

# **LOCAL DEVELOPMENT ORDER: CARMARTHEN TOWN CENTRE**

## **STATEMENT OF REASONS**

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### **ANNEX**

Notification Procedure

## **1.0 Legislation and policy**

1.1 Local Planning Authorities may issue a Local Development Order (LDO) under section 61 (A, B, C and D) of the Town and Country Planning Act 1990, as inserted by section 40(1) of the Planning and Compulsory Purchase Act 2004 and amended by sections 188 and 238 and Schedule 13 of the Planning Act 2008. This power became effective in Wales on 30 April 2012.

1.2 The Community Infrastructure Levy Regulations 2010 state that permission granted by a LDO will constitute “planning permission” (regulation 5(3)(a)ii). As a consequence, an LDO may obviate the need to submit a planning application for a certain type of development, but it will not prevent a levy from being charged, when appropriate, under any prospective Community Infrastructure Levy (CIL) charging schedule. It should be noted that at the time of writing no CIL charge is in place within Carmarthenshire.

1.3 Welsh Government Circular 003/2012 states that an LDO may not grant planning permission for development that would:

- a) Have a significant effect on a European Site or a European Offshore Marine Site (either alone or in combination with other projects) unless the development is connected to, or necessary for, the management of the site;
- b) Constitute “Schedule 1 development” or “Schedule 2 development” within the Town and Country Planning (Environmental Impact Assessment) Regulations 1999; or
- c) Affect a listed building.

1.4 In relation to point b) above, reference is made to the Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2017. These supersede the 1999 and 2016 Regulations and specifically make provision for Local Development Orders to grant planning permission for Schedule 2 EIA development in certain circumstances. In this respect the Schedule 2 EIA screening thresholds for 'Urban Development Projects' increased from 0.5ha to:

- 1ha if the development does not include housing; or
- The construction of over 150 new houses; or
- An overall development area exceeding 5ha.

1.5 The LDO has been screened under the Environmental Impact Assessment Regulations, and it is considered that an Environmental Statement is not required. A Test of Likely Significant Effect (TLSE) for the purposes of the Habitats Regulations has concluded that the LDO will have no significant effect (alone or in combination) with a European Site or a European Offshore Marine Site. The LDO has also been screened as part of the Equalities Impact Assessment process.

1.6 The LDO does not require its own Sustainability Appraisal – Strategic Environmental Assessment (SA-SEA) because the LDO is deemed to be an elaboration upon the provisions of the Carmarthenshire Local Development Plan 2006 — 2021 (Adopted December 2014). The LDP has already been subject to SA-SEA along with a Plan level Habitats Regulations Assessment.

## **2.0 Overview**

2.1 A Local Planning Authority (LPA) may use a LDO to grant blanket planning permission for non-contentious, though not necessarily minor, forms of “development” / changes in use within a defined spatial area. It is advised that before submitting an application, interested parties liaise with Planning Services to scope out any potential issues and requirements and also confirm “validation” requirements. Reference is also made to the LDO Application Form in this respect.

2.2 The Carmarthen LDO area is shown on the map in Section 13 (as an appendix for Executive Board).

2.3 The LDO grants *conditional* planning permission for specified uses in ground and upper-floor units. It is envisaged that the LDO, in permitting a wide range of compatible uses, will help to increase occupancy levels and footfall in the town centre. The LDO does not grant approval for external works. Proposals cannot commence until a Commencement Notice Approval is issued by the Council, irrespective of whether a Certificate of Conformity has been issued. Listed Buildings are not applicable to the LDO. A Certificate of Conformity will last for 3 years and should the proposal not commence before the end of that period then it will lapse.

2.4 The LDO permits only certain changes of use (as listed in the LDO) within the area identified on the Plan - provided as an appendix for Executive Board).

2.5 In order to protect the living conditions of existing and future residents in the town centre, every applicant must ensure that they satisfy the pertinent provisions within the relevant legislation. For example, building regulations and environmental health & public protection. For reference, a list of key contacts is provided in the LDO.

