

**Cyngor Sir Caerfyrddin
Carmarthenshire County Council**

**PWYLLGOR CYNLLUNIO
PLANNING COMMITTEE**

**Adroddiad Pennaeth Lle a
Chynaliadwyedd
Lle a Seilwaith**

**Report of the Head of Place
and Sustainability
Place and Infrastructure**

09/04/2024

**I'W BENDERFYNU
FOR DECISION**

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

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

COMMITTEE:	PLANNING COMMITTEE – SITE VISIT
DATE:	09.04.2024
REPORT OF:	HEAD OF PLACE AND SUSTAINABILITY

REF.	APPLICATIONS RECOMMENDED FOR APPROVAL
PL/05187	The erection of new residential dwellings, vehicular access, open space, and other associated infrastructure at Land at Cefncaeu, Llanelli

APPLICATIONS RECOMMENDED FOR APPROVAL

Application No	PL/05187
-----------------------	-----------------

Application Type	Outline planning consent - some matters reserved
Proposal	The erection of new residential dwellings, vehicular access, open space and other associated infrastructure
Location	Land at Cefncaeau, Llanelli

Applicant(s)	c/o agent c/o agent Tata Steel
Agent	Mr Gareth BartonTurley
Officer	Hugh Towns
Ward	Llwynhendy
Date of validation	23/12/2022

Committee Report Update

The application was reported to the meeting of the Planning Committee on 1st February 2024 and 29th February 2024 where it was deferred to enable Members to undertake a site visit.

Reason for Committee

This application is being reported to the Planning Committee following the receipt of seven or more objections from different households and following a call-in request by Cllrs Sharen Davies and Jason Hart. It should be noted that both councillors have requested a site visit by the Planning Committee on the following grounds:

- detrimental impact on the Wildfowl & Wetland Centre
- clearing the land would result in the loss of nesting sites and habitats for birds, newts and water voles
- introduction of pollutants into water bodies
- traffic and increased risk of accidents
- increased noise and air pollution
- pressure on existing infrastructure such as drainage systems.

Site

The application site is situated north of the A484 approximately 2.5km from the town centre. The site extends to approximately 4.08 hectares and comprises two field parcels characterised by rough grassland and scrub, enclosed by areas of woodland. The field parcels are divided by overgrown hedges. The site levels are highest along the northern boundary of the site and levels generally fall in a southerly direction. Ground levels are approximately 12.34m AOD at the highest point along the northern boundary of the site and fall to 3.51m AOD in the south of the site.

The site is bounded by residential dwellings to the north (on Tir Einon and Parc Gitto), and an area of public open space (Tir Einon Park). The south western boundary is formed by the A484, beyond which is the Trostre Works operated by Tata Steel. Further greenfield land within the control of Tata Steel lies to the south.

Overhead electricity lines cross the northern field parcel, orientated north-west to south-east. A water main also crosses the site in a north west to south east direction.

Access to the site is currently gained via a field gate from Erw Las (via wider land within Tata Steel's control to the east). The site is accessible to pedestrians via a public right of way from Parc Gitto (ref: 36/130).

The Dafen Pil, an NRW designated Main River, flows in a south-westerly direction approximately 125m south of the site. Several tributaries flow into the Dafen Pil including a small drainage channel present along the western boundary of the proposed development site. These watercourses are designated as ordinary watercourses and link the site to the Carmarthen Bay and Estuaries Special Areas of Conservation (SAC) and Burry Inlet and Loughor Estuary SSSI, Ramsar and Proposed SAC. The Wildfowl and Wetlands Centre lies approximately 700m to the south.

Proposal

The application seeks outline planning permission for the erection of new residential dwellings, vehicular access, open space and other associated infrastructure. The planning application is made in outline, with all matters reserved with the exception of the means of access from the A484. The application proposes up to 91 dwellings, although the precise number of dwellings will be determined by a subsequent reserved matters application(s).

A Land Use Strategy Plan is submitted in support of the application, which establishes the key development parameters. A detailed plan is also submitted to show the vehicular access point from the A484. The application is also supported by a series of strategy plans, which set out further details relating to street hierarchy, landscape, density and building height. An Illustrative Masterplan has also been submitted for indicative purposes only. The masterplan demonstrates how a proposed development of up to 91 dwellings could be accommodated on the site in accordance with the known site constraints and opportunities.

The Strategy indicates that the development area would be set back approximately 85m from the A484 carriageway. The intervening land comprising green space, space for surface water attenuation and a buffer from noise from the traffic along the A484. The proposal involves the raising of some parts of the south western parts of the site by up to 3.5m in order to raise it out of the flood zone.

The indicative plans show the site is served by a central main access road. The Building Height Strategy indicates 2-storey development to the north east of the central access road and 2 or 2.5 storey dwellings to the south west and north west. The density of development would be approximately 40 dwellings per hectare.

Planning Site History

S/15581 - Residential Development together with associated highway and junction improvements, car parking and servicing, open space and landscaping, and other ancillary uses and activities - Withdrawn - 06/06/2014

Planning Policy

In the context of the Authority's current Development Plan, the application site is located within the defined development limits as contained in the adopted [Carmarthenshire Local Development Plan](#) (Adopted December 2014) ('the LDP') and is specifically allocated for housing as part of a wider allocation of 300 dwellings (GA2/h35)

Reference is drawn to the following policies of the Plan which are of relevance to the proposal.

SP1 Sustainable Places and Spaces;
SP2 Climate Change;
SP3 Sustainable Distribution- Settlement Framework;
SP5 Housing;
SP6 Affordable Housing;
SP9 Transportation
SP14 Protection and Enhancement of the Natural Environment;
SP16 Community Facilities;
SP17 Infrastructure;
GP1 Sustainability and High Quality Design;
GP2 Development Limits;
GP3 Planning Obligations;
H1 Housing Allocations
AH1 Affordable Housing;
TR1 Primary and Core Road Network
TR2 Location of Development- Transport Considerations;
TR3 Highways in Developments- Design Considerations;
EQ4 Biodiversity;
EQ5 Corridors, Networks and Features of Distinctiveness;
EP1 Water Quality and Resources;
EP2 Pollution;
EP3 Sustainable Drainage;
EP6 Unstable Land and
REC2 Open Space Provision and New Developments.

