

Application No	S/21597
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Application Type	Full Planning
Proposal & Location	CONSTRUCTION OF 100 DWELLINGS AND ASSOCIATED WORKS AT LAND OFF GARREGLWYD, PEMBREY, CARMARTHENSHIRE

Applicant(s)	PERSIMMON HOMES, C/O AGENT
Agent	ASBRI PLANNING LTD - PETE SULLEY, UNIT 9, OAK TREE COURT, CARDIFF GATE BUSINESS PARK, CARDIFF, CF23 8RS
Case Officer	Robert Davies
Ward	Pembrey
Date of validation	21/10/2013

CONSULTATIONS

Head of Transport – No objection subject to conditions.

Head of Housing – Has confirmed that the ward of Pembrey is an area of high housing need which must be supported by affordable housing in perpetuity on this site.

Head of Education – Has requested a contribution of £146,000 towards improving local education facilities.

Head of Leisure - No response received to date.

Land Drainage Officer – No objection. Has requested a contribution of £50,000 towards improving offsite culverts

Head of Public Protection – No objection subject to conditions.

Disabled Access Officer – No response received to date.

Public Rights of Way Officer – No objection. Reference is drawn to the footpath that abuts the proposed development which is a Public Right of Way, and the requirement not to obstruct or encroach upon it at any time.

Pembrey and Burry Port Town Council – Recommend that the application is refused on the following grounds:-

- Drainage;
- Inadequate access;
- Traffic generation and congestion on the main road;
- Negative impact on the character and Welsh culture of the community.

The Town Council respectfully requests that the Planning Committee undertake a site visit prior to making a decision on the application.

Local Members – County Councillor H B Shepardson has objected to the application on the following grounds:-

- The construction of 100 dwellings will destroy the visual amenity of an attractive Greenfield site that has a rural aspect.
- No local demand for a development of this scale.
- The development will exacerbate existing problems with the sewerage system.
- Increased surface water run-off from the site to properties below which already experience flooding.
- Increased traffic generation and congestion.
- Inadequate access and visibility.
- The existing school in Pembrey is over-subscribed.
- Lack of medical care in the locality with further demand placed as a result of the development proposed.

County Councillor Shepardson has respectfully requested that the Planning Committee undertake a site visit prior to making a decision on the application.

County Councillor S Matthews has not responded to date.

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

Natural Resources Wales (NRW) – No objection subject to conditions.

Network Rail – No objection.

Dyfed Archaeological Trust – No objection.

Sustrans – No response received to date.

Cadw - No objection.

Neighbours/Public – This long standing planning application was subject to the original consultation in 2009, and subsequent re-consultation exercises in 2012, 2013, 2016 and most recently twice in 2019 following the receipt of additional information. The consultation was undertaken via neighbour letters, press notices and numerous site notices.

The most recent re-consultations in 2019 resulted in 162 letters of objection being received. The previous consultation exercises resulted in 88 letters of objection being received along with a petition against the development signed by 276 members of the public.

The reasons for objection were as follows:-

- Inadequate infrastructure.
- Surface water runoff and flooding – properties along Gwscwm Road and the allotments already flood and this would be exacerbated by the development of this greenfield sloping site at a higher level; the site at present is a natural soakaway; the ground is already saturated and has a high water table; can assurances be given that the attenuation tanks will work and who will maintain them; the eastern ditch which is piped underneath properties along Gwscwm Road is too small; permission will not be given to improve this pipework; the ditches outfall to the canal where the old railway is now a cycle path; the cycle path which is a safe routes path currently floods; who will be responsible for cleaning and dredging the canal; concern over surface water runoff to properties and allotments during construction.
- Foul drainage – Health and safety concerns; drains already overflow and back into properties; currently cannot use showers during heavy rain as sewer backflows; local capacity issues and overflow discharges into the estuary/CBEEMS; lack of capacity at waste water treatment works; Welsh Water have recently had to do major improvements at Danlan Park; the applicant's budget to improve the sewer system has decreased from £750k to £400k.
- Low water pressure. This will decrease further.
- Highway and pedestrian safety – significant increase in the volume of traffic and congestion on A484 both close to the site and further afield at Sandy Roundabout; the A484 is already the second busiest road in the County; the site is close to Pembrey Country Park, Ffos Las and the Racing Circuit all of which attract traffic especially in summer months; cumulative impact of traffic associated with other developments including Gwdig and harbour sites; already tailbacks at the Garreglwyd junction with a further 14 houses already approved and 100 proposed; priority junction arrangement proposed will not address this; the bottom of Garreglwyd is a bottleneck, especially at peak times with a high degree of on street parking and three commercial businesses; Inadequate road infrastructure; Poor visibility on to main A484 at Garreglwyd junction; the junction is already dangerous; lot of accidents occur already and the risk will be increased; cars already speed in this location; No pavements; no crossing points at the A484; Mountain Road is not suitable; issues at the M4 junction.
- The layout allows for a potential future access off Mountain Road.
- The impact from construction traffic in terms of safety and damage to roads.
- Inadequate bus service.
- Adverse impact on local schools which are up to capacity and over-subscribed.
- Adverse impact on local health services including local surgery and dental practices – there is only one surgery serving Pembrey, Burry Port and surrounding areas.
- Police, fire and ambulance services stretched.
- Lack of local amenities in the village in terms of post office, shops and banks.

- Adverse impact on ecology e.g. foxes, badgers, birds, bats, dormice, slow worm and voles. The site is a natural wildlife habitat and will be lost.
- Loss of trees and hedgerows.
- Adverse impact on the adjacent Grade II* listed Court Farm which is one of the few remaining Manor Houses of its kind in Carmarthenshire; the proposed development would adversely affect the setting of the listed building; the setting will be lost in a sea of housing; the view of the building will be lost; the proposed green space within the scheme is not enough; the land used to be part of the demise of Court Farm and is therefore an integral part of its setting; the proposal will jeopardise the future restoration proposals; it will have a negative impact on the economic viability of the restoration project; inaccuracies in Heritage Impact Assessment; future generations won't be able to appreciate due to close encroachment of housing; unstable walls of the building could be affected by earth movement.
- The proposed development would have an adverse impact on an ancient sunken footpath to the immediate south of Court Farm known as 'Mucky Lane'.
- The proposed development would affect a right of way.
- Adverse impact on heritage and archaeology.
- The application to build 100 houses does not conform to the Local Development Plan for the land in question. The LDP allocates the site for 75 units.
- The site was incorrectly allocated for housing in the first place - lack of local involvement in the LDP process.
- Reference is drawn to the cumulative impact with LDP candidate sites.
- There is no demand for so many houses in Pembrey. There are already numerous empty homes.
- Adverse visual impact on the character of the area due to the exposed and elevated position – loss of a greenfield site of rural character; adjacent to a Special Landscape Area; 100 dwellings of the same style and character; high density; overdevelopment; should develop vacant brownfield sites in locality.
- Environmental damage.
- Nature of ground not suitable for development.
- Adverse impact on residential amenity – nuisance and disruption during construction.
- Air pollution and dust.
- Noise impact – construction and increased traffic.
- Adverse effect on the Welsh language and culture.

- Lack of publicity and consultation.
- Ownership and boundary disputes.
- Notice has been served on Highways with an ownership interest – conflict of interest?
- Devaluation of property.

RELEVANT PLANNING HISTORY

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

S/17923	Construction of 100 dwellings and associated works Withdrawn	03 April 2008
D5/14109	Residential development for large detached houses built to a low density (outline) Refused Appeal Withdrawn	09 December 1991
D5/8125	New residential development Refused	29 November 1984
75.A.8.	Residential development Refused	02 November 1972

APPRAISAL

THE SITE

The application site consists of an irregular shaped parcel of land, which is approximately 4.6 hectares in area, and is located in an elevated position within the village of Pembrey in Carmarthenshire. The site is divided into two field parcels of pasture land by a hedgerow running north-south through the site. The site slopes down from its highest point in the north east corner to the lowest point towards the south west.

The site is bounded on three sides by existing residential development. The southern site boundary runs along the rear of gardens of properties at a lower level fronting a stretch of the main A484 known as Danlan Road/Gwscwm Road. To the south east of the site there are allotments with Pembrey Community Centre beyond.

The site is bounded to the east by a small cul-de-sac of 4no. detached residential properties accessed via a T Junction off Heol Y Mynydd/Mountain Road. A gated access off this cul-de-sac provides the existing means of access to the site. Further residential properties along Mountain Road and Mumbles Head Park are located to the east and north east of the application site.

To the west of the site is a residential estate known as Garreglwyd, which emerges on to Danlan Road via a T Junction to the south. A garage and carpet shop are located on the corner of Dan Lan Road and Garreglwyd and a car dealership is situated opposite the junction on the southern side of Dan Lan Road. The western site boundary fronts on to Garreglwyd beyond a row of mature trees.

Open countryside, which is designated as a Special Landscape Area lies to the north of the site boundary, beyond an ancient tree lined sunken lane known as 'Mucky Lane', which is a public right of way. A Grade II* Listed Building known as Court Farm and its curtilage buildings are located further to the north east of the application site beyond the mature tree lined sunken public right of way. Each boundary, except a section in the east is lined by mature trees and hedgerows.

The centre of Pembrey which consists of two public houses, a post office, pottery shop and a guest house lie just to the south of the site in a small cluster of development around Randell Square, beyond which lies St. Illtyd's Church, a Grade II listed building, which occupies a prominent position on Gwscwm Road.

Pembrey Primary School lies approximately 0.5km to the south of the site on Ashburnham Road, with planning permission recently granted for a new school on land adjacent to the existing. Access to a country park is signposted just to the west of the site along Dan Lan Road.

THE PROPOSAL

This long standing planning application seeks full planning permission to construct 100, two, three, four and five bed homes (including 20% affordable homes), public open space, ecological enhancements, landscaping and associated highways and drainage works.

The application was originally received in 2009, and was accompanied by the following supporting information:-

- Planning Statement;
- Design and Access Statement;
- Transport Assessment;
- Ecology Assessment;
- Tree Report;
- Archaeological Appraisal;
- Drainage Statement;
- Statement of Dust Mitigation;
- Travel Plan;
- Site Investigation Report;
- Bat and Reptile Assessment.

During the time that the application was received by the Local Planning Authority (LPA), there were concerns relating to water quality in the European Protected Estuary. As a result, and like many other planning applications received around that time, the LPA issued a positive screening opinion under the Environmental Impact Assessment Regulations, requiring the application to be accompanied by an Environmental Statement. Shortly afterwards, and following advice from the then Environment Agency and Countryside Council for Wales, the LPA issued a Scoping Opinion requiring a tightly scoped Environmental Impact Assessment (EIA) to assess water quality and drainage issues.

In order to inform this EIA, the applicant commissioned Dwr Cymru/Welsh Water to undertake a Development Impact Assessment (DIA) of the existing drainage infrastructure serving the Pembrey area. The purpose of the DIA was to quantify the effects, if any, of

the proposed development on the existing drainage system and to identify notional solutions to resolve any potential detriment.

The Environmental Statement was subsequently received by the LPA in February, 2012 which in accordance with the regulations at the time assessed both the construction and operational effects of the proposed development, cumulative impacts and any relevant mitigation measures necessary. The following supporting reports were also received:-

- Design and Access Statement;
- Transport Assessment;
- Travel Plan;
- Ecological Walkover Survey;
- Ecology Mitigation Statement;
- Bat and Reptile Assessment;
- Tree Report;
- Archaeological Appraisal;
- Development Impact Assessment;
- Drainage Statement;
- Statement of Dust Mitigation;
- Site Investigation Report;
- Air Quality Assessment;
- Construction Noise Assessment;
- Heritage Statement.

In 2013 additional details were received including a further Heritage Report and Drainage Strategy informed by infiltration tests. Additional drawings were also received.

In 2016, a revised package of information was received with key changes made to the scheme to address matters raised in terms of highway safety, drainage and impact on the setting of the Grade II* listed building of Court Farm. In terms of highways, instead of the two access points originally proposed, namely off Mountain Road to the east and Garreglwyd to the west, only one now remained off Garreglwyd to the west. The revised layout also proposed three large public open space areas within the site. The purpose of the large green area to the north east corner of the site was to provide a buffer between the proposed housing and the listed building to the north east. The purpose of the two southern areas of open space were two fold, one in association with both providing open space, but also to accommodate attenuation basins in association with the revised surface water drainage strategy. Prior to this surface water attenuation was proposed to be attenuated in engineered tanks below the internal road.

