

**Revised Local  
2018-2033 Development  
Plan**

**January  
2020**

**Caeau Mynydd Mawr  
Special Area of Conservation**



**Draft Supplementary  
Planning Guidance**

## **CONTENTS**

**1.0 INTRODUCTION**

**2.0 LEGISLATIVE AND POLICY CONTEXT**

**3.0 THE CAEAU MYNYDD MAWR SPECIAL AREA OF CONSERVATION**

**4.0 BACKGROUND, THE PROJECT AND DEFINING THE SUPPLEMENTARY PLANNING GUIDANCE AREA**

**5.0 CONTRIBUTION SUMS - INCLUDING FLOWCHART**

**6.0 MONITORING AND MANAGEMENT**

## **APPENDICES**

**APPENDIX 1 - THE SUPPLEMENTARY PLANNING GUIDANCE AREA**

**APPENDIX 2 – MYNYDD MAWR SPECIAL AREA OF CONSERVATION  
LOCATION PLAN**

**APPENDIX 3 – USEFUL CONTACTS**

## 1.0 INTRODUCTION

### Purpose of Guidance

- 1.1 This Supplementary Planning Guidance (SPG) is an elaboration and consolidation of the policies and provisions of the Revised Carmarthenshire Local Development Plan (rLDP) Deposit Draft (January 2020), most notably policy NE4: Development within the Caeau Mynydd Mawr SPG Area.
- 1.2 This SPG provides specific guidance in relation to the consideration of development proposals impacting upon the Caeau Mynydd Mawr Special Area of Conservation (SAC). In noting its environmental credentials, this SPG is intended to assist in facilitating the delivery of the rLDP up to 2033 – most notably within the Cross Hands Principal Centre and surrounding areas as part of a place making approach.
- 1.3 The compiling (and future adoption) of this SPG is a recognition by the Council of the outcomes of the Plan level Habitats Regulations Assessment (HRA) undertaken on the rLDP. It also reflects a range of legislation and guidance, notably the Conservation of Habitats and Species Regulations 2017, the Well-being of Future Generations Act 2015 and the Environment Act 2016. This SPG replaces a previous iteration of the SPG which supported the previous Carmarthenshire LDP (2006-2021). The previous SPG, and its supporting evidence, has been fully revised in this regard.
- 1.4 Should a developer be unable to provide the required mitigation to satisfy the HRA as part of the seeking of a planning permission within the SPG area, then this SPG provides a mechanism for the developer to provide a contribution to the Council's Caeau Mynydd Mawr project instead. The project will then deliver the mitigation on the developer's behalf. The Caeau Mynydd Mawr project will mitigate for any loss of habitat and reduction in the permeability / connectivity of the landscape within the SPG area by delivering an integrated habitat management plan, in accordance with the conservation objectives of the SAC.
- 1.5 The compiling (and future adoption) of this SPG indicates that any Tests of Likely Significant Effect (TLSE) conducted by the Council for developments within the SPG area should generally be able to conclude that there will be no likely significant effect (alone and in combination) on the features (and their conservation objectives) for which the Caeau Mynydd Mawr SAC has been designated. This should generally enable planning permission to be granted in a timely manner, subject to the proposal meeting the policies and provisions of the rLDP as a whole.
- 1.6 This SPG reflects the conservation objectives of the SAC and the marsh fritillary butterfly metapopulation. It is supported and informed by the following 3 papers (available upon request) which fully evidence the following key facets:
  - the delineation of the SPG Area;
  - the calculation of the contribution sum to be levied; and
  - the habitat management specifications and quantification of success.
- 1.7 It is intended that the potential impact of losing connectivity between supporting habitat within the SPG area as a result of development will be addressed by securing appropriate management of other areas suitable for the marsh fritillary within the SPG area. The project also seeks to provide links (such as areas of open grassland of suitable size) between other areas of supporting habitat within the SPG area.

- 1.8** The habitat management / mitigation will be undertaken by the Council's Caeau Mynydd Mawr project. This project will secure the ongoing and future management of habitat within the SPG area and will be funded by the developer contributions secured through planning obligations as part of the granting of planning permission within the SPG area. A contribution will be required from the developer which has been calculated to be sufficient to fund the management of twice that area lost to development for the perpetuity period (i.e. 20 years).
- 1.9** This SPG establishes a transparent and consistent approach to securing contributions that will resource the Caeau Mynydd Mawr project. It also makes applicants aware, at an early stage of the development process, of the Council's expectations in respect of the level of contributions required and where the SPG area is located.
- 1.10** The rLDP does not repeat national policy statements. The Council will therefore utilise national policy to assist in determining development proposals that have potential to impact on international and nationally designated sites. Such policies also underpin the implementation of this SPG. Reference can however be made to rLDP policy SP 13 Maintaining and Enhancing the Natural Environment– most notably in terms of the cross reference to Planning Policy Wales Technical Advice Note 5.
- 1.11** This SPG is a material consideration in the determination of planning applications and appeals located within the SPG area.
- 1.12** The preparation of this SPG will be subject to a public consultation exercise alongside the draft deposit rLDP with comments invited on its content. The consultation has been conducted in a manner consistent with that set out within the Delivery Agreement for the rLDP. It is intended to be adopted concurrently with the rLDP. It should be noted that the Plan should be read in its entirety in formulating any proposals.