[Carmarthenshire Supplementary Planning Guidance](#) (SPG) has been produced to provide further detail on certain policies and proposals contained within the Carmarthenshire LDP. They help ensure certain policies and proposals are better understood and applied more effectively. Of particular note within the context of this proposal are the following SPG's:

Placemaking and Design (2016);
Leisure & Open Space Requirements for New Developments (2016);
Planning Obligations (2014);
Affordable Housing (2018), and
Nature Conservation and Biodiversity (2016).

National Planning Policy and Guidance is provided in [Future Wales: The National Plan 2040, Planning Policy Wales \(PPW\) Edition 12](#), February 2024 and associated [Technical Advice Notes](#) (TANs) published by Welsh Government. The below TANs are considered to be of particular relevance to this proposal:

TAN 2 (Planning & Affordable Housing, 2006);
TAN 5 (Nature Conservation and Planning, 2009);
TAN 11 (Noise, 1997);
TAN 12 (Design, 2016);
TAN 15 (Development and Flood Risk, 2004);
TAN 16 (Sport, Recreation & Open Space, 2009), and
TAN 18 (Transport, 2007)

Summary of Consultation Responses

Head of Environmental Infrastructure - The modified site access design for the A484 incorporates a 'left in left out' arrangement under priority control; requiring use of both the Pemberton Retail Park Roundabout and Berwick Roundabout for U-turn movements as required. From an operational perspective, the site access design is shown to have sufficient capacity to accommodate forecast traffic flows and the impact of the additional u-turners is negligible. However, to reduce the risk of traffic generated by the development attempting to utilise the existing layby located alongside the north-westbound carriageway of the A484 to undertake U-turn movements, the lay-by will need to be stopped up to support the proposed development. This will assist with ensuring that traffic exiting the development will utilise the Berwick Roundabout for U-turn movements on the A484. Recommends conditions to be attached the any grant of planning permission.

Environmental Health Officer - request all the detailed mitigation measures in the Air Quality Assessment Report be conditioned through all stages of construction.

Contaminated Land Officer - consider that an appropriate Preliminary Risk Assessment has been undertaken for the development. Request conditions relating to the investigation, recording and reporting contamination

Education - require a Section 106 contribution of £219,000 based on 91 dwellings

Leisure Services - It is noted that there is reference to a Landscape Strategy in the Design and Access Statement that refers to the provision of public open space. For such a development it is key that there is sufficient provision for both structured and open play activities. There is an existing play facility adjacent to the development, Tir Einon Playing Field which looks to have green open space and some play equipment. A S106 contribution could be made to the upgrading of facilities at this site. Consultation with Llanelli Rural Council should be sought on how best to make use of any contributions.

SAB Approval Body - Surface Water and Small Watercourse Flood Risk: NRW Flood Maps for Planning indicate that the southern section of the proposed development is at small risk of surface water flooding. None of the proposed dwellings are located in areas at risk. To the north of the development site is a small Surface Water Flood Zone 3.

Rivers and Sea Flood Risk: NRW Flood Maps for Planning indicate that the proposed development site is partially located in a Flood Zone 3. Based on the information and methodologies submitted it is considered that the SuDS proposed at the development are sufficient in principle to proceed at this stage. A SAB approval is required for this development

Public Rights of Way - the site abuts footpath 36/130. If the application is approved, reference should be made to the Applicant/Developer of the route of the said footpath and in order to avoid difficulties later in the development a reminder that there is a legal requirement not to obstruct or encroach upon any public right of way either during construction, or at any time thereafter. Further, any alterations to the surface of the footpath will require prior approval from the Local Authority. During any construction period, care must be taken to ensure the safety of any user of the said Public rights of Way.

Llanelli Rural Council - object on the following grounds:

- site is unsuitable for such large scale of development, notwithstanding that it is allocated for 300 dwellings in the LDP
- highway safety concerns in relation to access from the A484
- raising the ground level to 7.1m AOD to prevent flooding will divert floodwater elsewhere
- the Coal Mining Risk Assessment highlights the potential for unrecorded underground workings and these are likely to cause significant subsidence to site infrastructure
- impact of the development on local biodiversity
- if the LPA is minded to approve the application it is important that Section 106 contributions are obtained to support community infrastructure projects in the Llwynhendy/Pemberton Ward

Local Members - Councillor Sharen Davies and Councillor Jason Hart object to the application on the following grounds:

- Concerns on the general scale of the development and highway safety concerns, with regards to the access and egress onto a very busy main road. Especially with the proposed vehicular access via the A484. Traffic Generation onto the A484.
- Concerns regarding raising the ground level to a 7.10m above ordinance datum to prevent flooding risk. This area is a risk from sea flooding, raising this ground may have a major impact on surrounding area.
- Concerns of the impact on local biodiversity.
- Overlooking / loss of privacy on neighbouring properties
- Overdevelopment in the local area.
- Unrecorded mining entries in the area.

If the development is approved Section 106 money needs to be negotiated and be used at Tir Einon Park and Llwynhendy Library Hub.

Cllr Davies and Cllr Hart also request that the Planning Committee Visit the site.

Health & Safety Executive - no comment to make.

Mid & West Wales Fire & Rescue Service - no adverse comments.

Dyfed Powys Police - recommend that the developer meet a Secured By Design Award.

Coal Authority - has no objection to the LPA granting outline consent at this site, subject to the imposition of conditions to secure a scheme of intrusive site investigations adequate to properly assess the ground conditions on the site and establish the risks posed to the development by past coal mining activity and the submission of a report of findings of the intrusive ground investigation together with remedial measures necessary.