2.6 At the end of its period, the LDO will be considered a success if two or more of the following changes have occurred in the LDO area:

- Five or more vacant ground-floor units have been issued with Certificates of Conformity (source: Forward Planning);
- Annual footfall has increased within the LDO area (source: Council Regeneration Department footfall counters);
- The number of vacant ground-floor units has decreased within the LDO area (source: Forward Planning);
- Three or more upper floor vacant units have been issued with Certificates of Conformity this includes flats and residential uses – use class C3 - (source: Forward Planning).

### **3.0 Justification for the creation of the Carmarthen Town Centre LDO**

3.1 Where a retail centre is demonstrating signs of decline, national planning policy makes provision for that decline to be managed and/or for action to be taken to regenerate a centre. In such circumstances an LDO may (as part of a collective approach) contribute to local economic development and regeneration, helping make places more attractive and more competitive, helping in incentivising development and reducing vacancy rates. The impact associated with the Covid-19 pandemic and the economic impact is particularly relevant in this regard and there is clear evidence that Carmarthen town centre faces challenges arising from what are unprecedented circumstances. Whilst this may not impact wholly across the wider town centre, there are areas where implications on the retail sector will be more prevalent and raise specific issues in relation to prospective long-term vacancies.

3.2 The Welsh Government in Building Better Places: The Planning System Delivering Resilient and Brighter Futures - Placemaking and the Covid-19 recovery clearly identified the impact of the Covid-19 lockdown on our retail and commercial centres. The impact on footfall in town centre across Wales has witnessed them experiencing declining visitors, except for those people shopping for essential items with the comparison retail sector notably impacted. In this respect during the lock down months supermarkets and convenience retailers became the few shops still trading. All of this was at a time when components of the retail sector and certain town centres were already experiencing difficulties.

3.3 Building Better Places identifies that: "The economic consequences have meant that many retailers are struggling financially, and this will lead to higher vacancy rates in all of our commercial centres. Online competition to our town centre retailers was strong before the crisis; this situation will become more apparent as more retailers increase

their online presence and more people have become used to doing the majority of their non-essential shopping online.”

3.4 There is a recognition that retail and commercial centres are hubs of social and economic activity and that their function extends beyond retail providing a focal point for a diverse range of services and cultural activities/functions. These functions are often equally important in supporting the needs of local communities.

3.5 The WG in recognising the central role of retail and commercial centres state that they “should become places where a variety of retail, employment, commercial, community, leisure, health and public sector uses come together in a hub of activity to make them viable as go-to destinations once more. Flexible, local co-working spaces could also be a crucial new element to increase space to work. Residential uses are also key to the vitality of centres, provided that they do not curtail the commercial activities which take place and soundscapes are considered.” In this respect it is recognised that residential particularly on upper floors provides an added dynamic in creating ‘living’ town centres.

3.6 Indeed, as the challenges to respond to the impact of Covid-19 becomes clear and as town centres reshape themselves, this would suggest that traditional retailing uses will not be as prevalent and the demand for new retail space will lessen for the foreseeable future.

3.7 Consequently, the WG identify that the role of primary retail areas will need to be reviewed in light of Covid-19, and this must be realistic recognising that retail occupiers will not return in the way prior to the pandemic. This will require a review and reassessment of future planning policies.

3.8 Reference is drawn to the ongoing monitoring in relation to the implementation of the Revised LDP in the form of the Annual Monitoring Reports. In this respect specific regard should be had to the Carmarthenshire Town Centre Retail Audit and the recently published 2020 update.

3.9 The Town Centre Retail Audit 2020 update conducted as part of ongoing LDP policy monitoring indicates that within the Retail Core 75.7% of units are occupied as A1 retail (based on retail frontage). However, whilst this is a healthy indication of retail occupancy, it is accompanied by a 12% retail vacancy rate with a further 5.4% in non-retail use (A2 and A3).

3.10 The Retail Frontage, which represents the second-tier categorisation of retail streets reflects the greater flexibility attached to the scale of non-retail units within this area. This demonstrates a greater mix of use types with some 59% occupied by A1 retail with a 11% vacancy rate, and 4.7% vacancy in non-retail (A2 and A3).

3.11 The remainder of the wider town centre designation within the LDP contains a lower proportion of A1 retail (9.7%) with non-retail spread across A2, A3 and other uses with an 8% vacancy rate.

