

TOWN AND COUNTRY PLANNING ACT 1990

Decision Notice

Outline Planning Permission Granted

Applicant

CARMARTHENSHIRE COUNTY COUNCIL - JASON JONES
PROPERTY AND REGENERATION RURAL BUSINESS DEVELOPMENT CENTRE
NANTYCI
CARMARTHEN
SA33 3DR
Application No: **S/40692** registered on 12/06/2020 for:

Proposal:	PROPOSED CONSTRUCTION OF UP TO 202 UNITS WITH ASSOCIATED LANDSCAPING AND INFRASTRUCTURE WORKS
Location:	CWM Y NANT (LAND NORTH OF GORS FACH), DAFEN, LLANELLI, SA14 8NB
Application Type:	Outline planning consent: some matters reserved

Carmarthenshire County Council HEREBY GRANT OUTLINE PLANNING PERMISSION for the development proposed by you as shown on the application form, plan(s) and supporting document(s) subject to the following condition(s):

Please read the conditions listed below carefully, some conditions may require to be discharged prior to or during development.

Condition 1

Application for approval of reserved matters must be made to the Local Planning Authority before the expiration of three years from the date of this permission, and the development must be commenced not later than whichever is the later of the following:-

- the expiration of five years from the date of this outline planning permission;
- the expiration of two years from the date of approval of the last of the reserved matters to be approved.

Reason:

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

Condition 2

The permission now granted is an outline permission only, within the meaning of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012.

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Reason:
The application is in outline only.

Condition 3

Development shall not commence until detailed plans of the layout, scale, appearance and landscaping of the development, together with the means of access thereto, have been submitted to and been approved in writing by the Local Planning Authority.

Reason:
In the interests of visual amenity.

Condition 4

The land subject to this permission is as identified on the 1:2500 scale Site Location Plan drawing no. 1001A and Parameter Plan drawing no. 3501B received 5 May 2020 and Concept Masterplan scale 1:2500 drawing no. 3201H received 29 March 2021.

Reason:
For the avoidance of doubt.

Condition 5

Any reserved matters application shall be accompanied by full cross sections, finished floor levels and means of enclosure so that the proposal can be seen in the context of the road and the surrounding dwellings.

Reason:
In the interests of visual amenity.

Condition 6

Prior to its use by vehicular traffic, the new access roads (connecting to Nant-y-Gro and Gors-Fach) shall be laid out and constructed with 5.5 metre carriageways and 1.8 metre footways.

Reason:
In the interest of highway safety.

Condition 7

Prior to the commencement of development the written approval of the Local Planning Authority shall be obtained for a scheme of parking and turning facilities within the curtilage of the site, and this shall be dedicated to serve the proposal. The approved scheme is to be fully implemented 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 parking or turning facilities is to be obstructed by non-motorised vehicles.

Reason:
In the interest of highway safety.

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Condition 8

All surface water from the development herewith approved shall be trapped and disposed of so as to ensure that it does not flow on to any part of the public highway or shall be disposed of, or connected into, existing highway surface water drains.

Reason:

In the interest of highway safety.

Condition 9

Prior to commencement of development a detailed Construction Traffic Management Plan is submitted for the written approval of the Local Planning Authority and thereafter shall be implemented in full and in accordance with the approved details.

Reason:

In the interest of highway safety.

Condition 10

As part of any reserved matters application an Active Travel Improvement Plan to support the development herewith approved shall be submitted to and approved in writing by the local planning authority. The approved works shall subsequently be implemented in full prior to the beneficial occupation of the development.

Reason:

In the interest of highway safety.

Condition 11

Prior to the commencement of development plans showing that no more than 150 residential units shall be served from the proposed primary access point on Nant-y Gro and that no more than 52 residential units shall be served from the secondary access point on Gors-Fach shall be submitted to the Local Planning Authority for approval. The development shall be completed in accordance with the approved details prior to the occupation of any dwelling for the relevant phase of development.

Reason:

In the interest of highway safety.