## 2.0 LEGISLATIVE AND POLICY CONTEXT

### National Policy Context

#### Planning Policy Wales (Edition 10, December 2018)

- 2.1 Planning Policy Wales (PPW) sets out the land use planning policies of the Welsh Government and is supplemented by a number of documents, including Technical Advice Notes (TANs). Paragraph 2.17 of PPW states that “in responding to the key principles for the planning system, the creation of sustainable places and in recognition of the need to contribute to the well-being of future generations in Wales through placemaking, development plans and development proposals must seek to deliver developments that address the national sustainable placemaking outcomes”. Reference should be made to ‘The Distinctive and Natural Places theme’, with paragraph 6.4.9 setting out the broad framework for implementing the Section 6 Duty under the Environment Act of 2016 and building resilience through the planning system.
- 2.2 Paragraph 6.4.14 of PPW states that “International and national responsibilities and obligations for conservation should be fully met, and, consistent with the objectives of the designation, statutorily designated sites protected from damage and deterioration, with their important features conserved and enhanced by appropriate management”. Reference should also be made to Paragraph 6.4.18 of PPW, notably “...development can normally only be authorised or the plan adopted, if the planning authority ascertains that it will not adversely affect the integrity of the site, if necessary taking into account any additional measures planning conditions or obligations”

#### Technical Advice Note (TAN) 5, Nature Conservation and Planning (September 2009):

- 2.3 TAN 5 provides advice about how the land use planning system should contribute to protecting and enhancing biodiversity and geological conservation. It provides an overview of all relevant legislation within the field and “demonstrates how local planning authorities, developers and key stakeholders in conservation can work together to deliver more sustainable development that does not result in losses from the natural heritage but instead takes every opportunity to enhance it” (paragraph 1.6.1).
- paragraph 2.4 states that local planning authorities should.. “adopt a step-wise approach to avoid harm to nature conservation, minimise unavoidable harm by mitigation measures, offset residual harm by compensation measures and look for new opportunities to enhance nature conservation...”
  - paragraph 3.2.6 states that “Local development plans should include policies in respect of the conservation of the natural beauty and amenity of the land; such policies should encourage the management of features of the landscape which are of major importance for wild flora and fauna. Suitable planning conditions and obligations may serve to promote such management.”
  - paragraph 3.4.2 states that “Local planning authorities may adopt SPG to provide more detailed, locally relevant guidance for:
    - achieving more sustainable solutions to development problems and opportunities that respect natural processes and ecological systems...
    - developers to avoid adverse effects on nature conservation, minimise

unavoidable effects by mitigation measures and compensate for residual effects on nature conservation, and providing new benefits for conservation, using examples of different types of development and different conservation scenarios and initiatives...

-the creation of new wildlife habitats and the enhancement of nature conservation interests..”

- paragraph 4.1.1 states that “The development control process is a critical stage in delivering the protection and enhancement of nature conservation required by PPW. The following can help to achieve these objectives...securing necessary measures to protect, enhance, mitigate and compensate through planning conditions and obligations”

**2.4** Section 4.7 confirms that planning obligations can also be an effective way of avoiding potential adverse effects on nature conservation enabling a permission to be granted. It states that if there is a choice between imposing conditions and entering into a planning obligation, the imposition of a condition is preferable, however in many circumstances, for nature conservation matters, obligations provide a more flexible, but equally reliable and enforceable, means of controlling development. It adds that obligations are “particularly useful for delivering the measures in a proposed development to avoid, mitigate or compensate for potential harm to nature conservation and to ensure proposed natural heritage benefits are delivered in a timely and appropriate way, where these have been material considerations in the planning decision.”

**2.5** Paragraph 4.7.1 states that obligations may be appropriate for providing:

- for the management of land and conservation of natural heritage features associated with development including any compensatory areas;
- monitoring systems and the means of reporting, reviewing and adjusting, monitoring and mitigation and compensation measures;
- new habitats or enhancing existing habitats, on or off-site;
- information and interpretation, for example, about the geological interest of a site or feature;
- improved access for all to sites or features of nature conservation interest;
- new nature reserves or the funding of nature reserve management or provision;
- warden or ranger services to help manage recreational or other pressures on land on or off-site;
- measures to avoid harm to protected species in buildings or elsewhere;
- other appropriate financial contributions to nature conservation.