3.12 The total vacancy rate for Carmarthen Town Centre currently sits at 19.5% Primary Retail Frontage, 17.3% Secondary Retail Frontage and 11.9% for the wider town (excluding Frontage and Core). In total the vacancy rate for Carmarthen Town Centre is 15.4% (including core & secondary retail, all use classes)

3.13 When comparing the pre lockdown data with the post lockdown data there has been a clear increase in vacancies in some areas. The primary retail frontage vacancies rate was at 12.3% pre lockdown but is at 19.5% post lockdown representing a 7.2% increase. This is a considerable increase in a relatively short amount of time and reflects the specific challenges within the retail sector.



3.14 The Secondary Retail Frontage vacancy rates have also increased over the lockdown period. Pre-lockdown the vacancy rate was at 11.4% however, post lockdown this has increased to 17.3%. A rise of 5.9%.

3.15 The overall percentage for vacant retail units in Carmarthen pre lockdown was 11%, this has now increased over the lockdown period to 15.4%. This is a clear indicator of the effect COVID has had on Carmarthen's Town Centre. It also highlights the need for appropriate intervention to ensure the town is resilient to any future and ongoing effects of Covid-19 and that it reflects to the changing pattern of activities within Town Centres within Town Centres as mirrored in National Planning policy.

3.16 National Planning Policy reflects that in some circumstances where there has been an over emphasis on A1 uses these may undermine a centre's prospects, with potential consequences such as higher vacancy rates. In such circumstances the role of uses other than A1 (retail) in increasing diversity and reducing vacancy may be considered. This may be achieved through a rationalising of boundaries, allowing appropriate changes of use whilst focusing A1 (retail) uses in a more concentrated area.

3.17 In this context an LDO can facilitate changes of use, alterations, extensions etc, replacing many minor planning applications which are routinely approved. LDOs can be particularly effective when combined with other regeneration proposals to bring about more comprehensive improvements to centres, including as part of environmental and infrastructure enhancements. To this end, the LDO can be seen as part of a wider package of policy interventions in the Town. Reference is also made to the work being undertaken through the town forum.

3.18 Whilst the LDP sets a strong policy direction for retail within a Carmarthenshire, the challenges facing Carmarthen in light of Covid – 19 and in advance of the adoption of the Revised LDP requires specific consideration. The opportunities exist to co-ordinate with

and develop upon the work being undertaken through the town forum and the broader regeneration proposals which are seeking to address matters surrounding the challenges faced by our town centres and its environs, presents an opportune time evaluate options. There is potential to review and develop an effective strategy to promote uses to complement the town centre and out of town retail offer. In this respect it should not be predicated on an abandonment of the town centres overall retail focus, but the consideration of a flexible approach to complement activities which support the centres vitality and viability. The platform for engagement, together with a direct policy intervention, is also confirmed by the establishment of the Carmarthen Business Improvement District (BID).

3.19 For the time being, developers who wish to change the use of a town centre unit must operate within the legislative and policy parameters. This means that most changes of use, no matter how desirable, require planning permission. The practice of allowing a valuable unit to remain empty for up to eight weeks while a planning application is processed is inimical to economic growth particularly within the context of the challenges being faced through Covid-19. By creating a more permissive planning regime in the town centre, the LDO will seek to promote a living town centre environment.

3.20 In scoping and drafting this LDO it was considered necessary to clearly establish its purpose, scope and extent linking into the regeneration and other objectives.

#### **4.0 Lifetime of the LDO**

4.1 The LDO is active for a period of one and half years, or to coincide with the adoption of the Revised LDP from its adoption. This period will however be subject to ongoing review and may be extended or reduced in light of the success or failure of the LDO.

4.2 Development that commences while the LDO is in effect may be completed and/or continued after this period. Once the LDO has expired, however, no new changes of use will be allowed under its terms without conventional planning permission. Towards the end of the life of the LDO, Carmarthenshire County Council will assess the impact of the LDO and decide whether to (i) renew the LDO with no revisions, (ii) renew the LDO with new terms and conditions or (iii) revoke the LDO.