Condition 12

Prior to the commencement of development an offsite Highways Mitigation Plan in relation to the A4138 / B4303 Roundabout shall be submitted to and approved in writing by the local planning authority, and to the specification of the local highway authority. The approved works shall subsequently be implemented in full prior to the beneficial occupation of the development.

Reason:

In the interest of highway safety.

Condition 13

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No development shall commence until a drainage scheme for the site has been submitted to and approved in writing by the local planning authority. The scheme shall provide for the disposal of foul, surface and land water, and include an assessment of the potential to dispose of surface and land water by sustainable means. Thereafter the scheme shall be implemented in accordance with the approved details prior to the occupation of the development and no further foul water, surface water and land drainage shall be allowed to connect directly or indirectly with the public sewerage system.

Reason:

To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment.

Condition 14

No development shall commence until a surface water removal strategy delivering sufficient compensation for the foul flows from the proposed development site, must be submitted to and approved in writing by the Local Planning Authority. Thereafter no dwelling hereby approved shall be occupied until the approved surface water removal strategy has been implemented in accordance with the approved details and written confirmation of this must be received by the Local Planning Authority.

Reason:

To prevent hydraulic overloading of the public sewerage system and pollution of the water environment.

Condition 15

The proposed development site is crossed by a public sewer with the approximate position being marked on the attached Statutory Public Sewer Record. The position shall be accurately located, marked out on site before works commence and no operational development shall be carried out within 3 metres either side of the centreline of the public sewer.

Reason:

To protect the integrity of the public sewer and avoid damage thereto protect the health and safety of existing residents and ensure no pollution of or detriment to the environment.

Condition 16

Development shall not commence until a surface water drainage scheme for the site, based on sustainable drainage principles has been submitted to and approved in writing by the local planning authority or SAB approval has been granted for the scheme. The scheme shall subsequently be implemented in accordance with the approved details prior to the occupation of any dwelling on site.

Reason:

To ensure an adequate drainage scheme is designed and implemented at the site.

Condition 17

No development, including site clearance, shall commence until a site wide Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall be implemented as approved during the site preparation and construction phases of the development.

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The CEMP should include:

- Construction methods including details of materials, waste, contaminated land.
- General Site Management: construction programme, site clearance requirements, construction drainage, site set-up plan detailing sensitive receptors and buffers zones, relevant protection measures e.g. fencing.
- Biodiversity Management: tree and hedgerow protection, invasive species management. The CEMP shall reference all biodiversity mitigation and enhancement requirements for the construction phase as referenced in the submitted ecological reports and associated documents (Specifically Table 4 and Section 5.5.2 of the Preliminary Ecological Appraisal, Sections 5.1.2 – 5.1.4 of the submitted Reptile Report, Sections 6.1.2 – 6.1.4 of the bat survey report and Sections 6.1.1 – 6.1.5 of the submitted dormouse survey report).
- Soil management: topsoil strip, storage and amelioration for re-use.
- Control of Nuisances: restrictions on timing/duration/frequency of works, dust control measures, control of light spill and conservation of dark skies.
- Resource Management: fuel and chemical storage, waste management, water consumption, energy consumption.
- Traffic Management: deliveries, plant on site, wheel washing facilities.
- Pollution Prevention: demonstrate compliance with relevant Guidelines for Pollution Prevention, incident response plan, site drainage plan.
- Ecological clerk of works to ensure construction compliance with approved plans and environmental regulations.
- Details of the persons/bodies responsible for particular activities associated with the CEMP and emergency contact details.

Reason:

To ensure the necessary protection of the environment, ecological features and habitats in line with Environment Act Wales 2016 and LDP Policies SP1 – i, SP14, GP1 – f.

Condition 18

The development must be carried out in strict accordance with the drainage measures detailed in the submitted Drainage Strategy and Water Quality Statement by WSP dated December 2019.

Reason:

To ensure the necessary protection of the environment, ecological features and habitats in line with Environment Act Wales 2016 and LDP Policies SP1 – i, SP14, GP1 – f.

