

# Document Pack



Mark James LLM, DPA, DCA  
Prif Weithredwr,  
*Chief Executive*,  
Neuadd y Sir, Caerfyrddin. SA31 1JP  
County Hall, Carmarthen. SA31 1JP

**TUESDAY, 26<sup>TH</sup> MARCH, 2019**

**TO: ALL MEMBERS OF THE EXECUTIVE BOARD**

I HEREBY SUMMON YOU TO ATTEND A MEETING OF THE **EXECUTIVE BOARD** WHICH WILL BE HELD IN THE **CHAMBER, COUNTY HALL, CARMARTHEN AT 10.00 A.M. ON MONDAY, 1ST APRIL, 2019** FOR THE TRANSACTION OF THE BUSINESS OUTLINED ON THE ATTACHED AGENDA

*Mark James* CBE

**CHIEF EXECUTIVE**



PLEASE RECYCLE

<b>Democratic Officer:</b>	<b>Michelle Evans Thomas</b>
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<b>Ref:</b>	<b>AD016-001</b>

# EXECUTIVE BOARD

## MEMBERSHIP - 10 MEMBERS

<b>Councillor</b>	<b>Portfolio</b>
<b>Councillor Emlyn Dole</b>	<b>Leader</b> Corporate Leadership and Strategy; Chair of Executive Board; Represents Council at WLGA; Economic Development Represents the Council on the Swansea Bay City Region; Collaboration; Marketing and Media; Appoints Executive Board Members; Determines EBM Portfolios; Liaises with Chief Executive; Public Service Board
<b>Councillor Mair Stephens</b>	<b>Deputy Leader</b> Council Business Manager; Human Resources; Performance Management; Wales Audit; Training; I.C.T.; T.I.C. (Transformation, Innovation and Change); Strategic Planning
<b>Councillor Cefin Campbell</b>	<b>Communities and Rural Affairs</b> Rural Affairs and Community Engagement; Community Safety; Police; Counter-Terrorism and Security Act 2015; Tackling Poverty; Wellbeing of Future Generations; Third Sector Liaison ;Equalities
<b>Councillor Glynog Davies</b>	<b>Education and Children</b> Schools; Children's Services; Special Education Needs; Safeguarding; Respite Homes; Regional Integrated School; Improvement Service; Adult Community Learning; Youth Services; School Catering Services, Lead Member for Children and Young People; Youth Ambassador
<b>Councillor Hazel Evans</b>	<b>Environment</b> Refuse; Street Cleansing; Highways and Transport Services; Grounds Maintenance; Building Services; Caretaking; Building Cleaning; Emergency Planning; Flooding
<b>Councillor Linda Evans</b>	<b>Housing</b> Housing – Public; Housing – Private, Ageing Well
<b>Councillor Peter Hughes Griffiths</b>	<b>Culture, Sport and Tourism</b> Town and Community Councils Ambassador; Development of the Welsh Language; Theatres; Sports; Leisure Centres; Museums; Libraries; Country Parks; Tourism.
<b>Councillor Philip Hughes</b>	<b>Public Protection</b> Trading Standards; Environmental Health. Environmental Enforcement; Planning enforcement; Unlicensed Waste; Parking Services; Bio diversity
<b>Councillor David Jenkins</b>	<b>Resources</b> Finance & Budget; Corporate Efficiencies; Property/Asset Management; Procurement; Housing Benefits; Revenues; Statutory Services (Coroners, Registrars, Electoral, Lord Lieutenancy); Armed Forces Champion Contact Centres and Customer Service Centres
<b>Councillor Jane Tremlett</b>	<b>Social Care &amp; Health</b> Adult Social Services; Residential Care; Home Care; Learning Disabilities; Mental Health; NHS Liaison/Collaboration/ Integration; Care Home Catering Services, Carers' Champion; Dementia Care Champion; Disability Ambassador

# AGENDA

1. APOLOGIES FOR ABSENCE.
2. DECLARATIONS OF PERSONAL INTEREST.
3. TO SIGN AS A CORRECT RECORD THE MINUTES OF THE MEETING OF THE EXECUTIVE BOARD HELD ON THE 4TH MARCH, 2019. 5 - 10
4. QUESTIONS ON NOTICE BY MEMBERS
5. PUBLIC QUESTIONS ON NOTICE
6. REVENUE BUDGET MONITORING REPORT. 11 - 34
7. CAPITAL PROGRAMME 2018-19 UPDATE. 35 - 42
8. PURCHASE OF ADDITIONAL LEAVE. 43 - 54
9. SUPPLEMENTARY PLANNING GUIDANCE WIND AND SOLAR ENERGY AND DRAFT HIGHWAYS DESIGN GUIDE - ADOPTED CARMARTHENSHIRE LOCAL DEVELOPMENT PLAN. 55 - 190
10. DATA PROTECTION POLICY. 191 - 206
11. RECORDS MANAGEMENT POLICY. 207 - 224
12. COMMUNITY COUNCIL LED LIGHTING PROPOSAL. 225 - 230
13. PUBLIC SERVICES OMBUDSMAN FOR WALES ANNUAL LETTER FOR 2017/18. 231 - 242
14. APPOINTMENT OF L.A. GOVERNOR. 243 - 248
15. ANY OTHER ITEMS OF BUSINESS THAT BY REASONS OF SPECIAL CIRCUMSTANCES THE CHAIR DECIDES SHOULD BE CONSIDERED AS A MATTER OF URGENCY PURSUANT TO SECTION 100B(4)(B) OF THE LOCAL GOVERNMENT ACT, 1972.

*NB: Reports are only printed in black and white to reduce costs. All reports however are available on-line so that members of the Committee / County Council and the public can view photographs/graphs in colour*

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## EXECUTIVE BOARD

Monday, 4 March 2019

**PRESENT:** Councillor E. Dole (Chair)

**Councillors:**

C.A. Campbell, H.A.L. Evans, L.D. Evans, G. Davies, P.M. Hughes, P. Hughes-Griffiths, D.M. Jenkins, L.M. Stephens and J. Tremlett

**Also in attendance:**

Councillor D.M Cundy and J James

**The following Officers were in attendance:**

M. James, Chief Executive  
C. Moore, Director of Corporate Services  
J. Morgan, Director of Community Services  
G. Morgans, Director of Education & Children's Services  
R. Mullen, Director of Environment  
W. Walters, Director of Regeneration & Policy  
L.R. Jones, Head of Administration and Law  
J. Morgan, Head of Homes & Safer Communities  
J. Jones, Property Maintenance Manager  
S Burford, Project Manager  
L. Jenkins, Democratic Services Officer

**Chamber, - County Hall, Carmarthen. SA31 1JP. 10.00 - 11.15 am**

**1. APOLOGIES FOR ABSENCE.**

There were no apologies for absence.

**2. DECLARATIONS OF PERSONAL INTEREST.**

Councillor	Minute Number	Nature of Interest
P.M.Hughes	10 – Business rates – High Street and Retail Rates Relief Scheme 2019/20	Interests in the retail trade.

**3. TO SIGN AS A CORRECT RECORD THE MINUTES OF THE MEETING OF THE EXECUTIVE BOARD HELD ON THE 4TH FEBRUARY 2019**

**UNANIMOUSLY RESOLVED** that the minutes of the meeting of the Executive Board held on the 4<sup>th</sup> February 2019 be signed as a correct record.

**4. QUESTIONS ON NOTICE BY MEMBERS**

The Chair advised that no questions on notice had been submitted by members.

**5. PUBLIC QUESTIONS ON NOTICE**

The Chair advised that no public questions had been received.

## **6. LLANELLI WELLNESS AND LIFE SCIENCE VILLAGE**

The Executive Board received a report providing an update on the developments of the Llanelli Wellness and Life Science Village and the present situation. The Executive Board were reminded of their decision on the 3<sup>rd</sup> of December 2018 to request that an independent legal review on the Governance and Public Procurement arrangements of the project be carried out, to approve the business case, and for it to be forwarded to the UK and Welsh Government, and that alternative delivery methods be considered. The appended reports under consideration were a result of the Governance and Public Procurement Review and a review of the project requested by Council from the Welsh Audit Office.

The Executive Board were pleased that the reports noted that appropriate processes and arrangements were followed and that the Council acted in accordance with regulations. Concerns were expressed over the negativity relating to the project, however the Executive Board were hopeful that the publication of both reports would go some way to alleviating this.

It was noted that the project provided significant opportunities for partnership working and that all available options should be considered.

### **UNANIMOUSLY RESOLVED:-**

- 6.1 That the update on the development of the City Deal 5 case business plan for the Village be received**
- 6.2 That the findings of the independent legal review undertaken on the procurement and governance of the project, both pre and post Collaboration Agreement be received**
- 6.3 To receive the findings of the Wales Audit Office Review which assessed the Authority's management of process, risk and governance and the protection of public money**
- 6.4 To receive the update on the wider City Deal Programme reviews being carried out namely the Joint Government and cross Authority internal reviews.**
- 6.5 To receive the update on the specialist design development and business planning work commissioned to develop phase one of the Village.**
- 6.6 To formally resubmit following Executive Board decision the Full 5 Case Business Plan to the City Deal Joint Committee.**
- 6.7 To share the Legal and Wales Audit Office findings with**
  - All Members of the Council**
  - The Local Authority Leaders of the City Deal Joint Committee**
- 6.8 That the Chief Executive, in consultation with the Leader, along with the Director of Corporate Services be given delegated Authority:**
  - To progress discussions in order to agree and finalise suitable partnership agreements to ensure robust delivery of the project and delivery of its anticipated outcomes and to continue to work with current external lawyers to provide the required legal advice**

- **To re visit the 5 case application in line with the conclusions from the above and bring back to Executive Board for approval**
- **Following Executive Board approval to resubmit the business case to the City Deal Joint Committee**

## **7. ENVIRONMENTAL & PUBLIC PROTECTION SCRUTINY COMMITTEE TASK & FINISH GROUP FINAL REPORT 2017/18**

The Executive Board considered the final report from the Environmental and Public Protection Scrutiny Committee Task and Finish Group. Following a request from Executive Board Members for additional information to be included, the Chair agreed to refer the report back to the Task and Finish Group. The revised report provided further clarification and information on non-native invasive weeds, drainage, late cut verges, monitoring of the progress of recommendations as well as Appendices C, D and E as presented in the report.

The Executive Board thanked the Committee, Officers and the Chair for their work on the report. Appended to the report was an Advice Note and Guidance for Landowners, the Executive Board welcomed the documents and supported the intention to circulate the documents to Town and Community Councils.

**UNANIMOUSLY RESOLVED THAT THE ENVIRONMENTAL & PUBLIC PROTECTION SCRUTINY COMMITTEE TASK & FINISH GROUP FINAL REPORT 2017/18 AND THE RECOMMENDATIONS CONTAINED THEREIN BE ENDORSED**

## **8. OUR APPROACH TO TENANT INVOLVEMENT**

The Executive Board considered a report outlining the vision for tenant involvement. The Executive Board Member – Housing advised that the plan would encourage the inclusion of younger tenants and develop a fresh approach to involving tenants in challenging the way we deliver services. It would also make it easier for more tenants to participate.

**UNANIMOUSLY RESOLVED TO APPROVE THE REPORT**

## **9. SOCIAL SERVICES AND WELL-BEING (WALES) ACT 2014 – POLICY AND PROCEDURES REVISIONS FOR CHARGING ADULTS FOR SERVICES**

The Executive Board considered the report which sets out the revised policy, bringing together the previous policies and the interim policy adopted in 2016.

**UNANIMOUSLY RESOLVED THAT:-**

- 9.1 Carmarthenshire will continue to charge for placements into a care home other than for those which are excluded by the Act. Carmarthenshire will charge for all placements into a care home from the first day of placement**
- 9.2 The charge will be based on recovering the cost of the placement in full subject to the resident being financially assessed in accordance with the legislation, regulations, code and local policy to pay less than the full cost, in which case the resident will be charged their assessed charge according to their means**

- 9.3 The charge per night for all short term placements (including respite care) will be based on recovering the cost of the placement in full. For placements into a Local Authority care home the charge will be the standard charge and for placements into an Independent Sector care home it will be the contracted amount. Service users would pay up to the maximum charge as set by Welsh Government per week, with many paying far less or having the service free depending on the financial assessment. (2018-19 is set at a maximum charge of £80)
- 9.4 That the non-residential assessment rules be applied to stays which are assessed at the outset as not exceeding 8 weeks on any one occasion and does not apply to temporary placements and permanent placements
- 9.5 That short term stays that extend beyond 8 weeks on any one occasion will be charged as though the resident is temporary or permanent as appropriate from the first day of the 9th week and in line with definitions within the Act, Regulations and Code
- 9.6 Carmarthenshire will apply its charges from the first day of service for all services with a charge. This will apply to non-residential services and placements into a care home
- 9.7 That choice of Accommodation offered to a service user is based on two care homes of the same type anywhere in the County and not restricted geographically unless there are specific geographical needs included in the Care and Support plan
- 9.8 That where a service user, who is not assessed to pay the full cost of the placement, chooses accommodation which is more expensive than the options offered at the time of placement then the additional cost will be calculated from the higher of the rates charged by those two care homes offered
- 9.9 That where a service user is able to pay for the full cost of their placement then in accordance with the legislation they can choose any care home and will be required to pay the full cost of their placement
- 9.10 Carmarthenshire does not charge for assessed care and support to a service user where it is provided to the service user in an educational setting and whilst attending a recognised educational course.
- 9.11 That the new Act, Regulations and Code has been applied to existing service users from the 6th April 2016
- 9.12 That the existing policies are retained except for those elements of the policies and practices which are changed as the result of decisions stemming from this report and those elements which are now not compliant with the new legislation

## **10. BUSINESS RATES - HIGH STREET AND RETAIL RATES RELIEF SCHEME 2019/20**

(NOTE: Councillor P.M Hughes had earlier declared an interest in this item and left the Chamber)

The Executive Board considered the proposed High Street and Retail Rates Relief Scheme. The Executive Board Member – Resources, gave an overview of the Welsh Government Transitional Relief Scheme which was introduced to alleviate



the impact of the national non-domestic rates revaluation. The Transitional Relief scheme limited any increase faced by ratepayers in small premises by staggering their increase over 3 financial years ending in 2019/20. Welsh Government has once again decided to extend the scheme into 2019-20. Authorities have the option to adopt this scheme, which is fully funded by Welsh Government provided the relief is granted in accordance with guidelines.

**UNANIMOUSLY RESOLVED THAT THE 2019/20 HIGH STREET AND RETAIL RATES RELIEF SCHEME BE ADOPTED**

**11. TREASURY MANAGEMENT AND PRUDENTIAL INDICATOR REPORT 1ST APRIL 2018 TO 31ST DECEMBER 2018**

The Executive Board, in accordance with the 2018/19 Treasury Management Policy and Strategy (adopted by Council on the 21st February, 2018 – Minute 10 Refers) received an update on the treasury management activities for the period 1<sup>st</sup> April 2018 to the 31<sup>st</sup> December 2018.

**UNANIMOUSLY RESOLVED THAT THE REPORT BE RECEIVED**

**12. HOUSEHOLD WASTE RECYCLING CENTRES POLICY REPORT**

The Executive Board received a report providing information on proposed new policies in relation to waste restrictions at Household Waste Recycling Centres, the report makes changes that will ensure that recycling targets for the next financial year are met. The Executive Board Member – Environment advised that the proposed changes will assist in alleviating the three main factors which affects the overall recycling performance listed in the report as – Commercial Waste, Waste from neighbouring counties, and recyclable waste not being segregated.

**UNANIMOUSLY RESOLVED THAT:-**

- **Opening hours be reduced by 1 hour each day with effect from the 1st April 2019**
- **A ban on commercial waste with effect from the 1st April 2019**
- **Residency checks to be phased in with effect from the 1st April 2019**
- **Permit system to be introduced from the 3rd of June 2019 (see Appendix A relating to vehicle types).**
- **Black bag sorting be phased in from 1st October 2019.**

**13. UNIVERSAL CREDIT FULL PROGRAMME ROLL OUT IN CARMARTHENSHIRE**

The Executive Board received a report on the roll out of the Universal Credit Programme which was introduced in Carmarthenshire on the 12<sup>th</sup> December 2019. The Executive Board Member – Communities and Rural Affairs advised that Approx. 200 tenants were in receipt of Universal Credit. At present there were no significant problems however this may change as the rollout continues. Other rollout areas have noted a marked increase in the use of Food Banks and the Authority continues to work with local Food Banks and a number of other partners to support them during the rollout. It was acknowledged that a significant amount of co-working was undertaken prior to the rollout to reduce a negative impact.

**UNANIMOUSLY RESOLVED THAT THE REPORT BE NOTED**

- 14. ANY OTHER ITEMS OF BUSINESS THAT BY REASONS OF SPECIAL CIRCUMSTANCES THE CHAIR DECIDES SHOULD BE CONSIDERED AS A MATTER OF URGENCY PURSUANT TO SECTION 100B(4)(B) OF THE LOCAL GOVERNMENT ACT, 1972.**

The Chair reported that there were no items of urgent business.

- 15. EXCLUSION OF THE PUBLIC**

**UNANIMOUSLY RESOLVED**, pursuant to the Local Government Act 1972, as amended by the Local Government (Access to Information)(Variation) (Wales) Order 2007, that the public be excluded from the meeting during consideration of the following item as the reports contained exempt information as defined in paragraph 14 of Part 4 of Schedule 12A to the Act.

- 16. RESIDENTIAL DEVELOPMENT LAND - CROSS HANDS WEST**

**Following the application of the public interest test it was UNANIMOUSLY RESOLVED**, pursuant to the Act referred to in Minute 15 above, to consider this matter in private, with the public excluded from the meeting as disclosing the content of this report would put the authority at a material disadvantage in any subsequent negotiations with third parties and potentially harm the public purse.

The Executive Board considered a report which provided detailed information in relation to residential development land at Cross Hands West.

**UNANIMOUSLY RESOLVED** that the recommendation, as detailed within the report, be approved.

\_\_\_\_\_  
**CHAIR**

\_\_\_\_\_  
**DATE**

## Executive Board 1<sup>st</sup> April 2019

### Council's Revenue Budget Monitoring Report

#### Recommendations / key decisions required:

That the Board receives the Budget Monitoring report and considers the budgetary position and appropriate corrective action.

In light of the current forecast of a potential significant overspend at departmental level, Chief Officers and Heads of Service continue to critically review their budgetary positions and implement appropriate mitigating actions to deliver their services within their allocated budgets as a matter of urgency.

#### Reasons:

To provide the Executive Board with an update on the latest budgetary position as at 31st December 2018, in respect of 2018/2019.

Relevant scrutiny committee to be consulted: NA

Exec Board Decision Required YES

Council Decision Required NO

EXECUTIVE BOARD MEMBER PORTFOLIO HOLDER:- Cllr. David Jenkins

Directorate: Corporate Services

Designations:

Tel No. 01267 224886  
E Mail Addresses:

Name of Director:  
Chris Moore

Director of Corporate Services

CMoore@carmarthenshire.gov.uk

Report Author:  
Randal Hemingway

Head of Financial Services

Rhemingway@carmarthen  
shire.gov.uk

# EXECUTIVE SUMMARY

## Executive Board

1<sup>st</sup> April 2019

The revenue budget monitoring reports for the period to 31st December 2018 are attached and indicate that:

### **COUNCIL FUND REVENUE ACCOUNT( Appendix A)**

Overall, the monitoring report forecasts an end of year overspend of £398k on the Authority's net revenue budget with an overspend at departmental level of £2,342k.

The most significant pressure points are within Education and Children's Services and the department needs to critically examine the current forecasted position.

#### Chief Executive's Department

The Chief Executive Department is anticipating an underspend of £264k for the year. This is made up of a £327k overspend relating to Corporate Savings and £591k underspend on operational budgets.

Corporate Savings (£327k): Efficiency proposals in relation to Health & Safety are ongoing.

Operational budgets (£591k underspend):

There is an anticipated £53k underspend in People Management. This is predominantly made up of vacant posts during the year as well as additional external income being generated by the Employee Well Being Section.

ICT services are anticipating a £100k underspend due to staff vacancies during the year.

There is a £246k underspend anticipated in the Policy section. This is made up of a net £261k underspend on salaries due to vacant posts and realignments that are in progress as well as a reduction in CCTV costs following transfer of responsibility back to the police of £23k. This is offset by an overspend of £34k due to the additional costs associated with the move to Parc y Rhun and £13k due to increased costs associated with running various tourism events.

Electoral Services is anticipating breaking even for the year.

Property is anticipating an £34k underspend due to high occupancy levels within Industrial Premises and Commercial Properties.

Regeneration is anticipating a break even position at year end.

### Department for Communities

The Department for Communities is forecasting an overspend of £930k for the year.

Services supporting Older People and Physical Disabilities are projecting an overspend of £394k: £741k relating to packages of care (£383k on residential care, £194k on Domiciliary Care and £164k on Direct Payments); staffing and miscellaneous running expenses are underspent by £307k and Day Services are underspent by £40k.

Services supporting Learning Disabilities, Mental Health and Safeguarding are forecasting an overspend of £467k: £299k for Residential, Group Homes and Supported Living placements, £236k on Direct Payments partially offset by a underspend of £68k on miscellaneous expenditure.

Support Services are forecasting an underspend of £69k relating to professional fees linked to DoLS (Deprivation of Liberty Standards) assessments.

Leisure Services are predicting a nil variance.

Housing & Public Protection Services are predicting a nil variance.

### Corporate Services

The Corporate Services Department is projecting a £543k underspend for the year.

This is due to £487k of vacant posts, a £9k reduction in our new bank contract costs, a £51k underspend in pre LGR pension costs, and a £35k underspend on grant audit fees This is offset by one off software and data cleansing costs in risk management of £23k and a £23k under recovery of income on grant funded posts.

### Department for Education and Children

The Department for Education and Children is forecasting a net overspend of £1,503k at year end.

The main adverse budget variations relate to: increased demand for Special Educational Needs provision £365k within County; Out of County educational placements £170k; school based EVR and redundancy costs £271k; Education Other Than At School £186k; School Modernisation property decommissioning costs £82k; School Meals service sickness cover and kitchens' maintenance £63k ; Music Service running costs (mainly staff) exceeding the SLA income from schools by £190k; Out of County residential care placements £141k and LHB not contributing fully to tripartite agreements for placements at Garreglwyd Residential Unit, which also has staffing pressures £133k.

This is partially offset by staff vacancies and the utilisation of additional grants to support core spend -£165.

## Environment

The department is anticipating an overspend of £715k for the financial year largely due to continuing pressures with Planning and car parking income as reported during the previous financial year.

The Waste and Environmental Services division is projecting a £228k overspend. The Trade Waste transfer is not yet fully completed as CCC's operational requirements remain until April 2019 – this has resulted in a £46k overspend, in addition Clinical waste is showing a £50k overspend as a result of the service transfer postponement due to complexity of ensuring appropriate service for all users. There is a £40k anticipated overspend on green waste collection, as it is not yet self-financing. We did not anticipate breaking even this financial year, as per the original business plan, but we are on track with growing the service as anticipated, with a view to being break even in future years. The cleansing service is overspent by £80k, service reviews have commenced to look at ways to reduce costs within the service.

Highways and Transportation are anticipating a £293k overspend for the year. This is largely down to a projected £363k shortfall in car park income as a result of parking fees not increasing in line with increasing income targets.

Planning Division is anticipating a £241k overspend for the year.

There is a projected £355k shortfall in development management income but this overspend is partially offset by vacant posts in the year within the division.

The Property division is anticipating to be £48k underspent for the year.

The Business Support Division is expecting to break-even.

## HOUSING REVENUE ACCOUNT (Appendix B)

The HRA is predicting to be on target for 2018/19.

Repairs and Maintenance is likely to be overspent by £246k mainly due to additional expenditure on empty properties. Supervision and Management costs are forecasted to be underspent by £64k due to savings on staffing costs of £87k and in supplies and services of £10k, offset by an overspend on premises related expenditure of £34k (mainly maintenance costs).

Capital financing charges will be £97k less than budgeted due to a slight reduction in interest rates.

There is a reduction in the provision required for debt write-offs, based on arrears levels and age debt analysis to year end of £137k. The removal of the HRA borrowing cap will allow us to review our funding of the capital programme and reduce our revenue contribution to this programme by £333k.

Rental income/service charges is forecast to be £528k lower due to underachievement of rental income – void loss is currently forecast as 2.87% compared to a budget of 2.1%. The increased void loss is the result of a greater number of voids than predicted and increased time to turnaround revenue voids as a result of the increased number of major voids.

Income for commission from the collection of water rates will also be reduced by £88k due to implementation of new scheme which benefits eligible tenants. Settlement of insurance claims and additional interest will result in receiving £229k of costs being recovered.

Lists of the main variances are attached to this report

DETAILED REPORT ATTACHED ?	YES
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## IMPLICATIONS

I confirm that other than those implications which have been agreed with the appropriate Directors / Heads of Service and are referred to in detail below, there are no other implications associated with this report :

Signed: **Chris Moore**

Director of Corporate Services

Policy, Crime & Disorder and Equalities <b>NONE</b>	Legal <b>NONE</b>	Finance <b>YES</b>	ICT <b>NONE</b>	Risk Management Issues <b>NONE</b>	Staffing Implications <b>NONE</b>	Physical Assets <b>NONE</b>
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**1. Finance**

Council Fund

Overall, the Authority is forecasting an overspend of £398k.

HRA

The HRA is forecasting that it will be within budget for 2018-2019.

## CONSULTATIONS

I confirm that the appropriate consultations have taken in place and the outcomes are as detailed below

Signed: **Chris Moore**

Director of Corporate Services

**1. Scrutiny Committee – Not applicable**

**2. Local Member(s) – Not applicable**

**3. Community / Town Council – Not applicable**

**4. Relevant Partners – Not applicable**

**5. Staff Side Representatives and other Organisations – Not applicable**

**Section 100D Local Government Act, 1972 – Access to Information**

**List of Background Papers used in the preparation of this report:**

**THESE ARE DETAILED BELOW**

Title of Document	File Ref No.	Locations that the papers are available for public inspection
2018/19 Budget		Corporate Services Department, County Hall, Carmarthen



**REPORT OF THE DIRECTOR OF CORPORATE SERVICES**

**Preliminary Executive Board 4th March 2019**

**COUNCIL'S BUDGET MONITORING REPORT 2018/19 as at 31<sup>st</sup> December 2018**

Director and Designation	Author & Designation	Telephone No	Directorate
C Moore, Director of Corporate Services	R Hemingway, Head of Financial Services	01267 224886	Corporate Services

**Table 1**

**Forecasted for year to 31st March 2019**

Department	Working Budget				Forecasted				Dec 18 Forecasted Variance for Year £'000	Oct 18 Forecasted Variance for Year £'000
	Controllable Expenditure	Controllable Income	Net Non Controllable	Total Net	Controllable Expenditure	Controllable Income	Net Non Controllable	Total Net		
	£'000	£'000	£'000	£'000	£'000	£'000	£'000	£'000		
Chief Executive	26,150	-10,025	-2,562	13,563	25,737	-9,876	-2,562	13,300	-264	-133
Communities	143,117	-56,301	10,885	97,701	143,652	-55,905	10,884	98,631	930	889
Corporate Services	77,110	-50,947	-1,363	24,799	76,242	-50,622	-1,363	24,257	-543	-446
Education & Children	172,046	-33,040	23,780	162,786	175,281	-34,772	23,780	164,289	1,503	1,672
Environment	118,652	-75,318	9,296	52,629	123,024	-78,975	9,296	53,344	715	778
<b>Departmental Expenditure</b>	<b>537,075</b>	<b>-225,631</b>	<b>40,035</b>	<b>351,479</b>	<b>543,936</b>	<b>-230,150</b>	<b>40,035</b>	<b>353,821</b>	<b>2,342</b>	<b>2,760</b>
Capital Charges/Interest/Corporate				-15,425				-16,925	-1,500	-950
<b>Levies and Contributions:</b>										
Brecon Beacons National Park				142				142	0	0
Mid & West Wales Fire & Rescue Authority				9,582				9,582	0	0
<b>Net Expenditure</b>				<b>345,778</b>				<b>346,620</b>	<b>842</b>	<b>1,810</b>
Transfers to/from Departmental Reserves										
- Corporate Services				0				271	271	223
- Environment				0				-715	-715	-778
<b>Net Budget</b>				<b>345,778</b>				<b>346,176</b>	<b>398</b>	<b>1,255</b>

**Chief Executive Department**  
**Budget Monitoring as at 31st December 2018**

Preliminary Executive Board 4th March 2019

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Division	Working Budget				Forecasted				Dec 18 Forecasted Variance for Year £'000	Oct 18 Forecasted Variance for Year £'000
	Expenditure £'000	Income £'000	Net non- controllable £'000	Net £'000	Expenditure £'000	Income £'000	Net non- controllable £'000	Net £'000		
Chief Executive	-314	0	-308	-622	-5	0	-308	-313	309	305
People Management	4,204	-1,420	-2,565	219	4,480	-1,748	-2,565	166	-53	-9
ICT	4,464	-792	-3,736	-65	4,571	-1,000	-3,736	-165	-100	-0
Admin and Law	4,101	-537	478	4,043	3,895	-499	478	3,875	-168	-152
Regeneration & Policy										
Policy	4,953	-1,082	-3,021	849	4,620	-995	-3,021	604	-246	-221
Statutory Services	1,250	-289	341	1,302	1,311	-350	341	1,302	0	-51
Property & Major Projects	1,141	-1,309	832	664	1,225	-1,427	832	629	-34	-8
Major Projects	1,331	-1,256	15	90	939	-836	15	118	28	4
Regeneration	5,020	-3,339	5,403	7,084	4,702	-3,021	5,403	7,084	-0	-1
<b>GRAND TOTAL</b>	<b>26,150</b>	<b>-10,025</b>	<b>-2,562</b>	<b>13,563</b>	<b>25,737</b>	<b>-9,876</b>	<b>-2,562</b>	<b>13,300</b>	<b>-264</b>	<b>-133</b>

## Chief Executive Department - Budget Monitoring as at 31st December 2018

### Main Variances

Preliminary Executive Board 4th March 2019

Division	Working Budget		Forecasted		Dec 18 Forecasted Variance for Year £'000	Notes	Oct 18 Forecasted Variance for Year £'000
	Expenditure £'000	Income £'000	Expenditure £'000	Income £'000			
<b>Chief Executive</b>							
Chief Executive-Chief Officer	267	0	248	0	-19	Savings on supplies and services	-21
Corporate Savings Target	-580	0	-253	0	327	£285k Corporate Health & Safety efficiency proposal not yet implemented; £37k standby efficiency not materialised.	327
<b>People Management</b>							
Payroll	687	-334	648	-332	-37	Part year vacant posts and reduction in spends on supplies and services	-6
People Services – HR	1,014	-216	999	-224	-23	Part year vacant posts	-5
Employee Well-being	826	-379	671	-256	-32	Additional external income	-49
HR Systems Development Team	123	0	134	-0	11	Posts regraded with no budgets	12
Assessment centre training	0	0	31	0	31	Unused Assessment Centre credits expired	31
<b>ICT</b>							
Information Technology	4,464	-792	4,571	-1,000	-100	Part year vacant posts	-0
<b>Admin and Law</b>							
Democratic Services	1,796	0	1,740	-6	-62	Savings on members superann and NI costs along with a reduction in printing	-29
Democratic Services - Support	494	0	388	0	-107	Part year vacant posts. 3 posts are still currently vacant	-128
Land Charges Administration	149	-288	104	-266	-22	Part year vacant post. Post has now been filled	-17
Legal Services	1,598	-249	1,603	-227	28	Income target not achievable	21
<b>Regeneration, Policy &amp; Property</b>							
<b>Policy</b>							
Welsh Language	176	-9	153	-10	-24	Post recently become vacant. Unlikely to be filled before the end of the financial year	-11
Marketing and Media	657	-359	538	-161	80	Unfunded posts - review currently being undertaken	61
Translation	510	-32	429	-32	-81	Part year vacant posts. 3 posts currently still vacant, but currently being recruited	-63
Performance Management	545	-31	464	0	-50	Vacant post, realignment pending	-72
Chief Executive-Policy	504	-27	527	-34	17	Increased staffing cost pending realignment of budget	18
CCTV	35	0	13	0	-23	CCTV responsibility transferred back to the police	-23
Community Safety-Revenue	30	0	10	0	-20	Due to establishment of new structure it has not been possible to undertake anticipated projects during the year	0
Parc Amanwy Ammanford	67	-41	99	-39	34	Additional running costs associated with move to Parc-Y-Rhun	-0

**Chief Executive Department - Budget Monitoring as at 31st December 2018**  
**Main Variances**

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Preliminary Executive Board 4th March 2019

Division	Working Budget		Forecasted		Dec 18 Forecasted Variance for Year £'000	Notes	Oct 18 Forecasted Variance for Year £'000
	Expenditure £'000	Income £'000	Expenditure £'000	Income £'000			
Customer Services Centres	1,085	-328	953	-329	-132	Various part year vacant posts. 5 posts currently vacant.	-91
UN Sir Gar	169	-129	102	-85	-23	Underspend due to officer being on maternity leave	-18
Marketing Tourism Development	336	-2	343	-57	-48	Underspend mainly due to vacant posts - offsetting overspends within Visitor Information and Events below	-64
Events	48	-28	98	-65	13	Overspend due to increased costs associated with running of various events - covered by underspend within Tourism Development	23
<b>Statutory Services</b>							
Registrars	417	-287	451	-301	20	Additional staffing costs required to maintain service levels	-0
Electoral Services - Staff	272	0	252	0	-20	Maternity leave	-9
<b>Property &amp; Major Projects</b>							
Industrial Premises - JV's	42	-131	84	-217	-45	High occupancy levels during year	2
Commercial Properties	29	-516	55	-576	-35	High occupancy levels during year	-15
Provision Markets	553	-625	553	-580	46	Essential works expenditure including sprinkler system/cleaning equipment	5
<b>Major Projects</b>							
Wellness	101	-76	128	-75	28	Overspend mainly due to additional legal costs	4
<b>Other Variances</b>							
					3		-15
<b>Grand Total</b>					<b>-264</b>		<b>-133</b>

**Department for Communities**  
**Budget Monitoring as at 31st December 2018**

Preliminary Executive Board 4th March 2019

Division	Working Budget				Forecasted				Dec 18 Forecasted Variance for Year £'000	Oct 18 Forecasted Variance for Year £'000
	Expenditure £'000	Income £'000	Net non- controllable £'000	Net £'000	Expenditure £'000	Income £'000	Net non- controllable £'000	Net £'000		
<b>Adult Services</b>										
Older People	56,732	-22,758	2,780	36,754	56,875	-22,592	2,780	37,063	309	455
Physical Disabilities	6,946	-1,364	225	5,807	7,009	-1,342	225	5,892	85	41
Learning Disabilities	37,440	-10,204	1,308	28,545	37,420	-9,867	1,308	28,861	316	274
Mental Health	9,265	-3,368	230	6,127	9,737	-3,690	230	6,278	151	157
Support	6,023	-2,688	985	4,320	5,901	-2,497	984	4,389	69	-38
<b>Homes &amp; Safer Communities</b>										
Public Protection	3,081	-835	588	2,834	3,086	-823	588	2,851	16	0
Council Fund Housing	9,216	-7,955	243	1,505	9,018	-7,773	243	1,489	-16	-0
<b>Leisure &amp; Recreation</b>										
Leisure & Recreation	14,413	-7,130	4,525	11,809	14,605	-7,321	4,525	11,809	0	-0
<b>Corporate Standby Efficiency</b>										
Corporate Standby Efficiency	0	0	0	0	0	0	0	0	0	0
<b>GRAND TOTAL</b>	<b>143,117</b>	<b>-56,301</b>	<b>10,885</b>	<b>97,701</b>	<b>143,652</b>	<b>-55,905</b>	<b>10,884</b>	<b>98,631</b>	<b>930</b>	<b>889</b>

## Department for Communities - Budget Monitoring as at 31st December 2018

### Main Variances

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Preliminary Executive Board 4th March 2019

Division	Working Budget		Forecasted		Dec 18 Forecasted Variance for Year £'000	Notes	Oct 18 Forecasted Variance for Year £'000
	Expenditure £'000	Income £'000	Expenditure £'000	Income £'000			
<b>Adult Services</b>							
<b>Older People</b>							
Older People - Commissioning	3,570	-625	3,397	-571	-118	Staff vacancies in care management teams: equivalent to one vacant social worker post in TTTs Community Resource Team and part year effect of 4 social workers who have commenced during 2018-2019	-125
Older People - LA Homes	7,349	-4,436	7,259	-4,278	67	Cost of agency staff due to workforce recruitment issues in parts of the county.	140
Older People - Private/ Vol Homes	21,579	-11,897	22,224	-12,204	338	Performance data shows demographic pressure on demand. Preventative work continues to be reviewed to mitigate the effects of this.	303
Older People - LA Home Care	6,008	-431	5,878	-318	-20	Significant changes since October position. Allied contract now provided by in-house Domiciliary Care Service.	-162
Older People - Private Home Care	9,732	-2,164	10,085	-2,185	331	There has been a significant increase in demand for domiciliary care that has only been partly offset by a fall in residential care placements. There is significant departmental work to monitor and manage demand by audit assessment practice and by continuing to promote independent living through Integrated Care Fund initiatives such as Releasing Time to Care resulting in lower demand eg for double handed care packages. We are currently reviewing whether this initiative requires additional resources to yield the necessary financial savings.	
Older People - Ssmmss	906	-168	821	-208	-125	Significant change since October monitoring report: Allied contract now provided by in-house Domiciliary Care Service	504
Older People - Enablement	2,197	-586	1,936	-444	-118	Part year effect of two posts being appointed during the financial year and use of grant funding to support work undertaken by core funded posts	-99
						Staff vacancies - recruitment and strategic issues being addressed.	-100
<b>Physical Disabilities</b>							
Phys Dis - Commissioning & OT Services	578	-81	524	-92	-65	Vacancies within the Occupational Therapy Team - being addressed	-94
Phys Dis - Direct Payments	2,282	-555	2,317	-425	165	Direct Payments increasing across client groups linked to promoting independence and cost avoidance.	150

## Department for Communities - Budget Monitoring as at 31st December 2018

### Main Variances

Preliminary Executive Board 4th March 2019

Division	Working Budget		Forecasted		Dec 18 Forecasted Variance for Year £'000	Notes	Oct 18 Forecasted Variance for Year £'000
	Expenditure £'000	Income £'000	Expenditure £'000	Income £'000			
<b>Learning Disabilities</b>							
Learn Dis - Employment & Training	2,201	-832	1,798	-278	151	Overspend on staffing in Coleshill Day Centre £40k due to complexity of clients. Workchoice project decommissioned - was projected to contribute net income to budget therefore project termination has a detrimental effect in year of £132k	116
Learn Dis - Private/Vol Homes	9,759	-2,733	10,236	-3,378	-167	Costs reducing as various projects begin to take effect: work on alternative provision, deregistration, Positive Behaviour Service intervention for additional hours etc.	-150
Learn Dis - Direct Payments	2,167	-526	2,115	-238	236	Direct Payments increasing across client groups linked to promoting independence and cost avoidance.	215
Learn Dis - Group Homes/Supported Living	8,604	-2,158	8,865	-2,158	261	Costs increasing as a result of successful deregistration of residential beds - promotes independence for clients and has lower costs overall across the spectrum to packages of care	218
Learn Dis - Adult Respite Care	914	-812	805	-812	-110	Vacant Manager post, several staff not in pension scheme.	-120
<b>Mental Health</b>							
M Health - Private/Vol Homes	6,105	-2,573	6,515	-2,912	71	Work continuing to promote independent living and reduce cost of care packages accordingly. Client group difficult to forecast costs as demand led at short notice; forecasts are based on existing levels of packages and work is ongoing to develop alternative provision options	69
M Health - Group Homes/Supported Living	876	-397	1,009	-397	134	Work continuing to promote independent living and reduce cost of care packages accordingly. Client group difficult to forecast costs as demand led at short notice; forecasts are based on existing levels of packages and work is ongoing to develop alternative provision options	120
<b>Support</b>							
Adult Safeguarding & Commissioning Team	1,190	-21	1,231	0	63	Professional fees re Deprivation of Liberty Standards (DoLS) caseload	-13
<b>Other Variances - Adult Services</b>					-186		-246

## Department for Communities - Budget Monitoring as at 31st December 2018

### Main Variances

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Preliminary Executive Board 4th March 2019

Division	Working Budget		Forecasted		Dec 18 Forecasted Variance for Year £'000	Notes	Oct 18 Forecasted Variance for Year £'000
	Expenditure £'000	Income £'000	Expenditure £'000	Income £'000			
<b>Homes &amp; Safer Communities</b>							
<b>Public Protection</b>							
Public Health	268	-12	272	-5	12	Potential underachievement of income	-4
Air Pollution	121	-33	118	-20	12	Potential underachievement of income	12
Dog Wardens	94	-27	112	-20	25	Potential underachievement of income	4
Food Safety & Communicable Diseases	471	-38	449	-41	-25	Full time budgeted post being paid 22 hrs	-0
<b>Other Variances - Public Protection</b>					-7		-12
<b>Council Fund Housing</b>							
Home Improvement (Non HRA)	833	-288	739	-224	-29	New funding stream was introduced in 1819 and working with partners and other council departments, the budget was allocated accordingly. Projects due to commence later in the year	-50
Penybryn Traveller Site	169	-125	149	-81	24	18k site investigations, unable to go be Capitalised	-0
Temporary Accommodation	480	-103	486	-119	-10	Reduced B&B costs	-0
<b>Other Variances - Council Fund Housing</b>					-1		51
<b>Leisure &amp; Recreation</b>							
Sport & Leisure West	249	-21	224	-21	-25	In year staff vacancy	-23
Carmarthen Leisure Centre	1,283	-1,329	1,316	-1,319	44	Increased cost of Catering materials +£31k and Gas £13k	48
Gwendraeth Sports Centre	7	-4	-12	0	-15	Location no longer in use	-9
Sport & Leisure General	971	-56	965	-69	-20	In year staff vacancy	-16
Sport & Leisure South	166	-23	147	14	17	Grant adjustments for previous financial years impacting on current year budget	16
PEN RHOS 3G PITCH	31	-31	12	-37	-25	Part year saving of Premises and Supplies budget for this new Service in the Leisure portfolio	-23
Outdoor Recreation - Staffing costs	148	-48	139	-18	20	Vacancy factor not achieved	4
Carmarthen Museum, Abergwili.	161	-16	175	-19	11	One off relocation expenses +£6k increased NNDR +£5k	11
Museum of speed, Pendine	70	-24	49	-20	-17	Part year staff vacancy	-11
Museums General	173	0	191	0	18	Contribution to Documentation Assistant post £11k, temporary storage rental £7k	17
St Clears Craft Centre	138	-84	126	-62	10	Shortfall in catering income	9
Leisure Management	290	0	312	0	21	Tour of Britain Sponsorship costs	12
<b>Other Variance - Leisure &amp; Recreation</b>					-20		125
<b>Grand Total</b>					<b>930</b>		<b>889</b>



**Corporate Services Department  
Budget Monitoring as at 31st December 2018**

Preliminary Executive Board 4th March 2019

Division	Working Budget				Forecasted				Dec 18 Forecasted Variance for Year £'000	Oct 18 Forecasted Variance for Year £'000
	Expenditure £'000	Income £'000	Net non- controllable £'000	Net £'000	Expenditure £'000	Income £'000	Net non- controllable £'000	Net £'000		
Financial Services	4,378	-1,984	-2,364	30	4,239	-1,995	-2,364	-120	-150	-94
Revenues & Financial Compliance	4,764	-1,670	-2,158	935	4,403	-1,598	-2,158	647	-288	-274
Other Services	67,967	-47,293	3,159	23,834	67,600	-47,029	3,159	23,730	-104	-78
<b>GRAND TOTAL</b>	<b>77,110</b>	<b>-50,947</b>	<b>-1,363</b>	<b>24,799</b>	<b>76,242</b>	<b>-50,622</b>	<b>-1,363</b>	<b>24,257</b>	<b>-543</b>	<b>-446</b>

## Corporate Services Department - Budget Monitoring as at 31st December 2018

### Main Variances

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Preliminary Executive Board 4th March 2019

Division	Working Budget		Forecasted		Dec 18 Forecasted Variance for Year £'000	Notes	Oct 18 Forecasted Variance for Year £'000
	Expenditure £'000	Income £'000	Expenditure £'000	Income £'000			
<b>Financial Services</b>							
Accountancy	1,675	-369	1,629	-420	-97	Part year vacant posts	-30
Treasury and Pension Investment Section	246	-175	196	-175	-50	Part year vacant Posts	-50
Grants and Technical Payments	186	0	271	-62	23	Under recovery of income on grant funded posts	17
	501	-72	471	-72	-30	Part year vacant posts	-33
<b>Revenues &amp; Financial Compliance</b>							
Procurement	518	-32	423	-32	-95	Part year vacant posts	-103
Risk Management	136	-0	158	-0	23	Additional software costs, data cleansing and temp post funded from underspends in Procurement	18
Local Taxation	895	-728	877	-730	-21	Part year vacant posts	-28
Housing Benefits Admin	1,598	-750	1,441	-719	-126	Part year vacant posts	-103
Revenues	895	-141	789	-96	-61	Part year vacant posts	-30
<b>Other Services</b>							
Audit Fees	361	-88	238	0	-35	High proportion of audit fees chargeable directly to grants	-0
Miscellaneous Services	4,743	-115	4,692	-115	-51	Reduction in Pre LGR Pension Costs	-64
<b>Other Variances</b>					-23		-38
<b>Grand Total</b>					<b>-543</b>		<b>-446</b>

**Department for Education & Children**  
**Budget Monitoring as at 31st December 2018**

Preliminary Executive Board 4th March 2019

Division	Working Budget				Forecasted				Dec 18 Forecasted Variance for Year £'000	Oct 18 Forecasted Variance for Year £'000
	Expenditure £'000	Income £'000	Net non- controllable £'000	Net £'000	Expenditure £'000	Income £'000	Net non- controllable £'000	Net £'000		
Director & Strategic Management	1,217	0	-94	1,122	1,180	-0	-94	1,086	-37	-50
Education Services Division	130,238	-15,475	18,112	132,875	131,333	-15,543	18,112	133,901	1,027	1,022
Access to Education	8,440	-5,745	2,167	4,862	8,685	-5,845	2,167	5,007	145	130
School Improvement	3,614	-1,651	463	2,426	3,797	-1,836	463	2,424	-2	-30
Curriculum & Wellbeing	5,627	-4,320	590	1,897	6,035	-4,593	590	2,033	135	177
Children's Services	22,911	-5,849	2,541	19,604	24,252	-6,955	2,541	19,839	235	423
<b>GRAND TOTAL</b>	<b>172,046</b>	<b>-33,040</b>	<b>23,780</b>	<b>162,786</b>	<b>175,281</b>	<b>-34,772</b>	<b>23,780</b>	<b>164,289</b>	<b>1,503</b>	<b>1,672</b>

## Department for Education & Children - Budget Monitoring as at 31st December 2018

### Main Variances

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Preliminary Executive Board 4th March 2019

Division	Working Budget		Forecasted		Dec 18 Forecasted Variance for Year £'000	Notes	Oct 18 Forecasted Variance for Year £'000
	Expenditure £'000	Income £'000	Expenditure £'000	Income £'000			
<b>Director &amp; Strategic Management</b>							
Business Support	400	0	368	-0	-32	Part year vacancy -£21k, Reduction in supplies and services - postages, photocopying recharges, admin and office equipment -£11k	-33
<b>Education Services Division</b>							
School Expenditure not currently delegated	225	0	225	17	18	Additional costs relating to previous years' Church Schools insurance premiums	18
School Redundancy & EVR	1,875	0	2,146	0	271	Budget utilised on existing commitments. Schools are supported and challenged on staffing structure proposals.	327
School Information Systems	192	0	188	-8	-12	Part year vacant post	-3
Special Educational Needs	3,209	-1,493	3,763	-1,504	544	Additional 5 classes to meet increased demand in specialist provision & Tute e-learning package £365k. Full year impact of additional pupils commencing Out of County placements in 2017-18 and fewer pupils from other authorities in specialist provisions within Carmarthenshire, with these places being utilised by Carmarthenshire pupils £170k. Supply costs in SEN management to meet increased demand in inclusion cases £9k.	579
Education Other Than At School (EOTAS)	1,956	-217	2,199	-274	186	Increased use of supply agencies to cover staff sickness, £59k; Relocation and setup costs at Canolfan y Gors, £45k; Additional maintenance costs at the Secondary Teach and Learn Centre, £31k; Additional supply costs due to increased number of pupils receiving home tuition coupled with shortage of home tutors £51k	83
Sensory Impairment	368	0	352	0	-16	Member of staff currently on maternity leave	-16
Educational Psychology	876	0	920	-10	34	Service demand currently requires staffing level in excess of budget	31
<b>Access to Education</b>							
School Modernisation	55	-5	198	-66	82	Transport recharges outside of transport policy for former pupils of closed schools £12k. Premises costs and historic utility costs re closed schools £70k	67
School Meals & Primary Free Breakfast Services	8,175	-5,740	8,276	-5,779	63	Budget pressures across the service especially sickness cover, kitchens' maintenance and food price increases. A strategic review of meal provision is on-going to identify service efficiencies.	63

## Department for Education & Children - Budget Monitoring as at 31st December 2018

### Main Variances

Preliminary Executive Board 4th March 2019

Division	Working Budget		Forecasted		Dec 18 Forecasted Variance for Year £'000	Notes	Oct 18 Forecasted Variance for Year £'000
	Expenditure £'000	Income £'000	Expenditure £'000	Income £'000			
<b>School Improvement</b>							
School Effectiveness Support Services	300	-93	312	-89	16	Premises costs for Neuadd Y Gwendraeth	20
National Model for School Improvement	1,145	-58	1,228	-160	-19	2 part year vacant posts	-50
<b>Curriculum and Wellbeing</b>							
Music Services for Schools	965	-865	1,239	-950	190	SLA income from schools has reduced with greater expediency than the progress with staff restructuring. Service is currently appraising options to address the financial position. Partly offset by additional funding received from Welsh Government for music services £86k	205
Welsh Language Support	415	-273	538	-412	-16	Part year vacant post and maximising of grants	5
Youth Offending & Prevention Service	1,594	-760	1,586	-789	-36	Part year vacant post	-25
<b>Children's Services</b>							
Out of County Placements (CS)	701	0	904	-62	141	More use of independent care agencies that are more expensive to use and an increase in the number of children on remand.	179
Garreglwyd Residential Unit	562	-163	687	-155	133	Additional staff costs incurred during the summer period due to staff shortage. Contribution from LHB for Tripartite funding is only at draft SLA level due to on-going lack of engagement from LHB. Additional tripartite staffing and premises costs for new placement are also not yet agreed.	122
Residential and Respite Units	925	0	912	0	-14	Vacant post	-27
Childcare	532	-243	491	-233	-31	Additional grants have been received in year from Welsh Government which has reduced the costs charged to core budget	0
<b>Other Variances</b>					1		126
<b>Grand Total</b>					<b>1,503</b>		<b>1,672</b>

**Environment Department**  
**Budget Monitoring as at 31st December 2018**

Preliminary Executive Board 4th March 2019

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Division	Working Budget				Forecasted				Dec 18 Forecasted Variance for Year £'000	Oct 18 Forecasted Variance for Year £'000
	Expenditure £'000	Income £'000	Net non- controllable £'000	Net £'000	Expenditure £'000	Income £'000	Net non- controllable £'000	Net £'000		
Business Support & Performance	45	-102	146	89	32	-89	146	89	-0	19
Waste & Environmental Services	23,727	-4,444	1,384	20,666	24,038	-4,526	1,383	20,895	228	154
Highways & Transportation	50,994	-31,901	9,129	28,223	53,093	-33,707	9,129	28,515	293	366
Property	39,686	-36,415	-1,648	1,624	41,785	-38,562	-1,647	1,576	-48	-4
Planning	4,201	-2,457	284	2,027	4,076	-2,091	284	2,269	241	244
<b>GRAND TOTAL</b>	<b>118,652</b>	<b>-75,318</b>	<b>9,296</b>	<b>52,629</b>	<b>123,024</b>	<b>-78,975</b>	<b>9,296</b>	<b>53,344</b>	<b>715</b>	<b>778</b>

## Environment Department - Budget Monitoring as at 31st December 2018

### Main Variances

Preliminary Executive Board 4th March 2019

Division	Working Budget		Forecasted		Dec 18 Forecasted Variance for Year £'000	Notes	Oct 18 Forecasted Variance for Year £'000
	Expenditure £'000	Income £'000	Expenditure £'000	Income £'000			
<b>Waste &amp; Environmental Services</b>							
Cleansing Service	2,293	-83	2,376	-86	80	Service reviews have commenced to look at ways of reducing costs within the cleansing service	80
Waste Services	15,367	-1,702	15,341	-1,580	96	Trade Waste Transfer not yet fully completed - CCC operational requirements remain until April 19 - 46k. Clinical waste is showing a £50k overspend as a result of the service transfer postponement due to complexity of ensuring appropriate service for all users.	0
Green Waste Collection	86	0	284	-157	40	The green waste collection service is not yet self-financing. We did not anticipate to break even this financial year, as per the original business plan, but we are on track with growing the service as anticipated, with a view to being break even in future years.	40
<b>Highways &amp; Transportation</b>							
Civil Design	954	-1,442	1,048	-1,556	-19	Increased income recovery.	-8
Car Parks	2,136	-3,577	1,786	-2,864	363	Unachievable income target as the income target is increased every year but parking fees have not been increased since 2014 plus an increase in NNDR bills due to revaluation of car parks.	362
Nant y Ci Park & Ride	77	-32	96	-32	19	Provision for Winter Maintenance charges as per 17/18 costs	18
Bridge Maintenance	764	0	752	-5	-17	Variance due to 'Highways structures Inspector' post being vacant - filled Nov18	-18
Street Works and Highway Adoptions	408	-350	485	-497	-70	Vacant posts - street works inspector filled Nov 18, licensing Officer to be filled by March19 and Technician, also increased income on Highways Adoptions	-34
<b>Property</b>							
Carbon Reduction Programme	277	0	242	0	-35	Reduction in Carbon Reduction Programme payments due to Energy Efficiency Initiatives	-35
Property Maintenance Operational	23,438	-25,247	25,836	-27,542	103	Under recovery of surplus target	88
Strategic Asset Management Business Unit	771	-4	726	-9	-49	Vacant 'Asset Management Surveyor' post.	-22
Administrative Buildings	2,990	-660	2,973	-673	-29	Early delivery of efficiency savings proposed for 19/20	-8
Industrial Premises	469	-1,396	360	-1,330	-43	Based on very high occupancy levels which may be subject to variation. Additional lettings at Glanamman.	-29

**Environment Department - Budget Monitoring as at 31st December 2018**  
**Main Variances**

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Preliminary Executive Board 4th March 2019

Division	Working Budget		Forecasted		Dec 18	Notes	Oct 18
	Expenditure	Income	Expenditure	Income	Forecasted Variance for Year		Forecasted Variance for Year
	£'000	£'000	£'000	£'000	£'000		£'000
<b>Planning</b>							
Planning Admin Account	334	-9	413	-144	-56	Staff vacancies £5k, projected over-achievement of income £4k, various net underspends £47k	-23
Minerals	339	-205	305	-184	-13	Underspend mainly due to charging out of staff to projects as a 'direct cost'.	-20
Development Management	1,477	-1,265	1,440	-874	355	Overspend due to ongoing shortfall in income which is driven by a small number of larger schemes which attract higher planning fees. This mirrors the trend across Wales and fees can't be increased as rates set nationally. England by comparison have increased their fees by 20%	326
Conservation	407	-31	352	-14	-38	Underspend mainly due to staff vacancies - Ecologist post to be filled in March19.	-35
<b>Other Variances</b>					28		97
<b>Grand Total</b>					<b>715</b>		<b>778</b>



## Housing Revenue Account - Budget Monitoring as at 31st December 2018

	Working Budget	Forecasted Actual	Dec 2018	Notes	Aug 2018
	£'000	£'000	Variance for Year £'000		Forecasted Variance for Year £'000
<b>Expenditure</b>					
<b>Expenditure</b>					
Repairs & Maintenance					
Responsive	1,760	1,665	-95		-16
Minor Works	2,812	2,932	120		0
Voids	2,350	2,575	225		16
Servicing	1,611	1,600	-11	Anticipated expenditure based on profiled spend to date	-11
Drains & Sewers	128	131	3		9
Grounds	731	735	4		3
Unadopted Roads	102	102	0		0
<b>Supervision &amp; Management</b>					
Employee	4,349	4,262	-87	Underspend due to vacant posts part year	-28
Premises	1,411	1,445	34	Overspend in Rent (£28k) and Other (£6k)	32
Transport	64	63	-1		-3
Supplies	877	867	-10		53
Recharges	1,319	1,319	0		0
Provision for Bad Debt	435	297	-137	Provision for bad debt adjustment based on current and former tenants analysis .	-219
Capital Financing Cost	14,205	14,108	-97	Forecast reduction in interest rate applicable offset by additional borrowing	-99
Central Support Charges	1,620	1,620	-0		-0
DRF	13,349	13,016	-333	Re-worked funding of capital programme	0
<b>Total Expenditure</b>	<b>47,123</b>	<b>46,737</b>	<b>-386</b>		<b>-264</b>

## Housing Revenue Account - Budget Monitoring as at 31st December 2018

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	Working Budget £'000	Forecasted Actual £'000	Dec 2018 Variance for Year £'000	Notes	Aug 2018 Forecasted Variance for Year £'000
<b>Income</b>					
Rents	-39,729	-39,270	460	Underachievement of rental income - Void loss prediction at budget setting 2.1%, while current forecast is 2.87% and reduction in rents due	471
Service Charges	-750	-682	68	Underachievement of service charge income due to predicted void loss	55
Supporting People	-135	-135	0		0
Mortgage Interest	-3	-3	0		0
Interest on Cash Balances	-66	-106	-40	Average opening and closing balance is significantly larger than budgeted for	0
Insurance	0	-189	-189	Settlement of insurance claims	-89
Other Income	-598	-510	88	Underachievement of water rates commission due to a Government initiative to reduce the water bills for eligible tenants	97
<b>Total Income</b>	<b>-41,280</b>	<b>-40,894</b>	<b>386</b>		<b>533</b>
<b>Net Expenditure</b>	<b>5,843</b>	<b>5,843</b>	<b>0</b>		<b>269</b>

HRA Reserve	£'000
Balance b/f 1/4/18	20,114
Budgeted movement in year	-5,843
Variance for the year	-0
Balance c/f 31/3/19	14,271

## Executive Board 1<sup>st</sup> April 2019

### CAPITAL PROGRAMME 2018-19 UPDATE

Purpose: To report the variances within the capital programme

#### RECOMMENDATIONS / KEY DECISIONS REQUIRED:

That the capital programme update report is received.

