

TOWN AND COUNTRY PLANNING ACT 1990

## Decision Notice

### Variation of Condition(s) Granted

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#### **Applicant**

Jason Jones  
Head of Regeneration  
County Hall  
Carmarthen  
SA31 1JP

Application No: **PL/04823** registered on 11/10/2022 for:

<b>Proposal:</b>	Variation of Condition 1 on S/38106 [extension of time]
<b>Location:</b>	Sites 5 & 6, land adjacent to former Grillo Site, Burry Port, SA16 0LT
<b>Application Type:</b>	Removal/variation of conditions

Carmarthenshire County Council, in exercise of its powers under the above Act, hereby **GRANTS** planning permission for the above, as referred to in your application and shown on the accompanying plan(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.***

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#### **Condition 1**

Application for approval of reserved matters must be made to the Local Planning Authority before the expiration of twelve years from 25th November 2015, and the development must be commenced not later than whichever is the later of the following:-

- a) the expiration of fourteen years from 25th November 2015;
- b) 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**

Development shall not commence until detailed plans of the access; appearance; landscaping; layout; and scale of each building stated in the application, have been submitted, and received the written approval of the Local Planning Authority.

*Reason:* In order to ensure a satisfactory layout of the site and in the interest of visual amenities.

### **Condition 3**

Prior to the commencement of development a reptile and amphibian clearance, mitigation and translocation scheme and toad highway mitigation scheme shall be submitted to and approved in writing by the by the Local Planning Authority. The schemes shall subsequently be implemented in strict accordance with the approved details within a timescale to be agreed with the Local Planning Authority.

*Reason:* In the interests of biodiversity.

### **Condition 4**

The development shall be undertaken in strict accordance with the recommendations made in the Updated Ecological Appraisal Report produced by Eco Vigour received 21st November 2018 and the Habitat Mitigation Strategy Report produced by Asbri Planning received 30th August 2019 and the Preliminary Ecological Assessment produced by WSP received on 4 October 2022.

*Reason:* In the interests of biodiversity.

### **Condition 5**

Prior to the commencement of development a full detailed ecological mitigation, enhancement and monitoring strategy shall be submitted to and approved in writing by the Local Planning Authority. The schemes shall subsequently be implemented in strict accordance with the approved details within a timescale to be agreed with the Local Planning Authority.

*Reason:* In the interests of biodiversity.

### **Condition 6**

The development shall be undertaken in strict accordance with the recommendations made in the Breeding Birds and Bat Survey Report produced by Eco Vigour received 30th August 2019 and Bat Survey Report produced by WSP received 4 October 2022.

*Reason:* In the interests of biodiversity.

### **Condition 7**

Works shall be carried out in accordance with a method statement (MS) to be agreed with the Local Planning Authority prior to any work commencing at the site. The MS should include, but not be limited to, timing of works, measures to avoid killing and injuring bats during works, use of materials (such as timber, roofing membranes), positioning and size of entrances, size and location of roosting areas,

a suitable roosting resource appropriate to the species and its use of the structure vegetation retention/management, proposals for lighting as appropriate and should be implemented as agreed.

*Reason:* In the interests of biodiversity.

### **Condition 8**

Prior to the commencement of development approved by this planning permission the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the Local Planning Authority:

- (i) A preliminary risk assessment which has identified:
  - all previous uses;
  - potential contaminants associated with those uses;
  - a conceptual model of the site indicating sources, pathways and receptors;
  - potentially unacceptable risks arising from contamination at the site.
- (ii) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
- (iii) The site investigation results and the detailed risk assessment (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

*Reason:* To protect the environment and human health and comply with LDP Policy.

### **Condition 9**

Prior to the commencement of development a verification plan providing details of the data that will be collected in order to demonstrate that the approved remediation strategy is complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved verification plan.

*Reason:* To protect the environment and human health and comply with LDP Policy.

### **Condition 10**

Prior to commencement of development a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the Local Planning Authority.

*Reason:* To protect the environment and human health and comply with LDP Policy.

### **Condition 11**

Reports on monitoring, maintenance and any contingency action carried out in accordance with a long-term monitoring and maintenance plan shall be submitted to the Local Planning Authority as set out in that plan. On completion of the monitoring programme a final report demonstrating that all long-term site remediation criteria have been met and documenting the decision to cease monitoring shall be submitted to and approved in writing by the Local Planning Authority.

*Reason:* To protect the environment and human health and comply with LDP Policy.

### **Condition 12**

If, during development, contamination not previously identified is found to be present at the site then no further development shall be carried out until the developer has submitted and obtained written approval from the Local Planning Authority for, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.

*Reason:* To protect the environment and human health and comply with LDP Policy.

### **Condition 13**

Prior to commencement of development full details of the surface water drainage system and separate foul water drainage system shall be submitted to and approved in writing by the Local Planning Authority. The approved systems shall be completed before any building is occupied.

*Reason:* To reduce the risk of pollution to controlled waters (in particular the Carmarthen Bay and Estuaries SAC) and to prevent the increased risk of flooding, by ensuring the provision of a satisfactory means of foul and surface water disposal.