**2.6** TAN 5 confirms that “whilst the above is not an exhaustive list but illustrates the scope of use of planning obligations. Local planning authorities and developers are encouraged to use obligations in a positive and innovative way....”

### **Developer contributions / obligations**

**2.7** Paragraph 10.3.1 of The Development Management Manual (Revision 2 Welsh Government, May 2017 – the DMM 2017) outlines that developers may be asked to provide contributions in several ways. This may be through the Community Infrastructure Levy (CIL) or planning obligations in the form of an agreement under Section 106 of the Town and Country Planning Act 1990 - as amended by Section 12 of the Planning and Compensation Act (1991).

- 2.8** It should be noted that at the time of writing there is no CIL in Carmarthenshire. Planning obligations secured by way of a Section 106 agreement or Unilateral Undertaking (also called a Unilateral Obligation), are binding on the land and are therefore enforceable against all successors in title.
- 2.9** Paragraph 10.3.7 of DMM2017 clarifies that obligations created under section 106 of the 1990 Act can:
- restrict the development or use of the land in any specified way;
  - require specified operations or activities to be carried out in, on, under or over the land;
  - require the land to be used in any specified way;
  - require a sum or sums to be paid to the authority on a specified date or dates or periodically.
- 2.10** Paragraph 10.3.8 of DMM2017 clarifies that planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition. The Council accepts that conditions are unlikely to suffice in relation to Mynydd Mawr given that matters are being considered at a landscape / metatpopulation scale with the provisions of the Habitat Regulations (including 'in combination' matters) being paramount. It is noted in this regard that there is an emphasis on addressing off-site / connectivity issues at a landscape scale. However, it is accepted that conditions may prove useful for any 'on site' conservation / mitigation measures, with their use a matter for consideration on a site by site basis – reference is made to paragraph 5.5 of this SPG.
- 2.11** The legal tests for planning obligations are set out in the Community Infrastructure Levy Regulations 2010 (as amended) (set out below). In adopting this SPG, the Council is satisfied that this SPG meets these tests in identifying a Plan level policy intervention for implementation within the rLDP period:
- necessary to make the development acceptable in planning terms;
  - directly related to the development;
  - fairly and reasonably related in scale and kind to the development.
- 2.12** Procedural guidance on how planning obligations should be properly negotiated and used by Planning Authorities is provided by Planning Obligations Welsh Office Circular 13/97 (8th July 1997). It is stated that planning obligations should be necessary; relevant to planning; directly related to the proposed development; fairly and reasonably related in scale and kind to the proposed development, and; reasonable in all other respects.
- 2.13** Annex B of Circular 13/97 provides further guidance on how these tests should be met. Paragraph B2 of Annex B states that planning obligations 'should only be sought where they are necessary to make a proposal acceptable in land-use planning terms' and that 'Planning obligations may relate to matters other than those covered by a planning permission, provided there is a direct relationship between the planning obligation and the planning permission... but they should not be sought where this connection does not exist or is too remote..'

- 2.14** Paragraph B9 of Annex B to the Circular provides some illustrations of what might be 'reasonable' in the terms of the policy test. It requires that what is sought or offered must be: Necessary from a practical point of view to enable the development to go ahead and Necessary from a planning point of view and is so directly related to the proposed development and to the use of the land after its completion that the development ought not to be permitted without it.
- 2.15** All contributions levied within the SPG area will be utilised towards funding the implementation of specific habitat management initiatives within that same SPG area. This area has been robustly defined. This satisfies the requirements of the circular in relation to the tests for the use of planning obligations with a clear link made in spatial terms. This SPG also adheres to paragraph B9 of Annex B in that it provides the framework for contributions to address the below tests:
- Necessary from a practical point of view: There are barriers to giving permission for schemes that comply with the development plan because a precautionary principle approach may be unable to conclude that there are no potential 'in combination effects' on the SAC on a landscape scale;
  - Necessary from a planning point of view: A long term and suitably resourced strategy is required to increase managed land so as to accord with the conservation objectives of the SAC. The Plan level HRA undertaken on the rLDP states that the adoption of this SPG is required.
- 2.16** Reference should be made to rLDP Policy INF1: Planning Obligations, together with Appendix 3 (useful contacts) for further information on the use of developer contributions in Carmarthenshire and the implementation of this SPG.

