

**Cyngor Sir Caerfyrddin
Carmarthenshire County Council**

**PWYLLGOR CYNLLUNIO
PLANNING COMMITTEE**

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

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

22/06/2023

**I'W BENDERFYNU
FOR DECISION**

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

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

COMMITTEE:	PLANNING COMMITTEE
DATE:	22.06.2023
REPORT OF:	HEAD OF PLACE AND SUSTAINABILITY

REF.	APPLICATIONS RECOMMENDED FOR APPROVAL
PL/05042	Proposed are a total of 4no Glamping pods with private seating areas to the front of the units, along with a services hut, a parking and turning area and recycling/waste amenities and a secure bike store. The pods are well-spaced throughout the site. Also intended are associated footpaths and landscaping of the site, please refer to the proposed site plan for further details. The glamping pods will be the Glasgwym pod provided by Quality Pods Wales. The plot is situated near the A483, within close proximity to Cilycwm and Llandovery. The proposed glamping site will provide subtle and discreet countryside accommodation for tourists visiting these areas attractions on short breaks and weekend stays and is proposed to be all year-round at Brynllan, Cilycwm, Llandovery, SA20 0SY
PL/05353	Formation of a new combined Pedestrian and Cycle Path between Ysgol Bro Dinefwr, Ffairfach and Nantgaredig, plus associated engineering and landscaping works (Tywi Valley Path - Eastern Phase) at Land along route of former railway line with minor deviations between Nantgaredig and Ffairfach, Llandeilo, Carmarthenshire

REF.	APPLICATIONS RECOMMENDED FOR REFUSAL
PL/05354	Retention of detached dwelling at Pantbach, Heol Treventy, Cross Hands, Llanelli, SA14 6TE
PL/05786	Construction of dwelling for local needs eligibility – policy at Plas Newydd, Llangain, Carmarthen, SA33 5AY

APPLICATIONS RECOMMENDED FOR APPROVAL

Application No	PL/05042
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Application Type	Full planning permission
Proposal	Proposed are a total of 4no Glamping pods with private seating areas to the front of the units, along with a services hut, a parking and turning area and recycling/waste amenities and a secure bike store. The pods are well-spaced throughout the site. Also intended are associated footpaths and landscaping of the site, please refer to the proposed site plan for further details. The glamping pods will be the Glasgwym pod provided by Quality Pods Wales. The plot is situated near the A483, within close proximity to Cilycwm and Llandovery. The proposed glamping site will provide subtle and discreet countryside accommodation for tourists visiting these areas attractions on short breaks and weekend stays and is proposed to be all year-round
Location	Brynllan, Cilycwm, Llandovery, SA20 0SY

Applicant(s)	Daniel Compton
Agent	Glampitect Ltd
Officer	Kevin Phillips
Ward	Cilycwm
Date of validation	14/11/2022

Reason for Committee

This application is being reported to the Planning Committee following the receipt of more than two objection from third parties.

Site

The application site is agricultural land to the south of Brynllan, Cilycwm, approximately 190 metres west of the C2157 road through the village of Cilycwm, Llandovery. The nearest residential property to the application site is Tal-Ebolion which is approximately 65 metres from the nearest proposed holiday unit. The 4 separate holiday units will be located to the Northern section of the fields, near to Brynllan and the car parking area is proposed at the southern section of the site with 6 parking spaces. The application site has semi-mature

trees along each boundary and the access track to the applicant's dwelling at Brynllan. There are footways from the car parking area to each of the 4 holiday units therein. The application site is entered through an existing rough track leading to Brynllan with the Unclassified 2270 road to the South, that links with the C2157 road into the village of Cilycwm.

Proposal

The proposed development is for a total of 4 number Glamping pods with private seating areas to the front of the units, along with a services hut, a parking and turning area and recycling/waste amenities and a secure bike store. The pods are well-spaced throughout the site with associated footpaths to the car parking area and landscaping of the site with existing landscaping provided by semi-mature trees along the boundaries of the site. In addition to the above there will be a small service hut and an area for bike storage and refuse collection.

Planning Site History

E/29305 - Overhead Line - Electricity Approval - 28/1/2014

Planning Policy

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

SP15 – Tourism and the Visitor Economy

TSM1 – Static Caravan and Chalet Sites

TSM2 – Touring Caravan and Tent Sites

TSM3 – Small Scale Tourism Development in the Open Countryside

GP1 – Sustainability and High Quality Design

EP1 – Water Quality and Resources

EQ4 – Biodiversity

EQ6 – Special Landscape Areas

National Planning Policy and Guidance is provided in [Future Wales: The National Plan 2040, Planning Policy Wales \(PPW\) Edition 11](#), February 2021 and associated [Technical Advice Notes](#) (TANs) published by Welsh Government.

Summary of Consultation Responses

Head of Transportation & Highways - The application is supported subject to the application of conditions.

Head of Public Protection - Guidance has been provided on noise assessment and the importation of permeable materials.

Cilycwm Community Council - Object to the proposed development for the following reasons;

Location

The road leading to the Glamping Pods, at Brynllan, Cilycwm is very narrow from the village, there are no street lights and no pavements to assist with the safety of people cycling and walking in the area after dark, especially in the winter months. There would be 4 Glamping pods with 1/2 cars per Pod, which would increase traffic to and from the village leading to the Glamping site. The roads around the village are narrow and speeding has already been highlighted as an issue, extra visitors may well/would increase street parking in the village, which is another concern to residents. The Pods are near residential properties which could well be an issue, with all year round activity being proposed in this application.

Sewerage

With extra dwellings having been built in the area, the sewerage is overflowing into the River Towy and it's tributaries at present, it has already been reported that it has killed off the fish by our local fishermen. Therefore, there is no room for extra toilet facilities in the village, and with 4 Glamping Pods, and 2/3 people per pod staying in this area this would certainly increase the pressure on the Sewerage System, even though this project appears to be using an alternative system, "a package treatment plant".

Phosphate

Whilst farmland is naturally able to absorb phosphorus, some of the land in Wales has now reached a saturation point and is unable to absorb the excessive quantities. Growing populations and increased accommodation and economic development in this community, has resulted in rising levels of phosphorous in our foul waste water, which has created an issue for consideration on any future development in the community. This is causing damage to the rivers and the ecosystems it supports.

Employment

Four Glamping Pods would definitely not increase employment in the village, maybe an odd job now and again but not what you would call a life changing job. The only amenity in the village is our local public house. There is no village store and therefore any monies spent would have a minimal economic benefit to this community and could well be spent outside this village.

Future Developments

The concentration of the development in a small area was a concern, and suggests that this might turn out to be a first phase of a larger development.

Local Member(s) - Councillor Arwel Davies objects to the application for the following reasons;

1. The size and scale of the proposed development is too large for a small village the size of Cilycwm.
2. There are no local amenities as the village pub is closed at present so no financial gain/support to any business nearby.

3. There are no pavements or streetlights from the village to the proposed development site which would put visitors in danger on a narrow and steep section of highway.
4. There are no bus services at Cilycwm Village and the nearest town being 5 to 6 miles away would be too far to walk. Completely car reliant to access the site.
5. Similar businesses are already struggling to fill in vacancies in the area.
6. There is a high volume of similar business for tourism in and around the village that rely on the income.
7. The proposed development is totally out of character with the historic village which has many listed buildings etc.
8. There are major issues regarding phosphates into the river at this location at present, another development of this size/scale would only increase this issue.
9. The light pollution would impact on the village due to the development site towering above the village on a prominent peak that can be seen for miles.

As stated above I object to this planning application and would like to call this in for determination by the planning committee if the planning officer not of the same opinion.

Natural Resources Wales – Following consultation under the Habitats and Species Regulations 2017 (as amended) in relation to the phosphate impacts of the proposed development it is for your Authority, as the Competent Authority, to carry out the Test of Likely Significant Effects and therefore NRW will not be providing any formal comments at this stage.

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

Summary of Public Representations

The application was the subject of notification by way of site notice and 4 representations were received objecting, and the matters raised are summarised as follows:

- The access to the site is unacceptable
- Pedestrians walk the highway daily
- There is no lighting proposed at the site
- The highway fronting the site is hazardous in winter months because of ice
- There is no public bus service from Llandovery to Cilycwm
- The Public House at the village is closed
- The site will be harmful to the attractiveness of the local landscape
- Visitors with dogs will harm the local livestock
- Concern regarding light pollution
- The proposal does not respect the character of the locality
- Planning application PL/05695 at Garreg Fechan, Llanwrda for 2 holiday pods was refused, is raised as a similar proposal
- Concerns are raised in terms of increased noise in the village from the partying and shouting from the development

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

Appraisal

Principle of development

The proposed development is for 4 holiday pods at a location in close proximity to the village of Cilycwm, which is approximately 5.4 kilometres North of the town of Llandovery, and 400 metres from the village centre with the grade 1 listed church, a Chapel, public house, a significant number of Listed buildings and a large recreation area opposite the former primary school which is also listed and is now a dwelling. The site is well screened by trees and hedgerows and blends well into the landscape of the Tywi Valley. The proposal is to add to the tourism offer within the Tywi Valley, which draws much attraction in terms of its scenic and natural beauty. The village is identified as a settlement within the Carmarthenshire Local Development plan with development limits and the application site is well related to the village.

The proposed tourism development falls to be considered against the Carmarthenshire Local Development Plan policy and National Planning policy and it is considered that Policy TSM2 is the most relevant policy, which requires that proposals should be directly related to a recognised settlement in the LDP and it is highlighted that the site lies only a short distance from the settlement of Cilycwm, and therefore it is contended that the proposal satisfies the locational criteria of this policy. In addition, the site will not likely cause amenity issues for third parties and would not cause significant landscape and visual amenity issues locally or in the context of the wider countryside. From the drawings, reports and documents submitted, the structures would be sited in an enclosed, secluded location which benefits from appropriate landscaping that softens the proposal from the wider countryside beyond. In addition, the pod designs appear to be generally low impact, timber construction, so they are unlikely to have a detrimental impact on the wider countryside surrounding this location. On balance, weighed up against national and local planning policies for tourism development, sustainability and nature conservation, the proposal does not raise an objection. Furthermore, taking into account reference to Planning Policy Wales, edition 11 above, it is considered that weighed up against national and local planning policies for tourism development and the benefits to the rural economy, the scheme is looked at favourably.

Impact upon character and appearance of the area/ Landscape and Visual Impact

The site is a field surrounded by semi-mature trees to the north, East and South and there will be tree planting along the West border to the site. The closest public vantage point is the unclassified road approximately 60 metres to the south with the boundary to the site tree lined along the highway and to the east along the track leading to the applicant's dwelling at Brynllan. The site is considered to be very well screened, and the setting of the pods and the parking area is such that there is not considered to be any significant harm to the landscape quality of the area, as confirmed by the Authority's Landscape Officer.

Privacy Impacts

The nearest dwelling to the site is Tal-Ebolion which is approximately 65 metres to the East from the nearest holiday pod. As relayed above the site has trees lined along the track leading to the applicant's dwelling and this in conjunction with the distance and topographical drop to the above-mentioned dwelling will not be considered to result in any significant loss

in privacy to the residents at this dwelling. No objection has been received from the residents at this dwelling.

Biodiversity Impacts

The proposed development removes a small section of trees to allow for access from the southern section of the application site to the Northern section, however the existing boundary trees are proposed to be retained and the western boundary is to be landscaped to enhance the biodiversity of the site.

The Authority's Tree Officer conveys that all the tree reports are satisfactory and if the development goes ahead, the trees should be fenced off, as stated in the tree protection plan.

The Authority's Landscape Officer does not have any adverse observations in relation to the landscape consultation policy remit.

Following detailed consideration of the waste treatment proposal at the site in terms of a replacement treatment plant for the proposed development and replacement of the existing waste treatment plant for the existing residential dwelling at Brynllan, it is considered that the proposal can be screened out under the Habitats Regulations as the proposal is unlikely to have a significant effect on the Tywi SAC condition. The Authority's Planning Ecology section undertook a Test of Likely Significant Effect under the Habitat Regulations, which was forwarded to Natural Resources Wales who do not object to the Competent Authority (Carmarthenshire County Council-Planning Ecology) determining to screen the proposal out. The final response from Planning Ecology is awaited and this will be report to the Planning Committee.

Highway Impacts

The Head of Transport does not object to the proposal and any recommendation to support the proposal is required to be subject to highway related conditions as proposed below. The proposed development is therefore considered to accord with Policy GP 1 and TR 3 of the adopted Carmarthenshire LDP having regard to highway safety.

Other Matters

Civil matters are not a material planning consideration and therefore have not been addressed within the report.