Dyfed Archaeological Trust - no further action required to safeguard the historic environment.

Dwr Cymru Welsh Water - Only foul water from the development site shall be allowed to discharge to the public sewerage system to prevent hydraulic overload. The proposed development site is crossed by a public sewer the position shall be accurately located, marked out on site before works commence and no operational development shall be carried out within 3 metres either side of the centreline of the public sewer. No problems are envisaged with the Waste Water Treatment Works for the treatment of domestic discharges from this site. In order to establish what would be required to serve the site with an adequate water supply, it will be necessary for the developer to fund the undertaking of a hydraulic modelling assessment on the water supply network.

Natural Resources Wales - do not consider that the development is likely to be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range, provided that the mitigation measures stipulated in the reports are adhered to, and any new on-site lighting is designed to minimise impacts on light-sensitive species. The main area of bird interest is to be retained in the development. Therefore, we have no adverse comments.

In consideration of the mitigation measures detailed in the HRA we agree with the conclusion that the development is unlikely to have an adverse effect upon the integrity of the SAC/SPA/Ramsar site.

The planning application proposes highly vulnerable development and lies within Zone A of the Development Advice Map (DAM) contained in TAN15 (2004). However, our Flood Map for Planning (FMfP) identifies the application site to be at risk of flooding and lies partially within Flood Zone 2/3 Rivers/Sea. The proposed development site is partially located in Flood Zones 2 and 3 (Sea), with approximately one quarter of the houses shown to be at risk of flooding. The FCA proposes to raising site levels to a minimum of 7.10 meters Above Ordnance Survey (AOD) which will eliminate the risk of flooding during the 0.5% Annual Event Probability (AEP), ensuring compliance with Table A1.14 of TAN 15. During the 0.1% AEP event the site will flood up to 200mm, which is within the tolerance levels of Table A1.15. The FCA states that 'it is likely that finished floor levels would be raised above this level and probably above the 0.1% AEP 2122 flood level', which we would support.

The FCA states that the proposed ground raising will not impact upon the flood risk to third party land, owing to the flood risk being tidal and the ground raising is located on the periphery of the floodplain. We accept these conclusions and have no concerns regarding flood risk to third parties.

All representations can be viewed in full on our [website](#).

Summary of Public Representations

Article 12 of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 requires the application to be publicised by either (a) site display in at least one place on or near the land to which the application relates for not less than 21 days; or (b) by serving the notice on any adjoining owner or occupier and by advertisement in the local press. As the proposed development was likely to be of wider interest than just the adjoining owners or occupiers, publicity was undertaken by the display of a site notices.

Nine letters of objection have been received as a result. The grounds of objection are summarised as follows:

- the access directly onto the A484 is dangerous
- traffic issues are already experienced at Parc Gitto, Parc Hendre and Erwlas
- raising of the land will displace floodwater elsewhere
- impact on biodiversity and protected species
- the site contains a former landfill site so the land is contaminated
- danger of subsidence of old mine workings
- there is no capacity in the sewer system
- noise and disturbance
- Lack of supporting infrastructure to deal with drainage
- schools are full and surgeries are struggling to cope
- Loss of privacy

All representations can be viewed in full on our [website](#).

Appraisal

Principle of Development

The application site is part of a wider area of land allocated for 300 houses under Policy H1 of the Local Development Plan. This proposal is for up to 91 dwellings at an density of 40 dwellings per hectare on approximately half of the allocated site. Therefore, in planning policy terms the principle of residential development on the site is established in the LDP.

Highways and Transportation

The application proposes that vehicular access is provided directly from the A484 via a left-in and left-out junction arrangement so that vehicles entering and exiting the site do not cross the carriageway. To facilitate this arrangement a traffic island will be provided in the centre of the access, engineered to prevent right turn manoeuvres. The 'left in left out' arrangement under priority control; requires use of both the Pemberton Retail Park Roundabout and Berwick Roundabout for u-turn movements as required. From an operational perspective, the site access design is shown to have sufficient capacity to accommodate forecast traffic flows and the impact of the additional u-turners is negligible. However, to reduce the risk of traffic generated by the development attempting to utilise the existing layby located alongside the north-westbound carriageway of the A484 to undertake u-turn movements, the lay-by will need to be stopped up to support the proposed development. This will assist with ensuring that traffic exiting the development will utilise the Berwick Roundabout for u-turn movements on the A484.

In terms of visibility requirements at the access junction with the A484, these are set out in Annex B, Table A of Technical Advice Note 18: Transport. As this road has a speed limit of 60 mph the Stopping Sight Distance (SSD), defined as the minimum distance that drivers would need to be able to see ahead of themselves, in order to stop if confronted by a hazard, is 215m from the centre line of the proposed junction, at a point 2.4m back from the edge of carriageway. That requirement can be easily achieved in this case.

Some objectors have expressed concern about access via Parc Gitto but no such vehicular access is proposed.

In terms of pedestrian access, there would be no pedestrian access to the A484 as it has no pedestrian footways. Pedestrian access would be provided along the widened public footpath 36/0130.

Flooding and Drainage

As part of an outline planning application on a site to the north of this application site (ref S/34991), a Hydraulic Modelling Assessment (HMA) was undertaken by DCWW to determine whether a viable point of connection was available for the proposed development site, and the land covered under application ref S/34991. The HMA identified a point of connection for the development site at a manhole near Tir Einon which would result in no detriment to the existing foul sewer network. It is therefore proposed to drain foul flows from the development to DCWW infrastructure.

Since 2007, there have been issues regarding foul and surface water drainage networks in this area. This has resulted in additional pollution and nutrient loading spilling into the Burry Inlet. As such, the Carmarthen Bay and Estuaries European Marine Site Memorandum of Understanding (MOU) has been prepared to enable development in this area to go forward. As this development falls within the Llanelli Coastal Catchment, it must therefore accord to the requirements outlined within the aforementioned MOU. Foul connections should only be allowed when compensatory surface water removal or suitable improvement scheme has been implemented within the same catchment.