## **Local Policy Context**

### **Revised Carmarthenshire Local Development Plan 2018-2033**

- 2.17** The rLDP will become the statutory development plan for the County. Its spatial strategy is underpinned by the identification of three Principal Centres along with a range of settlements arranged within 6 clusters. The Plan is informed, and supported by extensive input from plan level Habitats Regulations Assessment (HRA) and Sustainability Appraisal (SA-SEA).
- 2.18** Ammanford/Cross Hands is identified as a Principal Centre in the rLDP. The area is well served by those facilities which are vital to supporting the principles of sustainability and are capable of accommodating a proportionally high level of growth. It represents a large and established urban area located on sustainable transport routes.
- 2.19** The Plan Level HRA on the rLDP recommended that a mitigation strategy is required to ameliorate the loss of habitat in relation to the SAC marsh fritillary metapopulation.
- 2.20** rLDP Policy INF1 (Planning Obligations) provides the overarching context for the negotiation of developer contributions in Carmarthenshire and is set out below. Reference should also be made to its supporting text in terms of any prioritisation of obligations, notably in terms of the provisions of rLDP Policy NE4 and this SPG – in recognition of the Habitats Directive. Constructive negotiation in terms of developer contributions needs to be undertaken by all parties. Such negotiations should be informed by the provisions of this SPG which seeks to provide certainty and transparency to all parties.



### **2.20.1 'INF1: Planning Obligations**

**Where necessary, planning obligations will be sought to ensure that the effects of developments are fully addressed in order to make the development acceptable. Contributions will be required to deliver or fund improvements to infrastructure, community facilities and other services and facilities to address requirements or impacts arising from new developments.**

**Where applicable, contributions will also be sought towards the future and ongoing maintenance of such provision.**

**In instances where there is a dispute regarding matters relating to the financial viability of delivering the requirements, the applicant will be required to meet the Council's costs of securing an independent financial viability appraisal / assessment.'**

- 2.21** The rLDP does not repeat national policy statements, albeit rLDP policy SP 13 does cross reference to Planning Policy Wales Technical Advice Note (TAN) 5. The Council will therefore utilise national policy to assist in determining development proposals that have potential to impact on international and nationally designated sites (notably Technical Advice Note 5 – see paragraph 2.3 of this SPG). Such policies also underpin the implementation of this SPG. Policy NE4 below provides sets the provisions for consideration of such matters in relation to Caeau Mynydd Mawr SPG Area.

#### **2.21.1 'NE4: Development within the Caeau Mynydd Mawr SPG Area**

**Proposals will be permitted where they accord with the Council's commitment to promote and contribute to the delivery of the Conservation Objectives of the Caeau Mynydd Mawr Special Area of Conservation (CMM SAC) in line with the Habitats Regulations. Proposals located within the SPG Area will be required to contribute towards increasing the quality and amount of available habitat for the Marsh Fritillary butterfly within the SPG Area. The SPG Area is defined on the Proposals Map.**

**In order to achieve these objectives, and to mitigate for the loss of potential supporting habitat and connectivity for the marsh fritillary butterfly that may result through the development, the Council will (where applicable) seek to secure Planning Obligations (in accordance with LDP policy INF1 and the provisions of the SPG for the CMM SAC) from relevant developments within the SPG area.'**

**2.22** Regard is also afforded to the following relevant rLDP policies:

- SP 13: Maintaining and Enhancing the Natural Environment;
- NE1: Regional and Local Designations;
- NE2: Biodiversity; and
- NE3: Corridors, Networks and Features of Distinctiveness.

### 3.0 THE CAEAU MYNYDD MAWR SPECIAL AREA OF CONSERVATION

3.1 The Caeau Mynydd Mawr Special Area of Conservation (SAC) has been designated as it contains habitats and species that are rare or threatened within a European context namely:

- Marsh Fritillary butterfly, for which this is considered to be one of the best areas in the United Kingdom;
- *Molinia* meadows on calcareous, peaty or clayey-silt-laden soils for which the area is considered to support a significant presence.

3.2 The SAC lies at the centre of a wider area that sustains one of Wales' most important marsh fritillary populations. The butterfly functions in a meta-population – a group of local (smaller) populations connected by migrating individuals. The marsh fritillary requires large areas of continuous or closely connected marshy grassland in order to survive in the long term. The food plant on which the eggs are laid, and on which larvae feed is devil's bit scabious (*Succisa pratensis*), these plants need to be abundant throughout the habitat in order to support the butterfly. The marshy grassland that supports the butterfly and its food plant will also include species such as purple moor grass, sweet vernal grass, greater bird's foot trefoil, whorled caraway, sneezewort, ragged robin and wild angelica.

3.3 While the marsh fritillary population in and around the Caeau Mynydd Mawr SAC is one of the most important in the United Kingdom it is threatened by loss of habitat as a result of development, and also by the deterioration in the condition of its habitat due to inappropriate management. Over-grazing results in the loss of the food plant, and under grazing in scrub encroachment which similarly results in a loss of the food plant.

