

**ADRODDIAD PENNAETH
CYNLLUNIO,
CYFARWYDDIAETH YR
AMGYLCHEDD**

**REPORT OF THE
HEAD OF PLANNING,
DIRECTORATE OF ENVIRONMENT**

**AR GYFER PWYLLGOR CYNLLUNIO
CYNGOR SIR CAERFYRDDIN**

**TO CARMARTHENSHIRE COUNTY
COUNCIL'S PLANNING COMMITTEE**

**AR 10 MEDI 2020
ON 10 SEPTEMBER 2020**

**I'W BENDERFYNU/
FOR DECISION**

***Ardal
Dwyrain/
Area East***



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

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

COMMITTEE:	PLANNING COMMITTEE
DATE:	10 SEPTEMBER 2020
REPORT OF:	HEAD OF PLANNING

INDEX - AREA EAST

REF.	APPLICATIONS RECOMMENDED FOR APPROVAL
E/39892	Proposed development of a Link Road between the proposed Cross Hands Economic Link Road and B4556 Norton Road, associated drainage and landscape works at proposed link road between, Cross Hands Economic Link Road, Norton Road, Penygroes, Llanelli, SA14 7RS

APPLICATIONS RECOMMENDED FOR APPROVAL
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Application No	E/39892
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Application Type	Full Planning
Proposal & Location	PROPOSED DEVELOPMENT OF A LINK ROAD BETWEEN THE PROPOSED CROSS HANDS ECONOMIC LINK ROAD AND B4556 NORTON ROAD, ASSOCIATED DRAINAGE AND LANDSCAPE WORKS AT PROPOSED LINK ROAD BETWEEN, CROSS HANDS ECONOMIC LINK ROAD, NORTON ROAD, PENYGROES, LLANELLI, SA14 7RS

Applicant(s)	JONATHAN FEARN - HEAD OF PROPERTY, ENVIRONMENT DEPARTMENT, CARMARTHENSHIRE COUNTY COUNCIL, PARC DEWI SANT, CARMARTHEN, SA31 3HB
Agent	ASBRI PLANNING LTD -RICHARD BOWEN, SUITE D, 1ST FLOOR, 220 HIGH ST, SWANSEA, SA1 1NW
Case Officer	John Thomas
Ward	Penygroes
Date of validation	03/12/2019

Reason for Committee

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

Site

The application site includes an area of regenerating formerly developed land which formed part of the wider former Emlyn Brickworks and Emlyn Colliery site, the latter accounting for the extensive area of colliery spoil spread across the site and beyond. Geographically, the site lies to the West of Penygroes Square, and to the South of the B4456 Norton Road which itself links Penygroes with Gorslas at the six-ways junction with the A476 Llandeilo Road. The majority of the application site is relatively level, albeit there are areas where the ground levels change abruptly, principally to the East where the application site abuts Norton Road at a location opposite Jerusalem Chapel.

While the surrounding land use is chiefly open former colliery spoil, there are established residential properties opposite, along the Northern side of Norton Road, together with a chapel and operational concrete works. While there is a further row of semi-detached and terraced properties along the Southern side of Norton Road, albeit separated from the current proposed application route. A more recent development comprising Phase 1 of the Parc Emlyn Estate, stands North of the application site, but does not extend to its Eastern extreme. The remaining undeveloped area between Phase 1 of the Parc Emlyn estate and the curved extent of the application site is presently the subject of a pending planning application to construct a second phase of 70 residential units.

While the site is not itself afforded any statutory conservation designation, it does fall within the influence of the Caeau Mynydd Mawr Special Area of Conservation, a notable mobile feature of which is the Marsh Fritillary Butterfly (MFB). The application site falls within the metapopulation habitat area used by the MFB and is highly likely to be ecologically linked with the SAC. The areas of suitable habitat within and surrounding the footprint of the proposed application scheme are therefore considered to be of importance at a European level in terms of their value to the SAC metapopulation.

The unique open mosaic habitat of the site itself is also afforded some statutory protection under the provisions of the Environment Wales Act 2016.

Proposal

The current application stems from the decision to revise the route of the Eastern side road arm of the second phase of Cross Hands Economic Link Road (ELR2), to limit as far as possible the impact of the ELR upon the adjacent site, and pending planning application E/32720 to construct a residential estate of 70 units to the South of Norton Road. ELR2 was granted full planning permission under application reference E/32266, and forms the remaining section of road which would ultimately link the A48(T) dual carriageway from its grade separated interchange (A48 Diamond), with the A476 Llandeilo Road at The Gate junction North of Gorslas.