The revised 2016 package also included the following updated reports:-

- Updated Heritage Statement;
- Updated Ecological Report;
- Updated Arboricultural Report;
- Updated Planning Statement;
- Updated Drainage Strategy;
- Updated DAS;
- Dust Mitigation;
- SI Report;
- Archaeology;
- Planning Statement;

- Tree Survey;
- Transport Assessment;
- Environmental Statement Addendum.

As a result of matters that arose during the re-consultation exercise and consideration of the package of information submitted in 2016, the most recent package of information was received in December 2018. In addition to revised drawings, the following supporting information was submitted:-

- Revised Heritage Impact Statement in light of recent legislative changes;
- Revised Drainage Strategy following further discussions with DCWW;
- Updated Ecological Appraisal in response to previous comments from NRW and Planning Ecologist;
- Welsh Language Action Plan;
- Updated Landscaping Proposals
- Drainage Plan During Construction;
- Silt Management Daily Checklist;
- Construction Method Statement;
- Dust Emission Control Plan;
- Waste Management Plan;
- Construction Management Plan;
- Revised Transport Statement;
- Planning Statement;
- Design and Access Statement;
- Environmental Statement Addendum in light of revised information and changes to the EIA Regulations;
- Habitat Regulations Screening Report.

The following additional and revised information was subsequently received in July 2019 as a result of comments received from consultees during the consultation exercise:-

- Boundary Wall and Fencing elevation drawings;
- Revised Drainage Strategy and associated drawings;
- DCWW e-mail confirming adoption of attenuation ponds;
- Drainage Technical Note outlining options for Offsite Sewer Improvements;
- Revised Soft Landscaping Proposals;
- Landscape Specification and Management Plan;
- Tree Technical Note;
- Revised Construction Management Plan;
- Revised Construction Method Statement;
- Revised Construction Traffic Management Plan;
- Management Company Plan identifying areas within the site that will be maintained by a management company.

The scheme as currently proposed includes a mixture of house types that are detached, semi-detached and terraced in nature whilst being 2 or 2.5 storey in height. The proposal is spatially denser to the western half of the site, with larger, detached properties with more spacious curtilages proposed to the eastern half. The palette of materials proposed consist of a mixture of facing brick and render to the walls and grey concrete tiles to the roof. Some of the proposed house types have detached or integral garages in addition to driveways. The proposed boundary treatment measures consist of different height fencing

to less prominent boundaries and brick walls with infill fencing panels to more visible boundaries.

As aforementioned, only one means of vehicular access is now proposed via Garreglwyd to the west. Offsite highway works are proposed at Garreglwyd in order to provide a new priority junction arrangement that will give vehicles travelling northwards along Garreglwyd priority. A standard estate road is proposed within the development with a 5.5m width carriageway with 1.8m footways either side.

There are three open space areas proposed within the revised layout, with their purpose already summarised above. A detailed landscaping scheme submitted indicates what existing trees and hedgerows are being retained and enhanced with further planting, whilst native woodland planting is proposed to the north east and a section of hedgerow translocated.

PLANNING POLICY

Local Planning Policy Context

The application site is located within the defined settlement limits of Pembrey as delineated within the Adopted Carmarthenshire Local Development Plan 2014 (LDP), and is in fact a housing allocation.

Burry Port and Pembrey are identified as a Service Centre in the Adopted LDP. Service Centres are defined as being settlements that are well located on sustainable transport corridors and demonstrate a broad range of facilities and services which provide for the needs of the settlement and a wider local catchment. Their respective status within the County and their regional contribution is reflected within the Wales Spatial Plan.

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 should reflect sustainable transport principles and minimise the risk of flooding including the incorporation of SUDS.

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 LDP's settlement framework. In this respect Pembrey is identified as a Service Centre.

Policy SP5 of the LDP ensures enough housing land is allocated in accordance with the settlement framework.

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.

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 H1 of the LDP refers to Housing Allocations and as aforementioned the application site is identified for housing. The housing allocation referenced T2/1/h2 has a non-committed allocation of 75 units.

Policy AH1 of the LDP requires a contribution to affordable housing on all housing allocations and windfall sites.

Policy TR1 of the LDP states that proposals which do not restrict traffic movement and/or compromise the safety of the primary road network and core network will, where appropriate be supported.

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 EQ5 of the LDP states that proposals for development which would not adversely affect those features which contribute local distinctiveness/qualities of the County, and to the management and/or development of ecological networks (wildlife corridor networks), accessible green corridors and their continuity and integrity will be permitted.

Policy EQ6 of the LDP states that proposals which enhance or improve the Special Landscape Area through their design, appearance and landscape schemes will be permitted

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 REC2 of the LDP requires all new developments of five or more units to provide on-site open space in accordance with the Council's adopted standards of 2.4ha per 1000 population.

Supplementary Planning Guidance

There are a number of Adopted SPG's relevant to the consideration of this planning application including:-

- Archaeology and Development;
- Nature Conservation and Biodiversity;
- Place Making and Design;
- Planning Obligations;
- Welsh Language;
- Leisure and Open Space – Requirements for New Developments;
- Affordable Housing.

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 December 2018. PPW is supplemented by a series of Technical Advice Notes (TANs).

Planning Policy Wales is the principle planning 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 1.2 that:-

“The primary objective of PPW is to ensure that the planning system contributes towards the delivery of sustainable development and improves the social, economic, environmental and cultural well being of Wales, as required by the Planning (Wales) Act 2015, the Well-being of Future Generations (Wales) Act 2015 and other key legislation. A well-functioning planning system is fundamental for sustainable development and achieving sustainable places.”

Planning Policy Wales has always promoted the notion of sustainable development as being central to all planning decisions in Wales. PPW defines sustainable development as:-

“Sustainable Development” means the process of improving the economic, social, environmental and cultural well-being of Wales by taking action, in accordance with the sustainable development principle, aimed at achieving the well-being goals.

Acting in accordance with the sustainable development principle means that a body must act in a manner which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs”

Paragraph 1.11 of PPW states that:-

“The Well-being of Future Generations Act places a duty on public bodies to carry out sustainable development. This is not a new concept for the planning system as the principles of sustainable development have been at the heart of planning policy since PPW

was first published in 2002. However, the concept has been expanded under the Well-being Act and it requires an improvement in the delivery of all four aspects of well-being: social, economic, environmental and cultural.”

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.

Paragraph 1.15 of PPW states that:-

“The Planning Act introduced a statutory purpose for the planning system. Any statutory body carrying out a planning function must exercise those functions in accordance with the principles of sustainable development as defined in the Well-being of Future Generations Act. The planning system is central to achieving sustainable development in Wales. It provides the legislative and policy framework to manage the use and development of land in the public interest so that it contributes positively to the achievement of the well-being goals.”

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 2 Planning and Affordable Housing (2006) advise on the role of the planning system in delivering affordable housing.
- 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 (2016) seeks to promote sustainability principles through good design and identifies how local planning authorities can facilitate this process through the planning system.
- 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 (2017) 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 routinely 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 24 The Historic Environment (2017) provides guidance on how the planning system considers the historic environment during development plan preparation and decision making on planning and listed building applications.

With regard to protecting the integrity of the European designated site, Regulation 63 of The Conservation of Habitats and Species Regulations 2017 reads as follows:-

Assessment of implications for European sites and European offshore marine sites

63-(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 of the plan or project 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 it 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 specifies.
- (4) It must also, if it considers it appropriate, take the opinion of the general public, and if it does so, it must take such steps for that purpose as it considers appropriate.
- (5) In the light of the conclusions of the assessment, and subject to regulation 64, 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 competent 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 it proposes that the consent, permission or other authorisation should be given.
- (7) This regulation does not apply in relation to—
 - (a) a site which is a European site by reason of regulation 8(1)(c);
 - (b) a site which is a European offshore marine site by reason of regulation 18(c) of the Offshore Marine Conservation Regulations; or
 - (c) a plan or project to which any of the following apply—
 - (i) the Offshore Petroleum Activities (Conservation of Habitats) Regulations 2001(a) (in so far as this regulation is not disapplied by

regulation 4 (plans or projects relating to offshore marine area or offshore marine installations) in relation to plans or projects to which those Regulations apply);

- (ii) the Environmental Impact Assessment (Agriculture) (England) (No. 2) Regulations 2006(b);
 - (iii) the Environmental Impact Assessment (Agriculture) (Wales) Regulations 2017(c); or
 - (iv) the Merchant Shipping (Ship-to-Ship Transfers) Regulations 2010(d).
- (8) Where a plan or project requires an appropriate assessment both under this regulation and under the Offshore Marine Conservation 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 the United Kingdom, provided that an assessment made for the purpose of this regulation and the Offshore Marine Conservation Regulations assesses the effects of the plan or project as a whole.
- (9) In paragraph (1) the reference to the competent authority deciding to undertake a plan or project includes the competent authority deciding to vary any plan or project undertaken or to be undertaken.

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.

THIRD PARTY REPRESENTATIONS

As aforementioned, a significant number of objection letters have been received in relation to this proposed development over the last 10 years. The material reasons for concern and objection raised will now be addressed in this section of the report under the following sub-headings.

Heritage Assessment

As aforementioned in this report, objectors opine that the proposed development will have an unacceptable detrimental impact on the Grade II* listed Court Farm and its associated Grade II listed outbuilding, by adversely affecting the setting of these two heritage assets. It is envisaged that the setting of these buildings will be lost in a sea of housing and that the proposed mitigation in the form of a green buffer is not sufficient. The objectors are of the opinion that the proposed development will adversely affect the future restoration proposals and the economic viability of such a project. It is also opined that the proposed development will adversely impact upon the ancient sunken lane (Mucky Lane) and the historic landscape.

Whilst the Historic Environment (Wales) Act 2016 made some amendments to the Planning (Listed Buildings and Conservation Areas) Act 1990, the 1990 act is still the

primary legislative instrument addressing the treatment of listed buildings through the planning process in both England and Wales.

The way in which historic assets are assessed remains largely the same. In this respect Section 66(1) of the 1990 Act is particularly relevant in this instance and sets out the statutory duty of the decision-maker, where proposed development would affect a listed building or its setting:

‘...in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.’

This section of the report will apply the “special regard” test referred to in Section 66(1) in considering the potential impact on the setting of the listed buildings. In doing so reference will be drawn to the Heritage Impact Statement submitted on behalf of the applicant, relevant legislation, and relevant national and local planning policies.

Heritage Impact Statement

In order to inform the LPA’s consideration of this issue, the applicant was asked to produce a Heritage Impact Statement (HIS) produced in line with relevant CADW guidelines and in conjunction with this to provide detailed cross section drawings showing the relationship between the proposed development and the existing listed buildings. The key points and conclusions of the HIS are as follows.

The site itself does not contain any ‘designated’ historic assets e.g. listed buildings, and is not situated within the boundary of a conservation area or historic park and garden. Therefore, the HIS opines that any potential impacts can only be indirect and expressed in terms of change to an asset’s ‘setting’, such that its significance would be either lost or diminished.

The HIS goes on to identify the nearby heritage assets, which include the Grade II* listed church of St. Illtyd located 150m to the south. The aspect of the asset’s setting which contribute to its setting are its associative relationships with its churchyard enclosure and the central part of the village that it serves. The application site is separated from the church by the main A484. Significant spatial and topographical differences exist with the application site at a much higher level. The HIS opines that the church will remain a focal point of the village and the development of the site would not compromise this.

The HIS goes on to focus on the potential for impacts on the off-site heritage assets at Court Farm. These assets are located between 40-80m north-east of the northern boundary and consist of Court Farmhouse (Grade II* listed) and the outbuilding to the south of the main farmhouse (Grade II listed). The HIS states that the highest point of application site is at 40m AOD to north east corner, whilst the land adjacent to the listed farmhouse is at 55m AOD and the listed outbuilding is at 44m AOD. The application site and these historic assets are separated by a sunken lane with mature trees either side. The HIS also states that additional landscaping is proposed along the northern boundary and hedge translocation as part of the proposed development.

The HIS refers to the application site’s allocated status for residential development in the Adopted Carmarthenshire Local Development Plan 2014, and states that this confirms that

the principle of residential development on the application site is considered acceptable. With this in mind the HIS is critical of the previous Conservation Officer's comments on the basis that they did not acknowledge the allocated status of the site.

The HIS draws reference to amendments made to the proposed layout during the course of the application process by creating a buffer in the north east corner. The result of this is to focus the built form to the south and western parts of the application site on lower lying land. The eastern part of the application site is to have lower density housing.

The HIS goes on to assess the "significance" of the historic assets by using the definition of "significance" taken from Cadw's Conservation Principles, Policies and Guidance for the Sustainable Management of the Historic Environment in Wales (2011). This states that four component values make up significance namely - evidential value, historical value, aesthetic value and communal value. The report goes on to address each of these in turn before assessing whether the change within their setting would lead to a loss of "significance" in accordance with guidance set out in Cadw's 'Setting of Historic Assets in Wales' (2017).