3.4 In terms of the conservation objectives for the SAC, it should be noted that the long term security and resilience of the population is dependent on the maintenance of an extensive and well connected network of suitable habitat (not all of which will be occupied by Marsh Fritillaries at any one time) both within and outside of the protected site boundary. This forms the wider 'Core Landscape' for the meta-population. At Caeau Mynydd Mawr, this core landscape has been mapped and contains 249 ha of Available habitat or land with potential to support Marsh Fritillary. Research (Bulman. 2007) suggests that to be viable in the long term a Marsh Fritillary metapopulation requires at least 100 ha of Available habitat, with adequate connectivity linked to the core SAC units. Future resilience against further urbanisation, climate change and to allow movement within a dynamic landscape will depend on retaining as much Available habitat as possible within the core landscape. Caeau Mynydd Mawr SAC will contribute a minimum of 17.5 ha of Available habitat, including at least 6 ha of Good Condition habitat to this meta-population.

3.5 The site location plan of the SAC is set out in Appendix 2.

## **4.0 BACKGROUND, THE PROJECT AND DEFINING THE SUPPLEMENTARY PLANNING GUIDANCE AREA**

### **Place making**

- 4.1** Cross Hands and a number of the surrounding settlements form part of the Ammanford/Cross Hands Growth Principal Centre as defined within the rLDP. Its identification forms an important element of the plan's spatial strategy, providing a focus for the provision of growth. The Cross Hands area also sustains one of Wales' most important populations of the marsh fritillary butterfly a species that requires large areas of continuous or closely connected habitat to survive in the long term. Caeau Mynydd Mawr Special Area of Conservation (SAC) lies at the centre of this area and the marsh fritillary is a feature of this SAC. The rLDP and this SPG seek to balance these potentially conflicting demands as part of a place making approach.
- 4.2** As part of the statutory responsibility of the Council, under the Conservation of Habitats and Species Regulations 2017 as the relevant "competent authority", development proposals shown (at the detailed assessment stage) to have an adverse significant affect upon the qualifying interest (or features), conservation objectives and integrity (in relation to the site's ability to support its objectives) of the SAC – alone or in combination with other plans or projects – which do not provide for, or are unable to achieve an acceptable standard of mitigation should not be permitted.
- 4.3** This SPG provides a framework for the delivery of development within (and surrounding) the Ammanford / Cross Hands principal centre. It also provides a mechanism for the resourcing of an integrated management project which will be delivered by the Caeau Mynydd Mawr Project Team. This SPG satisfies the tests set by the CIL Regulations, accords with the guidance of WG circular 13/97 and also implements the recommendations of the HRA undertaken on the rLDP.

### **Previous iterations of this SPG and developments**

- 4.4** Previous iterations of this SPG have been adopted by the Council in support of the former Carmarthenshire Unitary Development Plan in February 2014 and the former Carmarthenshire Local Development Plan in December 2014.
- 4.5** These previous iterations have assisted in bringing forward some notable developments across the Cross Hands area in recent years. These include Cross Hands West, Cross Hands Strategic Employment Site and the Cross Hands Economic Relief Road.

### **The Caeau Mynydd Mawr project**

- 4.6** A habitat management specification and quantifying success report has been prepared in support of this SPG. This report provides full information on the following:
- The aims of the Caeau Mynydd Mawr SAC project;
  - How land is acquired by the project and its long term management;
  - Defines the baseline condition survey of habitat used to identify suitable sites;
  - Specifies the habitat management options; and
  - Sets out monitoring methods.

- 4.7** The Council has detailed information on the costs of running the project since its inception back in 2014. This information has been pivotal in identifying the contribution sums to be levied from developers. Reference should be made to Section 5 of this SPG and the Mitigation Payment Calculation Paper.

### **The Supplementary Planning Guidance Area**

- 4.8** The SPG area denotes the area from which contributions will be secured and where the project team will commit these contributions. The delineation of the SPG area has been informed by robust evidence. The SPG area identified on the rLDP proposals map and is set out in Appendix 1 of this SPG.
- 4.9** The Defining the SPG Area report explains how the SPG area has been delineated.
- 4.10** The SPG area consists of approx. 7,897 ha of land. This is a notable increase from that which was set out in the previous iteration of the SPG that underpinned the previous LDP (2006-2021).
- 4.11** Developers should note that their contributions are likely to be committed on delivering off site rather than on site management options/mitigation. This off site contribution will however be committed within the area identified in this SPG. Developers can be certain that their contributions will all go towards funding the Caeau Mynydd Mawr Project and deliver the required HRA mitigation on their behalf.
- 4.12** Adequate long term resourcing of the Caeau Mynydd Mawr project is critical. This reflects the fact that mitigation needs to be in place before development commences and because there will be ongoing revenue costs associated with the project's delivery. Such considerations have informed the levy calculation – see section 5 of this SPG and supporting paper.
- 4.13** Whilst the project needs to be suitably resourced, it is accepted that in some instances (e.g. larger developments) developers are unlikely to be able to provide the total sums of agreed contributions to the Council upon commencement. Financial modelling by virtue of a cash flow analysis will form an important part of the Council's management of the SPG. Such as cash flow / budget analysis, and the project's monitoring framework, can inform any negotiations with regards to phasing of contributions. Reference should be made to paragraph 5.4 of this SPG.