In terms of the public representations received the following comments are provided;

The Head of Transport supports the access and parking provision for the proposed development subject to conditions and therefore there is considered to be no concern with the access, pedestrians walking on the highway which has low traffic levels, and it's use in winter months. There is an objection for the use of lighting and it is considered the lighting proposed as shown on the plans are very low impact and will aid in the evening times when moving around at the site and the number and luminescence of the low level path lighting proposed will not have any external light pollution issues. It is conveyed that the Public House in the village is closed, I do not have any details as to the nature of this closure and the Local Planning Authority has not received any planning application to change this property to any other alternative use and will consider that it remains to be a facility that

serves the community. It has been conveyed in the report that it is considered that the tree and hedgerow screening aids significantly in screening the siting of the holiday pods and car parking area and there is not considered to be any significant harm to the landscape quality and character of the area, as confirmed by the Authority's Landscape Officer response to consultation. Whilst there is no bus service through the village, it is considered that the village is a sustainable service centre with a public house, places of worship and village play area and the site is directly related to this recognised settlement in the LDP. The application raised in relation to Garreg Fechan was refused on the failure to adhere to the farm diversification policy EMP4 of the Carmarthenshire LDP and a previous application was refused and dismissed at Appeal because the site is not directly related to any settlement and is located in a remote rural location. The Authority's Public Protection have been consulted and no objections have been raised and it is considered that the nature of the development, being a small scale site set away from the village and screened by trees, there is not considered to be any concern from unsociable behaviour at the site, and the appropriate management of the site should result in insignificant impact upon local residents. Any issue that arises can be dealt with by Public Protection under their statutory legislation.

In regard to the Local member and Community Council comments raised against the proposal, the following response is provided;

The proposed development is for 4 holiday pods in close proximity to the village of Cilycwm which is very well screen by the existing and proposed trees and hedgerows. It is not considered large and will blend in very well into the landscape. Comments on the public house are provided above as well as the highway safety issues raised and there being no bus service directly through the village. No details are provided in terms of any other similar businesses struggling in the locality and therefore I can only relay that this matter is for the applicant to determine in terms of the business plan and marketing exercise. The site is well set away from any listed buildings and the historic aspects of the village and these historic aspects are considered to be an appeal to the tourism trade. The application has received detailed consideration in terms of the of the waste treatment proposal at the site. There is to be a replacement treatment plant for the proposed development and replacement of the existing waste treatment plant for the existing residential dwelling at Brynllan. It is considered that the proposal can be screened out under the Habitats Regulations as the proposal is unlikely to have a significant effect on the Tywi SAC condition. The Authority's Planning Ecology section undertook an Appropriate Assessment under the Habitat Regulations which is supported by Natural Resources Wales and the final response from Planning Ecology is awaited and this will be report to the Planning Committee. The lighting concerns have also been addressed above.

The above response also comments on the issues raised by the Community Council and further in terms of the sewerage and phosphate concerns the further Planning Ecology response will be reported to the Planning Committee. The issue raised in terms of employment is not considered to be a material planning consideration and it is contested that there will not the generation of economic benefits to the locality. It is considered that this proposal is required to be considered on its merits and not as a perceived launching pad for any further developments at the site/locality.

Planning Obligations

Not Applicable.

Well-being of Future Generations (Wales) Act 2015

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

Conclusion

The Local Member, Community Council and three residents have raised objections to the proposed development, and it is considered that the issues raised to the proposal do not outweigh the policy support for the proposed development. After careful consideration of the scheme as submitted, it is concluded that the proposal is in accordance with the policies of the adopted Local Development Plan and on balance is therefore put forward with a recommendation for approval subject to the following conditions.

RECOMMENDATION - Approval

Conditions & Reasons

Condition 1

The development hereby permitted shall be commenced before the expiration of five years from the date of this permission.

Reason:

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

Condition 2

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

- Location Plan (211213-01-01), received 10 January 2022
- Proposed Site Plan (211213-01-02), received 10 January 2022
- Road and Access Plan (211213-01-06), received 10 January 2022
- Lighting Plan (211213-01-08), received 10 January 2022
- Pod Elevation and Floor Plan (211213-01-05), received 10 January 2022
- Arboricultural Report- ACS Consulting -March 2023, received 9 March 2023
- Arboricultural Layout Plan (ARB/4827/Y/100), received 9 March 2023
- Proposed Revised Drainage Plan (211213-01-04), received 15 March 2023
- Ecoflo Sewage Treatment Plant, received 15 March 2023
- Millenium 6000litre septic tank drawing, received 15 March 2023
- Biodiversity enhancement Proposals, dated February 2023, received 16 February 2023

Reason:

For the avoidance of doubt as to the extent of the permission hereby granted and to secure an acceptable development in accordance with Policy GP1 of the Carmarthenshire Local Development Plan 2014.

Condition 3

No trees with trunk/stem diameter exceeding 100 mm, measured at a height of 1.5 metres above ground level; or hedges, which are located within or on the site boundary shall be cut down, uprooted, destroyed, topped, lopped or pruned without prior approval of a Landscape Design Scheme (LDS), or specific written approval for the works by the local planning authority. Following such approval all works are to be carried out in accordance with BS3998.

Reason:

To ensure that the development retains, incorporates and does not adversely affect existing landscape or other features which contribute to local qualities and distinctiveness: thus, delivering the objectives of CLDP policies: - SP1 d) and i); SP14 e); GP1 b) and f); and EQ5; and pursuant to section 197 (a) of the Town and Country Planning Act 1990.

Condition 4

The development hereby approved shall be used for holiday accommodation only and for no other purpose (including any other purpose in Class C3 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Reason:

For the avoidance of doubt or confusion as to the extent of the permission hereby granted and to clarify the nature of the development and avoid the creation of dwellings in the open countryside. Also in the interests of tourism, sustainable development, residential amenities and highway safety.

Condition 5

The holiday accommodation hereby approved shall not be occupied as a person's sole or main place of residence or by any persons exceeding a period of 28 days in any calendar year. An up to date register shall be kept at the holiday accommodation hereby approved and be made available for inspection by the local planning authority upon request. The register shall contain details of the names of all of the occupiers of the accommodation, their main home addresses and their date of arrival and departure from the accommodation.

Reason:

For the avoidance of doubt or confusion as to the extent of the permission hereby granted and to clarify the nature of the development and avoid the creation of dwellings in the open countryside. Also in the interests of tourism, sustainable development, residential amenities and highway safety.

Condition 6

Prior to any use of the access, a visibility splay of 2.4 metres x 54 metres to the north-east and 104 metres to the south-west shall be formed and thereafter retained in perpetuity, either side of the centre line of the access in relation to the nearer edge of carriageway. In particular there shall at no time be any obstruction above 0.9 metres within this splay area.

Reason:

In the interests of highway safety and to accord with Policies GP1 and TR3 of the Carmarthenshire Local Development Plan 2014.

Condition 7

The access, visibility splays and turning area required, shall be wholly provided prior to any part of the development being brought into use, and thereafter shall be retained unobstructed in perpetuity. In particular, no part of the access, visibility splays, or turning area, is to be obstructed by non-motorised vehicles.

Reason:

In the interests of highway safety and to accord with Policies GP1 and TR3 of the Carmarthenshire Local Development Plan 2014.

Condition 8

The parking spaces and layout shown on the plans herewith approved shall be provided prior to any use of the development herewith approved. Thereafter, they shall be retained, unobstructed, for the purpose of parking only. In particular, no part of the parking and turning facilities is to be obstructed by non-motorised vehicles.

Reason:

In the interests of highway safety and to accord with Policies GP1 and TR3 of the Carmarthenshire Local Development Plan 2014.

Condition 9

The access shall be hard-surfaced in a bonded material for a minimum distance of 5.0 metres behind the near edge of highway, prior to any part of the development approved herewith being brought into use and thereafter maintained in perpetuity.

Reason:

In the interests of highway safety and to accord with Policies GP1 and TR3 of the Carmarthenshire Local Development Plan 2014.

Notes / Informatives

Note 1

Please note that this permission is specific to the plans and particulars approved as part of the application. Any departure from the approved plans will constitute unauthorised development and may be liable to enforcement action. You (or any subsequent developer)

should advise the Council of any actual or proposed variations from the approved plans immediately so that you can be advised how to best resolve the matter.

In addition, any conditions which the Council has imposed on this permission will be listed above and should be read carefully. It is your (or any subsequent developers') responsibility to ensure that the terms of all conditions are met in full at the appropriate time (as outlined in the specific condition).

The commencement of development without firstly meeting in full the terms of any conditions which require the submission of details prior to commencement of development will constitute unauthorised development. This will necessitate the submission of a further application to retain the unauthorised development and may render you liable to formal enforcement action.

Failure on the part of the developer to observe the requirements of any conditions could result in the Council pursuing formal enforcement action in the form of a Breach of Condition Notice.

Note 2

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

Application No	PL/05353
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Application Type	Full planning permission
Proposal	Formation of a new combined Pedestrian and Cycle Path between Ysgol Bro Dinefwr, Ffairfach and Nantgaredig, plus associated engineering and landscaping works (Tywi Valley Path - Eastern Phase)
Location	Land along route of former railway line with minor deviations between Nantgaredig and Ffairfach, Llandeilo, Carmarthenshire

Applicant(s)	Carmarthenshire County Council
Agent	Russell Borthwick
Officer	Paul Roberts
Ward	Llanddarog;Llandeilo;Llanegwad;Llanfihangel Aberbythych
Date of validation	02/02/2023

Reason for Committee

This application is being reported to the Planning Committee on the basis that it has been submitted by Carmarthenshire County Council.

Site

The application seeks full planning permission for a shared use path along a defined route between Nantgaredig and Ffairfach, along the Tywi Valley. The path will be unsegregated and provide a shared use for pedestrians and cyclists.

It will primarily follow the route of the former Carmarthen-Llandeilo railway line that follows the flood plain of the River Tywi and was closed in 1963. Sections of the path deviate from route of the line to avoid constraints such as those areas that have been scoured by the River Tywi. The route generally follows a low embankment along the lower Tywi Valley while also utilising a length of existing public right of way and extends to 14.64 km. It forms the eastern phase of the overall route of the path to be constructed which, once completed, will extend from Bishop's Palace Museum in Abergwili to Ffairfach, Llandeilo. The shorter western phase will extend between Abergwili and Nantgaredig and already has the benefit of planning permission. Elements of this approved route between Abergwili and Whitemill

have already been constructed. In its entirety, when all phases of the path have been completed, the Tywi Path will total 18.8km in length.

The eastern phase currently proposed is located in the lower Tywi Valley that consists of a rural river valley landscape with the land being predominantly pastureland within the flood plain of the River Tywi. The lower valley has a wide expanse that is flanked by the A40 and B4300 to the north and south respectively, with the river flowing in an east west direction from Ffairfach. The main land uses along the route consist of agricultural pastureland, woodlands and watercourses that are traversed by various roads and tracks. The path will start at Station Road in Nantgaredig at its westernmost point where it will connect with the western phase that already has permission. Its route will pass the settlements of Llanarthne and Dryslwyn as well as small clusters of residential properties and farmsteads on its easterly route towards Ffairfach where it will terminate immediately to the east of new Bro Dinefwr School off the A476.

The land along the route supports several farm holdings that are mainly dairy and beef cattle and sheep, as well as a small number of equine units. The majority of the route is set a minimum distance of 8 metres from the River Tywi while also crossing over the river as well as the River Cothi and a number of small watercourses. The surrounding topography is relatively flat forming the bottom of the river valley with the meandering River Towy and, beyond this, the levels of the valley raise gradually to the north and south forming the valley sides and hills either side. The flood plain consists primarily of agricultural land which is mostly improved pasture, while also having extensive areas of mature hedgerows and trees with the valley slopes either side being partly wooded.

The site itself includes a mix of poor semi improved and improved grassland as well as areas of semi-natural woodland and marshy grassland. The disused railway corridor generally consists of bare ground, scattered trees, wooded areas and dense scrub.

The site is located within the Tywi Valley Special Landscape Area while also lying within the Tywi Valley Landscape of Outstanding Historic Interest with the wider surrounding area including historic parklands and gardens such as Dinefwr Park, as well as Dinefwr and Dryslwyn Castle. It is also located adjacent to the River Tywi Special Area of Conservation (SAC) and Site of Special Scientific Interest (SSSSI) and crosses the SAC.

The site extends to approximately 40 hectares in area incorporating the route itself as well as those areas required to construct the path including numerous compound areas and accesses.

Proposal

As indicated above, the application seeks full planning permission for the construction of a new cycle and pedestrian path that will predominantly be 3 metres wide and follow the route of the former Carmarthen to Llandeilo railway line. The path will be unsegregated comprising a 3 metre wide hard surfaced path with 1 metre verges either side and will be adapted locally where required to suit constraints along the route. It will include a mix of tarmac and concrete surfacing with those sections of the route that will also be used by neighbouring farms for access purposes having been designed for use by agricultural machinery. Excavation depths will not exceed 300mm along the embankment of the railway line and those areas where it deviates from its route.

Route

The proposed path will link with the western phase of the path at the B4310 (Station Road) in the village of Nantgaredig. It will follow the former railway line eastwards before crossing the river Cothi after approximately 1 km via a new clear span bridge. After 750 metres, the path will diverge from the former railway line onto an existing track and public right of way to the north of the route before taking a 90 degree turn to the south crossing the former railway line and the River Tywi over a new clear span bridge. Having crossed the river, the path will follow the route of the river for approximately 750 metres, another 250 metres through a meadow area before re-joining the railway line north of two farmsteads known as Bemenda Ucahf and Ganol which flank the northern side of the B4300. At this point the path will diverge from the railway line to follow existing field boundaries before re-joining the line midway between the farmsteads of Barley Mount and Glantowy which are located between the railway line and the River Tywi.