#### REASONS:

To provide Executive Board with an update of the latest budgetary position for the 2018/19 capital programme, as at the 31<sup>st</sup> December 2018.

#### Relevant scrutiny committees to be consulted

N/A

Exec Board Decision Required	YES
Council Decision Required	NO

#### EXECUTIVE BOARD MEMBER PORTFOLIO HOLDER: Cllr David Jenkins

<p><b>Directorate:</b> Corporate Services <b>Name of Director of Corporate Services:</b> Chris Moore <b>Report Author:</b> Chris Moore</p>	<p><b>Designation:</b> Director of Corporate Services</p>	<p><b>Tel No.</b> 01267 224120 <b>E Mail Address:</b> Cmoore@carmarthenshire.gov.uk</p>
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# EXECUTIVE SUMMARY

## Executive Board

### 1<sup>st</sup> April 2019

This report provides an update on the Capital programme spend against budget for 2018/19 as at the 31<sup>st</sup> December 2018.

**Appendix A** which is shown departmentally, shows a forecasted net spend of £52.455k compared with a working net budget of £54.105k giving a **£-1,650k** variance.

The net budget has been re-profiled, with a further £0.692m from 2018/19 slipped to future years to take account of updated spend profile and, the budget slippage from 2017/18 is also included within the attached figures.

**Appendix B** details the main variances within each department.

DETAILED REPORT ATTACHED ?	YES
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## IMPLICATIONS

<p>I confirm that other than those implications which have been agreed with the appropriate Directors / Heads of Service and are referred to in detail below, there are no other implications associated with this report :</p>						
Signed: <b>C.Moore</b>		<b>Director of Corporate Services</b>				
Policy, Crime & Disorder & Equalities	Legal	Finance	ICT	Risk Management Issues	Staffing Implications	Physical Assets
<b>NONE</b>	<b>NONE</b>	<b>YES</b>	<b>NONE</b>	<b>NONE</b>	<b>NONE</b>	<b>YES</b>
<p><b>Finance</b> The capital programme shows an in year variance of <b>-£1,650m</b>, which will be re-profiled across the future years of the capital programme.</p>						
<p><b>Physical Assets</b> The capital programme will have an impact on the physical assets of the Authority.</p>						

## CONSULTATIONS

<p>I confirm that the appropriate consultations have taken in place and the outcomes are as detailed below</p>		
Signed: <b>C. Moore</b>		<b>Director of Corporate Services</b>
<p><b>1. Scrutiny Committee</b> Relevant Scrutiny Committees will be consulted.</p> <p><b>2. Local Member(s) N/A</b></p> <p><b>3. Community / Town Council N/A</b></p> <p><b>4. Relevant Partners N/A</b></p> <p><b>5. Staff Side Representatives and other Organisations N/A</b></p>		
<p><b>Section 100D Local Government Act, 1972 – Access to Information</b> <b>List of Background Papers used in the preparation of this report:</b></p>		
Title of Document	File Ref No.	Locations that the papers are available for public inspection
2018-19 Capital Programme		Corporate Services Dept., County Hall, Carmarthen

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<b>Capital Programme 2018/19</b>							
<b>Capital Budget Monitoring - Report for December 2018</b>							
	<b>Working Budget</b>			<b>Forecasted</b>			
<b>DEPARTMENT</b>	<b>Expenditure £'000</b>	<b>Income £'000</b>	<b>Net £'000</b>	<b>Expenditure £'000</b>	<b>Income £'000</b>	<b>Net £'000</b>	<b>Variance for Year £'000</b>
<b>COMMUNITIES</b>							
- Public Housing	23,125	-6,190	<b>16,935</b>	21,482	-6,271	<b>15,211</b>	<b>-1,724</b>
- Private Housing	2,218	-303	<b>1,915</b>	2,471	-303	<b>2,168</b>	<b>253</b>
- Social Care	1,141	-697	<b>444</b>	1,108	-697	<b>411</b>	<b>-33</b>
- Leisure	5,110	-170	<b>4,940</b>	5,195	-158	<b>5,037</b>	<b>97</b>
<b>ENVIRONMENT</b>	20,796	-4,395	<b>16,401</b>	20,641	-4,389	<b>16,252</b>	<b>-149</b>
<b>EDUCATION &amp; CHILDREN</b>	11,606	-3,581	<b>8,025</b>	11,636	-3,581	<b>8,055</b>	<b>30</b>
<b>CHIEF EXECUTIVE</b>	1,951	-41	<b>1,910</b>	1,875	-41	<b>1,834</b>	<b>-76</b>
<b>REGENERATION</b>	5,563	-2,028	<b>3,535</b>	4,739	-1,252	<b>3,487</b>	<b>-48</b>
<b>TOTAL</b>	<b>71,510</b>	<b>-17,405</b>	<b>54,105</b>	<b>69,147</b>	<b>-16,692</b>	<b>52,455</b>	<b>-1,650</b>

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## Capital Programme 2018/19

### Capital Budget Monitoring - Report for December 2018 - Main Variances

DEPARTMENT/SCHEMES	Working Budget			Forecasted			Variance for Year £'000	Comment
	Expenditure £'000	Income £'000	Net £'000	Expenditure £'000	Income £'000	Net £'000		
<b>COMMUNITIES</b>								
<b>- Public Housing</b>	<b>23,125</b>	<b>-6,190</b>	<b>16,935</b>	<b>21,482</b>	<b>-6,271</b>	<b>15,211</b>	<b>-1,724</b>	
Sheltered Housing - Remodelling	208	0	208	3	0	3	-205	Preliminary design work has been undertaken to upgrade existing sheltered schemes, with delivery planned for 2019/20.
Voids To Achieve The CHS	2,518	0	2,518	3,268	0	3,268	750	Additional work being undertaken to bring voids with major works back into use.
Housing Minor Works	1,084	0	1,084	884	0	884	-200	Options being considered for works at 'Y Bwthyn'. £200k of 2018/19 funding being slipped to 2019/20 to deliver the scheme.
Garages	129	0	129	30	0	30	-99	A number of sites have been identified, slight delay in progress, schemes have been committed and will be delivered in 2019/20.
Adaptations and DDA Works (Building Services)	1,900	0	1,900	1,700	0	1,700	-200	Budget is currently fully committed however delays have arisen on a few large extension schemes owing mainly to: Party Wall Act dispute, Planning, and Utilities.
Stock Condition Survey 2018/19 - County Wide	150	0	150	0	0	0	-150	The method and capacity to capture and analyse data is in the process of being confirmed.
Managing Private Sector Homes (Social Lettings)	106	0	106	16	0	16	-90	Level of capital investment reduced as a result of successful use of alternative funding streams.
Empty Homes	107	0	107	0	0	0	-107	Level of capital investment reduced as a result of successful use of alternative funding streams.
Council New Build	2,000	0	2,000	647	0	647	-1,353	Delay in starting on site for the Dylan and Garreglwyd council housing developments. Both developments now have planning with works commencing shortly.
Other Projects with Minor Variances	14,923	-6,190	8,733	14,934	-6,271	8,663	-70	
<b>- Private Housing</b>	<b>2,218</b>	<b>-303</b>	<b>1,915</b>	<b>2,471</b>	<b>-303</b>	<b>2,168</b>	<b>253</b>	
Disabled Facility Grants	1,954	0	1,954	2,205	0	2,205	251	Overspend the result of a significant increase in demand/activity owing to an improved delivery process and reduction in waiting times. Also a greater percentage of larger adaptations being completed. Further work is being undertaken on managing demand moving forward with an extra £200k having been identified to increase the budget for 2019/20.
Other Projects with Minor Variances	264	-303	-39	266	-303	-37	2	
<b>- Social Care</b>	<b>1,141</b>	<b>-697</b>	<b>444</b>	<b>1,108</b>	<b>-697</b>	<b>411</b>	<b>-33</b>	No Major Variances.
<b>- Leisure</b>	<b>5,110</b>	<b>-170</b>	<b>4,940</b>	<b>5,195</b>	<b>-158</b>	<b>5,037</b>	<b>97</b>	No Major Variances.
<b>ENVIRONMENT</b>	<b>20,796</b>	<b>-4,395</b>	<b>16,401</b>	<b>20,641</b>	<b>-4,389</b>	<b>16,252</b>	<b>-149</b>	
Murray Street Car Park, Llanelli	257	0	257	190	0	190	-67	Expenditure profile being planned in accordance with whole of life care plan. Funding required for future year maintenance.
Other Projects with Minor Variances	20,539	-4,395	16,144	20,451	-4,389	16,062	-82	
<b>EDUCATION &amp; CHILDREN</b>	<b>11,606</b>	<b>-3,581</b>	<b>8,025</b>	<b>11,636</b>	<b>-3,581</b>	<b>8,055</b>	<b>30</b>	No Major Variances.
<b>CHIEF EXECUTIVE</b>	<b>1,951</b>	<b>-41</b>	<b>1,910</b>	<b>1,875</b>	<b>-41</b>	<b>1,834</b>	<b>-76</b>	No Major Variances.
<b>REGENERATION</b>	<b>5,563</b>	<b>-2,028</b>	<b>3,535</b>	<b>4,739</b>	<b>-1,252</b>	<b>3,487</b>	<b>-48</b>	No Major Variances.
<b>TOTAL</b>	<b>71,510</b>	<b>-17,405</b>	<b>54,105</b>	<b>69,147</b>	<b>-16,692</b>	<b>52,455</b>	<b>-1,650</b>	

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## EXECUTIVE BOARD 1<sup>st</sup> April 2019

### Purchase of Additional leave

The purpose of this report is to seek approval to introduce a new scheme which would allow employees to purchase additional leave.

### Recommendations / key decisions required:

This report provides an overview of the Purchase of Additional Leave Policy (draft policy attached as appendix 1) and details the advantages it would offer employees and the Authority if implemented. It is recommended that CMT consider the introduction of the new scheme.

### Reasons:

By introducing a purchase of additional leave policy the Authority will be able to generate savings in a creative and financially manageable way whilst complementing the range of supportive policies and benefits available to employees.

### EXECUTIVE BOARD / COUNCIL / COMMITTEE:

Scrutiny Committee Decision Required	YES
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Exec Board Member Decision Required	YES
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Council Decision Required	NO
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### EXECUTIVE BOARD MEMBER PORTFOLIO HOLDER:- Cllr Mair Stephens

Directorate: Chief Executives

Name of Head of Service:  
Paul Thomas

Report Author:  
Lindsey Evans

Designations:

Assistant Chief Executive

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## **EXECUTIVE SUMMARY EXECUTIVE BOARD 1<sup>ST</sup> APRIL 2019**

### **SUBJECT: PURCHASE OF ADDITIONAL LEAVE POLICY**

This report provides an overview of the Purchase of Additional Leave Policy (Draft policy attached) which is a salary sacrifice scheme and details of the advantages it could offer.

The Authority is committed to supporting its employees and promoting their health and well-being. This policy is designed to complement the existing range of supportive policies and benefits available to employees by allowing individuals to request to purchase additional annual leave.

This policy would assist employees in balancing work and home life by providing greater flexibility in respect of planned time off work and may contribute to a reduction in levels of sickness absence as experienced by other local authorities who have implemented a purchase of additional leave policy.

There may be instances for example where a member of staff:

- is planning a special event or trip;
- would benefit from additional leave to balance personal circumstances, eg. caring responsibilities at a particular time;
- simply would like more annual leave.

Existing policies such as job share, part-time working and unpaid leave provisions may not be appropriate for a member of staff to use, therefore, the option to purchase additional annual leave may offer a more suitable option.

This policy would apply to all Council employees (with the exception of those employed locally by schools and term-time workers) whether they are full-time, part-time, fixed term, temporary or permanent provided they have accrued 12 months service and completed the probationary period satisfactorily, have a contract of employment that covers the duration of the salary sacrifice agreement and the reduction in pay does not fall below National Living Wage levels.

This policy does not replace or restrict the discretion of line managers to grant unpaid leave in line with the Time Off Policy.

Benefits of implementing the policy include:

- the Council realising savings in employer national insurance contributions;
- a potential reduction in sickness absence levels and occupational sick pay;
- an improvement in employee engagement and morale improving in the recruitment and retention of staff and the Council being an employer of choice in a competitive labour market

However as with any flexible employee benefit it is essential that any request for the purchase of additional annual leave is balanced against the ability to maintain the provision of the Council's services.

A number of Welsh authorities have already implemented a purchase of annual leave scheme, eg. Cardiff Council implemented a policy in 2015 as part of a suite of flexible working benefits in order to generate savings. Cardiff Council's policy take up has steadily increased since being established and during 2018/19 230 employees utilised the policy, with similar take up in preceding years, which equates to approximately 2% of their workforce. Over the last three years they have reported employer savings of £392,285.

Swansea, Blaenau Gwent, Neath Port Talbot, Denbighshire and Anglesey Councils also have similar policies in place.

Nottingham City Council's success in implementing their policy has been well publicised. They were awarded the Personnel Today award in 2015 with the help of the introduction of the policy:

<https://www.employeebenefits.co.uk/issues/august-2011-online/nottingham-city-council-makes-savings-with-holiday-purchase-via-salary-sacrifice/>

<https://www.nottinghamcity.gov.uk/media/456766/13-total-rewards-brochure-2017.pdf>

It is reported that since the scheme's launch in 2012 they had saved £1.7 million. Around 10% of the workforce access the scheme and sickness absence rates have reduced (Nottingham employ 7,000 staff approx)

It is difficult to predict with any certainty the take up of the policy for Carmarthenshire in terms of potential financial savings. The success of any new policy will depend on corporate and departmental support for the initiative and an effective communication plan to ensure the message reaches all employees.

Research predicts a 3% take up of the policy and this could generate a saving of employer national insurance of up to approximately £117,989 per annum based on the average salary of the Authority at £19171 as at 1<sup>st</sup> April 2019 and 4700 employees of the Council (excluding staff employed locally by schools).

Example per 1FTE purchasing maximum 10 additional leave days per annum:

- $£19,171/365 * 7/37 = 9.94 \times 74 \text{ hours } (7.4 \times 10) = £ 735.33$
- Annual employers NI saving on £735.33 = £ 101.47
- Salary saving £836.80

There are resource implications as a consequence of administering the scheme that need to be considered by introducing the policy, the cost of which will need to be deducted from the gross employer national insurance savings.

It will not be possible to support all requests to purchase additional leave and therefore some applications will be reasonably declined due to the inability to maintain service delivery or due to current staffing levels or vacancy levels. It is clear in the policy that this employee benefit is

discretionary and the needs of the service are paramount. There may as a consequence be a disproportionate impact on employees delivering front line services.

However, the Council already operates a range of employee flexible benefits such as flexi time scheme and flexible working policy where the ability to participate or approve a request is subject to the needs of the service. This purchase of additional leave would follow the same principles.

The declining of a request by a manager may be perceived negatively and therefore it is recommended that the manager confirms the business reasons for the decision and allow the employee the opportunity to request a review of the decision by a more senior manager with advice from a HR Advisor. Approximately 85% of all requests for flexible working are approved within CCC and it is anticipated that this would be replicated by the purchase of additional leave policy.

**DETAILED REPORT ATTACHED?**

**DRAFT POLICY ATTACHED**

## IMPLICATIONS

I confirm that other than those implications which have been agreed with the appropriate Directors / Heads of Service and are referred to in detail below, there are no other implications associated with this report :

Signed: Paul Thomas

Assistant Chief Executive ( People Management)

Policy, Crime & Disorder and Equalities	Legal	Finance	ICT	Risk Management Issues	Staffing Implications	Physical Assets
<b>YES</b>	<b>YES</b>	<b>YES</b>	<b>NONE</b>	<b>NONE</b>	<b>YES</b>	<b>NONE</b>

### Policy, Crime & Disorder and Equalities

The Scheme will be applied consistently in relation to equalities. An equality impact assessment will be undertaken as part of the consultation process.

The scheme supports the aim of the People Strategy and the Corporate Strategy “Building a Better Council and Making Better Use of Resources”

### Legal

Scheme will be applied in accordance will relevant employment law legislation. The Scheme will operate in accordance with the salary sacrifice regulations via the HMRC

### Finance

Potential for financial savings.

### Staffing Implications

The implications for all staff are detailed in the body of the report. In addition in implementing the scheme there will be additional processes to be implemented for the People Services team.

# CONSULTATIONS

I confirm that the appropriate consultations have taken in place and the outcomes are as detailed below

Signed: Paul Thomas

Assistant Chief Executive ( People Management)

**1. Scrutiny Committee**

N/A

**2. Local Member(s)**

N/A

**3. Community / Town Council**

N/A

**4. Relevant Partners**

N/A

**5. Staff Side Representatives and other Organisations**

Staff side representatives have been consulted during the development of this policy, which has been amended to reflect their comments and that of the EBM.

**Section 100D Local Government Act, 1972 – Access to Information**

**List of Background Papers used in the preparation of this report:**

Title of Document	File Ref No.	Locations that the papers are available for public inspection



# Purchase of Additional Leave Draft Policy

December 2018

## 1. Introduction

Carmarthenshire County Council is committed to supporting the health and well-being of their employees and this scheme is intended to assist employees in balancing their home and work life. There may be instances for example where an employee:

- Is planning a special event or trip
- Needs extra leave for personal reasons
- Simply would like more annual leave

## 2. Purpose

The purpose of the additional leave purchase scheme is to provide employees with additional flexibility in respect of planned time off work. The additional annual leave is unpaid, the cost of which will be deducted from an employee's salary over their annual leave year. This will ensure that the employee continues to receive a monthly salary, at a reduced rate to reflect the unpaid leave.

## 3. Policy Statement

As part of the Council's ongoing commitment to supporting employees balance their work and personal commitments, this Policy has been agreed to allow employees to request up to 10 days (pro-rata part time) additional unpaid annual leave. **This is a discretionary scheme and applications will be considered in accordance with the service needs.**

The scheme will be administered via a 'salary sacrifice' arrangement which will allow employees to purchase additional leave which is not subject to tax or national insurance deductions. The scheme will also reduce the Council's employer contributions for National Insurance. (Please see paragraph 6).

This scheme does not replace or restrict the discretion of line managers to grant unpaid leave in line with the [Time off Policy](#). It also does not provide a right to take additional annual leave and is subject to the service needs.

## 4. Scope

This scheme applies to all employees of Carmarthenshire County Council, excluding staff employed by locally managed schools.

## 5. Eligibility

Subject to paragraph 4, this scheme is available to all eligible employees:

- Who have completed 12 months' continuous service at the time of making the request and completed the probationary period satisfactorily;

- Have a contract of employment for the duration of the term of the salary sacrifice agreement; and
- Where the 'reduced' salary is above the National Living Wage threshold for the duration of the term of the salary sacrifice agreement.

## 6. Salary sacrifice

A salary sacrifice arrangement varies an employee's terms and conditions of employment for the duration of the salary sacrifice agreement. It does so by reducing the employee's gross pay by the value of the annual leave days purchased and in turn increasing their annual leave entitlement.

Once the additional annual leave purchased is paid for in full, the employee's terms and conditions (i.e. salary) of employment revert back to those in place prior to entering the salary sacrifice agreement.

The Council would advise any employee who is in receipt of any state benefit, such as working tax credits, child tax credits, Statutory Maternity, Paternity and Adoption pay etc, to contact the Department for Work and Pensions for advice on how this scheme may affect them, prior to entering a salary sacrifice agreement.

## 7. Terms of the Additional Leave Purchase Scheme

A maximum of 10 days additional leave (up to a maximum of weekly contracted hours) can be requested to be purchased.

The 10 days additional annual leave will be pro rata for part time employees.

An application to purchase additional leave can be made at any time subject to eligibility as described in para. 5. The amount purchased will be deducted from pay by the end of the employee's annual leave year. For example if an application is approved for an additional 5 days leave on 30<sup>th</sup> November and the employee's birthday is 31<sup>st</sup> January, the 5 days will be deducted over that three month period.

Whilst the maximum number of days which an employee can request within his/her 12 month annual leave period is 10 days, an s/he can submit multiple requests, e.g. 2 requests for 3 days and 1 request for 4 days.

Once an application has been approved and the first deduction made from pay, the agreement becomes binding and cannot be brought to an end before the final deduction is made.

All additional leave purchased (whether a single amount of 10 days or multiple amounts) must be paid for within the same annual leave period it is purchased for.

Once purchased leave cannot be "sold back" to the Council.

The additional leave will be added to the employee's remaining annual leave balance.

There will be no increase in the annual leave “carry forward” provisions in line with the [Annual Leave and Holiday Pay Policy](#). Managers and employees must ensure requests for and authorisation of all annual leave is planned appropriately during the annual leave year. If, having purchased additional annual leave, the employee fails to take it before the end of the relevant leave year, the leave will be lost and no reimbursement made.

A separate request must be made for each leave year.

## **8. Application for purchase of additional annual leave**

An application to purchase additional annual leave should be made to the relevant Line Manager.

Once a request is received the Line Manager should notify the employee of his/her decision within 14 calendar days.

Approval of requests will depend upon the needs of the service and must not increase the costs of the service for example by having to provide additional cover, staffing or other resources.

A request may be reasonably refused for operational reasons related to the job and service needs, which could include consideration of workloads and the periods of leave being taken by other members of staff.

This is a discretionary scheme, however, an employee may ask for a review of the decision and this can be requested by writing to the Assistant Chief Executive, People Management. The employee will need to clearly outline their grounds for requesting the review of the decision will then be undertaken by the Head of Service or his/her nominated representative with advice from a HR Advisor. The final decision will be confirmed in writing to the employee by the Manager undertaking the review.

## **9. Pension Implications**

This scheme ensures that pay for pensions purposes is not affected by an employee’s decision to purchase additional leave.

## **10. Leaving the Council**

Employees leaving the Council will be reimbursed if the salary sacrifice deductions on leaving amount to more than the additional annual leave purchased but untaken prior to the leaving date. Likewise, pay will be recovered from the employee’s final salary if the value of the salary sacrifice deduction is less than the value of the annual leave taken.

Line Managers should advise Employee Services of reimbursement or deduction actions that are necessary, in advance of the employee’s last day of service with the Council.

## 11. ENSURING EQUALITY OF OPPORTUNITY

All employees are required to adopt a positive, open and fair approach and ensure the Authority's Equality and Diversity Policy is adhered to and applied consistently to all irrespective of race, colour, nationality, ethnic or national origins, disability, religion and belief or non-belief, age, sex, gender reassignment, gender identity and gender expression, sexual orientation, pregnancy or maternity, marital or civil partnership status.

In addition, the Welsh Language Standards ask us to 'ensure that the Welsh language is treated no less favorably than the English language' and this principle should be adopted in the application of this policy and procedure.

If you have any equality and diversity concerns in relation to the application of this policy and procedure, please contact a member of the HR Team who will, if necessary, ensure the policy/procedure is reviewed accordingly

If you require this publication in an alternative format please contact People Management on Ext 6184 or email [PMBusinessSupportUnit@carmarthenshire.gov.uk](mailto:PMBusinessSupportUnit@carmarthenshire.gov.uk)

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## Executive Board

1<sup>st</sup> April 2019

### Supplementary Planning Guidance Wind and Solar Energy and Draft Highways Design Guide Adopted Carmarthenshire Local Development Plan

#### Recommendations / key decisions required:

- To consider the content of and responses received in respect of the Draft Supplementary Planning Guidance (SPG) on Wind and Solar Energy and approve the recommendations of this report.
- To adopted the Wind and Solar Energy SPG subject to the recommendations of this report.
- To consider and approve the Draft Highways Design Guide SPG set out within the report for formal 6 week public consultation.
- To delegate authority to the Head of Planning to correct typographical, cartographical or grammatical errors, and to make amendments in order to enhance accuracy and clarity of meaning.

#### Reasons:

- To reflect the requirements to prepare SPG including commitments set out within the Adopted Local Development Plan.
- To support implementation of, and provide guidance and elaborate on the policies and provisions of the Adopted Local Development Plan.

Relevant scrutiny committee to be consulted? Community Scrutiny Committee: 28<sup>th</sup> March 2019

Exec Board Decision Required	YES
Council Decision Required	YES

EXECUTIVE BOARD MEMBER PORTFOLIO HOLDER:- Cllr Mair Stephens

Directorate : Environment	Designations :	Tel Nos. 01267 228659
Name of Head of Service:		E Mail Addresses:
Llinos Quelch	Head of Planning	<a href="mailto:LQuelch@carmarthenshire.gov.uk">LQuelch@carmarthenshire.gov.uk</a>
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Report Author: Ian Llewelyn	Forward Planning Manager	<a href="mailto:IRLlewelyn@carmarthenshire.gov.uk">IRLlewelyn@carmarthenshire.gov.uk</a>

# EXECUTIVE SUMMARY

## Executive Board

1<sup>st</sup> April 2019

### SUPPLEMENTARY PLANNING GUIDANCE

### WIND AND SOLAR ENERGY AND

### DRAFT HIGHWAYS DESIGN GUIDE

### ADOPTED CARMARTHENSHIRE LOCAL DEVELOPMENT PLAN

#### 1. BRIEF SUMMARY OF PURPOSE OF REPORT.

This Report presents two Supplementary Planning Guidance (SPG) for consideration which have been prepared to support and elaborate on the policies and provisions of the adopted Carmarthenshire Local Development Plan (LDP). The aim of the report is to progress the SPG as follows:

Draft Wind and Solar – to consider the representation received as part of the formal consultation held between the 23 August and the 5 October 2018, and to seek authorisation to formally adopt its content subject to the recommendations set out in this report.

Highways Design Guide – to authorise undertaking formal public consultation on the SPG for a 6 week period prior to its formal adoption.

It should be noted that it is not the purpose of the SPG to devolve policy matters from the LDP, SPGs set out more detailed guidance on how the policies of the LDP will be applied.

#### 2. Background

The Carmarthenshire Local Development Plan (LDP) was adopted by Full Council on the 10<sup>th</sup> December 2014 along with 8 thematic and site specific SPG prepared concurrent to the LDP. Since this date, the LDP has been the development plan for the County (excluding that area contained within the Brecon Beacons National Park). The LDP is one of the statutory high level strategies which must be prepared and approved for the County, setting out in appropriate land-use terms and guiding, the Councils Plans and strategies for the next 15 years including the Wellbeing Plan and the Corporate Strategy. It should be noted that the current adopted LDP will remain until superseded by the Revised LDP which is anticipated for adoption at the end of 2021.

In recognising the role of SPG in supporting the Plan, and as a means of providing more detailed policy guidance, the LDP sets out the opportunities and requirements for the preparation of SPG. Such SPG are prepared where required to support the delivery of the Plans policies and to assist in decision making. The preparation of the SPG, are key indicators in the LDP Monitoring Framework and will be subject to reporting to the Welsh Government through the Annual Monitoring Report (AMR).

#### 3. Draft Wind and Solar SPG

The Draft Wind and Solar Energy SPG was published for public consultation during the period 23 August to 5 October 2018. Six responses were received to the consultation. The attached report details the responses received along with the Officer's recommendations.

Responses were received from the following:

1. Pembrokeshire Coast National Park
2. NRW



3. Caroline Hill
4. The Coal Authority
5. Caroline Evans, Brechfa Forest Energy Action

It is recommended that the SPG and the accompanying Landscape Sensitivity and Capacity Study be amended as detailed in the report.

The SPG provides further, more detailed guidance for facilitating the development of renewable energy schemes, focusing in particular on wind and solar energy. It is generally split over three sections: general guidance; onshore wind; and solar.

Note: The SPG is not applicable to wind farm schemes located within the two Strategic Search Areas within the County (SSA G: Brechfa Forest and SSA E: Pontardawe) as guidance for renewable energy schemes is covered within Technical Advice Note 8.

General guidance is provided for onshore wind and solar energy applications on issues such as pre-applications, Environmental Impact Assessment, Habitat Regulations Assessment, grid connection, community energy, community benefits, agricultural land, ecological considerations, mitigation and enhancement.

The Onshore Wind section includes issues such as landscape, cumulative impact, design considerations, noise, ecological considerations, historic environment and highways. The Solar section includes issues such as landscape, design considerations, noise, cumulative impact, ecology, historic environment and highways.

Two studies are referred to in the guidance as providing more detailed information on the consideration of landscape aspects of the SPG, which are: the Pembrokeshire and Carmarthenshire: Cumulative Impact of Wind Turbines on Landscape and Visual Amenity Guidance; and the Landscape Sensitivity and Capacity Studies for Wind Turbine Developments and Solar PV Developments (LSCS). These Studies were published concurrent with the consultation and were commissioned by the Council to provide support to these policy areas.

It should be noted that the SPG contains extracts from the LSCS, as these were produced by consultants for the Authority, responses to these extracts/documents have been sent to the consultants for comment. Their comments are detailed in the report.

#### **4. Draft Highways Design Guide**

The new Highways Design Guide (HDG) will replace the existing Highway Design Guidance which dates back to 1997. Since this time there have been a number of important changes to local and national policy as well as new design templates, as set out in the Manual for Streets and Manual for Streets 2 publications. The new HDG ensures the guidance is accurate and up to date with current legal and policy guidance. It also ensures that developers or interested parties are fully informed on the expectations for the design of highway infrastructure for developments in the County.

The preparation and adoption of the guidance as SPG will assist Developers, Designers and other professionals in understanding the highways requirements for new development and will assist in the determination of proposals as they emerge.

The HDG seeks to encourage developers to create Highway layouts which have a distinctive character in their built environment and landscaping, whilst applying design standards which will achieve safe sustainable provision for all users. It is intended that the guide will be a key reference document to be cited when determining Highways responses to planning consultations, as such it is sub titled 'a Toolkit for Developers'.

It will also provide developers and applicants with a clear understanding of the Council's requirements and will assist in the timely consideration of proposals where they conform to its content. Whilst also helping ensure developments are safe, sustainable and mitigate any impacts they may have on the highway network.

The guide sets out:

1. Aims and Objectives of the Design Guide
2. The Planning Process
3. Policy context
4. Design Process
5. Design Standards
6. Construction, Maintenance and Statutory Agreements

A copy of the Draft Highways Design Guide is attached.

### 5. Next Steps

Subject to members deliberation the Draft Wind and Solar SPG will be adopted and published as appropriate.

The Draft Highways Design Guide SPG will be published for formal public consultation for a six week period, during this time comments will be invited from a range of organisations, interested parties and members of the public.

Please note there is no identified requirement in relation to the length of any consultation in respect of SPG within National Planning Policy and statutory regulations. However, the use of the six week period proposed within this report would ensure that any consultation is consistent in length with the statutory consultation period for an LDP set out within Local Development Plan Regulations.

The Draft Highways Design Guide SPG and the representations received will be reported back to a future meeting of County Council for consideration prior to its formal adoption.

DETAILED REPORT ATTACHED ?	YES
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## IMPLICATIONS

I confirm that other than those implications which have been agreed with the appropriate Directors / Heads of Service and are referred to in detail below, there are no other implications associated with this report :

Signed: L Quelch

Head of Planning

Policy, Crime & Disorder and Equalities	Legal	Finance	ICT	Risk Management Issues	Staffing Implications	Physical Assets
<b>YES</b>	<b>NONE</b>	<b>YES</b>	<b>NONE</b>	<b>NONE</b>	<b>NONE</b>	<b>NONE</b>

### 1. Policy, Crime & Disorder and Equalities

The Draft SPG is an elaboration on the policies and provisions of the Local Development Plan. Through land use planning policies, the LDP seeks to promote the principles of sustainability and sustainable development by facilitating the creation of communities and local economies which are more sustainable providing access to local services and facilities and reducing the need to travel.

The integration of sustainability as part of the preparation of the LDP is reflected in the undertaking of a Sustainability Appraisal and Strategic Environmental Assessment reflecting national and international legislative requirements. This iterative approach ensures sustainability is at the heart of the Plan and that it is reflective of the requirements emanating from the Wellbeing and Future Generations Act.

### 3. Finance

Financial costs (including production of the final SPG, translation, publicity etc.) are covered through the financial provisions in place - including reserves.

# CONSULTATIONS

I confirm that the appropriate consultations have taken in place and the outcomes are as detailed below

Signed: L Quelch

Head of Planning

**(Please specify the outcomes of consultations undertaken where they arise against the following headings)**

## **1. Scrutiny Committee**

Both SPG will be reported to Communities Scrutiny as part of approval process for consultation purposes. Date TBC. The Highways Design Guide has been previously reported to the relevant Scrutiny Committee.

## **2. Local Member(s)**

Members have and will be consulted as part of the SPG's preparatory process. The Wind and Solar Energy SPG has been subject to a full public consultation which included Local Members.

## **3. Community / Town Council**

Community and Town Councils represent a statutory consultee within the LDP process and have and will be consulted as part of the Highways Design Guide SPG's preparatory process. The Wind and Solar Energy SPG has been subject to a full public consultation which included Community and Town Councils.

## **4. Relevant Partners**

Statutory consultees, the public, interested parties and key agencies and bodies have and will be consulted as appropriate. The Wind and Solar Energy SPG has been subject to a full public consultation which included relevant partners.

Engagement was undertaken on the Draft Highways Design Guide through the Local Planning Authority led "Meet the developers" events which informed developers and agents across the County.

## **5. Staff Side Representatives and other Organisations**

The content of the Draft Highways Design Guide will be subject to full public consultation. Internal contributions have and continue will be sought throughout the revision process. Internal consultation has been undertaken with officers in Highway Engineering, Public Transport, Traffic Management, Highway Maintenance, Adoptions, Waste Services, Drainage, and Regeneration.

The Wind and Solar Energy SPG has been subject to a full public consultation.

**Section 100D Local Government Act, 1972 – Access to Information**

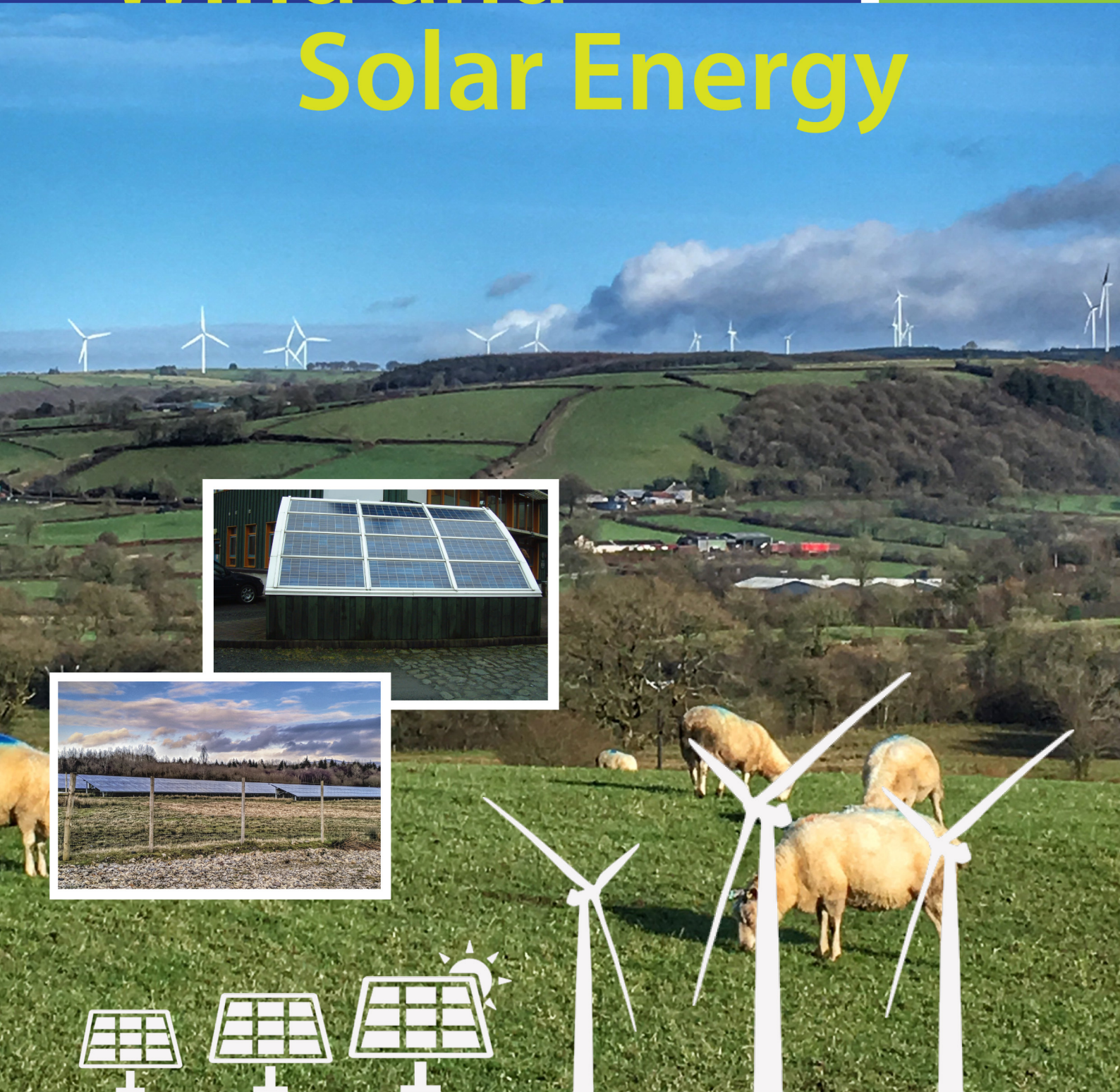
**List of Background Papers used in the preparation of this report:**

**THESE ARE DETAILED BELOW**

Title of Document	File Ref No.	Locations that the papers are available for public inspection
<b>Adopted Carmarthenshire Local Development Plan</b>		<a href="http://www.carmarthenshire.gov.wales/home/residents/planning/policies-development-plans/local-development-plan/">http://www.carmarthenshire.gov.wales/home/residents/planning/policies-development-plans/local-development-plan/</a>
<b>Supplementary Planning Guidance</b>		<a href="http://www.carmarthenshire.gov.wales/home/residents/planning/policies-development-plans/supplementary-planning-guidance/#.V06h-JwrKUk">http://www.carmarthenshire.gov.wales/home/residents/planning/policies-development-plans/supplementary-planning-guidance/#.V06h-JwrKUk</a>
<b>Draft Wind and Solar SPG</b>		<a href="https://www.carmarthenshire.gov.wales/media/1215539/spg-wind-solar-draft.pdf">https://www.carmarthenshire.gov.wales/media/1215539/spg-wind-solar-draft.pdf</a>
<b>Annual Monitoring Reports</b>		<a href="http://www.carmarthenshire.gov.wales/home/council-services/planning/planning-policy/annual-monitoring-report-amr/">http://www.carmarthenshire.gov.wales/home/council-services/planning/planning-policy/annual-monitoring-report-amr/</a>

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# Wind and Solar Energy



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**Appendix A: Guidance Document for Assessing Noise Impact from Wind Turbine(s)**

**Appendix B: European Sites**

# 1. Introduction

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1.1 This Supplementary Planning Guidance (SPG) has been prepared to support the Renewable Energy policies contained within the Carmarthenshire Local Development Plan (LDP). This SPG provides further, more detailed guidance for facilitating the development of renewable energy schemes, focusing in particular on wind and solar energy. It is aimed at developers, local communities, landowners and community councils and seeks to provide a better understanding of how planning applications for wind and solar energy may be assessed by the Council. This SPG should be read in conjunction with the Landscape Sensitivity and Capacity Studies for Wind Turbine Development and Solar PV Development and the Pembrokeshire and Carmarthenshire: Cumulative Impact of Wind Turbines on Landscape and Visual Amenity Guidance.

1.2 This draft SPG will be subject to a consultation exercise conducted in a manner consistent with that set out within the Delivery Agreement for the LDP. Following consideration of the responses received, the SPG will be adopted and used in the consideration of renewable energy proposals. The SPG will be a material consideration in the determination of planning applications.

1.3 Reference is made in this SPG to a number of documents and legislation which may be superseded by new or amended documents following publication, where this is the case regard should be given to the most up-to-date and relevant guidance.

## 2. Background

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2.1 Under European Union targets<sup>1</sup>, the UK has a legally-binding target to generate 15% of its energy from renewable sources by 2020. The UK Renewable Energy Strategy<sup>2</sup> sets out the UK Government's vision to ensure that this target is met. The Welsh Government is committed to playing its part by delivering an energy programme which contributes to reducing carbon emissions as part of its approach to tackling climate change<sup>3</sup>. Current government policy and guidance is centred on reducing CO2 emissions in an attempt to slow down climate change, and producing electricity from renewable sources is considered to be part of the solution. The planning system has an important role to play in supporting, encouraging and facilitating renewable energy schemes.

2.2 The Council supports the development of renewable energy schemes within the County and seeks to ensure that they are located in the most suitable locations. The County is well located in terms of tapping into renewable sources of energy, and the number of applications for such schemes, in particular for wind and solar, have increased in recent years. The County's upper areas produce a consistent and high wind-speed, making these areas attractive for wind turbines, whilst the County offers many other opportunities for other technologies, particularly solar.

2.3 Brechfa Forest has been designated a Strategic Search Area (SSA) in Technical Advice Note 8 (TAN 8), for large-scale wind power. In addition to Brechfa, the County also has a small part of the Pontardawe Strategic Search Area within its area. This SPG is not applicable to wind farm schemes located within Strategic Search Areas.

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<sup>1</sup> EU Renewable Energy Directive

<sup>2</sup> [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/228866/7686.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/228866/7686.pdf)

<sup>3</sup> Planning Policy Wales Edition 9 (Section 12.8.1)

2.4 The Council is responsible for determining planning applications for renewable energy schemes of less than 10MW, excluding those smaller householder schemes that are classed as “permitted development” which do not require planning permission. Permitted Development rights are subject to change over time, the latest guidance is outlined on the Welsh Government<sup>4</sup> website.

2.5 Detailed guidance for Renewable Energy schemes is provided by the Welsh Government their documents: “Practice Guidance – Planning Implications of Renewable and Low Carbon Energy<sup>5</sup>” (2011) and “Planning for renewable and Low Carbon Energy: A Toolkit for Planners” (2015)<sup>6</sup>. It is recommended that developers and householders refer to this document for further, detailed guidance on technologies and general policy.

2.6 Whilst the Council is, in principle supportive of renewable energy developments, it is recognised that they can, in some instances have a variety of impacts. Appropriate weight will be given to local opinions and consultation responses during the planning process. This SPG provides information to applicants and interested parties as to the Council’s expectations and key considerations for planning renewable energy schemes. This guidance does not set out specific locations suitable for renewable energy technologies. The Landscape Sensitivity and Capacity Study should be consulted when considering the siting of schemes.

## 3. Planning Policy Context

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### 3.1 Planning Policy Wales (PPW)

3.1.1 PPW, which is supplemented by Technical Advice Notes sets out the land use policies of the Welsh Government. PPW seeks to ensure that planning policy on all levels work towards delivering UK energy targets. The latest version of PPW is edition 9 which was published in November 2016. It states that the Welsh Government aim “to secure an appropriate mix of energy provision for Wales which maximises benefits to our economy and communities, whilst minimising potential environmental and social impacts” (para 12.8.6).

3.1.2 A definition of renewable energy is provided in para 12.8.7: “renewable energy is the term used to cover those sources of energy, other than fossil fuels or nuclear fuel, which are continuously and sustainably available in our environment. This includes wind, water, solar, geothermal energy and plant material (biomass). These sources of energy can be utilised to generate power, heat, fuels (for transport) and cooling through a range of renewable energy technologies such as solar panels and wind turbines.”

3.1.3 The responsibilities for Local Planning Authorities are set out in paragraphs 12.8.9 and 12.8.10. There is an emphasis of facilitating the development of all forms of renewable and low carbon energy to move towards a low carbon economy.

*12.8.9 Local planning authorities should facilitate the development of all forms of renewable and low carbon energy to move towards a low carbon economy (see 4.4.3) to help to tackle the causes of climate change (see 4.7.3). Specifically, they should make positive provision by:*

- *considering the contribution that their area can make towards developing and facilitating renewable and low carbon energy, and ensuring that development plan policies enable this contribution to be delivered;*
- *ensuring that development management decisions are consistent with national and international climate change obligations, including contributions to renewable energy targets and aspirations;*

<sup>4</sup> <http://gov.wales/topics/planning/policy/guidanceandleaflets/householder-permitted-development-rights/?lang=en>

<sup>5</sup> <http://gov.wales/topics/planning/policy/guidanceandleaflets/planningimplications/?lang=en>

<sup>6</sup> <http://gov.wales/docs/desh/publications/151021renewable-energy-toolkit-en.pdf>

- *recognising the environmental, economic and social opportunities that the use of renewable energy resources can make to planning for sustainability (see Chapter 4); and*
- *ensuring that all new publicly financed or supported buildings set exemplary standards for energy conservation and renewable energy production.*

12.8.10 *At the same time, local planning authorities should:*

- *ensure that international and national statutory obligations to protect designated areas, species and habitats and the historic environment are observed;*
- *ensure that mitigation measures are required for potential detrimental effects on local communities whilst ensuring that the potential impact on economic viability is given full consideration; and*
- *encourage the optimisation of renewable and low carbon energy in new development to facilitate the move towards zero carbon buildings (see 4.11 and 4.12).*

3.1.4 PPW acknowledges that wind energy continues to offer the greatest potential for delivering renewable energy in the short to medium term. There is however, a recognition that the “introduction of new, often very large structures for onshore wind needs careful consideration to avoid and where possible minimise their impact” (para 12.8.12). Technical Advice Note (TAN) 8: Planning for Renewable Energy (2005) identifies the most appropriate location where large turbines should be sited. The TAN identifies areas known as Strategic Search Areas (SSAs) which will accommodate large-scale (generating over 25MW) wind energy developments.

3.1.5 PPW contains a number of key points to be considered by Local Planning Authorities in the determination of applications and by applicants when designing schemes:

- LPAs should facilitate grid network infrastructure to support SSAs (para 12.8.14).
- The development of large wind farms or other large scale renewable and low carbon energy schemes will not generally be appropriate in internationally or nationally designated areas and sites (para 12.8.14).
- The contribution the scheme would have in terms of delivering renewable energy to meeting national targets and any environmental, social and economic benefits the scheme would bring (para 12.10.1).
- Impacts should be minimised on local communities to safeguard quality of life for existing and future generations and any adverse impacts should be avoided, mitigated or appropriately compensated (para 12.10.1).
- LPAs should consider the likely impact of on existing or other proposed renewable and low carbon energy developments and sources (para 12.10.4).
- Community benefits should be sought but should not be treated as a material consideration (para 12.10.5).
- Planning conditions or obligations should be used to mitigate impacts and secure the benefits and opportunities arising from renewable energy schemes (para 12.10.6).
- Outside Strategic Search Areas, the implicit objective is to maintain the landscape character, whilst within and immediately adjacent to the SSAs, the implicit objective is to accept landscape change. (para 8.4)

## 3.2 Technical Advice Note 8 (TAN 8)

3.2.1 Supplementing the guidance provided by PPW, TAN 8, published in 2005 provides guidance for the land use planning considerations of renewable energy. It is acknowledged in the TAN that wind power offers the greatest potential for achieving these targets, and as such seven Strategic Search Areas (SSAs), which are broad-brush areas suitable for large scale wind power proposals have been identified. SSA Area G: Brechfa Forest and a small part of Area E: Pontardawe fall within the County’s boundary. Indicative targets for each

SSA are set out in the TAN, but have since been revised. The Minister for Environment and Sustainable Development in his letter dated July 2011 set out the maximum capacities for each SSA. For SSA G: Brechfa Forest, the capacity set was 132MW.

3.2.2 Key points from the TAN to be considered by Local Planning Authorities in the determination of applications and by applicants in designing schemes include:

- Most areas outside SSAs should remain free of large wind power schemes. LPAs should consider the cumulative impact of small schemes in areas outside of the SSAs and establish suitable criteria for separation distances from each other and from the perimeter of existing wind power schemes or the SSAs (para 2.13).
- Extending or re-powering existing wind farms outside SSAs should be encouraged (para 2.14).
- Some community benefits can be justified as mitigation, while others may be offered not directly through the planning process (para 2.16).
- The TAN describes a number of other renewable energy processes and their planning considerations including: Anaerobic Digestion (biomass), Bio-fuels for Vehicles, Combined Heat and Power, Community (or District) Heating, Energy from Waste, Fuel Crops (including Woodfuel), Hydro-Power, Methane, Solar Thermal and Solar Photo-Voltaic (PV).
- Appropriate conditions for decommissioning wind farms or turbines, their restoration and proposed after-use of the site should be used (para 6.4).

### 3.3 Practice Guidance: Planning Implications of Renewable and Low Carbon Energy (2011)

3.3.1 This document was published after TAN 8, and provides further guidance to assist Local Planning Authorities in determining applications for renewable energy development. It provides detailed guidance on a range of technologies including: wind; biomass; anaerobic digestion; biofuels; small scale hydro; solar – building integrated and solar PV arrays; ground, water and air source heat pumps; geothermal; fuel cells; combined heat and power and combined cooling heat and power; district heating; and waste heat.

### 3.4 Carmarthenshire Local Development Plan

3.4.1 Adopted in December 2014, the Carmarthenshire Local Development Plan (LDP) sets out the Authority's policies and proposals for future development and use of land. Whilst the Plan should be read as a whole, there are a number of specific policies that apply to renewable energy proposals. This SPG is designed to provide further guidance and detail to support and implement these policies.

3.4.2 The LDP contains four dominant policies specific to renewable energy proposals, Policy SP11 is a Strategic policy, while Policies RE1, RE2 & RE3 are detailed policies.

#### **SP11 Renewable Energy & Energy Efficiency**

Development proposals which incorporate energy efficiency measures and renewable energy production technologies will be supported in areas where the environmental and cumulative impacts can be addressed satisfactorily. Such developments will not cause demonstrable harm to residential amenity and will be acceptable within the landscape. Each proposal will be assessed on a case by case basis.

Large scale wind farms will only be permitted within Strategic Search Areas.

#### **Policy RE1 Large Scale Wind Power**

Large scale wind farms of 25MW and over will be permitted provided that the following criteria can be met:

- a) The development is located within a Strategic Search Area and will contribute to meeting the indicative generating capacity within the Area;
- b) The development will not have an unacceptable impact on visual amenity or landscape character through: the number, scale, size, design and siting of turbines and associated infrastructure;

- c) The development will not result in demonstrable harm to statutorily protected sites and species, and habitats and species identified in the Local Biodiversity Action Plan;
- d) The development will not have an unacceptable impact upon areas designated for their landscape value;
- e) The development will not result in significant harm to the safety or amenity of sensitive receptors and will not have an unacceptable impact on roads, rail or aviation safety;
- f) The development will not result in unacceptable loss of public accessibility to the area; existing footpaths, mountain bike trails and equestrian trails will be safeguarded from development with no permanent loss to their length and quality;
- g) The development will not result in unacceptable electromagnetic interference to communications installations, radar or air traffic control systems, emergency services communications, or other telecommunication systems;
- h) The development will not have unacceptable cumulative impacts in relation to existing wind turbines and those which have permission;
- i) Turbines and associated infrastructure will, at the end of the operational life of the facility, be removed and an appropriate land restoration and aftercare scheme agreed;
- j) Proposals will not cause an unreasonable risk or nuisance to, and impact upon the amenities of, nearby residents or other members of the public.

### **Policy RE2 Local, Community and Small Wind Farms**

- k) Local, Community and Small wind farms or individual turbines will be permitted provided the following criteria can be met in full:
- l) The development will not have an unacceptable impact on visual amenity or landscape character through: the number, scale, size, design and siting of turbines and associated infrastructure;
- m) The development will not have an unacceptable cumulative impact in relation to existing wind turbines and other renewable energy installations and those which have permission;
- n) The siting, design, layout and materials used should be sympathetic to the characteristics of the land-form, contours and existing features of the landscape;
- o) The development would not cause demonstrable harm to statutorily protected species, and habitats and species identified in the Local Biodiversity Action Plan;
- p) Turbines and their associated structures will not be sited in, or impact upon archaeological resources, the setting and integrity of Conservation Areas, Listed Buildings or other areas of historical value;
- q) Proposals will not cause an unreasonable risk or nuisance to, and impact upon the amenities of, nearby residents or other members of the public;
- r) No loss of public accessibility to the area, and existing bridleways and footpaths will be safeguarded from development with no permanent loss to their length and quality;
- s) Turbines and associated infrastructure will, at the end of the operational life of the facility, be removed and an appropriate land restoration and aftercare scheme agreed;
- t) The development will not result in significant harm to the safety or amenity of sensitive receptors and will not have an unacceptable impact on roads, rail or aviation safety;
- u) The development will not result in unacceptable electromagnetic interference to communications installations; radar or air traffic control systems; emergency services communications; or other telecommunication systems.

### **Policy RE3 Non-wind Renewable Energy Installations**

#### **Proposals within Development Limits**

Proposals for non-wind renewable energy installations will be permitted within defined Development Limits, provided they do not cause an unacceptable impact to the character of the local area and to the amenity of adjacent land, properties, residents and the community. Proposals will not be permitted if they negatively impact upon archaeology or the setting and integrity of Conservation Areas, Listed Buildings or other features or areas of historical value.