## **5.0 CONTRIBUTION SUMS - INCLUDING FLOWCHART**

- 5.1** This section provides guidance on the amount of contributions that will be sought by the Council. It also confirms the various classifications of development that are privy to the provisions of the SPG levy.
- 5.2** The justification for the sums to be levied is set out within the Mitigation Payment Calculation Paper which is available upon request.
- 5.3** The flowchart (Figure 1) overleaf confirms the amount of developer contributions that the Council will seek to secure. The flowchart also confirms the specific classifications of development that will be subject to the provisions of the levy.
- 5.4** Where established through negotiation and the production of evidence to the satisfaction of the Council, consideration will be given to the phasing of contributions. Such phasing (including timing of contributions) will be set out within the legal agreements and will be negotiated by the Council on a case by case basis.
- 5.5** Suitable evidence in terms of 'in kind' contributions (eg land/retention of connectivity corridors) will also need to be confirmed to the satisfaction of the Council if these are to be used to offset/part offset the financial sums owed. The flowchart does allow for offsetting (or part offsetting) of contributions in lieu of mitigation (which could be conditioned).
- 5.6** The below classifications of development are subject to the provisions of the levy set out in future 1 overleaf and are thus 'chargeable':-
- Housing
  - Commercial/ Retail
  - Employment
  - Education/Community
  - Transport/highways infrastructure

\*The above list is not exhaustive and does not preclude the Council seeking contributions from other development proposals within the SPG area\*

- 5.7** The provisions of this SPG does not preclude the Council from undertaking Tests of Likely Significant Effects or Appropriate Assessment with regards to planning applications within the SPG area as and where it considers them appropriate.
- 5.8** The SPG contribution (which is likely to be set out in a legal agreement) will not include any legal fees owed to the Council or incurred by the applicant. In terms of what to submit and when, it is advisable that applicants liaise with the Council in advance of submitting a planning application. In order to validate the application and inform a legal agreement, the Council will require the necessary legal documentation to be made available at submission. A range of useful contacts is set out in Appendix 3 – including the Council's Legal Department. Template agreements are available for small-scale proposals. Reference should also be made to rLDP policy INF1 – Planning Obligations.

**Figure 1 – Flowchart**

**1 Is the development proposal situated within the revised SPG area? Yes/No**

If No then the development is not subject to the provisions of this revised SPG. If Yes then please proceed to stage 2 below.

**2 Does the development fall into any of the below classifications? Yes/No.**

If No then the development is not subject to the provisions of this revised SPG. If Yes then the development is chargeable at the stated rate.

- **Housing:** £1,531 per dwelling.
- **Commercial/Retail:** Site area pro rata with equivalent of 30 dwellings per hectare
- **Employment:** Site area pro rata with equivalent of 30 dwellings per hectare
- **Education/Community:** Site area pro rata with equivalent of 30 dwellings per hectare.
- **Transport/highways infrastructure:** Site area pro rata with equivalent of 30 dwellings per hectare.

*\*The above list is not exhaustive and does not preclude the Council seeking contributions from other development proposals within the revised SPG area\**

**3 In the instance of housing development, calculate a residual figure for the number of 'chargeable' dwellings proposed as agreed with the Council.**

**4. In the instance of 'other' development, calculate a residual figure for the amount of 'chargeable' land take/site area proposed as agreed with the Council.**

**5. In the instance where an in kind/site specific mitigation scheme has been agreed with the Council, quantify (in monetary terms) the amount of financial contribution that will be offset from that owing to the Council as a result. *\*Subtract this sum to form a residual overall chargeable total at this point\*.***

**6 What is the total amount of 'chargeable' development?**

- Housing (number of chargeable units x £1,531) = £
- Other (chargeable site area pro rata where 1ha is £45,930) = £

**7. Total financial contribution required (i.e. the sum owed to the Council and to be included within the legal agreement).**

£\_\_\_\_\_

***\*The contribution sum identified in 7 above does not include any legal fees owed to the Council or incurred by the applicant\****