Condition 19

No development shall commence until details of the surface water drainage system (including means of pollution control, management and maintenance) have been submitted to and approved by the relevant planning authority. The surface water drainage system shall be constructed in accordance with the approved details. No building shall be occupied until the sustainable drainage system for the site has been completed in accordance with the approved details. The sustainable drainage system shall be managed and maintained thereafter in accordance with the agreed management and maintenance plan.

Reason:

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To ensure the necessary protection of the environment, ecological features and habitats in line with Environment Act Wales 2016 and LDP Policies SP1 – i, SP14, GP1 – f.

Condition 20

Prior to the commencement of development on the site, an external lighting scheme shall be submitted for the consideration and written approval of the local planning authority. The scheme shall take into account the mitigation requirements detailed in the submitted ecological reports and associated documents (Specifically Table 4 and Section 5.6.2 of the Preliminary Ecological Appraisal, Section 6.2.1 of the bat survey report and the executive summary of the submitted dormouse survey report). The scheme shall be specifically designed to minimise the risk of light spillage beyond the development site boundary and within ecologically sensitive areas.

The scheme shall include:

- Technical details of all lighting solutions, including their location, type, shape, dimensions and, expected luminance output and specifically explaining what design attributes have been chosen to minimise light pollution.
- A plan illustrating illuminance levels across the development site and at the boundary of the site.
- An Environmental Lighting Impact Assessment against conservation requirements for protected species and wildlife corridors.

Once approved in writing, the lighting scheme shall be implemented and thereafter operated in accordance with the approved details.

Reason:

To ensure an appropriate lighting scheme is proposed for the site.

Condition 21

No development, including site clearance shall commence until a pre-construction protected species check has been carried out, the scope of which must be agreed with the Local Planning Authority Ecologist. If the survey confirms the presence of protected species, the results of the survey together with proposed mitigation measures shall be submitted to and approved in writing by the Local Planning Authority. The measures shall be carried out in accordance with the approved details.

Reason:

To ensure the necessary protection of the environment, ecological features and habitats in line with Environment Act Wales 2016 and LDP Policies SP1 – i, SP14, GP1 – f.

Condition 22

At reserved matters stage a comprehensive Landscape and Ecological Design Scheme (LEDS), must be submitted to and approved in writing by the Local Planning Authority. The LEDS scheme shall deliver detailed design proposals which effectively integrate appropriate site-specific landscape, ecological and biodiversity objectives and functions. The scheme shall be in compliance with the principles of the submitted landscape and ecological information and meet the requirements of LDP Policy EP1 as follows:

- Tree Survey and Tree Constraints Plan information contained within the Arboricultural Report by ArbTS dated 1st February 2019.

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- Table 4 and Section 5.6.2 Preliminary Ecological Appraisal by WSP dated Dec 2019.
- Section 5.2.1 of the Reptile Survey Report by WSP dated Dec 2019.
- Sections 6.1.1 and 6.2.1 of the Dormouse Survey Report by WSP dated Dec 2019.
- Section 6.2.1 of the Bat Survey Report by WSP dated Dec 2019.
- The parameters identified on the Constraints and Opportunities Plan, Drawing Number 2001 May 2020.
- The parameters identified on the Concept Masterplan, Drawing Number 3201F dated May 2020.
- A 3m buffer zone must be retained between any watercourse and a proposed development, this is to ensure the integrity of the watercourse and the riparian corridor are protected. No development shall be carried out within a minimum 3 metre buffer zone from any watercourse on site. The buffer zone should restrict: storage of spoil, stored materials, plant and machinery, lighting, structures and any built development including domestic gardens or formal landscaping. The buffer zone shall be applied throughout construction and operation.

The approved LDS shall be fully implemented. Any new landscape elements constructed, planted or seeded; or existing landscape elements retained; in accordance with the approved LEMS which within the lifetime of the approved development are removed; die; become diseased; damaged or otherwise defective, to such extent that, in the opinion of the local planning authority, the function of the landscape elements in relation to this planning approval is no longer delivered, shall be replaced in the next planting or seeding season with replacement elements of similar size and specification.