The proposed surface water removal scheme was developed and approved by the LPA/DCWW under application ref S/34991. The scheme provides sufficient surface water removal from the DCWW network for both the proposed development site and the parcel of land covered under application ref S/34991. The proposed surface water removal scheme identifies an area of highway drainage within Maesyrfhaf and Maestir, approximately 2.5 km west of the proposed development site. Highway drainage within Maesyrfhaf and Maestir serves the highway, footpaths and surrounding dwellings, with a catchment area of 3966.7m². The highway network discharges into the DCWW network. and it is proposed to disconnect the highway network from the DCWW network, and instead divert surface water to the nearby Afon Lliedi via a new outfall headwall. DCWW approved the scheme under application ref S/34991. The proposed surface water removal scheme is sufficient to enable the development of 268 properties.

The parcel of land approved under S/34991 comprises a development of 94 properties. The proposed development site is to comprise of up to 91 dwellings, totalling 185 dwellings. This is comfortably within the permitted number of dwellings under the proposed surface water removal scheme. It is proposed to drain surface water from the development via the use of SuDS techniques, draining surface water at greenfield runoff rate to an existing small

drainage channel at the southern boundary of the site via a surface water attenuation feature.

The application is accompanied by a Flood Consequences Assessment which identifies the site as being located in Zone A, as categorised by NRW's Development Advice Maps. Zone A is classified area at little or no risk of fluvial or tidal/coastal flooding. However, the site is partially located within Flood Zone 3 of the Flood Map for Planning - Sea. This suggests that the site may be at future flood risk from the sea due to climate change. The 1 in 200 year tidal flood event from seawater is 6.04m AOD in 2022 and 7.05m AOD in 2122. The predicted 1 in 1000 year flood event is 6.29m AOD in 2022 and 7.30m AOD in 2122. The proposal involves raising the developed area to 7.1m AOD which will satisfy the 1 in 200 year event but will leave part of the site subject to 200mm of floodwater in a 1 in 1000 year event. Such a level of inundation is well within the indicative guidance provided in TAN15 - i.e. 600mm.

The FCA concludes that proposed ground raising will not impact upon the flood risk to third party land. The essentially infinite volume of the sea results means that it is not possible to further increase flood levels through the displacement of tidal floodwater. NRW concur with this view.

Small areas on the periphery of the site are within Flood Zone 2 or 3 of the Flood Map for Planning - Small Watercourse. NRW Mapping shows the site as being at very low risk of flooding from Surface water and Small Watercourses

Ecology & Biodiversity

The Dafen Pil, an NRW designated Main River, flows in a south-westerly direction approximately 125m south of the site. Several tributaries flow into the Dafen Pil including a small drainage channel present along the western boundary of the proposed development site. These watercourses are designated as ordinary watercourses and link the site to the Carmarthen Bay and Estuaries Special Areas of Conservation (SAC) and Burry Inlet and Loughor Estuary SSSI, Ramsar and Proposed SAC. As a competent authority under Regulation 63 of The Conservation of Habitats and Species Regulations 2017 (as amended) the council has to consider the impact of development on the features for which the aforementioned sites are designated. Development can only proceed if it can be demonstrated beyond reasonable scientific doubt that there will not be a significant effect on the integrity of the European Protected Site.

The Carmarthen Bay and Estuaries SAC has the following qualifying features:

- Estuaries
- Mudflats and sandflats not covered by seawater at low tide
- Atlantic saltmeadows (*Glauco-Puccinellietalia maritimae*)
- *Salicornia* and other annuals colonising mud and sand
- Large shallow inlets and bays
- Sandbanks which are slightly covered by sea water all the time
- *Alosa* sp. – shad

And to support a significant presence of:

- *Lampetra fluviatilis* – river lamprey
- *Petromyzon marinus* – sea lamprey
- *Lutra lutra* - otter

The Burry Inlet Special Protection Area/RAMSAR special features are the following species of birds, Curlew, Dunlin, Grey plover, Knot, Oystercatcher, Pintail, Redshank, Shelduck, Shoveler, Teal, Turnstone, Wigeon and Over wintering assemblage.

A Test of Likely Significant Effect (TLSE) and Appropriate Assessment has been done for the site which concludes that the proposed development will not have a significant effect on the Carmarthen Bay and Estuaries Special Area of Conservation (SAC), the Burry Inlet Special Protection Area (SPA) and/or Burry Inlet Ramsar Site. The proposal is not likely to undermine the area's conservation objectives provided a Construction Environmental Management Plan is provided demonstrating provisions to prevent pollution from surface water run-off. The Appropriate Assessment has been agreed by NRW. As the Assessment has concluded no significant adverse effect on the European Protected Sites it is similarly the case that there would be no significant adverse effect on the Wildfowl and Wetland Centre. In fact, opportunities exist for the site to compliment the SPA and the Wildfowl and Wetlands Centre by making provision for areas of open water as part of the surface water attenuation system.

The Preliminary Ecological Appraisal (PEA) submitted in support of the application identifies an area of neutral grassland characteristic of semi improved meadows will be lost as part of the development and will require appropriate mitigation and compensation so as to ensure Net Benefit for Biodiversity.

The PEA identifies opportunities for biodiversity enhancement including improving the condition of lowland deciduous woodland, hedgerows and freshwater habitats. The PEA also identifies that the site has the potential to support a wide variety of breeding birds, bats, reptiles and water voles. However, there are clear opportunities to mitigate and potentially enhance the site in terms of its biodiversity value. The Planning Ecologist has no objections subject to conditions requiring a Landscape & Ecological Design Scheme, Landscape & Ecological Management Plan, Construction Environmental Management Plan, control of external lighting, which reflect the ecological features identified at the site. This would ensure the Local Planning Authority is able to meet its biodiversity duty under the terms of the Environment (Wales) Act 2016.