## **6.0 MONITORING AND MANAGEMENT**

### **Measuring success**

- 6.1** The Council gives a commitment to monitor, both in terms of the project and the planning policy aspects. In legislative terms, there will be a need to ensure compliance with the Conservation of Habitats and Species Regulations 2017 (as amended) as well as the tests for the use of planning obligations – notably the CIL tests.
- 6.2** In terms of monitoring the success of the Caeau Mynydd Mawr project, reference should be made to the Habitat management specification and quantifying success Paper which is available upon request. The report refers to a Steering Group which will receive updates on the project. The project team will also undertake a continual review of the key supporting facets to this SPG, most notably delineation of the SPG area and the calculation sum. A full review of these will be undertaken no later than 4 years after the adoption of the rLDP and this SPG. This will coincide with the rLDP review (see paragraph 6.4 below).
- 6.3** The day to day running of the project is undertaken by a dedicated project officer whose salary is funded by the developer contributions secured. The Council commits to monitor and account for the receipt and allocation of developer contributions into dedicated financial ledgers.
- 6.4** In terms of monitoring the rLDP and this SPG in planning policy terms, the rLDP monitoring framework contains a specific monitoring indicator. There is a requirement with the rLDP to produce an Annual Monitoring Report (AMR), whilst a review is required to be undertaken every 4 years.
- 6.5** The Council acknowledges the importance of developing partnerships, whilst it is also considered that the project presents opportunities in terms of education and awareness raising of nature conservation issues. It is also considered that the project has the potential to continue to act as a pilot for habitat management techniques and best practice. Notwithstanding these wider benefits, the focus of the contributions raised through development must be on delivering the required mitigation on behalf of developers with a view to satisfying the requirements of the HRA.

### **Further information**

- 6.6** Reference should be made to Appendix 3 – useful contacts.



