foul, surface water and combined sewers in the Burry Port Harbour area.

Extensive physical surveys and monitoring were undertaken to inform the Hydraulic Model. The model was verified and this was followed by an assessment of the development proposals in the Burry Port harbour area. The additional foul flows for all developments proposed in the Burry Port harbour area will either gravitate or be pumped to eventually outfall into the existing Burry Port Pumping Station. The HMA considered all sites in a holistic manner.

The HMA modelling of the existing sewerage infrastructure indicated that during high rainfall events high surcharge levels tend to prevail in the combined sewer under Ashburnham Road. This sewer, which extends along Glanmor Terrace, acts as an on-line storage facility. In this case, non-return valves are incorporated on connections to the sewer so as to avoid surcharging and flooding in the Glanmor Terrace, Silver Terrace and Morlan Terrace areas.

The HMA Conclusions are summarised as follows: -

- The existing network in the Burry Port catchment is generally in good condition but lacks the capacity to convey storm flows during wet conditions. This leads to surcharge and flooding during rainfall events.

- The effect of adding an additional development to the system which is already hydraulically overloaded will be to further increase the volume and occurrence of flooding. To enable the proposed development to proceed, it will be necessary to undertake additional works to reduce the flood volumes back to those which are currently predicted to occur and hence avoid detriment to the existing performance of the sewerage system.

- Any additional works will need to be in line with the Memorandum of Understanding for Burry Inlet. This Document includes details on development in both Llanelli and Gowerton catchments and under what circumstances new development will be allowed

to connect. Appendix 1 of the Memorandum states that foul flows generated by a development will only be allowed to connect to the sewerage system once existing flows (surface water or foul) have been removed from the system to allow capacity or other works undertaken to improve the infrastructure.

The HMA Recommendations are summarised as follows: -

- The HMA considered that the sewers in Burry Port Harbour area were generally in good condition and that no rehabilitation measures were necessary as part of the development.

- The option involving upsizing of pipes and upgrading the existing SPS, CSO's and pumped overflows was discounted in terms of cost and impact of spills which would impact on the water quality in the Estuary. The option would have resulted in increased pumped flows to Pwll PS and beyond and further upgrades may have been identified during the detail design process.

- As an alternative to upgrading drainage apparatus the HMA considered the provision of on line storage facilities. In this case, the pumping rate to Pwll PS would remain the same but the daily pumped flows would increase. The HMA considered the implications of the introduction of on line storage on the duration of peak flows and spills. The HMA concluded that spill durations would increase and there could be an adverse impact on the protected waters of the Estuary. As such this option was not considered further.

- The preferred recommendation related to the removal of surface water from the combined system in Burry Port Harbour area. This option would be in line with the MoU. The removal of the surface water would create capacity to accommodate the increased foul flows from the proposed developments in the Harbour Area.

- As part of the site investigations for the HMA a sewer connectivity survey was undertaken on Glanmor Terrace, Silver Terrace, Morlan Terrace, Burrows Terrace and Woodbrook Terrace. The survey identified that the highway is either drained by a separate surface water system which connects into the combined sewer of that the highway gullies connect directly into the combined sewer. Also many of the houses have downpipes discharging to ground at the fronts of the houses. These downpipe discharges flow overland and are picked up by gullies. The HMA suggest a number of ways in which the surface water from highways and downpipes could be separated from the combined system. This would be subject to detailed design.

- The surface water removed from the combined system would need to be discharged via an existing or proposed surface water sewer, or stream source, which would ultimately discharge to the Estuary. The proposed surface water sewerage to be constructed as part of the proposed development works could be designed to convey the removed surface water.

In terms of the existing drainage conditions, the Drainage Strategy states that the Burry Port harbour area generally is served by both foul and combined systems gravitating in an easterly direction prior to out falling in a DCWW pumping station situated to the east of Burry Port industrial estate, south of the railway line. The foul is subsequently transferred from this point to Llanelli WwTW at Penclacwydd after passing through two lift stations (Pwll and Northumberland).

There report suggests that some existing surface water drainage networks may have once existed in the general area. Several surface water outfalls pass through the revetments and harbour/dock walls, although it was not possible at this stage to determine their origins or confirm the catchments that they drain. The B4311 SDR is positively drained whilst the MCP contains a large pond feature, although it was not possible at this stage to confirm how this is fed or balances.

Due to fluctuations in groundwater levels and risk of contaminants, disposal as surface water via infiltration as a general drainage solution across the whole sites is thought to be inappropriate, although this can be reviewed on a site by site basis.

Specifically in relation to the Grillo site, a site investigation report has revealed that ground water contamination is present throughout the site, therefore it is intended that the site will be remediated before construction of the proposed work takes place.

The site does not currently have any formalised surface water drainage system and therefore surface water runoff currently drains naturally overland into low lying areas of the site where it ponds. Site investigation reports in the area indicate that the immediate surface soils comprise of made ground consisting of silty sandy gravel with fragments of clayey silty sand, thereby indicating low permeability. It is therefore unlikely that surface water runoff will permeate into the subsoil to any extent.

Historically the surface water from the working sites discharged directly into the estuary via a number of outfalls which are now redundant but of which evidence is still present on the shore line. It is clear that the site does not currently contribute to the flow in any part of the combined sewerage system, which currently serves the south Llanelli area.

The Site is a reclaimed historic Brownfield site and it is clear that there is no existing foul water drainage system serving the Site.

Having regard to the above, it is clear that there are no existing foul flows from the development site which discharge to the existing combined sewerage system serving the south Llanelli area.

In terms of proposed surface water disposal, the nature of the ground beneath the existing site does not allow the use of soakaways in the development proposals owing to a varying water table due to the proximity of the site to a tidal water body. It is also likely that the imported granular fill used to raise site levels for the development plateau would preclude the use of soakaways due to the highly contaminated nature of the ground below and the possibility of opening up pathways for contaminated groundwater.

In the event that soakaways are unlikely to be a viable option, the next most desired method of surface water disposal as required by TAN15 is by means of an agreed discharge to the nearest water body. The nearest water body to the site is the Burry Inlet which is adjacent to the southern boundary.

The preferred option for the surface water emanating from the development sites would be via a gravity piped system which could serve the future development of the former Grillo Site and sites 5, 6, 7 and (potentially) Site 8. The proposed surface water outfall is located adjacent to (and to the east of) a slipway into the Burry Estuary. Surface water will be discharged to the Estuary at an un-attenuated rate of flow. Given that the sites are located

on the coastal fringe of the Burry Inlet and have no further downstream catchments between the site and the point of discharge into the Estuary, the drainage proposals will not present a flood risk to any third parties and there are no capacity issues for the receiving body of water given its extent.

The surface water from the new highway will pass through trapped gulleys before entering into the pipe system to ensure that water quality is maintained. Surface water from the individual sites will be dealt with as required and will be agreed as part of the detailed planning process for each parcel of land.