## **5.0 Permitted Uses**

**Please refer to the LDO itself – section 3**

## **6.0 Policy context and expected impact**

6.1 The relevant Development Plan for Carmarthen is the Carmarthenshire LDP. To the extent that development plan policies are material to an application for planning permission, the decision must be taken in accordance with the development plan unless there are material considerations that indicate otherwise (Section 37(6) : Planning and Compulsory Purchase Act 2004).

6.1.1 Given that proposals will be permitted under this LDO without the need for planning permission, it is important to note the LDO's overall linkages and compliance with the LDP. This also confirms that a SA-SEA on the LDO is not required (see paragraph 1.5). This Section reviews the LDO against the 14 LDP Strategic Objectives (SO) and those LDP Strategic Policies (SP) of relevance. There is also commentary provided in relation to relevant Area Wide (AW) policies.

### **LDP - Strategic Objectives**

6.1.2 *SO1: To protect and enhance the diverse character, distinctiveness, safety and vibrancy of the County's communities by ensuring sympathetic, sustainable, and high quality standards of design.*

Expected impact of LDO: The LDO will be consistent with efforts to promote a vibrant, safer and diverse town centre which acts as a catalyst to the wider regeneration of the area.

6.1.3 *SO2: To ensure that the principles of spatial sustainability are upheld by:*

*(a) enabling development in locations which minimise the need to travel and contribute towards sustainable communities and economies and respecting environmental limits, and*

*(b) to wherever possible encourage new development on previously developed land which has been suitably remediated.*

Expected impact of LDO: By concentrating developmental opportunities within the town centre, which is accessible to pedestrians and users of public transport, the LDO will be consistent with efforts to promote sustainable development.

*6.1.4 SO3: To make provision for an appropriate mix of quality homes; access to which will be based around the principles of sustainable socio-economic development and equality of opportunities.*

Expected impact of LDO: By providing opportunities for upper floor conversion to residential, the LDO will be consistent with efforts to provide a range and mix of homes across the area as well as promoting vibrant and living town centres.

*6.1.5 SO4: To ensure that the natural, built and historic environment is safeguarded and enhanced, and that habitats and species are protected.*

Expected impact of LDO: The LDO does not permit any building operations; therefore, it will have no impact on the appearance of the built environment or the natural environment. Anyone wishing to make alterations to a listed building would still require the relevant consent.

*6.1.6 SO5: To make a significant contribution towards tackling the cause and adapting to the effect of climate change by promoting the efficient use and safeguarding of resources.*

Expected impact of LDO: By focusing commercial uses in the town centre, which is accessible to pedestrians and users of public transport, the LDO will be consistent with efforts to promote sustainable development. It will promote the appropriate use and/or re use of existing buildings (including but not exclusively vacant buildings).

6.1.7 SO6: *To assist in widening and promoting education and skills training opportunities for all.*

Expected impact of LDO: A more permissive planning regime in the town centre may provide opportunities for additional facilities.

6.1.8 SO7: *To assist in protecting and enhancing the Welsh Language and the County's unique cultural identity, assets and social fabric.*

Expected impact of LDO: A more permissive planning regime in the town centre may well generate additional opportunities and facilities for promoting the County's special characteristics.

6.1.9 SO8: *To assist with widening and promoting opportunities to access community, leisure and recreational facilities as well as the countryside.*

Expected impact of LDO: A more permissive planning regime in the town centre may well generate additional opportunities and facilities.

6.1.10 SO9: *To ensure that the principles of equal opportunities and social inclusion are upheld by promoting access to a high quality and diverse mix of public services, healthcare, shops, leisure facilities and work opportunities.*

Expected impact of LDO: The LDO is designed to encourage a mix of appropriate and complementary town centre uses. This would seek to encourage social and/or physical inclusion.

6.1.11 SO10: *To contribute to the delivery of an integrated and sustainable transport system that is accessible to all.*

Expected impact of LDO: By concentrating developmental opportunities within the town centre, which is accessible to pedestrians and users of public transport, the LDO will be consistent with efforts to promote sustainable development.