The Cross Hands Economic ELR was listed as part of the priority Economic Regeneration Infrastructure within the Regional Transport Plan for South Wales, approved by the Welsh Government. Phase 1 of the Cross Hands ELR has been developed as part of an access road to the European Regional Development Fund (ERDF) funded Cross Hands East Strategic Employment Site (SES). Phase 2 of the Cross Hands ELR will run between Black Lion Road and the existing A476 Llandeilo Road, while the Northern most section between Norton Road and the A476 has now been substantially completed. The remaining section South of Norton Road would see the formation of a staggered priority junction at the intersection with Norton Road. The western spur would link to Norton Road directly with limited horizontally and vertically re-alignment. However, the Eastern spur would link to Norton Road by traversing the Parc Emlyn "Mixed Use" development site (allocation GA3/MU2), linking to a proposed roundabout junction adjacent to Jerusalem chapel, approximately 360m east of the main link road. Norton Road would essentially be truncated by the ELR, terminated on its Eastern side by means of a turning head, and would remain open to traffic to provide access to those properties to the Eastern side of the ELR.

It is the Eastern side road arm of the ELR, linking the same to Norton Road, that is the subject of this application, following a more curved route in comparison to the previously approved right-angle alignment. While the dimensions and specifications for the road remain the same, inclusive of two roundabout junctions along its length, the second of which

shown at the new junction onto Norton Road. The current application does now include both a dedicated surface water attenuation pond, together with a proposed unmade car park with a capacity to accommodate 12 no. vehicles. This would serve to replace the existing such parking area opposite Jersusalem Chapel, which will be lost to form the new junction onto Norton Road.

The new single carriageway road (one lane in each direction) would sustain two-way traffic flows on a single carriageway consisting of two 3.65m wide running lanes, with a further 3 metre wide shared footway/cycleway set in the Northern verge, running alongside the entire length of the new road. The verge areas either side, forming the embankment to the road, would be planted and graded accordingly and would be constructed to the requisite DMRB (Design Manual for Roads & Bridges).

The application has been accompanied by the following suite of documents, several of which have been updated since the previous approval of E/32266, to address the relevant ecology, drainage, coal mining legacy, etc, matters associated with, and material to the consideration of the application.

- PAC Report
- Planning Design & Access Statement
- Remedial Strategy to Mitigate Risks from Coal Mining
- Ecological Management Plan
- Ecology Addendum (July 2019)
- Construction Environmental Management Plan;
- Baseline Noise Survey Report
- Written Scheme of Investigation for Archaeological Watching Brief
- Testing Requirements – Earthworks Materials
- Predicted Noise Levels
- Phase 1 Habitat Study

These supporting documents and plans have been scrutinised by the relevant statutory consultees and different council services, as well as being subject to the customary publicity. The application was also the subject of a Pre-application Consultation (PAC), the responses to which are summarised in the above PAC Report.

Given the proximity of the Caeau Mynydd Mawr (CMM) Special Area of Conservation (SAC) to the application site, and the appropriateness of the area for the Marsh Fritillary Butterfly (MFB). The adopted Caeau Mynydd Mawr Supplementary Planning Guidance (CMM SPG) provides a coherent basis for securing mitigation for the development, thereby simplifying the Habitats Regulations Assessment (HRA) process to mitigate for habitat loss and to maintain permeability in the landscape. The applicant has already made a pro-rata payment in accordance with the CMM SPG under planning application E/32266, while a further payment will now be required for the larger application site area, albeit discounted by the amount already paid.

As the site includes an unique open mosaic habitat, distinct to regenerating previously developed sites of the kind found at the former colliery and brickworks site, such a habitat enjoys statutory protection under Section 7 of the Environment Act Wales 2016

The option of paying a commuted sum in lieu of the applicant having to find, secure, and manage a comparable area of habitat in a similar conservation condition has been advanced

in relation to the associated ELR and Phase II of the Parc Emlyn applications (E/32266 and E/32720 respectively).

