

**Cyngor Sir Caerfyrddin
Carmarthenshire County Council**

**ATODIAD
ADDENDUM**

**Adroddiad Pennaeth Lle a Chynaliadwyedd
Adran yr Amgylchedd**

**Report of the Head of Place and
Sustainability
Environment Department**

03/03/2022

**I'W BENDERFYNU
FOR DECISION**

<i>Application Number</i>	W/37254
<i>Proposal & Location</i>	Planning application to erect a straw-bedded young-stock building, maternity building, silage clamp, concrete yard areas and reprofiled lagoon (part retrospective) at Wernolau Farm, Llangynog, Carmarthen, SA33 5BN

Summary of Consultation Responses

Natural Resources Wales – Have confirmed their acceptance of the conclusions of the Authority’s Appropriate Assessment that the development will not have a detrimental effect upon the water environment of the Carmarthen Bay and Estuaries Special Area Conservation (SAC), either alone or in combination with other developments.

The applicant has provided a number of updated drawings to reflect alterations to the layout and design of the youngstock and maternity buildings that have been constructed on the site. The wording of condition nos. 2, 6 and 7 of the report are therefore to be amended to reflect the submission of this updated information.

The recommendation to approve remains unchanged subject to the updated conditions contained below and the completion of a Section 106 agreement that will prevent the future re-use of existing livestock buildings on the farm holding that will no longer required as a result of the development.

Conditions and Reasons

Condition 2

The development shall be carried out in accordance with the following approved plans and documents:-

- Location of farms plan (9A);
received on 5 November 2018;
- Silage clamp – elevations (10);
- Location plan (1);
received on 16 March 2018;
- Environmental Statement (dated October 2018);
received on 5 November 2018;
- Nutrient management plan (updated 30 November 2021);
- Environmental Statement – Addendum dated February 2021 (Updated November 2021);
received on 6 December 2021;
- Particle site distribution produced by Geosite and testing services Ltd dated 17 June 2019;
- Inspection of silage pit wall at Wernolau Farm produced by HB Tribe dated 2 July 2019;

- Determination of permeability in a triaxial cell produced by Geosite and testing services Ltd dated 17 June 2019;
- Below ground 'earth' nutrient storage lagoon information produced by HB Tribe dated 2 July 2019;
received on 5 July 2019;

- Topographical Layout (8A);
received on 25 October 2019

- Site plan (2B);
- Drainage plan (11);
received on 1 March 2022

- Youngstock shed – north and south elevation (4A);
- Youngstock shed – east and west elevation and floor plan (3A);
- Maternity building – east and west elevation and floor plan (5A);
- Maternity building – north and south elevation (6A);
- Topographical Sections (7C);
received on 18 February 2022

Reason: In the interest of clarity as to the extent of the permission.

Condition 6

The maternity building hereby approved and shown on the site plan (2B) received on 1 March 2022 shall be used solely for the provision of calving facilities in association with the farm holding and for no other purpose.

Reason: To prevent the over intensification of the holding and in the interests of safeguarding residential amenity and highway safety (Policy GP1 & TR3).

Condition 7

The young-stock building hereby approved and shown on the site plan (2B) received on 1 March 2022 shall be used solely for the accommodation of calves and replacement heifers in association with the farm holding and for no other purpose.

Reason: To prevent the over intensification of the holding and in the interests of safeguarding residential amenity and highway safety (Policy GP1 & TR3).

<i>Application Number</i>	PL/01316
<i>Proposal & Location</i>	Variation of Condition no. 2 of E/35763 (Reserved Matters permission for 2 dwellings granted on 28 September 2017, pursuant to outline planning permission E/30288 granted on 9 July 2014) to allow amended plans for the reduced scale to the dwelling at Plot 1, re-siting of dwelling at Plot 2 with revised parking arrangement and provision of south east boundary wall and treatment at Plots 1 & 2 at plots at Tregarth, Square & Compass, Llangadog, SA19 9ND

Summary of Public Representations

Neighbours - A further e-mail has been received from an objector to the proposed development, which raises objection to the Local Planning Authority not requiring the same boundary treatment (fencing set back 1 metre) along the boundary facing 6 Golwg yr Haul, Mount Pleasant and Sycamore Lodge, as has been applied at the South East boundary with Golwg yr Afon. It has been explained;

“The boundary at Golwg yr Afon and plot 2 is extremely close and the provision of a fence set back to reduce the over-dominance and greater imposition for the resident at the dwelling has been considered appropriate and has received the support of Golwg yr Afon’s resident. The wall at the boundary with 6 Golwg yr Haul, Mount Pleasant and Sycamore Lodge is set much further away from the dwellings and it is not considered that there is a requirement to reduce its height at this location and its cement rendering as indicated on the plans and proposed condition 10 will reduce the visual harm, as relayed in the report.”