In terms of the aforementioned Heritage Values, the HIS opines as follows:-

- Evidential Value – the farmhouse and outbuilding are assessed as having 'high' evidential value because of their ability to add to and enhance our understanding of building design and construction techniques, as well as patterns of occupation and use in the 16th and 17th century Wales.
- Historic Value – assessed as having 'moderate-high' value due to the long-established history of occupation on this site, reputed to go back to the 14th or 15th century albeit the structures are of a later date.
- Aesthetic Value – assessed as having 'moderate-high' because despite deterioration and dilapidation some significant internal and external features remain.
- Communal Value – assessed as having 'low' communal value due to the fact that neither building is currently occupied and are now in a poor/deteriorating condition with the absence of formal and progressive conservation and management. Whilst there is a local interest/action group, and presumed aspiration towards restoration and future use, the HIS opines that at the moment domestic occupation appears to be a distant prospect. The dilapidated nature of the buildings, and the fact that they are fenced off from public access and enjoyment, limits their communal value despite being nationally important.

Before evaluating the potential impact of development on the assets significance, the HIS addresses both the assets historic and current setting.

In terms of the assets historic setting, the report addresses the history of Court Farm in detail, and by referring to historic maps shows how the setting of the listed buildings have changed over time. When Court Farm was owned by the wealthy Vaughan family from circa 1500 onwards it formed part of a significant estate (21,000 acres). When it was sold on centuries later and became home to tenant farmers the estate amounted to circa 200 acres and 12 acres of marshland (1831 survey). By referring to historic maps dated 1839, 1880, 1969 and 1991, the HIS shows how the setting has changed over time with the expansion of Pembrey northwards. The HIS acknowledges that historically the listed

building and the application site were separate from the rest of Pembrey which was focussed around by the church, however the village has expanded northwards.

In terms of the assets current setting the HIS states that the buildings are currently both derelict and unoccupied and located on private land with no direct access. The surrounding farmland has been improved and is in separate ownership now but acknowledges that the application site would have once formed part of the Court estate. The listed buildings are within an area of trees and scrub, which presumably represents the grown-out gardens associated with the farmhouse on historic maps.

The HIS includes a series of photographs, both historic and current from different viewpoints to show how the buildings can be appreciated and their relationship with each other. It states that you can get a better appreciation from Mountain Road to the north as vegetation has been removed. Court was originally sited to take advantage of the steeply sloping ground which slopes downwards to the south in order to take advantage of the views. Due to the topography outward views overlook the application site. The report acknowledges that the dwelling and outbuilding were intentionally sited in an agricultural location and in an elevated position but states that this sense of separation has diminished during the mid-late 20th century. Whilst it acknowledges that the application site fields provide a degree of separation between the two listed buildings and the village, it opines that this is difficult to experience and appreciate from the steep hillslope to the north or the flat ground beyond Pembrey to the south due to the topography, which largely conceals the land within the site.

For the most part, it is only from along Mucky Lane or the land within the site that there is a clear and appreciable sense of separation from the village. Nonetheless, even then, it is very apparent that the immediate built surroundings of the farmhouse and the site are modern 'residential' in form and character.

The land within the site is visually and functionally separated by the north east to south west course of Mucky Lane. This feature, which is shown on the early maps, is a gently curving and deeply incised track cutting the angle between Heol y Mynydd and the east-west alignment of the A484. It is well wooded along its length, meaning that in summer at least there is a strong and well-defined sense of separation and enclosure walking along it, other than at the extreme north east and south west ends, where the margins become more open and there is an increased engagement with the surroundings.

The HIS states that the setting of the two assets contributes to their significance, in this case in terms of the ability to understand and appreciate the evidential, historic and aesthetic values that are enshrined in their standing form and fabric.

The HIS then goes on to evaluate the potential impact of the proposed development on the historic assets significance. In this respect it opines that the proposed development would have no direct physical impact on the special interest of either of the two listed buildings at Court Farm.

However it goes on to state that the implementation of the proposed development would, give rise to some loss of special interest (or significance) from the two listed buildings as a result of the change that would take place within their setting.

The HIS opines that this loss of significance/special interest would be relatively limited, and would derive from the following:

- 1 The loss of undeveloped farmland from around Court Farm, which historically formed part of its Estate and would have underpinned the economy of the farmhouse; and
- 2 The reduced spatial separation between the village of Pembrey and Court Farm, which was originally sited further up the slope and separate from the settlement.

The report says that even if the land use changes from agricultural to residential, it will remain a matter of historical fact that the site formed part of the Court Farm Estate. Nevertheless, the relationship between the farm buildings and the farmland that supported this farm complex will be visibly different if the development proceeds; with the appreciation that the farm buildings occupied a rural landholding separating them from the village of Pembrey being diminished.

The HIS opines that there is nothing about the fields (other than mere proximity) which shows there was an historic functional relationship with Court Farm; to all intents and purposes the site comprises two relatively nondescript fields of managed grassland surrounded and enclosed by mature hedgerows. The fields only amount to a relatively small part of the historic estate which means that the impact to the listed buildings is considered to be only limited.

The degree of spatial separation between Court Farm and the village of Pembrey has rapidly reduced during the 20th century. In that sense the HIS opines that the impact of development within the site would arise from the cumulative erosion of the buildings' spatial separation from the village over time, as opposed to being a result of this development in and of itself.

Furthermore, the topographic relationship between the village, the site and Court Farm is such that the ability to experience the spatial separation is relatively restricted in location and extent. It is concluded that, because of the intervening tree cover and steep hillslopes, the impact of this change would be relatively limited in its geographic scope, in large part concentrated around the periphery of the site.

The HIS also states that the proposals have also been developed and refined to minimise their impact on the two listed buildings, principally in terms of the layout, where a significantly enlarged area of open space has been sited in the north east corner nearest to the listed buildings. By the retention, improved management and reinforcement of the tree stock fringing the northern boundary of the site along Mucky Lane, and also in terms of storey heights, where modelling shows that the outward vista towards the Burry Inlet and the Bristol Channel beyond will be maintained and uninterrupted because of the natural hillslope and the intervening tree cover along Mucky Lane.

The HIS concludes by re-enforcing the view that there is no direct impact, and that the acknowledged loss of significance as a result of change to the buildings setting is assessed as being relatively limited.

The conclusion states that the following need to be taken into account in evaluating and assessing the impact of the proposals:-

- 1 The principle of development has long been established with its inclusion as an allocation firstly within the UDP (2006) and then in the LDP (2014).

- 2 The Inspector for the LDP found the allocation sound to include within the LDP.
- 3 The far bigger threat to the “significance” of the two listed buildings is their redundancy and long-term vacancy which has caused dereliction as opposed to changes within their wider setting.
- 4 The physical and visual separation between the application site and the listed buildings is considered to be sufficient to mean there would be no loss of viability to bring forward restoration of these heritage assets in the longer term.
- 5 There is nothing in legislation or policy which requires a decision-maker to preserve the setting of a listed building; it is however a desirability to which they must afford considerable importance and weight in determining the planning application.

The HIS concludes that as the ‘impacts’ noted above derive from the ‘principle’ of development on the site, as opposed to any aspect of the detailed proposals now submitted for the delivery of this allocation, it is evident there is no heritage reason why planning should not be permission granted.

Local Planning Authority’s Assessment

As aforementioned, Section 66(1) of the 1990 Act requires the LPA to have ‘special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.’ In applying this test the LPA has to consider the Heritage Impact Statement and other supporting information submitted with the application, relevant legislation and planning policies/guidance, and responses from relevant statutory consultees and third parties.

The LPA agrees with the HIS in that there is no direct impact on any heritage assets, and that the main consideration at hand is the indirect impact on the setting of listed buildings. In this respect the LPA also agrees that there will be no impact on the setting of the Grade II* listed church. It is prudent to note that no third parties or statutory consultees have raised concerns in this respect and that the main area of contention seems to be the impact of the proposed development on the setting of the two listed buildings (Grade II* Farmhouse and Grade II outbuilding) at Court Farm.

Cadw’s guidance ‘Setting of Historic Assets in Wales’ (2017) states that ‘the setting of a historic asset includes the surroundings in which it is understood, experienced and appreciated, embracing present and past relationships to the surrounding landscape. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive, negative or neutral contribution to the significance of an asset.’

The Guidance advises that setting is not itself a historic asset, and the document goes on to advise that it needs to be established what the setting contributes to the significance of a historic asset and then evaluate the potential impact on that significance.

Planning Policy Wales provides the national planning policy framework for the consideration of the historic environment and this is supplemented by guidance contained in Technical Advice Note 24. These documents are consistent with Cadw’s guidance in terms of assessing impact upon the setting of a listed building.

Paragraph 1.26 of TAN24 is particularly useful and states that “.....For any development within the setting of a historic asset, some of the factors to consider and weigh in the assessment include:-

- the significance of the asset and the contribution the setting makes to that significance;
- the prominence of the historic asset;
- the expected lifespan of the proposed development;
- the extent of tree cover and its likely longevity;
- non visual factors affecting the setting of the historic asset such as noise.

Paragraph 1.28 of TAN 24 goes on to acknowledge that “....Mitigation of damaging effects could be achieved through good design and in some cases screening or landscaping”.

The HIS places a lot of emphasis upon the allocated status of the application site in the Adopted LDP, and the previous UDP. The LPA agrees that this is an important material planning consideration, however notwithstanding this, the LPA still has to consider the impact upon the setting of these listed buildings as part of this detailed planning application.

The LPA acknowledges that Cwrt Farm’s historic setting was one of being within a large estate and that the two fields that form the application site were part of this estate. However as the aforementioned guidance acknowledges, setting can change and evolve over time, which it has in this instance with the expansion of Pembrey northwards along Mountain Road. The County road effectively defines the eastern boundary of the listed buildings. Whilst this in itself does not justify any further expansion of the village northwards the LPA agree with the HIS in that on the ground the functional relationship between the listed buildings and the fields that form the application site cannot be readily appreciated and experienced. There are a number of reasons for this which are explored in more detail below.

As aforementioned, the listed buildings at Court Farm are located at an elevated position in comparison to the application site. The base of the Court Farm outbuilding for instance is approximately 8m higher than the ridge height of Plot 77 which is one of the closest residential dwellings proposed. This difference in level ensures that views from the listed buildings extend over the application site and out across the Burry inlet beyond.

The above mentioned changes in levels along with the separation distances concerned and boundary definition again make it difficult appreciate past or present relationships between the listed buildings and the application site. The historic maps included within the HIS clearly indicate that Mucky Lane is a historic lane and has always been a defining feature between the listed buildings and the application site. This sunken lane, which is to remain undisturbed by the proposed development, is defined on both sides by dense mature trees which in the majority screen views of the listed buildings from the application site and vice versa, especially during summer months ensuring a lack of inter-visibility. These clearly defined mature boundaries again make it difficult to appreciate the relationship between the application site and the listed buildings at Court Farm, and in turn the contribution that the application site makes to the setting of these listed buildings. It is also worthy to note that the northern boundary landscaping will be enhanced as part of the proposed development, which in addition to the open green space proposed to the north east corner of the layout will further shield the listed buildings from the proposed development.

The LPA agree that it is important to ensure that the listed farmhouse and outbuilding have the potential to retain economic viability, however in light of the expansion of the village northwards and surrounding land being in separate ownership it must be acknowledged that their future as the centre of an economically active farm are now over. The Authority's Senior Built Heritage Officer considers that providing a buffer around the property in the form of land for a garden, or sufficient land to shield the property from any residential development to the north of Mucky Lane is necessary, however the proposed development does not affect these considerations. On the point of future viability, the LPA is currently considering separate full and listed building consent applications to undertake consolidation and repair works to stabilise the vulnerable parts of the upper walls of the listed buildings (S/38591 & S/38592).

Therefore whilst the development will affect the historic setting of the listed buildings in the sense that it involves residential development on agricultural land that formed part of the original estate, the LPA does not consider that the effect on this setting adversely affects the significance of these historic assets.

In coming to this conclusion reference is drawn to relevant consultation responses. Based upon the revised HIS produced in line with up to date guidance and other revised supporting information received, the Authority's Senior Built Heritage Officer has concluded that in her opinion the proposed development is unlikely to cause damage to the setting of the listed buildings. Therefore she raises no objection towards the proposed development as shown and referred to in the most recent revised submission.

In its response CADW has confirmed that the proposed development will not cause damage to the setting of any scheduled monument whilst it does not raise concern in terms of any impact upon the historic landscape. CADW state that it does not provide an assessment of the likely impact of development on listed buildings, as this is a matter for the local authority.