The path then follows the route of the railway line for approximately 7.5 kms crossing over the River Gwynon tributary some 250 metres to the north of the village of Llanarthne, the B4297 at Dryslwyn Fawr, and C2145 between Golden Grove and Llangathen. Approximately 1km to the east, the path diverges from a section of the railway line that has been badly eroded by the river to follow a field boundary for 400 metres before re-joining the route at Pentrecwn. Similarly, a further 300 metres to the east the path again diverges from the railway line that has been eroded by the river from which point it follows the northern flank of the B4300 for approximately 1.2 km where it will terminate to the south-east corner of Ysgol Bro Dinefwr on the outskirts of Ffairfach.

Structures

The scheme will include 13 structures along its route to cross rivers and streams which range from small field crossings over minor watercourses to a small replacement bridge of the River Gwynon, and two new clear span bridges over the River Cothi and Tywi. The latter will not be located within the boundary of the River Tywi SAC and SSSI. The majority of the structures will have earthwork access ramps at either end to cater for disabled access along the route. The structures will include two boardwalks along two low lying areas along the route that are affected by flooding with the first located at Allt Pantglas between Dryswlyn and Golden Grove, while the second will be located further to the east to the north-west of Llettyglyd Farm on the easterly approach to Ffairfach. The elevated boardwalk structures have been designed to avoid the loss of floodplain storage which would result from the construction of a new embankment in the flood plain. The structures will consist of a 4 metre wide elevated concrete slab set on concrete posts and having 1.4 metre high parapet railings either side. Typically, the path level will be set at a height of 1.2 metres above the existing ground level of these areas of the site.

Existing culverts along the route will be retained and existing bridge decks that provide access over these will be replaced by new structures. There will be no lighting along the path upon completion in the interests of reducing its ecological impacts such as potential disturbance to bats.

Drainage and fencing

The surface water drainage strategy for the scheme will include the construction of infiltration trenches along the verges of the path and the detailed design will be the subject of a separate application to the Council's Sustainable Drainage Approval Body.

Boundary Treatments will consist of a mix of timber post and four-rail fences, timber post with wire mesh fences, and timber post with wire strands fences for the majority of the route, while barriers and gates will be incorporated at key locations to manage access to and from the path and neighbouring farmland.

Public Rights of Way

The scheme will directly impact upon 4 public rights of way along the route of the path by crossing their routes, while also utilising a 250 metre length of one existing public right of way as part of the path. Temporary diversions will be required for those public rights of way directly affected by the development.

Construction and Access

The construction of the path will take place in stages with the overall programme being aligned with the ecological calendar to minimise the impact to the surrounding environment. The application has been accompanied by an outline Construction Environmental Management Plan (CEMP) that details the environmental controls and protection measures that will be adopted during the construction phase to ensure the successful management of the construction activities and their environmental impact.

The scheme includes the provision of 8 construction compounds along the route of the path to facilitate its phased construction. It will also include the implementation of a Construction Traffic Management Plan that will implement a scheme of traffic management measures during the construction phase of the development to ensure the safety of road users.

The application has been accompanied by an Environmental Statement and accompanying suite of supporting documents which include the following:

- Planning, Design and Access Statement
- Pre-application Consultation Report
- Flood Consequence Assessment
- Water Framework Directive Assessment
- Habitat Regulation Assessment
- Transport Statement.

Environmental Impact Assessment (EIA)

The proposed development falls under Schedule 2, Part 10(f) (infrastructure project, construction of roads) of the Environmental Impact Assessment (EIA) Regulations 2017. Officers provided the applicant with a screening opinion in November 2017 confirming the proposal to be EIA development due to its nature, scale, and location in an environmentally sensitive area, being adjacent to the River Tywi Special Area of Conservation (SAC) and Site of Special Scientific Interest, and the likely significant effect on the environment.

Officers subsequently issued a scoping opinion in November 2018 with regard to the precise scope of the EIA and the environmental topics and likely significant environmental effects to be considered and assessed. The Environmental Statement supporting the application presents the findings of the EIA based upon this scoping and covers a wide range of topic areas. The main findings of the ES are outlined below.

i. Consideration of alternatives. The ES provides an assessment of the alternatives to the scheme that have been considered by the applicant while setting out the principal reasons for proceeding with the current proposal. In total, eight alternative options were considered which included, amongst others, the provision of a shared use path along the A40 and B4300, the creation of a right of way along the River Tywi, and the improvement of existing rights of way along the A40 corridor and creation of new linkages. The options were considered in consultation with key stakeholders and assessed against transport planning objectives and key issues such as road safety and connectivity, as well as opportunities such as promoting active travel and access to communities and the facilities therein.

The proposal to create the shared use path along the dismantled railway offered the greatest overall benefits against these objectives and various alternatives for sections of the route were also considered for reasons such as habitats and flooding. The proposal has therefore considered the various environmental constraints associated with the route and, where applicable, incorporated them into the design.

ii. Biodiversity. The ES provides an assessment of the likely effects on biodiversity within a survey area of the site that was determined in accordance with best practice guidance and based upon the scoping advice of NRW and the Council's Planning Ecologist. It assesses the impact upon European and nationally designated sites, locally/non-statutory designed sites and desk study records of protected and notable species. Field surveys for habitats and protected and notable species were also undertaken.

In terms of designated sites, the River Tywi SAC and SSSI are both located within the site and the potential impacts are assessed in the ES. The SAC is designated for supporting a number of protected species including otters and twaite shad fish, while the SSSI is of special interest in that the river supports a range of important bird, fish and insect species as well as otters. It also supports an important range of vegetation communities within the river channel as well as two rare bryophyte species. Other habitats of conservation importance that qualify as priority habitats under the UK Biodiversity Action Plan and Section 7 of the Environment Wales Act (2016) that were assessed within the ES. These include lowland woodland areas along the route, rivers and streams including the River Cothi and smaller streams, ponds in the form of backwaters on the floodplain of the Tywi, hedgerows that segregate farmland, and flood plain grazing marsh.

The assessment of the effect of the development upon these designated sites, protected and notable species and priority habitats included a wide range of survey work. These include, amongst others, an extended Phase 1 habitat survey, Bryophyte and Aquatic Ecology assessment, Otter and Badger surveys, as well as bat surveys. The ES also includes an arboricultural assessment of the impact of the development upon trees along the route of the path which includes recommendations relating to their protection where necessary to ensure the health of retained trees. The design process of the scheme has followed the 'stepwise' approach' to maintaining and enhancing biodiversity as part of the development by ensuring that significant biodiversity effects are firstly avoided, then minimised, mitigated and compensated for through a scheme of enhancement measures.

Habitats. The habitat survey confirms the site consists predominantly of pastoral fields intersected by a network of hedgerows with scattered areas of broad-leaved semi-natural woodland, marshy grassland, wet meadows and standing water. The disused railway corridor generally consists of bare ground, scattered trees, wooded areas and dense scrub. The site includes two ancient woodlands which consist of coniferous plantations located at the eastern end of the route to the south-west of Ysgol Bro Dinefwr, one of which has

recently been partly cleared by the landowner. They are listed as priority habitats under the provisions of the Environment Act 2016 and whilst areas of these woodlands will need to be removed to facilitate the creation of the path, the extent of clearance will be minimised given the width of the path and any trees removed will be replaced elsewhere within the wider site on a ratio of 2:1, the location of which is provided in the extensive landscape concept scheme accompanying the application. Whilst there are a large number of mature trees within the site, the arboricultural assessment confirms that those of the highest amenity value consisting of category A and B trees will be retained as part of the development with the use of arboricultural protection measures and design solutions within their root protection areas.

Impacts upon watercourses within the site will be safeguarded with the implementation of a Construction Environmental Management Plan (CEMP) that will include a range of environmental protection measures to protect existing watercourses. Moreover, the timing of in-channel work and the construction the bridges over the River Cothi and Tywi during the summer months will avoid sensitive spawning times of fish in the rivers crossing the site, including those species upon which the Tywi has been designated as a SAC and SSSI. The habitat survey also recommends mitigation measures for the loss of existing hedgerows and areas of floodplain grazing marsh with the creation of new replacement habitats. Approximately 125 metres of hedgerows will be lost as part of the development and these will be replaced at a ratio of 2:1 along the wider route.

Protected and notable species. In terms of protected and notable species, the habitat survey confirms that the path will potentially result in the disturbance of badger sets and makes a number of recommendations to mitigate the impact of the development which include further surveys prior to work commencing to establish whether setts continue to be active, and suitable buffer zones and protection measures.

In terms of dormice, whilst there was no evidence of dormice within the site, the habitat survey includes mitigation measures to minimise potential impacts effects during the removal of habitats such as hedgerows and scrub within the site. A detailed method statement setting out the proposed measures has been provided with the clearance works also requiring a separate European Protected status license from NRW given the protected status of dormice.

Targeted surveys have confirmed the presence of otters within the site which, together with its place of rest, is protected by various legislation including the Habitats Regulations. The design of the scheme has sought to minimise impacts on features suitable for otters and will include measures to protect existing resting sites along the route of the path from damage and disturbance. A number of new resting sites and holts are to be created as part of the scheme to compensate for the temporary disturbance during the construction phase and maintain the overall suitability of the area for otters. Similarly, otter travel routes along areas of dense ground cover are to be retained. Further pre-construction surveys of the site will be undertaken to confirm their presence within or in proximity of the scheme.

Turning to bats, whilst the habitat survey confirms the absence of any bat roosts within the site, it recommends the adoption of precautionary methods when undertaking any dismantling works such as the removal of the River Gwynon bridge abutments along the route, with any trees to be removed also being the subject of pre-felling bat inspections. Similar precautionary measures are to be adopted to avoid causing harm to any amphibians and reptiles within the site with these being provided through the implementation of a CEMP

and Ecological Management Plan (EMP). Mitigation is also provided to avoid any unacceptable impacts upon invertebrates, bryophytes and birds.

Fish species are primary and qualifying features of the River Tywi SAC while the river together with the Cothin and Gwynon also supports priority species under the Environment Act. The survey identifies potential impacts upon these and other fish species, notably through the loss and disturbance of spawning habitats and sets out a series of mitigation measures for the construction period to minimise disturbance during the sensitive lifecycle stages of the fish present in the rivers.

Mitigation and enhancements. The application includes a suite of specific mitigation measures to reduce and avoid potential effects on important ecological features identified in the ES, as outlined above, as well as general mitigation measures such as the use of best practice methods and general principles where relevant to the habitats and species present. These will form part of an Ecological Management Plan (EMP) and CEMP and whilst an outline CEMP has been provided in support of the ES, both detailed plans will be submitted for approval prior to the commencement of the development.

The construction of the path will result in the loss of approximately 30,700 square metres of habitat along the route that will be replaced by the path and verges either side. The scheme incorporates compensation for each habitat type lost ensuring they are replaced either equal to or greater than their current extent in order to deliver a biodiversity net benefit as part of the development in accordance with the policy objective of Planning Policy Wales. The level of habitat replacement has been agreed with the Council's Planning Ecologist and is based upon a ratio of 2:1 for the loss of woodland, trees, dense scrub and hedgerows, and 1:1 in relation to scattered scrub and different grassland habitats. The extent of these on-site mitigation measures form part of a landscape concept scheme accompanying the ES which includes the provision of 20 sites along the route of the path for grassland creation and the compensatory planting of new woodland and hedgerows that will deliver improved connectivity throughout the site. Hedgerows will be translocated where feasible while poor quality hedgerows will be enhanced to improve their biodiversity value. The landscaping will consist of a wide species mix including native tree and hedgerows, wetland mosaic and grassland, and scrub planting mixes and be suitable for species such as dormice and invertebrates.

The overall scheme will deliver a net benefit for biodiversity and ecosystem resilience in the long term and include detailed measures of the management and monitoring of the species and habitats over a 25-year period. On this basis, the ES concludes that the design of the scheme combined with the specific and targeted mitigation measures to be employed for the protection of habitats and species using the River Tywi SAC and SSSI and its qualifying features will result in negligible biodiversity impacts.

iii. Landscape and Visual. The ES provides an assessment of the likely effects of the change resulting from the development on the landscape as well as the views and general visual amenity of those who live within proximity of and may be affected by the path. The Landscape and Visual Impact Assessment relates to both the construction and operational phases of the path and identifies key features and landscape designations within the vicinity of the scheme which include local and national landscape designations. At a national level, the site is located 0.5km from the Brecon Beacons National Park located at its south-eastern end beyond Ffairfach, while at a local level the site falls within the Tywi Valley Special Landscape Area designated under Policy EQ6 of the LDP. The site is also located within the Towy Valley Registered Landscape of Outstanding Historic Interest in

recognition of the wider area being rich in heritage features, and the assessment also considered the visual impact of the path within the context of national landscape character areas and LANDMAP, and nearby settlements and public rights of way.

The ES assesses the visual impact of the scheme from 45 visual receptor points in the area surrounding the site which were agreed with the Council's landscape officer. They included viewpoints from neighbouring properties, public rights of way and other publicly accessible areas, historic sites and heritage assets, as well as local roads and lanes. It acknowledges that there will be some significant effects upon the existing landscape character during the construction phase of the development with, for example, disturbed land and a concentration of discordant features and activities, however, these will all be on a short-term basis.