In terms of proposed foul water discharge, the proposed development site and the other development sites in the Burry Port harbour area are located in the Northumberland Sub-Catchment of the Llanelli WwTW drainage catchment.

The existing Burry Port Pumping Station conveys the combined sewage to Pwll Pumping Station and from there to Northumberland Pumping Station. Finally the Northumberland Pumping Station conveys the sewage to Llanelli WwTW at Penclacwydd.

It is proposed that a new foul Pumping Station be constructed to the south east of the proposed Grillo Site. This Station would have the potential to accommodate operational and emergency storage of foul flows.

It is proposed that the foul water flows emanating from the identified development sites (including the Grillo Site) will connect via a new gravity system to outfall into the new Sewerage Pumping Station (SPS). The gravity sewer to the pumping station has been sized to accommodate the peak foul flows from the proposed development of the Grillo Site and Sites 5, 6, and 7.

A rising main from the new pumping station will convey the foul flows northwards via the new access road before reaching the junction with the B4311 distributor road. The rising main then crosses the B4311 turning east parallel to the Distributor Road to the point of the boundary between Sites 7 & 8. From this point there are two possible connection points to the existing foul gravity sewer.

Option 1 proposes a rising main which would continue in an easterly direction in the highway verge to the extent of Site 8. From this point the rising main continues north in highway land on the access road east of Woodbrook Terrace. A short section of gravity sewer will then convey the foul flow to the existing 375mm foul gravity sewer in Woodbrook Terrace.

Option 2 sees the rising main alternatively being routed in a northerly direction at the boundary between Sites 7 and 8 and would connect to the 225mm diameter gravity foul sewer located at the eastern end of Burrows Terrace.

Both options utilised the same foul gravity sewer outfall network and it was decided that the adequacy for the point of connection would be determined through the HMA undertaken by DCWW.

In order to design the capacity of the new Pumping Station wet well, and prior to the completion of the HMA by DCWW, a worst case operational scenario was applied to assess storage requirements. A minimum pumping rate of 7 l/s to achieve self-cleansing of the rising main was assumed. Due to sensitivities in the Burry Inlet as described in the Water Quality section no provision has been made for an emergency overflow therefore the pumping

station has been designed to accommodate capacity for operational and emergency storage.

The addition of the development in the Burry Port Harbour area will clearly increase foul flows. It is not appropriate to increase the pumping rate from the existing public SPS to remove additional flows from the Harbour area because all that would happen would be that the pumping capacity problem would pass downstream to Pwll PS, Northumberland PS and finally to Llanelli WwTW. The existing network would not be able to cope with additional flows in this way.

Additional foul flows will need to be dealt with locally either by providing storage for the additional foul flow or alternatively by creating additional capacity in the combined system (by removal of surface water to facilitate the additional flows).

The infrastructure required to facilitate the proposed means of foul and surface water disposal is subject to a separate full planning application for enabling works (S/30601).

The proposed means of foul water disposal to the mains is the most preferable and sustainable method, whilst the strategy outlined above also ensures that no surface water from the development enters the combined sewer network.

Having established the general principles of the Drainage Strategy it has also been necessary to confirm compliance with the requirements of the Memorandum of Understanding in respect of water quality generally, and as a result a Supplementary Report has been submitted to address this issue.

The MoU requires an appropriate flow of surface water to be removed from the combined systems sufficient to generally accommodate two times the additional net foul flow discharging to the combined system from this proposed development and others currently proposed in the Burry Port harbour area. This will ensure that not only would there be no increase in hydraulic loading on the combined system but there would also be betterment in terms of surface water removal from the existing combined system. Given that the development sites are effectively Brownfield and there are generally no combined sewers serving the existing sites (except in the case of Site 8, school development), there is currently no surface water from the sites discharging to the existing combined systems in the area (except in the case of Site 8).

The only opportunity of removing any surface water currently entering the combined systems from the defined development sites would be in the case of Site 8. The removal of surface water discharging to the combined sewer from Site 8 would in isolation be insufficient to accommodate the requirements of the MoU for the wider development proposed in the harbour area. In this case, the surface water to be removed to offset the increase in foul sewage from the whole of the defined development sites would need to take place elsewhere in the wider Llanelli WwTW drainage catchment (as provided for in the MoU). Ideally the removal should be accommodated in the immediate catchment associated with the existing Burry Port Harbour Pumping Station. This would relieve the future pressure on the pumping system from Burry Port through to Pwll and Northumberland.

However, it should be made clear that in terms of Site 8, the ability to remove surface water currently discharging to the existing combined system, will be sufficient to accommodate the precise requirements of the MoU for Site 8 in isolation. As such the removal of surface water coupled with the precise surface water drainage strategy proposed renders the scheme not

reliant on the progression of the Donor Site to achieve development in accordance with the MoU.

Since the drafting of the initial MoU, CCC and DCWW have set up an on-going programme to identify locations in the wider Llanelli drainage catchment where surface water can be removed from the combined systems and a number of opportunities have been converted to provide headroom to facilitate a degree of development. The location where surface water removal can take place is termed a Donor Site.

When the original Drainage Strategy was submitted two options were proposed to achieve the necessary betterment, the first was a localised solution in Burry Port, and the second an opportunity at Llanelli leisure centre. In light of the results of the Hydraulic Modelling Assessment undertaken by DCWW and the fact that the localised solution was sequentially preferable in accordance with the MOU, the LPA asked the applicant to pursue the localised solution.

The localised solution referred to is identified in the urban area between Glanmor Terrace and Burrows Terrace where highway drainage and some roof drainage discharges to the combined system.

As part of the site investigations for the HMA, a sewer connectivity survey was undertaken in the area of Glanmor Terrace, Silver Terrace, Morlan Terrace, Burrows Terrace and Woodbrook Terrace. The survey identified that the highway is either drained by a separate surface water system which connects into the combined sewer or that the highway gullies connect directly into the combined sewer. Also many of the houses have downpipes discharging to ground at the fronts of the houses. These downpipe discharges flow overland and are picked up by gullies. The HMA suggested a number of ways in which the surface water from highways and downpipes could be separated from the combined system. This would be subject to detailed design.

The surface water removed from the combined system would need to be discharged via an existing or proposed surface water sewer, or watercourse, which would ultimately discharge to the Estuary. The proposed surface water sewer to be constructed as part of the proposed Enabling Infrastructure Works can be designed to convey the removed surface water.

Therefore recently an assessment was undertaking to maximise the potential of the Donor Site and if possible establish that the Site could accommodate all the harbour development sites (including the Grillo Site).