The structural integrity of the wall has also been questioned and the following response relayed;

“The Local Planning Authority has received a report from a Structural Engineer and whilst this conveys “Our analysis calculations show that the wall construction satisfies the Eurocode Standards for retaining walls. Given this and what we could see from our visual inspection and provided that the information provided by the client regarding the footing construction and backfill material is correct, we are satisfied that the wall is adequately constructed.”, it is considered that it is not the responsibility of the Local planning Authority under the Town and Country Planning Act 1990 to establish the integrity of the wall and any challenge to this shall be borne civilly through the Party wall Act 1996, as relayed in the report “It remains that the powers afforded by the Party Wall Act 1996 can be implemented by the affected parties if they do not consider that the wall has been constructed satisfactorily, which falls outside of the realms of Planning Law”.

It has also been requested that the site is visited, the means of consultation in the application and the developer’s failing approach to undertaking the development is also criticised and the following response was provided;

“Unfortunately, the restrictions as a result of Covid remains and there are no site visits being undertaken presently; this may change in the near future. As you are aware the works commenced and progressed were not in accordance with the approved plans and this

proposal is to formally consider the changes and the application has been publicised by site notices and comments of the residents have been considered in the determination of the application and the proposal put forward for consideration by the Planning Committee on Thursday. I agree that a developer, in the course of development, should speak to neighbours on their intentions in the development, however this is not a planning related matter. In this particular case, if it remains that you are not satisfied with the mode of construction, you are above to pursue the matter under the Party Wall Act 1996, as relayed earlier. “

<i>Application Number</i>	PL/03083
<i>Proposal & Location</i>	Conversion of former school building into residential dwelling and the erection of 20 affordable dwellings on former school grounds, including all associated works. Former Coedmor School, Cwmann, Lampeter, SA48 8ET

Summary of Consultation Responses

Penncarrig Community Council – Reiterates its concern over the scheme.

Natural Resources Wales - A revised consultation response has been received which states the following in respect of phosphates:

“Phosphate loading

We note the application site is within the catchment of the River Teifi Special Area of Conservation (SAC). As you are aware, on the 21st January 2021, we published an evidence package outlining phosphorus levels for all river SACs across Wales. As part of this package, we issued a Planning Position Statement, in which we advised that any proposed development that might increase the amount of phosphate (or phosphorus) within a river SAC catchment could lead to damaging effects to the SAC. Therefore, such proposals should be screened through a Habitats Regulations Assessment (HRA), to determine whether they are likely to have a significant effect on the SAC. We have also issued Planning Advice (May 2021) which gives specific advice in respect of foul drainage arrangements for new developments.

We note from the information submitted that the development has the potential to increase the amount of phosphorus being discharged from the site. As such, we refer you to our Planning Advice and advise you to seek further information from the applicant. We note that information has already been submitted in respect of the capacity of Dwr Cymru Welsh Water to accept the foul discharge. However, we advise you to seek further information as identified in the section titled ‘What does this mean for development proposals involving connection to public wastewater treatment works’ of that advice.

Provided this advice is followed and you are able to conclude that the development is not likely to have a significant effect on the SAC, we would have no objection to the proposal. However, should you conclude that the proposed development is likely to have a significant effect on the SAC, please consult us on your Appropriate Assessment under Regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended).”

Summary of Public Representations

A further three letters have been received reiterating previous concerns and raising concern over the phosphate issue which is highlighted above.

Conclusion

In respect of phosphates, as competent authority, Carmarthenshire needs to be satisfied that there would not be a significant impact on the River Teifi SAC. Based on the initial NRW response which stated that there would not be a significant impact, the recommendation was for a resolution to approve subject to the Habitat Regs Assessment being signed off. However, when asked for confirmation of the NRW stance and its evidence base, NRW have changed their advice and have stated "*We note from the information submitted that the development has the potential to increase the amount of phosphorus being discharged from the site.*" NRW have asked that further information be sought in respect of foul drainage.

Given the lateness of the NRW response and the fact that they have now changed their advice, further assessment of the scheme is needed and therefore it is recommended that the application is **DEFERRED** for further consideration by officers.

<i>Application Number</i>	S/34402
<i>Proposal & Location</i>	Demolition of former Copperworks School and develop up to 9 new homes at former Copperworks Infants School, land at Morlan Terrace, Burry Port, SA16 0ND

The applicant has decided to **WITHDRAW** the planning application, given that the application site has now been sold.