In terms of landscape character, whilst the path and the new bridges will appear as a new noticeable feature within the landscape and result in the loss of a small proportion of its existing characteristics such as trees and hedgerows, the assessment concludes that it will not alter the balance of features that make up the landscape character as a whole. The mix of roads, tracks and public rights of way, and scattered villages and farms in the wider area, combined with the existing screening vegetation along the railway embankment and new mitigation planting will allow the path to integrate into the surrounding area and views without having a significant effect upon the surrounding landscape character. Moreover, its effect will reduce over time as the mitigation planting proposed along the route, particularly around the bridges, will mature. On this basis, the ES concludes the path will have no significant effect upon character of the surrounding landscape and its local and national designations. Further, in terms of the National Park, the separating distances and intervening screening vegetation will mean the path will be indiscernible in the wider panoramic views from those areas of the Brecon Beacons National Park to the east of the site.

As to the effect upon the visual amenity of sensitive receptors along the route such as local residents or visitors to the historic sites and heritage assets in the area, whilst the proposal would introduce visibility of the path and bridges to certain local residents, road users and visitors, the full extent of the path would be screened by the existing vegetation along the disused railway line as well as hedgerows, woodland areas and trees along the bottom of the Tywi Valley. The path will be clearly noticeable to certain properties long the route including existing bungalows located off Station Road in Nantgaredig at the western periphery of the site and a number of other residential properties and a caravan site along the route, while the majority of properties will have more distant views interrupted by intervening vegetation. The route will predominantly follow an existing road or track in those areas close to residential properties whereby the visual impact would consist of path users passing to the front or side of the curtilages of the properties.

iv. Heritage and Archaeology. The site lies in a rich historic environment which includes a mix of designated historic assets such as Listed Buildings, Scheduled Monuments, conservation areas and registered parks and gardens. The ES assessed an inner study area extending 50 metres from the limits of the site to establish the known historic context and potential for hitherto unknown below-ground archaeological remains, and a second wider area for the assessment of the setting of designated sites and conservation areas which extended up to 1km from the site.

The assessment identified five sensitive receptors along the route which include the Maes y Crug and Ffairfach Standing Stone Scheduled Monuments (SM) and the site of Abercothy Cottage which, despite not being a designated historic asset and the building no longer

being present, is nonetheless of historic interest with potential for below ground archaeological remains.

The Maes y Crug Round Barrow SM is located directly to the north of the proposed route to the east of Nantgaredig but will not be physically impacted by the path. Whilst the construction phase of the scheme has the potential to affect the appreciation of the monument within its setting, this will only occur for a short period. The Ffairfach Standing Stone SM is located some 130 metres beyond the eastern boundary of the site and is screened by hedgerows and trees whereby there will be no impact upon its setting.

The scheme will physically impact upon the remains associated with Abercothy Cottage, and the ES confirms that the potential impact will be mitigated by undertaking an archaeological watching brief in consultation with the Dyfed Archaeological Trust to assess and preserve any remains encountered as part of the work.

v. Water Environment and Flood Risk. The ES provides an assessment of the likely environmental effects of the development upon the water environment. These include the potential increased pollution and sedimentation risks associated with the construction phase, impacts to the hydromorphological quality of watercourses from works such as the installation and alteration of culverts and bridges, the risks of flooding to users of the path, as well as potential increased flood risk to property associated with loss of floodplain storage. To inform the assessment, a number of supporting documents have been provided with the ES including a Flood Consequence Assessment, Geomorphological Dynamics Assessment of the Rivers Tywi and Cothi, and Water Framework Directive Assessment.

The geomorphological dynamic assessment was undertaken to inform a risk assessment of where river channel enhancement or restoration options will be needed along the river Tywi to protect the route of the path from erosion. It identifies 5 risk zones along the river where it falls within 100 metres of the railway embankment and confirms that the active erosion of the left bank of the river will impact upon the proposed route of the path on the railway embankment in two of these zones. The first is at Riverside Woods/Allt Panglas to the west of Golden Gove where the rate of erosion is threatening the railway embankment, while the second at land near Llety Glyd Farm to the east of Gelli Aur Farm, a section of the railway embankment has already been heavily eroded by the river. These risks have led to the deviation of the route of the path from the alignment of the railway embankment in these two areas with the diverted route being in the form of a boardwalk construction raised above the low-lying existing ground levels of the floodplain to avoid the loss of floodplain storage.

In terms of flood risk, the ES highlights that a significant proportion of the path will be located within Zone C of the Development Advice Maps and Flood Zones 2 and 3 of NRW's Flood Map for Planning and will not be flood-free for a 1% (1 in 100) annual probability flood event. However, it recognises that one of the fundamental principles of the scheme is to re-use and follow the alignment of the disused railway line whilst also confirming that it would be impractical to undertake physical works to modify the path to meet the acceptability criteria of TAN 15 by, for example, raising the level of the path, given the likely impact upon flood risk elsewhere. By utilising the railway embankment and raised boardwalks in the diverted areas referred to above, the ES confirms that the path together with its associated bridge and other structures will have negligible impacts upon existing flood risk to third party land and property.

With regard the risks of flooding to path users, the application has been accompanied by a Flood Management Plan which sets out a series of measures to be implemented to ensure

the path is not used during periods of flooding and avoiding the possibility of path users encountering hazards in a flood event. The section of path between Llanarthne and Ffairfach is at a high risk of flooding with limited flood free egress routes and the Management Plan proposes to close this section of the path prior to the commencement of flooding in the River Tywi with the use of active signage triggered by sensors which record flood levels. Information boards, marker posts and signage will be used to direct users to the closest flood free egress routes. Whilst the section of path between Nantgaredig and Llanarthne is also at risk from flooding, the risk of being isolated by floodwater is low with flood free egress routes being available along public rights of way. The risk to users will be reduced with the use of passive signage.

The Water Framework Directive (WFD) Assessment accompanying the ES concludes that the scheme will not cause any degradation of the overall WFD status of the River Tywi, River Cothi or the Tywi, Taf and Gwendraeths groundwater body.

vi. Ground conditions and contamination. The ES presents the findings of an assessment of the potential effects of soil and ground water contamination, ground stability and controlled waters upon the environment and human health. It also considers the effect on agricultural land and soil. The assessment identifies a number of potential residual effects during the construction phase of the development such as the disturbance of contaminated ground along the railway embankment and outlines a series of mitigation measures to address these.

In terms of the effect upon agricultural land, the scheme will lead to the temporary loss of agricultural land during the construction period as well as some permanent loss in areas where the path deviates from the railway embankment, as referred to above. Those areas temporarily affected will be restored following the completion of the development. A small area of the site is classified as Subgrade 3a Best and Most Versatile (BMV) agricultural land, and whilst the path in these areas will impact upon some of this land, the extent of the loss of the BMV will not be significant.

vii. Population and Human Health. The ES assesses the effect of the development upon the local population and human health focussing primarily on existing land uses and accessibility. Whilst the construction phase of the development will result in temporary disruption to access to certain private properties and farm holdings, access will be maintained throughout the construction phase and the applicant will engage with the residents and farm operators prior to any impacting activities taking place. This will ensure that the functional viability of agricultural businesses will not be disrupted. A number of public rights of way will be temporarily closed and diverted for the duration of the works with the diversions having been designed to minimise disturbance in terms of distance and journey time. Once completed, the path will deliver enhanced connectivity in the surrounding area and will not have any direct or indirect impacts upon human health.

Planning Site History

The following previous applications have been received on the application site:-

PL/03029 - Siting of 3 Shepherd's Huts for self-catering holiday purposes - Pending

E/37432 - Certificate of lawful development for existing use as a builders' storage yard - Certificate of lawful development granted 10 October 2018

E/27510 - Construction of new 1200 pupil secondary school and associated 30 pupil specialist unit, together with layout of external sports and play areas and associated facilities, including for the purpose of vehicular, pedestrian and cycle access, car parking
- Full planning permission 26 April 2013

D4/6622 - Electricity Supply - Approved with conditions 25 September 2025

D4/5222 - Electricity Supply - Approved with conditions 16 August 2016

Planning Policy

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

SP1 - Sustainable Places and Spaces

SP2 - Climate Change

SP9 - Transportation

SP13 - Protection and Enhancement of the Built and Historic Environment

SP14 - Protection and Enhancement of the Natural Environment

SP15 - Tourism and Visitor Economy

SP16 - Community Facilities

SP17 - Infrastructure

GP1 - Sustainability and High Quality Design

H1 - Housing Allocations

TR2 - Location of Development – Transport Considerations

TR3 - Highways in Developments – Design Considerations

TR4 - Cycling and Walking

TR6 - Redundant Rail Corridors

EQ1 - Protection of Buildings, Landscapes and Features of Historic Importance

EQ4 - Biodiversity

EQ5 - Corridors, Networks and Features of Distinctiveness

EQ6 - Special Landscape Areas

EP1 - Water Quality and Resources

EP2 - Pollution

EP3 - Sustainable Drainage

National Planning Policy

National Planning Policy and Guidance is provided in [Future Wales: The National Plan 2040, Planning Policy Wales \(PPW\) Edition 11](#), February 2021 and associated [Technical Advice Notes](#) (TANs) published by Welsh Government.

Summary of Consultation Responses

Head of Transportation & Highways - Has no objection subject to the imposition of a condition requiring the submission of a Construction Traffic Management Plan prior to the commencement of the development.

Head of Public Protection - Has no objection subject to the imposition of a condition requiring a risk assessment of potential ground contamination along the route of the path prior to the commencement of the development.

Welsh Government (Transport) - Have no objection.

Cadw - Have no objection.

Welsh Water - Have no objection.

Coal Authority - Have no objection.

Sustainable Drainage Approval Body (SAB) - Have confirmed that the surface water drainage scheme proposed to serve the path will require separate SAB approval.

Public Rights of Way - Have no objection in that the proposal will improve and enhance existing public rights of way along the route of the path.

Network Rail - Have no objection.

Dyfed Archaeological Trust - Have no objection subject to the imposition of a condition securing a written scheme of investigation for an archaeological watching brief.

National Grid - Have no objection.

Mid and West Wales Fire and Rescue Service - Have no objection.

Welsh Government (Agricultural Land Use and Soil Policy Advisor) - Advise that the site potentially includes 0.6 hectare of the Best and Most Versatile (BMV) agricultural land and it is a matter for the local planning authority to consider the potential impact of the loss of this land within the context of the policy advice contained in Planning Policy Wales.

Police Liaison Officer - Has not commented on the application to date.

Natural Resources Wales - Have raised no objection. Advise that the applicant will need to undertake a Habitats Regulations Assessment of the proposal to determine whether there will be an impact upon the features of the River Towy SAC and any mitigation measures required. They highlight the need to ensure the construction of the path and associated pile driving allows for the free passage and migration of fish in the river. Further, following a review of the FCA accompanying the application, they agree with its findings that large sections of the path will be affected by flooding but that it would be impractical to undertake physical works to mitigate to modify the path to meet the requirements of TAN 15 given that it would likely impact upon flood risk elsewhere. They confirm that the path will not cause any change in flood risk to the surrounding area and support the applicant's proposal to implement a Flood Risk Management Plan that will implement warning and management measures to ensure path users are not exposed to flood hazards.

In addition, NRW have confirmed that they are unable to provide European Protected Species comments on the proposal and have advised officers to revert to the advice of our own Planning Ecologist on these matters.

Town Community Councils - Llandeilo Town Council question why the original proposal to extend the path beyond Bro Dinefwr School and behind the existing mart, before egressing onto the A483 to the south of Llandeilo Bridge has changed. They suggest that reverting to this original route would provide a safer route between the school and Llandeilo by keeping users away from the A class road, while also avoiding the roundabout at Ffairfach

on the A483 which, it is suggested, is a dangerous point for pupils walking from Llandeilo to the School.

Dyffryn Cennen, Llanarthne, Llanegwad, Llanfihangel Aberbythych and Llangathen Community Councils have not commented on the application to date.

Local Members - County Councillor Edward Thomas supports the proposal highlighting that it will result in an economic benefit to the area with increased tourism while creating a safer route for cyclists and walkers by avoiding the busy B4300 and A40 roadways. Refers to the need to investigate the connectivity from the end of the path at Ysgol Bro Dinefwr to Llandeilo and the need to encourage users of the path to visit Llandeilo and its range of shops and facilities. He also refers to the links to the railway station in Ffairfach.

County Councillors Ann Davies and Hefin Jones have not commented on the application to date. Councillor Mansel Charles is a member of the Planning Committee and has also not commented on the application to date.

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

Summary of Public Representations

The original application was the subject of notification by way of the posting of thirteen site notices along the proposed route of the path as well as the publication of a notice in the local newspaper. Subsequent additional and amended information submitted by the applicant have been publicised with further site and press notices. In response, 5 letters of representation have been received from neighbouring residents which raise the following issues of concern. It should be noted that one of the letters of representation is from the Carmarthenshire Residents' Action Group, however, it provides no indication of how many residents and precisely whom it has been submitted on behalf of.

- The potential impact of the path upon prescriptive rights to use the existing track to move livestock and machinery between field enclosures.
- Concerns regarding the use of the track by racing bicycles that travel at high speeds and the impact upon safety and wildlife.
- Littering along the route of the path and the impact upon wildlife and livestock.
- The presence of stag deer in the area and the potential impact upon the safety of those using the path.
- Potential impact upon the operation of the farm at Beili Glas and the movement of animals over and along the path.
- Impact upon the value of working farms.
- Concerns regarding the surface treatment of parts of the path to be used by agricultural vehicles.
- Concerns regarding how the applicant will prevent the public from accessing fields along the route where livestock will be grazing and access to the fields by dogs and the health impact upon livestock in terms of dog faeces and livestock worrying. Suggest the use of heavy duty galvanised gates and signage to prevent access.
- Would create an access for burglars to properties along the route and potential increase in crime.
- Loss of privacy on neighbouring farms.
- Risks of flooding to parts of the path will mean that parts of it will be unusable during flood events and be danger to cyclists and pedestrians using the path.