### **Proposals outside Development Limits**

Proposals for small scale non-wind renewable energy installations outside defined Development Limits are required to satisfactorily justify the need to be sited in such a location. Such proposals should be sited in close proximity to existing buildings and structures and will not cause demonstrable harm to the landscape. Large scale schemes located outside defined Development Limits may be permitted in exceptional circumstances, where there is an overriding need for the scheme which can be satisfactorily justified, and the development will not cause demonstrable harm to the landscape.

Proposals that would cause demonstrable harm to the landscape, visual impact, noise, ecology, or ground and surface water as a result of the cumulative effect of renewable energy installations will not be permitted.

3.4.3 In addition to these dominant policies, there are a number of additional policies which will also be considered as being key to the determination of planning applications. These are:

- GP1: Sustainability and High Quality Design;
- GP3: Planning Obligations;
- GP4: Infrastructure and New Development;
- TR3: Highways in Developments – Design Considerations;
- EQ1: Protection of Buildings, Landscapes and Features of Historic Importance;
- EQ3: Regional and Local Designations;
- EQ4: Biodiversity;
- EQ6: Special Landscape Areas;
- EP1: Water Quality and Resources;
- EP2: Pollution.

## **4. General Guidance**

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### **4.1 Introduction**

4.1.1 This section is applicable to both onshore wind development and solar development. More detailed, specific advice to each of the developments is contained in sections 5 and 6.

### **4.2 Pre-application advice**

4.2.1 Applicants are encouraged to contact the local authority prior to submitting an application in order to ascertain what information would be required to be submitted as part of the application. The local authority will be able to offer pre-application advice before a formal application is submitted in order to guide applicants through the process<sup>7</sup>, which may minimise delays later in processing the application. A fee may be applicable for this service, as set out on the Council's website.

4.2.2 Pre-application discussions can also help the applicant and the planning authority identify areas of concern about the proposed development so that consideration is given to amending the proposal before the application is submitted. The advice and guidance provided at the pre-application stage is given in good faith, however, it does not guarantee or supply a definitive undertaking as to whether the proposal is likely to be acceptable.

### **4.3 Pre-application consultation**

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<sup>7</sup> <http://www.carmarthenshire.gov.wales/home/residents/planning/planning-applications/pre-application-service/#.WCCuoE2b-Uk>

4.3.1 New legislation came into effect on the 16<sup>th</sup> March 2016 with the Planning Wales Act 2015 that requires applicants of “major developments” to submit a pre-application consultation report as part of the application. “Major developments” are defined in the Development Management Procedure Wales Order 2012<sup>8</sup> and for the purposes of Renewable Energy schemes includes “development carried out on a site having an area of 1 hectare or more”. Detailed guidance is set out in Section 17 of the Planning Wales Act 2015 of the requirements for pre-application consultation.

#### 4.4 Environmental Impact Assessment

4.4.1 Certain planning applications require an Environmental Impact Assessment (EIA), under the Town and County Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999. An EIA ensures that when assessing planning applications, consideration is given to the environmental effects of that application. The EIA process aims to prevent, reduce or offset any significant adverse environmental effects of development proposals, and enhance positive ones.

4.4.2 Developers should ask for a formal opinion from the Council as to whether or not a scheme requires an EIA, this is known as a screening opinion. A screening opinion is usually sought for wind energy developments when the development consists of:

- the installation of more than 2 turbines; or
- the hub height of the turbine or other structure on the site exceeds 15m; or
- the site is located within a “sensitive area” as defined by the Regulations.

4.4.3 Solar energy developments are not specifically mentioned within the Regulations, however, depending on the size of the array and the potential impacts it may be necessary to undertake an EIA and a screening opinion should be sought.

4.4.4 When requesting a screening opinion, sufficient information should be provided by the applicant, this should include:

- a description of the nature and purpose of the development and of its possible effects on the environment;
- a location and site plan; and
- details of the power output.

4.4.5 Further details on screening opinions are contained within the EIA Regulations.

#### 4.5 Habitat Regulations Assessment

4.5.1 In addition to an EIA, some proposals may be subject to Habitat Regulations Assessment (HRA). Under the Conservation of Habitats and Species Regulations 2010, any proposals that are likely to have a significant effect on designated European sites will be required to be assessed. European sites include Special Areas of Conservation (SACs), Special Protection Areas (SPAs), and European Offshore Marine Sites (EOMS), and under Welsh Government policy, Ramsar sites are also treated as being fully designated. Appendix B lists the European sites within the County.

4.5.2 A screening opinion from the LPA through a Test for Likely Significant Effect (TLSE) will be undertaken where a European designated site may be impacted. If the TLSE reveals that significant adverse effects are likely, then an Appropriate Assessment will be required. Appropriate Assessments will be undertaken by the LPA with sufficient information supplied by the applicant to determine whether the proposal complies with the Conservation of Habitats and Species Regulations 2010. Where an appropriate

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<sup>8</sup> Development Management Procedure Wales Order 2012, Article 2:  
[http://www.legislation.gov.uk/wsi/2012/801/pdfs/wsi\\_20120801\\_mi.pdf](http://www.legislation.gov.uk/wsi/2012/801/pdfs/wsi_20120801_mi.pdf)



assessment is necessary, it must be demonstrated that significant effects will be absent with no reasonable scientific doubt remaining.

## 4.6 Grid Connection

4.6.1 Some small-scale installations may not require new overhead connections to the electricity grid network and in the majority of cases, connection to the grid will not be a planning consideration.

4.6.2 The District Network Operator (DNO) is responsible for establishing a connection between the substation and the electricity grid network. The Council encourages developers to undertake early engagement with DNO and the placing of cables should avoid areas of high landscape, ecological and archaeological sensitivity. On site cabling and infrastructure will require careful consideration.

## 4.7 Community Energy

4.7.1 Community energy has the potential to reap many long term benefits for communities by ensuring energy security, saving money on energy bills, generating income streams for communities and ownership to local people. It is the UK Government's ambition "that every community that wants to form an energy group or take forward an energy project should be able to do so, regardless of background or location"<sup>9</sup>.

4.7.2 For the purposes of this guidance, Community Energy can be defined as an energy scheme which is led by, or meets the needs of the local community. The community must have ownership of the development, either in full or shared, whilst maintaining full control over it. As a result of a number of positive case studies and the local benefits involved in such schemes, community energy projects will be given support and encouragement by the Council.

4.7.3 Developers of renewable energy schemes are encouraged to discuss the potential of shared ownership with communities. The benefits of shared ownership are numerous, for example, increased local acceptance, a new financial source from investors in the community, community involvement and education; and financial benefits from Feed-in-Tariffs. Shared ownership could involve a share in the overall generated income from a scheme or part or full ownership of the scheme (for example, the community could own a turbine in a larger scheme).

4.7.4 The decision on the acceptability of a scheme will be made irrespective of who the applicant is and will be based on an assessment of the impacts. Such applications should be accompanied with a "Community Benefit Statement" which meets the requirements of the relevant LDP policies and this guidance. The Community Benefit Statement should include details of the community ownership model, a Terms and Conditions Document, details of the energy and financial benefits of the scheme to the community.

## 4.8 Community Benefits

4.8.1 Community funds via contributions from developers are often offered as part of large schemes to offset negative consequences of development, to help meet local needs or to secure benefits which will make the development more sustainable. Such financial contributions cannot be taken into account in the determination of a planning application and should be used by developers to alleviate any negative consequences of the development and ensure that the community benefits from the development.

4.8.2 Communities and developers are encouraged to work together in deciding how the community fund should be spent.

## 4.9 Agricultural Land

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<sup>9</sup> Department of Energy and Climate Change, Community Energy Strategy Update (2015)  
[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/414446/CESU\\_FINAL.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/414446/CESU_FINAL.pdf)

4.9.1 Agricultural land within Carmarthenshire is mainly made up of grade 3 and 4, with parcels of grade 2 located to the east of Llanelli. PPW states that land of grades 1, 2 and 3a, being the best and most versatile should be conserved as a finite resource for the future. PPW continues by stating that such land “*should only be developed if there is an overriding need for the development, and either previously developed land or land in lower agricultural grades is unavailable, or available lower grade land has an environmental value recognised by a landscape, wildlife, historic or archaeological designation which outweighs the agricultural considerations*” (para 4.10 PPW).

4.9.2 Renewable Energy schemes should avoid being developed on agricultural land of grades 1-3a. If schemes are proposed on grade 3b land, consideration should be given to siting on less versatile land. If this is not possible, then a full justification should be given in site selection.

4.9.3 In the construction and operation of Renewable Energy schemes, disturbance to agricultural land and boundary features should be minimised. Agricultural land surrounding operational wind turbines should not be sterilised and should still be used for agricultural purposes.

## 4.10 Ecological Considerations

### Ecological Considerations:

- Renewable Energy schemes should not be located on ecologically important sites (including Sites of Special Scientific Interest, Ramsar Sites, Special Protection Areas and Special Areas of Conservation).
- Ecological benefits and appropriate mitigation should be considered as part of the application.

4.10.1 The development of renewable energy schemes has the potential to harm habitats and species. Developers will be expected to maximise the ecological potential of the site, whilst ensuring that there is no demonstrable harm to statutorily protected species, and those habitats and species identified in the Local Biodiversity Action Plan or the Environment Act 2016, Section 7 list of habitats and species of principle importance to biological diversity in Wales. All applications are expected to be accompanied by an **Ecological Survey**, assessing the potential effects on the development on both habitat and species. The level of the survey will be dependent upon the scale of the proposal and the sensitivity of the surrounding habitat and species.

4.10.2 Consideration should be given to enhancing habitats for biodiversity conservation and providing features for protected and priority species. Retained or new habitats or features that are created will likely require ongoing management and maintenance to ensure their longevity, and may require a specific habitat or ecological management plan.

4.10.3 A Preliminary Ecological Appraisal (PEA) of the site and immediate surroundings will be required to support any proposed wind turbine, solar or hydro scheme application regardless of size and number. Guidelines for PEA Requirements can be found in the 2013 document published by the Chartered Institute for Ecology and Environmental Management (2013). Details of any invasive species should be noted within any PEA. The PEA must incorporate an extended phase 1 habitat survey consisting of a broad habitat assessment and mapping exercise, determining protected species interest.

4.10.4 Where habitats are noted of high ecological interest, a further vegetation survey may be requested, a National Vegetation Classification (NVC) survey is a detailed method for determining habitat quality.

4.10.5 Useful information can be found in the following documents:

- Guidelines for Phase 1 survey can be found in the document - Joint Nature Conservation Committee (2010) [\*Handbook for Phase 1 Habitat Survey - a Technique for Environmental Audit\*](#) Reprinted by JNCC, Peterborough.

- Guidelines for NVC survey can be found in the document - Rodwell JS (2006) [National Vegetation Classification: Users' Handbook](#) JNCC, Peterborough.

4.10.6 Reference should also be made to the SPG on Natural Environment and Biodiversity.

4.10.7 The construction stage of any development raises potential for ecological damage through site clearance, construction of temporary access roads, installation of services, or storage of materials. In order to protect a site's biodiversity value, it is often necessary for certain development works and environmental management operations to be undertaken at specific times of the year, and often within a restricted time-scale. The importance of adhering to the correct timing of operations, in line with the results of the Ecological Survey, is essential to ensure that any unacceptable impacts are to be avoided.

4.10.8 Further guidance can be sought from the County Council's Ecologist.

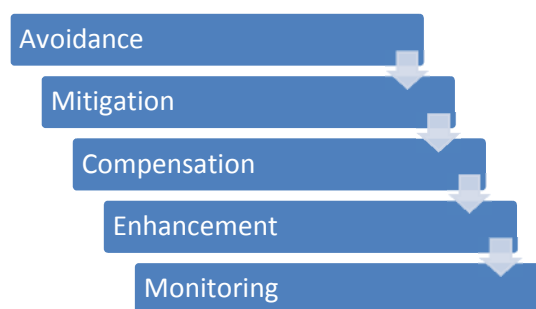
#### Ecological Surveys

- Surveys will be required to be undertaken by a suitably qualified ecologist.
- Surveys should be undertaken early in the process in order to inform the scheme's design and prior to submitting the application, it is preferable that planning permissions will not be conditioned depending upon survey results.
- The timing of ecological surveys is mainly seasonal and can only be carried out at certain times of the year, surveys will be required to reflect this.
- Surveys should follow best practice standards and methodologies.

### 4.11 Mitigation and Enhancement

4.11.1 Some developments and installations may cause a negative impact on the ecology. Careful siting, design and layout of installations can assist in minimising any adverse impacts. Applications are expected to include a Mitigation Plan detailing the measures and the implementation of them. Mitigation measures should aim to avoid, reduce or remedy any significant adverse impacts on the landscape and biodiversity. The SPG on Natural Environment and Biodiversity sets out the Mitigation Hierarchy.

4.11.2 Any mitigation measures proposed should reflect recent survey work and demonstrate a clear understanding of the site and its ecological considerations. Any mitigation requirements should be incorporated and highlighted in ecological assessments and surveys.



4.11.3 Applicants must ensure that they take account of all the potential effects of the proposed development and make sure that avoidance and mitigation are appropriate to the site. All stages of a development must be considered, as should the extent of any required land take or potential indirect effects during the construction, operation, and where applicable the decommissioning of the proposed development.

4.11.4 It is, however recognised that mitigation often still entails the off-setting of some form of harm. Where a site or its surroundings have a clear biodiversity value, and the mitigation measures proposed are

insufficient to reasonably protect its value then, planning permission may be refused subject to all relevant considerations having been taken into account. Proposed mitigation measures that are acceptable in planning terms will likely be a condition of the planning consent. Compensation for lost habitat should not be construed as making an unacceptable development acceptable. If a compensation approach will be likely utilised for a development, early discussion is encouraged with the LPA ecologist and if applicable, Natural Resources Wales. There is also an expectation that biodiversity enhancement is delivered to meet the requirements of the Environment Act Wales 2016.

4.11.5 In instances where harmful damage is unavoidable and will still occur in spite of mitigation, consideration may be given to compensating for any loss by creating a new habitat at an alternative location, (on or off-site). Prior to compensation being considered the developer/applicant will be required to satisfactorily demonstrate that avoidance and mitigation are not possible and that the proposed compensatory measures would not result in a net loss of habitat of the same habitat type.

## 5. Onshore Wind

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### 5.1 Context

5.1.1 Onshore wind development first made an appearance in Carmarthenshire in the 1980s in Pembrey, as part of The Carmarthen Bay Wind Turbine Test Programme. Turbines are a common sight in the Carmarthenshire landscape today due to the favourable wind conditions that exist in parts of the County.

### 5.2 Strategic Search Areas

5.2.1 This SPG is not applicable to wind farm schemes located within the Brechfa Forest Area (Strategic Search Area G).

5.2.2 Major wind turbine developments and wind farms are considered to be necessary in order for the Welsh Government to achieve committed energy targets. TAN 8 identifies seven areas in Wales that are considered to be the most appropriate locations for large scale wind farm development, these areas are known as Strategic Search Areas (SSA). SSA G: Brechfa Forest lies within Carmarthenshire, generating targets and upper limits for search areas are set by the Welsh Government in TAN 8, but have since been reviewed in recognition that SSAs have a finite environmental capacity. The revised upper limit for SSA G is 132MW<sup>10</sup>. SSA E: Pontardawe is mainly located within the Neath Port Talbot and Swansea administrative boundaries, but a small part of it straddles the County boundary to the east of Ammanford.

5.2.3 Welsh Government TAN 8 policy sets out that major wind turbine development and wind farms which are larger than 5MW overall installed generating capacity will be restricted to the Strategic Search Areas.

5.2.4 Alltwalis Wind Farm is currently the only operational wind farm within the SSA, having an installed generating capacity of 23MW from 10 turbines. Brechfa Forest West is currently under construction and is due to be operational in 2018. The scheme comprises 28 turbines, each measuring 145m in height which is anticipated to have an installed generating capacity of 56-84MW. Planning Permission for Brechfa Forest East was approved on the 17<sup>th</sup> December 2013, subject to the applicant entering into a Section 106 agreement with the Council. This scheme comprises 12 turbines, each measuring 145m in height which will contribute 24-36MW of installed capacity.

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<sup>10</sup> Letter from the Minister for Environment and Sustainable Development

5.2.5 Should the Brechfa Forest East application be implemented, together with the existing Alltwalis Wind Farm and the Brechfa Forest West wind farm, then the upper limits for the SSA would be met, or marginally exceeded.

5.2.6 Any new applications for large scale wind farms within SSA G will be discouraged in line with the Minister for Environment and Sustainable Development letter which imposed upper limits of generating capacity in SSAs, whilst these applications are valid.

### 5.3 Wind Turbine Development outside Strategic Search Areas

5.3.1 Individual wind turbine sizes can vary, from roof mounted micro scale turbines up to and exceeding turbines of 145 meters to blade tip (as approved at the Brechfa West Wind Farm). Wind energy development can take the form of an individual turbine or as a group of multiple turbines.

### 5.4 Landscape Sensitivity and Capacity

5.4.1 Wind turbines by their nature are substantial vertical structures, with moving blades. They represent large man-made elements within the landscape which result in inevitable changes to the landscape and visual character of an area. The acceptability of turbine development within an area will depend upon the magnitude of these changes in relation to the sensitivity and capacity of the receiving landscape.

5.4.2 The [Carmarthenshire Wind Turbine Development Landscape Sensitivity and Capacity Study](#) undertaken by Jellard Associates sets out guidance on the sensitivity and capacity of the Carmarthenshire landscape. The study is intended to inform the appropriate design and siting of wind turbine development through setting out a baseline assessment of landscape and visual sensitivity and capacity in relation to a range of typologies relating to turbine size and groupings. The study uses a methodology deriving data from LANDMAP aspect datasets, to provide baseline assessments of landscape and visual susceptibility and landscape value through 80 distinct landscape units covering the entire authority area. Assessments of the sensitivity of each landscape unit to different development typologies, are derived from the baseline assessments.

5.4.3 The guidance and baseline assessments set out in the study should be used as a basis for the design of wind turbine development and the assessment of landscape and visual impacts.

### 5.5 Landscape and Visual Impacts

5.5.1 Appropriate siting and design of wind turbine development in relation to the sensitivity and capacity of the receiving landscape to minimise landscape and visual impacts is fundamental to the acceptability of wind turbine development.

5.5.2 The [Carmarthenshire Wind Turbine Development Landscape Sensitivity and Capacity Study](#) provides landscape unit specific comments on landscape capacity and guidance for siting, and overall guidance on site context, siting and design considerations. The principles of this guidance are set out below:

#### A Factors Relating to Site Context

##### Landscape Character

Impacts on landscape character are likely to be related to:

- Scale of the landscape – whether it is small or large, and whether the proposed turbine(s) is/are of an appropriate scale;
- Topography – turbines can dominate small scale or intricate landform if not carefully sited;
- Skylines – turbines can interrupt the simplicity of skylines or ridges, even if located below such features;
- Settlement pattern – turbines should be sensitively sited in relation to existing buildings and their relationship with the landscape;
- Influence on the tranquillity of the landscape – turbines create movement, the amount depending on the particular model, and this disturbance to tranquillity can be greatly enhanced by a darker land or

vegetation backdrop, where typical pale surface colours for turbines proposed in mitigation for skyline effects are rendered completely ineffective.

### **Areas with a Sense of Remoteness**

Rural areas which are particularly valued for their remoteness can be affected by the introduction of turbines, although this is less likely to be the case if the turbines are of an appropriate scale and if located close to farms or other existing buildings. However, incremental erosion of the special qualities of remoteness and tranquillity should be avoided. Some locations close to centres of population are valued as an important recreational resource yet have a sense of being unspoilt and remote, even though they are close to urban areas. Locating turbines in these areas should be very carefully considered.

### **Valued Landscapes and Cultural Heritage Assets**

Detailed and specific analysis will be required, in order to fully appreciate the nature of the development, the site and its surroundings and the likely effects on any locally designated or valued landscapes, including their essential setting, where appropriate. The siting of turbines should be carefully considered so as to protect views to and from important landscape and cultural heritage focal features (including Listed Buildings and Scheduled Ancient Monuments (SAMs)), and their wider landscape setting, including the defined 'essential setting' of registered parks and gardens.

## **B Factors Relating to Siting**

### **Landform**

Smaller turbines have greater potential to utilise landform (often in combination with vegetation) to help reduce their visual impact than larger scale turbines. It is important that the scale of turbine does not overwhelm the scale of the landform. The human eye tends to be drawn towards the skyline, and turbines should be set back from the edges of plateaus, ridges and skylines, so as to reduce their visibility within the wider landscape. The siting of turbines on distinctive or prominent summits or skylines should generally be avoided, in preference to side slopes or gently undulating landform below ridgelines. Wind turbine developments should preferably be grouped upon the level or gentler sloping parts of the site, so that the development appears to be less visually confusing when viewed from different elevations and directions.

### **Landscape Pattern**

Turbines can be sited to reflect the landscape pattern, for example field and woodland boundaries. Conversely, care must be taken not to site turbines so that they conflict with noticeable patterns in the landscape. The grouping and numbers of turbines can affect how they appear in the landscape. For example, several dispersed turbines could be grouped to form a single feature in a visually complex landscape, whilst in a larger scale landscape, a larger single turbine with the same generating capacity may be preferable. A small group of smaller scale turbines is most likely to be preferable where sited on valley floors and on lower valley slopes.

### **Focal Features**

Turbines are likely to become focal features in the landscape. Care is required to ensure that they do not cause visual conflict or competition with other focal points. The siting of turbines should therefore be carefully considered so as to protect views to and from important landscape and cultural heritage focal features. Turbines can draw the eye to features which would otherwise remain unnoticed. For example, a turbine sited next to an isolated farm could draw attention to its presence when the farm itself is partially hidden by either landform or trees.

### **Settlements and Urban Landscapes**

Turbines should be carefully sited in relation to nearby settlements, buildings and other structures. In sparsely settled rural landscapes, turbines should be located near to existing buildings or structures. Views to or from, or on the approach to settlements (including dispersed properties), should be carefully considered when siting wind energy developments. Turbines should be located in the least visually prominent location. The selection of the scale and design of turbines may be influenced by its proximity to a settlement.

Turbines should be sited to minimise impacts on views obtainable from promoted or locally valued publicly accessible viewpoints.

### **Woodlands and Trees**

Although trees and woodlands can cause turbulence which interferes with the efficiency or longevity of turbines, in some locations there may be the opportunity to screen or assimilate small scale turbines by locating them close to trees and woodland. Care should be taken to site turbines so that they do not visually dominate or compete with prominent vegetation such as parkland trees, trees on knolls, and avenues. Turbines should be located where there is no need to fell trees and woodlands, particularly where these are important features in the local landscape.

## **C Design Considerations**

### **Turbine Selection**

There is a wider range of design and colour options for smaller turbines, and these matters should be carefully considered in relation to the landscape characteristics of the area in which they are to be located. This is particularly important when other turbines are present, in order to ensure that there are no conflicting design characteristics within the same locality.

### **Turbine Colour**

The colour should be chosen to help assimilate the turbine into the receiving landscape. The same colour should be used for all external components of the turbine and should be non-reflective. A pale grey is commonly used because it minimises the visibility of the turbines when they are seen against the skyline, which is how most large scale turbines are viewed. However, muted colours (such as mid to darker greys, or blue-grey tones) for the surface finish of towers, hubs, nacelles and rotor blades should be preferred where there is a significant factor of a land or vegetation backdrop to be considered, when the proposed turbine(s) is/are viewed from sensitive visual receptor locations on higher ground within the zone of visual influence; this is particularly relevant to micro and small turbines sited within or adjacent to dense coniferous or broadleaved woodland. In all cases, the aim should be to minimise the visibility and reflectivity of the external surfaces of all turbine components.

### **Turbine Size and Scale**

Small scale turbines are likely to have fewer landscape and visual effects than large scale commercial models. However, they can still visually dominate the nearby landscape or important component features of that landscape. Identifying the main landscape and visual characteristics of the landscape in which the turbines are to be sited is therefore an important determinant in selecting the most appropriate size. Landscapes with a simple, strong and mainly horizontal form are generally able to accommodate taller turbines and large turbine groups, as the height of turbines appears more proportionate to the landscape. Small scale turbines, smaller groupings or individual turbines tend to be more suited to smaller scale, more complex landscapes where there are other features such as buildings, trees or hedges.

It is also important to understand that smaller turbine rotors appear to rotate more rapidly than larger rotors. If smaller turbines are sited close to larger turbines and appear in the same horizontal arc of view, the relative speeds of rotation can appear discordant, with the tendency of the more rapid movement to draw the eye to the smaller turbines. This may consequently increase the visual effects of the whole of the group of turbines, even though the larger turbines may be more distant

### **Turbine Layout**

Although there may be scope to design a small group of turbines as a coherent visual image, this may be difficult where there are other built elements such as buildings, wood poles, steel lattice towers and communications masts present. Where possible, turbine layout should respond to existing landscape patterns, whether field boundaries, buildings or vegetation patterns. Turbine layout should always seek to avoid the occurrence of overlapping rotor blades - or the 'stacking effect', caused when one or more

turbines are seen as closely juxtaposed when viewed from sensitive receptor locations, resulting in discordant multiple rotor movements being seen within the same angle of view.

In all cases, turbine layout should respect the underlying landform and, where possible, groups of turbines should be located at very similar elevations.

### **Micro-siting**

Relocation of one or more wind turbines from their original position, referred to as micrositing, often takes place during construction, due to unforeseen circumstances, such as ground conditions. This can affect the original design concept, particularly the relationship with nearby vertical features such as trees and masts. It is preferable that developers undertake pre-application ground surveys to collect geophysical data at appropriate sufficient degree of detail, so as to minimise the requirement for micro-siting at the construction stage. It is important to ensure that micro-siting considerations may not only affect wind turbine locations, but also the horizontal and vertical alignment of access tracks, and that these factors are properly considered at the stage of assessing the predicted landscape and visual effects of any wind turbine proposal.

### **Ancillary Infrastructure**

Landscape and visual impacts of any ancillary developments and visual conflicts between turbines and ancillary structures should be minimised by:

- Sensitive siting and design of ancillary equipment and infrastructure (e.g. using local landform, locally appropriate materials, architectural style and colours to more successfully integrate them into their surroundings);
- Using turbines with integral transformers;
- Siting turbines as close as possible to the point of use or grid connection, so as to avoid long sections of overhead power lines or cable runs (more applicable to large scale wind farm developments). In particularly sensitive locations, placing the grid connection underground is the preferred option;
- Utilising existing tracks to avoid tree and hedgerow or other vegetation removal, which may have adverse landscape effects. New tracks, if absolutely necessary, should follow existing landscape features, such as field and woodland boundaries, wherever possible;
- Minimising cut and fill operations, following contours closely wherever possible for access track alignments;
- Designing fencing or walling to fit the local situation, whilst maintaining the required security;
- Identifying locations for new tree and shrub planting to provide long term screening or assimilation, and requiring the appropriate re-seeding of cutting slopes or embankments, in preference to a reliance upon natural regeneration to re-establish vegetation cover.

## **5.6 Landscape and Visual Impact Assessment (LVIA)**

5.6.1 The effect on the landscape can be measured as changes in the character, the experience and/or value of the physical landscape as a result of a change. The significance of the effect on the landscape will be dependent upon a number of factors including the sensitivity of the landscape and its designation, and the magnitude of the proposed change.

5.6.2 The impact upon visual amenity can be a subjective one, but ultimately can be measured as being people's responses to a change in the composition of views as a result of changes within the landscape.

5.6.3 Applications shall be accompanied by an appropriate **Landscape and Visual Impact Assessment (LVIA)**, which is expected to adhere to the guidelines issued by the [Guidelines for Landscape and Visual Impact Assessment](#); Third Edition, April 2013; published by The Landscape Institute and the Institute for Environmental Management and Assessment (GLVIA3). This is the industry standard for undertaking landscape and visual assessments.



5.6.4 The scope and content of an LVIA for a specific development will depend upon the development typology and context. Guidance on information requirements should be sought from the case planning officer as part of pre-application consultation.

## 5.7 Cumulative Landscape and Visual Impact Assessment

5.7.2 Cumulative impact can be defined as “*the additional changes caused by a proposed development in conjunction with other similar development or as the combined effect of a set of developments, taken together*”<sup>11</sup>. Where a Cumulative Landscape and Visual Impact Assessment is required, an assessment of both combined and additional effects will be required.

5.7.3 The guidance and baseline assessments set out in the following documents commissioned by the Council should be fully addressed as part of all cumulative impact assessments: -

- [Pembrokeshire and Carmarthenshire: Cumulative Impact of Wind Turbines on Landscape and Visual Amenity Guidance](#); and
- [Carmarthenshire Wind Turbine Development Landscape Sensitivity and Capacity Study](#)

5.7.4 **Cumulative scoping assessments** should be carried out where the development may be viewed in conjunction with other wind turbine developments that are already operating, have planning permission or where a planning application has been submitted. **Detailed Cumulative Impact Assessments** will only be required where the proposal could result in significant cumulative impact. [Pembrokeshire and Carmarthenshire: Cumulative Impact of Wind Turbines on Landscape and Visual Amenity Guidance](#) provides further, more detailed guidance on undertaking such assessments. Further guidance on information requirements should be sought from the case planning officer as part of pre-application consultation.

## 5.8 Direct Landscape Impacts

5.8.1 Wind turbine development frequently results in direct physical changes to existing landscape elements<sup>12</sup>:

- at constraint points along the proposed turbine delivery route;
- at site access from the public highway;
- from construction of the proposed turbine structure and ancillary elements and from associated construction phase disturbance.

In most situations, adverse direct physical impacts can be effectively mitigated through scheme design, construction phase management, and mitigation and enhancement proposals.

5.8.2 The following additional information will be required as part of applications for larger scale turbines.

- **Physical Landscape Impact Audit (PLIA)**

The PLIA should identify all direct physical effects of the proposed development upon existing landscape elements. The PLIA shall provide clear indication of which landscape elements will be retained, temporarily disturbed, translocated or permanently removed. Whilst sympathetic siting, design and layout can reduce the impact on the landscape, mitigation measures should be considered in order to reduce any adverse impacts.

- **Physical Landscape Impact Mitigation Scheme (PLIMS).**

All direct landscape impacts identified within the PLIA should be mitigated through an appropriate Physical Landscape Impact Mitigation Scheme (PLIMS). The PLIMS should provide sufficient details of all mitigation proposals to enable compliance monitoring and enforcement

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<sup>11</sup> Taken “Assessing the Cumulative Impact of Onshore Wind Energy Development” Scottish Natural Heritage, March 2012.

<sup>12</sup> Landscape Elements are defined in LDP Policy EQ5 as including: existing trees; groups of trees; large shrubs; and all features identified as contributing to biodiversity and local distinctiveness/qualities of the County in the County, namely: “Hedgerows, ditches and banks, stone walls, streams, tree belts, woodlands, veteran trees, parklands, green lanes, river corridors, lakes, ponds, road verges, or habitat mosaics or networks of other locally important habitats including peat bogs, heath-land, wetlands, salt marshes, sand dunes and species rich grasslands”

Further guidance on additional information requirements should be sought from the case planning officer as part of pre-application consultation.

## 5.9 Landscape Compensation & Biodiversity Enhancement Scheme

5.9.1 Wind turbine development inevitably results in changes to local landscape character through the introduction of new, manmade moving landscape elements. The significance of these changes in terms of magnitude and extent of effect are addressed as part of determination of a planning application, in terms of their acceptability against planning policy. However, in most situations, approved turbine development will result in residual adverse impacts upon landscape character. Whilst these impacts may not be of a significance to justify refusal of the application, it is considered that a suitable Landscape Compensation and Biodiversity Enhancement Scheme (LCBES), which ensures the retention, protection and enhancement of existing landscape character should be secured as part of any planning approval. Further guidance on the requirements of a LCBES should be sought from the case planning officer as part of pre-application consultation.

## 5.10 Noise

5.10.1 Turbines produce mechanical noise from generators, gearbox and drivetrain, and aerodynamic noise, which is produced from the movement of their blades through the air. In order to assess the acceptability of noise levels produced by a proposed turbine, all planning applications are expected to be accompanied by a **Noise Assessment**. Appendix A provides further guidance on how the Council will assess noise impact from wind turbine(s).

5.10.2 All turbines are required to accord with ETSU-R-97: The Assessment and Rating of Noise from Wind Farms published by the Department of Trade and Industry. Sites should minimise noise by being located an appropriate distance from noise sensitive locations.

5.10.3 Noise during construction should also be taken into account at an early stage. Measures to minimise instances of significant residential disturbance should be implemented. Actions could include avoidance of weekend and early morning working.

### Noise Assessments

- Assessments must be carried out by a qualified and competent acoustician.
- “A Good Practice Guide to the Application of ETSU-R-97 for the Assessment and Rating of Wind Turbine Noise”, published by the Institute of Acoustics (May 2013) should be used as reference.

## 5.11 Ecological Considerations

5.11.1 General guidance on ecological considerations is provided in Section 4 which is applicable to all renewable energy schemes. However, turbine development has specific concerns relating to bats and birds which require additional consideration. As of this date, these are the Council’s best guidelines but may be subject to change as a result of new guidance or up to date surveys.

### Bats

5.11.2 Bats and their roosts are legally protected by UK and International legislation. All planning applications for turbines will require a **bat survey**, primarily to determine whether the proposed site is used by, or is likely to be used by bats and which species are present. Surveys will also identify what time of the year the bats are utilising the site as activity changes throughout the year, this is particularly important for those species identified as high risk which will exploit open habitats and are more likely to be at risk from collision with turbines, although all species using the site to any significant extent need to be identified. Bat activity across and within the site must be established and any roosts (maternity roosts, swarming sites or

significant hibernation sites) on or close to the site must be located. Any survey must examine any features that may be utilised by bats for commuting and foraging.

5.11.3 Guidance on survey effort, timing and methodology is available in *Bat Surveys - Good Practice Guidelines*, 2nd Edition published by the Bat Conservation (L. Hundt 2012) – Section 10.

#### **Bat Assessments**

- Surveys will be required at least once in spring, autumn and summer for low risk turbine sites or more if a higher risk is identified.
- The applicant may be able to opt for a curtailment of a turbine after one survey has been undertaken, based upon the level of risk this survey identifies. This can only be agreed once initial survey work has been assessed and must be agreed with the LPA Ecologist.
- Both manual (transects) and static surveys are required. Static surveys should be for 5 consecutive day's duration.
- Any manual surveys should be carried out on warmer, drier evenings where the wind speed is low.
- Details of temperature and weather conditions during surveys must be included in final report.

#### **Birds**

5.11.4 A comprehensive desk study must be undertaken to assess the records for bird activity around a proposed turbine site. Cumulative impacts must also be considered. A walkover survey of the site and surrounding area relevant to appropriate disturbance buffer zone distances for relevant species such as Red Kite, must be undertaken to identify if the desk study reflects the situation on the ground and indicate any potential sites of avian importance or species that must be considered.

5.11.5 On the basis of the findings of the desk and walkover studies there may, or may not be a requirement to carry out full vantage point surveys and collision risk assessments. Initial survey work must be assessed and agreed with the LPA Ecologist pre-application to determine whether further survey will be required. Any further surveys will need to be carried out following recognised guidance to ensure it has been carried out to a recognised protocol.

## **5.12 Historic Environment and Archaeological Settings**

5.12.1 Carmarthenshire has an important historic environment, with parts of the County being highly regarded with features of historic and archaeological importance, many of these features are protected by legislation. Consideration needs to be given to the County's historic environment in the early stages of schemes. Such sites include Scheduled Ancient Monuments, Historic Parks and Gardens, Historic Landscapes, Conservation Areas and Listed Buildings.

5.12.2 It is important that turbines do not directly physically impact upon the features of historic interest, or cause unacceptable visual harm to the setting of historic and archaeological sites. Turbines should be sited away from known archaeological sites.

5.12.3 An **Archaeological Assessment** may be appropriate in locations where turbines are proposed close to known or undiscovered archaeological sites. Such surveys should be undertaken by an appropriately qualified professional to standards set by the Institute of Archaeologists. Early engagement with Dyfed Archaeological Trust and Cadw is recommended.

5.12.4 Reference should be made to the Archaeology and Development Supplementary Planning Guidance for further, more detailed advice.

### 5.13 Residential Amenity, Aviation and Electromagnetic Transmissions and Telecommunications Interference

5.13.1 In siting turbines, regard should be had to the amenities of the residents and occupants of nearby properties. This requirement, in line with TAN 8 should reduce the potential nuisance arising from wind turbine operation, noise, shadow flicker, safety risk, and radio or telecommunications interference. Local circumstances will dictate the appropriate distance based on topography, the orientation of nearby properties and the existing nature and landscaping surrounding the site.

5.13.2 Shadow flicker occurs at certain times of the day when the sun passes behind the rotors of the turbine which then casts a shadow which flicks on and off in time with the movement of the rotor. If shadow flicker is liable to occur close to residential properties, an assessment should be undertaken. Mitigation measures to prevent shadow flicker could include shutting down the turbine during affected times or appropriate screening.

5.13.3 Wind turbines have the potential to cause a number of negative effects on aviation, including physical obstructions to air traffic movements, interference to Air Traffic Control and Air Defence radar installations and turbulence. Consultation with the Civil Aviation Authority (CAA), Ministry of Defence (MOD) and the National Air Traffic Services (NATS) should be undertaken at an early stage, in order that any effects on aviation and potential mitigation is identified.

5.13.4 Turbines also have the potential to affect electromagnetic transmissions. Turbines should be sited away from radio and microwave signal corridors and should not impact upon domestic TV, radio reception, and mobile broadband. Where interference cannot be avoided, mitigation measures will be required by the developer.

### 5.14 Safety, Proximity to Roads, Railways, Buildings and Public Open Spaces and Aviation Safety (Including Topple Distance)

5.14.1 Turbines should be located an appropriate distance from roads, railways, buildings and public open spaces. The appropriate distance otherwise known as the “topple distance”, which is calculated as being the height of the turbine.

5.14.2 Turbines should not cause a visual distraction to drivers and should be located away from junctions, tight bends and crossings.

### 5.15 Public Accessibility / Rights of Ways

5.15.1 A Public Right of Way is a route over which the public have a legal right to pass and re-pass. Public Rights of Way include public footpaths, bridleways and byways and are recorded on the Definitive Map and Statement. The Definitive Map and Statement is a legal record of public rights of way in the County.

5.15.2 In public areas or areas, visited by members of the public, it is expected that the developer provides interpretation boards explaining the project.

#### Considerations:

- Consideration should be given to the amenity, health and safety of all users of the right of way. Turbine blades should not over sail public rights of way.
- Where turbines are likely to impact upon public rights of way, whether temporary or permanently, it is recommended to discuss the impacts with the Council’s Countryside Recreation & Access Unit. Existing bridleways and footpaths shall be safeguarded with no permanent loss to the length and quality of trails.

- Horses – A minimum separation of 200m distance, or 3 times blade tip height, whichever is greater, from routes available to horses is recommended. Where this is not achievable, there are a number of factors that should be examined in order to provide an appropriate solution including: the availability of alternative routes; the number and siting of the turbines; and undulating ground.
- Mitigation should be considered as a permanent measure, or temporary during the construction period. Such mitigation measures could include the provision of new routes, improving the current right of way network or interpretation and visitor facilities. Encouragement will be given to enhancing existing facilities and providing new recreational facilities.

## 5.16 Highways

5.16.1 Some turbines will be located in the rural areas served only by minor roads. The construction of wind turbines will require sufficient and safe access to transport the turbine components. Proposals will be required to ensure that they do not give rise to problems of highway safety or have a detrimental effect on the highway network as a result of construction and maintenance traffic, in line with Policy TR2 – Location of Development – Transport Considerations. Applications are expected to be accompanied with a Traffic Management Plan.

### Highway Considerations:

- The developer will be required to demonstrate that traffic during construction and maintenance will be able to travel safely to and from the site and should not cause damage to existing hedgerows and trees. Applicants will also be required to identify if third party land is required for road widening in association with the delivery of the turbine.
- New field access and access tracks should be kept to a minimum. Where they are necessary, they should be constructed causing minimal impact on the surrounding hedgerows and local character. New tracks should follow existing site contours and field boundaries. It will be expected that any new field access will be closed and access tracks, hedgerows re-instated or grassed over to be fully restored upon decommissioning.
- Liaison should be carried out with the Highways Authority after permission is granted in terms of arranging the timing of delivery in order to minimise traffic disruption.

## 5.17 Drainage / Flood management / Water Quality

5.17.1 Due to the groundworks necessary in the construction of turbines, consideration should be given to any resultant effects on land drainage or increase in flood risk. Where developments are likely to cause surface water issues, applications will be expected to be accompanied with a Surface Water Management Plan. Turbines should not be sited in Flood Risk Areas nor adjacent to bore holes. No degradation of water quality should take place as a result of turbine construction.

## 5.18 Decommissioning / Site Restoration / Duration of Planning Permission

5.18.1 Applications are expected to be accompanied with an agreed decommissioning schedule and details of the restoration of the site. In restoring the site, it is expected that the site will revert completely to its state prior to the construction of the turbine(s), all development, ancillary infrastructure and access tracks should be removed and any soils and vegetation restored appropriately. It will be expected that any new field access will be closed and access tracks will be closed, hedgerows re-instated or grassed over to be fully restored.

## 5.19 Site Security / Safety / Lighting

5.19.1 Any security measures should not cause visual harm to the character of the local area. In rural areas, lighting should be kept to a minimum and if, where required should be infra-red for aviation purposes.

### Application checklist

- ✓ Application Form (all)

#### PLANS:

- ✓ Location Plan (1:2,500)
- ✓ Site Plans showing: (all)
  - the site size,
  - site boundary
  - location of the turbine(s) and associated infrastructure
  - proximity to existing dwellings
  - photomontages, wireframe drawings and viewpoints
- ✓ Elevation plan (all)
- ✓ Surface water management plan (if applicable)
- ✓ Decommissioning & Restoration Plan (all)

#### DETAILS:

- ✓ Capacity – electrical output (KW) (all)
- ✓ Estimated energy generation (KW/h/yr) (all)
- ✓ Average site wind speed (minimum of 12 months data) that fully demonstrates the installation(s) is capable of meeting the stated energy generation (all)
- ✓ Site Specific Analysis (all)
- ✓ Pollution prevention method statement (if applicable)
- ✓ For large wind turbines, additional information will be required:
  - Topple zones
  - Radar & Air traffic control interference
  - Microwave transmission buffers

#### SURVEYS:

- ✓ Ecological Survey (all)
- ✓ Landscape Compensation and Ecological Enhancement Scheme(all)
- ✓ Landscape and Visual Assessment (all)
- ✓ Cumulative Impact Assessment
- ✓ Physical Landscape Impact Audit & Physical Landscape Impact Mitigation Scheme (all)
- ✓ Noise Assessment (all)
- ✓ Bat Survey (all)
- ✓ Birds Survey (minimum desk study for all)
- ✓ Archaeological/Heritage Assessment (if applicable)
- ✓ Traffic management plan (all)
- ✓ Vibration, shadow flicker and visual impact assessments (if applicable)

#### OTHER ITEMS THAT MAY BE REQUIRED:

- ✓ Environmental Impact Assessment
- ✓ Appropriate Assessment under the Habitat Regulations
- ✓ Community Benefit Policy for Community Energy Projects

## 6. Solar

### 6.1 Context

6.1.1 Harnessing the sun’s energy for heat and power is becoming a popular and affordable solution for low carbon energy generation. Solar panels are increasingly being used by householders on new-built dwellings by being integrated into roof designs, whilst also being retrofitted to existing roofs. The Authority is also receiving increasing numbers of planning applications for solar farms / arrays covering large areas of agricultural and vacant land.

6.1.2 Solar schemes are categorised by their site area and output for the purposes of this guidance and LDP policy implementation as follows:

	Site Area	Indicative Output Based upon 2ha/MWp
Small	1 ha to 5 ha	0.5 MWp to 2.5MWp
Medium	>5 ha to 15 ha	>2.5MWp to 7.5MWp
Large	>15 ha	>7.5MWp

**Table 2: Solar Typologies**

### 6.2 Types of Technology

#### Solar Thermal Systems / Hot water

6.2.1 Solar energy can be used to provide hot water via solar thermal systems, which usually consist of thermal panels placed on building roofs. For domestic properties outside a conservation area, planning permission may not be required (please see [www.planningportal.gov.uk](http://www.planningportal.gov.uk)).

#### Solar Photovoltaic (PV) / Electricity

6.2.2 The sun’s energy is converted into electricity via Photovoltaic (PV) cells. PV panels can be roof mounted, or are increasingly being installed as commercial scale solar PV arrays. PV arrays normally comprise large numbers of individual panels grouped into “arrays” and mounted on freestanding racks<sup>13</sup>.

### 6.3 Policy Context

6.3.1 For solar proposals, Policy RE3 is applicable in addition to the general policies listed in section 3.4.3. Since the adoption of the LDP, it is clear that further clarification is required in terms of proposals located outside development limits.

#### Proposals outside Development Limits

6.3.2 For the purposes of Policy RE3, the scheme sizes are summarised in table 2.

6.3.3 The policy states that “*large scale schemes located outside defined Development Limits may be permitted in exceptional circumstances*”. The purpose of this statement is to ensure that only feasible schemes will be permitted and will contribute to meeting the national renewable targets. Large solar parks can be very visible in the landscape and applications should be supported by appropriate supporting information to enable a comprehensive assessment of the scheme to ensure it will not cause demonstrable harm to the landscape.

6.3.4 The policy’s amplification (para 6.7.31) explains that in respect of solar parks, “*such schemes can play an important role in assisting WG achieve its renewable energy generation targets, and for this reason, the need for the scheme will be weighed up against the need to protect the landscape from inappropriate development. Such schemes will be assessed against other policies contained within this Plan primarily*

<sup>13</sup> Practice Guidance – Planning Implications of Renewable and Low carbon Energy

*relating to the impact on the landscape and biodiversity of the proposal and the cumulative impact of renewable energy installations”.*

## **6.4 Roof Mounted**

6.4.1 Generally, in many cases, roof mounted panels will not require planning permission as they are permitted development. It is recommended that applicants consult the latest version of the Town and Country Planning (General Permitted Development Order) prior to installation. The Council will also advise whether or not permission is required via the pre-application process.

6.4.2 Encouragement is given to applicants of new buildings to incorporate roof mounted panels into building design at an early stage. There are a number of considerations that applicants should consider when incorporating panels in roof design:

- Visual impact & design – The panels should be well incorporated and blend into the overall design. They should also be placed in locations which would not harm the proportions or take away from the overall design of the building and surrounding buildings. Consideration will be given to the cumulative impact of panels. Outbuildings or extensions could be considered as being suitable to incorporate panels.
- Landscape Considerations – Consideration and allowance should be given to any large trees that may cause shadow to any proposed panels.
- Ecology – Bats and birds use buildings for roosting and nesting and as such, an assessment will have to be undertaken to assess whether any are present in the roof as all bats and some birds are legally protected. The installation of panels should not cause demonstrable harm to important habitats and species.
- Listed Buildings & Conservation Areas – Listed Building Consent and planning permission is normally required to attach solar panels to Listed Buildings, as in most cases they will be fixed to the building which may change its character and/or appearance. Panels should not cause disturbance to, or destroy the historic fabric of the Listed Building. In Conservation Areas, solar panels should be located in unobtrusive areas which would not impact upon the area’s character.
- Glint and Glare – Glint is described as being intense direct reflections of the sun, and glare being diffuse reflections of the bright sky around the sun. Glint and glare can cause particular problems for users to the south-east of a development, for example to homes, businesses and public highways. A glint and glare assessment should be completed and should accompany a planning application if required. Mitigation measures could be put in place to address any harmful impact.

## **6.5 Ground Mounted Panels**

6.5.1 Carmarthenshire has a number of Solar Farms or Solar PV arrays. These consist of free-standing panels or arrays which should face due south and angled at 20-45 degrees in order to achieve the maximum energy generation. Technology is available for some arrays to track the path of the sun, although the cost for these systems is considerably higher.

6.5.2 Large areas of land are required for solar farms, for this reason there are a number of considerations required in order to make the scheme acceptable. The following guidance sets out the considerations that applicants should consider when planning a solar farm, these considerations will also be used when assessing applications.

## **6.6 Landscape Sensitivity and Capacity**

6.6.1 Field scale solar PV developments represent large man-made elements within the landscape which result in inevitable changes to the landscape and visual character of an area. The acceptability of Solar PV



development within an area will depend upon the magnitude of these changes in relation to the sensitivity and capacity of the receiving landscape.

6.6.2 The [Carmarthenshire Solar PV Development Landscape Sensitivity and Capacity Study](#) undertaken by Jellard Associates sets out guidance on the sensitivity and capacity of the Carmarthenshire landscape. The study is intended to inform the appropriate design and siting of solar PV development through setting out a baseline assessment of landscape and visual sensitivity and capacity in relation to a range of Solar PV typologies.

The study uses a methodology deriving data from LANDMAP aspect datasets, to provide baseline assessments of landscape and visual susceptibility and landscape value through 80 distinct landscape units covering the entire authority area. Assessments of the sensitivity of each landscape unit to different development typologies, are derived from the baseline assessments.

6.6.3 The guidance and baseline assessments set out in the study should be used as a basis for the design of solar PV development and the assessment of landscape and visual impacts.

## 6.7 Landscape and Visual Impacts

6.7.1 Appropriate siting and design of solar PV development in relation to the sensitivity and capacity of the receiving landscape to minimise landscape and visual impacts is fundamental to the acceptability of development. Field scale ground mounted arrays have the potential to harm landscape quality and character. In order to minimise harm, the first step applicants should take is appropriate site selection. Thought should be given to the design and layout of the arrays in order to minimise harm to the landscape. The most appropriate sites for ground mounted arrays are those which are south facing and are on flat areas or on lower slopes of lowland landscapes, rather than upland, prominent slopes.

6.7.2 The [Carmarthenshire Solar PV Development Landscape Sensitivity and Capacity Study](#) provides landscape unit specific comments on landscape capacity and guidance for siting, and overall guidance on site context, siting and design considerations. The principles of this guidance are set out below: -

### A Factors Relating to Design

#### Solar PV Layout

When siting development, it is equally important to consider the appearance of the proposed development as it would appear when viewed from those aspects where the supporting frames will be more visible, as well as from the frontal aspect which shows the solar panels in full. The design should ensure that the arrays follow contours wherever possible and fit within existing enclosure patterns - avoid siting panels that are remote from the rest of the group. It will be important to maintain land uses on the site that fit with the character of the area.

For sites which are overlooked by higher ground from where it is close enough to clearly discern the detailed characteristics of the proposed development, the design of the site layout and how it relates to - or is assimilated into - the landscape will be particularly important. Where field scale solar PV is proposed which does not occupy the entire area of one or more fields, then the potential for introducing new boundary features, such as hedgerows or linear belts of woodland, must be carefully examined in relation to the prevailing pattern and texture of the receiving landscape.

The designed height of the solar PV panels should be such that they will be as unobtrusive as possible in the landscape. In areas where mature hedgerows form the field boundaries, the aim should be to site the arrays below the height of the field boundary hedgerows, which should be managed to a top height of around 3 metres above existing ground level on the field side.

### B Factors Relating to Site Context

#### Landscape Character

Impacts on landscape character are likely to be related to:

- Scale of the landscape – whether it is small or large, and whether the proposed solar PV developments are of an appropriate scale which is compatible with that of the receiving landscape;

- Topography – field-scale solar PV development can dominate small scale or intricate landform if not carefully sited;
- Skylines – field-scale solar PV development can affect the perception of the simplicity of skyline or ridges if located on or immediately below these features;
- Landscape pattern – field-scale solar PV development should be carefully sited so as to avoid conflict with existing tangible patterns in the receiving landscape;
- Settlement pattern – field-scale solar PV development should be carefully sited in relation to existing settlement.

#### **Areas with a Sense of Remoteness**

Field-scale solar PV development should be sited away from areas valued for their remoteness, areas free from human influence and perceived wilderness, e.g. extensive tracts of upland moorland.

#### **Valued Landscapes and Cultural Heritage Assets**

Detailed and specific analysis will be required, in order to fully appreciate the nature of the development, the site and its surroundings and the likely effects on any locally designated or valued landscapes, including their essential setting, where appropriate. The siting of field-scale solar PV installations should therefore be carefully considered so as to protect views to and from important landscape and cultural heritage focal features (including Listed Buildings and Scheduled Ancient Monuments (SAMs), and their wider landscape setting, including the defined ‘essential setting’ of registered parks and gardens.

### **C Factors Relating to Siting**

#### **Landform**

Field-scale Solar PV development should be sited on flat lowland or on the lower slopes within gently rolling lowland landscapes; steeper landform - and in particular the higher slopes – are likely to be more sensitive. Such solar PV development in plateau landscapes should be sited in extensive and undulating areas and set back from the edge, so as to minimise any effects on views from adjacent upland areas

#### **Landscape Pattern**

Field-scale solar PV development should be sited so as to reflect and harmonise with tangible patterns in the receiving landscape - for example, those produced by well-defined field and woodland boundaries.

Conversely, care must be taken not to site field-scale solar PV arrays so that they would conflict with such patterns in the landscape.

Small-scale medieval field patterns are generally more sensitive to field-scale solar PV development than more recently enclosed fields, which are likely to be regular in shape and larger scale. Arrays of solar panels should be designed so as to be properly assimilated into the existing field pattern, avoiding the imposition of unsympathetic hard edges and straight lines within landscapes with irregular or curved field boundaries. In addition, when designing a scheme across multiple fields, the following guidance should be fully taken into consideration:

- Preserve the legibility of field patterns by minimising the number of adjacent fields that are developed, and by setting solar PV arrays back from the edges of fields. This will also permit the continuation of efficient and cost-effective boundary hedgerow management;
- Designing a site layout around conserved and enhanced existing field boundary hedgerows, or belts of woodland, will contribute to reducing the massing effect of contiguous field-scale solar arrays.

#### **Woodland and Trees**

Field-scale solar PV developments should be sited within landscapes with some degree of enclosure (by landform, woodland or hedgerows – or combinations of these elements), rather than in open or relatively unenclosed landscapes.

#### **Focal Features**

Consider views from local viewpoints, popular routes, recognised or noted iconic views, and designated landscapes when considering the siting of field-scale solar PV development in the landscape. This is particularly important when a prominent or conspicuous landmark may be present, such as at Paxton’s Tower, which is an important focal point in the landscape. Field-scale solar PV developments should be sited

in such a way that they can be well concealed or properly assimilated into sensitive views. The siting of solar arrays should therefore be carefully considered to protect views to and from important landscape and cultural heritage features

### **Settlements and Urban Landscapes**

Field-scale solar PV development should be carefully located in relation to nearby settlements, buildings and other structures. In sparsely settled rural landscapes, solar PV development should be located near to existing buildings or structures. Views to/from, or on the approach to settlements (including dispersed properties) should be carefully considered when siting field-scale solar PV developments.

5.15 Field-scale solar PV development should be located in the least visually prominent location, and should be sited so as to minimise adverse effects on sensitive public viewpoint locations, promoted recreational routes, roads and other public rights of way.