The provision of this new section of road linking the ELR to Norton Road to the East is crucial to the overall road scheme and the delivery of the economic and regeneration benefits envisaged. The A476 is a regionally strategic route linking the towns of Llandeilo, Llandovery and others beyond with the Trans-European A48/M4 at Cross Hands. The existing local road network around the proposed ELR consists of part of the A476 Llandeilo Road between Gorslas and Cross Hands, and part of the local distributor roads of Black Lion Road, B4556 Penygroes Road/Norton Road and B4297 Gate Road. All three local roads join the A476 Llandeilo Road with simple priority junctions with the Black Lion Road and B4556 Penygroes Road/Norton Road junctions forming part of the locally known Gorslas Square “six-ways” junction. The ELR would improve road safety with the new improved road infrastructure, particularly at the Gorslas “six ways” junction and at the A48 Cross Hands roundabout with a significant proportion of the strategic traffic being diverted away from these junctions onto the new link to join the A48 at the Cross Hands Business Park grade separated interchange (A48 Diamond) junction.

In addition to the highway safety benefits, the ELR will relieve congestion and so improve journey time reliability through the A48 Cross Hands roundabout and the A476 Gorslas “six-ways” Junction.

Planning Site History

The following previous applications have been received on the application site and adjacent land:

E/36365	Discharge Of Condition 3 On E/32266 (Surface Water Attenuation Ponds) - Discharge of Planning Condition Granted 04/01/2018
E/36364	Discharge Of Condition 20 On E/32266 (Scheme To Eradicate And Prevent The Spread Of Invasive Species) - Discharge of Planning Condition Granted 04/01/2018
E/36363	Discharge Of Condition 19 On E/32266 (Intrusive Site Investigations) - Discharge of Planning Condition Granted 04/01/2018
E/36362	Discharge Of Condition 17 On E/32266 (Long-Term Environmental Management Plan For Door Mice) - Discharge of Planning Condition Granted 04/01/2018
E/36361	Discharge Of Condition 16 On E/32266 (Method Statement) - Discharge of Planning Condition Granted 11/12/2017
E/36360	Discharge Of Condition 15 On E/32266 (Scheme Of Investigation) - Discharge of Planning Condition Granted 04/01/2018
E/36359	Discharge Of Condition 14 On E/32266 (Programme Of Archaeological Work) - Discharge of Planning Condition Granted 24/11/2017

E/36358	Discharge Of Condition 13 On E/32266 (Tree Protection Plan) - Discharge of Planning Condition Granted 04/01/2018
E/36357	Discharge Of Condition 9 On E/32266 (Geoenvironmental Testing And Contamination Assessment) - Discharge of Planning Condition Granted 04/01/2018
E/36356	Discharge Of Condition 7 And 8 On E/32266 (Construction Environmental Management Plan, Waste Management Plan) - Discharge of Planning Condition Granted 09/01/2018
E/36355	Discharge Of Condition 6 On E/32266 (Ecological Clerk Of Works Has Been Appointed) - Discharge of Planning Condition Granted 24/11/2017
E/36354	Discharge Of Condition 4,5 And 18 On E/32266 (Ecological Management Plan, Environmental Masterplan, Monitoring Scheme For Protected Species) - Discharge of Planning Condition Granted 04/01/2018
E/32266	Proposed Development Of Phase 2 Of The Cross Hands Economic Link Road Between The East Strategic Employment Site And The A476 Llandeilo Road With Junctions To Black Lion Road, Norton Road And Llandeilo Road, Associated Drainage And Landscaping Works Together With The Demolition Of 2 Properties With Associated Garages At 99 And 101 Norton Road, Penygroes - Pending
E/32720	Residential Development of 70 No Domestic Units Pending
E/29521	Proposed Minor Amendments to Plots 4, 5, 6, 7 and 8 of Phase 1, Parc Emlyn Full Granted 17/04/2014
E/26842	Creation of New Vehicular and Pedestrian Access Off Norton Road, Penygroes, Together with Construction of 9 X 3 Bedroom Bungalows, including Associated Area of Landscaped Open Space Full Granted 01/03/2013 S106 Signed - Marsh Fritillary Butterfly
E/23536	Variation of Condition No 1 Imposed on Planning Permission E/16745 Granted on 22.08.07 as follows: "Application for Approval of the Outstanding Reserved Matters must be made to the Local Planning Authority before 20 October 2013 and the Development must be Commenced not later than whichever is the later of the following: (A) the Expiration of 5 Years from the Date of Permission; (B) the Expiration of 2 Years from the date of approval of the last of the Reserved Matters to be Approved" Variation of Planning Condition Granted 20/10/2010
E/23535	Variation of Condition No 1 Imposed on Planning Permission E/16744 Granted on 22.08.07 as follows: "Application for approval of the following Reserved Matters: Design; External Appearance; for Phase 2 and 3 must be made to the Local Planning Authority before 20 October 2013 and the Development of these Phases must be commenced not later than whichever is the later of the following: (A) the expiration of 5 Years from the date of permission; (B) the