- Raising the path above the flooding will mean it will be over 3 metres high and be visually intrusive being located immediately below Dinefwr Castle.
- The former railway line has been returning to the natural environment for over 50 years and the proposal will result in the loss of habitats that have developed along the route and impact upon the fauna such as bats that are dependent on these.
- The proposal will result in the significant loss of ancient woodland and hedgerows along the route. The mitigation scheme does not allocate the same physical space for the planting as the losses nor are details provided as to how they will be managed over time.
- Lack of consultation by the applicant.
- Impact upon swans who frequent an area adjacent to the proposed route.
- Impact upon wildlife such as sandpipers, little ringed plovers dippers and kingfishers, amphibians and rare plants.
- Impact upon the ability of the neighbouring Hendy Farm to run the farm productively and keep livestock safe.
- Concerns regarding how the path will be managed to keep it free from litter and debris and protect wildlife.
- The applicant has failed to follow due process with regard to consulting affected land-owners over the route of the path or appropriately entering into negotiation for the sale of the land required for the path.
- The potential need to Compulsory Purchase individual parcels of land and rights along the route would indicate that voluntary sales have not been negotiated and the Council have sought recourse to a CPO without entering into proper negotiations. It also gives the impression that landowners are universally opposed to the path.
- NRW have raised concerns regarding the flooding impact of the development and asked the applicant to provide a Flood Risk Management Plan which has not provided to date.
- The closure of the path during periods of flooding will impact upon its economic benefits to the local area.
- Question whether the construction of the path is viable and concerns that the burden of any shortfall in funding will be passed on to local tax payers.

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

Appraisal

Principle of the development

Policy TR4 'Cycling and Walking' of the adopted LDP endorses the principle of developing a new cycle route along the Towy Valley between Carmarthen and Llandeilo by safeguarding land required to facilitate its construction. The route of the path along the railway embankment is clearly defined in the proposals map of the Plan and safeguarded under this policy, with its re-use for recreational activities in the form of a new cycle route and footpath being reinforced by Policy TR6 'Redundant Rail Corridors' which seeks to prevent development proposals that would prejudice its re-use for such purposes. Further, cycling and walking form an integral part of the Plan's strategic objectives set out in Policy SP9 'Transportation' of achieving a safe and efficient integrated transport system that reduces reliance on private transport such as the car, and promoting greater accessibility and active travel choices which, ultimately, will contribute towards healthier lifestyles and wellbeing benefits to the population of the County.

The western phase of the path between Abergwili and Nantgaredig already has the benefit of planning permission and although the route of the eastern phase currently proposed deviates in part from the railway embankment safeguarded in the LDP, this is reflective of environmental constraints encountered as part of the design of the scheme in areas where the embankment is being actively eroded by the River Towy or to avoid the loss of existing landscape features. The path broadly follows the route of the embankment safeguarded in the LDP and where it does deviate, it is not to an extent that takes the scheme outside the context of the objectives of the Policy TR4 of safeguarding the route and delivering cycling and walking network improvements along the Towy Valley. It will offer a safe and direct route for pedestrians and cyclists travelling to and from the wide range of services and facilities available in Carmarthen and Llandeilo as well as improving accessibility to the various settlements, communities and tourist facilities in the local area. The path will interact with five existing public rights while utilising sections of these along its route thereby promoting and improving accessibility throughout the area via cycling and walking. It will offer numerous benefits in terms of active travel and health and well-being while also enhancing opportunities for recreation and tourism. The path will itself become a tourist destination affording users with a unique opportunity to walk and cycle along the attractive setting of the Towy Valley with views of its surroundings, helping to attract visitors to the area and providing economic benefits to existing businesses and tourist facilities whereby visitors would use and visit these as well as local attractions. The scheme will also deliver economic benefits during the construction phase with the creation of new employment opportunities.

The proposal is therefore considered to be in accord with the objectives of Policies SP9, TR4 and TR6 of the LPD. It also aligns with the wider corporate objectives of the Council set out in its various plans and strategies which include, amongst others, the Carmarthenshire Well-being and Strategic Regeneration Plans and Corporate Strategy which seek to improve the health and wellbeing of residents by encouraging healthy and active lifestyles, while also creating new walking and cycling facilities as tourist attractions and providing sustainable travel options to employment sites, schools and tourist facilities. The path is also an integral element of the Council's Cycling and Active Travel Strategies and their objectives of improving existing infrastructure and facilities.

From a national planning policy perspective, the path is in accord with the advice of Planning Policy Wales in encouraging the re-use of redundant railway lines to provide safe and attractive cycle routes and footpaths, and its policy emphasis of focussing on sustainable and non-motorised travel to reduce the reliance on the private car and support a modal shift to public transport, walking, cycling and their associated health and well-being benefits. Similarly, the scheme complies with the focus of the Welsh Government's national plan for Wales, 'Future Wales : The National Plan 2040' of delivering more active travel and sustainable transport infrastructure. In recognition of the foregoing and the sustainability, well-being and economic benefits of the scheme, it is noteworthy that the applicant has secured significant grant funding towards the cost of constructing the path, both at a local level from the Welsh Government and a National level from the UK Government through its Levelling-up Fund.

Biodiversity and Landscape

A number of the respondents have raised concerns regarding the ecological effects of the scheme with particular regard to the impact upon fish, birds, amphibians and plants, however, the ES and its supporting ecological and habitat surveys provide a cogent assessment of the effect of the development upon biodiversity both in terms of the European and nationally designated sites within proximity of the site and protected and notable

species. It has assessed the impact upon the River Tywi SAC and SSSI and their qualifying features and protected species, while habitats afforded protection under the UK Biodiversity Action Plan and the Environment Act have also been assessed. The ES demonstrates that, with the implementation of the targeted mitigation and enhancement measures proposed, the development will not have any unacceptable material effect upon the River Tywi SAC and SSSI and its qualifying features, nor will it cause any harm to other protected and notable species and habitats.

The scale and extent of the development will inevitably result in the loss of existing habitats along the route of the path, particularly the wooded and dense scrub areas that have developed along parts of the embankment. However, the extent of the loss has been carefully considered through the design of the scheme which has included alignment changes to minimise the land take and impact upon designated sites and priority habitats. The path will result in the loss of existing hedgerows and trees, however, the alignment seeks to retain all the mature trees that are of the highest amenity value through suitable design and protection measures. The design incorporates compensation for the habitats lost whereby they will be replaced within the wider site either equal to or greater than their current extent to deliver an overall net benefit for biodiversity improving ecosystem resilience in accordance with the objectives of Planning Policy Wales and the Environment Act 2016 and, ultimately, provide a valuable corridor along the route for both biodiversity and recreation use.

NRW have confirmed that they are not in a position to provide advice on the biodiversity and ecological impacts of the scheme and have instead reverted to the advice of our Planning Ecologist. The Ecologist has confirmed his acceptance of the findings of the ES and has raised no objection to the development subject to the imposition of suitable conditions securing the mitigation measures proposed and their future management, as set out in the ES. The conditions will secure the submission of the management plans that will deliver the targeted mitigation based upon the recommendations of the ES, notably the CEMP and EMP, in addition to the detailed landscaping scheme and proposals for its future management and monitoring. Moreover, in accordance with the requirements of the Conservation of Habitats and Species Regulations 2017 (as amended), officers have undertaken an Appropriate Assessment of the impact of the development upon the River Tywi SAC which concludes that, with the implementation of the mitigation measures, the development will not have a detrimental effect upon the SAC and its qualifying features. The Appropriate Assessment has been sent to NRW for approval and the recommendation to grant planning permission is subject to them firstly confirming their acceptance of its conclusions.

In terms of the concerns raised regarding the visual impact of the development, the landscape officer has confirmed his acceptance of the findings of the ES and its landscape and visual impact assessment that, with the implementation of the mitigation planting, the path will not have an unacceptable impact upon the surrounding landscape character and its designation as a Special Landscape Area in the LDP. The path and its associated structures will appear as a new noticeable feature in the wider landscape, however, it will not be discordant with the existing mix of roads, tracks and scattered farmsteads and settlements which, together with the watercourses, pasture land and hedgerows and wooded areas contribute to its character and appearance. The design of the scheme will ensure the balance of features will not be unacceptably altered with the bridges and crossings having been designed to integrate with the existing landscape. The railway embankment is well vegetated and screened along much of its route which, combined with

the extensive planting mitigation proposed, will help the path assimilate into the surrounding area and views without disturbing its overall character and appearance.

CADW have also confirmed that the path will not cause any harm to the registered Tywi Valley landscape of outstanding historic interest in that it will primarily follow the line of the former railway line which previously introduced a linear travel route into the historic landscape. It should be noted that NRW sought a further assessment of the likely visual impact of the path upon the Brecon Beacons National Park, however, following a site visit by officers and the provision of further information relating to an additional viewpoint in the Park, they are satisfied that the path will not form a prominent or discordant feature in the wider panoramic views of the Towy Valley.

The proposal is therefore in accord with the objectives of Policies SP14, EQ1, EQ4, EQ5, EQ6, EP1 and EP2 of the LDP as well as those National Planning Policy in that it will not result in any unacceptable biodiversity or landscape impacts.

Flooding

Certain of the respondents refer to the risks of flooding to the path suggesting that parts will be unusable during flood events and be a danger to cyclists and pedestrians using the path. This matter has been assessed as part of the ES and accompanying FCA which acknowledges that a significant proportion of the path falls within Zone C2 of the Development Advice Maps and Zones 2 and 3 of the Flood Map for Planning and will not be flood free in the 1 in 100 annual probability flood event. It is noteworthy that a large part of the western phase of the path that already has planning permission also falls within an area at risk of flooding.

It is acknowledged that sections of the path will be submerged due to the high flows of the river Tywi, however, it would be impractical to undertake physical works to mitigate this by, for example, raising the level of the path given the likely impact upon flooding elsewhere. The alignment of the path along the embankment and raised boardwalks, bridges and other structures have been designed to ensure the path will not have an unacceptable impact on the risk of flooding to surrounding third party land and property, whilst its hard surface finish will prevent any damage from floodwaters. When flooding does occur along the route, the water levels will rise slowly over the floodplain whereby they will not present an immediate danger to path users in the form of a flash flood event. Nonetheless, similar to the western phase of the path, the scheme will implement a wide range of flood management measures that will include closing sections of the path with the use of active warning signage to ensure the path is not used during periods of flooding to safeguard the safety of users. Other measures will include marker posts and signage that will direct users to flood free egress points.

Based upon previous flood records, it is estimated that the section of the path between Llanarthne and Ffairfach, which is at the highest risk of flooding, would have been closed on average four times a year over the last 32 years. The extent of the period of closure of the path is therefore unlikely to materially affect its economic benefits to the local area, as suggested by one of the respondents.

NRW have raised no objection to the application on flood risk grounds and accepted the findings of the ES and FCA that the scheme will not have an unacceptable impact upon the risks of flooding in the surrounding area. Moreover, they support the implementation of the warning and management measures proposed.

Within the context of the requirements of TAN 15, sections 6 and 7 of the TAN permit developments in Zone C where they are determined by the Planning Authority to be justified in that location and subject to it complying with a number of qualifying criteria or tests. The scheme complies with the first of these tests in that it forms an integral part of the Council's Corporate objective of creating new walking and cycling facilities as both tourist attractions and to provide sustainable travel options within the County, and improving the health and wellbeing of residents by encouraging healthy and active lifestyles. It is also in accord with the TAN's requirement that the site concurs with the aims of Planning Policy Wales, as referred to above, while also meeting the definition of previously developed land whereby it is primarily located along a former railway embankment. Finally, in terms of the consequences of flooding test, the path constitutes a less vulnerable development as defined in the TAN and through the implementation of the measures contained in the Flood Management Plan, the risks of flooding to the path will be managed to protect the safety of its users.

The proposal is therefore considered to be in accord with the policy objectives of TAN 15 and Policy SP2 of the LDP in terms of the risks of flooding to the development.

Historic Environment and Archaeology

Cadw have highlighted that the route of the path will be located within 3km of a number of historic assets including numerous scheduled monuments and registered historic parks and gardens. They've advised that the intervening topography and screening vegetation will ensure there will be no impact upon the settings of all these historic assets, apart from the Maes y Crug round barrow scheduled monument which is located immediately adjacent to the north side of the route. The route of the path will mean that it will be visible from the scheduled monument, however, Cadw have opined that those using the path will only be visible for very short periods which will not have a harmful effect on the way the monument is experienced, understood and appreciated.

The Council's Built Heritage Officer has confirmed that the scheme will cause no harm to the setting of listed buildings along the route while also causing no harm to the character and appearance of the nearby Conservation Areas of Llangathen and Llandeilo. The Dyfed Archaeological Trust have recommended the imposition of a condition requiring the applicant to undertake an archaeological watching brief as part of the construction work to assess and preserve any archaeological remains encountered.

The proposal is therefore in accord with the policy objectives of Policies SP13 and EQ1 of the LDP in that it will cause no material harm to the historic environment.