### **Ancillary Infrastructure**

- Field-scale solar PV developments should utilise existing access points and existing access tracks wherever possible, in order to minimise the introduction of new tracks into the landscape, as well as devising temporary access measures which can be removed completely following the completion of the construction phase of the scheme. Locating access tracks between arrays of panels should be avoided wherever possible.
- Avoid the use of hardworks elements which could have an ‘urbanising’ effect - such as concrete kerbs and posts - in rural situations; and minimise the extent of sealed hard surfaces, the use of urban or industrial styles of perimeter fencing and security gates; CCTV infrastructure; and the use of lighting, particularly in those landscapes with no apparent artificial lighting. Lighting should be avoided unless absolutely necessary. If it is considered to be essential, then the design of the fittings and columns should be sympathetic to the rural context and all lighting should utilise passive infrared (PIR) technology for its activation. The design of fittings should minimise light spillage, particularly onto adjacent or nearby hedgerows, woodland or scrub where it could have detrimental effects on wildlife.
- Existing or new landscape features should be utilised in order to integrate security features into the landscape, such as perimeter security fencing. Security fences can be made to appear less prominent in the landscape if they are set back from hedgerow boundaries on the site’s perimeter, which has the effect of reducing their overall height when viewed from outside the site. Where possible, security fencing should be avoided to minimise visual impact. As an alternative, for example, it may be possible to construct ditches and berms which would control access but in a more sympathetic way. However, if security fencing is deemed necessary, it should be constructed of materials which are sympathetic to the countryside with the means for wildlife to move freely, for instance, by erecting deer fencing as opposed to conventional security perimeter fencing. Planting alongside the fencing can reduce its impact, although there may be surveillance constraints to consider.
- New hedgerow or woodland belts can be planted to screen views of the perimeter fences. In many instances, hedgerows or tree belts will be an important part of creating a visually acceptable setting within the wider landscape for a solar PV array. Such new landscape features need to be appropriate to the character of the local landscape, such as the selection of locally-occurring tree and shrub species, or the creation of hedgebanks in the local vernacular. There is a need to avoid potential shading from boundary screening treatments. The relationship between boundary vegetation height and its distance from the arrays is an important design factor.
- Proposals should ensure that all on-site cables are buried underground (without undue damage to existing hedgerows or archaeology), so as to minimise adverse effects on landscape character and visual amenity. Grid connections should be placed underground wherever possible.
- Inverters should be enclosed within existing buildings wherever possible, particularly where these are of local vernacular, and the scheme design should locate these facilities as close as possible to the site. Switchgear and control cabinets or control buildings should be carefully sited and should generally avoid high or exposed locations, making optimum use of existing and locally occurring vegetation or field

boundary walls to screen or assimilate such features into the receiving landscape. Placing an inverter building within the centre of solar arrays should always be avoided.

- New buildings constructed as part of a field-scale solar PV development should be required to match the local vernacular, in terms of their form and scale, together with the external materials and colours to be utilised.
- Drainage provisions can have significant visual impacts. Often, on flat ground, solar panels can simply drain to the ground with little problem, but sloping sites can cause more difficulties, with the potential for run-off being concentrated and leading to the formation of erosion gullies. SUDS type drainage schemes, utilising a network of appropriately designed ditches, swales and berms, are likely to be the most cost-effective and visually acceptable methods of achieving the satisfactory collection and discharge of surface water run-off in a rural context.

### **Appearance of Solar PV Arrays – Materials and Finishes**

When designing the layout and selecting the materials for the panels, the design process should consider the appearance of the development as it would be viewed from all aspects, not just the aspect in which the arrays would be seen from the front. Dark, recessive colours in natural tones - and non-reflective materials for structures associated with the PV panels (including supporting frames, control cabinets and posts) - are generally considered to be less visually intrusive than reflective materials and bright colours for finishes.

The following considerations should be given in the design of the array:

- The layout and design of schemes should follow the site's contours and respect any landscape features on the site.
- Panels should be considered as a whole and not create a piecemeal development where some panels are sited away from the rest of the group.
- Whilst it is accepted that panels need to be orientated to achieve the best performance, the appearance of the panels from all directions should be considered.
- Consideration should be given to locating panels close to existing buildings, particularly if there are agricultural buildings close to the site.
- The scale of the array should respect its location, particularly within the landscape it lies.
- Existing field enclosures and patterns should be maintained and arrays placed within these enclosures. Consideration should be given to enhancing existing, and reinstating hedgerows. A suitable buffer should be given to hedgerows in order to afford protection to them, they should also be protected throughout the construction period.
- The height of the panels should not be taller than the existing hedgerows in the area, panels should be screened as much as is possible without compromising efficiency.
- An effort should be made to minimising development on the site to only necessary development in rural areas. Hard surfacing, tall fencing and urbanisation should be minimised.
- Cables should be buried underground where possible, particularly on-site and to grid connections. When burying cables, works should not cause harm to important features on the site, including hedgerows.
- Ancillary buildings should be in-keeping with existing local buildings and be screened where possible. Buildings should also be sited in the most appropriate location, avoiding prominent locations.
- Any boundary treatment should be in-keeping with its location, use of landscaping will be encouraged and if fencing is required then it should be of an agricultural form to blend in with the area. Tall, compound-style fencing in rural areas will be resisted.
- New field access and access tracks should be kept to a minimum. Where they are necessary, they should be constructed causing minimal impact on the surrounding hedgerows and local character. New tracks should follow existing site contours and field boundaries. It will be expected that any new field access will be closed and access tracks, hedgerows re-instated or grassed over to be fully restored.
- Reference should be made to the Landscape Capacity and Sensitivity Study, in particular with the relevant landscape unit.

## 6.8 Landscape and Visual Impact Assessment (LVIA)

6.8.1 The effect on the landscape can be measured as changes in the character, the experience and/or value of the physical landscape as a result of a change. The significance of the effect on the landscape will be dependent upon a number of factors including the sensitivity of the landscape and its designation, and the magnitude of the proposed change.

6.8.2 The impact upon visual amenity can be a subjective one, but ultimately can be measured as being people's responses to a change in the composition of views as a result of changes within the landscape.

6.8.3 Applications shall be accompanied by an appropriate **Landscape and Visual Impact Assessment (LVIA)**, which is expected to adhere to the guidelines issued by the [Guidelines for Landscape and Visual Impact Assessment](#); Third Edition, April 2013; published by The Landscape Institute and the Institute for Environmental Management and Assessment (GLVIA3). This is the industry standard for undertaking landscape and visual assessments.

6.8.4 The scope and content of an LVIA for a specific development will depend upon the development typology and context. Guidance on information requirements should be sought from the case planning officer as part of pre-application consultation.

## 6.9 Cumulative Landscape and Visual Impact Assessment

6.9.1 Cumulative impact can be defined as "*the additional changes caused by a proposed development in conjunction with other similar development or as the combined effect of a set of developments, taken together*"<sup>14</sup>. Where a Cumulative Landscape and Visual Impact Assessment is required, an assessment of both combined and additional effects will be required.

6.9.2 Potential cumulative landscape and visual effects should be carefully considered on a case by case basis assisted, where appropriate, by the production of Zones of Theoretical Visibility (ZTVs) and visualisations. Further guidance on information requirements should be sought from the case planning officer as part of pre-application consultation.

### 6.9.3 Cumulative Effects - Considerations

When considering the siting and design for multiple field-scale solar PV developments within same Landscape Unit, the following guidance should be fully taken into consideration:

- When designing any field-scale solar PV development, it is important to consider how the scheme fits with other operational, consented and proposed renewable energy schemes (including those located within neighbouring planning authorities), or with other developments which may have similar characteristics, e.g. polytunnels or glasshouses, so as to minimise any adverse cumulative effects which might arise;
- The design should aim for similarity of design between schemes that would occur within the same type of landscape (in terms of siting, layout, scale, form and relationship to key characteristics), in order to maintain a simple and coherent visual effect which is sympathetic to the prevailing landscape characteristics;
- When designing extensions to operational field-scale solar PV sites, it will be important that the scale and appearance of the panels and arrays are compatible. Individual solar PV developments should generally appear visually separate, unless specifically designed to create the appearance of a single combined development;
- Ensure the area of the combined development remains in scale with the landscape in which it lies;
- It will be important to ensure that field-scale solar PV developments do not have a defining influence on the overall experience of the landscape, and that some open views devoid of solar PV developments are

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<sup>14</sup> Taken "Assessing the Cumulative Impact of Onshore Wind Energy Development" Scottish Natural Heritage, March 2012.

maintained within Carmarthenshire, (i.e. ensure that rural character remains and that solar PV developments do not dominate in any one locality);

- If two or more field-scale solar PV developments are clearly visible in the same arc of view and appear in the same Landscape Unit, they should appear of similar scale (unless the first development is considered too large for its landscape context) and their design should relate to the underlying landscape in the same manner;
- Views from settlements should not be compromised by an accumulation of field-scale solar PV developments in close proximity, as a result of which, a settlement could be seen to be enveloped by such installations.

## 6.10 Noise

6.10.1 Solar farms produce very little noise, and this is generally confined to daylight hours. In order to assess the acceptability of noise levels produced by a solar farm proposal, a **Noise Assessment** may be requested where it is deemed necessary, for example for larger developments where there may be the electrical equipment, inverters and transformers, housed in enclosures or containers around the site.

6.10.2 Permissions will typically include a condition to ensure that the noise rating level will not exceed background noise levels in the locality. In designing solar farms, consideration should be given to locating mechanical equipment in the middle of the site in order to minimise noise to the surrounding areas.

6.10.3 Noise during construction should also be taken into account at an early stage. Applications should also be accompanied with information relating to the method by which the solar panels are to be fixed to the ground and the intended hours of construction associated with the proposal. Measures to minimise instances of significant residential disturbance should be implemented. Actions could include avoidance of weekend and early morning working.

## 6.11 Cumulative Impact

6.11.1 Due to increasing numbers of solar arrays being erected in the Carmarthenshire countryside, there is an increasing need for developers to consider how an additional array will look when assessed against operational schemes and ones with planning permission.

## 6.12 Ecology

6.12.1 In identifying suitable sites, consideration should be given to the type of habitats on the site. The most suitable land for solar arrays would be previously intensively managed agricultural land, being of least ecological value. Sites should not include semi-natural habitats and should not be located on regionally or locally designated sites (including Local Nature Reserves, Regionally Important Geological/Geomorphological Sites, and Sites of Special Scientific Interest).

6.12.2 Sites should also not impact upon priority species, habitats and features of recognised principal importance to the conservation of biodiversity and nature conservation.

## 6.13 Historic Environment

6.13.1 Carmarthenshire has an important historic environment, with parts of the County being highly regarded with features of historic and archaeological importance. Many of these features are protected by legislation. Consideration needs to be given to the County's historic environment in the early stages of schemes. Historic sites include Scheduled Ancient Monuments, Historic Parks and Gardens, Historic Landscapes, Conservation Areas and Listed Buildings. It is important that the solar arrays do not directly

physically impact upon the features of historic interest or cause visual harm to the setting of historic and archaeological sites.

6.13.2 An **Archaeological Assessment** may be appropriate in locations where solar arrays are proposed close to known or undiscovered archaeological sites. Such surveys should be undertaken by an appropriately qualified professional to standards set by the Institute of Archaeologists.

6.13.3 Reference should be made to the Archaeology and Development Supplementary Planning Guidance for further, more detailed advice.

## 6.14 Drainage / Flood Management / Water Quality

6.14.1 Solar arrays have the potential to increase surface water flood risk. Schemes are expected to be accompanied with a Surface Water Management Plan which details how such matters will be dealt with during the construction period and during operation. Consideration should be given to the integration of Sustainable Drainage Systems (SUDS) within schemes. SUDS is a term used to describe the various approaches that can be used to manage surface water drainage in a way that mimics the natural environment in a more sustainable way than conventional drainage systems.

6.14.2 Sites should maintain as much vegetation cover as possible in order to manage surface water naturally. Access tracks should be permeable and any surface water runoff created by tracks should be collected by localised SUDS.

6.14.3 Water courses should have a 7m buffer at each side.

## 6.15 Rights of Ways

6.15.1 A Public Right of Way is a route over which the public have a legal right to pass and re-pass. Public Rights of Way include footpaths, bridleways and byways and are recorded on a Definitive Map and Statement which is the legal record. The Definitive Map and Statement is a legal record of public rights of way in the County.

### Considerations:

- Consideration should be given to the views from public rights of way into the site.
- Where arrays are likely to impact upon public rights of way, whether temporary or permanently, it is recommended to discuss the impacts with the Council's Countryside Recreation & Access Unit. Existing bridleways and footpaths shall be safeguarded with no permanent loss to the length and quality of trails.
- Mitigation should be considered as a permanent measure, or temporary during the construction period. Such mitigation measures could include the provision of new routes, improving the current right of way network or interpretation and visitor facilities. Encouragement will be given to enhancing existing facilities and providing new recreational facilities.

6.15.2 In public areas or areas visited by members of the public, it is expected that the developer provides interpretation boards explaining the project.

## 6.16 Glint and Glare

6.16.1 Full consideration should be given to how glint and glare of solar arrays will affect the environs. Glint is described as intense direct reflections of the sun, while glare as diffuse reflections of the bright sky around the sun, which is a continuous source of brightness. Glint and glare can cause particular problems for users to the south-east of a development, for example to homes, businesses and public highways. Applications for solar arrays will be expected to consider the effects of both glint and glare on the surrounding environment

and should be accompanied with a **Glint and Glare Assessment**. Mitigation measures could be put in place to address any harmful impact.

### 6.17 Site Security / Safety / Lighting

6.17.1 Any site security and safety measures should not cause demonstrable harm to landscape and visual amenity on the site and its surroundings.

- Security fencing should be of an appropriate material and height to the setting of the site, and where appropriate should be screened by existing or new hedgerows.
- Security lighting should be minimised and use made of infra-red lighting in order to minimise light pollution and reduce any impact on biodiversity.

### 6.18 Mitigation

6.18.1 Whilst sympathetic siting, design and layout can reduce the impact on the landscape, mitigation measures should be considered in order to reduce any adverse impacts. Applications will be expected to include a **Landscape Mitigation Plan**, which should include the steps undertaken in site selection, design and layout, and the considerations to minimise any adverse impacts. The Plan should also include details of its implementation and any maintenance required.

6.18.2 As part of applications, consideration should be given to enhancing the landscape. Particular enhancement measures could include hedgerow improvement and management of landscape features and habitats.

### 6.19 Construction Period

6.19.1 During construction, consideration should be given to the protection of residential amenities of properties close to the site, especially in terms of noise.

### 6.20 Highways

6.20.1 The development of solar arrays will require sufficient and safe access to transport during the construction period. Proposals will be required to ensure that they do not give rise to problems of highway safety or have a detrimental effect on the highway network as a result of construction and maintenance traffic, in line with policy TR2 – Location of Development – Transport Considerations.

#### Highway Considerations:

- The developer will be required to demonstrate that traffic during construction and maintenance will be able to travel safely to and from the site. Traffic should not cause damage to existing hedgerows.
- Liaison should be carried out with the Highways Authority after permission is granted in terms of arranging the timing of delivery in order to minimise traffic disruption

#### Application checklist

✓ Application form (all)

##### PLANS:

✓ Location Plan (1:2,500)

✓ Site plans showing: (all)

- the site size,

- site boundary

- location of the panels and association infrastructure (including sub-station & cabling route)

✓ Design of the module or array (all)

✓ Elevations to show the proposed location (if applicable)

✓ Surface water management plan (if applicable)



**DETAILS:**

- ✓ Capacity / Electrical output (KWp) (all)
- ✓ Estimated energy generation (KWh/yr) (all)
- ✓ Pollution prevention method statement (if applicable)
- ✓ Orientation / roof pitch & details of roof mounting (if applicable)

**SURVEYS:**

- ✓ Landscape and Visual Assessment (all)
  - ✓ Archaeological Assessment (if applicable)
  - ✓ Ecological survey (all)
  - ✓ Traffic management plan (if applicable)
  - ✓ Landscape Mitigation Plan (if applicable)
  - ✓ Visual impact assessment (if applicable)
  - ✓ Glint and glare assessment (if applicable)
-

## Appendix A

# Guidance Document for Assessing Noise Impact From Wind Turbine(s)

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This guidance note is not formal supplementary planning guidance but aims to provide information and advice to improve the quality of planning submissions, which will enable officers to provide consistent decision making.

Failure to provide the following information with the full planning application may lead to a delay in Public Health Team providing comment with respect to the application or even the Public Health Team objecting to the application due to insufficient information that has been provided, as the noise impact from the proposed development cannot be sufficiently assessed. Please note that the provision of noise contours or printouts from computer models alone are not considered as sufficient information.

## **1** **Definitions**

### **1.1** **Small Turbine**

A small turbine is defined in accordance with the Renewable UK (formally known as British Wind Energy Association) definition, which is contained in the BWEA Small Wind Turbine Performance and Safety Standard 29 February 2008, which can be accessed using the following link

<http://www.renewableuk.com/>

The definition states that:

“a wind turbine having a rotor swept area of 200m<sup>2</sup> or less. In a horizontal axis wind turbine this equates to a rotor diameter of less than 16m.

### **1.2** **Large Turbine**

Large turbine is any one that does not fall within the above mentioned definition.

## **2.** **The key objective**

The key objective of Carmarthenshire County Council is to try and ensure that the wind turbine noise levels (including cumulative noise from consented and existing turbines in the vicinity) at noise sensitive properties does not exceed:

- 1. Small turbines - 35dB LAeq, t**
- 2. Large Turbine - 35dB LA90, 10mins**
- 3. Financially involved - 45dB LA90,mins**

## **3.** **Site Specific Desktop Noise Assessment**

All applications submitted must include a desktop noise assessment which is specific to the development locality. The assessment must be undertaken by a suitably qualified and competent acoustician. The desktop noise assessment should contain all the following information;

- A twelve figure national grid reference for the precise location of the turbine
- Identification of the nearest noise sensitive premises and details of their respective distances from the proposed development. Property that is in ownership of the applicant

should also be included. A statement should be provided as to whether any properties in ownership of the applicant are let to third parties.

- The make, model, hub height, declared apparent emission sound power level and rotor diameter of the proposed turbine.
- The most recent turbine-specific emission data (usually supplied by the turbine manufacturer) providing information on the derivation of the sound power level of the turbine, including the level of uncertainty.
  - For small wind turbines the assessment must comply with the BWEA Small Wind Turbine Performance and Safety Standard” 29 February 2008.
  - For large wind turbines the assessment must comply with the most recent version of IEC 61400-11.
- An appropriate modelled assessment must be undertaken detailing the predicted level of turbine noise for each identified receptor:
  - For small wind turbines the noise predictions must be undertaken in accordance with BWEA performance and safety standard, 29 February 2008, therefore the predictions must be based on a hemispherical sound propagation. The predictions should be based upon the declared sound power level up to and including wind speeds of 8m/s at hub height.
  - For large wind turbines the noise predictions must be made in accordance with ISO 9613-2 following the IOA guidance with regards the input parameters to be used. The predictions must be based upon the apparent sound power level (plus uncertainty) and a minimum wind speed range (10m Standardised) for background noise surveys;
    - For pitch-regulated turbines: between cut-in wind speed and the wind speed corresponding to its maximum sound power level.
    - For stall-regulated turbines: between cut-in and 12m/s
- Where multiple small or large turbines are proposed, a desktop noise assessment must be submitted that demonstrates that the cumulative noise emissions from the turbine will not exceed the lower fixed noise limits stipulated in ETSU-R-97.
- If the proposed development produces noise levels within 10dB of any existing turbine/s, consented turbine/s and any turbine/s currently the subject of an application at the same receptor location, then a cumulative noise impact assessment is necessary. In the first instance, the cumulative impact assessment must be based upon the consented levels of existing or approved turbines. We appreciate that there may be some circumstances where an alternative approach is more appropriate. If you wish to use an alternative approach, please contact the Public Health Team. Should there be no consented levels then the assessment should be based on the sound power level of the existing or approved turbines. A full explanation on how the cumulative impact has been determined should be submitted as part of the application. For assistance in completing this task then please contact the Carmarthenshire County Council’s planning department on 01267 234567. Carmarthenshire County Council reserves the right to request a wider search radius where large scale developments are involved.
- In instances where wind shear has not been taken directly into account, it will be necessary to apply corrections to address this. Any such corrections should be clearly outlined and detailed in any noise assessment. The Institute of Acoustics “A Good Practice Guide to the

Application of ETSU-R-97 For the Assessment and Rating of Wind Turbine Noise” provides examples of suitable methods to correct predictions to account for wind shear effects.

#### **4. Site Specific Detailed Noise Assessment**

Where the site specific desk top study demonstrates that the proposed wind turbine(s) do not meet the noise limits of:

- 1. Small turbines - 35dB  $L_{Aeq, t}$**
- 2. Large Turbine - 35dB  $L_{A90, 10mins}$**

then the applicant must undertake and submit a site specific detailed noise assessment.

This assessment should include the following:

- Predicted turbine(s) noise levels at the noise sensitive properties undertaken in accordance with the method detailed in point 3.
- A detailed background noise survey undertaken in accordance with requirements stipulated in ETSU-R-97, which are further explained in Institute of Acoustics’ Good Practice Guide. Locations and details of which should be discussed and agreed with the local planning authority. Two weeks’ notice of when the background noise measurements will be undertaken must be provided to the Public Health Team, so that they can attend where appropriate.
- Noise limits specified in ETSU-R-97 and the difference between the predicted noise levels and ETSU-R-97 derived noise limits.

Please Note that the Local Planning Authority of Carmarthenshire County Council so reserve the rights of specifying a single noise limit, which are not specified in ETSU-R-97.

#### **Example Noise Conditions for Small Wind Turbines**

- ❖ The rating level of noise emission from the wind turbines (including the application of any tonal penalty) should not exceed a sound pressure level of 35 dB $L_{Aeq,T}$  within the amenity space of any lawfully existing dwelling, at wind speeds up to an including 8m/s at hub height. Measurements should be made at least 3.5m away from the building facade or any reflecting surface except the ground.

The measurement time period shall be based on BWEA blade length calculation (3.4.1):

$t = 4 * D$  seconds

Where:

t - measurement period in seconds (Subject to a minimum period of 10 seconds)

D – rotor diameter in meters

- ❖ Within 21 days from the receipt of written request from the Local Planning Authority, the operator of the development shall, at its expense, employ an independent consultant approved by the Local Planning Authority to assess the level of noise imissions from the wind turbines using a method agreed with the Local Planning Authority, to ensure that the noise from the development meets the level specified in condition X.
- ❖ During the course of the investigation, should the wind turbine be identified as operating above the parameters specified in the above Condition the wind turbines will be modified, limited or shut down. These measures shall be applied until such time as maintenance or repair is undertaken sufficient to reduce the absolute noise level of the operating turbines to within the parameters specified in the above Condition.
- ❖ In the event that the operational turbine subsequently develops an audible tone, then a penalty shall be added to the measured sound levels in accordance with ETSU-R-97. This

condition applies where no tone has been identified at the assessment stage and no penalty applied.

**Example Noise conditions in relation to a large wind turbine**

- ❖ The rating level of noise immission from the wind turbine/s (including the application of any tonal penalty) should not exceed a sound pressure level not exceeding 35dB  $L_{A90, 10 \text{ mins}}$ , within the amenity space of any lawfully existing dwelling, at wind speeds up to an including 10m/s, standardised/measured to a height of 10m.
- ❖ The noise immission from the wind turbine shall not exceed a sound pressure level  $L_{A90, 10 \text{ mins}}$  of 45dB at the financially involved noise-sensitive property at wind speeds up to and including 10m/s at 10m height.

Where this is not possible ETSU-R-97 conditions will apply, based on the background noise levels and predictions submitted.

- ❖ Within 21 days from the receipt of written request from the Local Planning Authority, the operator of the development shall, at its expense, employ an independent consultant approved by the Local Planning Authority to assess the level of noise immissions from the wind turbines using a method agreed with the Local Planning Authority, to ensure that the noise from the development meets the level specified in condition X.
- ❖ The assessment of the rating level of noise immissions shall be undertaken in accordance with an assessment protocol that shall previously have been submitted to and approved in writing by the Local Planning Authority. The protocol shall include the proposed measurement location where measurements for compliance checking purposes shall be undertaken, the method to assess the presence of any tonal component, and also the range of meteorological and operational conditions (which shall include the range of wind speeds, wind directions, power generation and times of day) to determine the assessment of rating level of noise immissions.
- ❖ During the course of the investigation, should the wind turbine be identified as operating above the parameters specified in the above condition the wind turbine/s will be modified, limited or shut down. These measures shall be applied until such time as maintenance or repair is undertaken sufficient to reduce the absolute noise level of the operating turbines to within the parameters specified in the above condition.
- ❖ In the event that the operational turbine subsequently develops an audible tone, then a penalty shall be added to the measured sound levels in accordance with ETSU-R-97. This condition applies where no tone has been identified at the assessment stage and no penalty applied.

**Useful web links**

1. IOA Good Practice Guide  
<http://www.ioa.org.uk/pdf/ioa-gpg-on-wtna-issue-01-05-2013.pdf>
2. ETSU-R-97  
<http://webarchive.nationalarchives.gov.uk/+http://www.berr.gov.uk/energy/sources/renewables/explained/wind/onshore-offshore/page21743.html>
3. BWEA Small Wind Turbine Performance and Safety Standard 29 February 2008.  
<http://www.renewableuk.com/>

**Appendix B**

# European Sites

There are a number of European sites that fall within the County, in addition there are a number that fall outside but should be considered in assessments.

Site	Designation	Location
Afon Tywi River Tywi	SAC	Carmarthenshire
Caeau Mynydd Mawr	SAC	Carmarthenshire
Cernydd Carmel	SAC	Carmarthenshire
Carmarthen Bay Dunes	SAC	Carmarthenshire
Afon Tefi River Teifi	SAC	Carmarthenshire, Ceredigion and Pembrokeshire
Afonydd Celldau / Cleddau Rivers	SAC	Carmarthenshire and Pembrokeshire
Carmarthen Bay and Estuaries	SAC	Carmarthenshire, Swansea and Pembrokeshire
Bae Caerfyrddin / Carmarthen Bay	SPA	Carmarthenshire, Swansea and Pembrokeshire
Cwm Doethie – Mynydd Mallaen	SAC	Carmarthenshire and Ceredigion
Elenydd – Mallaen	SPA	Carmarthenshire, Ceredigion and Powys
Burry Inlet	SPA	Carmarthenshire and Swansea
Burry Inlet	Ramsar	Carmarthenshire and Swansea
Cardigan Bay / Bae Ceredigion	SAC	Carmarthenshire, Ceredigion and Pembrokeshire
North Pembrokeshire Woodlands / Coedydd Gogledd Sir Benfro	SAC	Pembrokeshire
Yerbeston Tops	SAC	Pembrokeshire
Rhos Llawr-cwrt	SAC	Ceredigion
Pembrokeshire Bat Sites and Bosherton Lakes / Safleoedd Ystlym Sir Benfro a Llynnoedd Bosherton	SAC	Pembrokeshire
Gower Ash Woods / Coedydd Ynn Gwyr	SAC	Swansea

Pembrokeshire Marine	SAC	Pembrokeshire (The Carmarthenshire Rivers connect Carmarthenshire with the Pembrokeshire Marine SAC)
Gower Commons / Tiroedd Comin Gwyr	SAC	Swansea
River Wye / Afon Gwy	SAC	Powys (The catchment area for the River Wye is partially within Carmarthenshire)
Gweunydd Blaencleddau	SAC	Pembrokeshire
Preseli	SAC	Pembrokeshire
Mynydd Epynt	SAC	Powys
River Usk, Afon Wysg	SAC	The catchment area for the River Usk is partially within Carmarthenshire
Bristol Channel Approaches	cSAC	Extends across the western approaches of the Bristol Channel, from Carmarthen Bay in South Wales to the north coast of Devon and Cornwall.

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## Representations Received to the Draft SPG: Wind and Solar Energy

### Representation No. RE01 from Martina Dunne, Pembrokeshire Coast National Park Authority

Reference	Summary of Respondent's Response:	Officer Response:
RE01.01	The respondent seeks a reference to needing to consider impacts on the special qualities of neighbouring National Parks (Brecon Beacons and Pembrokeshire Coast) where landscapes are referred to in the document. Current references are to 'any locally designated or valued landscape'.	<p>Agreed, where reference is made to Section 5.5.2 Section A: Valued Landscapes and Cultural Heritage Assets – reword to read (new text underlined):</p> <p>“Detailed and specific analysis will be required, in order to fully appreciate the nature of the development, the site and its surroundings and the likely effects on any locally designated or valued landscapes, including their essential setting, where appropriate. <u>The impact on the special qualities of the two neighbouring National Parks, Brecon Beacons and Pembrokeshire Coast will be considered.</u>”</p>

### Representation No. RE02 from Sharon Luke, Natural Resources Wales

Reference	Summary of Respondent's Response:	Officer Response:
RE02.01	The respondent welcomes the SPG and supporting Studies.	Comments noted.
RE02.02	<p>Paragraph 4.5.1 should now refer to the 2017 Regulations rather than 2010.</p> <p>This section could benefit from wider explanation, i.e. if there is an adverse effect, the proposal will need to be changed or it may be refused. The respondent advises that the implications, if it is deemed that there may be adverse effects on a European sites integrity, are made clear.</p>	<p>Agree in part, change reference in paragraph 4.5.1 and 4.5.2 to the Conservation of Habitats and Species Regulations 2017.</p> <p>In terms of the section benefitting from wider explanation, the process isn't as simple as just refusing if adverse effects are identified and cannot be mitigated. A project can proceed if it meets several tests in the legislation including there are no alternatives, they meet imperative reasons of overriding public interest and compensatory measures are provided. Add the following to the end of paragraph 4.5.1:</p> <p>Where adverse effects on site integrity are identified and cannot be mitigated, any proposal will be refused unless it can be demonstrated that there are no alternatives, the scheme is required for imperative reasons of overriding public interest and compensatory measures can be provided.</p>

Reference	Summary of Respondent's Response:	Officer Response:
RE02.03	Paragraph 4.5.2 should include that Appropriate Assessments should be assessed in view of the Natura 2000 site's conservation objectives.	Agree, add the following to the end of paragraph 4.5.2:  Appropriate Assessments should be assessed in view of the Natura 2000 site's conservation objectives.
RE02.04	Section 4.10, Ecological Considerations: Renewable energy schemes, like any development, should be carefully sited to avoid and minimise ecological impacts. This means not just on designated sites, but also to minimise effects on notified features of designated sites which are mobile species at risk from the type of renewable energy development concerned (e.g. turbines near bird sites or designated bat roosts). Consideration is also required for other potential impacts outside the protected sites for example if a proposal is hydrologically linked or near a site (e.g. solar panels near a Special Protection Area where the bird features may mistake the panels for water).	Agree, add the following text to paragraph 4.10.1:  Renewable Energy schemes must avoid and minimise ecological impacts, this includes considering off site impacts including those associated with grid connection, hydrological connectivity and highway access and consideration of mobile species (such as birds and bats).
RE02.05	Paragraph 4.10.4 - Depending on the ecological interest, a specialist survey may be required in certain cases.	Agree. Paragraph 4.10.4 to be amended to read: Where habitats and species are noted of high ecological interest, specialist surveys may be required in certain cases.
RE02.06	Consideration should be given to habitat and ecological connectivity so that sites and species do not become isolated. We should now be looking at landscape scale habitats with connectivity for sustainability.	Agree. Add the following text to paragraph 4.10.4: Consideration should be given to habitat and ecological connectivity to prevent the isolation of sites and species and ecosystem resilience.
RE02.07	4.10.8 Ecological surveys – the respondent agrees with the statement 'It is preferable that planning permissions will not be conditioned depending upon survey results'. There is clear case law to support that surveys should inform the determination of planning applications, and that surveys should not be conditioned.	Noted, although a change is suggested to remove "it is preferable that", as case law is very clear, ecological considerations are a material consideration and all ecological survey work must be presented to inform an application.
RE02.08	Paragraph 4.11.4 - Proposals for ecological compensation: It would only be applicable for NRW to be involved in consultation/discussions if designated	Add text to paragraph 4.11.4 so that it reads as follows (additional text is underlined):

Reference	Summary of Respondent's Response:	Officer Response:
	sites, European Protected Species or Wildlife and Countryside Act species are implicated. LPA Ecologist should otherwise lead on discussions and negotiation.	If a compensation approach will be likely utilised for a development, early discussion is encouraged with the LPA ecologist and if applicable, Natural Resources Wales ( <u>if designated sites, European Protected Species or Wildlife and Countryside Act species are implicated, NRW should be involved in the consultation and/or discussion</u> ).
RE02.09	Paragraph 4.11.5 - Circumstances may arise where refusal may be the only option if the damage is unavoidable or where it may only proceed if there is an overriding public interest.	Agree. Add the following to the end of the paragraph:  Compensation in relation to Natura 2000 features will only be considered if there are no alternatives to the proposed scheme and the scheme meets the requirement of being of imperative overriding public interest.
RE02.10	Paragraph 5.2.3 - This should state 25MW not 5MW.	Disagree. Paragraph 2.13 of TAN 8 states that  “...Assembly Government would support local planning authorities in introducing local policies in their development plans that restrict almost all wind energy developments, larger than 5MW, to within SSAs and urban/industrial brownfield sites. It is acceptable in such circumstances that planning permission for developments over 5MW outside SSAs and urban/industrial brownfield sites may be refused.”
RE02.11	Section 5.5 Landscape and Visual Impacts - A. Factors relating to site content - Valued Landscape and Cultural Heritage Assets: The respondent recommends this includes reference to landscapes included in the register of Landscapes of Historic Interest in Wales.  B Factors relating to siting - Settlements and Urban Landscapes: Whilst the respondent understands the views about siting near to buildings or structures, there could also be conflicts with other advice on visual amenity in relation to buildings and settlements.	A. Agree, add reference to landscapes included in the register of Landscapes of Historic Interest in Wales in section 5.5.  B. Comments noted, no change required.
RE02.12	The respondent notes that ecological considerations may be a factor relating to the siting of turbines. Woodland edge, trees and hedgerows may attract foraging	Disagree, these are ecological considerations. Para 3.4.3 deals with all the other adopted planning policies which must be taken into

Reference	Summary of Respondent's Response:	Officer Response:
	and commuting bats; locating small scale turbines close to them may be problematic. The respondent advises that the document includes reference to the Natural England guidance technical information note (TIN) 051: Bats and Onshore Wind Turbines Interim Guidance (March 2014) which includes guidance on siting turbines in relation to areas used by bats.	account when reaching a planning decision – including EQ4: Biodiversity.
RE02.13	Paragraph 5.6.2 – the respondent recommends removing the statement that the assessment of impact on visual amenity can be a subjective one. There is a recognised technical methodology for assessing visual impact, Guidelines for Landscape and Visual Impact Assessment (GLVIA) 3, as referenced in section 5.6.3.	Agree, delete paragraph 5.6.2.
RE02.14	Paragraph 5.6.3 – the respondent notes and supports the statement that applications shall be accompanied by an appropriate LVIA.	Noted.
RE02.15	Paragraph 5.11.2 - Bats – the respondent advises that all planning applications not only require a bat survey, but where bats may be impacted by the proposals, detailed proposals of all the mitigation and post-construction monitoring that will be put in place.	Agree. Insert a new paragraph:  5.11.3a Where bats may be impacted by the proposals, detailed proposals of all the mitigation and post-construction monitoring that will be put in place will be required.
RE02.16	<p>Paragraph 5.11.3 - Bat assessments - Whilst the respondent notes the reference to the 2nd Edition of the Bat Conservation Trust Survey Guidelines in respect of wind developments, guidance in 3rd Edition (2016) may also be relevant for undertaking bat activity transects, emergence/re-entry surveys, and roost assessments.</p> <p>As indicated above, the respondent would not advocate an approach to permitting the construction of a turbine by curtailing its operation until surveys can be completed. This could leave the developer with a permission that they cannot then fully implement.</p>	<p>Add the following to paragraph 5.11.3: Guidance contained in 3rd Edition (2016) may also be relevant for undertaking bat activity transects, emergence/re-entry surveys, and roost assessments.</p> <p>We do not advocate this curtailment approach until at least some survey work has been undertaken which appears to confirm bat risk is low. It does not leave the applicant with a consent they cannot implement only a turbine that is up and operational and can be curtailed in the bat season if necessary. The Council's</p>

Reference	Summary of Respondent's Response:	Officer Response:
	Reference to manual and static surveys should include surveys at the turbine location and nearby habitat boundaries (e.g. hedgerows, trees, woodlands).	<p>ecologist is satisfied with this approach, which is also detailed in our Nature Conservation SPG.</p> <p>Add the following text (underlined) to the third bullet point under Bat Assessments:</p> <ul style="list-style-type: none"> <li>Both manual (transects) and static surveys are required. Static surveys should be for 5 consecutive day's duration <u>and should be at the turbine location and nearby habitat boundaries, for example, hedgerows, trees, woodlands.</u></li> </ul>
RE02.17	Paragraph 5.11.4 - Birds – the respondent recommends that a data search is also carried out via the local records centre and/or the local bird recorder or bird group is contacted. At times due to data restrictions (Schedule 1 birds, egg collecting etc) it is not that obvious on the desk study where vulnerable bird species are located and therefore contacting the local bird recorder could be helpful.	<p>Agree, add the following to the second sentence in paragraph 5.11.4:</p> <p>The Study should include a data search via the local records centre and/or the local bird recorder or bird group. At times, due to data restrictions, it is not that obvious on the desk study where vulnerable bird species are located and therefore contacting the local bird recorder could be helpful.</p>
RE02.18	Section 5.12 - Historic Environment and Archaeological Settings – the respondent recommends that reference is made to the need for an ASIDOHL2 assessment for EIA development for Registered historic landscapes.	<p>Agreed. Add the following sentence to the end of paragraph 5.12.3:</p> <p>There may be a need for an Assessment of the Significance of Development on Historic Landscape (ASIDOHL2) for EIA developments for Registered historic landscapes.</p>
RE02.19	Paragraph 6.4.2 - Visual impact and design – It should be clarified if this is only referring to the design of the building or more general e.g. views from the street scene, specific viewpoint, views from the surrounding urban area/landscape. There are situations where roof mounted panels can have adverse visual impact and be out of character with the locality.	<p>The intention of the paragraph is to cover both individual buildings and the general street scene. It is proposed to amend the first paragraph to read (with the underlined text being added):</p> <p>The panels should be well incorporated and blend into the overall design <u>of the individual building and general street scene.</u></p>
RE02.20	Paragraph 6.4.2 - Landscape considerations - This could also include hedgerows and be re-titled 'trees and hedgerows'. The respondent recommends that this is clarified to indicate that trees and hedgerows should not be removed to accommodate roof mounted panels/roof	<p>Agreed. Title to be changed to "Trees and Hedgerows".</p> <p>Add the following sentence to the paragraph:</p> <p>Trees and hedgerows should not be removed to accommodate roof mounted panels and</p>

Reference	Summary of Respondent's Response:	Officer Response:
	mounted panels should be sited away from existing trees and hedges which may cause shading.	should be sited away from existing trees and hedges which may cause shading.
RE02.21	Paragraph 6.7.1 – A. Factors relating to design – the respondent questions the use of statements such as “The most appropriate sites for ground mounted solar arrays are those which are south facing and are on flat areas or on lower slopes of lowland landscapes”. This is simplistic and only relates to one of the criteria (landform). We recommend referring to the range of criteria used to assess sensitivity and perhaps summarising the findings of the mapping for wind and solar, with reference to the figures in the relevant studies. Some flat or lower lowland slopes may be surrounded by adjacent high ground, overlooked and arrays may have a high visual impact.	Agree in part, amend paragraph 6.7.1 as below to address this comment:  “The most appropriate sites for ground mounted solar arrays are <u>likely</u> to be those which are south facing and are on flat areas or on lower slopes of lowland landscapes”  These are site specific issues and better addressed during the planning application process.
RE02.22	Paragraph 6.7.2 – B. Factors relating to site content - Valued Landscapes and Cultural Heritage Assets – the respondent recommends the addition of a reference to landscapes included in the Register of Landscapes of Historic Interest in Wales.	Agree, reference to landscapes included in the Register of Landscapes of Historic Interest in Wales to be made the end of the section on Valued Landscape and Cultural Heritage Assets.
RE02.23	Paragraph 6.7.2 – C. Factors relating to siting - Settlements and urban landscapes – the respondent is uncomfortable with the statement that “In sparsely settled rural landscapes, solar PV development should be located near to existing buildings or structures.” This is not necessarily the case and depends upon the character of the buildings and their settings. It would not be desirable in remote agricultural settings with historic farmsteads for example.	Disagree, this is a matter for consideration in respect of each individual planning application. If, for example, a field scale solar PV array were being considered in the context of a Listed Building, then we would anticipate that this would be fully taken into account at the detailed stage. It would be unwise to pre-judge this matter and apply an unwarranted restriction in all cases.
RE02.24	Paragraph 6.8.2 – the respondent recommends omitting the statement that the assessment of impact on visual amenity can be a subjective one. Please refer to our comments on section 5.6.2 above.	Agree. Delete paragraph 6.8.2

Reference	Summary of Respondent's Response:	Officer Response:
RE02.25	<p>Paragraph 6.12.1 – the respondent notes the recommendation that applicants avoid habitat land and that the most suitable land for solar panels is intensively managed agricultural land. In identifying suitable sites for renewable energy developments, proposals should also seek to avoid significant impacts on protected species.</p> <p>The respondent also wants us to be aware that even intensively farmed land can and will be used for certain species, particularly if it is located near other habitat such as a river, lake or wetland e.g. many of the improved grassland farmland fields near the Afon Tywi are used by Bewick and Whooper Swans and Greylag or White fronted geese over the winter period.</p>	<p>Add the following to the end of paragraph 6.12.1:</p> <p>Proposals should not be located on sites which would create significant impacts on protected species.</p>
RE02.26	<p>Paragraph 6.13.1 – the respondent recommends including reference to the need for an ASIDOHL2 assessment for Environmental Impact Assessment (EIA) development for Registered historic landscapes.</p>	<p>Add the following to the end of paragraph 6.13.2:</p> <p>There may be a need for an Assessment of the Significance of Development on Historic Landscape (ASIDOHL2) for EIA developments for Registered historic landscapes.</p>
RE02.27	<p>Application Checklist - Applications should not only include surveys, but full details of proposed mitigation for any designated sites, European Protected Species or Wildlife and Countryside Act species that may be impacted, together with proposals for post-construction monitoring.</p>	<p><b>Agree, add the following to the checklist, under surveys for Solar and Wind Turbine Developments:</b></p> <ul style="list-style-type: none"> <li>✓ Details of proposed mitigation for any designated sites, European Protected Species or Wildlife and Countryside Act species that may be impacted, together with proposals for post-construction monitoring.</li> </ul>
<b>Carmarthenshire Wind Turbine Development Landscape Sensitivity and Capacity Study</b>		
RE02.28	<p>Table 1 Typologies</p> <p>We note that it is stated that 'any group of 6 or more turbines will belong in the 'very large' typology irrespective of turbine height. We are of the view that 6 micro or small turbines (less than 25/50m) would not belong in the 'very large' category, however it is unlikely that this size of turbine would occur in groups of 6 or more, except cumulatively. There remains a considerable difference in scale</p>	<p>Disagree, the methodology for the Landscape Sensitivity and Capacity Study is to be in accordance with the widely used Heads of the Valleys Study as it was consistent with current best practice and allowing for ease of cross reference with other studies in Local Authority areas across South Wales.</p> <p>Furthermore, this change to the methodology would require a complete revision of the whole study.</p>

Reference	Summary of Respondent's Response:	Officer Response:
	<p>between 6 medium turbines up to 80m and 6 turbines of over 109m, potentially up to 145m, as at Brechfa. We understand that this statement has come from the Heads of the Valleys study, however, we consider that a typology based on height, with a range of scales and an indication that increasing numbers may push the scale into the next size category, would better capture the difference in scales.</p>	
RE02.29	<p>The respondent notes that the LANDMAP Cultural aspect area layer has not been used due to the insufficient level of detail. Please note that the LANDMAP Cultural layer is being updated (from 2019) and may provide more detailed information in future.</p>	<p>Comments noted, however, the consultants opinion, is that such an approach will not change any of the assessments made in the study; Cultural Landscape Aspect Areas tend to cover very large geographical areas; e.g. a <i>single Aspect Area</i> - CRMRTCL061 (Rural Carmarthenshire) - extends across much of the study area; therefore the Cultural Landscape Aspect data has limited value in being used to highlight differences between the 80 areas identified by the study to assess capacity and sensitivity.</p>
RE02.30	<p>Table 4 Historic Value - Please note that Registered Parks and Gardens are now a statutory designation under Welsh Government historic environment legislation (also relevant to section 3.6).</p>	<p>The consultants understand that the change has occurred as a consequence of the Historic Environment (Wales) Act 2016 coming into force, resulting in a now statutory register for historic parks and gardens  Their review of the Cadw website revealed the following text: <i>'The Welsh Ministers will have to compile and maintain a comprehensive register of parks and gardens of historic interest in Wales. It will help owners, local planning authorities and others to look after the sites in an informed way. Provision still to be commenced.'</i>  Reference is also needed to TAN 24, May 2017: <i>The Historic Environment</i> with regard to registered historic landscapes. The consultants are unsure of the current status of the compilation of the new statutory register and its implications for planning policy and development management, and suggest contacting Cadw.</p>
<b>Carmarthenshire Solar PV Development Landscape Sensitivity and Capacity Study</b>		
RE02.31	<p>The respondent notes that LANDMAP Visual and Sensory aspect areas have effectively been used as a basis for the</p>	<p>Comments noted.</p>



Reference	Summary of Respondent's Response:	Officer Response:
	<p>landscape units in the absence of county-wide landscape character areas.</p> <p>We note that the methodology generally follows that of the Heads of the Valleys Wind Turbine Development Landscape Sensitivity and Capacity Study and is informed by SNH guidance, GLVIA3 and LANDMAP Guidance Note 3.</p>	
RE02.32	<p>The respondent notes that the LANDMAP Cultural aspect area layer has not been used due to the insufficient level of detail. Please note that the LANDMAP Cultural layer is being updated (from 2019) and may provide more detailed information in future.</p>	Refer to the response to RE02.29 above.

#### Representation No. RE03 from Caroline Hill

Reference	Summary of Respondent's Response:	Officer Response:
RE03.01	<p>The respondent seeks one additional safeguard in response to a recent case heard in the High Court, where the claimant was taking action in support of a Carmarthenshire County Council refusal of a wind farm scheme. The wind farm developer had deliberately gained permission for a smaller scheme and then quickly used a Variation in Condition application to significantly increase the size of the scheme. The Council's refusal was successfully appealed by the developer, because it was only the difference in the size of the consented scheme and the proposed scheme which was considered – NOT the overall impact. The respondent believes that this made a mockery of the Council's refusal and its policies and that this incremental approach to circumventing size limits is now being widely recommended as a tactic to developers.</p> <p>The respondent is suggesting that the SPG should make it clear that developers should not expect to be able to incrementally increase the size of their</p>	<p>The remit of SPGs, as set out in Planning Policy Wales, Edition 9, is that they are a means of setting out more detailed thematic or site specific guidance on the way in which the policies of an LDP are to be interpreted and applied in particular circumstances.</p> <p>The respondent's requests exceeds the purpose of SPGs and requires a change in the procedures of planning applications, which would have to be enacted at a national level.</p>

Reference	Summary of Respondent's Response:	Officer Response:
	<p>development by use of a quick succession of Variation in Condition applications.</p> <p>The respondent believes that it should be possible to state in the SPG that following consent for an application, there should be a considerable period of time before any Variation would be considered that increases the size of the major constituent parts of the development.</p>	
RE03.02	<p>The respondent seeks an additional paragraph to section 4.3. Pre-application consultation, which Ceredigion County Council have in their Renewable Energy SPG:</p> <p>4.3.2 A meaningful assessment of alternative means of producing renewable energy on the proposed site should be provided.</p>	<p>Agree in part. Insert a new section in 4.12:</p> <p><b>4.12 Choice of Site and Technology</b></p> <p>4.12.1 Applicants will be expected to justify the choice of site and the choice of renewable energy generation. The applicant will be required to demonstrate that the chosen technology is the most appropriate for the site. Different renewable energy technologies have different impacts, therefore applicants will be required to demonstrate that they are progressing with the technology that is the most efficient with the least impacts on the site.</p>
RE03.03	<p>The respondent seeks an additional paragraph to section 4.3. Pre-application consultation:</p> <p>4.3.3 It should also be shown why the chosen site is the most appropriate option.</p>	<p>See response above to RE03.02.</p>
RE03.04	<p>The respondent seeks an amendment to paragraph 4.6.1, so that it reads as follows, as set out in paragraph 12.10.1 of Planning Policy Wales, (the additional text being requested is underlined, and deleted text is marked as strikethrough):</p> <p>4.6.1 Some small-scale installations may not require new overhead connections to the electricity grid network <del>and in the majority of cases, connection to the grid will not be a planning consideration.</del> <u>However, the grid connection is an intrinsic part of the development and should be considered alongside the turbine(s) in accordance with PPW which states that grid connection issues should</u></p>	<p>Disagree. A full connection proposal can't be assessed as part of the planning application as there is a separate consenting process for such applications. However, it is suggested to re-word paragraph 4.6 as follows: (with the underlined text being added):</p> <p>4.6.1 Some small-scale installations may not require new overhead connections to the electricity grid network, <u>and in the majority of cases, connection to the grid will not be a planning consideration. However, where an application will be connecting to the grid, details should include consideration of the location and alignment of a connection.</u></p>

Reference	Summary of Respondent's Response:	Officer Response:
	<p><u>be taken into account when determining a renewable energy development.</u></p>	
RE03.05	<p>The respondent seeks the insertion of the following additional text to paragraph 4.6.2, in accordance with the Carmarthenshire LDP:</p> <p>Ancillary structures should be carefully and sensitively sited and designed, and limited to locations where proposals would not have a significant cumulative effect. They should be sympathetic to the characteristics of the local landform, contours and existing landscape features.</p>	<p>Disagree. It is considered that the advice given in 4.6.2, along with newly published advice in PPW Edition 10, is sufficient to guide grid connection works.</p> <p>It is not clear what the respondent considers to be "ancillary structures". If this relates to substations and cabinets, then this is covered in more detail in Section 5.5. A new grid connection cannot be seen as an ancillary structure. This section deals with grid connection issues only.</p>
RE03.06	<p>The respondent seeks an additional paragraph to section 4.6. Grid Connection, as cited in a Report to the Welsh Government July 2010:</p> <p>4.6.3 The route of the grid connection (whether above or below ground) should be shown in the application. Ecological, landscape and visual impacts can be caused by ancillary infrastructure, and this includes grid connections.</p>	<p>Disagree. It is considered that the advice given in 4.6.1 &amp; 4.6.2 is sufficient to guide grid connection works. It is not known what report the respondent is referring to.</p>
RE03.07	<p>The respondent seeks an amendment to paragraph 4.7.2 so that it reads as follows (the additional text being requested is underlined and deleted text is marked as strikethrough):</p> <p>4.7.2 For the purposes of this guidance, Community Energy can be defined as an energy scheme which is led by, or meets the needs of <u>residents within</u> the local community. <u>The community is defined as the residents within the area immediately adjacent to the proposed site, and those potentially adversely impacted by it.</u> The community must have ownership of the development, either in full or <del>shared</del> <u>majority part</u>, whilst maintaining full control over it. As a result of a number of positive case studies and the local benefits involved in such schemes, community energy projects will be given support and encouragement by the Council.</p>	<p>Disagree. There is no need for the SPG to provide a definition of community, which would potentially limit the implementation of the guidance.</p> <p>Guidance provided by the Welsh Government in terms of the ownership of community schemes does not specify that they should be owned as a majority part. The guidance in PPW (Edition 10) supports "projects which are developed by communities or benefit the host community or Wales as a whole" (para. 4.145). PPW continues: "The Welsh Government supports the principle of commercial developers working together with community based organisations to take forward projects on a shared ownership basis"(paragraph 4.147).</p>

Reference	Summary of Respondent's Response:	Officer Response:
RE03.08	<p>The respondent seeks an amendment to paragraph 4.7.3 so that it reads as follows (the additional text being requested is underlined):</p> <p>4.7.3 ... Shared ownership could involve a <u>guaranteed</u> share in the overall generated income from a scheme or part or full ownership of the scheme...</p>	Disagree, see above response RE03.07.
RE03.09	<p>The respondent seeks an additional paragraph to section 4.7. Community Energy:</p> <p>4.7.5 As a matter of course, the public should be advised that the Local Authority does not scrutinise the financial data or the scheme's predicted productivity or income, and such schemes usually carry financial risks and are not financially regulated.</p>	Disagree. This is not a planning matter.
RE03.10	<p>The respondent seeks an additional paragraph to section 4.8. Community Benefits:</p> <p>4.8.3 Financial contributions by developers may be secured by planning condition or Section 106 agreements where they relate to the size of the development and offer material and mitigating benefits in the impacted locality e.g. through highway or wildlife habitat improvements.</p>	Disagree. Paragraph 4.8.1 covers what can be sought by contributions, as set out in Planning Policy Wales Edition 10 (paragraph 3.5.5).
RE03.11	<p>The respondent seeks an additional paragraph to section 4.8. Community Benefits:</p> <p>4.8.4 Community benefit funds offered by developers, usually on an annual basis and per megawatt of installed capacity, are voluntary and cannot be enforced.</p>	<p>Agree. Add a new paragraph as follows:</p> <p>4.8.3 Community benefit funds offered by developers, usually on an annual basis and per megawatt of installed capacity, are voluntary and cannot be enforced.</p>
RE03.12	<p>The respondent seeks an additional paragraph to section 4.8. Community Benefits:</p>	<p>Agree, add the text to the end of paragraph 4.8.3, as follows:</p> <p>"... Therefore, such voluntary contributions do not enable permission to be granted for a</p>

Reference	Summary of Respondent's Response:	Officer Response:
	<p>4.8.5 Therefore, such voluntary contributions do not enable permission to be granted for a proposal that would otherwise be unacceptable in planning terms. The absence or presence of voluntary financial contributions is not an issue which will be considered, or given weight to, in the determination of the planning application.</p>	<p>proposal that would otherwise be unacceptable in planning terms. The absence, or presence of voluntary financial contributions is not an issue which will be considered, or given weight to, in the determination of the planning application."</p>
RE03.13	<p>The respondent seeks an amendment to paragraph 4.10 so that it reads as follows (the additional text being requested is underlined):</p> <p>4.10 Ecological Considerations:</p> <ul style="list-style-type: none"> <li>• Renewable Energy schemes should not be located on ecologically important sites (including Sites of Special Scientific Interest, Ramsar Sites, Special Protection Areas and Special Areas of Conservation). <u>It should be recognised that developments some distance away from designated sites can impact upon them due to watercourse connectivity, habitat connectivity for mobile species and environmental sustainability.</u></li> </ul>	<p>Agree in part. See comment RE02.04.</p>
RE03.14	<p>The respondent seeks an amendment to paragraph 4.10.3 so that it reads as follows (the additional text being requested is underlined):</p> <p>4.10.3 A Preliminary Ecological Appraisal.... determining protected species interest. <u>Species/habitat surveys should cover the delivery route(s) and the site, including not only the turbine position(s) but also all ancillary development, access tracks, construction compounds, drainage measures, and areas impacted by road widening or overrun. Additionally, cumulative impacts with other developments in the area should be assessed.</u></p>	<p>Agree, add the following to the end of paragraph 4.10.3:</p> <p>Species/habitat surveys should cover the delivery route(s) and the site, including not only the turbine position(s) but also all ancillary development, access tracks, construction compounds, drainage measures, and areas impacted by road widening or overrun. Additionally, cumulative impacts with other developments in the area should be assessed.</p>