Land Contamination & Stability

A Preliminary Geo-Environmental Assessment has been submitted in support of the application. The site itself is recorded to have been licensed for the 'Techon Tip' between 1965 to 1974 for landfilling, accepting wastes including inert, industrial, commercial, household and special waste. However, it is believed that this landfill was licensed but never actually accepted deposition of waste. Preliminary site investigation did not find any landfill materials associated with the Techon Tip. Laboratory testing of soils did not record any significant contamination. There is potential for elevated levels of ground gases and further work will be required prior to any development commencing. The details will need to form part of any reserved matters application and can be required by condition. NRW and the Contaminated Land Officer have suggested planning conditions requiring additional ground investigation.

A Coal Mining Risk Assessment has been submitted. This assessment has identified the principal risks to the proposed development to be the presence of made ground, recorded and potential unrecorded mine entries, the potential for unrecorded mine entries, the presence of geological faulting and the potential for unrecorded abandoned, unstable mine workings within influencing depth of the ground surface. The Coal Authority indicates that

there are underground coal workings in 9 seams of coal at depths from 28m to 291m. It also states that there are probably no unrecorded shallow workings (<30m) below the site. However, evidence of shallow workings has been recorded within the vicinity of the site and with five coal seams shown to outcrop at the site, shallow workings should be considered possible. The overall risk is likely to be ground subsidence and ground instability, loss of ground and the generation of crown holes. The proposed development is regarded to be sensitive to residual risks presented by potential unrecorded shallow mine workings (crown hole type collapse) representing a risk to both public safety and the structural integrity of the built development. It is therefore recommended that an intrusive investigation is undertaken at the site to determine whether remnant abandoned mine workings are present. In the event that evidence of mine workings is encountered, the risk to the proposed development should be calculated and if deemed necessary a stabilisation programme by drilling and pressure grouting should be undertaken to secure against potential significant risks of ground loss. This can be adequately covered by condition.

There are two recorded mine entries present on the site as recorded by the Coal Authority. Currently no details of any treatment of these shafts are known. The shafts are not present on the historical plans for the site. These are likely to be part of a small works into the shallower coal seams outcropping on the site, similar to those recorded 300m west of the site. The proposed development layout indicates that the area of the mineshafts is not within the proposed built development area.

The Coal Authority has no objection to the LPA granting outline consent at this site, subject to the imposition of conditions to secure a scheme of intrusive site investigations adequate to properly assess the ground conditions on the site and establish the risks posed to the development by past coal mining activity and the submission of a report of findings of the intrusive ground investigation together with remedial measures necessary.

Noise, Disturbance & Loss of Privacy

Concerns about construction noise and disturbance are often promoted by objectors as reasons for opposing development. However, whilst it is accepted that there would be disruption to neighbours during construction this would be temporary in duration and would not be sufficient to justify the refusal of a development.

Loss of privacy cannot be assessed at this juncture as layout, scale and appearance are matters reserved for future consideration. Impact on privacy will be a material consideration for such detailed applications

Impact on Schools and Medical facilities

Concern has been expressed about the impact on schools that are already considered to be full, and the availability of medical facilities. As part of this application the developer will have to make a contribution towards the provision of educational facilities which has been calculated at £219,000. The availability of medical facilities has been considered by PEDW at a recent Appeal to be something that is subject to market forces and would therefore not justify a refusal.

Planning Obligations

With reference to the requirements of the policy framework of the LDP, most notably policies AH1, REC2 and GP3, the LPA will have negotiated an appropriate level of community benefits in accordance with identified need. To this end, it should be noted that the applicants have agreed to enter into a section 106 agreement that will secure the following:

1. Affordable Housing – Policy AH1 indicates that a 20% contribution is required
2. Play Facilities/Open Space - A financial contribution of £77,000 towards the upgrading of Tir Einon Park
3. Education Facilities – A commuted sum contribution of £219,000

Well-being of Future Generations (Wales) Act 2015

The decision considers the duty to improve the economic, social, environmental and cultural well-being of Wales, in accordance with the sustainable development principle, under section 3 of the Well-Being of Future Generations (Wales) Act 2015 (the WCFG Act). The decision takes into account the ways of working set out at section 5 of the WCFG 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 WCFG Act.

Conclusion

The site forms part of a larger area allocated for housing development in the Local Development Plan. The application is in outline but the indicative proposals contained within the Illustrative Masterplan, Land Use Strategy, Building Density Strategy, Street Hierarchy Strategy, Building Height Strategy and Landscape Strategy adequately demonstrate that an acceptable development can be accommodated.

A suitable left-in and left-out access can be provided to the satisfaction of the Head of Environmental Infrastructure; the Drainage Strategy is acceptable to DCWW; flood risk is mitigated to an acceptable level as set out in TAN15; biodiversity impacts can be mitigated and enhanced. Further work is required at the detailed application stage in respect of ground conditions and contamination but sufficient information has been provided for an outline application.

The applicant has also accepted the required planning obligations in respect of affordable housing, education and recreation. Provision for active travel will be made as part of the reserved matters scheme.

Section 38 of the Planning and Compulsory Purchase Act 2004, requires that, in determining a planning application the determination must be in accordance with the Development Plan unless material considerations indicate otherwise. The site is allocated within the LDP and there are no material considerations that suggest a determination other than in accordance with the Plan is justified. The application is therefore recommended for approval subject to conditions and the applicant entering into the required Section 106 Agreement.

RECOMMENDATION - Approval

Conditions & Reasons

Condition 1

Application for approval of reserved matters must be made to the Local Planning Authority before the expiration of three years from the date of this permission, and the development must be commenced not later than whichever is the later of the following:-

- a) the expiration of five years from the date of this outline planning permission;
- b) the expiration of two years from the date of approval of the last of the reserved matters to be approved.

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

Condition 2

The permission now granted is an outline permission only, within the meaning of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012.

Reason: The application is in outline only.