Finally the Authority's Archaeological advisors, Dyfed Archaeological Trust has raised no objection and confirmed that no further archaeological investigation is necessary.

Highways

In terms of highway related matters, significant concerns and objection have been raised in relation to highway and pedestrian safety. These relate to increased traffic generation and congestion on the main A484 both close to the site and further afield, and inadequate access and visibility at the junction to serve the proposed development. It is envisaged that further tailbacks at the Garreglwyd junction will occur and that the priority junction arrangement proposed will not address this issue. The concerns relate to both construction traffic during building works and operational traffic when the development is occupied. It is also opined that there is a lack of pavements and crossings points, and inadequate public transport services.

The application when originally submitted in 2009 was accompanied by a Transport Assessment (TA). This TA has been updated over time with the most recent one dated May 2016. This TA considers the highway and transportation issues associated with a proposed residential development of 100 houses on land allocated for residential development in the Adopted LDP. A Construction traffic management plan has also been submitted.

As aforementioned in this report, when the application was originally submitted, two separate vehicular access points were proposed, one from Mountain Road to the east and one from Garreglwyd to the west. Due to objections received from the Local Highway Authority to the proposed Mountain Road access in terms of lack of visibility, inadequate carriageway width and lack of scope to achieve suitable pedestrian facilities, the application was amended in 2016 to only propose one access point via Garreglwyd. The revised TA reflects this change.

In terms of trip generation to and from the proposed development the most recent TA reveals that the vehicular trip generation will be low, at just 56 and 63 two-way movements in the AM and PM peak hours respectively. This represents a worst case trip generation in the peak hour of approximately one additional vehicular movement every minute, which is a negligible increase in the TA's opinion.

The capacity analysis undertaken of the A484/Garreglwyd priority junction demonstrates that there is sufficient capacity in all assessment scenarios to cope with the proposed development, the impact of which will be negligible according to the TA.

The trip distribution and junction capacity analysis data supplied within the TA has been considered in detail and accepted by the Authority's Head of Transport.

In terms of the access to the proposed site, it is proposed to achieve this via a new priority T-junction off Garreglwyd with priority retained for existing Garreglwyd traffic.

The proposed highway works drawing included within Appendix B of the TA includes a local narrowing to the existing highways geometry, providing a minimum carriageway width of 3.5m within a Vehicular Priority Order (VPO), with priority afforded to traffic travelling north.

The TA states that this lateral shift traffic calming feature will help to curtail traffic speed through this road section. It also facilitates the proposed improvement to the western footway, which currently has an approximate width of 0.9m. The proposal is to increase the footway width on the western side to approximately 1.8m. Where land ownership permits, a 2m wide pedestrian footway will be provided on the eastern side of Garreglwyd.

The junction of Dan Lan Road and Garreglwyd will be improved to provide clear priority markings, along with additional footway provision improvements, linking the site with the wider footway network.

The aforementioned priority junction arrangement has already been subject to a Traffic Regulation Order (TRO) consultation and approval by the Local Highway Authority. As such, the proposed arrangement which is acceptable to the Head of Transport can be secured via an appropriately worded Grampian condition prior to occupation of any of the dwellings.

The Authority's Head of Transport accepts that the proposed internal road layout has been designed to encourage low vehicle speeds with suitable 5.5m wide carriageway and 2m footways either side. The applicant's agent has confirmed that this internal road will be put forward for adoption by the Local Authority. The parking provision within the scheme is provided in line with CSS Wales Parking Standards (2008).

In terms of encouraging sustainable modes of travel, it is considered that the application site benefits from good sustainable transport provision and will be accessible on foot, bicycle and by bus. The aforementioned pedestrian facility improvements will benefit not only future residents but existing residents of Garreglwyd. The closest bus stop is located to the south of the site at Danlan Road. In terms of cycle links, it is worth noting that an affordable housing scheme currently under construction at the western end of Garreglwyd will provide a new cycle/footway link on to the existing shared use facility that runs along the line of the old mineral railway line. This will allow residents in the area to use this facility to access Randell Square in Pembrey, and Burry Port further to the east without going along the main road network. The Authority's Head of Transport has requested the imposition of a condition requiring the submission and subsequent approval of a Travel Plan to reinforce sustainable modes of travel.

The TA concludes that the development should be considered acceptable in terms of highways and transportation and that there are no reasons in highway and transportation terms why the proposed development should not be granted planning permission.

The Authority's Head of Transport has considered the TA, Construction traffic management plan and detailed drawings submitted with the application and has raised no objection towards the proposed development subject to the imposition of a series of conditions on any planning permission granted and as listed below in the report.

Foul Drainage & Water Quality

A significant number of the objections raised relate to foul drainage, with objectors stating that the development will exacerbate existing problems with the sewerage system and that the infrastructure is inadequate in this respect.

Such concerns primarily relate to health and safety concerns with objectors stating that drains already overflow resulting on occasions in sewerage back flowing into properties. Reference is also made to overflow discharges directly into the estuary/CBEEMS during heavy rainfall events. The above has resulted in DCWW needing to undertake recent major improvements at Danlan Park. Reference is drawn to the further sewerage network improvements proposed as a result of this development with the objectors questioning why the budget has reduced from £750,000 to £400,000. It is also opined that there is a lack of capacity at the Pembrey Waste Water Treatment Works themselves.

In terms of this issue, the Drainage Strategy states and provides plans indicating that the foul flows from the development will connect into the existing 300mm diameter DCWW system at Dan Lan Road.

As aforementioned in this report, during the time that the application was received by the LPA, there were concerns relating to water quality in the European Protected Estuary. As a result, and like many other planning applications received around that time, the LPA issued a positive screening opinion under the Environmental Impact Assessment Regulations, requiring the application to be accompanied by an Environmental Statement. Shortly afterwards, and following advice from the then Environment Agency and Countryside Council for Wales, the LPA issued a Scoping Opinion requiring a tightly scoped EIA to assess water quality and drainage issues.

In order to inform this EIA, the applicant originally commissioned Dwr Cymru/Welsh Water to undertake a Development Impact Assessment of the existing drainage infrastructure

serving the Pembrey area. The purpose of the DIA was to quantify the effects, if any, of the proposed development on the existing drainage system and to identify notional solutions to resolve any potential detriment.

The assessment concluded that the development would cause detriment to the network and that mitigation measures would be required to allow foul flows from the development to connect to the foul sewer network.

Since this report was produced further discussions have taken place with Dwr Cymru Welsh Water (DCWW) and a further option for improvement has been discussed with DCWW. This fourth option along with the three previous options are summarised in a Technical Note recently submitted that deals with offsite sewer improvements. The four options all provide additional capacity within the network and are summarised as follows:-

- Option 1a and 1b – involves an online sewer upsize in the network with additional offline storage at The Links pumping station.
- Option 2 – involves a new pumping station at the application site to attenuate flows, new rising main and new sewer with additional storage at The Links pumping station.
- Option 3 – increasing the diameter of a new sewer proposed by DCWW as part of AMP6 works.

It is understood that the cost of the above improvement works vary from £400,000 to £750,000 depending upon which option is pursued. This applicant/developer will cover this cost. In their most recent response DCWW has raised no objection towards the proposed development subject to conditions. The first condition requires the drainage to be implemented in accordance with the plans contained within the drainage strategy. The second condition relates specifically to the four improvement options proposed within the technical note. All four options are considered to be feasible and will create necessary improvements within the network. However prior to works commencing on the development, the condition requires the applicant to confirm which option is to be pursued and provide a timetable for its implementation. Thereafter that improvement scheme will need to be completed prior to the occupation of any dwelling. This condition will be a Grampian style condition relating to offsite works. The applicant/developer will need to agree the cost and pay DCWW outside of the planning process to undertake the works in accordance with the condition.

It is considered that the proposed improvement works will not only enable the development to proceed but will also improve existing long standing local capacity issues within the sewerage network in Pembrey. This in turn will hopefully reduce the instances of DG5's (backflow of sewerage) and CSO discharges. The provisions of the CBEEMS Memorandum of Understanding and the requirement to provide betterment do not apply in Pembrey as the waste water drains to the Pembrey treatment works. The improvements are necessary to resolve existing local capacity issues. DCWW has confirmed that there is capacity in the treatment works itself to accommodate the foul flows from the development. This was confirmed during the LDP allocation process.

As such the proposed development is considered acceptable from a foul drainage and water quality perspective with the relevant statutory undertaker, namely DCWW raising no objection subject to conditions.

Surface Water Drainage and Flooding

A number of the representations received object on the basis that the proposed development will result in increased surface water runoff from the site to existing properties below the site which already experience flooding. Some photographs of flooded gardens have been submitted to the LPA.

It is stated that existing properties along Gwscwm Road and the allotments already flood and that this would be exacerbated by the development of this Greenfield sloping site at a higher level. The site at present is a natural soakaway but the ground is already saturated and has a high water table. The objectors ask that assurances be given that the proposed attenuation tanks will work and seek clarification on who will maintain them. Concern is also raised over surface water runoff to properties and allotments during construction.

Objectors state that the eastern ditch which is piped underneath properties along Gwscwm Road is too small and that permission will not be given to improve this pipework. The ditches outfall to the canal where the old railway is now a cycle path. This cycle path which is a safe routes path currently floods and therefore objectors ask who will be responsible for cleaning and dredging the canal.

As aforementioned the existing Greenfield site is divided into two field parcels of pasture land by a hedgerow running north-south through the site. The site slopes down from its highest point in the north east corner to the lowest point towards the south west. The Drainage Strategy confirms that there are no DCWW surface water sewers near the site.

The Drainage Strategy states that there are a number of drainage ditches which run through the sunken lane to the north of the site which subsequently connect into an inlet at Garreglwyd. These ditches will intercept any run off north of the development.

The Drainage Strategy informed by a topographical survey states that the surface water runoff from the existing site is split into a western and much smaller eastern catchment. Along the boundary of the eastern catchment area are a series of ditches which surround the allotments. These ditches discharge into a 300mm diameter culvert which passes under a domestic garage and garden of 133 Gwscwm Road and continues across the A484 until it ultimately discharges into an existing reën system/watercourse.

The western catchment of the site benefits from an existing drainage ditch at the south of the site running east to west into an existing culvert under Garreglwyd. The existing culvert is initially 450mm diameter until it crosses the A484 at which point it becomes a 600mm diameter. The system discharges behind a garage into the existing reën system/watercourse.

The proposed drainage strategy has been informed by infiltration tests undertaken at 10 different locations across the site. The tests were undertaken in accordance with BRE365 and concluded that there negligible infiltration was achieved and thus soakaways are not feasible on the site. These tests have been scrutinised and accepted by the Authority's Drainage Engineers.

As aforementioned in this report, the original surface water drainage strategy proposed to install engineered attenuation tanks below the estate road, before discharging surface water at a Greenfield runoff rate to the existing culverts to the eastern and western sides of the site. Whilst it is still proposed to attenuate rates to greenfield rates and discharge the

western part of the site to the Garreglwyd culvert and the smaller eastern part of the site to the eastern culvert, the means of attenuation has now changed from engineered tanks below ground to two attenuation ponds that form part of areas of open space within the site. The detention basin to the western catchment will provide 585m³ of storage and the eastern 170m³. These volumes are inclusive of all storm events up to the 1 in 100 year plus 30% climate change event. It has been confirmed that these attenuation ponds will be adopted and maintained by Dwr Cymru/Welsh Water. DCWW has confirmed that whilst there are no standard management/maintenance schedules for the attenuation basin as the specifics of each asset can vary from site to site, this will be tailored accordingly to the scheme in due course.

The Local Authority drainage engineers have been in liaison with the applicant's engineers for many years on this proposed development. To inform their consideration of the proposed surface water drainage strategy the applicant's engineers was asked to undertake CCTV surveys of both the eastern and western culverts. Whilst some cracks and fractures were identified within the western culvert there was no displacement or broken sections. It is proposed clean out and jet this culvert as part of site works. In terms of the eastern culvert, a broken section was identified, however again only some minor jetting is proposed within the drainage strategy. The strategy acknowledges that more intrusive works to fully remediate the eastern culvert system would require access into a private property. The Authority's Drainage Engineers have stated that whilst the developer nor Carmarthenshire County Council are obligated to undertake improvement works to the culverts, it may be prudent to discuss further possible mitigation measures with the developer.