The Connectivity Survey undertaken by DCWW as part of the HMA provided a good indication of where surface water could be removed from the combined system. In essence the principal carrier sewers in the urban area in the general vicinity of Glanmor Terrace, Silver Terrace, Morlan Terrace, Burrows Terrace and Woodbrook Terrace are combined sewers. These principal sewers however collect flows from combined sub-systems and from separate foul and surface water sewers. The greatest potential for removing surface water from the combined sewers presents itself in the redirection of surface water flows in existing dedicated SW sewers to discharge along new dedicated SW sewers, which would eventually link with the proposed outfall surface water sewer which discharges to the Estuary.

Consideration of the topographical levels in the area of the Donor Site indicates that ground levels tend to crown at the mid east/west section of the site. In other words surface flows would flow to the west for the western half of the Donor Site. The eastern portion of the

urban area falls to the east and generally away from the proposed route of the proposed outfall surface water sewer. Clearly the level profile of the ground will be reflected in the gradient of pipes under the ground surface.

Taking into account the ground level constraints it was established that the greatest potential for surface water removal was in the Silver Terrace area. Run-off from highways is currently collected by road gullies and gravity SW pipework. The SW flows gravitate to the south to discharge into the combined DCWW sewer near the junction of Silver Terrance and Burrows Terrace. Also run-off from the roofs of terraced houses on approximately 50% of the length of the western side of Silver Terrace also discharges into the SW sewers which outfall into the combined DCWW system.

Given that the Donor Site needs to connect into a downstream system there is clearly a significant advantage if the new replacement (or part replacement) conduits are set as high as possible. In this case, Combined Kerb/Drainage Systems have been incorporated in the assessment. These systems could be applied on each side of Silver Terrace as appropriate. The outfalls from the Combined Kerb/Drainage Systems combined at the southern end of Silver Terrace before outfalling into a length of gravity pipework linking the Donor Site area with the proposed SW Outfall sewer.

As part of the assessment the Donor Site was maximised whilst maintaining a high level conduit. The catchment area of the Donor Site is indicated on a drawing attached to the Supplementary Report and it can be seen from this drawing that limited areas of Glanmor Terrace and Morlan Terrace with longitudinal gradients falling to the west have been included in the catchment area for the Donor Site. The combination of gradients, capacity of conduit and outfall levels limit the Donor Site to the area shown on the drawing.

The hydraulic capacity of the Donor Site has been established from the criteria defined in Appendix 1 of the MoU. In terms of capacity in relation to the overall development areas it has been established that the Donor Site has sufficient capacity to accommodate the Grillo Site and Sites 4, 5, 6 and 7. It is not possible to extract any more surface water from the Donor site because this would cause downstream flooding (along the disposal route). The inclusion of Site 4 is however beneficial in that the surface water removal for this site relieves the hydraulic load on the Ashburnham Road/Glanmor Terrace combined sewer. This would allow a new foul connection to be made from Site 4 to the Ashburnham Road/Glanmor Terrace combined sewer.

With regard to Sites 8, the levels of the ground and existing sewers are too low to abstract surface water from the combined system and to divert the abstracted flow by gravity to the outfall chamber at the southern end of Silver Terrace. A separate self-sufficient solution in respect of Sites 8 is discussed in this Report.

The total foul flows associated with sites 4, 5/6, 7 and Grillo is estimated at approximately **6.47 l/p/s**. The actual surface water removal from the donor site is anticipated to be some **14.17 l/p/s**. Given that no post development surface water runoff will enter the combined system as a result of development, the overall anticipated “betterment” is some **7.75 l/p/s** in volumetric terms which equates to a factor of **1.2** times.

The total foul flows associated with site 8 is estimated at approximately **2.05 l/p/s**. The actual surface water removal from the site is anticipated to be some **15.02 l/p/s**. Given that no post development surface water runoff will enter the combined system as a result of

development, the overall anticipated “betterment” is some **12.97 l/p/s** in volumetric terms which equates to a factor of **6.3** times.

However, when a holistic approach is adopted in terms of both the donor site and Site 8 the actual surface water removal is anticipated to be some **29.19 l/p/s** and that no post development surface water run-off will enter the existing combined system. The approximate foul flows associated with Sites 4, 5/6, 7, 8 and the Grillo site as a result of development is **8.52 l/p/s**, the overall anticipated “Betterment” is some **20.67 l/p/s** in volumetric terms which equates to a factor of **2.45** times.

In order to derive a holistic solution for the drainage, the catchment of the Donor Site has been added to the hydraulic model of the proposed SW Outfall sewer, which runs via the Distributor Road to a new Outfall Structure into the Estuary. In effect, the hydraulic drainage model has been extended to include the Donor Site.

Prior to the addition of the Donor Site into the drainage model the gradient of the SW Outfall sewer had been set at a constant minimum practical gradient of 1 in 500. The invert level at the Outfall Structure was set at 4.3mAOD. In order to facilitate a regular soffit to soffit connection the previously proposed outfall sewer has had to be lowered by 400mm. This makes the invert level of the SW Outfall pipe at the Outfall Structure 3.9mAOD, which, at the equivalent level of Mean High Water Springs, is the recommended normal minimum level for the Estuary Outfall. The report states that this has been agreed with DCWW.

The revised hydraulic calculations are included within the report and it is clear that with the changes in levels, the SW flow calculations will now be superseded on account of the inclusion of the Donor Site.

In summary, the supplementary report has provided a review of the previous Drainage Strategy Reports and has provided supplementary information regarding the selection of a Donor Site to remove surface water from the combined system in the Burry Port Harbour area. The principal Donor site will facilitate development in respect of the Grillo Site and Sites 4, 5, 6 and 7. An on-site solution (acting independently from the principal Donor site) has been established to serve Sites 8.

The report has explained the rationale in terms of the selection of the SW Removal Donor Site and has provided substantial detailed calculations/modelling to demonstrate that an extension of the Enabling Infrastructure Works drainage system is achievable. In order for the Donor Site to be drained it will been necessary to lower the level of the previously proposed Surface Water Outfall Sewer.

The proposed means of foul and surface water drainage associated with this development is considered acceptable, whilst the donor site proposal ensures compliance with the MOU and addresses the issues raised in the HMA undertaken by DCWW.

In this respect it is worth noting that DCWW, NRW and the Authority’s Land Drainage Division have raised no objections in relation to drainage subject to the imposition of conditions on any planning permission granted.

DCWW has stated that it has assessed the submitted drainage strategy. It is considered to be rational and capable of delivering adequate foul and surface water drainage without detriment to the public sewerage system. The precise details of that system, its connection points, rates of attenuation and associated surface water removal schemes will need to be

agreed as part of the reserved matters submission. DCWW consider it likely that further conditions will need to be imposed in respect of such details when the reserved matters are considered.

DCWW also confirm that no problems are envisaged with the Waste Water Treatment Works for the treatment of domestic discharges from this site.