expiration of 2 Years from the date of approval of the last of the Reserved Matters to be approved"

Variation of Planning Condition Granted 20/10/2010

- E/21059 Section 73 Planning Application for the Variation of Condition No 1 of Reserved Matters Approval GW/04743 to extend timescale for Commencement of Development
Variation of Planning Condition Granted 30/06/2009
- E/16745 Mixed Use Redevelopment Including Residential Units (Number to be Determined at Reserved Matters Stage): Section 73 Application Permission Ref GW/04742 - Seeking a Further Period of 3 Years from the date of a Renewed Permission to Submit Reserved Matters (Site Ref D)
Variation of Planning Condition Granted - Delegated 22/08/2007
- E/16744 Mixed Use Redevelopment including Residential, Health, Commercial and Retail Developments: Section 73 Application Permission Ref GW/04746 - Seeking a further Period of 3 Years from the date of a Renewed Permission to Submit Reserved Matters (Site Ref C)
Variation of Planning Condition Granted - Delegated 22/08/2007
- E/02799 It is Proposed to Erect 2 Spans of 11,000 Volt Overhead Line - Overhead Line Approval 20/09/2001
- E/02150 Industrial, Warehousing, Commercial and Residential Development (Class B1, B8, A2 and C3 of the Town & Country Planning (Use Classes) Order 1987) Including the Erection of Buildings, Creation of Amenity Open Space, Re-profiling the Levels of the Site, and Associated Building, Engineering and other Operations
Outline Granted 21/08/2000
- GW/04746 Section 73 Application to Extend the Time Period for the Submission of the Remaining Reserved Matters for Phase 2 and 3 (Design and External Appearance)
Full Granted 24/09/2004
- GW/04745 Details of Landscaping (Reserved Matters Application to Outline Application E/02150 Approved 21.08.00)
Reserved Matters Approval 24/09/2004
- GW/04744 Details of Access (Reserved Matters Application to Outline Application E/02150 Approved 21.08.00)
Reserved Matters Approval 24/09/2004
- GW/04743 Details for Phase 1 of Development and Siting for Phase 2 and 3 (Reserved Matters Application to Outline Application E/02150 Approved 21.08.00)
Reserved Matters Approval 24/09/2004
- GW/04742 Mixed Use Redevelopment Comprising Residential Units (Bungalows X5); New Access to North Road; Retirement Homes (In Association with Development of Adjoining Land); and Associated Engineering Works
Outline Granted 18/11/2004

E/02415	Dwelling (Renewal of E/00719) Outline Granted 23-11-2000
E/09526	Proposed Bungalow Outline Refused 29/04/2005
E/00719	Dwelling Outline Granted 24/10/1997
P6/253/95	Bungalow Full Granted 29/06/1995
P6/15606/89	Brickmaking. Clay Extraction Full Granted 23/11/1989
P6/11064/85	Importing Tip Waste Refused 04/04/1986
P6/11063/85	Light Industrial Buildings Refused 08/05/1986
P6/7743/81	Removal of Refuse Tip and Reinstatement Full Granted 07/01/1982
P6/7710/81	Proposed 10 Bungalows Withdrawn 06/01/1983
P6/5178/79	Removal of Refuse Tip Full Granted 27/11/1980

Planning Policy

[Carmarthenshire Local Development Plan](#) (Adopted December 2014) ('the LDP')