The Authority's Drainage Engineers have confirmed that the proposed drainage has been designed to maintain the status quo with regards to flow rates from the site and as such, in line with the policy requirements, there no increased flood risk. However it is likely that further water will find its way through this system as a result of this development and because there is an existing issue pertaining to the infrastructure below the proposed development site which the Authority would like to address a financial contribution of £50,000 has been requested from the applicant to facilitate improvements towards offsite culvert improvements. The applicant has confirmed that they are willing to provide such a contribution which will be secured via a Section 106 agreement. The improvement works will then be undertaken by the Authority's Land Drainage Division under the provisions of the Land Drainage Act which grants powers of entry to construct or improve a watercourse to prevent or mitigate flooding.

The above discussion has largely focussed on dealing with surface water runoff from the completed development. Due to the site's characteristics and elevated position in comparison to properties to the south, the applicant was also asked to provide information as to how surface water runoff will be dealt with during construction works. This resulted in the submission of a Drainage Construction Method Statement and plan showing measures for dealing with surface water drainage during construction.

It is indicated that the western attenuation pond will be constructed within the first build phase to manage discharge water during site clearance and construction. The top soil strip will be undertaken in phases to manage surface water runoff on the site. The ditches on the southern and northern boundary of the site would be reinforced prior to the construction phase to ensure that surface water is drained into the ditch and runs off to the south east and south west of the site through the existing drainage system. Silt fences and sedimats will be placed along the boundary of the ditches to the south of the site to act as

silt traps and to aid in silt management. Additional sedimats and straw bales will be placed across the site in key locations to again act as silt traps and assist with surface water and silt management.

Any additional surface water discharges from the site during construction will be managed through the use of other forms of silt traps on site, where necessary, including silt traps in gullies and forest gully bags and in conjunction with the Silt Management Plan. This includes a checklist to ensure that silt traps and bags are clean, that the surface water outfall is clean, that the watercourse downstream of the construction site is clean and that stockpiles/bunds are sealed.

Therefore to summarise, the proposed surface water drainage strategy has been designed to utilise existing culverts and to mimic the existing situation in terms of catchments within the site and Greenfield runoff rates. Notwithstanding this however, it is acknowledged that there are existing problems with the eastern culvert that result in localised flooding, and therefore the applicant has agreed to provide a financial contribution to facilitate improvements to this culvert. The detailed surface water drainage strategy relating to measures both during construction and post operation have been scrutinised by the Authority's Drainage Engineers who raise no objection.

Pollution (Noise Disturbance, Air Quality and Environmental Damage)

The concerns and objections raised in this respect primarily relate to the envisaged adverse impact on residential amenity from noise and disruption both during construction and from the additional traffic associated with the development. Concern is also raised from a health perspective over air pollution and dust, whilst environmental damage has also been raised.

In relation to noise, the application was originally accompanied by a Construction Noise Assessment and Noise Management Scheme. This stated that the predicted noise level of the noisiest part of the operation would be 64 dB LAeq (1 hour). This level is based on assumed plant working for 100% of the time over 1 hour periods between the hours of 07:00 – 19:00 Monday to Friday and Saturday 07:00 – 13:00 hours. In light of the information submitted and provided this noise level can be achieved, the Authority's Public Health division has raised no objection and has not recommended imposing any noise limit conditions on the proposed development.

During the site clearance and construction phases, all works and ancillary operations undertaken on site shall only be audible beyond the site boundary, or at noise sensitive residential properties within the hours of 07:00 – 19:00 Monday – Friday, Saturday 07:00 – 13:00 and not at all on Sundays, Bank or Public Holidays. Work in relation to construction must be undertaken in compliance with BS 5228 (Parts 1 – 4) in order to minimise noise disturbance and with regard to the content of the Noise Management Scheme on pages 8 – 10 of the Construction Noise Assessment and Noise Management Scheme submitted with the application.

Therefore to ensure that the development is undertaken in accordance with Noise Assessment it is recommended that a suitably worded condition is imposed on any planning permission granted. As with any construction work the noisiest part is usually at the beginning when groundworks are being done. The latter stages of a development tend to be quieter, and of course such impacts are only on a short term basis. When the development is complete it is considered that the proposed residential end use, and

associated traffic etc. is compatible with surrounding land uses. There are sufficient separation distances between the proposed dwellings and existing well established dwellings to ensure that there are no residential amenity implications in terms of overlooking or overbearance.

In terms of air quality, an Air Quality Assessment report was originally submitted with the application whilst a Dust Emission Control Plan has subsequently been received setting out measures to suppress dust. These documents have been scrutinised by the Authority's Public Health division who has confirmed that in their opinion the proposed development will not 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.

Again it is recommended that a condition is imposed on any planning permission granted to ensure that the proposed development is undertaken in strict accordance with the measures outlined in these reports.

In terms of potential environmental damage, the submission of a Construction Management Plan and Construction Method Statement and Drainage Construction Method Statement have been welcomed by Natural Resources Wales who has raised no objection towards the proposed development subject to the imposition of conditions to ensure that the development is undertaken in accordance with these reports.

Ground Conditions

In this respect it has been opined that the nature of the ground is not suitable for development.

The planning application and proposed scheme design has been informed by a detailed Site Investigation Report. This report has not identified any geotechnical reason why the site cannot be developed in the manner proposed.

The Authority's Public Health division has assessed this report, and notwithstanding the site's Greenfield nature has adopted a precautionary approach by recommending the imposition of a condition requiring a Preliminary Risk Assessment to be undertaken in the first instance. This will identify any potential contamination levels that may present risks to human health or the surrounding environment, and if such risks do exist subsequently propose any mitigation or remediation measures.

Visual Amenity & Landscape Character

In terms of visual impact and landscape character, objectors opine that the proposed construction of 100 dwellings will destroy the visual amenity of an attractive Greenfield site that has a rural aspect. Reference is drawn to the exposed and elevated position of the site which is adjacent to a Special Landscape Area (SLA). The proposed development consists of 100 dwellings of the same style and character, is high density and represents an overdevelopment of the site. Concern is also raised that the proposed development will result in a loss of trees and hedgerows and therefore the focus should be on developing brownfield sites in the locality.

As aforementioned in this report, the application site represents a long standing housing allocation in the current Adopted LDP, and its predecessor the Adopted Unitary

Development Plan (UDP). Therefore there is no in principle policy objection to developing the site for residential use. As is discussed later on in this report, the proposed density is not considered excessive for such a large application site. A variety of house types are proposed of differing scales and designs, with the pallet of external materials proposed being vernacular to the area. The western section of the proposed development is more dense than the eastern, whilst the highest part of the site to the north eastern corner is to remain un-developed with additional planting proposed.

In order to inform the consideration of the proposed development in terms of landscape impact the application has been accompanied by a significant number of supporting reports and information which include the following:-

- Design and Access Statement;
- Tree Survey, Arboricultural Assessment and Constraint Report;
- Tree Technical Note;
- Detailed Soft Landscaping Proposals;
- Landscape Specification and Management Plan;
- Management Company Plan identifying areas within the site that will be maintained by a management company;
- Detailed cross section drawings taken throughout the site.

These documents have been scrutinised by relevant consultees, including the Authority's Landscape Officer.

In terms of the landscape constraint and protection information, the Tree Technical Note identifies the requirement for specific methods of construction, and protection measures in proximity to existing landscape elements identified for retention. In this respect the Authority's Landscape Officer recommends the imposition of a planning condition on any planning permission granted requiring the submission of an Arboricultural Method Statement and Tree Protection Plan prior to works commencing on the development.

The proposed Landscape Design Scheme seeks to retain and enhance as many existing trees and hedgerows as possible. The northern boundaries trees, which includes some that are protected by virtue of Tree Preservation Orders are being retained. A section of the hedgerow to be removed to facilitate the proposed development will be translocated to the north eastern boundary of the site, and in addition further native tree and hedgerow planting are proposed within the scheme. Native woodland planting is proposed to the north east corner in addition to sections along the northern boundary to re-inforce this buffer. Further hedgerow planting is proposed to the southern boundary.

The Authority's Landscape Officer has confirmed acceptance of the proposed Landscape Design Scheme, subject to the imposition of conditions requiring a hedge translocation method statement; the implementation of the approved landscape design elements and rectification of defects; and implementation of the maintenance and management information. The latter information indicates that the landscaped areas within the application site are to be managed by a management/maintenance company.

The Authority's Landscape Officer has concluded that the development proposals as defined in the reviewed documents demonstrate the potential for the effective delivery of relevant landscape policy objectives subject to the imposition of relevant conditions.

The land beyond the northern site boundary is defined as a Special Landscape Area in the Adopted LDP, which represents a non-statutory designation which was identified following an assessment of the landscape qualities of the County. The proposed development itself however does not encroach into this area, whilst as aforementioned the proposed development and its landscape strategy has considered to be acceptable by the Authority's Landscape Officer. As such it is considered that the proposed development will not have an adverse effect on the character of the SLA.

The proposal lies close to the north boundary of the Taf and Tywi Estuary Landscape of Outstanding Historic Interest, which is included in the Register of Landscapes of Historic Interest in Wales. Whilst this is again a non-statutory designation it is considered a material consideration in the determination of this application.

The sections of Pembrey and Burry Port that form part of that landscape contrast from the urban character of Burry Port where little trace of the heavy industrialised past remains other than the harbour, to the Pembrey Airfield with its former military associations and to Pembrey Mountain where reference is drawn to the 19th Century enclosed and regular field systems and dispersed farms. The latter is probably most relevant to the application site, however as aforementioned in this report, the urban form of Pembrey has expanded northwards in more recent years with residential development surrounding the site other than to the immediate north beyond a well-defined and dense tree line.

The application site is allocated for housing in the Adopted LDP, whilst the proposed layout and landscape strategy are considered to be appropriate. From a distance the site will be viewed within the context of the expanded urban form of Pembrey, and will be fully contained within existing well defined boundaries that are also proposed to be re-enforced as part of the landscape strategy. The Authority's Archaeological Advisors Dyfed Archaeological Trust and Cadw, both of who were involved in developing the historic landscape register, have raised no objection to the proposed development in this respect.

Therefore the LPA considers that the proposed development will not have an adverse impact on the open countryside nature of the Pembrey Mountain part of the designation, and thus conclude that the proposal will not adversely affect the Taf and Tywi Landscape of Outstanding Historic Interest.

Ecology

In this respect objectors have opined that the proposed development will have an adverse impact on ecology including foxes, badgers, birds, bats, dormice, slow worm, and voles. The site is a natural wildlife habitat and will be lost.

The application was originally accompanied by an ecological survey, ecological mitigation statement and Bat and Reptile assessment, and such surveys have subsequently been updated in 2016 and 2018. The most recent updates have taken on board advice previous advice provided by both NRW and the Authority's Planning Ecologist.

These reports have been scrutinised by both Natural Resources Wales and the Authority's own Planning Ecologist. NRW have raised no objection towards the proposed development on Ecological grounds subject to the imposition of conditions in relation to identified mitigation measures relating to Dormice, a European Protected Species.

In a similar vein the Authority's Planning Ecologist has confirmed that she is satisfied with the level of assessment made, the findings of the submitted assessments, and the ecological recommendations provided within the aforementioned documents. She therefore considers that the recommendations meet the LDP policy objectives listed above and the requirements of the Environment Act Wales 2016.

The most recent consultation response from both NRW and the Authority's Planning Ecologist focus on matters relating to Dormice and Protected Sites.

In terms of Dormice, it is noted from the Ecological Appraisal report that habitats suitable to support dormouse, a European protected species, were recorded on site. Although the survey was limited to a single visit on 1 September 2017 and no species-specific surveys of the site have been undertaken to date, the report assumes dormice to be present within the boundary hedgerows and trees as records exist of dormice within 1 km in connected habitat.

NRW has welcomed the mitigation measures for dormice detailed in section 4.1 of the ecological appraisal including the creation of a new woodland area in the north east corner of the site and bolstering of the northern boundary with additional planting 3-10m in width. In addition, the translocation of the central hedgerow to the north eastern boundary of the site and that existing hedgerows on the southern boundary will be strengthened with new planting and gaps filled in along its length. NRW advise that habitat being provided as mitigation for dormice (i.e. bolstered vegetation/ woodland/buffers) will need to be separated from the development plots by a wall or close boarded fence of a minimum height of 1.8m. Furthermore, any mitigation measures to be provided need to fall outside the curtilage of any individual development plots to ensure its longevity and protection.

Subject to the implementation of the above measures, NRW consider that these features can maintain suitable dormouse habitat on site in the long term. NRW therefore consider that the submitted proposals provide an adequate basis upon which to make an informed assessment of the likely impact on dormice and that it should be possible to address the conservation of dormice via the imposition of suitable conditions attached to any planning permission granted.