Ecology

The application was accompanied by a number of reports that relate to this issue including the original ecological report and protected species report, and subsequently an ecological mitigation strategy and habitat regulations screening report. These reports have been assessed in detail by both the Authority's own Planning Ecologist and Natural Resources Wales and therefore their consultation responses are key in this respect and are referred to in this section.

The Ecological Mitigation Strategy provides a useful summary of the survey results for all the Burry Port harbour sites under consideration before providing a general overview in terms of the broad strategy required in order to mitigate the impacts of the proposed developments.

The Ecological Mitigation Strategy provides the following summary of the results of the initial and subsequent surveys undertaken by Waterman Energy, Environment and Design LTD for all of the Burry Port harbour sites

Bats

It is noted that all British bat species are European Protected Species by virtue of their listing under Annex IV of EC Directive 92/43/EEC ('The Habitats Directive'). This Directive has been transposed into British Law under the Conservation of Habitats and Species Regulations 2010.

Regulation 9(5) of the 2010 Regulations requires all local planning authorities, in the exercise of all their functions, to have regard to the provisions of the Habitats Directive so far as they might be affected by those functions.

Under Regulation 41 of the 2010 Regulations it is an offence to:

(1) deliberately capture, injure or kill any wild animal of a European protected species;

(2) deliberately disturb animals of any such species. Disturbance of animals includes in particular any disturbance which is likely—

  (a) to impair their ability—

    (i) to survive, to breed or reproduce, or to rear or nurture their young; or

    (ii) in the case of animals of a hibernating or migratory species, to hibernate or migrate; or

  (b) to affect significantly the local distribution or abundance of the species to which they belong

(3) deliberately take or destroy the eggs of such an animal; or (4) damage or destroy a breeding site or resting place of such an animal (including sites that are currently unoccupied).

It is acknowledged that all British bats are also protected under Schedule 5 of the Wildlife and Countryside Act (1981) (as amended). This legislation makes it an offence to intentionally to kill, injure, take from the wild, possess or trade in any species of British Bat, as well as intentionally or recklessly damage, destroy or obstruct access to any structure or place which bats use for shelter or protection. It is also an offence to disturb a bat/bats whilst they are using such a place. The possibility of encountering bats unexpectedly during works should be noted.

Whilst the Bat survey for Site 5 & 6 found the presence of a Bat within the Coast Guard building, specifically in relation to the Grillo application the bat survey undertaken found no signs of bats roosting within the walls proposed for demolition. The surveyor considers the walls have low potential for bats. No evidence of bat use was found. No bats were recorded entering or exiting the walls during the surveys. On the basis of the information provided it is considered unlikely that an EPS development licence is required in this instance

Reptiles

During the reptile survey both common lizard and slow worm were recorded. The populations on the various sites ranged in terms size but was in general regarded as being low.

All common British reptiles, including common lizard and slow-worm are protected under Schedule 5 of the Wildlife and Countryside Act 1981 (as amended) making it an offence to kill or injure these species. Common lizard and slow-worm are SoPI under S42 of the NERC Act and are also listed on the LBAP. To avoid infringement of the legislation, contravention of the planning policies and harm to any reptiles found to be present on Site (in the former Grillo and Sites 5, 6, 7 and 8), prior to development it will be necessary to agree a mitigation strategy with the Local Planning Authority and NRW. This strategy will involve moving reptiles from the development area to a suitable receptor site, followed by monitoring and management of the receptor area to ensure the reptile population persists.

Breeding and Wintering Birds

Habitats on Site such as trees, scrub and rough grassland offer potential to support common and notable nesting birds during the breeding season and wintering birds. As such it was recommended that surveys for breeding birds were conducted in all areas of the Site (Sites 4, 5, 6, 7 & 8) in order to assess the value of the Site for both breeding and wintering birds.

Breeding bird surveys were carried out between 3rd June 2014 and 4th July 2014, which is within the optimal period for such surveys. Six survey visits were undertaken which is considered to be suitable to give an overall picture of the use of the Site by breeding birds.

The surveys were carried out following standard Common Bird Census methodology with all birds observed recorded on a map with their age, sex and behaviour recorded where possible. Surveys were carried out between 4:30am and 09:00am in suitable weather conditions.

A total of 36 species were recorded on the sites during the six breeding bird survey visits in 2014. During surveys of the 'Grillo site' undertaken between June and July 2014 a pair of ringed plover were seen showing signs of breeding behaviour. Ringed plover Charadrius hiaticula are an amber listed Bird of Conservation Concern (BoCC) and are listed as a Species of Principal Importance in Wales under Section 42 of the NERC Act.

Under the Section 1 of the Wildlife and Countryside Act 1981 (as amended) it is an offence to kill or injure any wild bird, take, damage or destroy the nest of any wild bird while that nest is in use or being built.

Flora & Habitats

No protected plant species were recorded on Site during the 'Extended' Phase 1 Habitat Survey of the Site in 2014, although a large amount of the locally significant kidney vetch, as well as other notable species such pale flax were recorded in the majority of areas of the Site (Sites 4, 6, 7 & 8).

Additionally, several records of plant species identified as notable were returned by the Botanical Society of the British Isles (BSBI) as part of the Ecological Assessment undertaken by Waterman CPM in 2007. These included; hoary cress Lepidium draba and sea campion Silene uniflora.

The combined habitats on Site are considered to be classified as 'open mosaic habitats on previously developed land' which is a Habitat of Principal Importance (HoPI) for Conservation of Biological Diversity in Wales under section 42 of the Natural Environment and Rural communities Act 2006 (NERC Act).

The Ecological Report goes on to outline the mitigation strategy required to ensure that the Burry Port harbour sites can move forward in terms of development without having a detrimental impact upon the above listed. The mitigation measures are as follows:-

Bats

The demolition of the Coastguard Station building would need to be carried out under a Natural Resources Wales (NRW) European Protected Species (EPS) licence and appropriate mitigation measures will be required to compensate for the loss of the roost within this building.

It is recommended that based on best practice guidelines further evening emergence and dawn re-entry surveys are undertaken to fully determine the use of this building by roosting bats and hence the ecological value of this building. This will allow the roost status to be fully classified and to inform the requirement for mitigation to compensate for the loss of the roost within this building.

Reptiles & Amphibians

The majority of sites were shown to accommodate reptile populations of varying degrees.

In terms of mitigation it has been concluded at this stage, an area within the adjacent Millennium Coastal Park (MCP) of approximately 3.3ha, located adjacent to the eastern boundary of Site 6, is considered to be a suitable receptor site for reptiles, with large areas of rough unmanaged grassland similar to habitat found on the Burry Port harbour sites. This

area was surveyed for presence/likely absence of reptiles and the results indicate that a ‘low’ population of slow-worm and a ‘good’ population of common lizard exist within this area of the MCP.