SP1	Sustainable Places and Spaces
SP2	Climate Change
SP3	Sustainable Distribution – Settlement Framework
SP9	Transportation
SP13	Protection and Enhancement of the Built and Historic Environment
SP14	Protection and Enhancement of the Natural Environment
GP1	Sustainability and High Quality Design
TR2	Location of Development – Transport Considerations
TR3	Highways in Developments- Design Considerations
SP14	Protection and Enhancement of the Natural Environment
SP16	Community Facilities
SP18	The Welsh Language
EQ4	Biodiversity
EQ5	Corridors, Networks and Features of Distinctiveness
EQ7	Development within the Caeau Mynydd Mawr SPG Area
EP1	Water Quality and Resources
EP2	Pollution

[Carmarthenshire Supplementary Planning Guidance](#)

National Planning Policy and Guidance is provided in [Planning Policy Wales](#) (PPW) Edition 10, December 2018 and associated [Technical Advice Notes](#) (TANs) published by Welsh Government.

Summary of Consultation Responses

Head of Transportation & Highways - No observations.

Trunk Roads Agency (WG) – No direction issued

Head of Public Protection – No objection, subject to the imposition of conditions

Llandybie Community Council - No observations to make.

Local Member(s) - Councillor D Thomas is a Member of Planning Committee and has made no prior comment.

Dwr Cymru/Welsh Water – No objection.

Natural Resources Wales – No objection, subject to the imposition of appropriate conditions.

The Coal Authority – No objections

SAB Team – No objection, subject the imposition of a condition(s)

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

Summary of Public Representations

The application was been publicised by means of a public notice in the local press and the display of a series of site notices in the vicinity of the planning application site. In addition to which, as the application site includes both third party land, and an area of unregistered land, a revised Certificate C has been completed and the requisite public notice displayed in two newspapers circulated locally, as well as revised notices served on certain further interested parties. In response to which, one letter of objection on behalf of the adjacent owner/developer has been received objecting to the proposed development on the following grounds:-

- Failure to properly notify all those with an interest in the land of the planning application;
- The proposal conflicts with the adjacent planning application for 70 residential units;
- No details of boundary treatment with adjacent private land;

- No details as to the likely impact of noise from the proposed road, or proposed mitigation measures to address such impacts.

APPRAISAL

Failure to properly notify all those with an interest in the land

Following the identification of an area of unregistered land within part of the overall application site, the agent has both submitted a revised “Certificate of Ownership” Certificate C, as well as placed a public notice in two local newspapers and served revised requisite notices on certain third parties with a possible interest in the application site. This shows that not only was the original applicant and owner of the adjacent application site for a proposed 70 residential unit development served with the “Requisite Notice” on the 18th November 2019 but the succeeding applicant has also now been served. In the absence of evidence to the contrary, the local planning authority is obliged to accept the information provided on the application form, both initially and subsequently as amended, as being correct. In the event that at any later date the claimed discrepancy is found to be upheld, this would have clear implications as to the implementation of any permission granted, but would not necessarily detract from the planning merits of the proposal.

The proposal conflicts with the adjacent planning application for 70 residential units

The present proposed road alignment is distinctly different to that previously approved under planning application E/32266, which followed a route that dissected the adjacent pending application site (E/32720) for a proposed 70 residential unit development. The current proposal shows a route that skirts the southern boundary of the adjacent 70 unit development, albeit the northern embankment encroaches into the proposed back gardens of a number of the application properties, and a small number of buildings. This is to a far lesser extent than that approved under E/32266, which the applicant/landowner would need to be compensated for through any land acquisition. For the purposes of this application it is assumed that the proposed road scheme is possible within the application site boundary.

No details of boundary treatment with adjacent private land

Although no such details are provided as part of the application submission, there is an expectation that some form of boundary demarcation and stock proof is provided. As is customary in such situations, such a requirement is secured by means of a pre-commencement condition which is included in the recommendation on this application.

No details as to the likely impact of noise from the proposed road, or proposed mitigation measures to address such impacts are provided

The future noise environment for the application site and surrounding areas has already been set by the approval of E/32266, which cut-through the middle of the adjacent pending planning application site for 70 residential units. As that permission did not include, or sought to secure any noise levels or mitigation measures, the present proposed realignment seeks to move the road further away to further lessen any possible noise impacts. By the same token, given that the developer and any prospective occupiers of the adjacent development site will be aware of the existence of the ELR, there is likewise no proposed noise attenuation or mitigation proposed as part of that application.