Condition 3

Development shall not commence until detailed plans of the layout, scale, appearance and landscaping of the development, have been submitted to and been approved in writing by the Local Planning Authority. The detailed plans shall reflect the submitted Illustrative Masterplan, Land Use Strategy, Building Density Strategy, Street Hierarchy Strategy, Building Height Strategy and Landscape Strategy.

Reason: In the interests of visual amenity.

Condition 4

The land subject to this permission is as identified on the Site Boundary Plan (1008 Revision D) received 1 February 2023.

Reason: For the avoidance of doubt.

Condition 5

The buildings/dwellings hereby approved shall be limited to the following scale parameters:

Height: 8.5m – 10.0m

Length: 4m – 50m

Depth: 7m – 25m

Reason: For the avoidance of doubt or confusion as to the extent of the permission hereby granted and in the interests of visual amenity – Policies SP1 and GP1 of the adopted Carmarthenshire Local Development Plan

Condition 6

The number of dwellings constructed on the site shall not exceed 91 units.

Reason: The impact of the proposed development has been based on a maximum of 91 dwellings as has the necessary scale of planning obligations.

Condition 7

No part the site identified for land raising shall be raised to a level greater than 7.3m AOD

Reason: To avoid any excessive and unnecessary infilling of the land and in the interests of visual amenity.

Condition 8

No development shall commence until details of a scheme for the disposal of foul and surface water has been submitted to and agreed in writing by the Local Planning Authority. The scheme shall include a programme of implementation of the scheme and shall be implemented in accordance with the approved details prior to the residential use of the development and retained in perpetuity.

Reason: To ensure the development is drained in a sustainable and acceptable manner.

Condition 9

No development shall commence until details of the design and implementation of the scheme of surface water removal from the public sewerage system has been submitted to and agreed in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details and to the written approval of the Local Planning Authority prior to the occupation of any of the residential units hereby approved.

Reason: To protect the existing community and the environment from the adverse effects of sewage flooding.

Condition 10

No development (including any demolition, earthworks or vegetation clearance) shall take place until a Landscape and Ecological Design Scheme (LEDS), has been submitted to and approved in writing by the local planning authority. The scheme shall clearly define the location and extents of the following: -

- all existing landscape and ecological elements and areas which are to be retained; and those to be removed; and the donor locations of those to be translocated.
- all new landscape and ecological elements and areas which are to be planted, seeded, installed, and constructed; and the receptor locations of those to be translocated.

The scheme shall define landscape and ecological proposals which fully integrate the design objectives and recommendations set out in the following submitted documents:

- Preliminary Ecological Appraisal - RSK Biocensus – October 2022 (PEA)
- Water Vole and Otter Survey Report - RSK BioCensus - October 2022
- Breeding Bird Survey Report - RSK BioCensus - September 2022
- Ecological Impact Assessment - RSK BioCensus - November 2022
- National Vegetation Classification Survey of Grassland and 'Important Hedgerow' Assessment - RSK BioCensus - July 2022
- Landscape Strategy [3203 - Rev F] – Turley – January 2023
- Bat Activity Survey Report - RSK BioCensus - December 2022
- Stage 1 and 2 Arboricultural Impact Assessment - Report RSK BioCensus - October 2022
- Preliminary Roost Assessment of Trees - Report RSK BioCensus - September 2022
- Reptile Survey Report - Report RSK BioCensus - October 2022

The scheme shall provide sufficient specification information to fully describe the proposals for all landscape and ecological elements and areas and to demonstrate the potential for effective delivery of the design objectives. The scheme shall be fully implemented as approved.

Reason: To provide a suitable landscaping scheme that will enhance the character and appearance of the development and surrounding landscape, while safeguarding against any unacceptable ecological or biodiversity impacts and delivering a Net Benefit for biodiversity.

Condition 11

No development or site clearance shall take place until a Landscape and Ecological Management Plan (LEMP) has been submitted to and approved in writing by the local planning authority. The LEMP shall include the following: -

- I. Clearly mapped definition of all areas subject to transfer to future private ownership and management responsibility, and those to be maintained and managed as part of the LEMP including a GIS shape file of LEMP boundaries to enable monitoring of ongoing Net Benefit for Biodiversity planning policy objectives.
- II. A report detailing the management objectives for all landscape and ecological elements and areas retained or translocated; and new elements installed, constructed, planted or seeded as part of the Landscape and Ecological Design Scheme (LEDS).

The report shall provide clearly defined proposals and sufficient information to assure effective delivery of the identified objectives, and include, specifically: -

- maintenance and management proposals for the establishment phase (years 1-3 after implementation); and long term (years 4-25 after implementation).
- plans, specifications, schedules, and timescales.
- proposals for monitoring the effectiveness of the delivery of all landscape and ecological objectives (years 1-25 after implementation)
- timescales for monitoring reviews and reactive identification of any remedial operations, rectification of defects, or required changes to maintenance and management operations, and the mechanism for their implementation.
- details of the management agent (body or organisation) responsible for implementation of the LEMP; and the legal and funding mechanism(s) by which delivery of the LEMP will be secured.

The LEMP shall be fully implemented in accordance with the approved details.

Reason: To ensure the future management and monitoring of the landscaping and ecological proposals provided as part of the development and the delivery of a Net Benefit for Biodiversity.

Condition 12

No development shall commence until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority.