Reason:

To ensure necessary information is submitted to protect the environment, ecological features and habitats in line with Environment Act Wales 2016 and LDP Policies SP1 – i, SP14, GP1 – f and EQ5.

Condition 23

No development shall commence until a Landscape Ecological Management Plan (LEMP) for the provision, management and maintenance of the landscape and ecological features of the development, has been submitted to and approved in writing by the Local Planning Authority. The LEMP shall include:

- Details of the desired condition of features (present and to be created) at the site.
- Details of scheduling and timings of management activities.
- Details of short and long-term management proposals, monitoring proposals and maintenance operations of new and existing landscape, environmental and ecological features at the site to deliver and maintain the desired landscape and ecological conditions and functions.
- Details of monitoring of landscape and ecological features and required post construction monitoring.
- Details of replacement measures should any landscape or environmental features die, be removed or become seriously damaged or diseased within the lifetime of the development.
- Details of management and maintenance responsibilities, including a plan which provides a clear definition of areas subject to future private ownership and management responsibility and the areas proposed for adoption by the local authority.
- Details of timescales, length of plan, the method to review and update plans (informed by monitoring) at specific intervals as agreed between interested parties.
- Mechanisms to be used for reporting.
- The LEMP must deliver all mitigation and enhancement requirements for the operational phase as referenced in the ecological reports and associated documents.

The LEMP shall be carried out in accordance with the approved details.

Reason:

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To ensure necessary information is submitted to protect the environment, ecological features and habitats in line with Environment Act Wales 2016 and LDP Policies SP1 – i, SP14, GP1 – f.

Condition 24

Any reserved matters application(s) in relation to this outline approval, shall include submission of a Landscape Constraint Plan (LCP) to approval by the Local Planning Authority. The LCP shall define the following: -

- Stem location, canopy spread and root protection area (RPA) of all trees and groups of trees within or on the application boundary, and outside the boundary with a canopy spread which overhangs the boundary;
 - Outer extent of above ground growth or canopy spread; and RPA of all other landscape elements (hedgerows and continuous woodland/ scrub/ shrub areas) within or on the application boundary.
 - If the proposed development would result in potential impacts from: construction operations; changes in level; construction phase access; or installation of underground apparatus, within any RPAs defined within the LCP, the following shall also be submitted to approval: -
 - Tree survey and Categorisation Report for all trees, groups of trees and other landscape elements subject to potential impacts within the RPAs.
 - Arboricultural Impact Assessment (AIA) which identifies the impacts of the proposed development on all trees, groups of trees and other landscape elements. The AIA shall clearly indicate which are to be retained; which are subject to potential impacts; and which are to be removed. The AIA shall provide appropriate mitigation proposals for all trees, groups of trees and other landscape elements which are to be removed.
 - Arboricultural Method Statement (AMS) which provides details, as necessary, of specific design solutions to enable effective retention of any trees, groups of trees and other landscape elements which are identified as subject to potential impacts within the AIA.
 - Tree Protection Plan (TPP) which provides details of all protective measures, operations and construction exclusion zones for all trees, groups of trees and other landscape elements to be retained;
- All information shall be in compliance with the recommendations of BS5837.

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 25

Prior to the determination of any application(s) for reserved matters seeking approval of 'layout' or 'landscaping': 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, up-rooted, destroyed, topped, lopped or pruned without the prior written approval of 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.

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Condition 26

Before any development is commenced a detailed Travel Plan, setting out ways of reducing car usage and increasing walking and cycling to and from the development, shall be submitted to and agreed in writing by the Local Planning Authority. The detailed Travel Plan shall be implemented in accordance with the approved details at a timescale to be approved in writing by the Local Planning Authority.

Reason:

In the interest of Highway safety and to promote sustainable modes of travel to improve air quality wherever possible.

Condition 27

As part of the Reserved matters submission, a scheme for provision of electric vehicle charging points (EVCP) shall be provided.

Reason:

To contribute towards improving air quality as per the requirements of the Wellbeing of Future Generations (Wales) Act 2015.