Reference	Summary of Respondent's Response:	Officer Response:
RE03.15	<p>The respondent seeks an amendment to paragraph 4.10.2 so that it reads as follows (the additional text being requested is underlined):</p> <p>4.11.2 Any mitigation measures proposed should reflect recent survey work and demonstrate a clear understanding of the site, <u>and access route(s) and their ecological considerations.</u></p>	<p>Agree, amend paragraph 4.10.2 so that it reads as follows:</p> <p>4.11.2 Any mitigation measures proposed should reflect recent survey work and demonstrate a clear understanding of the site, and access route(s) and their ecological considerations.</p>
RE03.16	<p>The respondent seeks an additional paragraph to section 5.3 Wind Turbine Development outside Strategic Search Areas:</p> <p>5.3.2 Very large turbines (&gt;109m) are unsuitable outside SSAs.</p>	<p>Disagree. This is not in line with current advice from the Welsh Government. Paragraph 5.2.3 sets out current advice from the WG as to the size of the turbines permitted outside SSAs.</p>
RE03.17	<p>The respondent seeks an additional paragraph to section 5.3 Wind Turbine Development outside Strategic Search Areas (the respondent cites TAN 8, paragraph 2.13, Heads of the Valleys guidance, Landscape Capacity and Sensitivity Study):</p> <p>5.3.3 Most areas outside SSAs should remain free of large wind power schemes. The large typology is defined as a turbine greater than 80m to tip height, or any group of more than four turbines no matter how small. Schemes outside the SSAs should have suitable separation distances between them. Wind turbines should not be spread across the whole county.</p>	<p>Agree in part.</p> <p>A new section has been added to section 5.1.2 setting out the turbine typology taken from the Wind Turbine Development Landscape Sensitivity and Capacity Study.</p> <p>A new paragraph has been added – 5.3.2 stating that areas outside SSAs should remain free of large wind power schemes (Large scale schemes being defined as being over 25MW), in line with guidance set out in TAN 8 paras 2.2 &amp; 2.13.</p> <p>The Carmarthenshire Wind Turbine Development Landscape Sensitivity and Capacity Study provides a landscape character assessment for different areas of the County, and sets out what type of turbine development would be appropriate in these areas. It is considered that this approach meets the requirements of paragraph 2.13 of TAN 8 which seeks a balance which will not result in a severe restriction of wind turbine development.</p>
RE03.18	<p>The respondent seeks an additional paragraph to section 5.3 Wind Turbine Development outside Strategic Search Areas:</p>	<p>Disagree. Advice on the types of development requiring an EIA screening opinion is contained in section 4.4.</p>

Reference	Summary of Respondent's Response:	Officer Response:
	<p>5.3.4 Little can be done to mitigate the impact of larger turbines. It is likely, therefore, that even a single turbine will require an EIA screening assessment.</p>	
RE03.19	<p>The respondent seeks an additional paragraph to section 5.3 Wind Turbine Development outside Strategic Search Areas:</p> <p>5.3.5 In judging the need for an EIA, the application should be considered in combination with other developments to determine the potential cumulative effects.</p>	Disagree. Advice on the types of development requiring an EIA screening opinion is contained in section 4.4.
RE03.20	<p>The respondent seeks an additional paragraph to section 5.3 Wind Turbine Development outside Strategic Search Areas:</p> <p>5.3.6 If an EIA is required, it should include ancillary development and associated infrastructure including substations, grid connections and access routes.</p>	Disagree. Advice on the types of development requiring an EIA screening opinion is contained in section 4.4.
RE03.21	<p>Paragraph 5.4.1 – the respondent notes that this section rightly describes wind turbines as large man-made elements. But they are not only “substantial vertical structures; the “moving blades” draw the eye and move over a large area. The scale of the visual impact is increased not only as the height increases, but as the rotor size increases. This is especially relevant to acknowledge in the SPG now that developers are increasingly choosing to deploy turbines with “oversized” rotors. The respondent believes that this needs to be explicitly stated in the SPG, particularly in light of recent protestations by one wind developer that the circle described by turbine blades is somehow of no visual consequence.</p>	Disagree. The consultants who prepared the Study comment that the validity of this comment is limited and does not demonstrate that the author fully understands the difference between size and speed of rotor and its capacity to draw the eye when moving. Although smaller turbine rotors have a smaller blade-swept area, they turn more rapidly when compared to large rotors. When both types are seen together, the smaller turbine rotor movement is more visually arresting. Such factors are a matter for consideration at the level of the individual planning application and are too detailed for incorporation into this SPG.
RE03.22	The respondent comments about paragraph 5.5.2 – Section B - Focal Features/Settlements and Urban	The consultants comment as follows: SNH guidance on small turbines states that <i>“It is important for small scale turbines to relate well</i>

Reference	Summary of Respondent's Response:	Officer Response:
	<p>Landscapes - The phrases “a turbine sited next to an isolated farm could draw attention to its presence” and “In sparsely settled rural landscapes, turbines should be located near to existing buildings” seem to contradict one another. Policy hitherto has suggested that, where a development is associated with farm diversification, it should be positioned close to the farmstead. The respondent believes that the phrase which does make sense is “Turbines should be located in the least visually prominent location.” This is consistent with, for example, avoiding skylines.</p>	<p><i>to and compliment the scale of nearby buildings” [Siting and designing wind farms in the landscape, SNH, August 2017, Annex 1, p. 44]</i></p> <p>The consultants do not consider these statements to be contradictory as they describe deferent scenarios, and consider that the following text can be added by way of clarification:</p> <p><i>‘Turbines should be sited in the most appropriate location when viewed from a variety of viewpoints whilst being able to harvest a viable wind resource, which often means elevated and exposed locations’.</i></p>
RE03.23	<p>The respondent seeks an amendment to paragraph 5.5.2 so that it reads as follows (the additional text being requested is underlined) in accordance with the Carmarthenshire LDP:</p> <p>C Turbine Size and Scale - Small scale turbines.... such as buildings, trees or hedges. <u>Small turbines are required to be located near and closely related to existing buildings or structure of a similar nature. Turbines which are out of character with the area, in terms of their size or design, being over-dominant in the area, will be refused.</u></p>	See Comments for RE03.22, above.
RE03.24	<p>The respondent seeks an amendment to paragraph 5.5.2 so that it reads as follows (the additional text being requested is underlined, and deleted text is marked as strikethrough):</p> <p>C Turbine Layout - Although there may be scope.... the same angle of view. In all cases, turbine layout should respect the underlying landform and, <del>where possible</del>, groups of turbines should be located at very similar elevations.</p> <p>The respondent also comments that in a group of two or more turbines, the turbines need to be positioned so that the distance between them is 3-10 rotor diameters, as indicated in TAN 8.</p>	<p>The consultants comment as follows: No change required – the deletion of the phrase ‘<i>where possible</i>’ will unduly restrict design. The following guidance is noted in respect of landform:</p> <p><i>“It is very difficult to design a wind farm upon a variable landform, such as undulating, rugged moorland or hills, without presenting a confusing image. This is because the wind turbines will be seen from different directions, at varying elevations and spacing, and against varying backdrops. To avoid this effect, it is generally preferable for wind turbines to be grouped on the most level part of a site so the development appears more cohesive, rather than as a poorly related group of turbines.”</i></p> <p>[<i>Siting and designing wind farms in the landscape, SNH, August 2017; Section 3.24</i>]</p>



Reference	Summary of Respondent's Response:	Officer Response:
	<p>The design iteration process undertaken by the applicant to mitigate the visual impacts must be shown clearly in the planning application to explain why the proposed positioning and grouping is considered to be the most suitable. Alternative layouts should be explored in relation to the most sensitive viewpoints.</p>	<p>These are matters for individual cases and consideration in relation to local landform characteristics, key viewpoints, and other site-specific factors.</p> <p>TAN 8 states that <i>'Wind turbines need to be positioned so that the distance between them are around 3-10 rotor diameters.'</i> [Annex C, Section 2.8, p.35]</p>
RE03.25	<p>The respondent seeks an amendment to paragraph 5.5.2 so that it reads as follows (the additional text being requested is underlined):</p> <p>C. Micro-siting - Relocation of one or more... at the construction stage. It is important to ensure that micro-siting considerations may not only affect wind turbine locations <u>and separation</u>, but also the horizontal.... of any wind turbine proposal.</p> <p><u>The red edge of the site location plan and the representation of the potential swept area(s) should include any allowance being requested by the developer for micro-siting. This will help to ensure that minimum requirements for separation from other turbines, residential properties and vegetation (such as hedgelines), as well as topple distances, will not be compromised by the use of micro-siting allowances.</u></p> <p><u>A consistent and accurate grid reference should be used for the position of each turbine and the site plan should be of a scale to allow the positioning to be checked within a very small tolerance (as with building plans).</u></p> <p><u>If, after an application has been submitted and validated, a developer wishes to alter the positioning of any element of the development beyond the micro-siting allowance requested, this would be considered a substantial alteration and would require a new planning application.</u></p>	<p>The consultants comment as follows: We regard the insertion of the word <i>'separation'</i> as an unnecessary addition which is not informative in qualifying the statement – achieving the optimum separation distance is part of the proper consideration of the siting and location of turbines.</p> <p>Agree to add the text contained in the third paragraph beginning "The red edge..."</p> <p>In the fourth paragraph, the consultants do not consider that all of the additional details being asked for are required, and suggest that, for consistency, the phrase <i>'within a very small tolerance'</i> needs to be deleted and the phrase <i>'within the limits established by the permitted micro-siting tolerance'</i> should be inserted.</p> <p>The final sentence of the fourth paragraph appears to remove the option of an application to vary an existing application - this is a judgement that has to be made on a case by case basis at the application validation stage.</p>

Reference	Summary of Respondent's Response:	Officer Response:
RE03.26	<p>The respondent seeks an amendment to paragraph 5.5.2 so that it reads as follows (the additional text being requested is underlined):</p> <p>C Ancillary Infrastructure - Landscape and visual impacts of any ancillary development, <u>the cumulative effects</u> and visual conflicts between turbines and ancillary structures should be minimised.....</p>	<p>The consultants comment as follows: We suggest the following amendment: delete all text from 'the cumulative effects..' onwards and insert the following text: "<u>...the cumulative landscape and visual effects arising from the combination of turbines and ancillary structures should be minimised...</u>"</p>
RE03.27	<p>The respondent seeks an addition to paragraph 5.6.4 to include the following text:</p> <p>5.6.4 Photomontages should be provided in addition to wirelines and should show the associated infrastructure, not just the turbines ie. any associated buildings, masts, tracks, vegetation removal and above ground grid connections.</p>	<p>Disagree, the consultants comment that whilst support is given to the provision by the applicant of supporting photomontages and wireframe diagrams in some circumstances, this is a matter for the planning officer to determine during the early stages of the planning application process, which is consistent with paragraph 5.6.4, as drafted.</p>
RE03.28	<p>The respondent seeks an amendment to paragraph 5.10.1 so that it reads as follows (the additional text being requested is underlined):</p> <p>5.10.1 Turbines produce mechanical noise..... all planning applications are expected to be accompanied by a <u>site specific</u> Noise Assessment.</p> <p>The respondent explains that the phrase "site specific" is recommended because, on occasion, applicants have submitted assessments from "similar" sites or used wind data collected at sites some distance away, and this is simply not accurate enough.</p>	<p>Agree. The addition of the term "site specific" is used in appendix A which provides further guidance, therefore making it consistent.</p>
RE03.29	<p>The respondent seeks an amendment to paragraph 5.10.2 as they believe an appropriate distance" is far too vague to have any real meaning. Noise can be greater at a lower level (downhill) than on the same level, and at several rotor-diameters distance rather than close to the turbine. The respondent suggests that</p>	<p>Disagree. Paragraph 5.10.2 requires that all turbines are required to accord with ETSU-R-97.</p> <p>Guidance contained within Appendix A refers to cumulative noise assessments.</p> <p>Noise conditions are applied to applications and each are tailored depending on the conclusions</p>

Reference	Summary of Respondent's Response:	Officer Response:
	<p>at the very least, a planning condition should be attached where a turbine is within the distance cited for potential shadow flicker to require a noise assessment to be carried out when the turbine becomes operational, to prove that it is operating within ETSU noise limits.</p> <p>The amended text should read as follows (the additional text being requested is underlined):</p> <p><u>Full site-specific background noise studies should be submitted with the application, and these should exclude the effects of existing turbines. Cumulative turbine noise calculations should also be provided where there are other proposed, consented or operational turbines in the area, not just for the properties nearest to the application site but also for those properties most likely to be cumulatively affected.</u></p>	<p>of the noise report. The noise conditions are sufficient for enforcement, making the request for a further noise assessment unnecessary.</p>
RE03.30	<p>The respondent seeks an additional bullet point to the summary box in section 5.10:</p> <ul style="list-style-type: none"> <li>• Planning conditions will require that, when there is any likelihood that noise conditions cannot be met or are not being complied with, the costs for an independent noise assessment will be met by the developer.</li> </ul>	<p>Disagree, the applied noise condition(s) indicate that the cost of survey rests with the developer.</p>
RE03.31	<p>The respondent seeks an amendment to paragraph 5.11.2 so that it reads as follows (the additional text being requested is underlined), in order to reflect the latest studies published by the University of Exeter:</p> <p>5.11.2 Bats and their roosts..... Surveys will also identify what time of the year the bats are utilising the site as activity changes throughout the year. <u>This is particularly important for those species identified as high risk or, where large turbines are proposed, are high-flying</u></p>	<p>Disagree. There is no need to differentiate between large and small turbines here. A full assessment of the impacts on bats will be required, whether they are low or high flyers.</p>

Reference	Summary of Respondent's Response:	Officer Response:
	<p><u>species</u>, which will exploit open habitats.....</p>	
RE03.32	<p>The respondent seeks an additional bullet point to the summary box about Bat Assessments in section 5.11:</p> <ul style="list-style-type: none"> <li>• Where site boundaries are close to the development, the survey work should extend beyond the boundary.</li> </ul>	<p>Agree in part, the following addition has been made to the bullet point:</p> <p>“...and should be at the turbine location and nearby habitat boundaries, for example, hedgerows, trees, woodlands.”</p>
RE03.33	<p>The respondent seeks the addition of two bullet points to paragraph 5.11.5, which are in line with Ceredigion guidance and Scottish National Heritage bird guidance:</p> <ul style="list-style-type: none"> <li>• A breeding bird survey and a winter bird survey should be provided as a minimum.</li> <li>• Where protected species are identified, mitigation should be provided to avoid any displacement.</li> </ul>	<p>Disagree, NRW have been consulted and have approved our approach as detailed. This advice is also reflected in the adopted Nature Conservation SPG.</p>
RE03.34	<p>The respondent seeks an amendment to paragraph 5.13.4 so that it reads as follows (the additional text being requested is underlined):</p> <p>5.13.4 Turbines also...Turbines should be sited away from radio and microwave signal corridors and should not impact upon <u>emergency service communication links</u>, domestic TV, radio reception, and <u>mobile telephone</u> or mobile, <u>satellite or community wi-fi</u> broadband. Where interference cannot be avoided, mitigation measures will be required <u>to be put in place</u> by the developer.</p>	<p>Agree, suggested changes to be incorporated in to paragraph 5.13.4.</p>
RE03.35	<p>The respondent seeks the addition of a paragraph:</p> <p>5.13.5 A Residential Amenities Assessment should be carried out for every residential or holiday property within 10 times tip height. A wider study area of 1 to 2km will be more appropriate for large and very large turbines (over 65m in height).</p>	<p>Disagree, Residential Amenity Assessments have been carried out on a small number of occasions. They are not required on the majority of cases as the LVIA will assess such impacts.</p>

Reference	Summary of Respondent's Response:	Officer Response:
RE03.36	<p>The respondent seeks the addition of a paragraph:</p> <p>5.13.6 An RAA is additional to the assessment of visual impact on residential amenity that should be included in the LVIA.</p>	<p>Disagree, Residential Amenity Assessments have been carried out on a small number of occasions. They are not required on the majority of cases as the LVIA will assess such impacts.</p>
RE03.37	<p>The respondent seeks the addition of a paragraph, following an analysis of appeal decisions quoted in the Gwynedd SPG.:</p> <p>5.13.7 Important factors include the bulk and width of the structure(s) as well as height and proximity, and the proportion of the outlook from the property and outside seating areas which would be occupied by the development, and whether turbines would be visible on more than one side of a property.</p>	<p>Disagree, however, it is acknowledged that there should be a bit more guidance on residential amenity. The following should be added to paragraph 5.13.1 –</p> <p>“Careful consideration should be given when siting turbines to their relationship with nearby residential properties, in order to prevent an unacceptable overbearing impact on the residential amenity of these dwellings.”</p>
RE03.38	<p>The respondent seeks an amendment to paragraph 5.14.1 so that it reads as follows (the additional text being requested is underlined and deleted text is marked as strikethrough):</p> <p><b>5.14.1</b> Turbines should be located an appropriate distance from roads, railways, buildings, <u>power lines</u>, <u>BT lines</u> and public <u>footpaths and</u> open spaces. The appropriate distance otherwise known as the “topple distance” <del>which</del> is calculated as being the height of the turbine <u>or, in the case of power lines, a distance in accordance with the Electricity Council Standards for overhead line clearances.</u></p>	<p>Agree in part, add reference to overhead lines (power and telecommunication), and public footpaths. Also include the addition of the following text: “ In the case of overhead power lines, separation distances should accord with the Electricity Council Standard 44-8.”</p>
RE03.39	<p>The respondent seeks the addition of a paragraph, as stated in the Carmarthenshire LDP:</p> <p>5.14.3 Existing bridleways and footpaths shall be safeguarded with no permanent loss to the length or quality of trails by any re-routing necessary to avoid the topple distance.</p>	<p>Agree in part. A new paragraph to be added to reflect that information set out in the LDP:</p> <p>5.15.3 In siting turbines, existing bridleways, cycle ways and footpaths shall be safeguarded with no permanent loss to the length and quality of trails or paths. Temporary and appropriate re-routing of public rights of way during construction will be required.</p>

Reference	Summary of Respondent's Response:	Officer Response:
RE03.40	<p>The respondent seeks an amendment to the bullet point in the summary box for Public Accessibility/Rights of Way Considerations, so that it reads as follows (the additional text being requested is underlined):</p> <ul style="list-style-type: none"> <li>• Consideration should be given to the amenity, health and safety of all users of the right of way. Turbine blades should not over sail public rights of way. <u>Regard should also be given to positioning in order to safeguard pedestrians, riders and passing traffic from injury due to ice throw or catastrophic equipment failure eg. detachment of moving blade(s).</u></li> </ul>	<p>Disagree, TAN 8 – Annex C para 2.34 states that ice build-up is unlikely to present problems on the majority of sites in Wales. Furthermore, there is no known evidence of separation distances which overcome ice throw.</p>
RE03.41	<p>The respondent seeks an amendment to paragraph 5.16.1 so that it reads as follows (the additional text being requested is underlined):</p> <p>5.16.1 Some turbines will be located.... Applications are expected to be accompanied with a Traffic Management Plan, <u>providing an assessment of the impact on traffic volumes from construction vehicle numbers. The environmental impact of all proposed physical works and operation along the extent of the abnormal load and construction transport routes will be considered as part of the environmental assessment of the development.</u></p>	<p>Agree, add the following to the end of paragraph 5.16.1:</p> <p><u>Applications are expected to be accompanied with a Traffic Management Plan, providing an assessment of the impact on traffic volumes from construction vehicle numbers. The environmental impact of all proposed physical works and operation along the extent of the abnormal load and construction transport routes will be considered as part of the environmental assessment of the development.</u></p>
RE03.42	<p>The respondent seeks an amendment to the Highway Considerations summary box as follows:</p> <ul style="list-style-type: none"> <li>• The developer will be required ... with the delivery of the turbine. <u>Owners of third party land which might be oversailed should be notified as part of the community engagement so that they have an early opportunity to respond.</u></li> </ul>	<p>Agree in part, add the following text to the end of the first bullet in summary box:</p> <p>“Third party land may also be over-sailed by construction materials. In these instances the developer should contact relevant landowners when planning delivery routes.”</p>

Reference	Summary of Respondent's Response:	Officer Response:
RE03.43	<p>The respondent seeks three additional bullet points to the Highway Considerations summary box as follows:</p> <ul style="list-style-type: none"> <li>• There should be provision made for emergency vehicle access at all times.</li> <li>• The weights of cranes and turbine parts (including transporters) should be declared as well as the overall dimensions.</li> <li>• In line with WAG recommendations, a full Transport Management Plan should be agreed BEFORE planning permission is considered.</li> </ul>	<p>In terms of the first bullet point, disagree, if it is an abnormal load there will be a procedure in place that they would have to notify the police.</p> <p>Agree to the second bullet point to be inserted into the summary box.</p> <p>The third bullet point, agree in part. It is not considered appropriate to have the Plan agreed before a decision as details of the TMP could change once a contractor is on board. Add the following bullet point into the summary box:</p> <ul style="list-style-type: none"> <li>• Early preparation and consideration should be given to a Transport Management Plan.</li> </ul>
RE03.44	<p>The respondent seeks the addition of a paragraph to section 5.18:</p> <p>5.18.2 The applicant's environmental impact assessment or environmental statement should take into account the quantity of material to be removed, the transport impacts, and how the material will be disposed of and the consequent environmental impact.</p>	<p>This is not the correct place in the SPG for such information – section 4.4 deals with EIA.</p>
RE03.45	<p>The respondent seeks the addition of a paragraph to section 5.18:</p> <p>5.18.3 Decommissioning costs as well as methods should be submitted, so that an appropriate bond can be secured by the local authority.</p>	<p>Agree in part, such information would be placed in a legal agreement, however, it is suggested to add the following to section 5.18:</p> <p>5.18.2 The Decommissioning Plan should factor in the cost of the decommissioning operation, and consideration be given to entering into a planning obligation to secure site reinstatement.</p>
RE03.46	<p>The respondent seeks the addition of the following to the application checklist on page 23:</p> <ul style="list-style-type: none"> <li>✓ Applicants should expect to have to meet an acceptable standard in the information they supply to support their application.</li> <li>✓ They should follow standard guidelines and methodology.</li> <li>✓ There should be an expectation that if false, misleading or sub-standard information is supplied, the application will be rejected.</li> </ul>	<p>Disagree - if an application is not of a sufficient standard or does not include the information required to determine the application, then it will be invalid and will not be registered until such time as the information is submitted.</p>

Reference	Summary of Respondent's Response:	Officer Response:
	<p>✓ The full suite of required information should be supplied at the time of the application being validated so that it is available for, and can be subject to, the period of public consultation.</p> <p>The respondent also requests the following to be added to the section "Other Items that may be Required":</p> <ul style="list-style-type: none"> <li>• Tourism impact assessment</li> <li>• Electro-magnetic interference – Aviation and Communications (Mobile Telephone and Broadband)</li> <li>• Grid connection route</li> <li>• Community consultation</li> </ul>	<p>Agree to the addition of "Details of Grid Connection" to the list, in addition to "Pre-Application Consultation (if applicable), which will cover details of community consultation. The other requests are matters that will be considered as part of the determination of the application, they do not require specific mentioning in this section.</p>

#### Representation No. RE04 from the Coal Authority

Reference	Summary of Respondent's Response:	Officer Response:
RE04.01	The respondent has no specific comments to make.	n/a

#### Representation No. RE05 from Miss Caroline Evans, Brechfa Forest Energy Action Group

Reference	Summary of Respondent's Response:	Officer Response:
RE05.01	The respondent comments that the draft SPG reads well, as did the previous LDP, but is disappointed that the LDP's provisions were regularly ignored resulting in inappropriately sited large and small wind turbines.	The LDP is still in place, this document provides supplementary guidance to support the LDP policies.
RE05.02	Reference is made to section 5.5.2 - B - Factors relating to siting - the impact on the skyline is acknowledged and stated as undesirable, just as it was in the last LDP, but it didn't stop the Council giving permission for Blaengwen and Mynydd y Betws wind turbine developments and the minister giving permission for Brechfa Forest West, all on skylines and making a major impact on the landscape.	The respondent is not seeking a change to the SPG.



Reference	Summary of Respondent's Response:	Officer Response:
RE05.03	The respondent notes that this document also refers to the undesirability of the destruction of woodlands for wind turbine developments and references Brechfa Forest West site for woodland mega-removal.	The respondent is not seeking a change to the SPG.
RE05.04	The respondent notes that section 5.10 makes reference to Noise, as does the LDP but there are continual noise problems from several wind turbine sites are evidence that the LDP's policies did not work and will not work.	The respondent is not seeking a change to the SPG.
RE05.05	The respondent is concerned that the SPG will be ignored in decision making and by developers.	The respondent is not seeking a change to the SPG. The SPG will be a material consideration in the determination of planning applications.

#### Representation No. RE06 from Mr Simon Ford

Reference	Summary of Respondent's Response:	Officer Response:
RE06.01	The respondent comments that the part of the website inviting comments on the SPG failed to provide a link to the SPG.	The respondent is not seeking a change to the SPG. The SPG could be found on the Planning pages, however, this is noted for future consultations.

#### Further Changes required to the SPG

- Update paragraph 5.2.4 – Brechfa Forest West is now operational and should be reflected in the text.
- 4.10 Ecological Considerations – As it is a material planning consideration, the second bullet point to be changed by deleting the word “should” and replacing it with “must” so that it reads as follows: “Ecological benefits and appropriate mitigation must be considered as part of the application.”
- 4.10.1 – Amend the first sentence to include reference to habitats as well as species, so that it reads as follows: “The development of renewable energy schemes has the potential to harm habitats and species. Developers will be expected to maximise the ecological potential of the site, whilst ensuring that there is no demonstrable harm to statutorily protected habitats and species,
- 4.10.1 – typographical amendment to that the end of first sentence replacing “or the Environment Act 2016 to “on the Environment Act”.
- 4.10.3 – Update the document referred to as the 2013 Guidelines to 2017.
- 4.10.5 – Add the following documents:
  - CIEEM (2017) [Guidelines for Preliminary Ecological Appraisal, 2nd edition](#). Chartered Institute of Ecology and Environmental Management, Winchester.

- CIEEM (2018) [Guidelines for Ecological Impact Assessment in the UK and Ireland: Terrestrial, Freshwater, Coastal and Marine](#). Chartered Institute of Ecology and Environmental Management, Winchester.



# Highways Design Guide

Carmarthenshire County Council

2018

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# Foreword

Carmarthenshire County Council recognise that appropriate development is essential to the economic, social and environmental fabric of our County, and in doing so supports our responsibilities under the Well-being of Future Generations (Wales) Act 2015. As such we, as a Local Authority, have a duty to all our residents to ensure the planning process is as smooth, transparent, consistent and accurate as possible.

Whilst the Local Planning Authority makes the final determination on any application, Highways Planning Liaison have a key role to play as consultees in assessing the likely impacts of any development. To assist Developers, Applicants and The Authority in this process, we have developed this Highways Design Guide, which will empower applicants and wider stakeholders to understand and apply our requirements in terms of all aspects of potential highways impacts, highways design and the application of appropriate local and national policy guidance.

We are confident that this will not only speed up the planning process, whilst underpinning our aims of a consistent, transparent service: but will also allow Carmarthenshire County to better assist Applicants, stakeholders and the wider community as resources can be focussed on delivering a more efficient service for all.



# 1. Introduction

## 1.1. Overview

Carmarthenshire County Council is strongly committed to facilitating good design which is fit for purpose and delivers environmental sustainability, economic development and social inclusion. Good design requires a collaborative, creative and inclusive approach with highways and transportation forming a key consideration throughout the life of a scheme.

Carmarthenshire County Council has produced this Highway Design Guide (HDG) with a view to setting out its expectations for new development in the county. It provides guidance to Developers and Applicants on preparing transport proposals and providing transport infrastructure and services to support new development. It also sets out the associated requirements during planning and construction.



**The Local Planning Authority (LPA) is responsible for determining planning applications within Carmarthenshire** unless the development is called in by the Planning Committee or Welsh Government. In such cases, the LPA makes a recommendation on the application, with the decision taken by the Planning Committee or Welsh Government.

As a statutory consultee, Carmarthenshire County Council's **Highways Planning Liaison is required to provide the LPA with an informed response and recommendations on individual planning applications**, falling within agreed consultation thresholds (as set out in Part 2.3.1).

**This HDG has been adopted by Carmarthenshire County Council and the requirements outlined herein will be treated as a material planning consideration during the determination of planning applications and in defence of any decision at appeal. This HDG will also form the basis of the Highways Planning Liaison's assessment of a proposal and subsequent response to the LPA.**

**The LPA has the jurisdiction to accept, amend or disregard the recommendation of the Highways Planning Liaison team. The Highways Planning Liaison do not determine planning applications and cannot provide design support to Developers when they are appraising development proposals on behalf of the LPA.**

It is recommended that Developers secure specialist consultancy support to assist them through the design, planning and construction process. Developer should note that certain design services can be procured through Carmarthenshire County Council's Highway Engineering Section. Developers should Carmarthenshire County Council Design Consultancy for further advice.

## 1.2. HDG Aims and Objectives

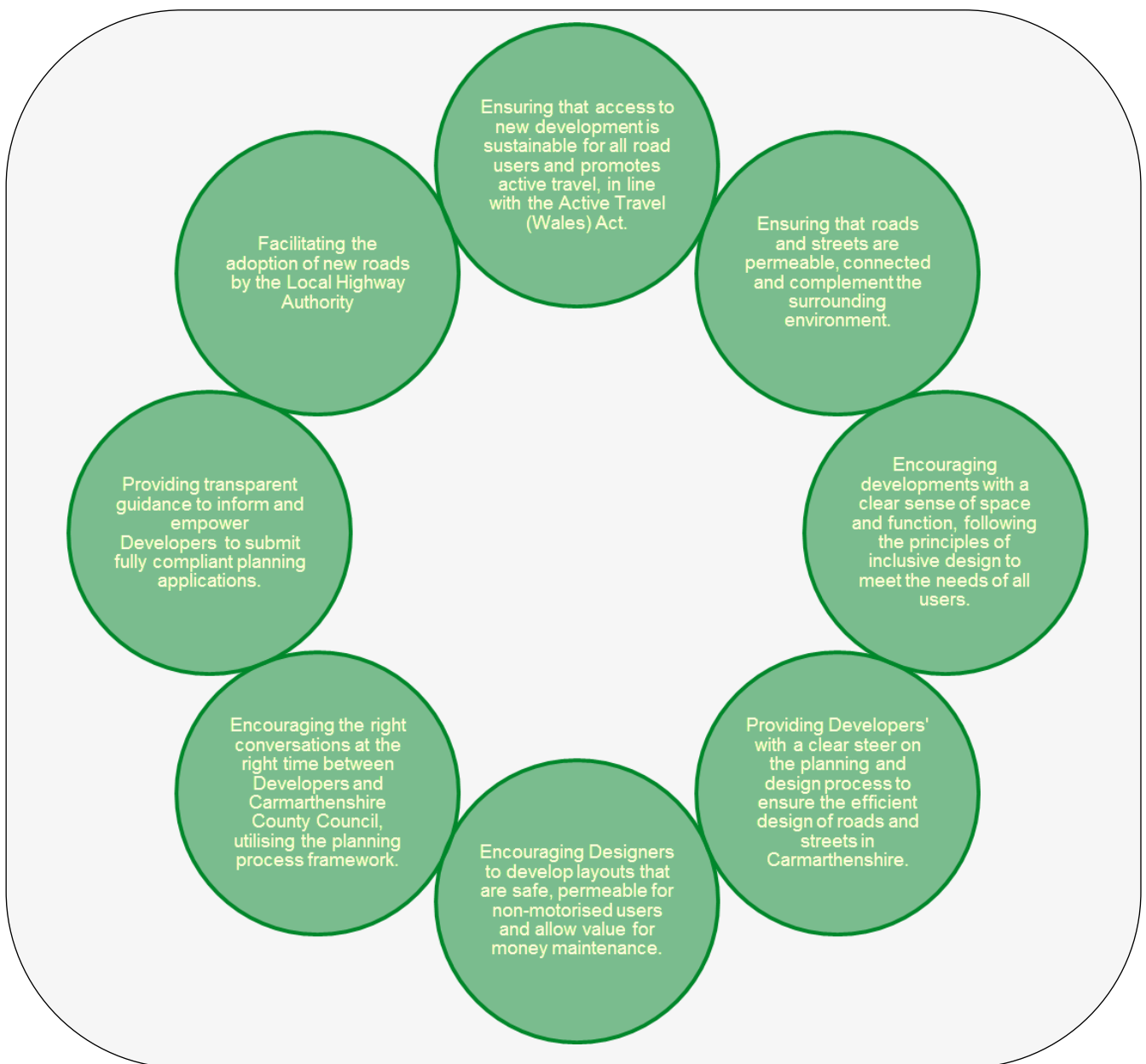
The principal aims of this HDG are to:

**Encourage Developers to create layouts which have a distinctive character in their built environment and landscaping;**

**Set out transparent design standards to achieve safe and sustainable provision for all transport modes, with an emphasis on Active Travel; and**

**Facilitate a streamlined and cost-effective highways planning process for Carmarthenshire County Council and the Developer.**

These aims are supported by the following key objectives:

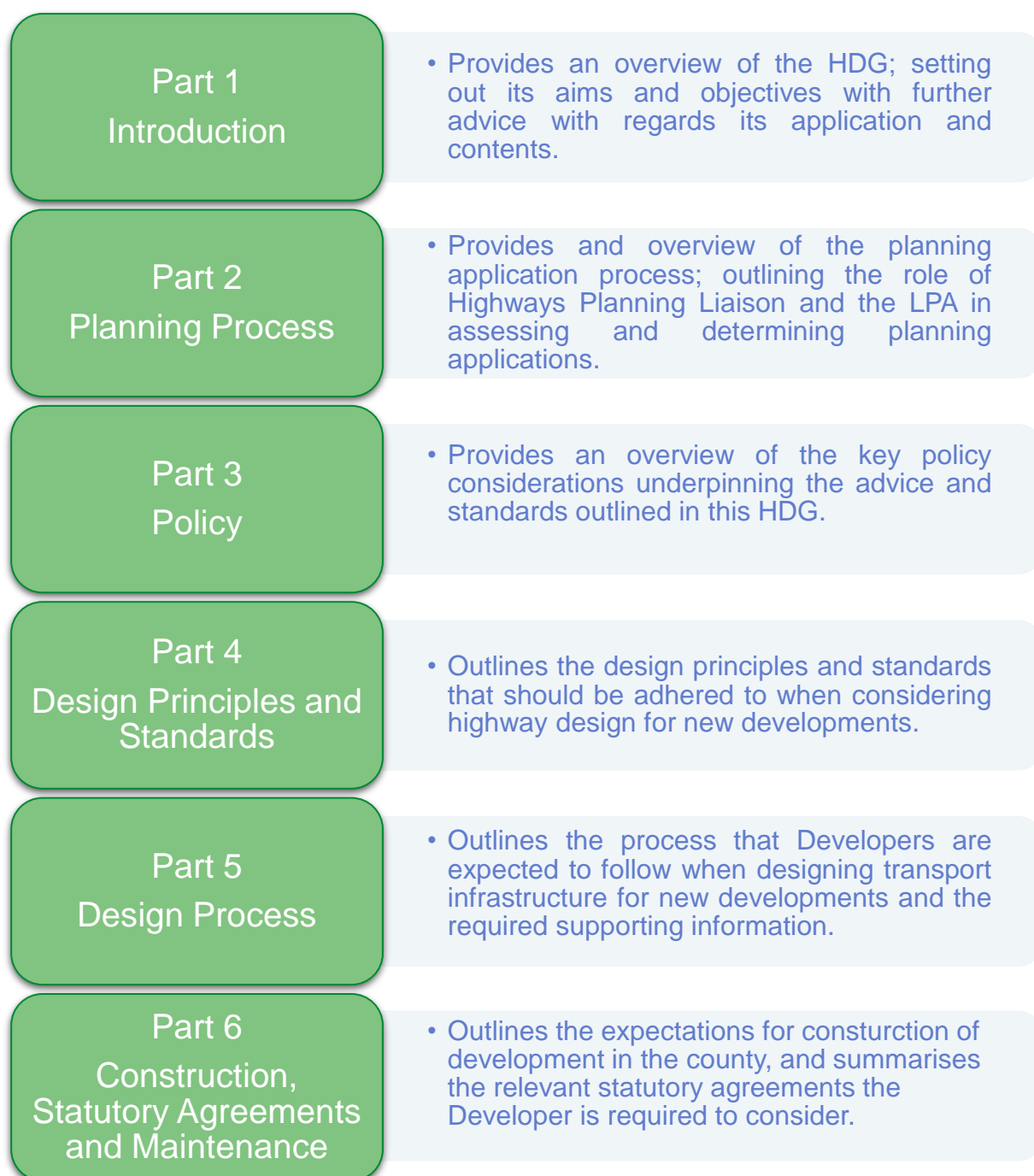




### 1.3. HDG Application and Content

This HDG should be used by Developers' to guide the design of a scheme, formally engaging with relevant departments of Carmarthenshire County Council at appropriate stages in the planning process. All engagement on the design of developments should be channelled through the planning framework, using [planning@carmarthenshire.gov.uk](mailto:planning@carmarthenshire.gov.uk).

This document considers the key components of development planning, including scheme design, construction and maintenance. This HDG is split in to 6 parts as follows:



## 2. Planning Process

### 2.1. Overview

The purpose of the Welsh Government's planning system is to manage the development and use of land in the public interest. It needs to ensure economy, efficiency and amenity in the use of land and reconcile the needs of development and conservation, whilst also protecting natural resources and the historic environment.

This Part of the HDG provides an overview of the planning application process outlined in the Welsh Government's Development Management (DM) Manual. Further information and advice about the planning process, planning applications, national and local planning policies and planning guidance is provided on the [planning section](#)<sup>1</sup> of Carmarthenshire County Council's website.

### 2.2. The LPA, DM and Highways Planning Liaison

'Development' is defined by section 55 of the Town and Country Planning Act 1990 ('the 1990 Act') as:

***'The carrying out of building, engineering, mining or other operations in, on, over or under land, or the making of any material change in the use of any buildings or other land.'***

Development Management is a positive and proactive approach to shaping, considering, determining and delivering development proposals. It is led by the **LPA** working collaboratively with those proposing developments and other stakeholders.

Carmarthenshire County Council's development plan sets out a vision of how land uses will be distributed, to achieve sustainable development and support the goals set out in the Well Being of Future Generations (Wales) Act 2015. It is the role of Development Management to deliver that vision; guiding public and private investment to suitable locations using national and local policies to provide the jobs, homes and infrastructure required to meet the existing and future needs of Wales.

Development Management covers several stages of the implementation of a development project. The LPA and a Developer may adopt a collaborative approach when preparing a masterplan or alternatively the LPA will be presented with a final design, submitted by a Developer as a planning application.

The way in which planning applications are processed and scrutinised depends on whether they have potential benefits and impacts which are of national, major or local significance.

**The LPA is responsible for determining all planning applications** within Carmarthenshire unless the development is called in by the Planning Committee (primarily for Major Development) or Welsh Government (primarily for Developments of National Significance). In such cases, the LPA makes a recommendation on the application, with the decision taken by the Planning Committee or Welsh Government.

#### Highways Planning Liaison

As a statutory consultee, Carmarthenshire County Council's Highways Planning Liaison will provide the LPA with an informed response and recommendations on individual planning applications, falling within agreed consultation thresholds. Compliance with this HDG will be a material consideration during the Highways Planning Liaison's assessment of a proposal and subsequent response of the LPA.

<sup>1</sup> <https://www.carmarthenshire.gov.wales/home/council-services/planning/>

The LPA has the jurisdiction to accept, amend or disregard the recommendation of the Highways Planning Liaison team. The Highways Planning Liaison do not determine planning applications and cannot provide design support to Developers when they are appraising development proposals on behalf of the LPA.

## 2.3. Applying for Planning Permission

### 2.3.1. Pre-Application Procedures

Pre-application procedures aim to ensure that planning applications proceed smoothly and quickly once they are formally submitted. It allows significant planning issues to be addressed before a formal application is made and provides the community with an opportunity to engage with Developers at an early stage in the development process.

LPAs are required to provide a statutory pre-application service for those who request it; providing a written response to the applicant containing certain pre-determined information as a minimum. A fee is payable to the LPA for this service in line with a national fee schedule. LPA's can offer additional responses and meetings should an applicant request further pre-application advice beyond the statutory minimum requirements. Additional fees will be charged for these services.

#### Pre-application Consultation by Developers

Pre-application Consultation is required for all 'major' development applications, whether for full or outline permission. Prior to submitting an application for major development, the Developer must:

- publicise a draft of the application;
- consult community and specialist consultees; and
- write a report about the pre-application consultation undertaken.

The Developer is required to consult specialist consultees when a development exceeds thresholds specified by the Welsh Government. As a **specialist consultee**, Carmarthenshire's **Highways Planning Liaison** team will need to be consulted where a development is expected to alter or amend the existing highway infrastructure (including footways, footpaths or verges) and when a development:

- **involves the laying out or construction of a new street;**
- **will significantly affect levels of traffic onto, or off, a trunk road;**
- **may prejudice improvement or construction of a highway;**
- **will generate significant levels of traffic;**
- **will significantly affect the nature of traffic generated; or**
- **the Development Control Officer is minded to refuse on highway parking grounds.**

All information that would be required to be submitted as part of a formal planning application will be required by the Highways Planning Liaison team during Pre-Application Consultation. This information should be provided electronically and should include:

- Scaled plans, with north arrow, to identify the land to which the application relates;
- All other scaled plans, drawings and information that would be required to describe the proposed development. This includes any technical documents, such as a Transport Assessment and Travel Plan, needed to validate any subsequent application; and
- Design and Access Statement.

Highways Planning Liaison is required to provide a 'substantive response' to the Developer within the prescribed 28 day period, or within such a period that has been agreed in writing with the Developer.

A 'substantive response' is one which may:

- state that the specialist consultee has no comment to make;
- state that the specialist consultee has no objection to the proposed development and refers the applicant to current standing advice by the specialist consultee on the subject of the consultation;

- advise the applicant of any concerns identified in relation to the proposed development and how those concerns can be addressed; or
- advise the applicant that the specialist consultee has concerns and that it would object to an application for planning permission made in the same or substantially the same terms and sets out the reasons for those objections.

All planning applications for development proposals that are subject to statutory pre-application consultation (PAC) must be accompanied by a pre-application consultation report in order to be valid. The PAC report must address the substantive response provided by Highways Planning Liaison. The points raised by Highways Planning Liaison in the substantive response should be tabulated in the PAC report, with details on how they have been addressed by the Developer provided in an adjacent column.

### 2.3.2. Planning Application Procedures

Applicants can submit an application electronically or in paper format to the LPA. The planning portal enables electronic submission of planning applications and applicants are encouraged to apply electronically.

Validating planning applications is essentially an administrative process. The Standard Application Form will be checked to ensure all relevant questions have been answered. If the LPA is satisfied it has received an application that meets the requirements set out in the Standard Application Form, including additional assessment documents (e.g Transport Assessment and Travel Plan), other legal requirements and any published local validation requirements (for major applications) it will be registered as a valid application. The LPA should then determine the application within the relevant time periods.

Applicants are encouraged to agree information requirements with the LPA prior to submission, through pre-application discussions, so that where possible, the information sought is proportionate to the nature of the scheme. Supporting transport and highways information, likely to be required for different application types, is considered in [Part 5.2.3](#) of this report.

LPA's are required to consult relevant **specialist consultees**, including **Highways Planning Liaison**, when the proposed development meets the specified criteria outlined for pre-application consultation. The duty to provide a 'substantive response' is slightly different depending on whether the development proposal was subject to mandatory pre-application consultation with the statutory consultee.

Where no mandatory pre-application consultation has taken place, a 'substantive response' is one which:

- states that the consultee has no comment to make;
- states that the consultee has no objection to the proposed development and refers the person consulting to current standing advice by the consultee on the subject of consultation;
- advises the person consulting of any concerns identified in relation to the proposed development and how those concerns can be addressed by the applicant; or
- advises that the consultee objects to the proposed development and sets out the reasons for the objection.

A 'substantive response' where pre-application consultation has been undertaken is one which:

- states that the consultee has no further comment to make in respect of the proposed development and confirms that any comments made previously (during pre-application consultation) remain relevant;
- advises the person consulting of any new concerns identified in relation to the proposed development, why the concerns were not identified previously (during pre-application consultation) and:
  - how the concerns can be addressed by the applicant; or
  - that the consultee objects to the proposed development and sets out the reasons for the objection.

## 2.4. Assessing and Determining Planning Applications

Where an application is made for planning permission, it may be granted unconditionally or subject to conditions. Alternatively, planning permission may be refused.

**The LPA is responsible for determining all planning applications within Carmarthenshire unless the development is called in by the Planning Committee (Major Development) or Welsh Government (Developments of National Significance). In such cases, the LPA makes a recommendation on the application, with the decision taken by the Planning Committee or Welsh Government.**

Applications for planning permission must be determined in accordance with the approved / adopted local development plan for Carmarthenshire unless material considerations indicate otherwise. Material considerations typically include current circumstances, policies in an emerging development plan, and planning policies of the Welsh Government. **Compliance with this HDG will be a material consideration when determining planning applications which may be informed by the recommendation provided by Highways Planning Liaison.**

Where information has been provided to satisfy the minimum legal requirements for a valid planning application, but the LPA requires supplementary information to make a fully informed planning decision, or the quality of the information provided by the applicant may require challenge, the LPA may request additional submissions from the applicant.

In addition to the planning process outlined within this section, Developers should note that **drainage approval from the Sustainable Drainage Approval Body must be sought independently from planning approval**, more information on SAB is provided in [Part 4.4.3](#).

## 3. Policy Summary

The national policy context for planning within Wales is contained within Planning Policy Wales. It is supplemented by a series of Technical Advice Notes (TANs), notably TAN 12 (Design) and TAN 18 (Transport) which have been considered in the development of this HDG.

This HDG also takes into consideration the key principles set out in the Department for Transport's (DfT) Manual for Streets (MfS) and the Chartered Institution of Highways and Transportation (CIHT) Manual for Streets 2 (MfS 2). MfS primarily relates to lightly trafficked residential streets whilst its companion guide, MfS 2, extends beyond residential streets to provide both an urban and rural context. Without formally adopting these documents in verbatim, this HDG reflects the overarching principles of both MfS and MfS 2 within the local Carmarthenshire context. In certain circumstances this HDG also refers to wider guidance provided in the Design Manual for Road and Bridges (DMRB).



This Part of the HDG provides an overview of the key policy considerations underpinning the advice and standards outlined in this HDG. Furthermore, with [Part 5.2.1](#) of this HDG describing how a policy review should be one of the first tasks undertaken when preparing a development proposal, this part of the document may prove to be a useful source of reference for Developers.

Further policy related information is available on [Carmarthenshire County Council's Planning Policy](#)<sup>2</sup> page.

### 3.1. National Policy

#### TAN 18

TAN18 describes how to integrate land use and transport planning, and explains how transport impacts should be assessed and mitigated as appropriate, with Annex D providing guidance on Transport assessments. Relevant to this HDG, Chapter 5, Design of Development outlines the importance of street design in ensuring developments meet the needs of all users and helping to build the communities they serve. Annex B of TAN 18 sets out the guidelines for the provision of appropriate visibility standards; endorsing the recommended standards for visibility set out within MfS. The expectation for visibility provision within Carmarthenshire is set out in [Part 4.4.1](#) of this HDG.

<sup>2</sup> <https://www.carmarthenshire.gov.wales/home/council-services/planning/planning-policy/#.WvylGMKWw2w>

## TAN 12

TAN12 provides overall guidance on how good design should be achieved through the planning process, with particular reference to design and access statements. It discusses how the residential highway network is a key component in 'Place', and that by adopting inclusive design principles, ease of access for all users will be ensured. This HDG endorses the principles of inclusive design, providing guidance for developing highway environments that are accessible for all users.

### Manual for Streets

The MfS guidance document, published by the Department for Transport, focuses on lightly-trafficked residential streets, but many of its key principles may be applicable to other types of street, for example high streets and lightly-trafficked lanes in rural areas. It provides guidance on street design intended to put the needs of pedestrians first, and is focussed on streets with lower vehicle speeds.

It sets out principles for creating streets that form part of a balanced, well-connected network, which embody inclusive design. It recognises that streets need to be safe and cost-effective to construct and maintain, but also need to be attractive to have their own distinctive identity. This HDG is focused on highway environments with low vehicles speeds and therefore is underpinned by many of the MfS principles.

### Manual for Streets 2

The document MfS2, published by the Chartered Institution of Highways and Transportation (CIHT) builds on the guidance set out in MfS. It does not supersede MfS; rather it is intended to bridge a perceived gap between MfS and DMRB, with the inclusion of guidance on how the principles of MfS can be applied more widely than as set out in the original document. This HDG considers the principles set out in both MfS and MfS2.

### Design Manual for Roads and Bridges

The DMRB contains guidance and advice notes on current design standards, which generally apply to the trunk road network, or more heavily trafficked/ higher speed roads. Direction on when DMRB standards should be applied is provided in [Part 4.1](#) of this HDG.

### Active Travel Wales – Designing for Cycling and Walking

The Active Travel (Wales) Act 2013 is landmark Welsh law to make it easier for people to walk and cycle in Wales, and the subsequent publication of the Active Travel Wales Act Design Guide followed in 2014.

It sets out guidelines intended to improve walking and cycling facilities within Wales. The Act sets a legal requirement in Wales for Local Authorities to map and plan for suitable routes for active travel, and to build and improve their infrastructure for walking and cycling. This HDG supports Active Travel Wales by following the user hierarchy outlined in [Part 4.2](#) of this HDG.

In line with Carmarthenshire County Council's responsibilities under the Active Travel (Wales) Act, Existing Route Maps (ERM) and Integrated Network Maps (INM) have been produced and are available on Carmarthenshire County Council's [Website](#).<sup>3</sup>

### Equality Act 2010

The Equality Act brings together several pieces of anti-discrimination legislation to provide legal protection against discrimination on grounds of a series of 'protected characteristics' including age and disability. It requires reasonable adjustments to be made to public services and transport (amongst other things) to avoid putting disabled people at a substantial disadvantage. Good design within Carmarthenshire should adopt an inclusive approach ensuring that the needs of anyone with a specific need, arising from personal circumstances as defined in the Equality Act 2010, are met in full wherever it is reasonable and practicable to do so.

Examples of appropriate national guidance include:

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<sup>3</sup> <https://www.carmarthenshire.gov.wales/home/council-services/travel-roads-parking/active-travel/#.WybNycKWw2w>

- British Standard, BS8300:2009 on Access for Disabled People;
- Approved Document Part M 2004 of the Building Regulations 1984 and other relevant Approved Documents;
- Outcome of consultations with specialist advisers at Carmarthenshire County Council, or nationally recognised organisations with knowledge of the specific issues; and
- The results of current validated research (dated within in the last 5 years).

The Equality Act includes a new public-sector equality duty (the 'general duty'), replacing the separate duties on race, disability and gender equality. This came into force on 5 April 2011.

### **Department for Transport's Inclusive Transport Strategy**

The Department for Transport's (DfT) Inclusive Transport Strategy (2018) outlines central Government's plan to make the transport system more inclusive and easier to negotiate for disabled people. Although the strategy is focussed on inclusion for disabled people, many of the improvements will also benefit other transport system users.

By 2030, the UK Government envisages that the transport system will provide equal access for disabled users, with assistance provided if there remains a barrier. This will be achieved through targeting the five key areas of the Inclusive Transport Strategy:

1. Awareness and enforcement of passenger rights;
2. Staff training;
3. Improving information;
4. Improving physical infrastructure; and
5. The future of inclusive travel – which considers technological advances and new business models that supports inclusive travel.

The document is intended to set a clear direction to industry on the importance of inclusive design as part of future innovation, and states that vehicles, stations and streetscapes should be designed and built so that they are inclusive and easy to use.

It also recommends that Local Authorities pause the development of shared space schemes in non-residential development, which incorporate a level surface. This directive is being reviewed by DfT and WG, and Developers should seek advice on the current status of the guidance at the time of developing scheme proposals.

### **Learner Travel (Wales) Measure 2008**

The Learner Travel (Wales) Measure 2008 requires local authorities to assess the suitability of travel for learners between their home and places of education. The Welsh Government published the 'Learner Travel Statutory Provision and Operational Guidance (June 2014), which includes statutory provisions which local authorities must consider in undertaking their responsibilities in line with the Learner Travel (Wales) Measure 2008. The application of Learner Travel Wales is discussed in [Part 5.2.3](#) of this HDG.

## **3.2. Regional Policy**

### **Joint Transport Plan for South West Wales**

The Joint Transport Plan replaces the former Regional Transport Plan, prepared by the former transport consortium made up of the four local authorities in South West Wales. The Joint Transport Plan provides the framework for improving connectivity in the region for the period of 2015 up to 2020.

## **3.3. Local Policy**

### **Carmarthenshire Local Development Plan (2014)**

The LDP sets out the spatial vision for Carmarthenshire (excluding the area within the Brecon Beacons National Park) and outlines a framework for growth and development in the county. It sets out land-use planning policies and proposals which are used in the determination of planning



applications and the identification of future growth opportunities. Carmarthenshire LDP can be found [here](#)<sup>4</sup>.

These policies include land-use allocations for different development types, including residential, and is intended to guide development up to 2021. Part 4.1 includes detail on 'Placemaking', and should be referred to in conjunction with this highway design guide. The Carmarthenshire LDP map can be found at the above link and shows areas in Carmarthenshire where development proposals have been submitted and approved.

Carmarthenshire are currently preparing a revised LDP (2018 – 2023).

### **CSS Wales Parking Standards (2014)**

The document sets the Parking Standard guidelines for new developments in Wales. The standards seek to ensure a transparent and consistent approach to the provision of parking, submission of travel plans and sustainability considerations; informing Developers, designers and builders what is expected of them at an early stage of the development process. They identify the required number of spaces for different development types which also considers their location and context.

Carmarthenshire County Council will use the most up to date guidance as part of reviewing the suitability of parking proposals within a development.

### **Carmarthenshire Placemaking and Design SPG (September 2016)**

This Supplementary Planning Guidance (SPG) has been prepared to guide and promote high quality, sustainable design within the County. It provides further guidance, and where applicable elaborates on the policies and proposals of the Carmarthenshire Local Development Plan (LDP), providing additional clarity to assist Developers in understanding the core requirements and considerations necessary to be included within a planning proposal.

The guidance contained within the SPG is aimed at securing a deliverable, coordinated, high standard of development and ensuring that proposals reflect and respect the character and requirements of Carmarthenshire; with Part 4.4, Accessibility and Ease of Movement and Part 4.5 Public Realm are of particular relevance to this HDG.

The guidance provided in the SPG should be considered in parallel with this HDG. However, with regards to transportation matters more weight should be given to advice provided in this HDG.

### **Carmarthenshire Parking Strategy 2018**

The Carmarthenshire parking strategy 2018 acknowledges the challenges associated with car parking in rural areas but emphasises the importance of good design and communication with stakeholders; to ensure that parking does not undermine both the ability to provide public transport and the incentive to walk or cycle. The document recommends the use of the most recent nationally recognised parking standards, currently CSS Wales 2014.

The strategy includes the following:

- A review of the existing local, regional and national policy and guidance relating to parking, transportation and land use planning and how the objectives of the new strategy reflect the objectives set across the different policy levels;
- An assessment of the current levels of parking demand and capacity throughout towns in Carmarthenshire;
- A comparison of car parking charges across towns within Carmarthenshire and neighbouring authorities;
- Analysis of Penalty Charge Notice (PCN) data within Carmarthenshire;
- The influence of technology and potential interventions which CCC may consider in the future with a particular focus on electric vehicles; and
- It also outlines 11 parking strategy priority measures for Carmarthenshire based upon internal consultation with multiple stakeholders in CCC.

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<sup>4</sup> <http://www.cartogold.co.uk/CarmarthenshireLDP/index.html>

## 4. Design Principles and Standards

### 4.1. Overview

Supporting the principles of the Active Travel (Wales) Act and the Wellbeing of Future Generations Act, Carmarthenshire County Council encourages innovative design that is safe, inclusive, sustainable and well connected.