Reptile populations within the MCP are able to disperse eastwards through suitable habitat within the wider MCP area, it is therefore considered that following suitable enhancement, this area will have an increased carrying capacity for reptiles and will be able to support translocated slow-worm and common lizard populations from the Site (former Grillo and Sites 5, 6, 7 & 8).

It is recommended that a detailed mitigation and enhancement strategy is produced as part of any planning condition. This should detail the proposed enhancements of the receptor site which will need to undertake prior to the translocation exercise and a suitable management and monitoring regime required post translocation. The land adjacent to the eastern boundary of site 6 is within CCC control as part of the MCP.

Breeding & Wintering Birds

It is noted that all breeding birds receive legal protection under the Wildlife and Countryside Act 1981 (as amended). Therefore, it is recommended that any vegetation clearance / building demolition works are undertaken outside the breeding bird season (March to August). However, if works cannot be undertaken outside the breeding bird season it is recommended that an ecologist inspects any trees to be felled, scrub and/or tall vegetation to be cleared and buildings to be demolished. An experienced ecologist should be deployed to carry out an inspection within 24 hours prior to the clearance. If an occupied nest is detected, then a buffer zone should be created around the nest, and clearance of this area delayed until the young have fledged.

Ringed plover Charadrius hiaticula are an amber listed Bird of Conservation Concern (BoCC) and are listed as a Species of Principal Importance in Wales under Section 42 of the NERC Act. During surveys of the Grillo site undertaken between June and July 2014 a pair of ringed plover were seen showing signs of breeding behaviour and it is considered that habitats on the site are suitable for this species to nest. Ringed plover are an uncommon breeding bird in the southwest of Wales and so appropriate mitigation is recommended to reduce impacts of the development to this species.

Nesting gravel areas or islands within nearby water bodies (ponds, SuDS) would provide suitable nesting areas for the ringed plover currently using the site. The proposed construction works should be carried out outside of the breeding bird season (March to August inclusive). If works cannot be undertaken outside the breeding bird season, it is recommended an experienced ecologist is deployed to carry out an inspection no more than 24 hours prior to the commencement of works. If an occupied nest is detected, an appropriate buffer zone would be created around the nest, and clearance of this area delayed until the young have fledged.

Generally the Burry Port harbour sites are considered to offer limited potential for birds that are supported by the nearby designated sites (Burry Inlet and Loughor Estuary SSSI, Burry Inlet SPA and Ramsar site) due to habitats within the Site being unsuitable to support these wintering bird species which feed out on the mudflats and sandflats.

Flora & Habitats

Following a review of the submitted ecological reports and following detailed discussions with officers within the Authority it has been was highlighted that the proposed mitigation as set out in the original ecological reports was not feasible due to the contaminated nature of the sites.

Several options for mitigation for the loss of the 'Open Mosaic Habitats on Previously Developed Land' which is a Section 42 (NERC) habitats have been discussed. Large scale habitat creation was also discussed, however this would require the identification of a suitable site, and problems were discussed regarding the public perception of mitigation brownfield habitats in the MCP and also how many other sites would be unsuitable for creation purposes due to high fertility and unsuitable ground conditions.

As such an option which is currently being pursued is that of securing a large area of land at Morfa Berwick in Llanelli as a brownfield nature reserve and provision of management at the site. This land is owned by CCC and the applicant on the JV applications has confirmed acceptance of this in principle.

The above will entail the creation of a new nature reserve at the former Morfa Berwick site totally approximately 6 hectares in total area which is commensurate to the area of existing brownfield habitat to be lost on Sites 4,6, 7 and partially 8 as a result of the developments. In relation to Site 8 the development, will allow the retention and enhancement of existing habitat within the overall site with the exact area to be defined as part of any subsequent submission.

In relation to Invertebrates, it has been agreed that off site brownfield mitigation will allow some benefit to invertebrates, however as this is likely to be offsite and not in close proximity to existing invertebrate populations a suitable onsite landscaping scheme must also be devised.

The mitigation strategy concludes by recommending that the above mentioned mitigation measures are secured by the LPA wither via condition or legal agreements.

In relation to the survey results and mitigation measures outlined above, the Authority's Planning Ecologist and NRW have raised no objection towards the proposed developments subject to the imposition of conditions and/or legal agreements. The Planning Ecologist has stated that the ecological mitigation strategy and ecological reports submitted in respect to the site and other applications in the wider area adequately addresses the required mitigation for the application in relation to habitat, reptiles, amphibians, invertebrates and breeding birds. NRW also welcome the mitigation measures outlined above.

Conservation of Habitats and Species Regulations 2010

The Habitat Regulations Screening Report for the Burry Port harbour sites under consideration has been prepared to provide information on the implications of the Burry Port harbour regeneration sites on the CBEEMS. There is a requirement to assess any potential impacts to these sites under the Conservation of Habitats and Species Regulations 2010. Regulation 61 requires Carmarthenshire County Council as the competent authority to undertake a test of likely significant effects of the proposal on the SAC.

The Authority's Planning Ecologist undertook a TLSE in respect of all the pending planning applications in Burry Port harbour and this was sent to NRW for consideration on the 30th March, 2015. The TLSE identifies and addresses the following potential hazards and impacts on the features of the CBEEMS and their conservation objectives:-

- Increased organic matter and nutrient input into the CBEEMS.

- Construction/operational phase impacts on water quality by pollution run-off and dust.

- Disturbance to adjacent water bodies that may be used by Otter (SAC Feature) or wading bird species (SPA Feature) by noise and vibration.

- Disturbance to nearby SAC Habitats and SPA bird features by increased recreational pressure generated by the development.

The TLSE makes reference to the mitigation measures outlined in such documents as the Habitat Regulations Screening Report, Noise and Ecological reports etc submitted with the planning application before concluding that there will be no likely significant effects on the Carmarthen Bay & Estuaries SAC and Burry Inlet SPA & Ramsar features and their conservation objectives both alone or in combination.

In this respect it is worth noting that the Planning Inspector, and subsequently Welsh Ministers who determined the previous call in for Grillo concluded the same.

On the 7th April, 2015, NRW responded to consultation on the TLSE stating that they agree with the conclusion that the proposal is not likely to have a significant effect on Carmarthen Bay and Estuaries Special Area of Conservation (SAC), Burry Inlet Special Protection Area (SPA) and Burry Inlet Ramsar either alone or in combination.

EIA Screening

Members are advised that a screening exercise relating to the requirement of an Environmental Impact Assessment was undertaken within the first three weeks of receipt of the application. The proposed development falls within Schedule 2, Part 10b of the Town and Country Planning (Environment Impact Assessment) (England and Wales) Regulations 1999. The area of development exceeds 0.5 hectares which is the applicable threshold for urban development projects, and as such the indicative threshold and criteria as shown in Column 3, Part 10 (infrastructure Projects) of Schedule 2 is relevant. Following due consideration of the proposal, including the significant amount of supporting information submitted with the application, the development was not considered to have significant environmental effects in terms of its siting and size; it does not occupy a sensitive location and will not give rise to any complex adverse impact; and there are no important historical or environmental features associated with the site. On this basis it was not considered that the requirement of an EIA is applicable.