As Dormice are a European Protected Species by virtue of their listing under Annex IV of EC Directive 92/43/EEC ('The Habitats Directive'), a European Protected Species (EPS) Licence is required for this development. This Directive has been transposed into British Law under the Conservation of Habitats and Species Regulations (2017). As the survey revealed the likely presence of dormice, 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 55 (9) of the 2017 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 EPS, planning authorities must take the three requirements for a derogation into account when considering development proposals where a EPS is present and must be satisfied a where an EPS licence is required it will be granted by NRW.

In terms of the first and third tests, the alternative of not developing the site is not considered satisfactory as this will not contribute to delivering the LDP's strategic objectives in terms of housing, whilst the proposed development will result in social benefits by providing modern new housing including a significant element of affordable housing.

The proposed development is not considered to be detrimental to the favourable conservation status of Dormice as appropriate mitigation measures have been proposed and confirmed to be acceptable by both NRW and the Authority's Planning Ecologist.

Therefore the LPA considers that the proposed development does satisfy the above tests of derogation.

In terms of protected sites, there are several designated sites within the locality of the application site. The Carmarthen Bay and Estuaries Special Area of Conservation (SAC) is 1.1km from the site, the Burry Inlet Special Protection Area (SPA) and Burry Inlet Ramsar site is 1km from the site, the Carmarthen Bay Dunes (SAC) is 1km from the site and the Carmarthen Bay SPA is 2.9km from the site. The site will be hydrologically connected to the designated sites via surface water connections, whilst the foul water connection is also a consideration.

As a competent authority under Regulation 63 of the Conservation of Habitats and Species Regulations 2017 the council has to consider the impact of development on the features for which the aforementioned site is designated. A Test of Likely Significant Effect (TLSE) and Appropriate Assessment (AA) has been done for the site, and this was sent to NRW for comment.

The TLSE and AA have been informed by the Habitat Regulations Assessment (HRA) Report submitted by the applicant. The HRA Screening for the site identifies the following potential impacts:-

- Construction phase impacts on water quality by pollution run-off.
- Impacts on water quality during operation.

As the applicant has proposed mitigation measures specifically incorporated in the scheme, that are likely to be necessary to remove the risk of significant effects, it is conceded that an appropriate assessment is necessary for the project elements for which mitigation relates.

In terms of the AA, one of the key issues discussed in the ES addendum is the potential impact that any revised or additional water discharges, either foul or surface, will have on the local drainage systems and, further afield and the potential impact on the nearby nationally and internationally important coastal features around the CBEEMS and Carmarthen Bay Dunes SAC in terms of water quality. The existing hydrological regime of the area discharges into the CBEEMS.

In terms of construction impacts there are no existing watercourses on the site other than existing ditches along the southern boundary. The Indicative Construction Layout Plan identifies the proposed management of the surface water drainage at the site through the construction phase. Attenuation 'pond A' would be constructed within the first build phase to manage discharge water during site clearance and construction. The top soil strip will be undertaken in phases to manage surface water runoff on the site. The ditches on the southern and northern boundary of the site would be reinforced prior to the construction phase to ensure that surface water is drained into the ditch and runs off to the south east and south west of the site through the existing drainage system.

During construction, sediment will be generated from a number of activities which may include excavation, additional vehicle movements, material and earth stock piling and through vegetation clearance. Where sediments enter a surface water body, the level of suspended solids would increase which would result in an increase in turbidity and potentially a reduction in dissolved oxygen. Both of these would affect the chemical water quality. As a result, increased sedimentation could reduce the potential for the site to support aquatic life. Sediments could also act as transporters of pollutants and enable hazardous material produced from construction activities to migrate off site.

The storage and use of fuel, chemicals, and other potentially polluting substances close to watercourses or other surface water bodies including drains, may lead to a pollution incident whereby a water body is contaminated. This could result in chemical pollution detrimental to fish and other aquatic organisms. Common chemicals that are likely to be used and stored on site include diesel, synthetic lubricating oil, mineral lubricating oils and paint.

Potential pollution effects can chemically impair biological functions and the latter are sediments which smother feeding and breeding grounds. The various construction activities, may result in sediments and pollutants entering the watercourses which would affect downstream water quality and could have a short term impact on the biology, including invertebrates and fish.

The area of the site and its potential discharge quantity into the estuary is considered very small when compared to the total estuaries catchment. Based on the site and its potential to effect the estuary it is considered that any pollution incident on site would have a minor magnitude of impact on the estuary.

Sufficiently detailed mitigation measures have been submitted to enable the competent authority to be satisfied that there would not be the likelihood of a significant effect on water quality however due to the recent European Court ruling that states that measures intended to reduce harm (mitigation) to European sites should not be considered when screening a plan or project therefore this appropriate assessment is being undertaken.

As part of the application the applicant has provided a Construction Method Statement which proposes the following measures to reduce impacts to the SAC:-

- Silt Management Plan and Site daily checklist.
- Wheel cleaning and wash down regimes.

The applicant has also submitted the following details:-

- Drainage Plan for Construction received 05/12/18;
- Construction Management Plan received 05/12/18;
- Mitigation Measures detailed in the Environmental Statement Addendum dated November 2018;
- Appendix C of the HRA Screening Report Received 27/02/18.

If the mitigation measures as listed above are implemented accordingly then there are unlikely to be any significant impacts on water quality within the designated sites during construction.

On the basis of the submitted information and taking account of the conservation objectives of the site it is considered that the proposal would not contribute to deterioration of water quality within the designated site alone or in combination with other plans and projects, if the competent authority (CCC) imposes following conditions.

In terms of foul water the main concern is that the capacity improvements intended in the AMP 4 programme for the Pembrey catchment have not been fully implemented and currently the capacity of the system is insufficient to accommodate the proposed development. In this case the applicant is prepared to undertake reasonable up-grading works in order to facilitate the development. A series of improvements and a drainage strategy have been agreed with DCWW.

The design of the proposed works are detailed in the Drainage Technical Note and on the Drainage Strategy plans.

The planned improvements will provide significant betterment to the existing system with no additional surface water entering the combined system in future. Following the implementation of the up-grading works, foul sewage emanating from the development will discharge by gravity to an existing public sewer (combined) which will discharge via the pumped transfer system to Pembrey Waste Water Treatment Works (WwTW). Treatment at the WwTW is consented for Biological Oxygen Demand (BOD), Suspended Solids (SS) and Ammonia only and it is understood that the facility is currently operating within its consent parameters.

The WwTW is not designed or consented for nutrients (i.e. nitrates and phosphates). In this case nutrient removal has not previously featured although some nutrient removal occurs through the existing treatment process. It is clear however that, with the exception of nutrient removal, and following the up-grading works to be agreed with DCWW, the treatment facilities at Pembrey WwTW will be of a capacity which can accommodate the currently proposed development of 100 dwellings.

At Pembrey WwTW the existing treatment process results in a percentage of the nitrates being removed from the effluent before discharge to the Estuary. The consent standards for the treated effluent include an ammonia restriction and all consent standards are understood to have been achieved in recent times.

In the longer term as surface water is progressively removed from the combined systems and further up-grading works are undertaken on the sewerage network then less spillages will occur at the CSOs for any given event and as such more of the nitrates will be pumped to the WwTW (as opposed to discharging into the Estuary via the CSO's) for treatment. This should result in an increase in the removal of nitrates through the treatment process

at the WwTW and consequently there would be a decrease in the load of nitrates discharged into the Estuary.

Discussions with NRW have resulted in agreement that generally the only mitigation which is reasonably under the control of the developers would be the removal of surface water from brown field developments and the provision of separate foul and surface water sewers serving new developments. For catchments not fully compliant with the Shellfish Waters Directive there may be the requirement to provide temporary supplementary on-site storage to reduce the potential for spillages. The removal of any surface water from the combined system would be greatly beneficial in that the removal would result in fewer CSO spills thereby reducing bacterial and nutrient impact on the controlled waters.

If the mitigation measures as listed above are implemented accordingly then there are unlikely to be any significant impacts on water quality within the designated sites as a result of foul water disposal. On the basis of the submitted information and taking account of the conservation objectives of the site it is considered that the proposal would not contribute to deterioration of water quality within the designated site alone or in combination with other plans and projects, if the competent authority (CCC) imposes conditions on any planning permission granted.

In light of the best scientific knowledge, the planning authority is convinced that there would be no adverse effects on the integrity of the Carmarthen Bay and Estuaries SAC or Burry Inlet SPA and Ramsar site, Carmarthen Bay SPA and Carmarthen Bay Dunes SAC as a result of the development. No reasonable scientific doubt remains as to the absence of such effects because of conditions and restrictions that will be imposed on the consent as detailed within the AA.

The AA therefore concludes that the proposed development will not result in any adverse effects that will affect the integrity of the Carmarthen Bay and Estuaries European Marine Site (CBEEMS) which collectively comprises the Carmarthen Bay and Estuaries Special Area of Conservation, Carmarthen Bay Special Protection Area and the Burry Inlet Special Protection Area & Ramsar Site or the Carmarthen Bay Dunes SAC as the proposal will not undermine the area's conservation objectives. As aforementioned this AA was sent to NRW who have subsequently confirmed that they concur with the conclusions of the Appropriate Assessment.

Welsh Language & Culture

A number of the objectors have opined that the proposed development will have an adverse effect on the Welsh language and culture of the community.

Whilst a full Welsh Language Impact Assessment has not been required by the LPA, a Welsh Language Action Plan Statement dated November 2018 has been submitted by the applicant and will be reviewed in this section of the report.

Paragraph 3.26 of Planning Policy Wales states that planning authorities must consider the likely effects of their development plans on the use of the Welsh language as part of the Sustainability Appraisal. Planning authorities should seek to ensure a broad distribution and phasing of development that takes into account the ability of the area or community to accommodate development without adversely impacting use of the Welsh language.

Paragraph 2.1.5 of TAN 20 re-enforces this position by stating that when producing LDPs it is possible to assess the potential cumulative effects of development on the Welsh language across the plan area. This provides an opportunity to consider effects on local communities and the wider plan area together. Furthermore, one of the key benefits of a plan-led system is to give certainty and confidence to developers and to communities; the best way of doing this is to consider the use of the Welsh language during the preparation of LDPs.

In this respect the application site is a long standing housing allocation, being firstly allocated in the former Adopted Unitary Development Plan, 2006, and carried forward as an allocation in the current Adopted Local Development Plan, 2014. The LDP was subject to Sustainability Appraisal which addressed the Welsh language. As such there is no in principle objection to developing the site for housing.

This plan led approach is further emphasised in the following paragraphs of TAN 20:-

- 3.1. In determining individual planning applications and appeals, considerations relating to the use of the Welsh language may be taken into account so far as they are material. Section 70 (2) TCPA does not give any additional weight to the Welsh language above any other material consideration and decisions on all applications for planning permission must be based on planning grounds only and be reasonable.
- 3.1.3 Planning applications should not routinely be subject to Welsh language impact assessment, as this would duplicate the SA and LDP site selection processes. Provided that the SA has given due consideration to the Welsh Language, an impact assessment at application stage would not be based on any further information than that which has been presented during the plan preparation stage.

Notwithstanding the above, this is an important material planning consideration as emphasised in the Wellbeing of Future Generations Act 2015 and hence the request for the applicant to submit a statement addressing the matter.

The Statement submitted, using the average household size for the Pembrey Ward as derived from the 2011 Census information - 2.4 persons per household, states that the proposed development will result in a population increase of 240 (2.4 x 100). According to the 2017 mid-year populations estimates by ONS the ward of Pembrey has a population of 4,128, a reduction of 173 (- 4%) since 2011. The proposed development could therefore result in just short of a 6% increase in population in the ward of Pembrey.

The 2011 census identified that 31.1% of the Pembrey ward could speak Welsh, one of the lowest proportions within Carmarthenshire albeit higher than the national average of 19%. The percentage in Carmarthenshire as a whole was 43.9%.

It is nevertheless evident that the Welsh Language forms an important role and feature of the community of Pembrey. As such it needs to be ensured that any proposed development within this community wherever possible protects and promotes the Welsh language, as well as mitigate any negative impacts such a development may introduce.

Policy SP18 of the LDP states that the interests of the Welsh language will be safeguarded and promoted. It goes on to state that proposals for residential developments of 10 or more dwellings in Service Centres, located on sites within communities where 60% or

more of the population are able to speak Welsh, will be subject to a requirement for phasing. As the percentage of Welsh speakers in Pembrey is 31.1% the proposed development does not need to be subject to a phasing agreement, although its impact on the Welsh language still needs to be considered and mitigation should be proposed in accordance with PPW and TAN 20 where relevant.