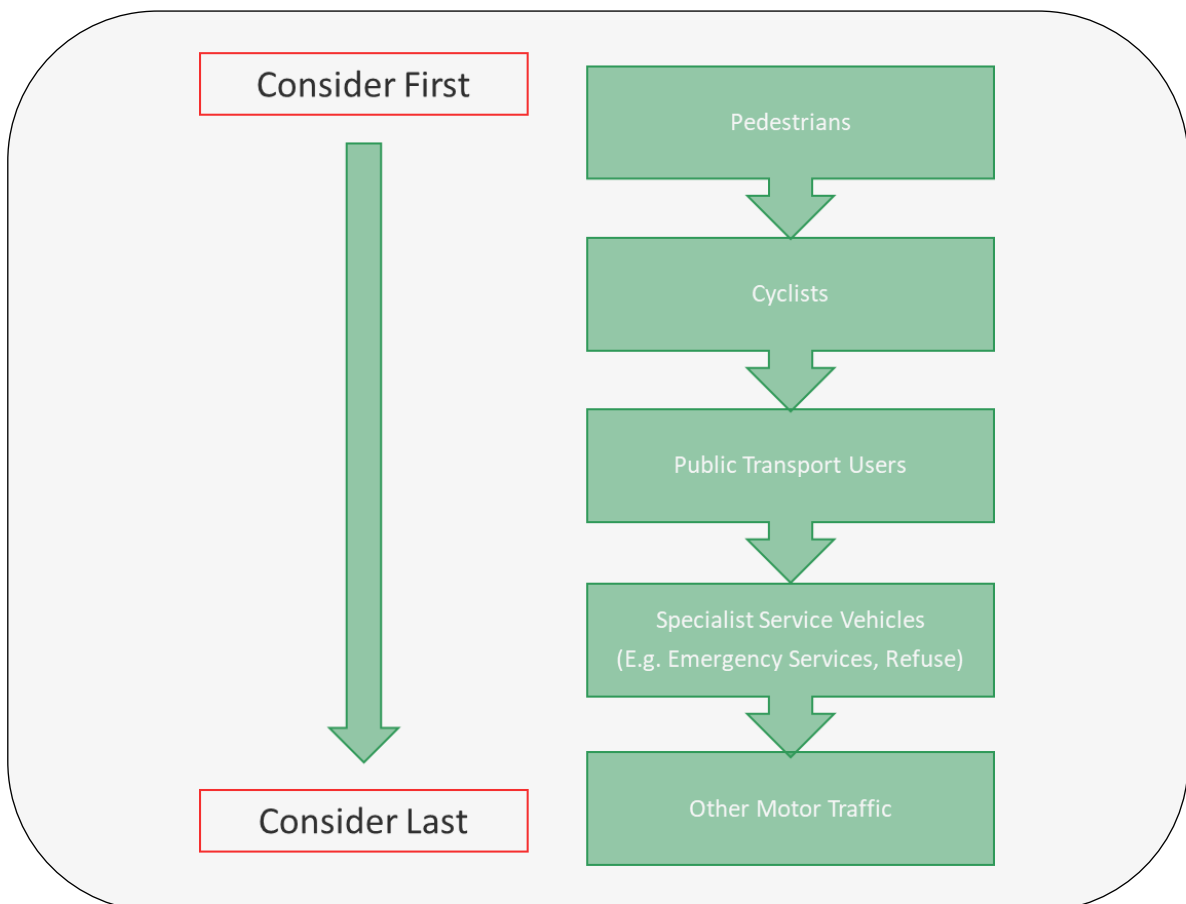
Developers are encouraged to create permeable site layouts that are to an adoptable standard and that will be offered to Carmarthenshire County Council for adoption. This section specifies when a particular road type is unlikely to be adopted by Carmarthenshire County Council. Where a development is not intended to be offered for adoption, the design should still be to an adoptable standard, to safeguard the efficient future maintenance of the highway environment within the development.

This Part of the HDG sets out the principles and standards that Carmarthenshire County Council expect to be applied when considering transport infrastructure and services for new developments. These standards relate to non-trunk roads and streets with a typical speed of 30mph or below, which Carmarthenshire Council expect the Developer to determine using appropriate survey information. For all other roads, reference should be made to DMRB guidelines.

### 4.2. Hierarchy of Transport Modes

Designers are expected to follow the hierarchy of transport modes shown in **Figure 4-1** within the design process; with vulnerable road users considered before all other modes of transport. However, a site must be easily accessible by all modes for it to be considered sustainable.

**Figure 4-1 – Design Preparation**



In adhering to this transport mode hierarchy, the provision for sustainable modes of travel will be inherent in the design and will help ensure that highways serve all transport users in a balanced way.

## 4.3. Access and Connectivity

When designing a development one of the key principles to establish in relation to transport is means of access and connectivity (both internally and externally). This section considers access and connectivity broadly in line with the hierarchy of transport modes presented in Figure 4-1. Specialist service vehicles are discussed in [Part 4.4.2](#) of this HDG.

### 4.3.1. Active Travel

#### Footways

The design of a development should prioritise the needs of pedestrians to ensure that the area is inclusive for all users. Developments should incorporate the principles of Active Travel Wales and should be permeable by ensuring off carriageway footways provide access between residential areas and nearby amenities (such as schools, workplace destinations, local shops and town centres).

Footways should follow existing and future desire lines and be designed so they encourage pedestrian movement with safety being a paramount consideration. They should be built with a minimum width of 2 metres and be well lit along their length.

A footway should border both sides of the carriageway where there are residential dwellings on both sides.

Where a development borders the existing highway where there are no existing footways, the development should be set back by 2 metres and a footway created to adoptable standards, in accordance with directives set out in the Active Travel Wales Act. Creation of the footway should be subject to a S.38/278 agreement. More information on Section 38 and 278 agreements is provided in [Part 6.2 and 6.3](#) of this HDG.

#### Crossings

Where a pedestrian desire line crosses a trafficked road, appropriate crossing points should be provided that are both safe and convenient. In line with the Active Travel Wales guidance, crossings should be accompanied by dropped kerbs and tactile paving to facilitate an inclusive design.

Developers should engage with Carmarthenshire County Council where off-site crossings are proposed to support the development.

#### Footpaths

Developers may wish to consider the use of footpaths to supplement footways. However, the future ownership and maintenance of new footpaths will need to be discussed and agreed with Carmarthenshire County Council.

Footpaths should generally be direct, with a focus on accessibility and permeability through the development; the footpath should be wide enough to suit the expected level of use. Pedestrians and cyclists should generally be accommodated on street rather than on routes segregated from motor traffic, as being seen by drivers, residents and other users affords a greater sense of security. To improve user experience and to facilitate a feeling of greater security, footpaths should be open, with no hidden corners, well-lit after dark and should be overlooked by dwellings.

A minimum width of 2 metres is normally required, but wider paths may be required in certain circumstances, for example, where the footpath is shared with cyclists, the minimum should be increased to 3 metres.

Footpaths should be easy to use throughout the network for those with prams and wheelchairs. Steps should be avoided wherever possible but, if unavoidable, the provision of suitable ramps or alternative routes to cater for prams and wheelchairs may well be necessary.

Provision should be made for the drainage of footpaths. However, where adjoining land is to be adopted by Carmarthenshire County Council as public open space, it may not be necessary to provide positive drainage.

### Cycleways

Dedicated cycleways can form routes for cyclists that motorised vehicles are not permitted to use (except for emergency and maintenance vehicles). Pedestrians, however, do have the right to use cycleways and in some cases, it is appropriate for cycleways to be provided adjacent to footways.

Where flows are expected to be low the cycle route may be unsegregated (i.e. shared between cyclists and pedestrians with no separation by kerb or white line), but where such an arrangement is proposed the Developer must demonstrate that the design is safe for all users.

Movements from side to side are necessary to stabilise a bicycle when moving, with the extent of movement reducing as the speed of the cyclist increases. The space required needs to take into account of wobble room, physical barriers (e.g. kerbs, walls), surrounding infrastructure (e.g. bus lanes, width of adjacent traffic lane, volume of pedestrians on adjacent footway), and geometry of the cycle space (e.g. more space is required on a curve where it deviates around parked cars or loading bays).

When designing a cycle link, Developers should take account of the context within which the cycle provision will be sited. **Table 4-1** presents the preferred provision, as set out in the Active Travel (Wales) Design Guidance.

**Table 4-1 Preferred minimum provision – cycle links (source: Active Travel Wales)**

Speed Limit	Number of Motor Traffic Lanes	Motor Traffic Flow (AADT)	Preferred Minimum Provision by Cycle Route Type	
			Secondary Cycle Route	Primary Cycle Route
20 mph	Irrelevant	1-2500	Quiet Streets: combined traffic	Cycle Streets or Quiet Streets: Combined traffic
		2000-5000		Cycle Lanes
		> 4000	Cycle Lanes	
30 mph	2 lanes in total	0-500	Cycle Tracks	
		> 4000		
	More than two lanes	Irrelevant		
40 mph and over	Irrelevant		Cycle Tracks (excluding light segregation and hybrid tracks)	

**Notes:**

- This table does not include the Basic Network or cycle tracks away from highways
- Designers should always consider the potential to reduce traffic speed and volume to create acceptable conditions;
- There is some overlap between traffic flow ranges to allow for flexibility;
- Speed means speed limit, but if actual speeds are significantly higher, consider the next highest category of speed;
- Cycle tracks includes light segregation and hybrid tracks unless noted; and

- *In rural areas achieving speeds of 20 mph may be difficult and so shared routes with speeds of up to 30 mph will be acceptable, with motor vehicle flows of up to 1000 vehicles a day.*

As set out in the Active Travel Wales Guidance, a cycleway can take a variety of forms, ranging from, but not limited to;

- Cycle bypass at carriageway narrowing;
- Cycle only access;
- Contraflow cycle lane (segregated and unsegregated);
- Cycle lane (with various priorities); and
- Cycle track (with various priorities).

Where a cycle track is proposed, Carmarthenshire County Council will expect Designers to achieve the desirable minimum width of 3m.

Carmarthenshire County Council expect Designers to refer to the Active Travel (Wales) Design Guidance when designing a highway that may contain on-road cyclists. The guidance states that carriageway lane widths between 3.1m and 3.9m should not be used as drivers may attempt to pass cyclists without sufficient clearance.

### 4.3.2. Public Transport

The provision and access for public transport at all developments should be promoted, to ensure design is sustainable and future proofed. Pedestrian footways to public transport interchanges (i.e. bus stops and, where applicable, train stations) should be considered within the design to ensure that opportunities to utilise sustainable transport modes are maximised. The location of bus stops within new developments should be carefully considered to ensure that the whole development has efficient access to public transport facilities. Carmarthenshire County Council expect new development to accord with guidance set out in Guidelines for Planning for Public Transport in Developments by CIHT, which suggested that 400m should be taken as the maximum desirable walking distance to a bus stop.

Developers should consider the impact of their development on the public transport network, and where appropriate Carmarthenshire County Council will expect Developers to contribute to public transport improvements.

Public Transport improvements may include, but are not limited to:

- Contributions towards the funding of improved bus service provision;
- Kerb improvements at bus stops;
- Provision of bus shelter;
- Bus flag in rural areas; and
- Improvement to pedestrian routes to public transport interchange.

### 4.3.3. Vehicular Movement

TAN18 makes a clear distinction between roads and streets; with roads considered to be highways with the primary function of accommodating vehicular traffic movements. Streets are identified as routes typically lined with buildings and public spaces where the place (i.e people) function is considered to be more important than the movement (i.e traffic) function. It is essential that Designers consider the expected movement and place function of the highway, during the development of a design.

### Vehicular Access

Developers should take account of the function of the road within Carmarthenshire's Highway Network Hierarchy when considering vehicular access to a new development. Carmarthenshire's Highway Network Hierarchy can be obtained on request and road category definitions are provided in **Table 4-2**.

The Highway Network Hierarchy was established to support an overall Highway Asset Management Plan that prioritises highway infrastructure investment. The hierarchy will underpin and improve the

management, prioritisation and service levels for highway maintenance and infrastructure investment and will support the Council's Key Outcomes from the Corporate Strategy 2018 / 2023.

Highway access should be provided from the lowest **appropriate** road classification. Access to development off roads identified as strategic; both in the context of the Local Highway Network and the Trunk Road Network (Table 4-2 Road Categories 1 and 2) will be considered on a site by site basis.

The Trunk Road Network is a system of strategic routes of national importance which cater for the through movement of long distance traffic. The trunk road network includes the key east-west links (M4, A48, A40) and the A483 north-south link within Carmarthenshire. The Welsh Government and their South Wales Trunk Road Agent (SWTRA) will also need to be consulted on any proposals affecting the Trunk Road Network.

Where a development is proposed to be served by substandard width rural roads and is remote from higher categories of road, consideration must be given to the improvement of the existing roads. This could include the provision of passing bays, which may require the setting back of the front boundary of a development.

**Table 4-2 Highway Network Hierarchy Definitions**

Category	Type of Road General Description	Description
1. Motorway	Limited access – motorway regulations apply	Routes for fast moving long distance traffic/ Fully grade separated and restrictions on use.
2. Strategic	Trunk and some Principal 'A' class roads between Primary Destinations	Routes for fast moving long distance traffic with little frontage access for pedestrian traffic. Speed limits are usually in excess of 40 mph and there are few junctions/ Pedestrian crossings are either segregated or controlled and parked vehicles are generally prohibited.
3a. Main Distributor	Major Urban Network and Inter-Primary Links. Short-Medium distance traffic	Routes between Strategic Routes and linking urban centres to the strategic network with limited frontage access. In urban areas speed limits are usually 40 mph or less, parking is restricted at peak times and there are positive measures for pedestrian safety.
3b. Secondary Distributor	B and C Class roads and some unclassified urban routes carrying bus, HGV and local traffic with frontage access and frequent junctions	In residential and other built up areas these roads have 20 or 30 mph speed limits and very high levels of pedestrian activity with some crossing facilities including zebra crossings. On-street parking is generally unrestricted except for safety reasons. In rural areas these roads link the larger villages, bus routes and HGV generators to the Strategic and Main Distributor Network.
4a. Link Road	Roads linking between the Main and Secondary Distributor Network with frontage access and frequent junctions	In urban areas these are often residential or industrial interconnecting roads with 20 or 30 mph speed limits, random pedestrian movements and uncontrolled parking. In rural areas these roads link the smaller villages to the distributor roads. They are of varying width and not always capable of carrying two-way traffic.
4b. Local Access Road	Roads serving limited numbers of properties carrying only access traffic	In rural areas these roads serve small settlements and provide access to individual properties and land. They are often only single lane width and unsuitable for HGVs. In urban areas they are often residential loop roads or cul-de-sacs.
5a. Minor Road	Little used roads serving very limited number of properties	Locally defined roads.
5b. Lane	Minor routes and low use tracks that provide access to isolated properties	In rural areas these are often narrow roads serving isolated agricultural buildings or properties. In urban areas these are often metalled lanes serving garages or the rear of properties.
5c. Green Lane or Track	Lanes and tracks that are generally unsuitable for vehicular traffic	Lanes and tracks that are unsuitable for vehicular traffic but may be used as a footpath, part of a Cycle Trail or by horse riders, generally for leisure purposes.
5d. Disused Track	Unmetalled tracks that are unrecognisable as a road	Roads that have become un-useable having fallen into disuse through regression or agricultural use.

## Access Junctions

The requirements of HA TD 42/95 should be considered when deciding the most appropriate form of access junction with the existing highway network. For large developments, it may be more appropriate in certain circumstances to consider the provision of a roundabout or traffic signals (as opposed to a simple priority junction), to provide greater capacity and control.

Where a new junction or significant alteration to an existing junction is proposed for site access, a Transport Assessment / Statement will typically be required to support the associated planning application. The Transport Assessment / Statement will need to demonstrate that the proposed junction arrangement is acceptable from an engineering, operational and safety perspective. Further information on Transport Assessments / Statements and submission requirements to support planning applications is provided in [Part 5.2.3](#) of this HDG.

Basic geometric requirements for junctions, depending on the development and access road type, are considered later in this section of the HDG.

## Vehicular Connectivity

The type of roads required for new development should be designed in line with guidance provided in this section of the HDG. Designers should also consider the typical road network standards provided in [Appendix A](#).

Where a Developer is proposing alternative road type to that considered within this HDG, early engagement with Carmarthenshire County Council is recommended. In such instances there may be a requirement for the associated elements of the development proposal to accord with design standards set out in the Design Manual for Roads and Bridges e.g. for a major residential access road serving more than 300 dwellings.

The following sections consider Residential Streets and Employment and Commercial Highways.



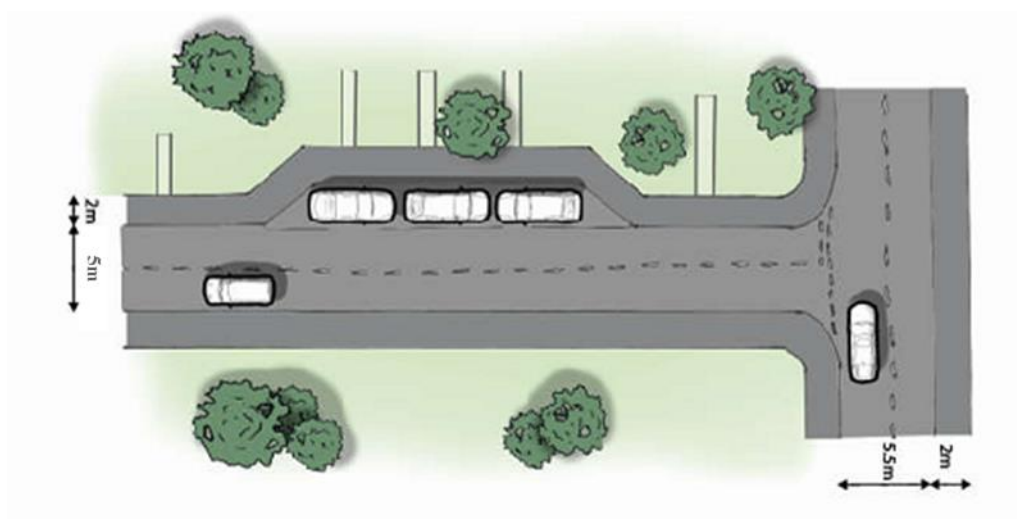
## Residential Streets

Residential streets are typically considered to be low to medium in terms of movement and place function. Consequently, they should be designed to reflect the importance of pedestrians and other non-car users.

To maintain a flexible approach to design, Carmarthenshire County Council consider the number of dwellings being served by a residential street as being an appropriate starting point to consider the key design parameters. Nonetheless, designers should also consider the wider function of the street.

Carmarthenshire County Council expect all internal residential streets to be designed to maintain speeds up to a maximum of 20mph, and the Developer should provide swept path analysis, in accordance with the specification outlined in [Part 4.4.2](#) of this HDG, to demonstrate that the appropriate refuse vehicle can safely negotiate the development.

Carmarthenshire County Council typically expect carriageway widths of internal residential streets to be a desirable minimum of 5.5 metres, with footways of 2 metres in width bordering both sides of the street where there are residential dwellings on both sides. Where the Designer proposes a reduced width of 5 metres it will be expected that off-carriageway visitor parking is provided at a rate of 1 space per 5 dwellings.



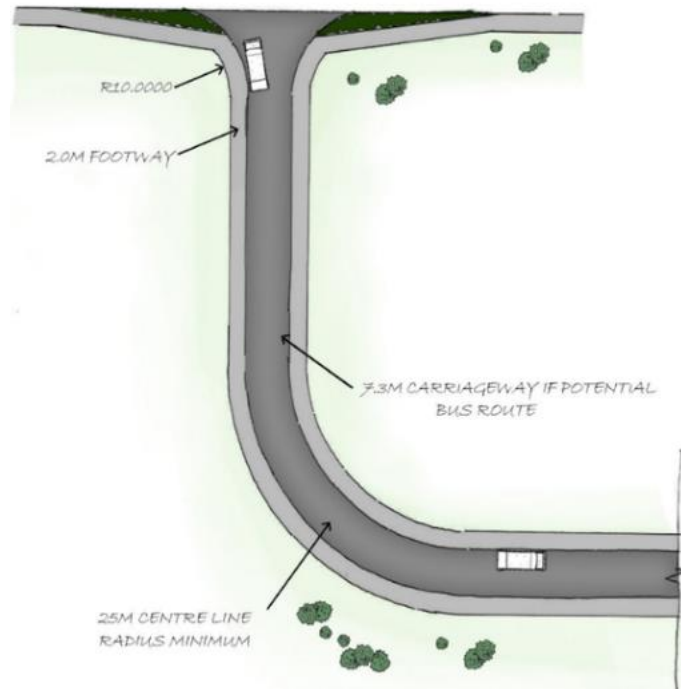
A reduced carriageway width will not be accepted where a street is serving 50 or more dwellings; to safeguard the free flow of two-way traffic within a residential development. A reduced carriageway width will only be accepted where it can be demonstrated that traffic can flow freely within a residential development whilst being able to accommodate emergency and service vehicles

Shared surface streets, in their traditional sense, generally have minimal segregation between modes of road user and therefore their design should incorporate significant traffic calming measures.

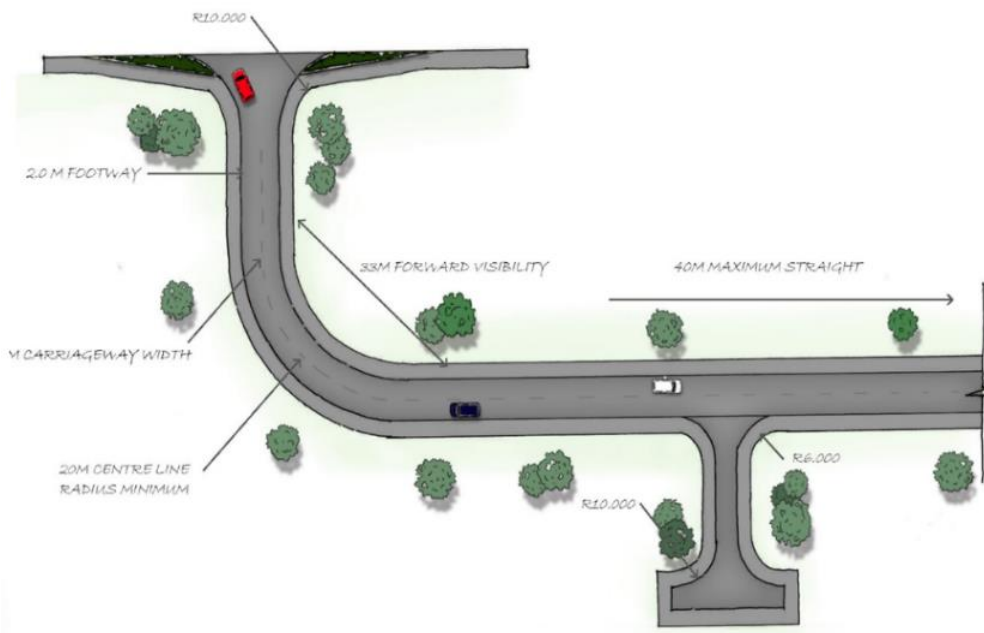
Carmarthenshire County Council will not adopt, and will only accept 'shared surface' type streets in certain circumstances, such as conservation areas and where traffic volumes are forecast to be very low. Designers should engage with Carmarthenshire County Council at an early stage of the design if shared surface is being proposed. This is particularly important given that the Welsh Government are currently reviewing their suitability.

The general principles outlined above are reflected in the geometric requirements tabled in [Appendix A](#) which includes the following different types of residential streets.

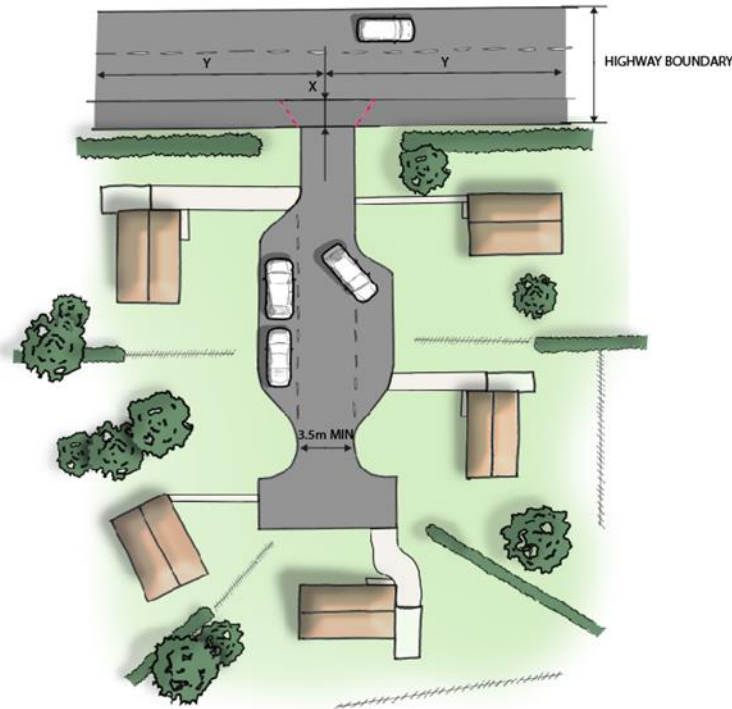
- **Major Access Roads**
  - serving up to a maximum of 300 dwellings.



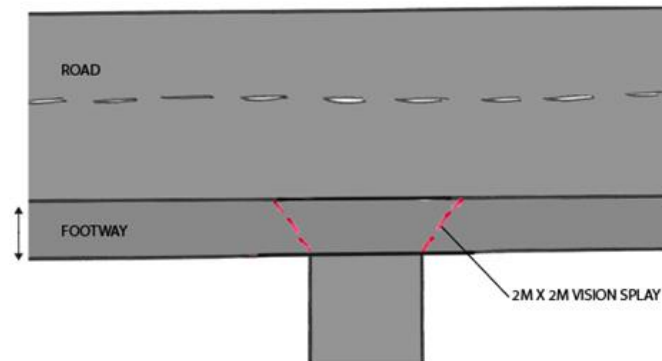
- **Minor Access Roads (including a single access point, cul-de-sac and through route)**
  - serving up to 150 dwellings.



- **Shared Surfaces, including Home Zones**
  - serving up to 16 dwellings.
  
- **Private Drives**
  - Single and shared drives serving up to 4/5 residential dwellings.



A private drive should allow for a visibility splay of 2m by 2m, to ensure a suitable visibility envelope between driveway vehicles and pedestrians is achieved, and a vehicle crossover should be provided in accordance with the Carmarthenshire County Council specifications. Developers should contact Carmarthenshire County Council Design Consultancy for further advice.



## Employment and Commercial Highways

Industrial and commercial estate roads must be designed specifically to cater for use by large commercial vehicles. In this respect the Freight Transport Association (FTA) has produced a document entitled *Designing for Deliveries (2016)*<sup>5</sup> which includes a series of templates to assist designers and planners. This FTA document should be considered in tandem with the guidance provided in this HDG.

The manoeuvring characteristics of heavy commercial vehicles will form a key consideration in assessing design proposals for commercial and industrial developments; with a requirement on the Developer to demonstrate the appropriateness of any design proposals through the submission of scaled plans and Swept Path Analysis (SPA).

Furthermore, operational requirements with specific reference to the provision of turning, loading and storage facilities within the site curtilage should be identified during the planning application process. Estate roads must be designed with peak hour pedestrian and vehicle flows in mind whilst vehicle speeds must be minimised whenever possible to produce a safe and appropriate environment. Employment and commercial roads should include the provision of footways on both sides of the carriageway.

## 4.4. Highway Design Parameters

**Section 4.3.3** of this HDG considered vehicular access and connectivity within a development site in terms of access junction and carriageway type. This section of the HDG provides supplementary guidance on the carriageway, operational and engineering parameters that require consideration during design.

### 4.4.1. Carriageway Parameters

These parameters are associated with the geometric design of a highway, with regards to alignment, visibility and headroom.

#### Horizontal Alignment

Horizontal curvature is based on the design speed of a road. Designers are recommended to utilise the guidance included within MfS, which makes reference to TD 9/93 of the DMRB.

#### Widening on Bends

Widening of the carriageway at bends should be determined by using swept path analysis of the largest vehicles likely to utilise the road. The volume and composition of traffic needs to be assessed to determine whether it is necessary to cater for two large vehicles passing each other at the bend or whether there is sufficient forward visibility to enable one driver to stop and wait for the other to pass.

#### Effective Straights

To maintain low vehicle speeds and safeguard the wellbeing of road users Carmarthenshire County Council will not expect any straight lengths of carriageway greater than 60m to be part of the design. Any straight lengths of carriageway greater than 60m will normally require the introduction of a speed reducing feature to keep speeds low which would add undesirable design, construction and maintenance costs. If there is to be a shared surface the effective straight should not exceed 40m.

#### Vertical Alignment

A maximum longitudinal carriageway gradient of 1 in 20 (5%) is generally considered desirable although where there are existing topography constraints, a gradient of 1 in 10 (10%) should be considered as a practical maximum. Where gradients exceed 5% the Developer will be required to provide grit bins, which would need to be located appropriately.

The composition of street users should be assessed in designing the vertical alignment, Carmarthenshire County Council would expect the gradient to be reduced to no more than 1 in 33 (3%) where a significant number of pedestrians or cyclists use the route.

<sup>5</sup> <https://fta.co.uk/press-releases/20160610-fta-publishes-updated-guide-to-truck-turning-and-manoeuving>

Carmarthenshire County Council expect a minimum gradient of 1 in 80 (1.25%) on new developments, to ensure positive drainage is achieved. Where longitudinal gradient is slacker than 1 in 120 (0.83%) channel blocks will be required.

Carmarthenshire County Council expect crossfalls of 1:40 (2.5%) for both carriageway and footway to ensure positive drainage is achieved.

## Vertical Curvature

The minimum length of vertical curvature should be based on the required forward visibility to achieve the minimum Stopping Sight Distance (SSD), as set out in **the junction visibility section below**.

A visibility envelope should be measured from a minimum driver's eye height of between 1.05m and 2.0m to an object height of between 0.6m and 2.0m all above the road surface. It should be checked in both the vertical and horizontal planes between two points. In certain circumstances Carmarthenshire County Council may request that the minimum object height be reduced to 0.26m, conforming with DMRB standards.

In addition, the minimum vertical curve length of any section of road should not be less than 20m.

## Headroom

The Developer should consider headroom in the design of new developments. Carmarthenshire County Council expect the headroom for all road types to follow guidance provided in DMRB TD 27/05 which requires construction headroom between 5.30m and 6.45m (plus associated sag curve compensation).

The minimum headroom over footpaths should be 2.4 metres unless it is a shared-use path in which case the minimum should be 2.7 metres.

## Visibility

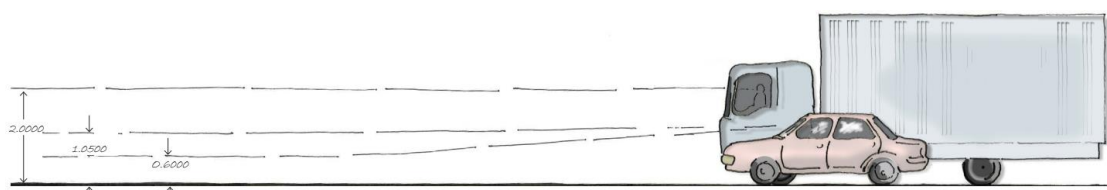
### Sightlines

Sightlines are imperative when considering the safety of users on the highway network, as they give road users sufficient opportunity to identify and slow down for potential hazards. It is necessary to consider the driver's line of vision, in both vertical and horizontal planes, and the stopping distance of the vehicle.

### Vertical Visibility Envelope

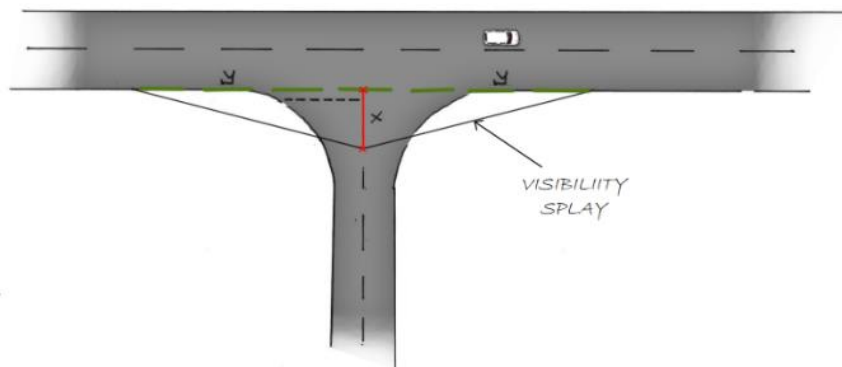
The vertical visibility envelope is the area within a driver's vision which should remain clear to enable a driver to see a potential hazard and react appropriately. A height of 600mm should be taken as the point above which unobstructed visibility should be provided, wherever the potential exists for conflicts between motorists and young children. The maximum height for the vertical visibility envelope is considered to be up to 2 metres for HGVs; Carmarthenshire County Council therefore consider the envelope to be 0.6 metres (min) up to 2 metres (max).

In certain circumstances Carmarthenshire County Council may request that the minimum object height be reduced to 0.26 metres, conforming with DMRB standards.



### Junction Visibility

Junction visibility should be measured with determination of 'X' and 'Y' values.



The 'X' distance expected by Carmarthenshire County Council is 2.4 metres, which represents the typical distance between the driver and the front of the vehicle, with the 'Y' visibility distance being measured along the nearside edge of the carriageway. Whilst MfS acknowledges that vehicles will normally be travelling a distance from the kerb line, Carmarthenshire County Council expect the Y distance to be measured along the kerb line to safeguard cyclists and pedestrians who may be on, or close to, the kerb line. As a guide, for roads where the speed limit is unknown reference can be made to the Table B in TAN 18, reflected below for reference.

**Table 4-3 Visibility Standards**

Speed	Kilometres per hour	16	20	24	25	30	32	40	45	48	50	60
	Miles per hour	10	12	15	16	19	20	25	28	30	31	37
SSD (metres)		9	12	15	16	20	22	31	36	40	43	56
SSD adjusted for bonnet length. (2.4m)		11	14	17	18	23	25	33	39	43	45	59
Additional features will be needed to achieve low speeds												

However, Carmarthenshire County Council support the visibility standards set out in MfS2 and expect Designers to make reference to the Site Stopping Distance (SSD) formula presented in MfS2:

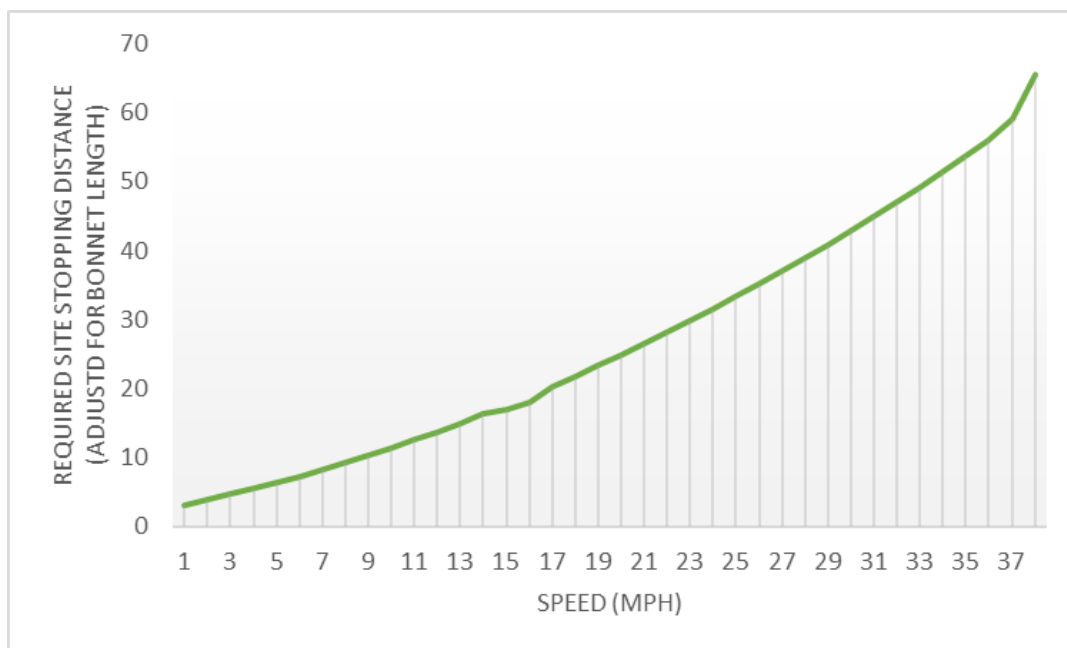
**SSD = vt + v<sup>2</sup>/2(d+0.1a)**, where:

- V= speed in metres per second;
- T= driver perception reaction time in seconds;
- D= deceleration in m/s<sup>2</sup>; and
- A= longitudinal gradient (positive for upgrades and negative for downgrades).

For new streets the design speed should be determined with consideration given to the intended function of the junction being designed. For existing streets, the 85<sup>th</sup> percentile wet weather speed should be used, derived using site observation surveys during free-flowing conditions. If the surveys are undertaken in dry-weather conditions then a correction of -4kph is applied to determine wet weather speeds.

A graph below gives resents indicative Site Stopping Distance requirements for the 'Y' value.

Figure 4-2 – Site Stopping Distance



The graph is based on reaction times that are appropriate for cars and Light Goods Vehicles (1.5s) with a zero gradient and 5% gradient for indicative purposes. However, Developers would be expected to use the formula outlined above to determine appropriate visibility requirements. It should also be noted that Heavy Vehicles may have different deceleration characteristics. As a guide, MfS2 suggests that bus/HGV Sight Stopping Distances should not need to be assessed when the combined proportion of HGV traffic is less than 5% of traffic flow.

As described previously, these standards relate to non-trunk roads and streets with a typical speed of 30mph or below. For all other roads, visibility should be taken from DMRB guidelines.

**Forward Visibility**

Forward visibility is the distance that drivers need to see ahead, to stop safely for any obstructions in the carriageway.

Carmarthenshire County Council expect that the minimum forward visibility for each road type should be calculated based on the SSD formula set out in the *Junction Visibility* section of this HDG. The forward visibility should be measured along the centreline of the inner traffic lane.

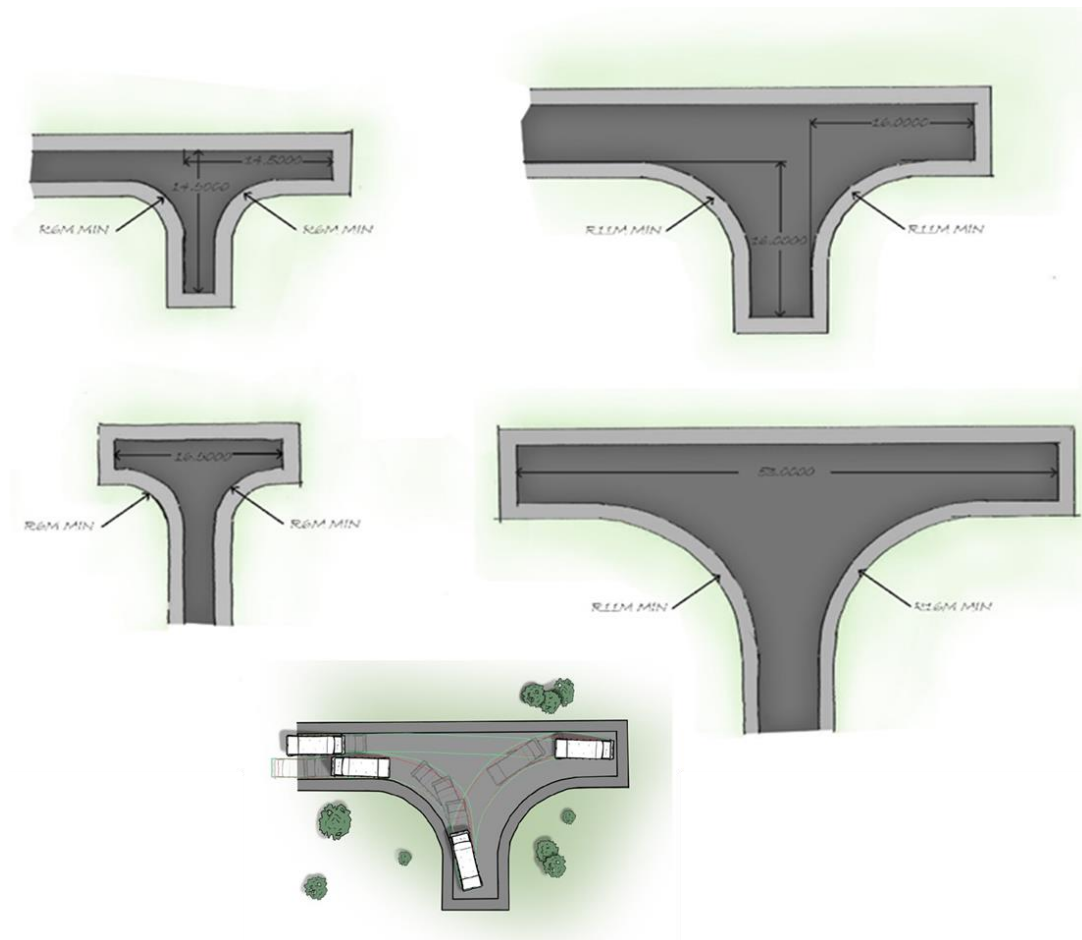
For road types not considered within this HDG, the visibility standards stipulated in the DMRB should be applied.

**4.4.2. Operational Parameters**

This section outlines Carmarthenshire County Council's expectations with regards to the operational parameters of highway design, where the Designer should be considering the function of the street and how road users operate within the highway space.

**Turning Heads**

Turning heads should allow vehicles to enter and exit an area in forward gear. Their design should be future proofed to allow access into surrounding land parcels that may undergo development. All turning heads should be provided with swept path analysis to demonstrate that they are adequate for the development and can accommodate the appropriate size of vehicle (e.g. service, delivery and refuse vehicles).



### Speed Control

All developments should be designed to maintain appropriate speeds limits, which will vary depending on the nature of the road and development context.

Carmarthenshire County Council are always receptive to innovative speed control designs that can be integrated within the highway network, however preference is given to horizontal deflection and geometric speed control rather than vertical deflection measures.

The Developer may wish to propose surface texture changes as part of integrating speed control into the design, however in such cases the Developer must ensure that the proposed material is easily sourced and provides value for money.

The control of speed should be considered within the design prior to the planning submission stage, to ensure that speed control features are intrinsic to the residential development layout. This ensures that potential 'bolt-on' features, incorporated at a later stage, are avoided.

### Parking

Parking for new developments should be provided in accordance with CSS Parking Standards (2014), with reference to the appropriate development type and zone allocation. Carmarthenshire County Council have not developed a zoning plan, but instead expect the Developer to indicate the proposed zone allocation, which will be agreed on a site by site basis.

The CSS 2014 contains design guidance for parking layouts and sets out the recommended number of spaces for new developments.



For additional guidance on Cycle Parking Designers should also make reference to guidance set out in the Welsh Government document 'Design Guidance: Active Travel (Wales) Act 2013'.

Central government's Road to Zero strategy sets out an ambition to ensure that at least 50% of cars on the road are ultra-low emission vehicles by 2030, supported by a significant roll-out of electric vehicle infrastructure. Supporting and facilitating the uptake of alternative fuel vehicles is a key policy aim of Carmarthenshire County Council, as set out in the Carmarthenshire Parking Strategy 2018.

In order to ensure that all new developments are equipped with the infrastructure required by the increasing numbers of electric vehicles, and Carmarthenshire County Council's aspirations for future uptake of electric vehicles, all developments will be expected to provide charging points at a percentage of the full parking provision.

Carmarthenshire County Council will expect electric charging points to be provided at a rate of **3%** of the overall parking provision at all commercial developments, and details of how they will be provided and managed should be included within the accompanying Transport Assessment / Transport Statement as described in **Part 5.2.3** of this HDG.

### Pick up / Drop off

With regards to educational establishments, CSS 2014 also sets out the requirements for pupil pick up and drop off areas at new school developments. There should be an area provided for the picking up and setting down of school children within the curtilage of the school premises, which should include a facility for vehicles to turn without reversing. Turning areas should be separate from pupil circulation areas to safeguard the safety of pupils walking or cycling to school.

For creche / child care establishments, availability of adequate kerbside capacity (i.e. unrestricted parking) should be taken account of. Developers must demonstrate that there is sufficient capacity to accommodate the pick up and drop off of children without having a detrimental impact on the free-flow of traffic on the highway.

### Servicing

**All developments should be designed to facilitate ease of access for servicing vehicles, including emergency services, deliveries, and refuse vehicles.** Swept path analysis of refuse and emergency vehicles is mandatory for all new developments.

Provision should be made for emergency service vehicles being able to access all residential dwellings, with Fire Tenders being able to reach within a 45-metre hose distance from all parts of each dwelling house. Emergency vehicles should not have to reverse more than 10 metres from the end of an access road; provision should be made for safe and efficient turning opportunities. As a guide, for emergency vehicles there should be a minimal operational width of 3.5 metres between kerbs to allow suitable operating space, however this should be increased to 3.7 metres where walls form an obstruction.

Refuse vehicles should be able to safely negotiate new developments, with the vehicles being able to access 25 metres of each dwelling house or refuse storage locations. Refuse vehicles should not have to reverse more than 12 metres from the end of an access road; provision should be made for safe and efficient turning opportunities.

The Developer is expected to demonstrate that the highway layout is suitable using swept path analysis, as described in **Part 5.2.3**. Carmarthenshire County Council typically operate **26t rigid three axle Refuse Collection Vehicles, with rear wheel steering**, and these vehicles specifications should be used for any associated swept path analysis.

For retail developments, and in particular small convenience type stores, appropriate servicing arrangements should be presented as part of the planning application. It should be demonstrated that the existing and proposed highway network is suitable to accommodate the prescribed servicing vehicle. The Developer should agree servicing arrangements prior to submission of the planning application by including relevant details in the pre-application discussions discussed in **Part 5**.

### 4.4.3. Engineering Parameters

This section provides information of the expectations from Carmarthenshire County Council with regards to drainage and structures associated with the highway.

#### Structures

Any structure that supports the highway (such as a bridge, culvert, or retaining wall) should be considered as part of the highway, and therefore should be included within the adoption agreement. The appearance and choice of material should be discussed with Carmarthenshire County Council at the earliest opportunity, and will be expected to be constructed to minimise future maintenance costs.

All structures proposed as part of a new development require Approval in Principle (in accordance with DMRB BD2/12) before any works can commence on site.

#### Drainage

Surface water drainage should be compliant with the requirements set out in the Carmarthenshire Council drainage strategy, to mitigate the potential adverse impact of any new development on flood risk. A groundwater flood risk assessment should be undertaken for all new developments within any area that may include a high risk of groundwater flooding. The discharge of private water into highway drainage systems will not be permitted.

All drainage designs should be verified by an appropriate drainage consultant, prior to the granting of technical approval. Where drainage infrastructure is required to be laid under the adoptable highway then written assurance must be provided by Welsh Water that an adoption agreement between the Developer and Welsh Water has been established.

All prospective maintainable highway drains should be located within land that is to be adopted by Carmarthenshire County Council. All surface water run-off should be contained within the curtilage of the development, and will not be permitted to run onto the adopted highway.

#### Sustainable Drainage Systems

Sustainable Drainage Systems (SuDS) that are designed to maximise the amount of water that is retained within a development will be considered by Carmarthenshire County Council on a case by case basis. As a general principle the use of SuDS within larger developments is currently supported, however the Developer must demonstrate that there is sufficient storage capacity through the use of balancing ponds and wetland areas (outside of the highway boundary) to reduce the impacts of any potential flooding.

Legislation, effective from the 7th January 2019 dictates that consent for any drainage infrastructure will be required from the Sustainable Drainage Approval Body (SAB). Further information on the process can be found at <https://www.carmarthenshire.gov.wales/> and any associated enquires should be sent to [SAB@carmarthenshire.gov.uk](mailto:SAB@carmarthenshire.gov.uk).

Developers should note that if the quantum of development is of two properties or more, over 100m<sup>2</sup> of construction area, or has any drainage implications, then **SAB approval must be sought independently from the planning approval**. Construction cannot commence until the two permissions (planning and SAB) have been granted.

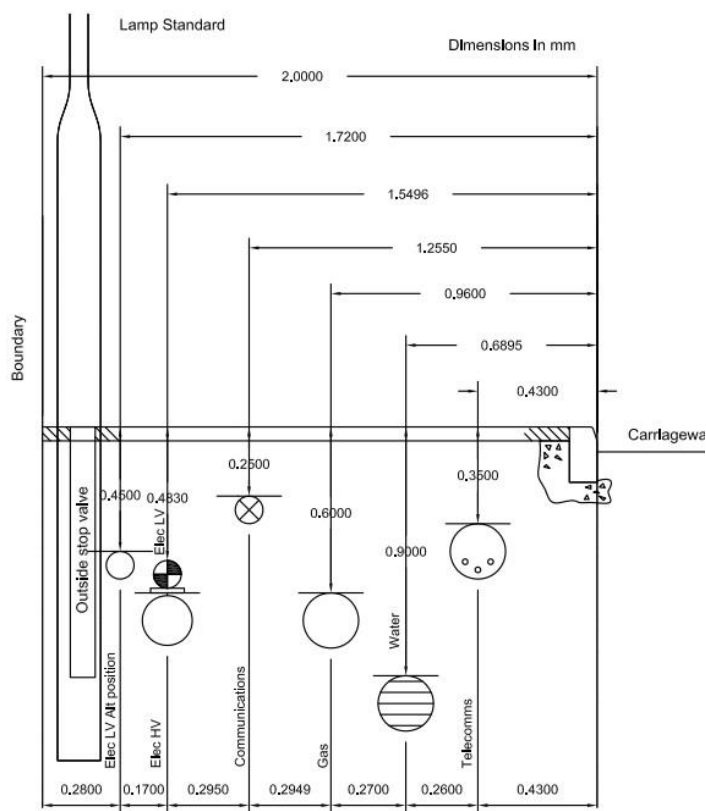
SAB approval will also be required for any planning permissions granted subject to a condition, where an application for discharge of the condition has not been made prior to the 7th January 2020.

#### Statutory and Other Services

During the design of any development the needs of the statutory authorities should be taken into account at an early stage. To ensure ease of future maintenance Carmarthenshire County Council expect mains to be located in footways or verges, however if no other route is available then appropriate alternate installation arrangements should be discussed with Carmarthenshire County Council and all relevant statutory undertakers.

It is recommended that Developers contact all relevant statutory undertakers at the early stages of design to ensure their apparatus can be installed in an efficient manner, and comply as much as is practicable with the recommendations of the National Joint Utilities Group (NJUG) for arrangement of mains within a service corridor, as shown in **Figure 4.3**:

**Figure 4-3 – NJUG recommendations for arrangement of main in service corridor**



The Designer should consider the position and level of utility covers within the design of a new road layout, particularly on bends or within braking/ steering areas. A suitable skid resistant cover may be required, which should be discussed with Carmarthenshire County Council.

#### 4.4.4. Aesthetics Parameters

This section sets out Carmarthenshire County Council's expectations with regards to the aesthetics of a highway environment, which is reliant upon the materials, landscaping and lighting provided within a highway environment.

##### Materials and Specification

All roads and residential streets should comply with the materials and construction specification standards set out by Carmarthenshire County Council. The use of standard materials ensure that designs are sympathetic to the future maintenance of the development.

Where a Developer is intending to use non-standard materials, it must be demonstrated that the materials are easy and cost-effective to source compared to the standard materials promoted by Carmarthenshire County Council. The Developer may be required to agree commuted sums to cover any non-standard materials and construction specifications, as set out in **Part 6.3**.

##### Landscaping

The design of roads that includes landscaping should be sympathetically considered with future maintenance in mind. Carmarthenshire County Council will normally only adopt the paved services and verges which are critical to the functioning of the highway, and therefore any planting must not be positioned near structures or services.

Tree species should be selected which have a modest canopy and the appropriately planted with the use of tree grids and root barriers, and the Developer may be required to pay commuted sums to cover future maintenance. Where landscaping is proposed close to footways or cycleways, thorny species will not be supported by Carmarthenshire County Council. If existing hedges contain thorny species, cycle tracks shall be positioned at least 3 metres from the extremities of the hedge to prevent problems with hedge-cutting debris. Existing hedges adjacent to the existing highway shall be transferred to frontages for maintenance.

If there are existing landscape features considered of value by Carmarthenshire County Council, the Developer, as part of the design process, must attempt where possible to position the access in a safe location that allows the landscape feature to be retained.

Existing trees, which may become maintainable by Carmarthenshire County Council, should be the subject of condition survey to determine their importance, and may be subject to commuted sum payments to cover future maintenance costs.

### **Street Lighting**

Street lighting is an important consideration in the design of a new development and roads. Street lighting should assist in creating developments that minimise the fear of crime whilst also minimising any potential environmental impact. Designers are encouraged to use best practice in systems and operations for street lighting, and should engage with the Carmarthenshire County Council street lighting team for current specifications.

In areas of historic importance, Developers may be required to source lighting specifications that are sympathetic to the historic environment to ensure the character of the area is retained.

## 5. Design Process

### 5.1. Overview

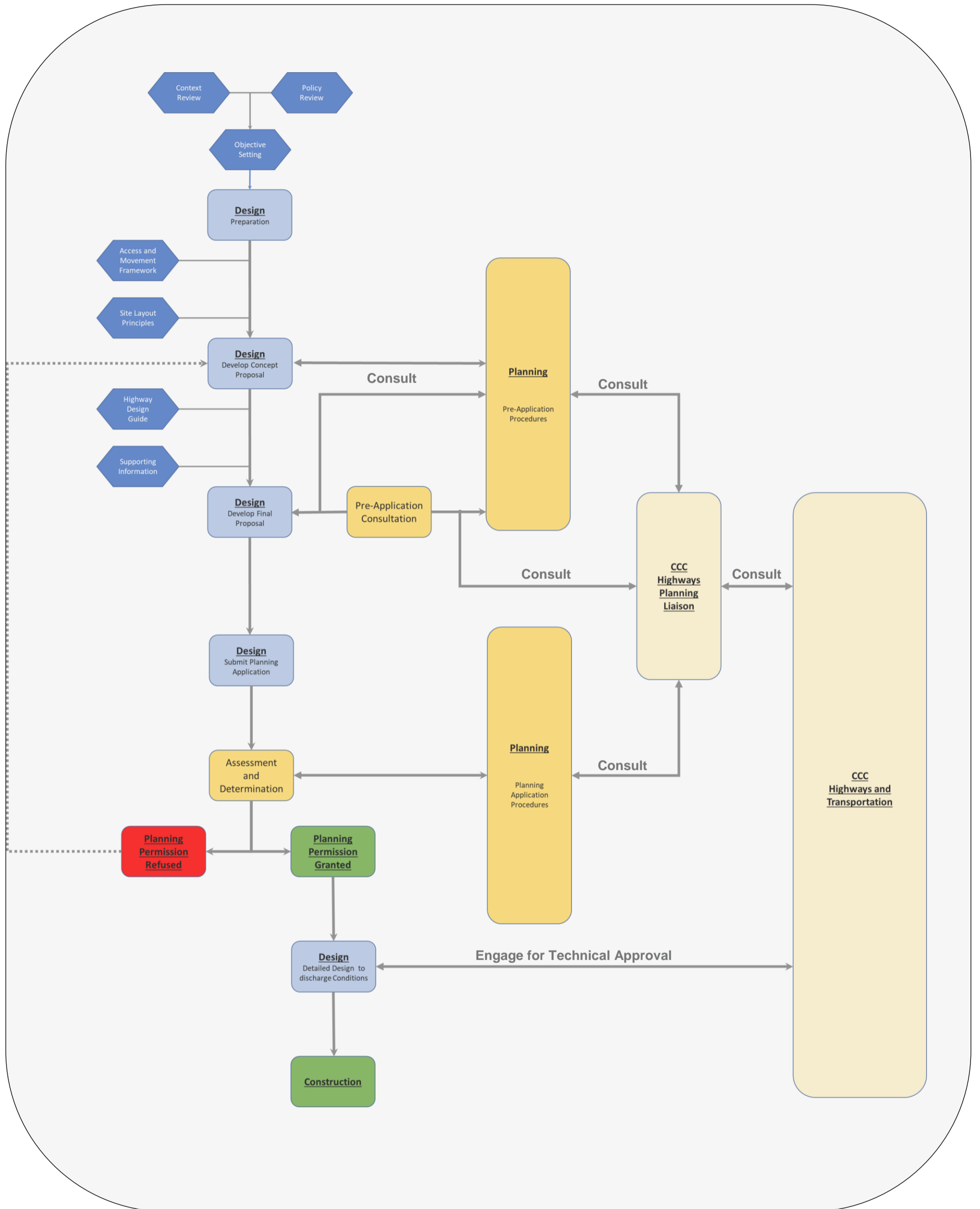
New designs should be developed in consultation and engagement with the local planning authority, stakeholders and the community. However, it is important that consultation and engagement is formally initiated at appropriate stages during the planning process and that the full life cycle of a scheme is considered from the outset. Carmarthenshire County Council expect Designers to use this HDG as a toolkit to inform the design of a development, as a way of minimising the need for iterative engagement with Highways Planning Liaison.