Other Matters

One of the respondents has raised concern regarding the impact of the path upon their current privacy suggesting that it would affect the quiet enjoyment of their property. The property in question, Hendy Farm, is located close to Llettyglyd Farm where the path diverts away from route of the embankment which has been heavily eroded by the river. As indicated above, the diverted route will be in the form of a boardwalk that will be set above the existing ground level. The path will be located to the east of the respondent's property being approximately 150 metres distant of its domestic curtilage which will be screened from the path by existing agricultural buildings that will obscure any views of the farmhouse and its garden. Moreover, the route of the path at this location is to be the subject of new tree

and woodland planting that will screen any easterly views of the path from the property and those located immediately to the north. Whilst the path will run close to residential properties elsewhere along its route, nonetheless, the impact would be restricted to path users walking or cycling past their front or side curtilages and it is of note that no objections have been received from the occupiers of the properties in question.

The proposal is therefore in compliance with the policy GP1 of the LDP in that it will not result in any residential amenity impacts.

In terms of the concerns regarding the impact of the path upon the operation of existing farm business and the movement of livestock, although there will be temporary disruption to accesses to a number of farms and properties as part of the construction phase of the path, nonetheless, access will be maintained throughout this period and the applicant will engage with the landowners to ensure the operation and financial viability of the businesses in question are not unacceptably harmed. Once completed, the path will cause no disruption to existing farms whereby existing accesses along and onto the route of the path will be maintained. The surfacing of those sections of the route currently used by farm holdings will be designed for use by agricultural machinery, while barriers and galvanised gated entrances together with suitable signage will be incorporated at key crossing points along the route to manage access and egress to ensure the safety of all users.

There is no evidence to suggest that the speed of cyclists using the path will cause a hazard to users and wildlife with the alignment of the path providing good visibility along the route. The Head of Transport has raised no objection in this regard. The use of fencing and gates along the route will prevent access onto surrounding agricultural land thereby safeguarding both livestock and users of the path, and Dyfed Powys Police have not raised concerns that the path will result in an increase in the incidence of crime in the area, as suggested by one of the respondents. As to concerns regarding potential littering, bins will be provided at key intersections along the route.

Whilst the path will result in the loss of an area of agricultural land classified as Subgrade 3a Best and Most Versatile (BMV) agricultural land, the extent of this loss will not be significant given the route will primarily follow the railway embankment. The deviations from the embankment onto agricultural land are necessary to address environmental constraints along its route that would impact upon its construction and longevity. In this regard, the proposal accords with the objectives of paragraphs 3.59 of Planning Policy Wales of retaining the BMV agricultural land whereby there is an overriding need for the development in meeting the Council Corporate objective of improving the health and wellbeing of residents and creating new walking and cycling facilities as both sustainable travel routes and tourist attractions. Further, there is no alternative previously developed land or land of a lower agricultural grade available to accommodate the route.

Concerns regarding the lack of consultation with landowners or other interested parties are unfounded whereby the proposal has been the subject of extensive consultation both prior to and following the receipt of the planning application. The former included the need for the applicant to undertake pre-application consultation in accordance with the prescribed statutory requirements and the application and subsequent additional information have been publicised in accordance with the relevant EIA Regulations.

Matters relating to the perceived lack of negotiation with landowners and the applicant's recourse to compulsory purchase of the land required for the path are not material in the consideration of the application. Similarly, concerns that any shortfall in funding will be borne

by local taxpayers are also not relevant to the proposal, as is the perceived impact upon property prices.

Finally, members will have noted that Llandeilo Town Council have questioned why the applicant's original proposal to extend the path beyond Bro Dinefwr School egressing onto the A483 to the south of Llandeilo Bridge has changed. This change to the extent of the route is as a result of comments received from the Welsh Government's Transport Division during the pre-application consultation stage wherein they advised that part of the route beyond the school crossed the potential route of the Llandeilo by-pass which is safeguarded by the Welsh Government for this purpose. It has therefore been omitted on the basis of Welsh Government advice.

Well-being of Future Generations (Wales) Act 2015

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

Conclusion

After careful examination of the site, together with the representations received to date, the proposed development is considered to be acceptable and in compliance with the key policy objectives of the Authority's LDP as well as those of National Planning Policy. Further, the application has attracted no objections from the relevant statutory consultees.

For these reasons, the application is put forward with a favourable recommendation subject to NRW confirming their acceptance of the Authority's Appropriate Assessment which concludes that, with the implementation of the mitigation measures, the development will not have a detrimental effect upon the River Tywi SAC and its qualifying features.

RECOMMENDATION - Approval

Conditions & Reasons

Condition 1

The works hereby granted consent shall be commenced before the expiration of five years from the date of this permission.

Reason:

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

Condition 2

The works hereby granted consent shall be carried out strictly in accordance with the details shown on the following schedule of plans and documents :

- Appendix 2.F – Habitats Regulations Assessment – WSP, December 2022
- Arboricultural Technical Note – WSP, 12 May 2023
- Appendix 2E – Habitats Regulations Assessment, Stage 1, Screening Habitats – WSP, July 2019

received on 12 May 2023

- Appendix 7.2 – Historic Desk-based Assessment – WSP, May 2023
- Figure 9.2 – River Centrelines – Pages 1-6
- Figure 9.1 – Water Environment Constraints – Pages 1-6

received on 10 May 2023

- Figure 2.1 - Environmental constraints plans
- Figure 7.3 – Historic landscape areas
- Figure 6.2 – Landscape character (Rev C)
- Figure 7.2 – Non-designated heritage asset plans
- Figure 7.1a and Figure 7.1b – Designated heritage asset plan
- Figure 3.2 – Structure plans
- Concept landscape masterplan and plans 1-15 (0100-0115)
- Figure 6.4 – 6.14 Viewpoints
- Figure 6.1 – Zone of theoretical visibility/visual envelope (Rev C)
- Figure 6.3 – Landscape concept (Rev C)

received on 9 May 2023

- CEMP Example of sediment management methodology - WSP

received 11 May 2023

- CEMP Pollution Mitigation Examples

received 5 May 2023

- Figure 3.1 – Work packages overview plan and typical details
- Figure 3.3 – Compound area plans
- Figure 3.4 – Detailed Section Plans

received on 28 April 2023

- 1:5000 scale location plans (1-8)
- Work packages overview plan – eastern section – E9 (WPO.E.E9 Rev A)

received on 30 March 2023

- Figure 2 – Tree removal plans

received on 24 March 2023

- Flood consequence assessment – Atkins, March 2023
- Appendix A - Scheme location [5183018-ATK-XX-XX-MP-G-004]
- Appendix A – Wider Sub-Area 2 [5183018-ATK-XX-XX-MP-G-0025 P02]
- Appendix A - Wider Sub-Area2 [5183018-ATK-XX-XX-MP-G-0030 P02]
- Appendix A - Wider Lylety Diff [5183018-ATK-XX-XX-MP-G-0058 P03]
- Appendix A - Wider Lylety Diff [5183018-ATK-XX-XX-MP-G-0059 P03]
- Appendix B - Figure 3.2 Structure E-12 CH12918.000 General Arrangement [2500.E.ST12 Rev C]
- Appendix B - General Arrangement Plan [SS.E.02]
- Appendix C - Tywi and Cothi Hydraulic Modelling Report - Atkins - August 2021, Revised March 2023 [Rev 5.0]
- Appendix D - Technical Note - Afon Gwynon Hydraulic Modelling Updates - 17th March 2023
- Appendix C - General Arrangement [SS.E.02]
- Schedule of sections and files (FCA) – Atkins, March 2023
- Appendix C - Figure 3.2 Structure E-12 CH12918.000 General Arrangement [2500.E.ST12 Rev C]

received on 23 March 2023

- EIA Scoping Report – WSP, 27 March 2019
- Appendix 6.A - 70041839 TVP(E) Arboricultural Statement V2 - September 2022

received on 7 February 2022

- Appendix 8.A - Preliminary Geo-Environmental Assessment - WSP - February 2018

received on 26 January 2023

- Outline Construction Environmental Management Plan - WSP - January 2023
- Appendix 1.A - Screening Request Opinion
- Appendix 1.B - SC.16073 - Scoping Opinion – TVP
- Appendix 1.C - Environmental & Ecological Scoping Study – WSP, 27 March 2018
- Appendix 1.D - NRW Scoping Comments V01
- ES Non-Technical Summary - WSP - September 2022
- Overall Site location Plan [_1_Site_Location_Plan]
- Transport Statement - Final with Apps - Atkins - 23 January 2023
- Flood Risk Management Plan - Atkins - January 2023
- Pre-Application Consultation Report (Final Signed) - WSP - November 2022
- Planning, Design and Access Statement (Signed) - WSP - January 2023
- Figure 8.1 - International and National Statutory Designated Sites within 2km
- Figure 8.2 - Non-Statutory Designated Sites with 2km
- Appendix 4.C - Geomorphological Dynamics Assessment - Earth Science Partnership
- Appendix 5.3 - EIA Scoping Report - WSP - 27 March 2018
- Appendix 6.2 - Visual Effects Table – WSP
- Compound Areas - Sheets 1-2, 3-4, 5-6, 7-8, 9-10

- Appendix A - Key Plan [5183018-ATK-XX-XX-MP-G-0018 P02]
- Appendix A - Detailed Sub-Areas (0021 P02 – 0035 P02)
- Appendix A - Detailed-Diff (0048 P02 – 0049 P02)

received on 24 January 2023

Ecological Documents

- Net Benefit for Biodiversity Report – WSP, May 2023, received on 10 May 2023
- Environmental Statement – WSP, April 2023, received 28 April 2023
- Figure 8.4 – Badger survey results, received on 4 April 2023
- Figure 8.7 – Bryophyte survey results, received on 4 April 2023
- Appendix 2L – Otter seasonal survey – WSP, January 2019 received on 7 February 2023
- Appendix 2.O - Bat Tree Survey Report - WSP - Sept 2022 received on 6 February 2023
- Appendix 2.J - Badger Sett Classification - Carregllys - Technical Note - Jacqueline Bond - 9th June 2022, received on 26 January 2023
- Appendix 2.K - Update Badger Survey - Technical Note – WSP, 13 January 2023, received on 26 January 2023
- Appendix 2.G Extended Phase 1 Habitat Survey Report Jan 19 V4 – WSP, January 2019, received on 24 January 2023
- Appendix 2.H Towy Valley Cycleway Eastern Section Updated Ecological Appraisal - WSP, January 2023, received on 24 January 2023
- Appendix 2.I - Preliminary Aquatic Ecology Assessment - WSP - May22, received on 24 January 2023
- Appendix 2.L - Otter Seasonal Survey - WSP - Jan2019, received on 24 January 2023
- Appendix 2.M - Updated Otter Survey Report - WSP - June 21st 2022, received on 24 January 2023
- Appendix 2.N - Bat Hibernation Inspections – WSP, January 2023, received on 24 January 2023
- Appendix 2.P - Vegetation Survey & Assessment - Bryophyte Assessment – Vegetation and Survey Assessment Ltd, November 2017, received on 24 January 2023
- Appendix 2.Q - Vegetation Survey & Assessment - Updated Bryophyte Assessment - Vegetation and Survey Assessment Ltd, November August 2020, received on 24 January 2023
- Preliminary Ecological Appraisal 2020 - WSP - September 2022, received on 24 January 2023
- River Gwynon Railway Bridge Bat Survey Report - WSP - September 2022, received on 24 January 2023
- Fig 8.3 - Towy Valley Cycleway Eastern Section - Extended Phase 1 Habitat Survey & Protected Species Survey Map [Figure 1], received on 24 January 2023
- Fig 8.5 - Otter Survey Location [Figure 1], received on 24 January 2023
- Fig 8.6 - Aerial Tree Climbing Survey Results [70041839], received on 24 January 2023
- Fig 8.8 - Trees with Bat Suitability Impacts Plan [70041839], received on 24 January 2023
- Fig 10.1 - Tree Constraints Plan [Figure 1], received on 24 January 2023
- Appendix 4.B - Water Framework Directive Assessment - WSP - August 2022, received on 24 January 2023
- Appendix 6.1 - Landscape Methodology – WSP, received on 24 January 2023
- Appendix 6.A - 70041839 TVP(E) Arboricultural Statement V2 - September 2022, received on 24 January 2023

Reason:

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

Condition 3

No development or site clearance shall take place until an Ecological Management Plan (EcMP) which informs and defines the ecological mitigation and management measures to be implemented as part of the construction phase of the development has been submitted to and approved in writing by the local planning authority.

The EcMP shall include the following:

- i) Updated species-specific targeted surveys for: -
- otter, which covers all bankside (of the River Tywi) and functionally linked habitat (River Cothi and associated habitat cover).
 - badgers
 - bat species

The updated surveys shall fully inform the requirements for any European Protected Species (EPS)/ Protected Species development licences.

- ii) Precautionary Method of Works (PMoW) which sets out specific measures to avoid or minimise adverse impacts to all protected and notable species. The PMoW shall fully address all findings from the updated species-specific targeted surveys and the recommendations of all approved Ecological documents detailed in Condition 2 of this permission. The PMoW shall include as a minimum, the following : -
- risk assessment of potentially damaging construction activities.
 - identification of specific sensitive locations and areas in relation to all protected and notable species.
 - description of the proposed physical measures and sensitive working practices in relation to all specific sensitive locations and areas, and protected and notable species, to avoid or minimise adverse construction phase impacts.
 - full details of proposals for ecological supervision of all construction phase site operations, to include designated responsible persons and lines of communication.