6.1.12 SO11: *To encourage investment & innovation (both rural and urban) by:*

*(a) making an adequate provision of land to meet identified need; and,*

*(b) making provision for the business and employment developmental needs of indigenous /new employers, particularly in terms of hard & soft infrastructural requirements (including telecommunications/ICT); and,*

*(c) making provision for the infrastructural requirements associated with the delivery of new homes particularly in terms of hard & soft infrastructural requirements (including foul and surface water); and,*

*(d) adhering to the principles of sustainable development and social inclusion in terms of the location of new development.*

Expected impact of LDO: The LDO is designed to encourage a mix of appropriate and complementary town centre uses. It is considered that a more permissive planning regime will provide opportunities to increase employment opportunities.

6.1.13 SO12: *To promote and develop sustainable & high quality all year-round tourism related initiatives.*

Expected impact of LDO: The LDO is designed to encourage a mix of appropriate and complementary town centre uses. It is considered that a more permissive planning regime will provide opportunities to increase visitor economy related opportunities.



6.1.14 SO13: *To assist with the development and management of safe and vibrant places & spaces across the County.*

Expected impact of LDO: The LDO will be consistent with efforts to promote a vibrant, safer and diverse living town centre which acts as a catalyst to the wider regeneration of the area.

6.1.15 SO14: *To assist with the delivery and management of mixed & sustainable communities by:*

*(a) promoting safe, vibrant and socially interactive places; and,*

*(b) promoting the utilisation of local services and produce whenever possible.*

Expected impact of LDO: The LDO will be consistent with efforts to promote a vibrant, safer and diverse living town centre which acts as a catalyst to the wider regeneration of the area.

## **LDP – Selected/Relevant Strategic Policies**

6.1.16 SP1: *Sustainable Places and Spaces*

Expected impact of LDO: The LDO will be consistent with efforts to promote a vibrant, safer and diverse town centre which acts as a catalyst to the wider regeneration of the area. By concentrating upon town centre appropriate uses, which are accessible to pedestrians and users of public transport, the LDO will be consistent with efforts to promote sustainable development.

6.1.17 SP2: *Climate Change*

Expected impact of LDO: The LDO will promote the re use of existing buildings (including but not exclusively vacant buildings). In relation to flood risk, the LDO area is not impacted

upon by Flood Zones C1 or C2 as identified on the Development Advice Map Zone C2. No Highly Vulnerable Development is permitted on the ground floors by the LDO.

#### 6.1.18 SP3: Sustainable Distribution- Settlement Framework

Expected impact of LDO: The local and regional importance of Carmarthen within the LDP is recognised given its classification as a Growth Area. The LDO will be consistent with this classification in seeking to facilitate a vibrant town centre.

#### 6.1.19 SP5: Housing

Expected impact of LDO: By providing opportunities for upper floor conversion to residential, the LDO will be consistent with efforts to provide a range and mix of homes across the area. The LDO will not create any new buildings, but it will encourage appropriate conversions in the town centre, thus contributing to the housing supply.

#### 6.1.20 SP6: Affordable Housing

Expected impact of LDO: By providing opportunities for upper floor conversion to residential, the LDO will be consistent with efforts to provide a range and mix of homes across the area, including affordable housing.

#### 6.1.21 SP8: Retail

Expected impact of LDO: The LDO will be consistent with the aim of protecting and enhancing the role of Carmarthen as a principal centre. It is hoped that a more permissive planning regime will help ensure its continued attractiveness as a destination with a strong retail offer.

#### 6.1.22 SP9: *Transportation*

Expected impact of LDO: By concentrating commercial uses in the town centre, which is accessible to pedestrians and users of public transport, the LDO will be consistent with efforts to promote sustainable development.

#### 6.1.23 SP13: *Protection and Enhancement of the Built and Historic Environment*

Expected impact of LDO: The LDO does not permit any building operations; therefore, it will have no impact on the appearance of the built environment. Anyone wishing to make alterations to a listed building would still require the relevant consent.

#### 6.1.24 SP14: *Protection and Enhancement of the Natural Environment*

Expected impact of LDO: The LDO does not permit any building operations; therefore, it will have no impact. In relation to the Habitats Regulations, the LDO has been subject to Test of Likely Significant Effect.