This Part of the HDG outlines the approach that Carmarthenshire County Council expect Developers to follow when considering the highway design of a new development.

### 5.2. Scheme Life Cycle

**Figure 5-1** presents an overview of the key design stages, from inception through to implementation, as recommended by Carmarthenshire County Council. The design stages are presented alongside the key pre-application and planning application milestones described in [Part 2](#) of this HDG. The remainder of this section expands on the individual design components with further advice provided on opportunities for formal engagement within the planning framework.

Figure 5-1 - Scheme Life Cycle

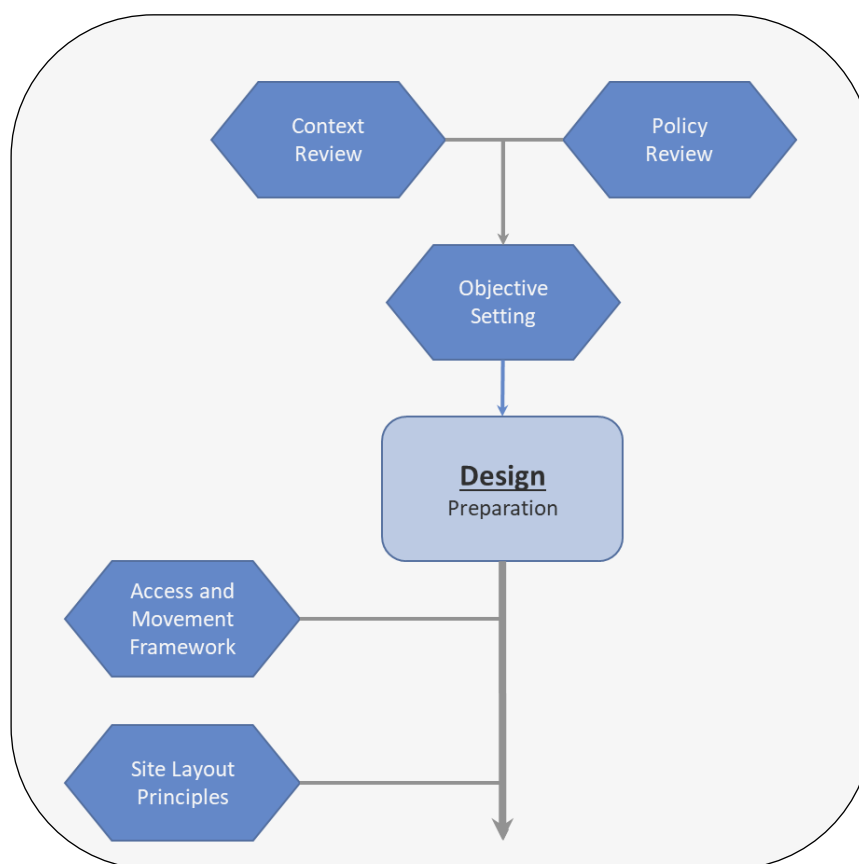


## 5.2.1. Design Preparation

**Figure 5-2** below outlines the approach that Developers should adopt when preparing a design for a new development in Carmarthenshire.

The process should start with a policy and context review to ensure appropriate design objectives are established from the outset. This approach will ensure that the layout of the site and the supporting access and movement framework comply with policy and complement the character of the surrounding area and transport network.

**Figure 5-2 – Design Preparation**



### Policy and Context Review

The **policy review** should consider both planning and transportation policies; with a need for the overarching design objectives and subsequent development proposal to comply with national, regional and local policy (see [Part 3](#) of this HDG for further information on policy).

The **context review** should consider the character of the surrounding area and the transport system serving the development site. Establishing basic transport information to inform the design is particularly important and should identify both opportunities and constraints for site travel by all transport modes. A range of techniques are available when assessing the transport system, including site observation and surveys, review of historic records, access auditing and the analysis of information held by statutory undertakers and agencies.

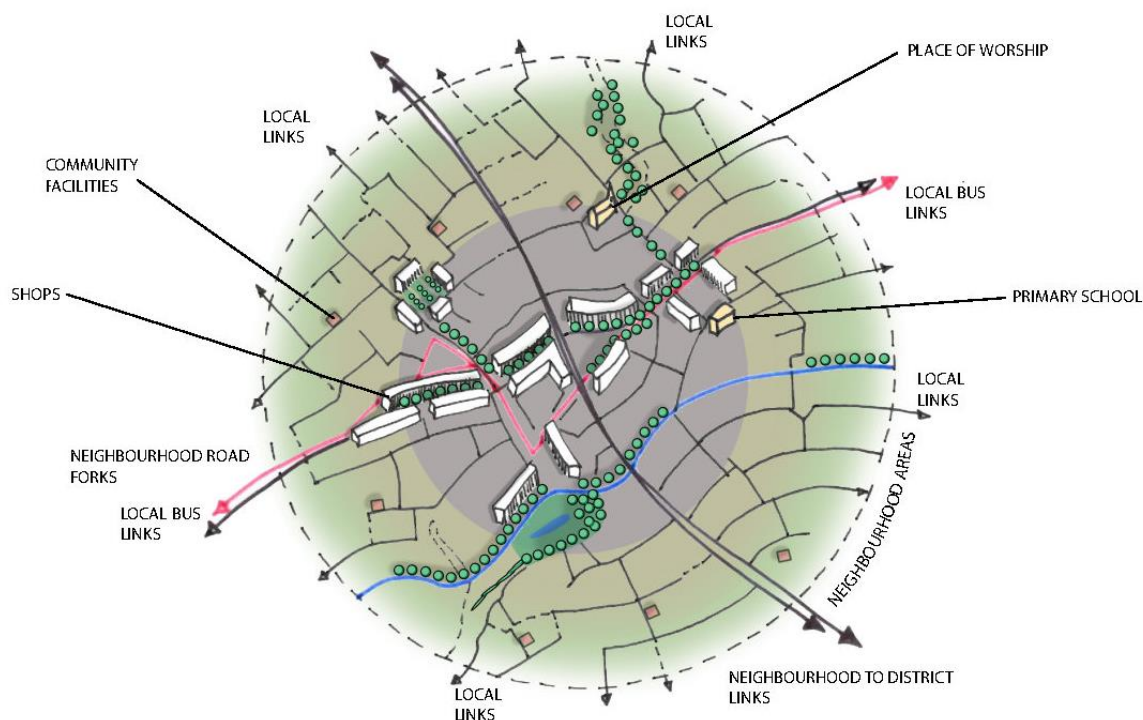
## Objective Setting

On completion of the policy and context review, measurable **design objectives**, reflecting expected site activities, should be established. Typical transport related objectives might include, but should not be limited to:

- Ensuring safe and convenient active travel links with nearby services and facilities;
- Ensuring the site is adequately served by public transport;
- Securing multiple vehicular accesses to the site; and
- Keeping traffic speeds to a maximum of 20mph for residential development.

## Access and Movement Framework and Site Layout Principles

The access and movement framework should consider general movement to and through the site. For new developments, understanding the movement and place function of the surrounding area will enable appropriate points of connection and linkages to be identified so that important desire lines can be achieved. Designers should utilise this information when making the required considerations on access and connectivity as outlined in [Part 4.3](#) of this HDG. Developing a well-informed access and movement framework will ensure that the development proposals enhance the existing movement framework of the surrounding area.



As discussed in [Part 4.2](#), Designers are expected to consider the hierarchy of transport modes shown in [Figure 4-1](#) when developing the access and movement framework and establishing site layout principles. In adhering to this transport mode hierarchy, the provision for sustainable modes of travel will be inherent in the design and will help ensure that highways serve all transport users in a balanced way.

To further encourage travel by active modes and public transport, the following overarching **site layout principles** should be adopted:

- The site should be safe, permeable and easy to navigate;
- Pedestrians and cyclists should generally be accommodated on street rather than on routes segregated from motor traffic; and
- The site should be well connected to surrounding transport provision and services.



Further information with regards the highways and transportation principles that Carmarthenshire County Council expect Developers to adopt is provided in [Part 4](#) of this report.

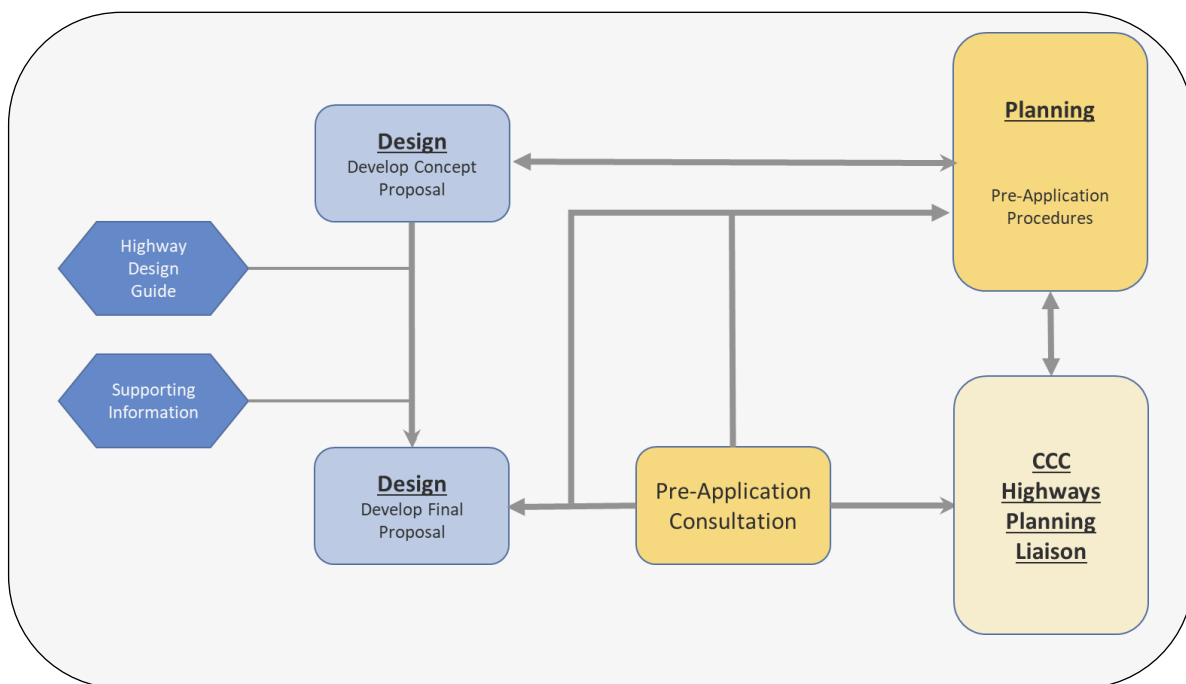
### 5.2.2. Developing a Proposal

With the access and movement framework in place and the site layout principles established, a development proposal and site layout plan (or masterplan for larger more complex developments) should be produced.

From a transport perspective, the proposal should demonstrate how a safe, accessible, maintainable and future proofed scheme will be delivered. The site layout plan (or masterplan) should be developed in line with guidance provided in [Part 4](#) of this HDG with regards the overarching design principles and standards.

**Figure 5-3** below shows the approaches that could be adopted when producing a development proposal within Carmarthenshire.

**Figure 5-3 – Developing a Proposal**



#### Concept Proposal

For major developments and more complex schemes, it is recommended that Developers / Applicants consult with Carmarthenshire County Council on their access and movement framework and site layout principles during development of a concept proposal. The planning department offer pre-application services for those who request it; allowing significant issues to be addressed before a formal application is made.

Pre-application procedures aim to ensure that planning applications proceed smoothly and quickly once they are formally submitted. The process allows planning officers, in consultation with Highways Planning Liaison and other stakeholders, to provide their professional opinion on the prospect of gaining planning permission. Nonetheless, any advice given at this stage is informal and will not bind the LPA in the event of a formal planning application.

Applicants are encouraged to agree information requirements with the LPA (including for PAC) prior to submission, through pre-application discussions, so that where possible, the information sought is proportionate to the nature of the scheme.

For smaller less complex schemes developing a concept proposal in consultation with Carmarthenshire County Council is not typically required.

### Final Proposal

When developing a final proposal, careful consideration is required of all critical highway and transportation features which impact on the efficiency and quality of the development. This should include but should not be limited to:

- Internal and external connectivity by all transport modes;
- Street layouts and dimensions;
- Parking provision and design;
- Landscaping;
- Materials, management and maintenance;
- Access for service vehicles including emergency services;
- Speeds control;
- Drainage; and
- Routes for utilities.

**Part 4** of this HDG sets out the principles and standards that should be adopted when designing these critical features for a new development. The information that should be provided to support a development proposal is outlined later within this section of the HDG. This information will be required for the proposal to be properly assessed.

### Pre-Application Consultation (PAC)

PAC is required for all 'major' development applications, whether for full or outline permission. The Developer is required to consult specialist consultees when a development exceeds thresholds specified by the Welsh Government. As a **specialist consultee**, Carmarthenshire's **Highways Planning Liaison** will need to be consulted where a development is expected to alter or amend the existing highway infrastructure (including footways, footpaths or verges) and / or exceeds the Welsh Government thresholds outlined in **Part 2.3.1** of this HDG. All planning applications for development proposals that are subject to PAC must be accompanied by a PAC report to be valid. The PAC report must address the substantive response provided by Highways Planning Liaison. The points raised by Highways Planning Liaison in the substantive response should be tabulated in the PAC report, with details on how they have been addressed by the Developer provided in an adjacent column.

All information that would be required to be submitted as part of a formal planning application will be required by the Highways Planning Liaison team during Pre-Application Consultation. The following section sets out the information that should be provided to support a development proposal during both Pre-Application Consultation and for a formal planning application.

### 5.2.3. Supporting Information

Carmarthenshire County Council expect planning submissions to be accompanied by appropriate plans and information to ensure that their recommendation on the acceptability of a development from a transport perspective is based on a robust evidence base.

The level of information required for pre-application consultation or to support a planning application will vary depending on the type of development being proposed and the key considerations Carmarthenshire County Council expect during the development of a particular design. **Table 5-1** outlines the key consideration expected for the following different development types:

- |                             |                                |
|-----------------------------|--------------------------------|
| • Residential               | • Creche / Childcare           |
| • Retail                    | • Health                       |
| • Hospitality (Food Retail) | • Agricultural Intensification |
| • Education                 |                                |

Details of the associated assessment and supporting information requirements are provided following Table 5-1.

**Table 5-1 Key Design Considerations by Development Type**

Development Type \ Considerations	Residential	Retail	Hospitality (Food Retail)	Education	Crèche / Childcare	Health	Agricultural Intensification
Access by all modes	✓	✓	✓	✓	✓	✓	✓
Access junction layout	✓	✓	✓	✓	✓	✓	✓
Sustainable transport options	✓	✓	✓	✓	✓	✓	-
Learner Travel Assessment	✓	-	-	✓	-		
Parking	✓	✓	✓	✓	-	✓	-
Pick-up / drop-off	-	-	-	✓	✓	✓	-
Deliveries and Servicing	-	✓	✓	✓	-	✓	-
Delivery / Servicing Management Plan	-	✓	✓	✓	-	✓	-
Emergency vehicle access	✓	✓	✓	✓	✓	✓	✓
Opening / operational hours	-	✓	✓	✓	✓	✓	-
Trip generation during peak periods	✓	✓	✓	✓	✓	✓	✓
Travel Planning	✓	✓	✓	✓	-	✓	-
Road safety for all users	✓	✓	✓	✓	✓	✓	✓
Outside of hours use	-	-	-	✓	✓	✓	
Incremental increases in use	-	-	-	-	-	-	✓
Passing places	-	-	-	-	-	-	✓
Damage and impact to highway	-	-	-	-	-	-	✓

- **Access by all modes** – the accessibility of the proposed site by all modes of travel. This includes consideration of access to the site by heavy-duty vehicles, which is inclusive of ‘swept path analysis’;

- **Access junction layout** – the appropriateness of the proposed access junction, especially with regard for sustainable transport and heavy-duty vehicle movements, which is inclusive of ‘swept path analysis’;
- **Sustainable transport options** – the existing accessibility of the site by sustainable transport modes, as well as the potential future improvements that can be implemented to improve sustainable access. This will need to make explicit reference to the Integrated Network Map, produced by Carmarthenshire County Council, which summarises the existing and future aspirations for active travel within Carmarthenshire;
- **Learner Travel Assessment** - Chapter 5 of the Learner Travel Wales guidance provides statutory guidance on risk assessing walked routes to school. The purpose of this assessment is to ensure safe routes to school for all school pupils. If, as part of the safe routes to school assessment, problems are identified Developers will be expected to contribute to addressing the problem, or supporting free school transport.
- **Parking** – the proposed parking levels appraised against the standards, for both vehicles and pedal cycles;
- **Pick-up / drop-off** – the proposed pick-up / drop-off arrangements, and the potential wider implications;
- **Deliveries and Servicing** – the impact of the proposed delivery and servicing movements, including ‘swept path analysis’;
- **Delivery / Servicing Management Plan** – a management plan to mitigate any potential safety or operational constraints associated with delivery and servicing movements;
- **Emergency vehicle access** – the access arrangements for vehicles accessing the site in the case of an emergency. This will need to consider the appropriateness of the proposed access, and discuss whether a separate emergency access is required;
- **Opening / operational hours** – the proposed opening / operational hours of the development;
- **Trip generation during peak periods** – the anticipated trip generation of the proposed development during the peak periods, and the impact of the vehicle trips on the wider highway network;
- **Travel Planning** – a Travel Plan that outlines a list of measures to encourage sustainable travel at the proposed development;
- **Road safety for all users** – the road safety implications of the proposed development for all road users;
- **Outside of hours use** – any potential other uses of the proposed development that will occur away from the stated operational hours;
- **Incremental increases in use** – the increase in use at the proposed development, which will impact the surrounding highway network for all users;
- **Passing places** – the location of passing places, which will need to be at appropriate points in agreement with Carmarthenshire County Council; and
- **Damage and impact to highway** – the potential damage to the highway infrastructure that could be attributed to the proposed development.

The key considerations outlined in Table 5-1 and described above reflect the baseline requirements for the different types of development. A Design and Access Statement and Evidence based Submission will be required to demonstrate appropriate consideration has been given as per Table 2.1 for all development applications.

### Design and Access Statement

Design and Access Statements (DAS) are required to ensure that both design quality and inclusive access and connectivity are given appropriate consideration in the planning process. The requirements of a DAS reflect the objectives of good design as set out in PPW and TAN 12.

A DAS should demonstrate and clearly communicate the logical design process; setting out the main access elements of a scheme and demonstrating compliance with the objectives of this HDG and Carmarthenshire County Council Policy. Elements of the development being offered for adoption

should be clearly stated within the Design and Access statement, along with details on servicing and emergency access arrangements.

### **Evidence Based Submissions**

Planning submissions should be accompanied by appropriate plans to ensure that the proposal can be properly assessed. It is expected that plans are submitted to Carmarthenshire County Council to demonstrate that the design can accommodate appropriate vehicle types and that schemes are deliverable.

**Swept path analysis** should be used to determine the suitability of a design to accommodate the appropriate size of vehicle. Whilst it may be acceptable for the occasional large vehicle to have to cross lanes to negotiate a particular junction (e.g. refuse vehicle), a development that will need to accommodate more frequent large vehicles (e.g. buses, delivery or service vehicles) may require more generous swept paths.

Streets that are required to accommodate a bus route should allow for two buses passing each other in opposite directions, which should be clearly shown on an appropriate plan.

All swept path analysis for servicing vehicles should be undertaken using the **26t rigid three axle Refuse Collection Vehicles, with rear wheel steering**, as used within the county.

For private driveways and residential parking areas Carmarthenshire County Council typically expect swept path analysis to be undertaken using a standard car, to demonstrate that the parking provision is appropriate to allow vehicles to negotiate the spaces safely without interfering with the free-flow of traffic and highway safety.

An important consideration for highway design is the existing land ownership on which the scheme will be constructed. If a highway scheme requires 3rd party land then the Developer will be required to demonstrate that an appropriate agreement through planning (e.g. Section 106) has been entered into and approved. This is to ensure that the land can be secured to safeguard the safe implementation of the proposed highway scheme.

Carmarthenshire County Council expect all highway scheme drawings to be accompanied by a land ownership plan to ensure that proposed mitigation is deliverable within the available land constraints.

### **Additional Highway and Transportation Submissions**

Carmarthenshire County Council may require further information to support a planning application depending on the exact nature of the proposed development. An overview of other highway submissions that may be required to support a development proposal is provided below.

#### **Transport Assessment**

Planning applications for a new development in Carmarthenshire may require a Transport Assessment or Transport Statement to review the potential impact of the scheme on the surrounding transportation network. Reference should be made to the Carmarthenshire County Council document: 'Transport Assessment Guidance for Developments in Carmarthenshire', in addition to TAN 18.

Carmarthenshire County Council's 'Transport Assessment Guidance for Developments in Carmarthenshire' and Annex D of TAN 18 provide guidance on the required structure and content of both Transport Assessments and Transport Statements. They also set out the typical thresholds for developments which require assessment; these are included in [Appendix B](#). Carmarthenshire County Council will consider whether a Transport Assessment or Transport Statement is appropriate for a new development on a case by case basis.

#### **Travel Planning**

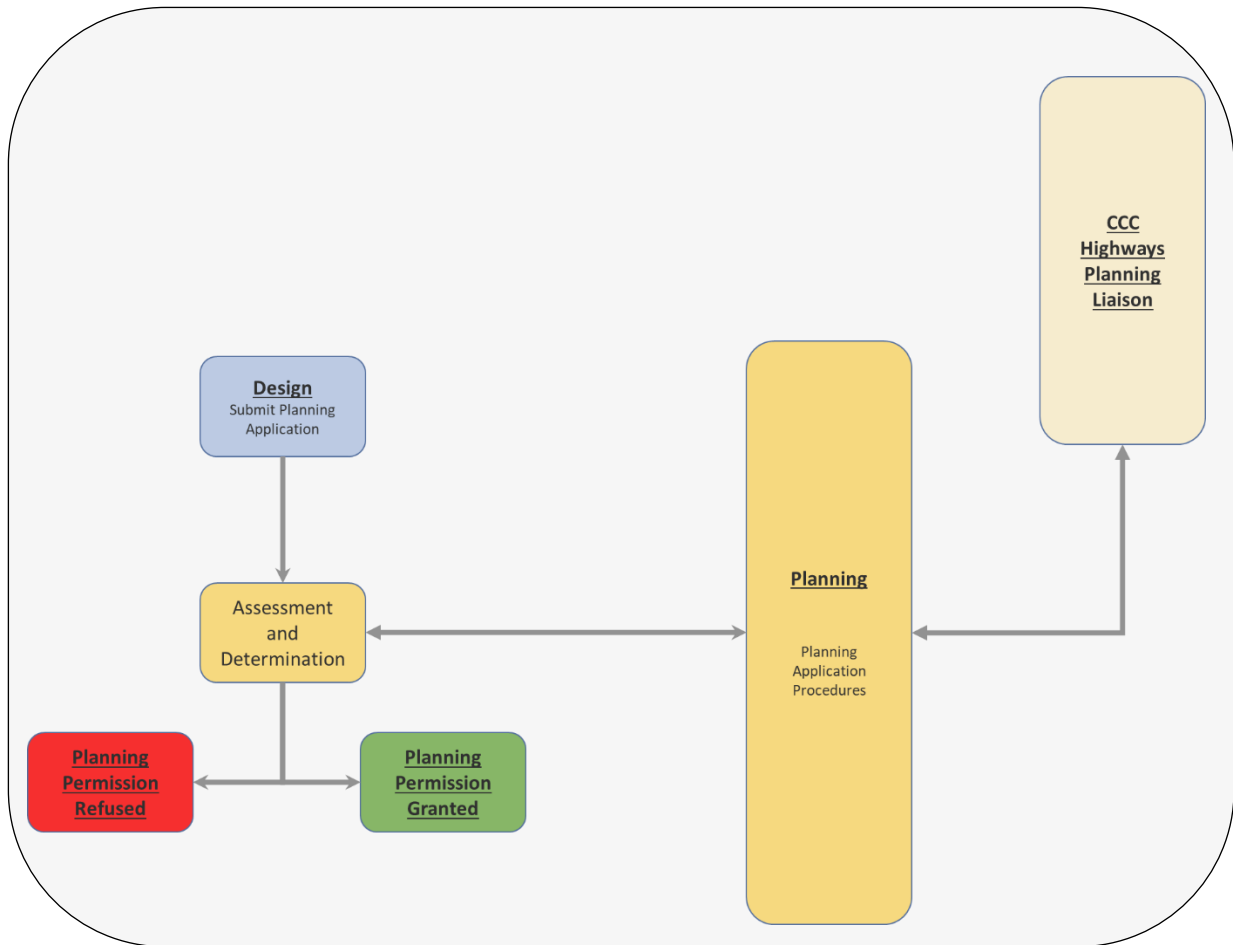
A successful Travel Plan can lower the volume of traffic generated by a development and can play a key role in improving local air quality and the health of the population. A judgment as to whether a proposed development should be supported by a Travel Plan will be made on a case by case basis. A Travel Plan should be site specific and should be developed to offer a range of measures that are intended to reduce the need to travel using the private car.

A Travel Plan should not be used as a means of avoiding other necessary mitigation responsibilities which may be secured through the S106 process described in [Part 6.2](#).

#### 5.2.4. Planning – Application, Assessment and Determination

**Figure 5-4** below outlines the planning application process as described in [Part 2](#) of this HDG.

**Figure 5-4 – Application, Assessment and Determination Process**



Applicants are encouraged to agree exact information requirements with the LPA prior to submission, through pre-application discussions, so that where possible, the information sought is proportionate to the nature of the scheme. Carmarthenshire County Council’s planning portal enables electronic submission of planning applications and applicants are encouraged to apply electronically.

The Local Planning Authority (LPA) is responsible for determining almost all planning applications within Carmarthenshire. As a statutory consultee, Highways Planning Liaison, is required to provide the LPA with an informed response and recommendations on individual planning applications falling within Welsh Government’s consultation thresholds. However, it should be noted that Highways Planning Liaison can only make recommendations and the final decision on whether planning approval should be granted rests with the LPA.

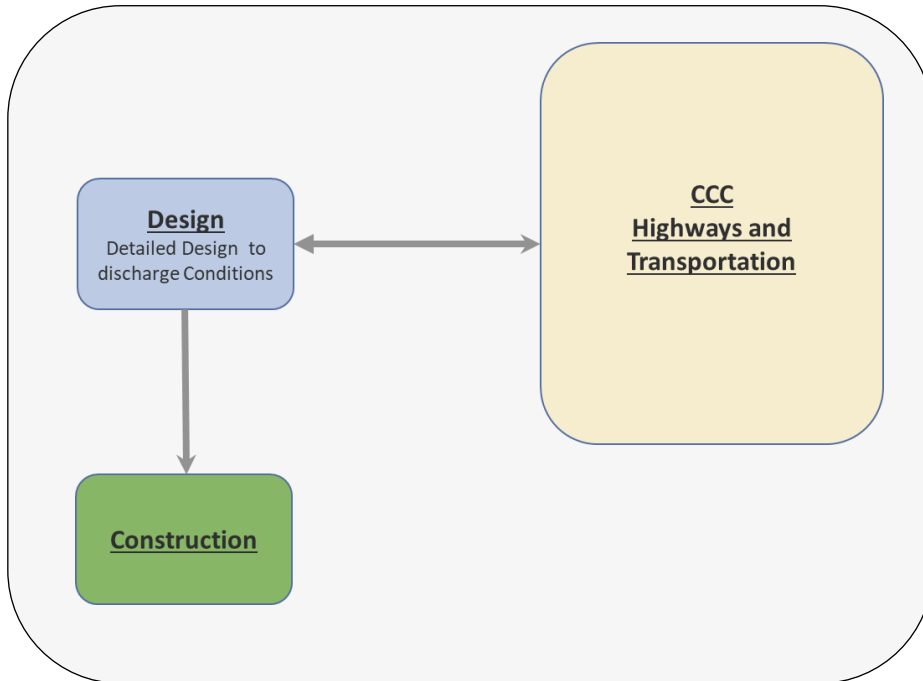
Compliance with the guidance provided in this document will form the basis of recommendations made by Carmarthenshire County Council’s Highways Development Control section to the LPA with regards individual planning applications.

Highways Development Control will provide one of the following three recommendations to the LPA.

- No highway objections to the development proposal;
- A recommendation for approval subject to planning conditions; or
- A recommendation for approval.

The LPA may grant planning permission subject to conditions or statutory agreements; requiring specific approval for aspects of the development before implementation. This process is illustrated in **Figure 5-5** and is discussed further in **Part 6** of this HDG.

**Figure 5-5 – Detailed Design and Technical Approval**



## 6. Construction, Statutory Agreements and Maintenance

This section of the HDG provides information to Developers on Carmarthenshire County Council's expectations for construction of development within the county. It also provides an overview of the key statutory agreements that should be resolved as part of the planning and design processes set out in [Parts 2 and 5](#) of this HDG. It also underlines the importance of understanding the future maintenance responsibilities of Carmarthenshire County Council, and sets out the mechanisms in place to ensure a sustainable and cost-effective maintenance procedure is in place for highway environments in the county.

This section of the HDG should be read in parallel with the HDG toolkit which can be obtained from Carmarthenshire County Council on request.

### 6.1. Construction

At times construction activities can have a significant impact on the surrounding community, particularly in relation to impacts on roads, noise and air quality. Developers are expected to prepare a Construction Management Plan (CMP), which should be developed to minimise the impact of construction.

Developers (and Contractors) should **ensure that the CMP is fully approved prior to the commencement of construction** programmes.

As a minimum, CMPs should include:

- Construction programme;
- Construction site plan;
- Construction vehicle trip generation and specification;
- HGV routes to/ from the construction site; and
- Appropriate mitigation.

Wind farms are a prime example of a development type whereby CMPs are essential and will be required to ensure that construction activities (including transporting key components to / from site) will not have an undue impact on the surrounding highway network. Further information on Wind Farms and associated requirements is provided in [Appendix C](#).

### 6.2. Planning Conditions and Statutory Agreements

The LPA may grant planning permission subject to conditions or statutory agreements as outlined in earlier in this HDG. Information about highway related planning conditions, statutory agreements and associated requirements is provided below.

#### Section 106 Planning Obligations

A Section 106 agreement is the process by which obligations upon the Developer are put in place to render the development acceptable to Carmarthenshire County Council. A Section 106 agreement is entered into by Carmarthenshire County Council and the land owner and / or the Developer and could involve physical works or financial contributions depending on the nature of the development and associated mitigation measures. Further information on Section 106 agreements is provided in Carmarthenshire County Council's Planning Obligations SPG which can be found on the Carmarthenshire County Council [website](#)<sup>6</sup>.

The Developer should seek early engagement on potential Section 106 contributions.

<sup>6</sup> <https://www.carmarthenshire.gov.wales/media/3701/planning-obligations-spg.pdf>



### Section 278 Applications

In accordance with the Highways Act 1980, the Developer would be required to enter into a Section 278 agreement with Carmarthenshire County Council where a new development requires any works to the existing highway. This enables the Developer to make alterations or improvements to the existing adopted highway. Where a Section 278 agreement is required the Developer should seek early engagement with Carmarthenshire County Council, and the agreement should be concluded (including Technical Approval) prior to construction commencing.

Developers will be required to obtain a Section 58 notice for all Section 278 works, to prevent new highway being dug up within 3 to 5 years of construction.

Where the works to the existing highway requires additional land outside the highway boundary, which will be adopted by Carmarthenshire County Council, a combined Section 38/278 agreement may be required.

### Section 38 Applications and Adoption

Although highway adoption is a voluntary process there will be a presumption that under normal circumstances all developers will submit designs that meet highway adoption requirements as set out in this HDG.

For all new roads and streets, the geometry should be designed to provide the appropriate widths as set out in this HDG, even when adoption is not intended. For all new development roads early engagement should be sought with the adoptions team. Commuted sums will be sought for all items and designs which will cause additional future maintenance costs over and above a standard black top design.

More information on Section 38 Applications and Adoption is provided in [Part 6.3](#).

### Traffic Regulation Orders

Traffic Regulation Orders (TRO) are legal documents which are used to enforce carriageway restrictions, and include:

- Speed limit;
- Parking restrictions;
- One-way streets;
- Loading/ servicing
- Banned turns; and
- Bus lanes.

Any highway schemes reliant upon permanent TROs **should not commence until the relevant Orders have been approved** by Carmarthenshire County Council.

In order to create a TRO, the Developer must follow the standard TRO process which can be time consuming **may impact on the development programme** due to the nature of the process.

The process includes a public consultation period where key stakeholders are consulted on the TRO design. TROs must be advertised in the local press, inviting the public to comment on the proposals during a specified Notice period (21 days). There is no set timescale for the making of TRO, as each Order is different and the timescales are often linked to the number of objections received.

Carmarthenshire County Council recommends that **Developers incorporate the TRO process into the development programme at an early stage**, to avoid the implementation of development being delayed by a dependence on an outstanding TRO approval.

In order to allow the TRO application to be process, the Developer should provide Carmarthenshire County Council with:

- Traffic Regulation Order Location Plan;

- Detailed drawing presenting the full scheme of highway works, clearly demarcating the Order with relevant details;
- Draft Order Schedule (in text format); and
- Relevant supporting data, which may include but not be limited to speed data and accident reports.

The costs incurred by Carmarthenshire County Council in processing a TRO application will borne by the Developer, with the recovery of costs to Carmarthenshire County Council being provided for in the Section 278 or 38 agreement.

### Street Works and Road Works Notices

Developers who need to carry out works within or adjacent to existing highway maintainable at public expense, will need to contact the Street Works team for the relevant License this will include laying or altering apparatus, dropping kerbs, skips, scaffolding and signing lighting and guarding. The Street Works team can be contacted by email at [streetcare@carmarthenshire.gov.uk](mailto:streetcare@carmarthenshire.gov.uk).

### Advanced Payment Codes

Carmarthenshire County Council is required to apply the Advanced Payment Code in accordance with Sections 219-225 of the Highways Act 1980 either by requiring provision of a bond or serving an exemption notice as appropriate..

The Developer must not commence construction of any new highway prior to either a Section 38 Agreement being signed, or the receipt of the APC bond.

## 6.3. Maintenance

The maintenance of highway environment is a key aspect of safeguarding the safety and well-being of the people of Carmarthenshire. Poorly maintained highway environments have the potential reduce the quality and ease of everyday trips, whether they are made on foot, by bicycle, public transport or private car.

Therefore, when designing developments, where the development road is considered by the Council to be of sufficient public utility, the developer shall seek a Section 38 highway adoption agreement, and as such all streets should comply with the requirements and specifications set out in this document. Where streets are not intended to be offered for adoption, the design should still be to an adoptable standard, to safeguard the efficient future maintenance of the highway environment within the development.

Where the design **does not comply with the standard layouts** specified by Carmarthenshire County Council, early engagement should be sought with the adoptions team and the **Developer will be required to provide commuted sums** to cover future maintenance costs and obligations.

### Adoption requirements and Section 38 Applications

The Developer should apply for a Section 38 Highway Adoption Agreement in writing and submit detailed design drawings to Carmarthenshire County Council accompanied with the following information:

- A location plan and evidence of land ownership;
- Detailed engineering layout;
- Longitudinal sections;
- Highway construction details;
- Drainage layout plan and manhole schedule;
- Drainage construction drawing;
- Stage 1 and 2 Road Safety Audit, including Designers Response and an Exception Report where necessary;

- Evidence of written assurance provided by Welsh Water that an adoption agreement between the Developer and Welsh Water has been established;
- Street lighting schemes and specifications;
- Details of Traffic Regulation Orders where required;
- Highway drainage details, including calculations and catchment plans where required;
- Evidence of Approval in Principle for highway structures where required; and
- Detailed plans of junction designs, traffic signs and road markings where required.

If any details have been amended from the original approved drawings as part of the granting of planning permission, then these should be clearly shown within the submitted information.

Carmarthenshire County Council require payment of all costs for checking of the design and for preparing the Section 38 agreement, to cover any costs incurred by Carmarthenshire County Council should the development not take place.

These costs will be deducted from the final administration and inspection fees once the Section 38 agreement is entered. Subject to technical checks and receipt of appropriate fees, Carmarthenshire County Council will notify the Developer of the date of adoption and notify all other interested parties.

### Commuted Sums

In terms of Highway Adoption there will be an expectation that under normal circumstances all Developers will submit designs that meet highway adoption requirements as set out in this HDG. Where adoption is intended to be offered, the Developer will be required to provide commuted sums as described below.

Commuted sums are the financial contributions made by Developers (third parties) to Highway Authorities as compensation for taking on the **future maintenance responsibility of new highways or highway improvements**. The financial contributions are usually, although not exclusively, secured through legal agreements under Section 38 and / or Section 278 of the Highways Act 1980.

The practice of agreeing commuted sums has historically varied by Highway Authority, however Carmarthenshire County Council seeks to clarify the process. This will improve the efficiency of the commuted sums process, ensuring a quality environment with enhanced materials and street design is achieved.

Commuted sums will be required for the future maintenance of highways that fall into the following categories:

- Alterations to the existing highway to form an access to a development;
- New highways constructed;
- Additional features to be adopted that require maintenance over and above that normally expected to access a development;
- The use of approved alternative materials over and above standard highway construction materials; and
- Utilisation of existing highway infrastructure by a proposed development.

When agreeing commuted sums with Carmarthenshire County Council, Developers should follow a process of best practice, as follows:

- Dialogue between Carmarthenshire County Council and the applicant should be established prior to planning approval and at the earliest stage possible;
- Section 38 legal agreements are the preferred method for highways adoption;
- Commuted sums are appropriate for any new works carried out to facilitate new developments as part of a Section 278 agreement. There is no requirement for Carmarthenshire County Council to calculate a 'degree of benefit'; and

- The agreed commuted sum figure should be calculated immediately prior to the development infrastructure becoming adopted, with the figure adjusted periodically throughout design and construction to accommodate any price fluctuations.

For the commuted sums calculation in Carmarthenshire, as a guide Developers should use a period of maintenance of 30 years however this should be discussed and agreed with Carmarthenshire County Council. The following formula should be used to calculate the maintenance obligation:

$$\text{Committed sum} = \sum M_p / (1+D/100)^T$$

Where:  $M_p$  = Estimated periodic maintenance cost  
based on current rates.

$D$  = Periodic Discounted Rate (effective  
annual interest rate)(%)

$T$  = Time period before expenditure will be incurred or  
cyclical period (years)

# Appendices



# Appendix A. Typical Road Network Standards

	Major Access Roads			Minor Access Roads			Shared Surfaces	Shared Private Drives	Employment and Commercial Highways		
Criteria	Street Specification			Street Specification			Street Specification	Street Specification	Street Specification		
	Standard Design	With Cycle lane on a Bus Route	On a Bus Route	Standard Design	Cul-de-Sac	Two Access Points			Distributor Road	Access Road	Cul-de-Sac
Max Number of Dwellings	300			Up to 150	Up to 50	150 - 300	Considered on a case by case basis	5	N/A		
<b>Design Speeds</b>											
Speed Limit	30 mph (at entrance) reducing to 20 mph			20 mph (at entrance)			15 mph	10 mph (at entrance)	30 mph (at entrance) reducing to 20 mph		
Control Speed	20 mph			20 mph (internally)			15mph	10 mph (internally)	20 mph		
<b>Street dimensions and character</b>											
Carriageway Width	5.5 m	10.3 m	7.3 m (standard width)	5.5m	5m	5.5m	Generally, 6.8m but should be subject to swept path analysis	3.2m for single dwelling. 3.5m for shared with passing places as appropriate	7.3 m standard width (3.65 m lanes)		
Footway	2.0m (3.0m if shared with cyclists)	2 m	2 m	Both sides of the carriageway with a minimum 2m width			Shared space	No	2.0m (3.0m shared cycle)		
Cycle way	No	1.5m	Cycles permitted to use bus lane	No			Shared space	No			
Verge	No			No			No	No	No		
Direct vehicular access to properties	Yes			Yes			Yes	Yes	No		
<b>Public Transport</b>											
Bus access	No	Yes	Yes	Should be considered where further development phases are proposed			No	No	Yes	Yes	No
<b>Street design details</b>											
Traffic calming	Preference is given to horizontal deflection and geometric layout measures rather than vertical deflection measures.			Preference is given to horizontal deflection and geometric layout measures rather than vertical deflection measures.			N/A	N/A	Preference is given to horizontal deflection and geometric layout measures rather than vertical deflection measures.		
Vehicle swept path to be accommodated	Refuse Vehicles	Refuse Vehicles and a further requirement to demonstrate that a Bus and Standard Vehicle can pass each other along the route	Refuse Vehicles and a further requirement to demonstrate that a Bus and Standard Vehicle can pass each other along the route	Refuse Vehicles  When designed to allow bus access there is a further requirement to demonstrate that a Bus and Standard Vehicle can pass each other along the route			Refuse Vehicle	Standard design vehicle	16.5 HGV	Swept path analysis of a bus and standard design vehicle should be able to pass each other around the route.	
Gradients	10% (1:10) Maximum 1.25% (1:80) Minimum 0.83% (1:120) Minimum with channel blocks			10% (1:10) Maximum 1.25% (1:80) Minimum 0.83% (1:120) Minimum with channel blocks			10% (1:10) Maximum 1.25% (1:80) Minimum 0.83% (1:120) Minimum with channel blocks	10% (1:10) Maximum 1.25% (1:80) Minimum 0.83% (1:120) Minimum with channel blocks	10% (1:10) Maximum 1.25% (1:80) Minimum 0.83% (1:120) Minimum with channel blocks		
Minimum forward visibility	Calculate using SSD distance formula from MFS for appropriate observed speeds			Calculate using SSD distance formula from MFS for appropriate observed speeds			Calculate using SSD distance formula from MFS for appropriate observed speeds	Calculate using SSD distance formula from MFS for appropriate observed speeds	Calculate using SSD distance formula from MFS for appropriate observed speeds		
Junction sightlines (x/y) (onto road)	X distance - 2.4m, Y distance - Calculate using SSD distance formula from MFS for appropriate observed speeds			X distance - 2.4m, Y distance - Calculate using SSD distance formula from MFS for appropriate observed speeds			X distance - 2.4m, Y distance - Calculate using SSD distance formula from MFS for appropriate observed speeds	X distance - 2.4m, Y distance - Calculate using SSD distance formula from MFS for appropriate observed speeds	X distance - 2.4m, Y distance - Calculate using SSD distance formula from MFS for appropriate observed speeds		
Minimum Junction radii	10m			6m (10m with a major access or higher)			Determined by swept path analysis	6 m or 10 m when accessing off a classified highway	15m		
Centreline Radius	25m minimum			20m minimum			Determined by swept path analysis	N/A	25m minimum		

# Appendix B. Carmarthenshire County Council Transport Assessment Thresholds



NB The thresholds specified below are for guidance only. The level of assessment required should be agreed with the County Council.

Land Use	Use Class	Size	Threshold		
			No Assessment (Less Than)	Transport Statement (Between)	Transport Assessment (More Than)
Food Retail	A1	GFA	250 m <sup>2</sup>	250 – 1,000 m <sup>2</sup>	1,000 m <sup>2</sup>
Non-Food Retail	A1	GFA	800 m <sup>2</sup>	800 – 1,000 m <sup>2</sup>	1,000 m <sup>2</sup>
Financial & Professional Services	A2	GFA	1,000 m <sup>2</sup>	1,000 – 2,500 m <sup>2</sup>	2,500 m <sup>2</sup>
Restaurants & Cafés	A3	GFA	300 m <sup>2</sup>	300 – 2,500 m <sup>2</sup>	2,500 m <sup>2</sup>
Drinking Establishments	A4	GFA	300 m <sup>2</sup>	300 – 600 m <sup>2</sup>	600 m <sup>2</sup>
Hot Food Takeaway	A5	GFA	250 m <sup>2</sup>	250 – 500 m <sup>2</sup>	500 m <sup>2</sup>
Business	B1	GFA	1,500 m <sup>2</sup>	1,500 – 2,500 m <sup>2</sup>	2,500 m <sup>2</sup>
General Industry	B2	GFA	2,500 m <sup>2</sup>	2,500 – 5,000 m <sup>2</sup>	5,000 m <sup>2</sup>
Storage & Distribution	B8	GFA	3,000 m <sup>2</sup>	3,000 – 10,000 m <sup>2</sup>	10,000 m <sup>2</sup>
Hotels	C1	Bedrooms	50 bedrooms	50 - 100 bedrooms	100 bedrooms
Residential Institutions	C2	Beds	30 beds	30 - 50 beds	50 beds
Residential	C3	Dwellings	50	50 – 100	100
Non-Residential Institutions – Schools	D1	GFA	-	-	All New Schools
Non-Residential Institutions – Higher/Further Education	D1	GFA	500 m <sup>2</sup>	500 – 2,500 m <sup>2</sup>	2,500 m <sup>2</sup>
Non-Residential Institutions – Conference Facilities	D1	GFA	500 m <sup>2</sup>	500 – 1,000 m <sup>2</sup>	1,000 m <sup>2</sup>
Assembly & Leisure	D2	GFA	500 m <sup>2</sup>	500 – 1,000 m <sup>2</sup>	1,000 m <sup>2</sup>
Stadia	-	Seats	Discuss with Council	Discuss with Council	1,500 seats
Other	-	-	Less than 30 Vehicle Movs/Hour	30 – 60 Vehicle Movs/Hour	60 + Vehicle Movs/Hour

# Appendix C. Wind Farm Best Practice

## Overview

In order to ensure construction of a wind farm can be undertaken successfully and efficiently, effective traffic management is required. Of particular note, wind farm traffic management should consider the impact of construction on the performance of the surrounding highway network, and the impact of abnormal loads on the roads. It is considered therefore that effective traffic management will: improve road safety (all users), reduce environmental risk, promote consultation with local communities and minimise road congestion.

This appendix identifies the fundamental considerations related to constructing wind farms within the boundary of Carmarthenshire County Council (CCC). These fundamental considerations have then been used to identify good practice relating to wind farm traffic management.

## Fundamental Considerations

The following are considered as fundamental considerations for developing effective wind farm traffic management:

- Distributing relevant permits;
- Engaging with key stakeholders;
- Planning appropriate transport routes;
- Providing safe and appropriate site accesses;
- Considering the health and safety of all road users;
- Providing clear and concise signage; and
- Producing a Traffic Management Plan (TMP).

## Effective Traffic Management – Good Practice

### Road Cleaning

Developers should arrange for the regular use of a street sweeper vehicle to clean the public highway surrounding the wind farm. Although wheel-wash facilities are likely to be introduced on-site to clean vehicles, it is expected that some dirt will be transported to the public highway, and therefore arranging a street sweeper to clean the surrounding roads is considered an appropriate measure to ensure a clean project.

### Speed Limits

The designated speed limits on public highways may not always be appropriate for wind farm construction traffic, as the (usually) local rural nature of the surrounding highway are not designed for heavy goods vehicles. Therefore, it may be appropriate to introduce lower speed limits for construction traffic, in order to increase road safety and minimise nuisance to the public. Developers should also consider how this measure is policed with construction staff, with evidence provided to demonstrate the adopted policing method.

Within the wind farm construction site, speed limits should be set at a level appropriate to the on-site risks.

### Information

Developers will need to inform local communities of the proposed works, key delivery dates and timings. There are several potential methods for undertaking this consultation, with the following potential options: door-to-door visits, letter drops, community hub notices, dissemination via community councils, and local newspaper notices. The information provision should be proportional to the works.

A designated point of contact within the site (usually the Site Manager / Community Liaison Officer) will be provided to local communities, so that concerned individuals can raise queries.

### Traffic Flow Management

When planning for wind farm construction, Developers will need to manage traffic flows on the public highway surrounding the site. The typical traffic flows (during both peak and off-peak times), road-

type, and proximity to 'sensitive receptors' (such as local schools) will need to be considered, as well as the time of year (particularly relating to holiday periods), time of day, and typical weather, when developing traffic flow management options.

Developers should minimise disruption and inconvenience to other road users through providing appropriate mitigation. The most appropriate mitigation will need to be determined; however, they could be: traffic signals, stop-go signage, and / or road closures and diversions.

### **Site Access(es)**

When designing site accesses to wind farm construction sights, consideration should be given to providing sufficient visibility for all road users. This could require modification of the existing roadside fabric / vegetation.

Any proposed access to a wind farm construction site will need to be of sufficient width to accommodate the largest abnormal loads that will require access to the site. Any potential entrance control points will also need to be located a sufficient distance from the site access to prevent accessing vehicles from queueing / waiting on the public highway.

### **Vehicle Driving**

A banksman will be required at the site access to advise egressing site vehicles that the public highway is clear. Vehicle drivers will need to be instructed to never expect other road users to stop for them, and to always follow the Highway Code.

### **Dry-Running**

Prior to the delivery of abnormal loads, 'dry-runs' should be undertaken as far in advance as practical / possible. Developers will need to inform the local communities prior to commencement of the 'dry-runs'.

### **Reinstatement**

A pre-condition survey, co-ordinated with CCC (including the South Wales Trunk Road Agent, if relevant), will be required prior to the commencement of works to determine the areas of existing degradation and damage. As part of this, the Developer will need to consider the need for landscaping to mitigate the impact of construction traffic.

During the wind farm construction, the public highway will be maintained by the Developer, including the prompt reinstatement of damaged infrastructure / verges.

### **Traffic Management Plan**

A good and effective TMP will need to address / consider / provide the following:

- School opening and closing times, peak traffic times, and holiday periods, to ensure wind farm construction traffic movements are undertaken during the most appropriate periods;
- Consultation with local communities, which will include advanced notification of abnormal load deliveries;
- Street sweepers to clear the public highway;
- Pre-condition surveys;
- Specific environmental risks; and
- Key contacts, which will include the: Police, Trunk and Local Highway Authorities, key stakeholders, and local school / important institutions on the proposed transport routes.



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## Executive Board 1<sup>st</sup> April 2019

<b>Data Protection Policy</b>		
<b>Recommendations / key decisions required:</b>		
<ul style="list-style-type: none"> <li>To endorse the Data Protection Policy.</li> </ul>		
<b>Reasons:</b>		
<ul style="list-style-type: none"> <li>Comply with a legal requirement set out in the Data Protection Act 2018 to ensure an appropriate Data Protection Policy document is in place, setting out how the Council complies with the data protection principles.</li> </ul>		
Relevant scrutiny committee to be consulted: Policy & Resources Scrutiny Committee TBC		
Exec Board Decision Required	YES	
Council Decision Required	NO	
EXECUTIVE BOARD MEMBER PORTFOLIO HOLDER:- Cllr Mair Stephens		
Directorate: Chief Executive's  Name of Director: Wendy Walters  Report Author: John Tillman	Designations:  Director of Regeneration & Policy  Information Governance & Complaints Manager	Tel Nos.  01267 224112  01267 224127  E Mail Addresses:  <a href="mailto:WSWalters@carmarthenshire.gov.uk">WSWalters@carmarthenshire.gov.uk</a>  <a href="mailto:JWTillman@carmarthenshire.gov.uk">JWTillman@carmarthenshire.gov.uk</a>

**EXECUTIVE SUMMARY**  
**Executive Board**  
**1<sup>st</sup> April 2019**

**Data Protection Policy**

**BRIEF SUMMARY OF PURPOSE OF REPORT**

**Data Protection Policy**

In May 2018, along with the General Data Protection Regulation (GDPR), the new Data Protection Act 2018 (DPA) came into force in the UK, replacing the provisions of the previous Data Protection Act 1998.

The GDPR effectively prohibits the processing of sensitive personal data and criminal convictions data, unless certain conditions can be met.

The DPA includes supplementary provisions which provide exemptions from these restrictions in the GDPR. However, to rely on these provisions, and lawfully process this type of personal information, the DPA notes that the Council must have in place an appropriate policy document which explains:

- How the Council complies with the six data protection principles; and
- The Council's policies for the retention and erasure of personal data processed under these conditions.

The Data Protection Policy addresses these additional requirements.

*(Please note that the term 'Processor' used on page 7 of the Policy document refers to external organisations and companies that provide services to the Council, which involves the processing personal data on our behalf. Examples would include cloud hosting of personal data, or migrating information from a database to a new system).*

**DETAILED REPORT ATTACHED?**

**YES**

**1. Data Protection Policy**



## IMPLICATIONS

I confirm that other than those implications which have been agreed with the appropriate Directors / Heads of Service and are referred to in detail below, there are no other implications associated with this report :

Signed: Wendy Walters, Director of Regeneration & Policy

Policy, Crime & Disorder and Equalities	Legal	Finance	ICT	Risk Management Issues	Staffing Implications	Physical Assets
<b>YES</b>	<b>YES</b>	<b>NONE</b>	<b>NONE</b>	<b>YES</b>	<b>YES</b>	<b>NONE</b>

### 1. Policy, Crime & Disorder and Equalities

This Policy will be implemented and supported by other Council policies, including:

- Information Security Policy
- Handling Personal Information Policy & Procedure
- Portable Device Usage Policy
- Breach Reporting & Response Policy
- Email Usage & Monitoring Policy
- Records Management Policy

### 2. Legal

As a result of changes to Data Protection legislation in 2018, it has been necessary to implement a new Data Protection Policy. There would be potential legal implications if the policy was not approved and implemented.

### 5. Risk Management Issues

Data Protection - GDPR prohibits the Council from processing personal data unless we are able to identify an appropriate legal basis for that processing. Failure to adhere to these requirements could lead to enforcement action by the Information Commissioner's Office.

### 6. Staffing Implications

- Temporary employees and agency workers
- Volunteers
- Contractors acting as data processors

# CONSULTATIONS

I confirm that the appropriate consultations have taken in place and the outcomes are as detailed below

Signed: Wendy Walters, Director of Regeneration & Policy

## 1. Scrutiny Committee

Policy & Resources Scrutiny Committee

## 2. Local Member(s)

Not applicable

## 3. Community / Town Council

Not applicable

## 4. Relevant Partners

Not applicable

## 5. Staff Side Representatives and other Organisations

Not applicable

## Section 100D Local Government Act, 1972 – Access to Information

List of Background Papers used in the preparation of this report:

THESE ARE DETAILED BELOW

Title of Document	File Ref No.	Locations that the papers are available for public inspection
Official Journal of the European Union - General Data Protection Regulation	2016/679	EU website
Information Commissioner's Office – Guide to the General Data Protection Regulation	N/A	ICO website
Data Protection Act 2018 (C.12)	N/A	Legislation.gov.uk website
Information Commissioner's Office – An Introduction to the Data Protection Bill	N/A	ICO website
Information Commissioner's Office – formal response to enquiry from the Council regarding the content of an appropriate policy document (29/06/18)	ENQ0752332	Council File Plan on request
Local Government Act 1972	N/A	Legislation.gov.uk website
Local Government (Wales) Act 1994	N/A	Legislation.gov.uk website
The Lord Chancellor's Code of Practice issued under Section 46 of the Freedom of Information Act 2000	N/A	Legislation.gov.uk website
National Archives guidance on the Lord Chancellor's Code of Practice	N/A	National Archives website

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# Carmarthenshire County Council

## Data Protection Policy



**EICH CYNGOR arleinamdani**  
[www.sirgar.llyw.cymru](http://www.sirgar.llyw.cymru)

**YOUR COUNCIL doitonline**  
[www.carmarthenshire.gov.wales](http://www.carmarthenshire.gov.wales)

# Information Governance

## Data Protection Policy

### Contents

1. Data Protection legislation and personal data
2. Special category personal data
3. The supplementary requirements of the Data Protection Act 2018
4. Purpose of this Policy and its scope
5. How we comply with the principles
6. Retention and erasure of personal data
7. Ensuring equality of treatment

## **1. Data Protection legislation and personal data**

**1.1** The Council collects and uses personal data relating to our customers, clients, employees and residents within the County in order to provide its wide range of services. In doing so, the Council is committed to complying with the requirements of Data Protection legislation across all of its services. For the purposes of this Policy, this legislation is comprised of:

- The General Data Protection Regulation (GDPR)
- The Data Protection Act 2018 (DPA)

**1.2** Personal data is defined as any information relating to an identifiable person who can be identified directly or indirectly by referring to an 'identifier'. In practice, a wide range of identifiers or items of information will constitute personal data, including names, addresses, unique reference numbers, online identifiers and even narrative about a person.