The Planning Inspector in his report on the previous Grillo call in inquiry stated in Paragraph 3 that "the possible need for EIA was considered afresh by Welsh Government after deciding to call the application in. It was concluded that the development would be unlikely to have significant environmental effects and that EIA was not required".

As aforementioned in the preceding section of this report, the LPA as the competent authority has undertaken a TLSE in relation to this and other pending applications in the Burry Port harbour area and concluded that there will be no likely significant effects on the Carmarthen Bay & Estuaries SAC and Burry Inlet SPA & Ramsar features and their conservation objectives both alone or in combination. NRW has agreed with this conclusion.

Community Benefits

As aforementioned Policy GP3 of the LDP states that the Council, where necessary seek developers to enter into Planning Obligations (Section 106 Agreements), or to contribute via the Community Infrastructure Levy to secure contributions to fund improvements to infrastructure, community facilities and other services to meet requirements arising from new development. Policy AH1 and REC2 are also relevant in this respect.

The LPA has also produced Supplementary Planning Guidance on planning obligations, with specific reference made to affordable housing, education, and leisure, recreation and open space.

With regards to this application the applicant has agreed to the following community benefit contributions:-

- 10% on site affordable housing. This reduced contribution has considered the significant abnormal costs associated with remediating this highly contaminated site.

- Education contribution of £189,876 based upon 230 residential units.

- In lieu of the requested £200,000 contribution towards offsite open space the future developer of the Grillo site will implement a scheme of public realm improvements on the western extent of the application site on the harbour's edge. As well as being secured via an appropriately worded planning condition this will form part of a requirement of the landowner's agreement between the Grillo applicant and the JV. Whilst there are no detailed drawings of the proposed public realm works available at this stage the cost of such works has been estimated at circa £250,000.

- A £60,000 financial contribution towards the 'Safe Routes in the Community Scheme', which aims to create safe formal crossing points and reduced vehicle speeds. This will improve linkages with the existing town centre and integrate the harbour side developments. This is linked to the offsite highway works proposed to facilitate the wider regeneration of the wider Burry Port harbour area.

Economic Profile

Following the release of the revised Chapter 7 of Planning Policy Wales and the issuing of Technical Advice Note 23, both of which relate to Economic Development, the application was accompanied by a brief document outlining the economic profile and envisaged economic impact of the proposed scheme. The document refers to Paragraph 7.6.1 of PPW which states that LPA's should adopt a positive and constructive approach to applications for economic development. The key points of the document are as follows:-

- Redevelopment and regeneration of 4.55ha of previously developed land.
- The creation of up to 230 homes and up to 465sqm of retail/leisure space.
- 248 additional economically active residents.

- An investment with economic output in the construction phase of £16.4m.
- £9m additional potential expenditure within the economy of Burry Port and the wider area per annum.
- £3.4m additional expenditure on retail and leisure within the local area per annum.
- Up to 88 construction jobs on the site, with additional spin off benefits.
- Up to 18 full time jobs within the small scale retail and leisure elements.

Whilst the LPA is not in a position to confirm the figures stated, it does agree that the proposed development is a welcomed regeneration scheme on a previously developed and heavily contaminated site. The development is a turn-key site that will kick start the wider regeneration of the Burry Port harbour area, and further inward investment.

CONCLUSION

Section 38(6) of the Planning and Compensation Act 2004 says that determinations must have regard to the development plan unless material considerations indicate otherwise. Whilst the application site lies outside the defined settlement limits of Burry Port as defined in the Adopted LDP, it does lie immediately adjacent to the limits, and there a number of material considerations to consider.

The site comprises a previous heavily industrialised site located within a sustainable location, and its redevelopment accords with the vision for the 'Swansea Bay – Waterfront and Western Valleys' area, which includes Llanelli as outlined in the Wales Spatial Plan. The redevelopment of this turn-key site will hopefully act as a catalyst for the wider regeneration of the Burry Port harbour area.

Furthermore, as noted by the Planning Inspector in Paragraph 114 of his report into the previous Grillo inquiry, the redevelopment of this site will build on the considerable public investment already made in the harbour and the southern distributor road and deliver much needed regeneration to this part of Burry Port.

A further benefit of the scheme as noted by the previous Planning Inspector in Paragraphs 115 and 119 of his report would be the remediation of the heavy contamination under the site which poses a risk to controlled waters in the CBEEMS, and thus there are significant environmental benefits in this respect. This remediation will cost in excess of £1m and not require any public finances.

As aforementioned, the proposed scheme will make provision for community benefit contributions in the form of affordable housing and a financial contribution towards education provision within the catchment. The scheme will also significantly enhance the public realm adjacent to the harbour to the benefit of the wider community of Burry Port.

The efficient re-use of this previously developed site, and when considered both in isolation and in conjunction with the other pending planning applications for the wider Burry Port harbour area, will result in significant economic, environmental and social benefits to the area.

It is the LPA's view, that when taken together, these material considerations are considered sufficient to outweigh any conflict with planning policies which seek to prevent residential development outside of defined settlement limits, and justify a degree of flexibility in recognition of the benefits of investing in this previously developed and contaminated site.

The development plan should be read as a whole rather than each and every word. In this respect it is acknowledged that the proposal accords with the majority of the LDP's policies, whilst its departure from the policies preventing residential development outside limits is considered acceptable in this instance as material considerations indicate otherwise, and warrant a departure from the Adopted LDP.

If the Planning Committee are minded to grant planning permission then the LPA will have to refer the application to Welsh Ministers under the Town and Country Planning (Notification) (Wales) Direction 2012. This is due to the fact that the proposal relates to residential development of more than 150 residential units, or residential development on more than 6 hectares of land, which is not in accordance with one or more provisions of the development plan in force.

It is considered that the above appraisal has addressed the key material considerations associated with this application in detail.

On balance after careful examination of the site and its surrounding environs in the context of this application, together with the representations received to date it is considered that whilst the proposal does not fully accord with the LDP the other material considerations outlined justify a departure from the development plan in this instance. Allowing the development would not in the LPA's opinion undermine the adopted development plan and set a harmful precedent.
As such this application is put forward with a favourable recommendation subject to the imposition of the following conditions.

Members of the Planning Committee are respectfully asked to resolve to approve the application and grant the Authority's Head of Planning Plenary Powers to release the planning permission upon the successful completion of a S.106 agreement for community benefit contributions.

RECOMMENDATION – APPROVAL

CONDITIONS

1 Application for approval of reserved matters must be made to the Local Planning Authority before the expiration of six years from the 27th January, 2016, and the development must be commenced not later than whichever is the later of the following:-

a) the expiration of eight years from the 27th January, 2016;

b) the expiration of two years from the date of approval of the last of the reserved matters to be approved.