Condition 28

A scheme for the mitigation of dust should be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented during all stages of demolition and construction. Vehicles transporting materials which are likely to cause dust onto and off site shall be suitably covered.

Reason:

To ensure that the amenity of local residents/businesses is adequately protected from dust during demolition/construction.

Condition 29

The layout submitted as part of reserved matters submission shall include an area of Public Open Space and provision of a Local Area of Equipped Play (LEAP) as part of the development scheme.

Reason:

To ensure appropriate facilities are provided for benefit of local residents.

Condition 30

Any reserved matters application shall be accompanied by a scheme for the provision of affordable housing as part of the development has been submitted to and approved in writing by the local planning authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in Annex B of TAN 2 or any future guidance that replaces it. The scheme shall include:

- the numbers, type, tenure and location on the site of the affordable housing provision to be made which shall consist of not less than 100% of housing units/bed spaces;

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- the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;
- the arrangements for the transfer of the affordable housing to an affordable housing provider [or the management of the affordable housing (if no RSL involved)];
- the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
- the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

Reason:

To comply with Policy AH1 and secure affordable housing need for the locality.

Condition 31

Prior to the commencement of the development, a scheme for the control of noise shall be submitted to and approved by the Local Planning Authority. The scheme shall comply with the guidance found BS 5228- 1:2009+A1:2014 Code of Practice for noise and vibration control on construction and open sites and/or its subsequent amendments. Upon commencement of the development, work shall be carried out in accordance with the approved scheme.

Reason:

To ensure noise is adequately controlled during the construction period.

Condition 32

As part of any reserved matters submission, further information detailing specific dwelling locations and designs shall be submitted to and agreed with the Local Planning Authority. This report shall consider the potential effects of noise and/or vibration and determine appropriate locations for amenity space and dwelling-specific sound insulation to secure appropriate internal amenity of the proposed dwellings. The report shall also include a suitable mitigation scheme (where required) to adequately protect the amenity of the development in its final form. The report shall take include the mitigation measures details in Table 4.2 of the PAC Noise Assessment (R1 Rev 1) prepared by WSP.

Reason:

To ensure suitable standard of residential amenity can be achieved.

Condition 33

Prior to the submission of reserved matters;

- The submission of a scheme of intrusive site investigations for the mine entry for approval;
- The submission of a scheme of intrusive site investigations for the shallow coal workings for approval;

The undertaking of both of those schemes of intrusive site investigations shall be undertaken in accordance with details first submitted and hereby approved by the Local Planning Authority.

Reason:

To ensure coal mining legacy issues at the site are adequately addressed.

Condition 34

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Any reserved matters application shall be accompanied by:

- The submission of a report of findings arising from both of the intrusive site investigations;
- The submission of a layout plan which identifies the location of the mine entry together with calculated zone of influence (no-build zone);
- The submission of a scheme of treatment for the mine entry on site for approval;
- The submission of a scheme of remedial works for the shallow coal workings for approval.

Implementation of the remedial works shall be undertaken prior to the commencement of development on site and evidence provided to the Local Planning Authority and be approved in writing.

Reason:

To ensure coal mining legacy issues at the site are adequately addressed.

Condition 35

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.

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

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Any prospective purchaser(s) of the land referred to in the Planning Permission S/40692 will be required in the Contract of Sale to enter into a Section 106 Agreement with Carmarthenshire County Council for the provision of a contribution towards Education (as specified in the response received 16/12/2020) and the provision of 20% onsite affordable housing and a Local Equipped Area of Play (LEAP) within the Public Open Space on site.

Note 3

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).

- Please see the relevant responses from Dwr Cymru/Welsh Water, Natural Resources Wales, Coal Authority, Wales and West Utilities and the Council's Planning Ecologist, Landscape Officer, Sustainable Drainage Body, Environmental Health and Public Protection Team, Highway Authority and refer to the recommendations and advice contained therein.

DATED: 29/07/2021

Ruth Mullen BSc

Director of Environment

PLEASE NOTE: Your attention is drawn to the attached notes which explain, amongst other things, your right of appeal against this decision.

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