#### 6.1.25 SP15: *Tourism and the Visitor Economy*

Expected impact of LDO: The LDO will be consistent with the aim of protecting and enhancing the role of Carmarthen in the tourism hierarchy. It is hoped that a more permissive planning regime will help provide opportunities in relation to the visitor economy.

#### 6.1.26 SP16: *Community Facilities*

Expected impact of LDO: A more permissive planning regime in the town centre may provide opportunities as part of a living town centre environment.

#### 6.1.27 SP17: Infrastructure

Expected impact of LDO: The LDO does not permit any building operations; therefore, it will have no impact. In relation to supply and treatment of water, the LDO is accompanied by appropriate evidence.

### **LDP –Relevant Area Wide Policies**

#### 6.1.28 GP1: Sustainability and High-Quality Design

Expected impact of LDO: The LDO does not permit any building operations; therefore, it will have no impact on the appearance of the built environment. A more permissive planning regime can however assist in countering instances of vacant units and dead spaces with a view to enabling a more vibrant street scene with active frontages.

#### 6.1.29 GP3: Planning Obligations

Expected impact of LDO: Permitted uses will not be required to make financial contributions through current planning obligation provisions. Developments may however make a voluntary contribution as appropriate. However, any future implementation of a CIL charging regime may result in a requirement for contributions to be sought.

#### 6.1.30 GP4: Infrastructure and New Development

Expected impact of LDO: The LDO does not permit any building operations; therefore, it will have no impact. In relation to supply and treatment of water, the LDO is accompanied by appropriate evidence.

#### 6.1.31 RT1: Retailing Hierarchy

Expected impact of LDO: The LDO will be consistent with the aim of protecting and enhancing the role of Carmarthen as a principal centre. It is recognised within this

statement of reasons and as supported by evidence that Carmarthen Town Centre currently exhibits signs of decline as a result of Covid-19. It is considered at this point that the Town Centre requires specific consideration and policy intervention to address this decline and to meet the Welsh Government response in relation to the future of town centres. It is hoped that a more permissive planning regime will help ensure its continued attractiveness as a destination with a strong retail offer.

#### 6.1.32 RT2: Principal Centres (Growth Areas): Primary Retail Frontage

Expected impact of LDO: The policy is intended to resist any further over-concentration of non-retail (non A1) uses in the Primary Retail Frontages. The Primary Retail Frontage confirms that the principle function should be retail. The policy also states that proposals involving the change of use and / or re-development of a ground floor frontage to residential are not considered compatible with a 'town centre' location. Reference is however made to Section 3 of this Statement of Reasons (Policy Justification). Furthermore, paragraph 6.4.3 of the LDP written statement states that: *"Whilst shopping will be expected to continue as the principal activity in town centres, it is only one of the factors which contribute to their wellbeing. It is evident that retail policies cannot be divorced from the broader functions of the larger towns as centres for other services and facilities, including food and drink establishments (cafes, restaurants, public houses, etc.) and commercial leisure developments. A diversity of uses in town centres assists in promoting their continued viability and, particularly with regard to leisure uses, contributes to the vitality of a successful evening economy"*. This is particularly pertinent in respect of Carmarthen Town Centre with the challenges currently being exhibited. Paragraph 6.4.19 of the LDP written statement outlines that: *"As part of the monitoring and review process, the Council will undertake an annual survey of uses within the identified town centres including the Primary Retail Frontages. The survey will not only look at the nature of occupants but also the levels of vacancy which may occur. The survey together with*

*future updates of the retail study will inform policy updates and supplementary guidance emerging from any changes in town centre conditions.”* In this respect, the 2020 Carmarthenshire Town Centre Audit highlights the challenges in relation to vacancy etc particularly in relation to the September 2020 update, being exhibited within certain parts of the Town Centre. The introduction of the LDO will mean that the potential conflict between the LPA and a proponent of non-A1 use within Carmarthen Town Centre will be removed, subject to the proposal meeting the requirements of the LDO. It should be noted that the LDO does not permit changes of use of ground floor units to residential. It is also recognised that the designation of the LDO reflects the emphasis within Planning Policy Wales on the future of town centres.