In the context of the initial wider ELR route appraisal the potential impact of the road scheme upon the amenity of those nearest affected properties along its entire route was considered as part of the options appraisal. The chosen route follows the course of least impact, albeit given the linear form of development along those existing roads affected, there would inevitably be some impacts which it is hoped would be ameliorated by the reassignment of traffic.

Planning Obligations

The applicant has previously paid a contribution in-line with the provisions of the Caeau Mynydd Mawr SPG, to mitigate for the impacts of the wider Economic Link Road (ELR) on the Marsh Fritillary Butterfly, a mobile feature of the nearby Special Area of Conservation (SAC). Also, a commuted sum payment in lieu of the applicant having to find, secure, and manage a comparable area of open mosaic habitat was secured under previous planning permission E/32266. The option of making a similar payment for any increased application site area pro rata has been advanced as part of this application. As with the previous application, such a payment would need to be made before the release of any planning permission for this application.

Well-being of Future Generations (Wales) Act 2015

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

Conclusion

After careful consideration of the present planning application as submitted, bearing in mind the fact that a similar, albeit differently aligned link arm to the ELR has previously been approved in close proximity to the present application site. On balance, that the present proposal represents an appreciably better and less intrusive proposal than that already approved. The re-aligned link road to the ELR improve road safety and lower exhaust emissions by relieving congestion, shortening journey times, while providing for an infinitely simpler access/egress to the Cross Hands Strategic Employment Site (SES) and business park. Any perceived adverse impact from the re-aligned section of road would be less than that previously approved and implemented in part, while further benefits are now sought as part of the planning application.

It is therefore recommended that planning permission be granted subject to the following planning conditions and the applicant paying the balance of any in lieu ecological conservation contributions, and the completion of an appropriate assessment of the project.

RECOMMENDATION – APPROVAL

CONDITIONS

- 1 The development hereby permitted shall be commenced before the expiration of five years from the date of this permission.
- 2 The approved development relates to the following plans and documents and works should be carried out strictly in accordance with them unless amended by any conditions below:
 - Location Plan 1:2,000 scale (Drawing No. PEL-01 Rev. B) received 19-11-2019;
 - Planning History Plan 1:2,000 scale (Drawing No. PEL-01A) received 19-11-2019;
 - Topographical Survey Plan 1:500 scale (Drawing No. PEL-02 Rev. A) received 19-11-2019;
 - General Arrangement Plan 1:500 scale (Drawing No. PEL-03 Rev. A) received 19-11-2019;
 - Longitudinal Sections Plan 1:500 (horiz.) and 1:100 (vert.) scale (Drawing No. PEL-04) received 19-11-2019;
 - Typical Construction Details Plan 1:50 and 1:1,000 scale (Drawing No. PEL-05 Rev. A) received 19-11-2019;
 - Cross Sections Plans (1 of 2) 1: scale (Drawing No. PEL-06B Rev. A) received 19-11-2019;
 - Cross Sections Plans (2 of 2) 1: scale (Drawing No. PEL-06B Rev. A) received 19-11-2019;
 - Drainage Strategy Plan 1:1,000 & 1:100 scales (Drawing No. PEL-07 Rev. A) received 19-11-2019;
 - Landscape Strategy Plan 1:1,000 scale (Drawing No. PEL-08 Rev. A) received 19-11-2019;
 - Fig. 8.4 Phase 1 Habitat Survey Plan 1:10,000 scale received 19-11-2019;
 - Remedial Strategy to Mitigate Risks from Coal Mining – Earth Science Partnership (December 2017) received 22-11-2019;
 - Ecological Management Plan - Pryce Consulting Ecologists (December 2017) received 19-11-2019;
 - Ecology Addendum by (July 2019) received 19-11-2019;
 - Construction Environmental Management Plan (CEMP) by Griffiths/Eco Vigour dated 20-10-2017) received 19-11-2019;
 - Baseline Noise Survey Report (August 2016) by WSP/Parsons Brinckerhoff received 19-11-2019;
 - Written Scheme of Investigation for Archaeological Watching Brief - received 19-11-2019;
 - Requirements for Acceptability and Testing – Earthworks Materials received 19-11-2019;
 - Appendix 5.2 Predicted Noise Levels received 19-11-2019;
 - Specification Appendices received 19-11-2019;
 - Material Testing Schedule (Quantum) received 19-11-2019;
 - Scope of Work (Quantum) received 19-11-2019;
 - Specification of Highway Works received 19-11-2019.
- 3 No development hereby granted shall commence until an ecological clerk of works has been appointed in consultation with the relevant planning authority. The ecological clerk of works shall be a suitably qualified environmental professional and

shall be retained throughout the duration of civil construction works on site to advise on minimizing ecological effects of the construction activities.