The CEMP should include:

- Construction methods: details of materials, how waste generated will be managed;
- General Site Management: details of the construction programme including timetable, details of site clearance; details of site construction drainage, containments areas, appropriately sized buffer zones between storage areas (of spoil, oils, fuels, concrete mixing and washing areas) and any watercourse or surface drain.
- Biodiversity Management: details of tree and hedgerow protection; invasive species management; species and habitats protection, avoidance and mitigation measures.
- Soil Management: details of topsoil strip, storage and amelioration for re-use.
- CEMP Masterplan: details of the extent and phasing of development; location of landscape and environmental resources; design proposals and objectives for integration and mitigation measures.
- Control of Nuisances: details of restrictions to be applied during construction including timing, duration and frequency of works; details of measures to minimise noise and vibration from piling activities, for example acoustic barriers; details of dust control measures; measures to control light spill and the conservation of dark skies.
- Resource Management: details of fuel and chemical storage and containment; details of waste generation and its management; details of water consumption, wastewater and energy use
- Traffic Management: details of site deliveries, plant on site, wheel wash facilities
- Pollution Prevention: demonstrate how relevant Guidelines for Pollution Prevention and best practice will be implemented, including details of emergency spill procedures and incident response plan.
- Details of the persons and bodies responsible for activities associated with the CEMP and emergency contact details
- Landscape/ecological clerk of works to ensure construction compliance with approved plans and environmental regulations.
- Recommendations set out in the Outline Construction Ecological Management Plan - RSK Biocensus - April 2023

The CEMP shall be implemented as approved during the site preparation and construction phases of the development.

Reason: A CEMP should be submitted to ensure necessary management measures are agreed and implemented for the protection of the environment during construction including the protection of Carmarthenshire Bay and Estuaries SAC and the Burry Inlet SPA/RAMSAR.

Condition 13

External lighting schemes for both construction and operational stages of development must be submitted prior to commencement of works. These shall take into account all of the lighting needs and mitigation requirements associated with the development during operational hours and shall be the minimum required to perform the relevant lighting task. They shall be specifically designed to minimise the risk of light spillage beyond the development site boundary and within ecologically sensitive areas (see Guidance Note 8 Bats and Artificial Lighting / Bat Conservation Trust and the Institution of Lighting Professionals, 2018). The schemes shall include:

- A report, prepared by a lighting engineer, setting out the technical details of the luminaires and columns, including their location, type, shape, dimensions and, expected luminance output and specifically explaining what design attributes have been chosen to minimise light pollution.
- A plan illustrating illuminance levels across the development site, at the boundary of the site and spillage beyond the site. The level of illuminance should be appropriate to the character of the surrounding area as a whole.
- The plans should take in account recommendations in the Ecological Impact Assessment - RSK BioCensus - November 2022

Reason: A lighting plan should be submitted to ensure lighting details are agreed prior to installation and to reduce the impacts of lighting in the interest of protected species, and their habitats and commuting corridors.

Condition 14

Prior to, or concurrent with the submission of the first reserved matters application the developer shall:

- a. Undertake a scheme of intrusive site investigations, designed by a competent person and adequate to properly assess the ground conditions on the site and establish the risks posed to the development by past coal mining activity (shallow mining / mine entries);
- b. submit a report of findings arising from the intrusive site investigations and any remedial and / or measures necessary, including the submission of the proposed layout plan which identifies the location of any on-site mine entries (if found present) including appropriate zones of influence for all mine entries, and the definition of suitable 'no-build' zones;
- c. provide a scheme for implementing the remedial works prior to the commencement of development

Reason: To ensure that the development is not adversely impacted by ground instability.

Condition 15

No development shall take place on the application site until the applicant has:

- a. Designed and implemented a scheme for the investigation and recording of contamination on the site (where necessary). The detailed site investigation report (Quantitative Risk Assessment) should aim to provide information to refine and update the conceptual model outlined in the Preliminary Risk Assessment. This

investigation should confirm and evaluate the significance of the identified potential contaminant linkages. All aspects of mine gas risk assessment shall be undertaken by a competent person as defined in the National Planning Policy Framework and conducted in accordance with 'CL:AIRE - Good Practice for Risk Assessment for Coal Mine Gas Emissions; October 2021'. The report shall be prepared in accordance with recognised current best practice, legislation, relevant guidance, documentation, and British Standards. The report shall be submitted to and approved by the Local Planning Authority.

- b. Based on the findings of the site investigation and risk assessment, submit detailed proposals for site remediation and verification (Options Appraisal and Remediation Strategy) giving full details of the remediation measures required and how they are to be undertaken. This will demonstrate how the site will be brought to a condition suitable for the intended use by removing any unacceptable risks posed from contamination. The proposals shall be prepared in accordance with recognised current best practice, legislation, relevant guidance, documentation, and British Standards. The proposals shall be submitted to, and have received in writing the approval of, the Local Planning Authority prior to commencing the works.

Reason: The prevention of pollution of the environment.

Condition 16

Prior to occupation of the proposed 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. If required, it shall also include 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. The long-term monitoring and maintenance plan shall be carried out in accordance with the approved details.

Reason: The prevention of pollution of the environment.

Condition 17

Prior to occupation of the proposed development, a long-term monitoring plan for land contamination shall be submitted and approved in writing by the Local Planning Authority (where necessary). The long-term monitoring plan should include:

- Details of the methods and triggers for action to be undertaken
- Timescales for the long-term monitoring and curtailment mechanisms
- Timescales for submission of monitoring reports to the Local Planning Authority
- Details of any necessary contingency and remedial actions and timescales for actions
- Details confirming that the contingency and remedial actions have been carried out.

The monitoring plan shall be carried out in accordance with the approved details, within the agreed timescales.

Reason: The prevention of pollution of the environment.

Condition 18

If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until a remediation strategy detailing how this unsuspected contamination shall be dealt with has been submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall be carried out as approved.

Reason: To ensure the risks associated with previously unsuspected contamination at the site are dealt with through a remediation strategy, to minimise the risk to both future users of the land and neighbouring land, and to ensure that the development can be carried out safely without unacceptable risks.

Condition 19

Any imported materials must be suitable for use and any materials arising from elsewhere on the development site must be subject to the same requirements as imported materials. Further information can be found in section 4 of the WLGA guidance document "Development of Land Affected by Contamination: A Guide for Developers".

Details of any materials to be imported to site must be provided in writing to (and agreed with) Environmental Protection via the Local Planning Authority prior to importation. The developer should refer to the WLGA guidance document 'Requirements for the Chemical Testing of Imported Materials for Various End Uses and Validation of Cover Systems' (2013), which presents the specific details that need to be submitted. The document outlines the process for ensuring all required information is submitted in a series of step-by-step actions.