#### 6.1.33 RT3: Principal Centres (Growth Areas): Secondary Retail Frontage

Expected impact of LDO: Whilst the policy recognises the importance of a strong retail element and seeks to control the extent of non-retail uses to protect the general retail character of central streets and maintain continuity of shopping frontages, it does also acknowledge the contribution that a complementary retail, leisure and business offer can make in increasing the overall attractiveness of the town centre. The introduction of the LDO will mean that the requirement to provide a policy justification and/or challenging the LPA’s position within the planning application process will not be required as the process would be streamlined and simplified.

#### 6.1.34 RT4: Principal Centres (Growth Areas): Town Centre Zone

Expected impact of LDO: The policy creates opportunities for the introduction of beneficial economic commercial uses to properties which may otherwise become rundown or vacant. It permits the change of use or redevelopment of shops to other appropriate town centre uses within these areas. In this regard, it demonstrates synergy to the objectives

of the LDO within the context of Carmarthen Town Centre. It should be noted that the LDO does not impact upon those areas covered by this policy.

6.1.35 EP1: Water Quality and Resources, EP2: Pollution and EP3: Sustainable Drainage

6.1.35.1 Expected impact of LDO: The LDO does not permit any building operations; therefore, it will have no impact. In relation to supply and treatment of water, the LDO is supported by appropriate evidence

6.1.35.2 In relation to surface water, those units within the LDO Area are already linked to the sewer/surface water system.

6.1.35.3 Reference should be made to the Procedural Notification process which will ensure that relevant parties (e.g. Natural Resources Wales and Dwr Cymru Welsh Water) are informed of certificates of conformity issued.

## **7.0 Conditions**

**Please refer to the LDO itself – section 4**



**8.0 Notes**

**Refer to the LDO itself – section 5**

## **9.0 Compliance**

**Refer to the LDO itself – section 6.**

## **10.0 Results and monitoring**

10.1 In addition to reviewing applications for Certificates of Conformity, Carmarthenshire County Council will monitor vacancy levels in ground-floor units and footfall. The findings of such research will be presented in annual monitoring reports as part of the statutory LDP Monitoring Process. Consideration is also being given to introducing a periodic monitoring regime within the Town Centre.

## **11.0 Planning contributions/Community Infrastructure Levy**

11.1 In order to alleviate the impact of development on local services and facilities, Community Infrastructure Levy and/or voluntary contributions may be sought in accordance with current Council procedures.

## **12.0 Risk Assessment**

12.1 The below sets out some of the key issues that are considered to be worthy of review:

- Democratic control and the role of Elected Members and the Community;
- Officer workload, particularly in terms of monitoring and compliance;
- How would bodies that are ordinarily be notified/consulted through the planning application process be engaged?;
- Loss of Planning application fees;
- Planning Obligations;
- Legal and Financial matters arising from any future LDO revocation;
- Residential amenity;
- The integrity of the historic environment;
- Parking;
- Regulatory matters;
- Flood Risk.

12.2 It is considered that the LDO may ultimately reduce workload in development management, cutting out routine work within the defined LDO area. Furthermore, in relation to monitoring, there are established mechanisms available and a data capture system has been set up by the Data Management Officer within Planning Services.

12.3 A notification system whereby key consultees (e.g. Town/Rural Councils, Dwr Cymru or Natural Resources Wales) are informed of LDO proposals has been established by the Council. This reflects the fact that such bodies would ordinarily be notified/consulted through the planning application process.

12.4 Any LDOs will result in a reduced income from planning applications fees, as developers only need to submit a pre-notification, for which they pay the Council a nominal fee for administrative purposes. It is considered however that the scope and extent of the impact would be potentially minor in income terms (based on the potential number of applications likely to be received). Whilst not quantifiable the impact in income terms will be negated through regeneration benefits within the town centre.

12.5 It should be noted that as part of the democratic reporting process, the Council has been afforded the opportunity to review a range of pertinent considerations, particularly in terms of resource and legal implications.