- 4 No development approved by this permission shall be commenced until an updated Construction Environmental Management Plan (CEMP) detailing all necessary pollution prevention measures and ecological mitigation measures for the construction phase of the development is submitted to and approved in writing by the Local Planning Authority.

The updated CEMP shall then be fully implemented as approved.

- 5 No development approved by this permission shall be commenced until a Waste Management Plan for the control, management, storage and disposal of demolition waste/excavated material has been submitted to and approved in writing by the Local Planning Authority.

- 6 No development shall commencement until an assessment of the nature and extent of contamination affecting the application site area (Reference - Location Plan 1:2000 scale (Drawing No. PEL-01 Rev. B) has been submitted to and approved in writing by the local planning authority. This assessment must be carried out by or under the direction of a suitably qualified competent person *in accordance with BS10175 (2011) *Investigation of Potentially Contaminated Sites Code of Practice* and shall assess any contamination on the site, whether or not it originates on the site :-

- (i). A preliminary risk assessment which has identified:
 - all previous uses
 - potential contaminants associated with those uses
 - a conceptual site model (CSM) which identifies and assesses all identified potential source, pathway and receptor linkages
 - potentially unacceptable risks arising from contamination at the site.
- (ii) An intrusive site investigation, based on (i) to provide information for a detailed assessment of the risk to all identified receptors that may be affected, including those off site.
- (iii) An assessment of the potential risks shall include:
 - human health,
 - groundwater and surface waters
 - adjoining land,
 - property (existing or proposed) including buildings, crops, livestock, pets,
 - woodland and service lines and pipes,
 - ecological systems,
 - archaeological sites and ancient monuments; and
 - any other receptors identified at (i)
- (iv) The site investigation results and the detailed risk assessment (ii) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
- (v) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (iv) are complete and identifying any

requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

All work and submissions carried out for the purposes of this condition must be conducted in accordance with Welsh Local Government Association and the Environment Agency Wales' *'Development of Land Affected by Contamination: A guide for Developers'* (2012)

Any changes to these components require the express consent of the local planning authority. The scheme shall be implemented as approved.

- 7 Prior to the first use of any part of the development hereby approved, 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.
- 8 Reports on monitoring, maintenance and any contingency action carried out in accordance with a long-term monitoring and maintenance plan shall be submitted to the local planning authority as set out in that plan. On completion of the monitoring program a final report demonstrating that all long- term site remediation criteria have been met and documenting the decision to cease monitoring shall be submitted to and approved in writing by the local planning authority.
- 9 In the event that, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.
- 10 No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority.
- 11 Any aggregate (other than virgin quarry stone) or recycled aggregate material, and/or topsoil/subsoil (natural or manufactured) to be imported shall be assessed for chemical or other potential contaminants in accordance with a scheme of investigation which shall be submitted to and approved in writing by the local planning authority in advance of its importation. Only material approved by the local planning authority shall be imported. All measures specified in the approved scheme shall be undertaken in accordance with the Welsh Local Government Association guidance *'Requirements for the Chemical Testing of Imported Materials for Various End Uses'*. Subject to approval of the above, sampling of the material received at the development site to verify that the imported aggregate/soil is free from contamination shall be undertaken in accordance with the approved scheme.

- 12 The vegetation clearance work shall only be carried out outside of the bird nesting season and in strict accordance with the sensitive clearance strategy detailed within the Cross Hands Economic Link Road, Parc Emlyn, Penygoes: Ecology Addendum (2019).
- 13 No development hereby granted shall commence (including any ground works or site clearance) until details of a scheme to eradicate and prevent the spread of invasive species has been submitted to and approved in writing by the local planning authority. The scheme shall then be implemented in accordance with the approved scheme.
- 14 No development shall take place until a Landscape Design Scheme (LDS) has been submitted to and approved in writing by the local planning authority. The approved LDS shall be fully implemented in the first available planting and seeding seasons following commencement of development. Any new landscape elements constructed, planted or seeded; or existing landscape elements retained; in accordance with the approved LDS which, within the first 5 years of the approved development, are removed; die; become diseased; damaged or otherwise defective shall be replaced in the next planting or seeding season with replacement elements of similar size and specification.
- 15 No development shall take place until a qualified and competent archaeologist has submitted a specification for approval in writing by the local planning authority. This specification will describe the different stages of the work and demonstrate that it has been fully resourced and given adequate time. On behalf of the local planning authority, their archaeological advisors (DAT DM) will monitor all aspects of this work through to the final discharging of the condition.