Examples of mitigation measures may include Welsh/bilingual signage and bilingual marketing material (for residential sites); features that promote the Welsh language as an intrinsic element of design and layout, provision of affordable housing for local needs, support for the provision of Welsh medium schools and support funding for language and cultural awareness initiatives.

The proposed development is estimated to increase the population of Pembrey by 240 but as noted the population has declined in the ward from 2011 to 2017. The increase in population may not necessarily come from outside the County. The supporting statement refers to information from Persimmon at their new site in Hendy where 89% of purchasers came from Carmarthenshire or Swansea authorities. Only 4% of purchasers on that development came from outside Wales.

Based on the above statistics the report estimates that 60 of the 240 new residents will be able to speak Welsh. This is purely an estimate but could be higher as the percentage of Welsh speakers in Pembrey is less than other wards in the County and therefore if residents and their children move in from other wards they are more likely to be able to speak Welsh. The statement opines that non Welsh speaking purchasers may want to learn to become part of the community and thus have a positive effect.

The supporting statement opines that the new housing proposed will not result in out migration. Again reference is drawn to the fact that the population has decreased within the ward in recent years, whilst the new build rates in Carmarthenshire as a whole have been low. The proposed development of 100 houses will provide a mix of house sizes, tenures and affordability, which will be suitable as starter or family homes but also provide larger houses to those looking for opportunities to upsize. 20% of the units will be affordable and secured as such in perpetuity. The house prices for the dwellings will be based on an analysis of the local housing market.

The supporting statement states that there is no evidence to suggest that existing local Welsh speaking households will leave the ward as a result of the proposed development.

The statement concludes that the proposed development will mainly have neutral or positive effects on the Welsh language. Whilst not identifying any negative impacts it does suggest some mitigation measures to promote the Welsh language and facilities i.e. schools, local Welsh lessons in the community in sales promotions and making use of bilingual marketing materials.

Therefore to summarise, the application site is allocated for housing in the Adopted LDP, which itself was subject of a detailed Sustainability Appraisal, that amongst other things considered the impact of proposed developments and allocations on the Welsh language. Whilst the proposed development is estimated to increase the current population of Pembrey by 240, the population of the ward has declined by 173 since 2011 and 2017. Even though the Welsh language and culture is clearly an important community factor in Pembrey, the Ward at present has a low percentage of Welsh speakers.

According to the developers own sales information on one of their other sites in Carmarthenshire, purchasers of new dwellings on their developments are normally quite local, with limited numbers from outside of Wales. Based upon the statistics it is estimated that at least 60 of the additional 240 people will be able to speak Welsh, which would have a positive impact. The proposed development will provide a variety of housing opportunities including 20% affordable units, which could potentially improve the current trend of out migration by increasing the local offer. The applicant has also agreed to provide a contribution of £146,000 towards local school improvements.

The LPA agrees with the reasoned opinions made in the supporting statement and on balance it is considered that the proposed development will not have a detrimental effect on the Welsh language and culture or undermine its long term viability in Pembrey. Notwithstanding this, the proposed mitigation measures suggested are welcomed and can be secured via an appropriately worded condition. As such, the proposed development in the LPA's opinion accords with the provisions of PPW, TAN 20 and Policy SP18 of the LDP in terms of the Welsh language.

Non-Compliance with Local Development Plan

Objectors have opined that the application site was incorrectly allocated for housing in the LDP in the first place as there is no local demand and that there was a lack of local involvement in that process. Notwithstanding this, objectors opine that the proposal to build 100 houses does not conform to the LDP as the site is allocated for 75 units. Reference is also drawn to the cumulative impact of a development of this scale with LDP candidate sites.

Dealing with each matter in turn, the application site represents a long standing housing allocation that was originally allocated for housing in the Adopted Carmarthenshire Unitary Development Plan, 2006 (UDP), and was carried through as an allocation into the current adopted LDP. Its status as a housing allocation in the Adopted LDP was confirmed by a Planning Inspector appointed by Welsh Government following a thorough examination process during the course of which objectors to the scheme made both written, and verbal representations at the examination in public. The relevant LDP preparation process was subject to all relevant statutory consultation and involvement.

The allocated status of the site confirms that the principle of a suitably designed housing led development on this site is reflective of, and in accordance with, planning policy. The intention of developing this site within the Plan period a view to confirming its deliverability and potential contribution towards meeting the Plan's strategic objectives is welcomed in this respect. The figure of 75 units referred to in the LDP against the allocation is for indicative purposes only and is not the maximum figure considered appropriate for the site. The proposed development of 100 houses on a 4.6ha site represents a density of 21.7 dwellings per hectare, which is not considered overly dense.

In terms of the reference made to the cumulative impact of the proposed development with candidate sites put forward as part of the current LDP review process, it is important to note that the candidate sites are purely that at this stage, and are not confirmed allocations in that respect. Their acceptability will be assessed as part of the LDP review process.

Local Infrastructure

It is opined that the local infrastructure is insufficient to cope with the scale of development proposed. In addition to the concerns raised over sewerage and highways which have already been addressed in this report, objectors opine that the proposal will have an adverse effect on local schools which are up to capacity and over-subscribed. Reference is also drawn to the impact on local health services including the local surgery and dental practices, and emergency services which are already stretched. It is stated that there are a lack of local amenities in the village in terms of a post office, shops and banks whilst reference is also made to low water pressure, which is envisaged to further reduced as a result of the development.

In terms of the impact on local schools, it has been calculated that the proposed development will result in a pupil yield of 40 for primary, and 20 for secondary. The relevant primary schools, namely Pembrey (English Medium) and Parc Y Tywyn (Welsh) have 24 surplus spaces each. The relevant secondary schools namely Glan Y Mor and Stradey have 288 and 147 surplus spaces each. As is noted in the following section of this report, using the relevant formulas included within the Planning Obligations SPG, a financial contribution of £146,000 has been requested from the development towards improving local education facilities. The applicant has agreed to this contribution which will form part of the S.106.

As aforementioned in the previous section of this report, the application site represents a long standing housing allocation that was subject to both the previous UDP and current LDP plan preparation process. As part of that process, local service providers, including the local Health Board would have been consulted on the proposed allocations.

The proposed development of 100 houses is not considered to be excessive in scale, and in terms of the amenities listed by objectors it is not uncommon for residents to travel further afield to gain access to such facilities.

In terms of water pressure, reference is drawn to the consultation response received from Dwr Cymru Welsh Water who has raised no objection towards the proposed development.

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), 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 units to be secured and managed through a Section 106 agreement;
- £146,000 financial contribution towards improving local education facilities;

- On site provision of a Local Area of Play (LAP). The exact detail of the LAP and its provision will be secured via an appropriately worded condition.

Other Matters

As Members of the Planning Committee will be aware, ownership and boundary disputes and devaluation of property are not material planning considerations.

In terms of lack of publicity and consultation, the original planning application submission in 2009 and all subsequent re-consultation exercises listed above have been publicised in strict accordance with relevant requirements.

The development as proposed will not affect the existing right of way along the sunken path to the north. It will be the responsibility of the developer to ensure that this footpath is not obstructed or encroached upon at any time.

With regards to the notice that has been served on the Authority's Highways section, the reason for this is because the extent of the application site red line encompasses the section of road at Garreglwyd where the priority junction arrangement is proposed.

CONCLUSION

The application site is located within the defined settlement limits of Pembrey as delineated within the Adopted LDP and is allocated for housing. Therefore there is no in-principle objection to developing the site for residential use. The development of this site contributes towards meeting the strategic housing objectives of the LDP.

The application has been accompanied by a significant amount of supporting information which has been updated as required over time. This information has been considered in detail by relevant statutory consultees who have raised no objection to the proposed development on technical or policy grounds.

The proposed development does provide agreed community benefit contributions towards affordable housing, education and open space, whilst the planned improvements in terms of surface water culverts and foul network improvements will also be of benefit to the locality.

The application has generated a lot of opposition however it is considered that the material reasons for objection raised have adequately been addressed as part of the above appraisal.

Members should be aware that Welsh Ministers have received a Section 77 call in request on this application. In order to consider this call in request they have issued an Article 18 direction restricting the LPA from granting planning permission at this time. This direction does not prevent the LPA from making a resolution on this application, however no decision, other than a refusal can be issued at this time.

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.

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 the proposal does accord with the policies contained within the Adopted LDP. As such the application is put forward with a recommendation for approval subject to the following conditions and the successful completion of a S.106 agreement.

RECOMMENDATION – APPROVAL

CONDITIONS

- 1 The development hereby approved shall be commenced before the expiration of five years from the date of this permission.
- 2 The development hereby permitted shall be carried out strictly in accordance with the following schedule of plans:-
 - Site location plan (LP-01) 1:1250 @ A3 received 27th May, 2016;
 - Topographical survey 1:500 @ A0 received 5th December, 2018;
 - Site section A-A to H-H @ A3 (SS01-Rev B) received 5th December, 2018;
 - Construction management plan (393.PL-01 Rev M) 1:1000 @ A3 received 5th December, 2018;
 - Drainage plan during construction (393. PL-01 Rev M) 1:1000 @ A3 received 5th December, 2018;
 - Proposed vehicle priority order 1:250; 1:500 @ A3 (PM02) received 5th December, 2018;
 - Roseberry (Village) – floor plans and elevations 1:100 @ A3 (RS-WD16-Rev U) received 5th December, 2018;
 - Strand (Village) – floor plans and elevations 1:100 @ A3 (ST-WD10-Rev L) received 5th December, 2018;
 - Mayfair (Village) – floor plans and elevations 1:100 @ A3 (MY-WD10-Rev J) received 5th December, 2018;
 - Harley (Village) – floor plans and elevations 1:100 @ A3 (HY-WD10-Rev N) received 5th December, 2018;
 - Marleyborne (Village) – floor plans and elevations 1:100 @ A3 (ME-WD10-Rev H) received 5th December, 2018;
 - Chedworth (Village) – floor plans and elevations 1:100 @ A3 (CD-WD10-Rev T) received 5th December, 2018;
 - Hanbury (Village) – floor plans and elevations 1:100 @ A3 (HB-WD16-Rev W) received 5th December, 2018;
 - Souter (Village) – floor plans and elevations 1:100 @ A3 (SU-WD16-Rev Z) received 5th December, 2018;
 - Chatsworth (Village) – floor plans and elevations 1:100 @ A3 (CT-WD11-Rev F) received 5th December, 2018;
 - Hatfield (Village) – floor plans and elevations 1:100 @ A3 (HT-WD16-Rev U) received 5th December, 2018;
 - Clayton (Village) – floor plans and elevations 1:100 @ A3 (CA-WD16-Rev G) received 5th December, 2018;

- Fenchurch (Village) – floor plans and elevations 1:100 @ A3 (FH-WD10-Rev J) received 5th December, 2018;
- The Alnwick (Village) – floor plans and elevations 1:100 @ A3 (AN-WD16-Rev L) received 10th December, 2018;
- Floor plan and elevations 1:100 @ A3 (628-WHQS-WD01) received 8th January 2019;
- Floor plan and elevations 1:50 @ A1 (835-WHQS-WD01 Rev F) received 8th January 2019;
- Construction Management Plan received 8th July, 2019;
- External details – 600mm brick wall with hit and miss fence 1:20 @ A3 received 8th July, 2019;
- External details – 1200mm timber post and two rail fence 1:20; 1:5 @ A4 (D32) received 8th July, 2019;
- External details – 1800mm timber hit and miss fence 1:20; 1:5 @ A4 (D17) received 8th July, 2019;
- Management Company Plan 1:500 @ A1 (393-MCP-01 – Rev D) received 8th July, 2019;
- Detailed soft landscape proposals plan (TDA.2185.01 Rev F) 1:500 @ A0 received 8th July, 2019;
- Planning layout plan (393 PL-01 Rev N) Construction Traffic Management Plan 1:500 @ A1 received 8th July, 2019;
- Planning layout plan (393 PL-01 Rev Q) 1:500 @ A1 received 8th July, 2019;
- Engineering Drawing (Sheet 1 of 2) 10217-100-01 Rev F 1:250 @ A0 received 8th July, 2019;
- Engineering Drawing (Sheet 2 of 2) 10217-100-02 Rev F 1:250 @ A0 received 8th July, 2018.