12.6 An LDO may be revoked or revised at any time by the LPA on its own initiative. The Welsh Government also has reserve powers to direct an LPA to revoke an LDO or prepare a revision of it. Where an LPA revokes an LDO the authority must:-

- Publish on their website a statement that the LDO has been revoked
- Give notice of the revocation by local advertisement. This is a requirement to publish the notice in as many newspapers as necessary to secure that the press coverage (taken as a whole) extends to the whole of the area to which the LDO relates, and
- Give written notice of the revocation to every person whom the authority consulted before the making of the order.

12.7 Section 189 of the Planning Act 2008 amends Sections 107 and 108 of Town and Country Planning Act 1990, which provide for compensation where a development order

or local development order is withdrawn. In summary, where planning permission granted by a LDO is withdrawn, there will be no entitlement to compensation where notice of the withdrawal is published not less than 12 months or more than the prescribed period (24 months) before the withdrawal takes effect.

12.8 If development is started before the notice is published, compensation will be available unless the order in question contains provision permitting the completion of development. The reform may therefore offer LPAs reassurance, through providing additional flexibility when considering the revision or withdrawal of LDO permissions, although the Welsh Government considers that an LPA would only rarely need to do this where the merits and effect of an LDO have been properly considered during its preparation.

12.9 Residential amenity is an important consideration because there are already people residing within the LDO area. There are separate legislative frameworks that seek to can control various threats to residential amenity, including noise and odour.

12.10 In relation to parking, the Town Centre is well served by public transport and pedestrian networks; therefore, it is considered unlikely that the LDO will substantially increase demand for off- and on-street parking. Occupants of new dwellings will not be entitled to parking permits.

12.11 The LDO does not allow developers to display advertisements on, or make external alterations to, any building in the town centre. In order to ensure the continuing protection of the built heritage, development which would affect a listed building is also excluded from the scope of LDOs. In view of this, it is felt that the LDO will preserve the special character and appearance of listed buildings and the Conservation Area.

12.12 In relation to flooding, the LDO area is not impacted upon by C1 or C2 flood zones, consequently there are no impacts in relation to Highly Vulnerable Developments (HVD). HVD includes all residential premises (use classes C1 and C3), public buildings (often use class D1) and, in some cases, leisure-related businesses (use class D2).

12.13 In regulatory terms, the LDO has been screened under the Environmental Impact Assessment Regulations, and it is considered that an Environmental Statement is not required. A Test of Likely Significant Effect (TLSE) for the purposes of the Habitats Regulations has concluded that the LDO will have no significant effect (alone or in combination) with a European Site or a European Offshore Marine Site. The LDO has also been screened as part of the Equalities Impact Assessment process. The LDO does not require its own Sustainability Appraisal – Strategic Environmental Assessment (SA-SEA) because the LDO is deemed to be an elaboration upon the provisions of the Carmarthenshire Local Development Plan 2006 — 2021 (Adopted December 2014). The LDP has already been subject to SA-SEA along with a Plan level Habitats Regulations Assessment.



## **13.0 Plan of the LDO Area**

**As per appendix to this report**

## **14.0 Plan of Listed Buildings and Conservation Area**

**As per appendix to this report**

## **15.0 Development Advice Maps (TANs) – for LDO Area**

**As per appendix to this report**

## Notes

i) The above plan is based on the Development Advice Maps (DAMs) October 2020.

ii) The DAMs are reviewed periodically and therefore may change during the lifetime of the LDO. Reference should be made to Natural Resources Wales' website in this regard.

## **16.0 Key Contacts**

Refer to section 11 of the LDO.

## **ANNEX**

### Notification Procedure

The LDO process is subject to a notification procedure where key stakeholders are advised of applications. This ensures that “mitigation” is built into the LDO process given the strong emphasis on collaboration / engagement and monitoring.

Those notification stakeholders can include:

- Carmarthen Town Council;
- Elected Members for Carmarthen Wards;
- Carmarthen Business Improvement District;
- Natural Resources Wales;
- Dwr Cymru Welsh Water;
- Western Power National grid (plant protection);
- Wales and West Utilities;
- Development Management (Planning) Carmarthenshire County Council;
- Licensing Carmarthenshire County Council;
- Building Regulations Carmarthenshire County Council;
- Environmental Health Carmarthenshire County Council.
- Highways & Planning Liaison Officer – Carmarthenshire County Council.