2 Development shall not commence until detailed plans of the access; appearance; landscaping; layout; and scale of each building stated in the application, have been submitted, and received the written approval of the Local Planning Authority.

3 The details to be submitted pursuant to condition No 1 above shall show no more than 230 residential units and no more than 465m2 of retail and leisure floor space and shall comply with the parameters of the Design and Access Statement submitted with the application.

4 Prior to the commencement of development (or such other date or stage of development as may be agreed in writing with the Local Planning Authority) a reptile clearance, mitigation and translocation scheme shall be undertaken in accordance with details previously submitted to and approved in writing by the Local Planning Authority.

5 The development shall be undertaken in strict accordance with the recommendations made in the Ecological Assessment produced by Richard Pryce received on 16th August 2019 and the Habitat Mitigation Strategy Report produced by Asbri Planning received on 30th August 2019.

6 Prior to the commencement of development (or such other date or stage of development as may be agreed in writing with the Local Planning Authority) a full detailed ecological mitigation, enhancement and monitoring strategy shall be submitted to and approved in writing by the Local Planning Authority.

7 Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the Local Planning Authority:

(i) A preliminary risk assessment which has identified:

- all previous uses;
- potential contaminants associated with those uses;
- a conceptual model of the site indicating sources, pathways and receptors;
- potentially unacceptable risks arising from contamination at the site.

(ii) A site investigation scheme, based on (i) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

(iii) The site investigation results and the detailed risk assessment (ii) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

8 Prior to the commencement of development (or such other date or stage of development as may be agreed in writing with the Local Planning Authority), a verification plan providing details of the data that will be collected in order to demonstrate that the approved remediation strategy is complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved verification plan.

9 Prior to commencement of development (or such other date or stage of development as may be agreed in writing with the Local Planning Authority) a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the Local Planning Authority. The report shall include results of sampling

and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the Local Planning Authority.

10 Reports on monitoring, maintenance and any contingency action carried out in accordance with a long-term monitoring and maintenance plan shall be submitted to the Local Planning Authority as set out in that plan. On completion of the monitoring programme a final report demonstrating that all long- term site remediation criteria have been met and documenting the decision to cease monitoring shall be submitted to and approved in writing by the Local Planning Authority.

11 If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.

12 Prior to commencement of development (or such other date or stage of development as may be agreed in writing with the Local Planning Authority) full details of the surface water drainage system and separate foul water drainage system shall be submitted to and approved in writing by the Local Planning Authority. The approved systems shall be completed before any building is occupied.

13 Prior to commencement of development (or such other date or stage of development as may be agreed in writing with the Local Planning Authority) a scheme to install oil and petrol separators, trapped gullies and roof drainage, sealed at ground level, shall be submitted to, and approved in writing by, the Local Planning Authority. The scheme shall be implemented as approved.

14 Prior to commencement of development (or such other date or stage of development as may be agreed in writing with the Local Planning Authority) a pollution prevention management plan detailing all necessary pollution prevention measures for the construction phase of the development shall be submitted to and approved in writing by the Local Planning Authority. The details of the plan shall be implemented as approved and must be efficiently communicated to all contractors and sub-contractors (for example, via toolbox talks) and any deficiencies rectified immediately.

15 Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater.

16 Prior to commencement of development (or such other date or stage of development as may be agreed in writing with the Local Planning Authority) a scheme to treat and remove suspended solids from surface water run-off during construction works shall be submitted to, and approved in writing by, the Local Planning Authority. The scheme shall be implemented as approved.

17 Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound should be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound should be at least equivalent to the capacity of the largest tank, or the combined capacity of interconnected tanks, plus 10%. All filling points, vents, gauges and site glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework should be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets should be detailed to discharge downwards into the bund.

18 Prior to the commencement of development (or such other date or stage of development as may be agreed in writing with the Local Planning Authority) a Construction Management Plan should be submitted to and approved in writing by the Local Planning Authority.

19 Prior to the importation of any soil a copy of the certificate of analysis, details of the source of the topsoil and an interpretation of the analytical results by a suitably qualified individual shall be submitted to and approved in writing by the Local Planning Authority.

20 Prior to the commencement of demolition/construction works a scheme for the mitigation of dust shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented during all stages of demolition and construction. Vehicles transporting materials which are likely to cause dust onto and off site shall be suitably covered.

21 Prior to the commencement of development (or such other date or stage of development as may be agreed in writing with the Local Planning Authority) a scheme of lighting shall be submitted to and approved in writing by the local planning authority. The submitted details shall be designed in such a way as to avoid illumination of the adjacent coast line both during and post construction. Development shall take place in accordance with the approved details.

22 All construction and demolition works should be undertaken in strict accordance with the mitigation measures detailed in points 5.1 to 5.4 of Noise Assessment Document Reference: C 36411 140715 CF JD ARW GNA01A produced by Waterman Infrastructure & Environmental Ltd, received 21st December 2018.

23 The building envelope of the dwellings to the northern part of the site adjacent to the B4311 southern distributor road shall be constructed so as to provide sound attenuation against external noise of not less than 35dB(A) with windows shut and other means of ventilation provided.

24 In order to ensure suitability of external noise levels, prior to the commencement of development (or such other date or stage of development as may be agreed in writing with the Local Planning Authority) details of an acoustic barrier, to be erected along the edges of the gardens of the development site fronting the B4311, shall be submitted to and approved by the Local Planning Authority and once approved this shall be installed prior to occupation of the proposed dwellings and permanently retained thereafter.

25 Prior to the operation of the commercial premises, a scheme for the control of noise and vibration of any plant (including ventilation, refrigeration, air conditioning and air handling units) to be used in pursuance of this permission shall be submitted to and approved in writing to the Local Planning Authority. This shall then be installed prior to the first use of the premises and retained and operated in compliance with the approved scheme.

26 No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Local Planning Authority.

27 The development shall be undertaken in strict accordance with the mitigation measures outlined in the Flood Consequence Assessment undertaken by WSP received 27th August 2019.

28 Prior to the beneficial occupation of any of the development hereby approved, the offsite drainage betterment scheme identified in the Glanmor Terrace/Burrows Terrace area of Burry Port as outlined in the Drainage Strategy undertaken by WSP received 27th August 2019, shall be undertaken in strict accordance with that report.

29 Prior to the beneficial occupation of the development hereby approved a detailed Travel Plan for the site, setting out ways of reducing car usage and improvements to public transport, walking and cycling provision in the locality of the site and shall be submitted to and agreed in writing with the Local Planning Authority. The detailed Travel Plan shall be implemented in accordance with the approved details and at a timescale to be approved in writing by the Local Planning Authority.