**1.3** The GDPR sets out six principles relating to the processing of personal data. These are:

- Personal data must be processed lawfully, fairly and transparently
- Personal data must be collected for specified, explicit and legitimate purposes, and other uses must be compatible with these purposes
- Personal data must be adequate, relevant and limited to what is necessary in relation to the purposes for which it is used
- Personal information must be kept accurate and where necessary, up to date
- Personal data must not be kept for longer than is actually necessary
- Personal data must be processed in a secure manner, including protection against unauthorised or unlawful use of personal data and against its accidental loss, destruction or damage, using appropriate technical and organisational measures

**1.4** The Council is committed to complying with the legislation by applying these principles across all its services.

**1.5** The GDPR also prohibits the Council from processing personal data unless we are able to identify an appropriate legal basis for that processing.

**1.6** In the main, the processing of personal data carried out by the Council is carried out on the following lawful bases:

- It is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the Council; or
- To comply with our legal obligations.

## **2. Special category personal data**

**2.1** The GDPR also requires us to meet special conditions for processing special category personal data and criminal convictions data. The GDPR prohibits the processing of this kind of data unless the special conditions can be met.

**2.2** The special categories are personal data about:

- Racial or ethnic origin
- Political opinions
- Religious or philosophical beliefs

- Trade union membership
- Genetic data
- Biometric data
- Health
- Sex life or sexual orientation

**2.3** The special conditions which allow processing of special category personal data include:

- Article 9(2)(b) – for employment, social security and social protection purposes
- Article 9(2)(g) – for substantial public interest purposes
- Article 9(2)(h) – for health and social care purposes
- Article 9(2)(i) – for public health purposes
- Article 9(2)(j) – for archiving, research and statistics purposes
- Article 10 also requires that the processing of criminal convictions data is prohibited unless it is carried out under the control of official authority or if it is authorised by UK law

**2.4** The GDPR allows the United Kingdom and member states of the European Union to supplement these provisions regarding the processing of special category and criminal conviction data, and these are found in the DPA.

### **3. The supplementary requirements of the Data Protection Act 2018**

**3.1** Section 10 and Schedule 1 of the DPA set out the exceptions from the prohibitions in the GDPR relating to processing the special categories of personal data and criminal convictions data.

**3.2** Along with other conditions in Schedule 1, Part 1 of the DPA, the Council relies on the following in relation to the processing special category personal data:

- Employment, social security and social protection - processing necessary for the purposes of performing of exercising obligations or rights of the Council or the data subject under employment law, social security law or the law relating to social protection.

**3.3** The Council also processes special category personal data under the following conditions in Schedule 1, Part 2 of the DPA, on grounds of substantial public interest:

- Statutory and government purposes
- Equality of opportunity or treatment
- Preventing or detecting unlawful acts
- Preventing fraud
- Counselling, advice or support services
- Insurance purposes
- Occupational pensions
- Elected representatives responding to requests
- Disclosure to elected representatives

**3.4** Criminal convictions data is defined as information about criminal allegations, proceedings or convictions.



- 3.5 Along with other conditions in Schedule 1, Part 3 of the DPA, the Council also extends the statutory and government purposes condition found in Part 2 to process criminal convictions data.
- 3.6 In order to extend this condition to process criminal convictions data, the Council must meet the substantial public interest test.
- 3.7 The Council considers this test is met on the following grounds:

**In all the circumstances of each processing activity, the public interest in the processing of the criminal conviction data substantially outweighs the public interest in preserving the privacy of the data subject.**

**This is clearly the case where data subjects themselves derive benefits from the processing of the data and where the processing is necessary and proportionate in order to protect the general public, including children and vulnerable adults.**

**The Council keeps records of all services which process criminal conviction data and in each case, we document the public interest factors relied upon to outweigh privacy issues.**

## **4. Purpose of this Policy and its scope**

- 4.1 To apply any of the conditions referred to under sections 3 and 4 of this Policy, the Council must have in place an appropriate policy document which explains:
- How we comply with the six data protection principles set out in the GDPR; and
  - Our policies for the retention and erasure of personal data processed under these conditions.
- 4.2 This purpose of this Policy is therefore to comply with these specific legal requirements in relation to the processing of special category personal data and criminal convictions data by the Council. However, the measures and actions taken to comply with the principles apply equally to all personal data held by the Council.
- 4.3 This policy applies to all employees of the Council, including:
- Temporary employees and agency workers
  - Volunteers
  - Contractors acting as data processors
- 4.4 It is also recommended that the principles of this policy be adopted and applied by all Elected Members and Local Education Authority schools.

## **5. How we comply with the principles**

### **5.1 First data protection principle – lawfulness, fairness and transparency**

- Privacy notices are in place for all services which process personal data, including special category and criminal convictions data. These notices make clear that special category and criminal convictions data are being processed and set out the lawful basis for processing of this personal data.
- These privacy notices are published prominently on the Council website, are provided to the public when personal data is collected from them and are referred to in other communications:

<https://www.carmarthenshire.gov.wales/home/council-democracy/data-protection/privacy-notices/>

- Our privacy notices are regularly reviewed each service in consultation with the Data Protection Officer and updated to ensure that they accurately document each processing activity.

### **5.2 Second data protection principle – purpose limitation**

- Our privacy notices and records of processing activities clearly set out the purposes for which the personal data is processed and identify the lawful basis for the processing. These are regularly reviewed each service in consultation with the Data Protection Officer.
- Training for Managers and Information Asset Owners specifies the need to only use personal data for specified and limited purposes and the Data Protection Officer is consulted where a new purpose is considered.

### **5.3 Third data protection principle – data minimisation**

- Managers and Information Asset Owners are subject to a training programme which specifies their obligation to only process the personal data which is required for their specific business function.
- Periodic reviews of the personal data held in individual business units are undertaken and data which is no longer needed is deleted, in accordance with the Council's Retention Guidelines.
- Compliance with this principle will be subject to Internal Audit review.

### **5.4 Fourth data protection principle – accuracy**

- Where appropriate, Council services have in place review mechanisms to check that personal data remains accurate and up to date.
- Individuals are informed of their right to rectification and we carefully consider any requests received to exercise this right. We keep records of such requests from individuals.

- Managers and Information Asset Owners are subject to a training programme which specifies their obligation to regularly review, update and correct personal data.
- Compliance with this principle will be subject to Internal Audit review.

### **5.5 Fifth data protection principle – storage limitation**

- The Council has in place a Records Management Policy which requires that detailed Retention Guidelines are in place covering all its services, including those that process special category and criminal convictions data. These are based on legal requirements to retain personal data for specific periods as well as the identified need of each business unit.
- The Council will utilise software which will automatically apply a retention period to personal data upon its creation, in accordance with the Retention Guidelines, and which will subsequently delete or review the personal data that has reached its retention period.
- Other systems and databases are regularly reviewed and personal data is deleted where it has passed its retention period.

### **5.6 Sixth data protection principle – integrity and confidentiality (security)**

#### **Organisational measures**

- The Council has in place clear policies and procedures which require that staff keep personal data secure and provide information on how to do so:
  - Information Security Policy
  - Handling Personal Information Policy & Procedure
  - Portable Device Usage Policy
  - Breach Reporting & Response Policy
- These are regularly reviewed, actively communicated to employees and made available for reference in prominent locations on the Council's intranet site.
- The Council has in place a training programme, comprised of e-learning and classroom based sessions, which places an emphasis on data security.
- All personal data is processed in buildings protected from public access by swipe card entry systems.
- Personal data processed in paper format is kept in lockable storage within these areas.
- Processors used by the Council are required to implement appropriate organisational measures.

#### **Technical measures**

- Data is stored in secure data centres. Controls are in place to prevent unauthorised access to buildings and only authorised personnel may access these data centres. Any contractors permitted access are supervised.

- A perimeter firewall controls connections between the Council's internal network and the internet. It is used to restrict bi-directional communications to only what is required, to prevent unauthorised access from the internet and to prevent unauthorised outbound transfer of data.
- Where it is a requirement under the above policies to do so, personal data sent to external parties is encrypted. Only authorised solutions are used.
- Access rights to data is managed on a per user basis and permissions to data sources are granted only when there is a requirement. Access is revoked when the requirement expires.
- Servers and applications are kept up to date to prevent the exploitation of known vulnerabilities that could have a negative impact on the confidentiality, integrity and availability of data. There is also anti-malware software running on all endpoint devices and at the internet gateway.
- The network is penetration tested regularly to identify and subsequently remediate any vulnerabilities to ensure the protection of data.
- A multi-layered approach to security is in place to provide a resilient defence against cyber-attacks and protection for the data we hold.
- All core systems are backed up to prevent loss of data and for recovery in the event of a disaster.

## **6. Retention and erasure of personal data**

- 6.1** The Council manages its data in accordance with its published Retention Guidelines. These are published on the Council's website and intranet site and set out how long specific records are to be kept before they are destroyed or deleted.
- 6.2** Where not specified, special category and criminal conviction data are included within other record types.
- 6.3** Erasure or destruction of personal data is carried out in accordance with our Records Management Policy.

## **7. Ensuring equality of treatment**

- 7.1** This policy must be applied consistently to all irrespective of race, colour, nationality, ethnic or national origins, language, disability, religion or belief, age, sex, gender identity, sexual orientation, parental, marital or civil partnership status.

If you require this document in an alternative format please contact the Information Governance & Complaints Manager on 01267 224127 or email [dataprotection@carmarthenshire.gov.uk](mailto:dataprotection@carmarthenshire.gov.uk)

Policy approved by the Executive Board on: ....., 2018

Policy review date: .....

Policy written by: John Tillman

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## Executive Board 01.04.19

<b>Records Management Policy</b>	
<b>Recommendations / key decisions required:</b>	
<ul style="list-style-type: none"> <li>To endorse the Records Management Policy.</li> </ul>	
<b>Reasons:</b>	
<ul style="list-style-type: none"> <li>To ensure that the Council has a clear policy in place around the management of its records, taking into account legal requirements, ISO and National Archives standards.</li> </ul>	
Relevant scrutiny committee to be consulted: Policy & Resources Scrutiny Committee TBC	
Exec Board Decision Required	YES
Council Decision Required	NO

EXECUTIVE BOARD MEMBER PORTFOLIO HOLDER:- Cllr Mair Stephens		
Directorate: Chief Executive's	Designations:	Tel Nos.
Name of Head of Service: Wendy Walters	Director of Regeneration & Policy	01267 224112  01267 224127
Report Author: John Tillman	Information Governance & Complaints Manager	E Mail Addresses:  <a href="mailto:WSWalters@carmarthenshire.gov.uk">WSWalters@carmarthenshire.gov.uk</a>  <a href="mailto:JWTillman@carmarthenshire.gov.uk">JWTillman@carmarthenshire.gov.uk</a>

**EXECUTIVE SUMMARY**  
**Executive Board**  
**1<sup>st</sup> April 2019**

**Records Management Policy**

**BRIEF SUMMARY OF PURPOSE OF REPORT**

**Records Management Policy**

There is a need to have a clear and robust policy in place around the management of the Council's records, to meet legal requirements and standards. This Policy sets out the roles and responsibilities for managing records, in any format, and stored in any media within the Council.

It aims to ensure that all Council employees understand what they must do to protect and manage records effectively, efficiently and economically.

**DETAILED REPORT ATTACHED?**

**YES**

**Records Management Policy**



## IMPLICATIONS

I confirm that other than those implications which have been agreed with the appropriate Directors / Heads of Service and are referred to in detail below, there are no other implications associated with this report :

Signed: Wendy Walters, Director of Regeneration & Policy

Policy, Crime & Disorder and Equalities	Legal	Finance	ICT	Risk Management Issues	Staffing Implications	Physical Assets
<b>YES</b>	<b>YES</b>	<b>NONE</b>	<b>NONE</b>	<b>YES</b>	<b>YES</b>	<b>NONE</b>

### 1. Policy, Crime & Disorder and Equalities

This Policy will be implemented and supported by other Council policies, including:

- Data Protection Policy
- Information Security Policy
- Handling Personal Information Policy & Procedure
- Portable Device Usage Policy
- Breach Reporting & Response Policy
- Email Usage & Monitoring Policy

### 2. Legal

The Records Management Policy is intended to provide a framework for the management of records reflecting legal requirements as a result of changes to Data Protection legislation in 2018.

### 5. Risk Management Issues

Inappropriate disposal of personal data could lead to enforcement action, including a significant financial penalty being imposed on the Council and disciplinary action taken against the employees responsible.

### 6. Staffing implications

This policy applies to all employees of the Council, including:

- Temporary employees and agency workers
- Volunteers
- Contractors acting as data processors

# CONSULTATIONS

I confirm that the appropriate consultations have taken in place and the outcomes are as detailed below

Signed: Wendy Walters, Director of Regeneration & Policy

## 1. Scrutiny Committee

Policy & Resources Scrutiny Committee

## 2. Local Member(s)

Not applicable

## 3. Community / Town Council

Not applicable

## 4. Relevant Partners

Not applicable

## 5. Staff Side Representatives and other Organisations

Not applicable

## Section 100D Local Government Act, 1972 – Access to Information

List of Background Papers used in the preparation of this report:

THESE ARE DETAILED BELOW

Title of Document	File Ref No.	Locations that the papers are available for public inspection
Official Journal of the European Union - General Data Protection Regulation	2016/679	EU website
Information Commissioner's Office – Guide to the General Data Protection Regulation	N/A	ICO website
Data Protection Act 2018 (C.12)	N/A	Legislation.gov.uk website
Information Commissioner's Office – An Introduction to the Data Protection Bill	N/A	ICO website
Information Commissioner's Office – formal response to enquiry from the Council regarding the content of an appropriate policy document (29/06/18)	ENQ0752332	Council File Plan on request
Local Government Act 1972	N/A	Legislation.gov.uk website
Local Government (Wales) Act 1994	N/A	Legislation.gov.uk website
The Lord Chancellor's Code of Practice issued under Section 46 of the Freedom of Information Act 2000	N/A	Legislation.gov.uk website
National Archives guidance on the Lord Chancellor's Code of Practice	N/A	National Archives website

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# Carmarthenshire County Council Records Management Policy



**EICH CYNGOR arleinamdani**  
[www.sirgar.llyw.cymru](http://www.sirgar.llyw.cymru)

**YOUR COUNCIL doitonline**  
[www.carmarthenshire.gov.wales](http://www.carmarthenshire.gov.wales)

# Records Management Policy

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## 1. Introduction

**1.1** Carmarthenshire County Council (the Council), in common with all local authorities, creates and receives records. Having accurate and relevant information is vital to the efficient management of the Council and the delivery of our services.

**1.2** We also need to balance our statutory obligations and our desire to be open and transparent (for example providing information under the Freedom of Information Act 2000) with our legal duty to keep personal data confidential, and process it in accordance with relevant legislation.

**1.3** There is a range of legislation relating to Records Management, the three main provisions being:

- Section 224 of the Local Government Act 1972 – requiring that proper arrangements be made with respect to any documents which belong to or are in the custody of the Council or any of our officers.
- Section 60 of the Local Government (Wales) Act 1994 – this requires a Councils to make and maintain schemes for the care, preservation and management of their records.
- The Lord Chancellor’s Code of Practice issued under Section 46 of the Freedom of Information Act 2000 – this provides guidance to public authorities in connection with the keeping, management and destruction of their records, including the need to have a Records Management Policy in place.

**1.4** In addition, the majority of records created and managed by the Council contain or are wholly comprised of personal data and therefore fall within the scope of the Data Protection legislation, which is:

- The General Data Protection Regulation (GDPR)
- The Data Protection Act 2018

**1.5** This policy is based on the international standard for Records Management ISO15489 and is supported by The National Archives’ standards. It also takes into account the Section 46 Code of Practice and the requirements of Data Protection legislation in order to ensure that the Council complies with its obligations in this regard.

## 2. Policy statements

**2.1** The Council values its records and the information contained within them as corporate assets.

**2.2** We will create and manage all records efficiently, make them accessible when needed, but protect and store them securely and dispose of them safely at the appropriate time.

**2.3** Compliance will be monitored by the Records Management Unit (RMU) with the aid of data analysis software that will identify records due for disposal. The RMU also manages paper records in the same manner.

**2.4** We will produce and maintain detailed Retention Guidelines to assist with Records Management.

**2.5** The Council will make sure that our employees have access to Records Management and Data Protection training to ensure that they manage records properly, including provision of induction training to new employees.

**2.6** The Council owns all records created and used by employees, in any format, when carrying out its functions.

**2.7** Unless an external source of a record keeps legal ownership (for example records seized as evidence during an enquiry) records received are also owned by the Council.

**2.8** Any records produced or received by the Council which are not in the public domain and which contain information on identifiable individuals will always be treated as strictly confidential.

**2.9** We will review this policy regularly to ensure that it continues to be relevant and up to date.

### **3. Purpose and scope**

**3.1** This policy sets out the roles and responsibilities for managing records, in any format, and stored in any media within the Council.

**3.2** It aims to ensure that all Council employees understand what they must do to protect and manage records effectively, efficiently and economically.

**3.3** The policy and the standards that go with it apply to all permanent and temporary employees, contractors and volunteers who have access to the Council's records, wherever these records are and whatever format they are in.

### **4. Definition of terms - records**

**4.1** The term 'record' is defined as:

*'information created, received and maintained as evidence and/or information by an organisation or person, in pursuance of legal obligations or in the transaction of business'.*

**4.2** We can also further define four distinct categories of records:



- Current – records needed to efficiently and effectively conduct current business;
- Semi-current – records not needed to support current business, but which need to be retained for defined periods for operational, regulatory or legal reasons. These records are often referred to as ‘Modern Records’;
- Archival – records retained permanently because of their value as evidence. The Council operates a public archive service for such records;
- Redundant – records which are no longer required and which are not archival. Redundant records should be destroyed.

## 5. Definition of terms - personal data

**5.1** ‘Personal data’ is defined in the GDPR as any information relating to an identifiable person who can be identified directly or indirectly by referring to an ‘identifier’. In practice, a wide range of identifiers will constitute personal data, including names, addresses, unique reference numbers, online identifiers and narrative about a person.

**5.2** The actions or operations we perform on personal data, including collection, recording, use, storage and destruction are referred to collectively as processing.

**5.3** The GDPR also defines special categories of sensitive personal data, which are also processed by the Council as part of our records. The special categories are personal data about:

- Racial or ethnic origin
- Political opinions
- Religious or philosophical beliefs
- Trade union membership
- Genetic data
- Biometric data
- Health
- Sex life or sexual orientation

**5.4** Criminal convictions data is specified as a separate category in the GDPR and is defined as information about criminal allegations, proceedings or convictions.

**5.5** The Council must process all of the personal data contained in its records in accordance with the principles set out in the GDPR. These require that personal data must be:

- Processed lawfully, fairly and transparently
- Used for specified, explicit and legitimate purposes
- Adequate, relevant and limited to what is needed
- Accurate and up to date
- Kept for no longer than necessary
- Secure

## 6. The need to manage records

**6.1** Maintaining efficient records management practices will help us meet our statutory obligations and business responsibilities under our Corporate Strategy (2018-2023).

**6.2** In any format, records must be protected. Records must also be accurate, ordered, complete, useful, up to date and accessible whenever they are needed, in order to:

- Help us carry out our business, discharge our functions and deliver our services;
- Make sure we comply with relevant legislation, including but not limited to Data Protection legislation and the Freedom of Information Act 2000;
- Help us all make informed decisions;
- Keep track of policy changes;
- Ensure that legal precedents are identified;
- Support continuity and consistency in management and administration;
- Protect the rights of employees, regulated entities and the general public;
- Provide an audit trail to meet business, regulatory and legal requirements;
- Increase efficiency and cost-effectiveness by ensuring that records are disposed of when no longer needed. This enables more effective use of resources, for example space within office premises and IT systems;
- Make sure that we work effectively as a regulator and prosecuting authority and meet our lawful obligations for disclosing evidence.

## 7. Roles and responsibilities

### 7.1 Executive responsibility

The Senior Information Risk Owner has overall executive responsibility for our Records Management Policy, and for supporting its application throughout the organisation.

### 7.2 Records Management Unit (RMU)

The RMU is a corporate service responsible for managing all records efficiently, making them accessible when needed, but protecting and storing them securely and disposing of them safely at the appropriate time in line with our Retention Schedules.

- Policy – the RMU is responsible for making sure that the Records Management Policy and associated Retention Guidelines are kept up to date and are relevant to the needs and obligations of the organisation;
- Advice and guidance - the RMU is responsible for giving records-management advice and guidance to employees;

- ‘Orphan’ records - the RMU is responsible for seeking decisions about the management of records for which there is no clear business unit responsibility, for example records for entities that are no longer run by the Council;
- Modern Records - The RMU is responsible for managing the authority’s Modern Records (semi current paper records).
- Preservation – the RMU is responsible for identifying records of historical value for permanent preservation.

### 7.3 Managers

Managers are responsible for ensuring their employees are aware of the requirements of this policy and their responsibilities for managing records.

Managers at all levels are responsible for:

- Developing and operating records management procedures within their services/business units, covering both electronic and hard copy records, that are efficient and fit for purpose and comply with this policy;
- Communicating these local records management procedures to their employees;
- Ensuring that appropriate resources exist within their business unit or service area for fulfilling the responsibilities for managing records;
- Quality assurance of records management processes and procedures;
- Ensuring that employees follow policies and procedures for the management and storage of electronic records;
- Co-ordinating responses to retention reviews on behalf of Heads of Service and informing the RMU of changes to retention periods as a result of service related legislation or changes in the business need of the service;
- Ensuring that records are accurate and up to date;
- Ensuring the appropriate disposition of records.

### 7.4 Project records

Records about projects, which involve two or more Council departments are the responsibility of the designated project manager. Project managers are responsible for:

- Identifying project related records and liaising with relevant local contacts to ensure that the records are managed efficiently and comply with this policy;
- Ensuring that there are appropriate resources within the project for fulfilling the responsibilities for managing records;
- Quality assurance of records management processes and procedures within the project;
- Ensuring the appropriate disposition of project records.

### 7.5 Employees

All employees who create or receive records are responsible for following the records management procedures that apply within their business unit.

## **8. Storing and handling records**

**8.1** Records that continue to be useful and relevant, whether in paper or electronic format, need appropriate storage and handling to preserve them for as long as they are needed.

**8.2** Storage of records must be in accordance with the following Council policies and guidance:

- Handling Personal Information Policy & Procedure
- Information Security Policy
- Email Usage & Monitoring Policy
- Council File Plan Governance Guidance
- Council File Plan - File and Folder Security Guidance
- Naming Convention Guidance

**8.3** Paper records deposited with the RMU will be stored in locked strong rooms where temperature and relative humidity is monitored and electronic records' format will be monitored to ensure that they can still be read for the duration of their retention period.

**8.4** Electronic records identified for long term or permanent preservation will be stored within Archivemata a specialist archival collections management system.

## **9. Access to and security of records**

**9.1** The Council's Information Security Policy and Handling Personal Information Policy & Procedure address access to and security of records and are available for employees to view on the intranet.

**9.2** All employees must complete an e-learning module on Data Protection.

## **10. Business continuity**

**10.1** With regard to records held in electronic formats, the Council's ICT division has produced a Disaster Recovery and Business Continuity Plan which ensures business continuity in the event of one or both data centres being impacted for an extended period of time. This plan is regularly reviewed and updated.

**10.2** The RMU has produced and implemented an Emergency Plan for the paper records deposited with the unit.

**10.3** Each business unit that relies on paper records to deliver its functions in whole or part should apply the principles of the Emergency Plan to its premises and records.

## 11. Disposition of records

11.1 Disposition is the process of deciding whether to keep, move or destroy records.

11.2 Within the Council, the following disposition actions may be considered:

- Permanent physical disposal of hard copy records and deletion of electronic records;
- Retention for a further period within the business unit;
- Transfer to an appropriate storage area;
- Transfer to the RMU (in the case of hard copy semi-current records);
- Transfer to a storage area managed for the Council by an external provider where appropriate contractual arrangements have been entered into;
- Transfer of records to the County Archives, if the records are selected for permanent preservation;
- Transfer to another organisation that has assumed responsibility for the business activity through restructuring, transfer or privatisation;
- Transfer of responsibility for management to an appropriate authority while physical storage of the record is kept by the creating organisation.

## 12. Retention Guidelines

12.1 As a requirement of this policy, the Council has put in place Retention Guidelines which are available on the intranet and Council website and set out how long each record type should be kept.

12.2 They include, where applicable, the justification for these periods.

12.3 The Retention Guidelines are regularly reviewed and updated to reflect changes in legislation, service delivery and so forth.

12.4 Once records have met their required retention period and are identified for destruction, they must be permanently destroyed or deleted from storage media.

12.5 The requirement to destroy or delete records does not apply where they are subject to an active 'Embargo/Legal Hold'. An Embargo/Legal Hold is a written directive that requires the suspension of the destruction of records even if the applicable retention periods have expired. An example would be where records identified in the embargo are subject to potential or active litigation, or a government inquiry.

12.6 In the event that the Retention Guidelines do not specifically refer to the type of record considered for disposition, the RMU should be consulted.

## 13. Permanent destruction or deletion of redundant records

13.1 Before disposing of records in any format, the following steps must be taken:

- The Retention Guidelines must be consulted in order to confirm that the specified retention period has passed. When calculating this, employees should refer to the last month and year in the date range. If the records are only identified by year, employees should confirm whether it relates to a calendar year or financial year;
- It must be confirmed that all known audits, investigations or litigation are completed or resolved;
- The type of destruction/disposition required must be determined and a record kept containing a brief description of the records to be disposed of and the date of disposal;
- A form for recording disposal details is made available on the intranet. The RMU will keep completed forms permanently.

**13.2** The GDPR requires that appropriate measures be taken to guard against unauthorised or unlawful use of personal information and against its accidental loss. It is therefore a legal requirement that records containing personal data are disposed of safely.

**13.3** It is therefore essential that any paper records which contain personal data (as well as otherwise confidential information) are either shredded or destroyed via a confidential waste service.

**13.4** It should be noted that inappropriate disposal of personal data could lead to enforcement action, including a significant financial penalty being imposed on the Council and disciplinary action taken against the employees responsible.

**13.5** When using the confidential waste service to dispose of records containing personal data or otherwise confidential information, the following steps must always be taken:

- Confidential waste sacks containing personal or confidential information must be stored securely until they are collected. Storage should be in a locked room where available – sacks should not be kept within offices as this introduces the risk of them being picked up in error and disposed of incorrectly;
- Alternatively, lockable bins can be obtained from the company providing the service;
- Under no circumstances should filled confidential waste sacks be stored in areas accessible to the public or unauthorised persons, such as in corridors;
- The provider of the confidential waste service must be asked to contact a responsible officer shortly in advance of their arrival on the day of collection to enable the sacks to be moved to a designated collection point.
- The collection point must be within secure premises and not accessible to the public;
- Following collection, a certificate should be obtained from the service provider recording their receipt.

## 14. Ensuring equality of treatment

14.1 This policy must be applied consistently to all irrespective of race, colour, nationality, ethnic or national origins, language, disability, religion or belief, age, sex, gender identity, sexual orientation, parental, marital or civil partnership status.

To obtain this policy in another format or for further information and advice regarding records management, please contact the Records Management Unit on 01267 224183 or email [RecordsManagement@sirgar.gov.uk](mailto:RecordsManagement@sirgar.gov.uk)

Policy approved by the Executive Board on: ....., 2018

Policy review date: 2021

Policy written by: Nia N Thomas

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## EXECUTIVE BOARD 1<sup>st</sup> April 2019

**Subject: Community Council LED Lighting Proposal**

**Purpose:**

To seek agreement to take forward a Community Lighting Project.

**Recommendations / key decisions required:**

To confirm that the project should proceed.

**Reasons:**

To ensure future continuity of lighting in local communities, the project would be funded by Town and Community Councils and support environmental aims.

Relevant scrutiny committee to be consulted	No
Exec Board Decision Required	Yes
Council Decision Required	No

**EXECUTIVE BOARD MEMBER PORTFOLIO HOLDER:- Cllr. Hazel Evans (Environment) / Cllr. Peter Hughes-Griffiths (Culture, Sport and Tourism)**

**Directorate:** Environment

**Name of Head of Service:**  
Stephen G Pilliner

**Report Author:**  
Richard Waters

**Designations:**  
Head of Highways & Transport

Highways & Transportation  
Services Manager

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**EXECUTIVE SUMMARY**  
**EXECUTIVE BOARD**  
**1<sup>st</sup> April 2019**

**Community Council LED Lighting Proposal**

**1. BRIEF SUMMARY OF PURPOSE OF REPORT.**

There are in the order of 20 000 street lighting units along our highways within Carmarthenshire which are owned and maintained by the Public Lighting Team within the Environment Directorate. There are a further 4900 community lights in Town Council and Community Council areas which are owned by the respective Councils. These community lights are maintained under agreement by the Public Lighting Team and the Town and Community Councils are charged annually for energy consumption and maintenance.

The Public Lighting Team have been working to upgrade our street lighting units from sodium lamp units to LED lighting units. This conversion programme has been introduced to provide efficiencies and is on track to deliver with the final phase (Year 3) of the works scheduled for completion in the current 2018/19 financial year. The LED lighting is more energy efficient and provides improved performance with a 'whiter' light. It is also anticipated to require less future maintenance.

Of the 4900 Community lighting stock there are 4357 lighting units which predominantly still have sodium lamps that are noticeable by their 'yellow' light. Whilst a percentage of the lights are low pressure lamps and some are on part-night lighting or dimming patterns which save energy, they still lack the energy efficiency of the LED units. When outages are reported the lamps are currently replaced on a like for like basis.

There is one supplier of sodium lamps, namely Phillips, who have given notice that they will stop taking orders for low pressure sodium lamps after July 2019. Sodium lamps therefore have a finite life and Community Councils will need to replace all 4357 lamps in the coming years.

Carmarthenshire County Council is in a position to lead a project for this based on our experience of our own street lighting replacement programme. This will contribute towards being a more energy efficient County, it will improve the quality of community lighting and assist Town and Community Councils in an otherwise difficult situation. The project will also supplement Public Lighting staff workloads.

Subject to participation by Town and Community Councils the total cost of the project is forecast to be up to £741k. Funding up to a ceiling of £600k is available from the Salix fund on an invest to save basis. The balance can be funded from reserves with a payback from the Town and Community Councils for the full £741k over an eight year period. During this period savings will be generated from reduced energy consumption. There are additional savings from reduced maintenance although these have not been factored into the payback period in accordance with Salix funding rules.

Each community light is unique in terms of the internal gearing mechanism and lamp unit and lights are also subject to differing part-night lighting or dimming patterns. The Public Lighting

Team hold information on each lighting unit and cost the energy and maintenance of each of the 4900 lamps owned by the respective Town and Community Council. Some Community Councils own as few as 1 lamp, such as Llansawel, whereas others, like Carmarthen Town Council can own as many as 500 lamps.

### Proposed Way Forward

Community Councils regard public lighting as a high value facility where it is provided and previous approaches to reduce provision have been rejected by the Town and Community Councils. Should the Community Councils wish to retain the current level of public lighting there is considerable benefit for the Councils to work collaboratively with the County Council to have a single renewal programme. The County Council is able to secure economies of scale, provide a coordinated programme and secure access to external funding via the Salix fund.

It is therefore proposed that the County Council act as budget holder to roll forward the programme with an agreement from the Town and Community Councils that they would pay back the costs over an 8 year timeframe raised from their own precepts. Payback would commence in April 2020 which accords with Salix requirements.

### Finance

Previous experience indicates that the cost through a County Council managed project of replacing the lanterns with dimming LED units will be up to £170 per unit. This compares very favourably to the option of Community Councils having the lanterns changed outside the project which is estimated to cost approximately £250 per unit but could be higher depending on location and traffic management requirements. If all 4357 lighting units are to be changed then the total project cost would be in the order of £741k.

Based on a payback of £21.26 per unit per year the repayment is calculated in the table below:

Opening balance	Payback period	Amount repaid	Closing balance
£741 000	1 <sup>st</sup> Year. 04/2020 to 04/2021	4357 x £21.26 = £92 630	£648 371
£648 371	2 <sup>nd</sup> Year 04/2021 to 04/2022	4357 x £21.26 = £92 629	£555 742
£555 741	3 <sup>rd</sup> year 04/2022 to 04/2023	4357 x £21.26 = £92 629	£463 113
£463 113	4 <sup>th</sup> year 04/2023 to 04/2024	4357 x £21.26 = £92 629	£370 484
£370 484	5 <sup>th</sup> year 04/2024 to 04/2025	4357 x £21.26 = £92 629	£277 855
£277 855	6 <sup>th</sup> year 04/2025 to 04/2026	4357 x £21.26 = £92 629	£185 226
£185 226	7 <sup>th</sup> year 04/2026 to 04/2027	4357 x £21.26 = £92 629	£ 92 597
£92 597	8 <sup>th</sup> year 04/2027 to 04/2028	4357 x £21.26 = £92 629	£ -32

No interest is charged on either the Salix funding or County Council funding.

The County Council currently charges Town and Community Councils an average of £38 per lamp as a fixed annual cost to cover maintenance and management of their lighting stocks. This includes electrical testing, Night Time Patrols, fault finding, energy procurement, ensuring that the inventory is up to date for accurate energy usage, holding stocks, general administration and management etc.

In converting community lights to dimming LED units Town and Community Councils are calculated to save an annual average of £14.73 /unit based on a future energy cost of

16.56294p/KWH but this figure will vary depending on the specific lamp details and the night lighting regime and could range from £5.21 to £18.80. Communities with part-night lighting will save less energy.

### **Engagement**

It is proposed to write to each of the Town and Community Councils to outline the aims of the project and to invite participation. At this stage the likely take-up of the offer is unknown but the costings outlined above cover full take-up. Some Town and Community Councils may wish to review whether all of the community lights they have are still necessary but previous exercises along these lines have not resulted in any particular reduction in lighting stocks.

### **Legal**

Agreements with the respective Town and Community Councils will be put in place prior to the works being undertaken and repayments schedules will be included within the agreement.

### **Consequences for Non-Participating Councils**

In the event that some Councils do not wish to participate in the project our Public Lighting Team will continue with the current energy charging and maintenance regime but after July 2019 we will be unable to replace failed lamps. These lighting units do not have a highway function.

### **Timescales**

With the agreement of the respective Councils it is anticipated that the LED conversion works would be completed within the 2019 / 2020 financial year. Repayments will then commence from April 2020 for a period of 8 years.

### **Conclusion**

Sodium lighting units are an outdated technology which has been superseded by more energy efficient LED units and replacement sodium lamps will not be available in the future. The proposed project involves a scheduled replacement programme offering considerable economies of scale and should reduce lantern replacement costs down from £250, if lanterns are replaced on an ad hoc basis when they fail, to around £170 achievable through a scheduled replacement.

The improved energy efficiency of LED units will help fund this and £600k of the projected £741k cost is available through the energy 'invest to save' Salix fund. The County Council will fund the remaining £141K through reserves with Town and Community Councils paying back the capital over an eight year period.

### **Recommendation**

The approval is given for the project to be taken forward

<b>DETAILED REPORT ATTACHED?</b>	<b>NO</b>
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## **IMPLICATIONS**

I confirm that other than those implications which have been agreed with the appropriate Directors / Heads of Service and are referred to in detail below, there are no other implications associated with this report :

Signed: S G Pilliner

Head of Highways and Transport

Policy, Crime & Disorder and Equalities	Legal	Finance	ICT	Risk Management Issues	Staffing Implications	Physical Assets
<b>YES</b>	<b>YES</b>	<b>YES</b>	<b>NONE</b>	<b>YES</b>	<b>NONE</b>	<b>YES</b>

### 1. Policy, Crime and Disorder and Equalities

Town and Community Councils who do not wish to participate in the project will have to consider in due course the impact of failed community lighting units. This will be raised with the respective Councils during the engagement process.

### 2. Legal

Agreements will need to be put in place with all participating Town and Community Councils.

### 3. Finance

A provisional booking of £600k has been made with the SALIX fund and £141k will be required from County Council reserves, assuming all Town and Community Councils wish to participate. These costs are based on estimated replacement costs and full participation but the project can be scaled accordingly.

### 5. Risk Management Issues

The main risk associated with the project is the non-participation by Town and Community Councils. This does not in itself present a risk to the project which can be scaled down accordingly.

### 7. Physical Assets

The physical assets involved are owned by Town and Community Councils and not the County Council.

## CONSULTATIONS

I confirm that the appropriate consultations have taken in place and the outcomes are as detailed below

Signed: S G Pilliner

Head of Highways and Transport

### 1. Scrutiny Committee

N/A

### 2. Local Member(s)

N/A

### 3. Community / Town Council

To be undertaken at the initial stage of the project.

### 4. Relevant Partners

Welsh Government for Salix funding.

### 5. Staff Side Representatives and other Organisations

N/A

### Section 100D Local Government Act, 1972 – Access to Information List of Background Papers used in the preparation of this report:

THERE ARE NONE

Title of Document	File Ref No.	Locations that the papers are available for public inspection
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## EXECUTIVE BOARD

1<sup>ST</sup> APRIL, 2019

**Subject - Ombudsman's Annual Letter 17/18 Carmarthenshire County Council**

**Purpose: To receive the Public Services Ombudsman for Wales Annual Letter for 2017-18**

**Recommendations / key decisions required:** To receive the Public Services Ombudsman for Wales Annual Letter for 2017-18

Reasons: Each year the Public Services Ombudsman for Wales (**PSOW**) provides to each local authority a letter in the form of a factsheet with accompanying data. It is provided to assist in reviewing performance.

Relevant scrutiny committee to be consulted

NA

Exec Board Decision Required YES

Council Decision Required NO

EXECUTIVE BOARD MEMBER PORTFOLIO HOLDER:- Councillor Emlyn Dole

Directorate

Chief Executive's

Name of Head of Service:  
Linda Rees Jones

Designations: Head of  
Administration and Law

Tel Nos. 224694

Report Author: Nigel J Evans

E Mail Addresses:

**EXECUTIVE SUMMARY  
EXECUTIVE BOARD  
1<sup>ST</sup> APRIL 2019**

**Ombudsman’s Annual Letter 17/18 Carmarthenshire County Council**

1. Annually, the PSOW provides to each Local Authority a letter in the form of a factsheet with accompanying data. It is provided to assist in reviewing performance.

2. The Letter is attached to this summary. Some of the selected headlines for 17/18 are as follows:

- There has been a 10% decline in complaints against Councils;
- The number of complaints against Carmarthenshire decreased by 43% from 44 to 25;
- To provide some context the PSOW has included within his data average adjusted figures, (adjusted for population distribution). These figures can be compared with the actual performance figures – see Tables A and C;
- Outcomes compare favourably with average adjusted outcomes – see Table C;
- There was only 4% of Carmarthenshire’s complaints which required PSOW’s intervention (early resolutions, settlements and reports) - see Table D;
- Carmarthenshire had two reports issued but they were not upheld decisions. It had no public interest reports;
- In relation to Code of Conduct the PSOW expressed concern about the number of complaints he received against members of Pembrey and Burry Port Town Council.

3. Of the two reports that were issued (mentioned above), they related to the areas of Mental Health and Learning Development, and Planning. In regard to the former, the complainant cited dissatisfaction with assessment of needs, not detailing measures following a stage 2 investigation, and poor complaint handling. The complaint was remedied by a settlement of actions agreed with the Ombudsman. In the latter case, the complainant cited dissatisfaction with actions in granting an application, specifically recording of decisions and shortcomings in terms of policies. The Ombudsman was able to discontinue his consideration of the complaint following his investigation.

**DETAILED REPORT ATTACHED ?**

**YES – the PSOW’s Annual Letter 2017/18**



## IMPLICATIONS

I confirm that other than those implications which have been agreed with the appropriate Directors / Heads of Service and are referred to in detail below, there are no other implications associated with this report :

Signed: Linda Rees Jones Head of Administration and Law

Policy, Crime & Disorder & Equalities	Legal	Finance	ICT	Risk Management Issues	Staffing Implications	Physical Assets
<b>NONE</b>	<b>YES</b>	<b>NONE</b>	<b>NONE</b>	<b>NONE</b>	<b>NONE</b>	<b>NONE</b>

**1. Legal** The PSOW's Annual Letter 2017/18 asks that the annual letter be presented in order for performance to be reviewed. The letter in its entirety is attached to this report.

## CONSULTATIONS

I confirm that the appropriate consultations have taken in place and the outcomes are as detailed below

Signed: Linda Rees Jones

Head of Administration and Law

(Please specify the outcomes of consultations undertaken where they arise against the following headings)

**1. Scrutiny Committee**

**N/A**

**2. Local Member(s)**

**N/A**

**3. Community / Town Council**

**N/A**

**4. Relevant Partners**

**N/A**

**5. Staff Side Representatives and other Organisations**

**N/A**

**Section 100D Local Government Act, 1972 – Access to Information**

**List of Background Papers used in the preparation of this report:**

Title of Document	File Ref No.	Locations that the papers are available for public inspection
The PSOW's Annual Letter 2017/18	CCOM-787	<p><a href="http://www.ombudsman.wales/wp-content/uploads/2018/12/Carmarthenshire-ENG-Updated-17-18.pdf">http://www.ombudsman.wales/wp-content/uploads/2018/12/Carmarthenshire-ENG-Updated-17-18.pdf</a></p> <p><a href="http://www.ombwdsmon.cymru/wp-content/uploads/sites/2/2019/01/Carmarthenshire-CYM-Updated-17-18.pdf">http://www.ombwdsmon.cymru/wp-content/uploads/sites/2/2019/01/Carmarthenshire-CYM-Updated-17-18.pdf</a></p>
The PSOW's Annual Report 2017/18	<p><a href="https://www.google.co.uk/url?sa=t&amp;rct=j&amp;q=&amp;esrc=s&amp;source=web&amp;cd=1&amp;cad=rja&amp;uact=8&amp;ved=2ahUKEwjF1aOUgvgAhWjSBUIHS2MB-wQFjAAegQIAxAC&amp;url=http%3A%2F%2Fwww.ombudsmen.wales%2F&amp;usq=AOvVaw22wrtlwrOHv01_nZ0bgO7O">https://www.google.co.uk/url?sa=t&amp;rct=j&amp;q=&amp;esrc=s&amp;source=web&amp;cd=1&amp;cad=rja&amp;uact=8&amp;ved=2ahUKEwjF1aOUgvgAhWjSBUIHS2MB-wQFjAAegQIAxAC&amp;url=http%3A%2F%2Fwww.ombudsmen.wales%2F&amp;usq=AOvVaw22wrtlwrOHv01_nZ0bgO7O</a></p>	<p><a href="http://www.ombudsman.wales/wp-content/uploads/2018/07/PSOW-Annual-Report-and-Accounts-2017-2018.pdf">http://www.ombudsman.wales/wp-content/uploads/2018/07/PSOW-Annual-Report-and-Accounts-2017-2018.pdf</a></p> <p><a href="http://www.ombwdsmon.cymru/wp-content/uploads/sites/2/2018/07/PSOW-Annual-Report-and-Accounts-2017-2018-CYM.pdf">http://www.ombwdsmon.cymru/wp-content/uploads/sites/2/2018/07/PSOW-Annual-Report-and-Accounts-2017-2018-CYM.pdf</a></p>

Our Ref: NB/CW/MA



[Catrin.wallace@ombudsman-wales.org.uk](mailto:Catrin.wallace@ombudsman-wales.org.uk)

[Matthew.aplin@ombudsman-wales.org.uk](mailto:Matthew.aplin@ombudsman-wales.org.uk)

15 October 2018

Councillor Emlyn Dole

Sent by email: [EDole@carmarthenshire.gov.uk](mailto:EDole@carmarthenshire.gov.uk)

### **Annual Letter 2017/18**

Following the recent publication of my Annual Report, I am delighted to provide you with the Annual Letter (2017/18) for **Carmarthenshire County Council**.

Despite a challenging complaints context, I am delighted to be able to report positive progress in the activities of the office over the past year.

Four public interest reports have been published in the past year, but none related to local authorities.

A new Public Services Ombudsman Bill has been introduced to the National Assembly and is currently at the second stage in the legislative process. This means that Members have agreed the general principles of the Bill and a Financial Resolution was agreed on 17 July 2018. This new legislation will help drive up public service standards as it is important that Wales continues to adopt best practices in complaints handling and public service improvement. If the Bill progresses I will be engaging with public bodies in Wales in preparation for the introduction of the new powers within the Bill.

### **Overview of complaints**

Overall the number of complaints and enquiries received by my office has increased by 5% this year, this is attributed to an 8% rise in enquiries.

This year my office saw a 4% decrease in public body complaints. Despite complaints against NHS bodies increasing by 7%, we have seen a 10% reduction in complaints against councils.

After Health, which comprises 41% of all complaints, housing (11%), social services (9%) and planning and building control (8%) remain significant areas of complaint.

The number of Code of Conduct complaints increased by 14% in the past year, this is attributed to a 33% increase in Code of Conduct complaints involving Community Councils. Many of these complaints have arisen following changes in the membership of councils.

42% of Code of Conduct complaints received were with regards to the promotion of equality and respect, 19% were with regards to disclosure and registration of interests and 16% were with regards to integrity.

We are pleased to report that the number of complaints received by the Ombudsman concerning Carmarthenshire has decreased significantly in the past year by 43% from 44 to 25. We are further pleased to see that complaints regarding Planning and Building Control has decreased from 16 to 6.

In relation to Code of Conduct complaints within your area, I am very concerned about the number of complaints I have received against members of Pembrey & Bury Port Town Council which did not warrant investigation. I have offered staff assistance to your Monitoring Officer if she requires it in relation to this matter.

You will find below a factsheet giving a breakdown of complaints data relating to your Local Authority. This year we have included a new set of statistics regarding Ombudsman interventions. These include all cases upheld by my office as well as early resolutions and voluntary settlements.

Please would you present my annual letter to the Cabinet to assist Members in their review of the Council's performance.

This correspondence has been copied to the Chief Executive of the Council and to your Contact Officer within your organisation and would again reiterate the importance of this role. Finally, a copy of all annual letters will be published on my website.

Yours sincerely,

Nick Bennett

Public Services Ombudsman for Wales

CC: Mark James, Chief Executive

Nigel Evans, Contact Officer

## Factsheet

### A. Complaints Received and Investigated with Local Authority average adjusted by population

<b>Local Authority</b>	<b>Complaints Received</b>	<b>Average</b>	<b>Complaints Investigated</b>	<b>Average</b>
Blaenau Gwent County Borough Council	10	17	0	0
Bridgend County Borough Council	40	36	1	1
Caerphilly County Borough Council	40	45	1	1
Cardiff Council	109	90	5	3
Carmarthenshire County Council	25	46	3	1
Ceredigion County Council	35	18	5	1
City and County of Swansea	62	61	1	2
Conwy County Borough Council	36	29	3	1
Denbighshire County Council	20	24	3	1
Flintshire County Council	50	39	6	1
Gwynedd Council	29	31	2	1
Isle of Anglesey County Council	29	17	2	0
Merthyr Tydfil County Borough Council	13	15	2	0
Monmouthshire County Council	16	23	0	1
Neath Port Talbot County Borough Council	35	35	2	1
Newport City Council	37	37	2	1
Pembrokeshire County Council	34	31	0	1
Powys County Council	39	33	3	1
Rhondda Cynon Taf County Borough Council	36	60	0	2
Torfaen County Borough Council	15	23	0	1
Vale of Glamorgan Council	30	32	4	1
Wrexham County Borough Council	41	34	3	1

**B. Complaints Received by Subject**

<b>Carmarthenshire County Council</b>	<b>Complaints Received</b>
Adult Social Services	3
Benefits Administration	1
Children s Social Services	1
Complaints Handling	4
Education	2
Finance and Taxation	1
Housing	2
Planning and Building Control	6
Various Other	5

**C. Comparison of complaint outcomes with average outcomes for Local Authorities, adjusted for population distribution**

<b>County/County Borough Councils</b>	<b>Out of Jurisdiction</b>	<b>Premature</b>	<b>Other cases closed after initial consideration</b>	<b>Early Resolution/Voluntary settlement</b>	<b>Discontinued</b>	<b>Other Report - Not upheld</b>	<b>Other Report Upheld - in whole or in part</b>	<b>Public Interest Report</b>	<b>Total Cases closed</b>
<b>Carmarthenshire</b>	5	11	4	1	1	2			24
<b>Carmarthenshire (adjusted)</b>	8	13	16	6	0	1	1	0	45

#### D. Number of cases with PSOW intervention

	No. of complaints with PSOW intervention	Total number of closed complaints	% of complaints with PSOW interventions
<b>Local Authority</b>			
Blaenau Gwent County Borough Council	3	11	27
Bridgend County Borough Council	5	39	13
Caerphilly County Borough Council	3	39	8
Cardiff Council	37	123	30
Carmarthenshire County Council	1	24	4
Ceredigion County Council	4	35	11
City and County of Swansea	11	62	18
Conwy County Borough Council	4	32	13
Denbighshire County Council	1	15	7
Flintshire County Council	11	47	23
Gwynedd Council	1	26	4
Isle of Anglesey County Council	2	26	8
Merthyr Tydfil County Borough Council	3	13	23
Monmouthshire County Council	1	14	7
Neath Port Talbot County Borough Council	4	31	13
Newport City Council	8	34	24
Pembrokeshire County Council	3	32	9
Powys County Council	6	38	16
Rhondda Cynon Taf County Borough Council	6	36	17
Torfaen County Borough Council	1	16	6
Vale of Glamorgan Council	3	32	9
Wrexham County Borough Council	8	41	20

**E. Code of Conduct Complaints Closed**

<b>County/County Borough Councils</b>	<b>Closed after initial consideration</b>	<b>Discontinued</b>	<b>No evidence of breach</b>	<b>No action necessary</b>	<b>Refer to Standards Committee</b>	<b>Refer to Adjudication Panel</b>	<b>Withdrawn</b>	<b>Total</b>
Carmarthenshire	6							6

**F. Town / Community council Code of Conduct Complaints**

<b>Town/Community Council</b>	<b>Closed after initial consideration</b>	<b>Discontinued</b>	<b>No evidence of breach</b>	<b>No action necessary</b>	<b>Refer to Standards Committee</b>	<b>Refer to Adjudication Panel</b>	<b>Withdrawn</b>	<b>Total</b>
Pembrey & Burry Port TC	14							14
Llanddowror & Llanmiloe CC	2							2
Llanelli Rural Council			1					1



## **Appendix**

### **Explanatory Notes**

Section A compares the number of complaints against the Local Authority which were received and investigated by my office during 2017/18, with the Local Authority average (adjusted for population distribution) during the same period.

Section B provides a breakdown of the number of complaints about the Local Authority which were received by my office during 2017/18. The figures are broken down into subject categories.

Section C compares the complaint outcomes for the Local Authority during 2017/18, with the average outcome (adjusted for population distribution) during the same period.

Section D provides the numbers and percentages of cases received by the PSOW in which an intervention has occurred. This includes all upheld complaints, early resolutions and voluntary settlements.

Section E provides a breakdown of all Code of Conduct complaint outcomes against Councillors during 2017/18.

Section F provides a breakdown of all Code of Conduct complaint outcomes against town or community councils.

### **Feedback**

We welcome your feedback on the enclosed information, including suggestions for any information to be enclosed in future annual summaries. Any feedback or queries should be sent to [catrin.wallace@ombudsman-wales.org.uk](mailto:catrin.wallace@ombudsman-wales.org.uk) or [matthew.aplin@ombudsman-wales.org.uk](mailto:matthew.aplin@ombudsman-wales.org.uk)

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## EXECUTIVE BOARD 1<sup>ST</sup> APRIL 2019

### APPOINTMENT OF LA GOVERNOR

#### Recommendations / key decisions required:

Due to Cllr. Glynog Davies' personal interest as Chairperson of the Governing Body at Brynaman Primary School, that the Executive Board considers the head teacher's nomination to fill a vacancy of LA governor.

#### Reasons:

To meet statutory obligations of filling vacancies on Governing Bodies.

Relevant scrutiny committee to be consulted NO

Exec Board Decision Required YES

Council Decision Required NO

EXECUTIVE BOARD MEMBER PORTFOLIO HOLDER:- Councillor Glynog Davies

Directorate

Education & Children

Name of Head of Service:

Andi Morgan

Report Author:

Tanja Neumayer-James

Designations:

Head of Education Services

Principal School Governance Officer

Tel Nos.

01267 246448

E Mail Addresses:

TNeumayer-James@sirgar.gov.uk

**EXECUTIVE SUMMARY  
EXECUTIVE BOARD  
1<sup>ST</sup> APRIL 2019**

**APPOINTMENT OF LA GOVERNOR**

In accordance with the LA appointment policy for LA Governors, where LA Governor vacancies exist or are due to arise, nominations are invited from the Governing Body Chairperson, the Headteacher and the local elected Member.

Subsequently, all nominations are considered by the Executive Board Member for Education & Children who makes the appointments.

Cllr. Glynog Davies is the local Member and is also the current Chair of Governors at Brynaman School. Therefore, it would not be appropriate for Cllr. Davies to consider this nomination in his role as Executive Board Member.

**DETAILED REPORT ATTACHED?**

**YES**

## IMPLICATIONS

I confirm that other than those implications which have been agreed with the appropriate Directors / Heads of Service and are referred to in detail below, there are no other implications associated with this report :

Signed: **Andi Morgan** **Head of Education Services**

Policy, Crime & Disorder & Equalities	Legal	Finance	ICT	Risk Management Issues	Staffing Implications	Physical Assets
<b>NONE</b>	<b>NONE</b>	<b>NONE</b>	<b>NONE</b>	<b>NONE</b>	<b>NONE</b>	<b>NONE</b>

## CONSULTATIONS

I confirm that the appropriate consultations have taken place and the outcomes are as detailed below

Signed: **Andi Morgan** **Head of Education Services**

**1. Scrutiny Committee**

n/a

**2. Local Member(s)**

Cllr. Glynog Davies, local member and Chair of Governors at Brynaman School, has been consulted and supports the head teacher's nomination.

**3. Community / Town Council**

n/a

**4. Relevant Partners**

n/a

**5. Staff Side Representatives and other Organisations**

n/a

**Section 100D Local Government Act, 1972 – Access to Information**

List of Background Papers used in the preparation of this report:

**THERE ARE NONE**

Title of Document	File Ref No.	Locations that the papers are available for public inspection

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## APPOINTMENT OF LA GOVERNORS

### *List for Consideration*

1<sup>st</sup> April 2019

PRIMARY SCHOOL	NO. OF VACANCIES	NOMINATIONS NAME AND ADDRESS	NOMINATED BY	DETAILS
<b>Please note: CCC's 'The Appointment of LA Governors' states that, 'All County Councillors [when elected] may stipulate on which school governing bodies they will sit and their decision will take preference over 'non-elected' LA governors'.</b>				
Brynaman	1	Mr M Morgans	Mr Lee James, Headteacher	'Former head teacher - countless experiences within education; willing to give advice but also to challenge the school; expertise in relation to additional learning needs.'  Mr James is seeking Mr Morgans' re-appointment.

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