Reason: The prevention of pollution of the environment.

Condition 20

Prior to its use by vehicular traffic, a new 'left in left out' access arrangement (not signal controlled) shall be laid out and constructed at the junction with the A484 road, in line with drawing no: C22040-ATP-DR-TP-010. Details and specifications of which shall be submitted for the written approval of the Local Planning Authority prior to the commencement of development.

Reason: In the interests of highway safety.

Condition 21

The existing layby along the westbound carriageway of the A484, located between the site and the Berwick Roundabout, shall be permanently stopped up, in accordance with a scheme to be submitted for the written approval of the Local Planning Authority, prior to beneficial occupation of any dwellings on the site herewith approved.

Reason: In the interests of highway safety.

Condition 22

Visibility Splays of 2.4m by 215m in either direction shall be wholly provided at the junction of the access road with the A484 prior to any part of the development being brought into use, and thereafter shall be retained unobstructed in perpetuity. In particular, no part of the visibility splays, is to be obstructed by non-motorised vehicles.

Reason: In the interests of highway safety.

Condition 23

The vehicular access into the site from the A484 shall at all times be left open, unimpeded by gates or any other barrier.

Reason: In the interests of highway safety.

Condition 24

There shall at no time be any means of pedestrian access to the development from the A484.

Reason: In the interests of highway safety.

Condition 25

Prior to the commencement of development the written approval of the Local Planning Authority shall be obtained for a scheme of parking and turning facilities within the curtilage of the site, and this shall be dedicated to serve the proposal. The approved scheme is to be fully implemented prior to any part of the development being brought into use, and thereafter shall be retained, unobstructed, in perpetuity. In particular, no part of the parking or turning facilities is to be obstructed by non-motorised vehicles.

Reason: In the interests of highway safety.

Condition 26

Before any development is commenced 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.

Reason: In the interests of highway safety.

Condition 27

Prior to beneficial occupation of the development herewith approved the public footpath (36/130) running along the site's northern boundary shall be widened to 3.0 metres, to allow shared usage in accordance with the Active Travel (Wales) Act 2013, with consideration of additional access points to enhance the sustainable accessibility of the site. A scheme implementation strategy shall be submitted at reserved matters for the written approval of the Local Planning Authority.

Reason: To provide for sustainable access and active travel.

Condition 28

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.

Reason: In the interests of highway safety.

Notes / Informatives

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

The proposed development complies with Policies SP1, SP2, SP3, SP5, SP6, SP9, SP14, SP16, SP17, GP1, GP2, GP3, H1, AH1, TR1, TR2, TR3, EQ4, EQ5, EP1, EP2, EP3, EP6 and REC2 of the Carmarthenshire Local Development Plan Adopted 2014 ('the LDP') in that the proposed development is allocated for housing development, is located in a sustainable location, makes provision for affordable housing, education, active travel and Parks/Leisure facilities; would have an acceptable scale and would not have an adverse impact on the character and appearance of the site or area within which it is located. In addition, there are no significant adverse effects to residential amenity, biodiversity, drainage or highway safety.

Note 1

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.

Note 2

Comments and guidance received from consultees relating to this application, including any other permissions or consents required, is available on the Authority's website. (www.carmarthenshire.gov.uk).

Note 3

The Sustainable Drainage Approval Body (SAB) has identified that this project application requires a full SuDS Application because the proposed development has a construction area greater than 100m². Therefore, the development, as required under Schedule 3 of the Flood and Water Management Act 2010, must implement SuDS infrastructure in accordance with Statutory SuDS Standards. As such, a full SuDS application for this development must be submitted for assessment and approved by the Sustainable Drainage Approval Body (SAB) at Carmarthenshire County Council. Further information can be found at www.carmarthenshire.gov.wales/sab.

Please be advised that under Schedule 3 of the Flood and Water Management Act 2010 construction work must not be commenced unless the drainage system for the work has been approved by the SAB.

Note 4

This permission is subject to an Agreement under the provisions of Section 106 of the Town & Country Planning Act 1990 to provide for a minimum of 20% affordable housing on the site; provide a financial contribution of £219,000 for the provision of educational facilities, provide a financial contribution of £77,000 towards the provision of recreation facilities at Tir Einon Park.

Note 5

Any amendment or alteration of an existing public highway in connection with a new development shall be undertaken under a Section 278 Agreement of the Highways Act 1980. It is the responsibility of the developer to request the Local Highway Authority to proceed with this agreement and the developer is advised that the total costs of entering into such an agreement, as well as the costs of undertaking any physical works on site, shall be met by them.

Note 6

It is the responsibility of the developer to contact the Streetworks Manager of the Local Highway Authority to apply for a Streetworks Licence before undertaking any works on an existing Public Highway.

Note 7

Public Right of Way 36/130 abuts the proposed development site. It is a legal requirement not to obstruct or encroach upon the PROW either during construction, or at any time thereafter. During the construction period, care must be taken to ensure the safety of any user of the said Public rights of Way. Further, any alterations to the surface of the footpath will require prior approval from the Local Authority. The Applicant/Developer is

advised to contact the Councils Countryside Access Team if they have any queries in respect of the Public Footpath.

Note 8

The Sustainable Drainage Approval Body (SAB) has identified that this project application requires a full SuDS Application because the proposed development has a construction area greater than 100m². Therefore, the development, as required under Schedule 3 of the Flood and Water Management Act 2010, must implement SuDS infrastructure in accordance with Statutory SuDS Standards. As such, a full SuDS application for this development must be submitted for assessment and approved by the Sustainable Drainage Approval Body (SAB) at Carmarthenshire County Council. Further information can be found at www.carmarthenshire.gov.wales/sab.

Please be advised that under Schedule 3 of the Flood and Water Management Act 2010 construction work must not be commenced unless the drainage system for the work has been approved by the SAB.