- 3 Prior to the use of the approved estate road by vehicular traffic, visibility splays in compliance with Technical Advice Note 18 (Transport) page 44 shall be formed and thereafter retained in perpetuity, either side of the centre line of the access road in relation to the nearer edge of carriageway.
- 4 Prior to the beneficial occupation of any of the dwellings herewith approved, the required access roads and foot(ways/paths) from the existing public highway shall be laid out and constructed strictly in accordance with the plans herewith approved, to at least the base course levels, and with the visibility splays provided.
- 5 Prior to the beneficial occupation of any of the dwellings herewith approved, the approved vehicular priority order on Garreglwyd shall be constructed strictly in accordance with Appendix B of the Transport Assessment drawing ref: (15-00412/PM02 Rev B) received on 5th December, 2018; which includes the localised widening of the existing highway geometry, providing a minimum carriageway width of 3.5m within a Vehicular Priority Order (VPO), with priority afforded to traffic travelling north.
- 6 The parking spaces and layout shown on the plans herewith approved shall be provided prior to any use of the development herewith approved. Thereafter, they shall be retained, unobstructed, for the purpose of parking only.
- 7 Prior to the commencement of development a detailed Travel Plan, setting out ways of reducing car usage and increasing walking and cycling to and from the

development, shall be submitted to and agreed in writing by the local planning authority. The detailed Travel Plan shall be implemented in accordance with the approved details at a timescale to be approved in writing by the local planning authority.

- 8 No development shall take place until a detailed Construction Traffic Management Plan is submitted for the written approval of the local planning authority and thereafter shall be implemented in full and as agreed.
- 9 Prior to the commencement of development, the written approval of the local planning authority is to be obtained for a scheme detailing the provision and frequency of use of facilities for washing down the wheels of vehicles prior to entering the public highway. The scheme shall then be implemented as approved.
- 10 The development hereby approved shall be undertaken in strict accordance with the measures proposed in the Dust Emission Control Plan received by the local planning authority on 5th December, 2018.
- 11 The development shall be undertaken in strict accordance with the Construction Noise Assessment and Noise Management Scheme submitted with the application and received by the local planning authority on 20th February, 2012.
- 12 No development shall take place on the application site until the applicant has:-
 - Prepared a desktop study (Preliminary Risk Assessment) which shall include the identification of previous land uses, potential contaminants that might reasonably be expected given those uses and other relevant information, such as pathways and exposure to potential receptors. This information shall also be presented in tabular or diagrammatical form (Conceptual Site Model) for the site and all potential contaminant sources, pathways and receptors shall be included. In order to complete the conceptual site model, it may be necessary at this stage to undertake limited exploratory sampling. The Preliminary Risk Assessment shall be submitted to and be approved by the local planning authority.
 - Prepare a detailed scheme for the investigation and recording of contamination for the site (where necessary). The detailed site investigation report (Quantitative Risk Assessment) shall be submitted to and approved by the local planning authority. The report shall be prepared in accordance with recognised current best practice, legislation, relevant guidance, documentation and British Standards.
 - Submitted detailed proposals for site remediation and verification (Remediation Strategy) which may involve the removal, containment or otherwise rendering harmless such contamination. The proposals shall be prepared in accordance with recognised current best practice, legislation, relevant guidance, documentation and British Standards and shall be submitted to and have received in writing the approval of the local planning authority prior to commencing the works.
- 13 Prior to occupation of any part of the development, 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.

- 14 If, during development, contamination not previously identified is found to be present at the site then no further development 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.
- 15 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.
- 16 The development hereby approved should be implemented in strict accordance with the mitigation measures and recommendations detailed in section 4.1 of the Ecological Appraisal and described on drawing references ‘TDA.2185.01’ and ‘393 PI-01 Rev M’ received by the local planning authority on 10th December, 2018.
- 17 Prior to the commencement of works on the development hereby approved the provision of a lighting plan consistent with the measures outlined in section 4.3.4 of the Ecological Appraisal to ensure that lighting measures do not conflict with the use of the site by protected species needs to be submitted to and approved in writing by the local planning authority. The plan should include details of the siting and type of lighting to be used, measures to control light spill and ensure that boundary vegetation is not illuminated, and that dark corridors are maintained. The plan is to be implemented as agreed.
- 18 Prior to the commencement of works on the development hereby approved a scheme to conserve dormice is to be prepared and agreed in writing by the local planning authority. The scheme should include (but not exclusively) measures to ensure that dormice are conserved during the course of vegetation clearance works; details of the 3-10m buffer zone, including any proposed planting; confirmation that these features will lie outside of the curtilage of properties; details of appropriate management to ensure the establishment and favourable management of these habitat features for dormice in the long term. The scheme shall then subsequently be implemented as agreed.
- 19 No development shall commence until such time as the local planning authority is provided with written confirmation of which offsite sewerage network upgrade option identified in the Drainage Technical Note received on 8th July, 2019 is to be implemented along with a timetable for its implementation. Thereafter, no dwelling shall be beneficially occupied until such time as written confirmation is received from Dwr Cymru/Welsh Water that the selected sewerage network upgrade option has been completed and this confirmation is submitted for the written approval of the local planning authority.
- 20 The foul sewerage system in the application shall only be connected to the public sewerage system at or upstream of manhole number SN42014303 as indicated on

the Drainage Strategy plans reference 10217-100-01 Rev F and 10217-100-02 Rev F.

- 21 The development shall be undertaken in strict accordance with the Drainage Strategy Report – September 2018 which was received by the local planning authority on 8th July, 2019.
- 22 The development must be carried out in strict accordance with following:-
- Sections 4.0 – 4.6 of the Ecological Appraisal received 10th December, 2018;
 - Mitigation Measures detailed in the Environmental Statement Addendum received 5th December, 2018;
 - Site Management Daily Checklist received 5th December, 2018;
 - Construction Method Statement and Drainage Construction Method Statement - Land off Garreglwyd, Pembrey received 5th December, 2018;
 - Construction Management Plan received 5th December, 2018;
 - Drainage Plan for Construction received 5th December, 2018;
 - Appendix C of the HRA Screening Report Received 27th February, 2018.
- 23 Prior to the commencement of any works associated with the development (including site vegetation clearance, demolition of existing structures, excavation, heavy machinery entering site or the on-site storage of materials) the following shall be undertaken in compliance with the recommendations of BS5837 and submitted to and agreed in writing by the local planning authority:
- i) Arboricultural Method Statement (AMS) which provides details, as necessary, of construction operations and specific design solutions to be undertaken within the root protection areas of all trees, large shrubs and hedges identified for retention;
 - ii) Tree Protection Plan (TPP) which provides details of all protective measures, operations and construction exclusion zones for all trees, large shrubs and hedges identified for retention;

The scheme should then be implemented as approved.

- 24 No development or site clearance shall take place until a method statement for the translocation of the existing hedge/ hedgerow(s) to the north-western boundary has been submitted to and approved in writing by the local planning authority. The method statement shall include an implementation programme and should then be implemented in strict accordance with the approved statement.
- 25 The hedge/ hedgerow translocation method statement as approved to discharge condition 25 shall be fully implemented as stated in the implementation programme. Any section of existing hedge/hedgerow translocated in accordance with the approved method statement which, within the lifetime of the approved development is removed; dies; becomes diseased; damaged or otherwise defective, to such extent that, in the opinion of the local planning authority, the function of the existing hedge/hedgerow(s) in relation to this planning approval is no longer delivered, shall be replaced in the next planting season with replacement elements of similar size and specification.

- 26 The approved Landscape Design Scheme (LDS), as defined in the Landscape Specification and Management Plan and Detailed soft Landscape Proposals Plan received on 8th July, 2019 shall be fully implemented during the first available planting and seeding seasons following the completion of the last dwelling.

Any of the hereby scheduled specific landscape elements as defined in the approved LDS which, within the lifetime of the approved development are removed; die; become diseased; damaged or otherwise defective, to such extent that, in the opinion of the local planning authority, the function of the landscape elements in relation to this planning approval is no longer delivered, shall be replaced in the next planting season with replacement elements of similar size and specification and in such positions as may be agreed with the local planning authority, and thereafter likewise conditioned for the lifetime of the approved development.

- i) All existing hedge line boundaries identified for retention.
- ii) All exiting trees identified for retention.
- iii) Woodland buffer planting to the south of the northern boundary (keyed as 'proposed native woodland planting' within the hereby approved documents).
- iv) Hedge planting to the southern site boundary.
- v) Tree planting at site entrance (comprising 6 no. *Prunus* sp.).

All new landscape elements constructed, planted or seeded in accordance with the approved LDS not hereby specifically scheduled, which, within a period of 5 years after implementation are removed; die; become diseased; damaged or otherwise defective, to such extent that, in the opinion of the local planning authority, the function of the landscape elements in relation to this planning approval is no longer delivered, shall be replaced in the next planting or seeding season with replacement elements of similar size and specification.

- 27 The approved landscape maintenance and management information, as defined in the Landscape Specification and Management Plan and Management Company Plan shall be fully implemented as approved.

- 28 No development shall commence until a Landscape Ecological Management Plan (LEMP) for the provision, management and maintenance of the landscape and ecological features for a specific phase of the development, has been submitted to and approved by the local planning authority. The LEMP shall include:

- Details of habitats, landscape, environmental and ecological features present or to be created at the site.
- Details of the desired conditions of features (present and to be created) at the site.
- Details of scheduling and timings of activities.
- Details of short and long-term management proposals, monitoring proposals and maintenance operations of new and existing landscape, environmental and

ecological features at the site to deliver and maintain the desired landscape and ecological conditions and functions.

- Details of monitoring of landscape and ecological features and required post construction monitoring.
- Details of replacement measures should any landscape or environmental features die, be removed or become seriously damaged or diseased within the lifetime of the development.
- Details of management and maintenance responsibilities.
- Details of timescales, length of plan, the method to review and update plans (informed by monitoring) at specific intervals as agreed between interested parties.
- Mechanisms to be used for reporting.
- The LEMP must deliver all mitigation and enhancement requirements for the operational phase as referenced in all associated documents.

The LEMP shall be carried out in accordance with the approved details.

- 29 The development should be undertaken in strict accordance with the mitigation measures outlined in the Welsh Language Action Plan received by the local planning authority on 5th December, 2018.
- 30 Prior to the beneficial occupation of any of the dwellings hereby approved, full details of the Local Area of Play shall be submitted to and approved in writing by the local planning authority. The play area shall be provided in strict accordance with the agreed details prior to the first occupation of Plots 88-100, as shown on the submitted plans.

REASONS

- 1 Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.
- 2 In the interest of visual amenity.
- 3-9 In the interest of highway safety.
- 10-11 To preserve residential amenity.
- 12-15 To protect the environment and human health and comply with Local Development Plan Policy.
- 16-18 To ensure that the proposed development is not detrimental to the maintenance of the population of Dormice.
- 19-20 To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment.
- 21 To ensure a satisfactory form of surface and foul water drainage.
- 22 To prevent pollution of controlled waters and the wider environment and in the interest of biodiversity.
- 23-27 To ensure that the development retains, incorporates and does not adversely affect existing landscape or other features which contribute to local qualities and distinctiveness and to ensure that the development enhances the character and appearance of the site and ensures the use of good quality hard and soft landscaping, embracing opportunities to enhance biodiversity and ecological connectivity.
- 28 In the interest of biodiversity and ecology.
- 29 In the interest of preserving and enhancing the Welsh language and culture.
- 30 To provide a satisfactory on site Local Area of Plan and to comply with Local Development Plan Policy.

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 (LDP) 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 SP4 of the LDP in that it will ensure that a strategic site is developed in an appropriate manner thus contributing to the implementation of the LDP strategy.
- It is considered that the proposal complies with Policy SP5 of the LDP in that it involves the development of a housing allocation in an appropriate manner.
- It is considered that the proposal complies with Policy SP6 of the LDP in that the applicant has agreed to provide a financial contribution towards affordable housing.
- 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.
- It is considered that the proposal complies with Policy GP2 of the LDP in that the majority of the site is located within the defined settlement limits of the growth area of Llanelli.
- 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 H1 of the LDP in that it involves the development of a housing allocation in an appropriate manner.

- It is considered that the proposal complies with Policy AH1 of the LDP in that the applicant has agreed to provide 20% affordable housing.
- It is considered that the proposal complies with Policy TR1 of the LDP in that the proposal does not restrict traffic movement or compromise safety of the primary road network.
- 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 EQ5 of the LDP in that the proposal does not adversely affect ecological corridors, networks and features of distinctiveness.
- It is considered that the proposal complies with Policy EQ6 of the LDP in that the proposal does not adversely affect the Special Landscape Area to the north of the site.
- 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 REC2 of the LDP in that sufficient on site open space is provided.

NOTES

- 1 The applicant/developer is advised that this consent is subject to the applicant entering into a legal agreement with the local planning authority under Section 106 of the Town and Country Planning Act 1990. This agreement shall cover the requirement for the applicant/developer to provide on-site affordable housing and pay financial contributions towards education facilities and offsite drainage culvert improvements.

- 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 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.