This work will not be deemed complete until all aspects of the specification have been addressed and the final report submitted and approved.

- 16 Notwithstanding the details provided to date, no development shall commence until such time as full details in the form of supporting calculations as to the design and capacity of the proposed surface water drainage system and attenuation pond, inclusive of the discharge rate, have been provided to, and approved in writing by the local planning authority.
- 17 No development hereby granted shall commence (including any ground works or site clearance) until a survey of the site and immediate surrounding area is undertaken by a suitably qualified ecologist to confirm the presence or likely absence of badgers, has first been submitted to, and approved in writing by the local planning authority. The survey report shall include ecological mitigation measures, as appropriate, based on the ecological assessment findings. The scheme shall then be implemented in accordance with the approved scheme.
- 18 No development shall commence until there has been submitted to, and approved in writing by the local planning authority, a details of all boundary treatment (including any retaining structures) to be erected. The boundary treatments and retaining structures shall be completed in accordance with the approved details and plan, and implemented prior to the first use of the road hereby approved or in accordance with a timetable which shall first be submitted to and approved in writing by the local

planning authority. The boundary treatments shall thereafter be retained as approved in perpetuity.

- 19 No development shall commence until a long-term Management Plan to ensure the favourable management of habitats for dormice within the application site and adjacent land owned by the applicant shall be agreed in writing with the Local Planning Authority. The plan shall include, but not exclusively, a description of habitats to be managed and their desired condition; the nature of management operations required to both deliver and subsequently maintain the desired condition; appropriate scheduling and timing of activities; proposals for on-going review of management and remedial action where problems are identified by the dormouse monitoring scheme. The scheme shall then be implemented as agreed.

REASONS

- 1 Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.
- 2 In the interests of visual amenity and for the avoidance of doubt.
- 3 In the interests of environmental protection and the implementation of the specified mitigation works.
- 4 To ensure an appropriate level of environmental protection.
- 5-9 To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors
- 10 To protect historic environment interests whilst enabling development.
- 11 To ensure an appropriate level of environmental protection.
- 12 In the interests of environmental protection and the implementation of the specified mitigation works.
- 13 To eradicate and prevent the spread of any invasive plant species.
- 14 To ensure that the development enhances the character and appearance of the site and ensures the use of good quality hard and soft landscaping and embraces opportunities to enhance biodiversity and ecological connectivity.
- 15 To protect historic environment interests whilst enabling development.
- 16 To ensure the proposed development is served by an adequate means of surface water drainage system to prevent any surface water flooding.
- 17 In the interests of environmental protection and the implementation of the specified mitigation works.

- 18 To satisfactorily protect the character and appearance of the area and the residential amenities of nearby occupiers.
- 19 In the interests of environmental protection and the implementation of the specified mitigation works.

NOTES

- 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.

- 2 The planning permission hereby granted has secured the payment of £ towards off-site Marsh Fritillary Butterfly habitat creation and management, in accordance with the provisions of the Caeau Mynydd Mawr Supplementary Planning Guidance. A further financial payment of £ has also been received to enable the local planning authority to secure and manage an equivalent area of open mosaic habitat for nesting birds, in compliance with Carmarthenshire LDP policy EQ4 Biodiversity and the provisions of the Environment Act (Wales) 2016.

- 3 **Warning: a European protected species (EPS) Licence is required for this development.**

This planning permission does not provide consent to undertake works that require an EPS licence.

It is an offence to deliberately capture, kill or disturb EPS or to recklessly damage or destroy their breeding sites or resting places. If found guilty of any offences, you could be sent to prison for up to 6 months and/or receive an unlimited fine. To undertake the works within the law, you can obtain further information on the need for a licence from Natural Resources Wales on 0300 065 3000 or at <https://naturalresources.wales/conservation-biodiversity-and-wildlife/european-protected-species/?lang=en>