The PMoW shall form the basis of any applications for any European Protected Species (EPS)/ Protected Species development licences.

- iii) Clear cross reference to the specific measures set out in the Construction Environmental Management Plan (CEMP) required under Condition 4 of this permission which will avoid or minimise adverse impacts to all protected and notable species arising from the following: -
- degradation of habitats from dust.
 - noise and vibration levels including timing of operations.
 - external lighting.
 - sedimentation and pollution transport.

- iv) Clear cross reference to the Landscape and Ecological Design Scheme (LEDS) and Landscape and Ecological Management Plan (LEMP) as required under Conditions 5 and 6 of this permission, and the ways in which these documents deliver effective habitat creation and enhancement measures which effectively compensate for the loss of existing habitats for all protected and notable species, and specifically otters and badgers.

The EcMP shall be implemented in accordance with the approved details for the duration of the construction phase of the development.

Reason:

To safeguard against any unacceptable ecological or biodiversity impacts.

Condition 4

No development or site clearance shall take place until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall be based upon the recommendations and measures set out in the Outline Construction Environmental Management Plan (CEMP) – WSP – January 2023 received on 24 January 2023 and the following documents: -

- Appendix 4.B - Water Framework Directive Assessment - WSP - August 2022, received on 24 January 2023
- CEMP Pollution mitigation examples received on 5 May 2023
- CEMP Example of sediment management methodology - WSP received 11 May 2023

The CEMP shall comply with the Precautionary Method of Works (PMoW) to deliver ecological mitigation and management measures as set out in the Ecological Management Plan (EcMP) required under Condition No. 3 of this permission. It shall also set out arrangements by which the developer shall maintain communication with residents and businesses in the vicinity of the site, and by which the developer shall monitor and document compliance with the measures set out in the CEMP. The development shall be carried out in accordance with the approved CEMP.

Reason:

To prevent the pollution of the environment.

Condition 5

No development or site clearance shall take place until a Landscape and Ecological Design Scheme (LEDS) has been submitted to and approved in writing by the local planning authority. The scheme shall provide the location, extents, and specification information sufficient to fully define all existing landscape and ecological elements retained or translocated; and new elements installed, constructed, planted, or seeded.

The scheme shall specifically deliver the following:

- i) Detailed proposals based upon the principles of the Concept landscape masterplan and plans 1-15 (0100-0115) received on 9 May 2023.
- ii) The objectives of the Towy Valley Path Net Benefit for Biodiversity Report – WSP, May 2023, received on 10 May 2023

- iii) The recommendations of all approved Ecological documents as detailed in Condition 2 of this permission, and the findings of the updated species-specific targeted surveys.

Reason:

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

Condition 6

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

- i) Clearly mapped definition of all areas subject to transfer to future private ownership and management responsibility, and those to be maintained and managed as part of the LEMP including a GIS shape file of LEMP boundaries to enable monitoring of ongoing Net Benefit for Biodiversity planning policy objectives.
- ii) A report detailing the management objectives for all landscape and ecological elements and areas retained or translocated; and new elements installed, constructed, planted or seeded as part of the Landscape and Ecological Design Scheme (LEDS) required under condition 5 of this permission.

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

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

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

Reason:

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

Condition 7

Prior to the commencement of any works associated with the development (including site vegetation clearance, demolition of existing structures, excavation, heavy machinery entering site or the on-site storage of materials), an Arboricultural Method Statement (AMS) and Tree Protection Plan (TPP) informed by the AMS shall be submitted to and approved in writing by the local planning authority. The AMS and TPP shall be undertaken in

compliance with the recommendations of BS5837. The AMS shall provide details, as necessary, of construction operations and specific design solutions to be undertaken within the root protection areas of all trees, large shrubs and hedges identified for retention, and the TPP shall be informed by the AMS and provide details of all protective measures, operations and construction exclusion zones for all trees, large shrubs and hedges identified for retention. The development shall be implemented in accordance with the approved details.

Reason:

To safeguard existing trees within and bordering the site.

Condition 8

No development or site clearance shall take place until a detailed Construction Traffic Management Plan (CTMP) has been submitted to and approved in writing by the local planning authority. The CTMP shall include details of compound and delivery access arrangements, including:

- Traffic Management
- Junction Widening
- Visibility Splay Improvements
- Passing places
- Surface treatment
- Signage
- Banksmen
- Details of any abnormal loads

The development shall be implemented in accordance with the approved details.

Reason:

In the interests of highway safety.

Condition 9

No development shall commence until an assessment of the nature and extent of contamination affecting the application site has been submitted to and approved in writing by the local planning authority. This assessment must be carried out by or under the direction of a suitably qualified competent person in accordance with BS10175 (2011) *Investigation of Potentially Contaminated Sites Code of Practice* and shall assess any contamination on the site, whether or not it originates on the site.

The report of the findings shall include:

- (i) a desk top study to identify all previous uses at the site and potential contaminants associated with those uses and the impacts from those contaminants on land and controlled waters. The desk study shall establish a 'conceptual site model' (CSM) which identifies and assesses all identified potential source, pathway, and receptor linkages;
- (ii) an intrusive investigation to assess the extent, scale and nature of contamination which may be present, if identified as required by the desk top study;

(iii) an assessment of the potential risks to:

- human health,
- groundwater and surface waters
- adjoining land,
- property (existing or proposed) including buildings, crops, livestock, pets,
- woodland and service lines and pipes,
- ecological systems,
- archaeological sites and ancient monuments; and
- any other receptors identified at (i)

(iv) an appraisal of remedial options, and justification for the preferred remedial option(s).

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

Reason:

To ensure that any ground contamination is addressed in an acceptable manner.

Condition 10

No development shall take place until a qualified and competent archaeologist has submitted a written scheme of investigation (WSI) for approval in writing by the local planning authority. This WSI will describe the different stages of the work and demonstrate that it has been fully resourced and given adequate time. On behalf of the local planning authority, their archaeological advisors (DAT DM) will monitor all aspects of this work through to the final discharging of the condition. This work will not be deemed complete until all aspects of the WSI have been addressed and the final report submitted and approved.

Reason:

To protect historic environment interests whilst enabling development.

Condition 11

The boundary treatment measures shown in Figure 3.4 – Detailed section plans received on 28 April 2023 and Figure 3.1 – Work packages overview plan and typical details received on 28 April 2023 shall be provided in accordance with the details shown prior to the use of the respective sections of the path that they will serve and enclose.

Reason:

In the interests of the safety of path users, livestock and wildlife.

Notes / Informatives

Note 1

Please note that this consent is specific to the plans and particulars approved as part of the application. Any departure from the approved plans will constitute unauthorised development and may be liable to enforcement action. You (or any subsequent developer)

should advise the Council of any actual or proposed variations from the approved plans immediately so that you can be advised how to best resolve the matter.

In addition, any Conditions which the Council has imposed on this consent will be listed above and should be read carefully. It is your (or any subsequent developers') responsibility to ensure that the terms of all Conditions are met in full at the appropriate time (as outlined in the specific condition).

The commencement of development without firstly meeting in full the terms of any Conditions which require the submission of details prior to the commencement of development will constitute unauthorised development. This will necessitate the submission of a further application to retain the unauthorised development and may render you liable to formal enforcement action.

Failure on the part of the developer to observe the requirements of any other Conditions could result in the Council pursuing formal enforcement action in the form of a Breach of Condition Notice.

Note 2

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

Note 3

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

Please be advised that under Schedule 3 of the Flood and Water Management Act 2010 construction work must not be commenced unless the drainage system for the work has been approved by the SAB. The Sustainable Drainage Scheme must be nature based and features should contribute to ecology, landscape and deliver Net Benefit for Biodiversity.

APPLICATIONS RECOMMENDED FOR REFUSAL

Application No	PL/05354
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Application Type	Full planning permission
Proposal	Retention of detached dwelling
Location	Pantbach, Heol Treventy, Cross Hands, Llanelli, SA14 6TE

Applicant(s)	ADEL Construction - Craig Lloyd
Agent	Thomas Gronow
Officer	Hugh Towns
Ward	Gorslas
Date of validation	26/01/2023

Reason for Committee

This application is being reported to the Planning Committee following a call-in request by Cllr Aled Vaughan Owen and Cllr Darren Price on the grounds that they would like the committee to have the opportunity to consider the adverse impacts raised by the objectors.

Site

The application site is a plot of land immediately to the south-west of the property known as Pantbach, Heol Treventy and was formerly part of the curtilage of that property. The site is accessed along an unmade lane running from Heol Treventy which also serves as access to two other properties and fields to the west. To the north are residential properties fronting onto Heol Rhosybonwen, and to the south are the gardens of properties fronting onto Heol Treventy. The dwelling the subject of this application is under construction and is weatherproof with external walls, roof and windows/doors in place.

Proposal

The application seeks to retain the dwelling 'as built' as it has been constructed in a different position to that shown on the plans previously approved in September 2017 (W/34183). The original plans submitted with W/34183 showed the dwelling in the position that it has been built but the position was subsequently amended so as to move the property away from the

boundary and to realign it slightly. Unfortunately, the applicant has mistakenly built the dwelling in accordance with the original submitted plans rather than the amended approved plans.

Planning Site History

D4/21372 - Siting of residential development - Outline Refusal - 22/10/1991

W/34183 - Detached dwellinghouse - Full Granted - 5/10/2017

Planning Policy

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

SP1 - Sustainable Places and Spaces
SP5 - Housing
SP6 - Affordable Housing
GP1 - Sustainability and High Quality Design
GP2 - Development Limits
GP3 - Planning Obligations
H2 - Housing within Development Limits
AH1 - Affordable Housing
EP1 - Water Quality and Resources
EP2 - Pollution
EP3 - Sustainable Drainage

[Carmarthenshire Supplementary Planning Guidance](#)

Affordable Housing
Planning Obligations
Caeau Mynydd Mawr

National Planning Policy and Guidance is provided in [Future Wales: The National Plan 2040, Planning Policy Wales \(PPW\) Edition 11](#), February 2021 and associated [Technical Advice Notes](#) (TANs) published by Welsh Government.

Summary of Consultation Responses

Gorslas Community Council - has not commented to date.

Local Members - Cllr Aled Vaughan Owen has responded advising that residents are concerned that the property has been built too close to the boundary wall of properties along Heol Treventy. Specifically, to the rear of the property, there is less than 2 metres between the property's rear external wall and the boundary wall. Residents feel that this is an unacceptable development that has negative impacts on their properties. Residents also note that many of the upstairs windows overlook their properties which has significant negative privacy impacts on their homes. Cllr Darren Price has not commented to date.

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

Summary of Public Representations

The application was the subject of neighbour notification to two adjoining properties. In response, letters of objection from 5 separate households have been received which raise the following issues of concern.

- Loss of privacy/amenity primarily from overlooking
- Loss of light
- Concerns over sewage disposal
- Concerns about consultation on the previous application
- Devaluation of property

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

Appraisal

Principle of the Development

The site lies inside the development limits of Cefneithin as identified in the Carmarthenshire Local Development Plan although it is not specifically allocated for development. Policy H2 of the Local Development Plan therefore applies and states that proposals for housing developments on unallocated sites within the development limits of a defined settlement will be permitted, provided they are in accordance with the principles of the Plan's strategy and its policies and proposals.

The applicant argues that the planning permission for a dwelling on this plot granted in October 2017 establishes the principle of development. However, that permission lapsed in October 2022 as it had not been implemented in accordance with the approved plans. The development that has been undertaken is unauthorised as it does not accord with the approved plans and cannot be considered to implement the planning permission. Therefore at the point of making this decision there is no extant permission. The principle of development of the site has therefore not been established by the 2017 permission and the principle has to be considered afresh.

Loss of Privacy/Amenity

One of the main causes for concern expressed by the objectors in this case is whether the positioning of the dwelling causes significant adverse effects which cannot be mitigated in any other way. Irrespective of the location of the dwelling the rear dormer window in the roof does overlook the adjacent gardens, but so do the first floor windows of the properties in the remainder of the street. In addition, the dormer window in this dwelling serves a bathroom so the windows are obscure glazed. The impact of the positioning of the dwelling from first floor level is therefore not significant.

At ground floor level, the positioning does potentially have an impact if it is not mitigated. However, the applicant is proposing a 1.8m high blockwork wall along the southern boundary and a 1.8m feather edge fence along the eastern boundary with Pantbach. This will screen direct views over the adjoining gardens provided the 1.8m is measured from floor level of the dwelling rather than adjoining ground level.

The resident of 22 Heol Treventy has claimed loss of light as a result of the erection of the dwelling. However, 22 Heol Treventy lies 30m to the east and over such distance the argument of loss of light cannot be sustained.

On the basis of the above, any amenity impacts associated with the dwelling can be adequately mitigated and refusal on the basis of amenity impact and loss of privacy cannot be sustained.

Foul Drainage

This is another significant cause for concern expressed by the objectors. Circular 008/2018 - Planning requirement in respect of the use of private sewerage in new development, incorporating septic tanks and small sewage treatment plants (July 2018) states that Local Planning Authorities should aim to satisfy themselves the sewerage proposals for a development are suitable, and public health, amenity and environmental problems which might justify refusal of planning permission are unlikely to arise. The responsibility for demonstrating a new development is effectively served by a sewerage system rests with the developer.