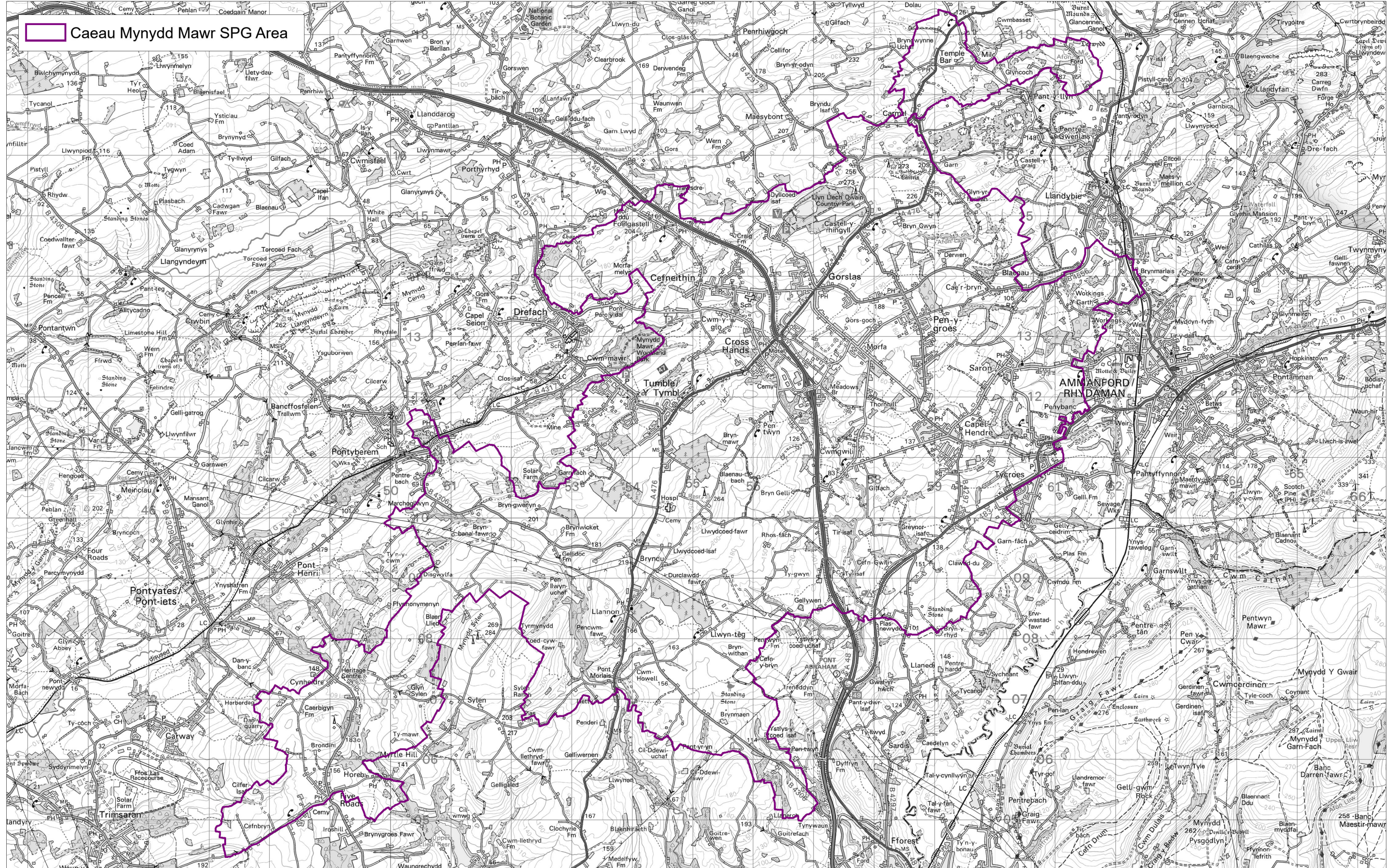
# Revised Carmarthenshire LDP

## Appendix 1 - Caeau Mynydd Mawr SPG Area



Scale 1:60000

Template: U:\xgapps\template\ccc\_a31.wor

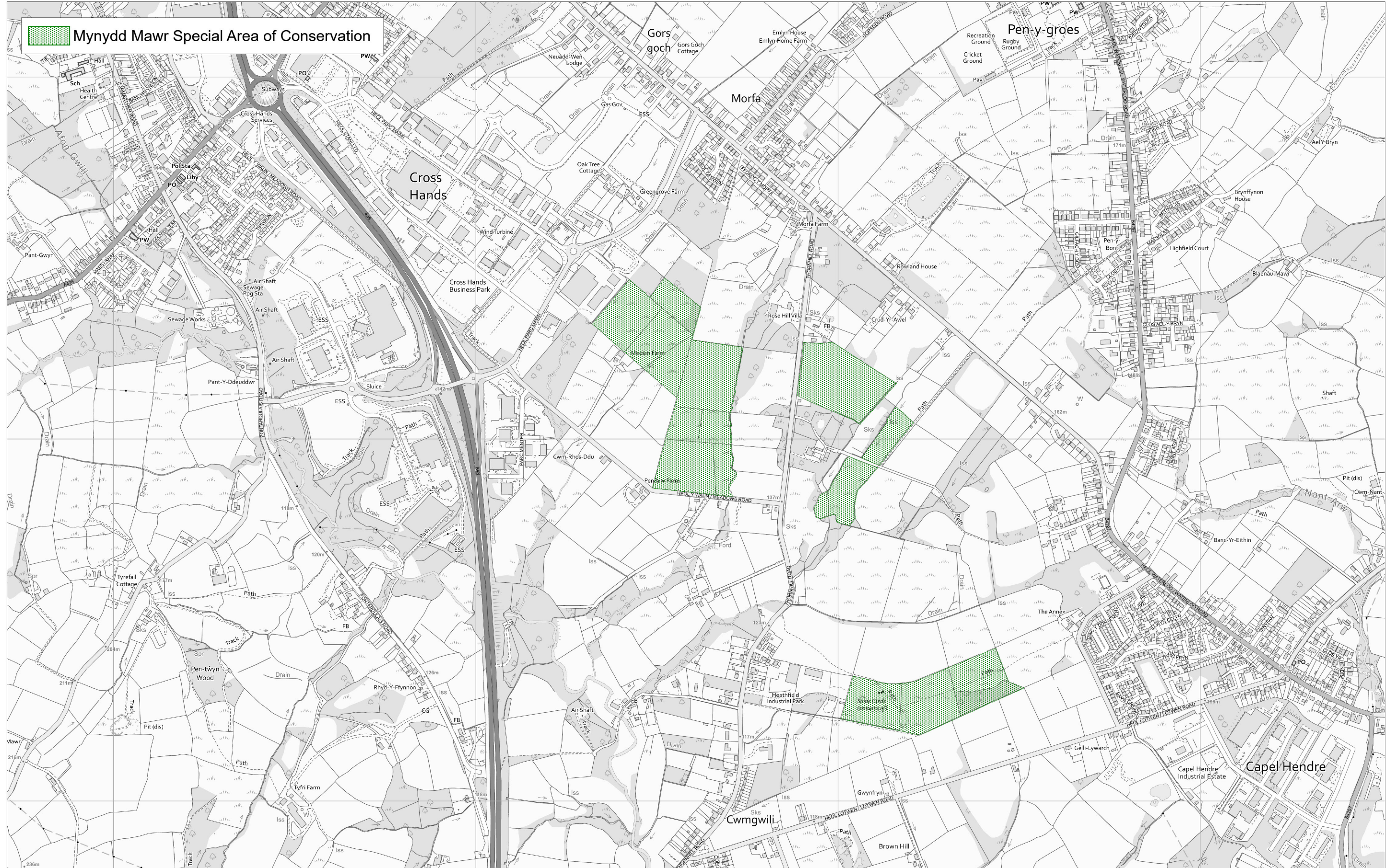


# Revised Carmarthenshire LDP

## Appendix 2 – Mynydd Mawr Special Area of Conservation

Scale 1:10000

Template: U:\xgapps\template\lccc\_a31.wor



### **APPENDIX 3 – USEFUL CONTACTS**

#### **Carmarthenshire County Council Development Management**

planning@carmarthenshire.gov.uk 01558 825285

#### **Carmarthenshire County Council Biodiversity**

Biodiversity@carmarthenshire.gov.uk 01558 825390