30 Prior to commencement of development full details of the proposed measures to facilitate traffic management, and the proposed crossing points on the Southern Distributor Road shall be submitted for the written approval of the Local Highway Authority and to the specification of the Local Highway Authority. Thereafter the approved scheme shall be implemented in full.

REASONS

1 Required by Section 91 of the Town and Country Planning Act 1990.

2 In order to ensure a satisfactory layout of the site and in the interest of visual amenities.

3 To ensure that the details submitted do not exceed the scale of development assessed when granting outline planning permission.

4-6 In the interests of biodiversity.

7-11 To protect the environment and human health and comply with LDP Policy.

12 To reduce the risk of pollution to controlled waters (in particular the Carmarthen Bay and Estuaries SAC) and to prevent the increased risk of flooding, by ensuring the provision of a satisfactory means of foul and surface water disposal.

13 To protect controlled waters.

14 Prevent pollution of controlled waters and the wider environment.

15 There is an increased potential for pollution of controlled waters from inappropriate methods of piling.

16 Prevent pollution of controlled waters and the wider environment.

17 To prevent pollution of the water environment.

18 Prevent pollution of controlled waters and the wider environment.

19-20 To protect human health.

21 To minimise disturbance to protected species using the coast and minimise light pollution.

22 To preserve residential amenity.

23-25 To protect residential living condition**s.**

26 To protect historic environment interests whilst enabling development.

27 To ensure that the development remains flood free.

28 To protect the integrity of the public sewerage system and prevention of pollution to the environment.

29-30 In the interest of highway safety.

REASONS FOR GRANTING PLANNING PERMISSION

The decision to grant planning permission has been taken in accordance with Section 38 of the Planning and Compulsory Purchase Act 2004, which requires that, in determining a planning application the determination must be in accordance with the Development Plan unless material considerations indicate otherwise.

- It is considered that the proposal complies with Policy SP1 of the LDP in that the proposed development is environmentally sustainable.

- It is considered that the proposal complies with Policy SP2 of the LDP in that the proposed development is resilient to the impact of climate change and accords with the provisions of TAN15.

- It is considered that the proposal complies with Policy SP3 of the LDP in that the proposed development accords with the LDP's settlement framework.

- It is considered that the proposal complies with Policy SP6 of the LDP in that provision is made for affordable housing within the scheme.

- It is considered that the proposal complies with Policy SP8 of the LDP in that the minor retail element of the proposed development will not detract from the vitality and viability of the town centre.

- It is considered that the proposal complies with Policy SP9 of the LDP in that the proposed development is located in a sustainable location, accessible by a variety of transport means.

- It is considered that the proposal complies with Policy SP13 of the LDP in that the proposed development respects, and will not adversely affect the built and historic environment or its setting.

- It is considered that the proposal complies with Policy SP14 of the LDP in that proposed development protects and does not adversely affect the natural environment.

- It is considered that the proposal complies with Policy SP15 of the LDP in that the tourism element of the proposed development accords with the locational hierarchy and is acceptable in terms of scale and type of development.

- It is considered that the proposal complies with Policy SP17 of the LDP in that the proposed development will be served by appropriate infrastructure.

- It is considered that the proposal complies with Policy SP18 of the LDP in that the interests of the Welsh language will be safeguarded and promoted.

- It is considered that the proposal complies with Policy GP1 of the LDP in that the proposed development is sustainable and will enhance the character and appearance of the area.

- Whilst the proposed development does not strictly comply with Policy GP2 of the LDP, the site is located immediately adjacent to the limits and it is considered that other material considerations as referred to under Section 38(6) of the Planning and Compensation Act 2004 warrant a relaxation of the Policy requirements in this instance.

- It is considered that the proposal complies with Policy GP3 of the LDP in that the application will be subject to a Planning Obligation to meet the requirements arising from the development.

- It is considered that the proposal complies with Policy GP4 of the LDP in that adequate infrastructure is proposed to serve the proposed development.

- It is considered that the proposal complies with Policy AH1 of the LDP in that provision is made within the proposed scheme for affordable housing.

- It is considered that the proposal complies with Policy TR2 of the LDP in that the proposed development is located in a highly accessible and sustainable location.

- It is considered that the proposal complies with Policy TR3 of the LDP in that the proposed development would not be detrimental to highway safety or cause significant harm to the amenity of residents.

- It is considered that the proposal complies with Policy EQ1 of the LDP in that the proposed development preserves the built and historic environment.

- It is considered that the proposal complies with Policy EQ4 of the LDP in that the proposed development will not have an adverse impact on priority species, habitats and features of principal importance.

- It is considered that the proposal complies with Policy EP1 of the LDP in that the proposed development will not lead to a deterioration of either the water environment and/or the quality of controlled waters.

- It is considered that the proposal complies with Policy EP2 of the LDP in that the proposed development will not result in any adverse pollution issues.

- It is considered that the proposal complies with Policy EP3 of the LDP in that the impact of surface water drainage and the effectiveness of incorporating SUDS has been fully investigated.

- It is considered that the proposal complies with Policy EP5 of the LDP in that the proposed development in this coastal location will not increase the risk of erosion, flooding or land instability.

- It is considered that the proposal complies with Policy REC2 of the LDP in that a financial contribution towards improving off site open space will be made.

NOTE(S)

1 The development hereby permitted shall be carried out strictly in accordance with the following schedule of plans:-

- Location plan 1:2500 @ A3 (14) received 21st December, 2018;
- General arrangement plan 1:500 @ A1 (SK105) received 21st December, 2018;
- Infrastructure plan 1:1250 @ A1 received 21st December, 2018;
- Composite masterplan 1:500 @ A0 (13.01) received 28th December, 2018.

2 Comments and guidance received from consultees relating to this application, including any other permissions or consents required, are available on the Authority's website.

3 The applicant/developer's attention is drawn to the fact that the above permission is subject to the successful completion of a Section 106 Agreement relating to the provision of affordable housing within the scheme and financial contributions towards educational facilities and offsite highway works.

4 Please note that this consent is specific to the plans and particulars approved as part of the application. Any departure from the approved plans will constitute unauthorised development and may be liable to enforcement action. You (or any subsequent developer) should advise the Council of any actual or proposed variations from the approved plans immediately so that you can be advised how to best resolve the matter.

In addition, any Conditions which the Council has imposed on this consent will be listed above and should be read carefully. It is your (or any subsequent developers') responsibility to ensure that the terms of all Conditions are met in full at the appropriate time (as outlined in the specific condition).

The commencement of development without firstly meeting in full the terms of any Conditions which require the submission of details prior to the commencement of development will constitute unauthorised development. This will necessitate the submission of a further application to retain the unauthorised development and may render you liable to formal enforcement action.

Failure on the part of the developer to observe the requirements of any other Conditions could result in the Council pursuing formal enforcement action in the form of a Breach of Condition Notice.