When drawing up sewerage proposals for any development a sequential approach should be followed, the first presumption must always be to provide a system of foul drainage discharging into a public sewer. DCWW plans indicate that the site is within a sewered area but it has been demonstrated to the satisfaction of the Local Planning Authority that the developer is unable to gain the necessary permission from an adjoining landowner to connect to the public sewer. In such circumstances the Circular advises that a package sewage treatment plant should be considered. The applicant has failed to demonstrate that a package treatment plant is not feasible and has proposed a septic tank without adequate detail or justification. The Circular advises that septic tanks should only be considered where it has been clearly demonstrated that connection to the foul sewer and a package treatment plant are not feasible. The applicant has argued that the 2017 permission was granted on the basis of a septic tank and therefore the principle has been established. However, as set out above the principle cannot be established by a lapsed planning permission. The foul drainage arrangements must comply with current standards and in this case a septic tank, without appropriate details and justification, is considered to be unsatisfactory and in conflict with LDP Policy GP1, EP1 and EP2.

Other Matters

As Members will be aware concerns about consultation on a previous application and devaluation of property are not material planning considerations.

Planning Obligations

The developer has paid an Affordable Housing Contribution of £8,904 and the Caeau Mynydd Mawr Contribution of £1,043 under the terms of the previous permission. As the planning permission was not implemented this will need to be returned to the developer, unless a planning permission is granted and a Deed of Variation is entered into.

Well-being of Future Generations (Wales) Act 2015

The decision considers the duty to improve the economic, social, environmental and cultural well-being of Wales, in accordance with the sustainable development principle, under

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

Conclusion

The proposed development is located inside the development limits of Cefneithin. However, the applicant has failed to follow the sequential approach set out in Circular 008/2018 in relation to foul drainage arrangements. The applicant has demonstrated to the satisfaction of the Local Planning Authority that a connection to the public sewer is not feasible but has not demonstrated that a package treatment plant is not feasible. The proposed use of a septic tank in such a situation is unacceptable and is compounded by the lack of detail in relation to the siting and operational effectiveness of a septic tank on this site.

Concerns have been expressed by neighbours in relation to loss of privacy and amenity but refusal on these grounds cannot be sustained as the development has no greater impact than is already experienced from existing dwellings.

RECOMMENDATION - Refusal

Reasons for Refusal

Reason 1

The applicant has failed to demonstrate, with reference to the sequential approach set out in Circular 08/2018, that the use of a septic tank is a satisfactory means of foul drainage in this case. Notwithstanding that fundamental issue, the applicant has also failed to demonstrate that a septic tank and its associated drainage field can operate within this site as an effective means of foul drainage without a likely impact on public health, amenity and the environment. The proposal therefore conflicts with Policies GP1, EP1 and EP2 of the Adopted Carmarthenshire Local Development Plan.

Application No	PL/05786
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Application Type	Full planning permission
Proposal	Construction of dwelling for local needs eligibility - policy
Location	Plas Newydd, Llangain, Carmarthen, SA33 5AY

Applicant(s)	Vivian Jenkins
Agent	Harold Metcalfe Partnership - Ceri Evans
Officer	Charlotte Ford
Ward	St Clears and Llansteffan
Date of validation	12/04/2023

Reason for Committee

This application is being reported to the Planning Committee at the request of the Local Member Cllr Carys Jones (Vice Chair of the planning Committee).

Site

The application site comprises part of an agricultural field situated off the C2079 (Glasfryn Square to Rhydydan B4312) and subsequent track road with Plas Newydd Farm being to the south east of the site. The application site is located some 1.6km west of the development limits of Llangain and 2.4km south east of Llangynog.

The site itself comprises the southern corner of an agricultural field with a frontage onto the unclassified track road that serves Plas Newydd Farm. The remainder of the agricultural field, within which the application site is located, is currently delineated by hedgerow on all sides. The area surrounding the application site is characterised by scattered farmsteads and dwellings with no defined settlement in close proximity.

Proposal

The application is a resubmission of 2 previously refused outline applications for a local needs dwelling on the same site. The applicant seeks full planning permission for a new

detached dwelling outside of development limits. The proposed bungalow measures 129m² and is comprised of 4 bedrooms, bathroom, lounge, kitchen/dining area and a utility room.

The proposal is for a local needs dwelling and a supporting statement has been submitted outlining the rationale for the proposal and information relating to the circumstances of the applicant. The applicant was born and raised in Llangain and is the 5th generation to live in the vicinity of Plas Newydd farm, and now being responsible for the farming of 50 acres due to both the applicant parents being now retired. The applicant and their partner both work in Ysgol Y Dderwen (Carmarthen) and state that they have been unable to secure a dwelling within Llangain given their budget and prevailing house prices.

Planning Site History

PL/04230 - Construction of dwelling for local need eligibility - Outline Refusal - 12/9/2022

PL/04868 - Construction of dwelling for local needs eligibility - Outline Refusal - 15/12/2022

Planning Policy

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

SP1 - Sustainable Places and Spaces

SP2 - Climate Change

SP3 - Sustainable Distribution- Settlement Framework

SP14 - Protection and Enhancement of the Natural Environment

GP1 - Sustainability and High-Quality Design

GP2 - Development Limits

GP3 - Planning Obligations

AH2 - Affordable Housing – Exceptions Sites

AH3 - Affordable Housing – Minor Settlement in the Open Countryside

TR2 - Location of Development – Transport Considerations

TR3 - Highways in Developments – Design Considerations

EQ4 - Biodiversity

EQ5 - Corridors, Networks and Features of Distinctiveness

EP1 - Water Quality and Resources

EP2 - Pollution

EP3 - Sustainable Drainage

[Carmarthenshire Supplementary Planning Guidance](#)

National Planning Policy and Guidance is provided in [Future Wales: The National Plan 2040, Planning Policy Wales \(PPW\) Edition 11](#), February 2021 and associated [Technical Advice Notes](#) (TANs) published by Welsh Government.

Summary of Consultation Responses

Head of Transportation & Highways - No objections subject to conditions.

Local Member - Councillor C. Jones - Requests that the application is referred to the Planning Committee for determination for the following reason:-
For discussion with the Planning Committee on a Local Needs basis.

Llagynog Community Council - The above application was reconsidered by Llangynog Community Council. It was resolved to support this application.

Conservation (Trees) – Requires the submission of a BS 5837 tree report.

Rights of Way - No objection subject to advisory note being attached to the granting of any permission.

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

Summary of Public Representations

The application was the subject of notification by way of a site notice. One public representation has been received at the time of writing this report expressing support for the application.

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

Appraisal

Principle of the development

Whilst there is a general presumption against the erection of new dwellings outside of defined settlements within the countryside, the LDP, having regard to guidance set out in PPW recognises that there are opportunities and that sensitive infilling or small gaps and/or minor extension to such groups could be considered acceptable provided that they provide for affordable housing to meet genuine identified local need.

Policy AH3 provides the criterion against which such applications must be considered and specifies:

Proposals in the open countryside for affordable housing for a single dwelling will be permitted within settlements, hamlets and groups of dwellings without Development Limits where it is to meet a genuine identified local need (as defined within the Glossary of Terms) and provided that:

- a) It represents sensitive infill development of a small gap within an otherwise continuous built up frontage; or, a minor extension which does not result in ribbon development or perpetuate existing ribbon development;
- b) It is of a scale and size appropriate to, and in keeping with (and not detrimental to) the character (including landscape and townscape) of the area;
- c) The benefits of the initial affordability will be retained for all subsequent occupants;
- d) It is of a size, scale and design compatible with an affordable dwelling and is available to those on low or moderate incomes.

The definition of local need is defined in the Glossary of Terms in the LDP and reads as follows:

"Residents (and their dependents) of the community and town council area or adjoining community and town council area. Present residents whose circumstances may relate to current substandard or unsatisfactory accommodation or where they are forming a new family or leaving the parental home for the first time will be considered as will those who make a significant contribution to the social, cultural and economic vitality of the community and town council area.

In addition, the definition will apply to those persons with a long standing link with the community and town council area including a period of established residence within the last twenty years. Those persons who have a proven functional need to live close to their place of work or to a resident through an essential need arising from age or infirmity may also be deemed eligible for consideration."

Having regard to the supporting statement which accompanied the application, it is concluded that the applicant would meet the definition of local need. It is considered on balance that the applicant has provided sufficient information to demonstrate that they meet the definition, in that they have a long standing link to the local area. The applicant and their partner are in full time employment in Ysgol Y Dderwen, Carmarthen (9.3km from the application site). The supporting information also indicates that the applicant farms approximately 50 acres of the family-owned farm at Plas Newydd which is adjacent to the proposed application site and has aspirations for its future. Although no further information as to the farming enterprise has been provided. The applicant states that they contribute to the local community of Llangain in a social and cultural sense through involvement in the organisation of town events. Within the supporting statement the applicant has advised that their budget is not sufficient to buy a home in Llangain.

In terms of criteria (a) of LDP Policy AH3, the proposed development should represent a *"sensitive infill development of a small gap within an otherwise continuous built-up frontage; or, a minor extension which does not result in ribbon development or perpetuate existing ribbon development"*. Having further regard to the site's location, Paragraph 3.56 of PPW Edition 11 states that *"development in the countryside should be located within and adjoining those settlements where it can best be accommodated in terms of infrastructure, access, habitat and landscape conservation."* The sites' location is not within the development limits of Llangain. Although there are some properties within the site's general locality, these would not be categorised as either a settlement or a hamlet. It is considered that the dwellings within the locality of the application site are located some distance from the site. They are dispersed in a fragmented pattern some distance away from each other, not close enough to reasonably be considered a group of dwellings for the purposes of this policy. Notwithstanding this, consideration has been given to the remaining criteria of Policy AH3.

In terms of the remaining criteria of Policy AH3, namely (b), (c) and (d), as stated above the application is for a property intended to meet a local need for affordable housing. Regard is given to the Welsh Government document "Welsh Development Quality Requirements 2021 – Creating Beautiful Homes and Places". This sets out the National minimum functional quality standards for new and rehabilitated general needs affordable homes. According to this document the largest affordable dwelling specified is 114sqm, which is suitable for 7 persons/4 bedrooms. The previously refused schemes sought permission for a dwelling that had a floorspace of between 160 and 240m. The proposal has been amended to reduce the scale to 129sqm, which whilst exceeding, is nevertheless considered to be modest and reflects the needs of the applicant and their family as outlined in the supporting statement. As such, officers no longer raise objection to the proposed size, scale and design of the dwelling.

Whilst no supporting information regarding the estimated build budget, land value or professional fee have been submitted as part of this application, the supporting statement states that the average house price in Llangain over the last year, according to Zoopla and Rightmove is £330,000, which is 20% higher than the previous year. As such, the majority of the building work will be undertaken by the applicant with the help of friends and family who have trades. In doing so it is anticipated the costs will be significantly less than £330,000. The consultation response from the valuations officer includes details of an on-line search for 4 bedroomed properties within a 5 mile radius of the subject site and results showed that there were two being advertised for prices of £200,000 or below.

Whilst the initial affordability of the property could be retained for all subsequent occupants through the completion of a Section 106 agreement to control the future sale of the property and ensuring the property would remain affordable in the longer term, this has not been pursued given the policy objection to the development in relation to its siting as referred to above.

Whilst the proposal is now considered to have partly addressed the previous reason for refusal in terms a reduction in scale, it remains that the siting of the dwelling in this remote location fails to meet Criteria (a) of Policy AH3. The proposal therefore would result in an isolated sporadic new dwelling in the countryside divorced from built form to the detriment of the character and appearance of the area.

Conservation (Trees)

The proposal has the potential to impact upon the surrounding hedgerows/trees during the construction phase to enable access into the site. As such, whilst the Conservation Officer has not raised in principle objections to the development, it is requested that additional tree information would be required.

Planning Obligations

The initial affordability of the property could be retained for all subsequent occupants through the completion of a Section 106 agreement to effectively control the future sale of the property. This has not been pursued with the applicants given the fundamental objection to the development as outlined above.

Well-being of Future Generations (Wales) Act 2015

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

Conclusion

After careful consideration of the scheme as submitted, it is concluded on balance that the proposal represents an isolated sporadic new dwelling in the countryside divorced from built

form to the detriment of the character and appearance of the area. By reason of its remote siting, the dwelling is considered to be contrary to policy Policy AH3 of the Local Development Plan in that it is not within a settlement, hamlet or group of dwellings and is therefore recommended for refusal.

RECOMMENDATION - Refusal

Reasons for Refusal

Reason 1

The site is located in the countryside where there is a presumption against new residential development unless in exceptional circumstances. The proposed site is not within a settlement, hamlet or group of dwellings and does not represent a sensitive infill of an otherwise continuous built up frontage nor does it constitute a minor extension and as such development of the site would result in a sporadic, fragmented and disjointed pattern of residential development that would be harmful to the rural character and appearance of the area. As such, it is considered that the proposal would constitute inappropriate and intrusive rural development that would be harmful to visual amenity, the character and appearance of the countryside and at odds with the principles of sustainable development, contrary to Policies SP1, SP14, GP1 and AH3 of the adopted Carmarthenshire Local Development Plan (2014).