### **Condition 14**

Prior to commencement of development a scheme to install oil and petrol separators, trapped gullies and roof drainage, sealed at ground level, shall be submitted to, and approved in writing by, the Local Planning Authority. The scheme shall be implemented as approved.

*Reason:* To protect controlled waters.

### **Condition 15**

Prior to commencement of development a pollution prevention management plan detailing all necessary pollution prevention measures for the construction phase of the development including a scheme to treat and remove suspended solids from surface water run-off during construction works shall be submitted to and approved in writing by the Local Planning Authority. The details of the plan shall be implemented as approved and must be efficiently communicated to all contractors and sub-contractors (for example, via toolbox talks) and any deficiencies rectified immediately.

*Reason:* Prevent pollution of controlled waters and the wider environment.

### **Condition 16**

Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater.

*Reason:* There is an increased potential for pollution of controlled waters from inappropriate methods of piling.

### **Condition 17**

Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound should be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage the compound should be at least equivalent to the capacity of the largest tank, or the combined capacity of interconnected tanks, plus 10%. All filling points, vents, gauges and site glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework should be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets should be detailed to discharge downwards into the bund.

*Reason:* To prevent pollution of the water environment.

### **Condition 18**

Prior to the commencement of development a Construction Management Plan should be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented as approved.

*Reason:* Prevent pollution of controlled waters and the wider environment.

### **Condition 19**

Prior to the importation of any soil a copy of the certificate of analysis, details of the source of the topsoil and an interpretation of the analytical results by a suitably qualified individual shall be submitted to and approved in writing by the Local Planning Authority.

*Reason:* To protect human health.

### **Condition 20**

Prior to the commencement of demolition/construction works a scheme for the mitigation of dust shall 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 protect human health.

### **Condition 21**

Prior to the commencement of the development a scheme for the control of noise and vibration shall be submitted to and approved by the Local Planning Authority. The scheme shall comply with the guidance found in the BS5228: Noise Vibration and Control on Construction and Open Sites. Upon commencement of the development, work shall be carried out in accordance with the approved scheme.

*Reason:* To preserve residential amenity and to protect human health.

### **Condition 22**

Prior to the commencement of development a scheme of lighting shall be submitted to and approved in writing by the Local Planning Authority. The submitted details shall be designed in such a way as to avoid illumination of the adjacent coast line both during and post construction. Development shall take place in accordance with the approved details.

*Reason:* To minimise disturbance to protected species using the coast and minimise light pollution.

### **Condition 23**

Prior to the commencement of development (or such other date or stage of development as may be agreed in writing with the Local Planning Authority) details of an acoustic barrier, to be erected along the northern boundary of the development site running parallel with the B4311, shall be submitted to and approved by the Local Planning Authority and once approved this shall be installed prior to occupation of the proposed dwellings and permanently retained thereafter.

*Reason:* To protect residential living conditions.

### **Condition 24**

Prior to the commencement of development details of an acoustic barrier, to be erected along the western boundary of the development site running along the new road, shall be submitted to and approved by the Local Planning Authority and once approved this shall be installed prior to occupation of the proposed dwellings and permanently retained thereafter.

*Reason:* To protect residential living conditions.

### **Condition 25**

No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Local Planning Authority.

*Reason:* To protect historic environment interests whilst enabling development.

### **Condition 26**

No development shall take place until a photographic record of the boundary wall that surrounded the Pembrey Copper Works shall be submitted to and approved in writing by the Local Planning Authority.

*Reason:* To protect historic environment interests whilst enabling development.

#### **Condition 27**

The development shall be undertaken in strict accordance with the mitigation measures outlined in the Flood Consequence Assessment undertaken by WSP received 4 October 2022, unless otherwise agreed in writing by the Local Planning Authority.

*Reason:* To ensure that the development remains flood free.

#### **Condition 28**

Prior to the beneficial occupation of any of the development hereby approved, the offsite drainage betterment scheme identified in the Glanmor Terrace/Burrows Terrace area of Burry Port as outlined in the Drainage Strategy Report undertaken by WSP received 4 October 2022, shall be undertaken in strict accordance with that report unless otherwise agreed in writing by the Local Planning Authority.

*Reason:* To protect the integrity of the public sewerage system and prevention of pollution to the environment.

#### **Condition 29**

Prior to commencement of development full details of the proposed measures to facilitate traffic management, and the proposed crossing points on the B4311 Southern Distributor Road shall be submitted for the written approval of the Local Planning Authority and to the specification of the Local Highways Authority. Thereafter the approved scheme shall be implemented in full prior to the beneficial use of the development hereby approved.

*Reason:* In the interest of highway safety.

#### **Condition 30**

Prior to the beneficial occupation of the development hereby approved a detailed Travel Plan for the site, setting out ways of reducing car usage and improvements to public transport, walking and cycling provision in the locality of the site and shall be submitted to and agreed in writing with the Local Planning Authority. The detailed Travel Plan shall be implemented in accordance with the approved details and at a timescale to be approved in writing by the Local Planning Authority.

*Reason:* In the interest of highway safety.

#### **Condition 31**

No development shall commence until 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:

- i) the numbers, type, tenure and location on the site of the affordable housing provision to be made which shall consist of not less than 20% of housing units;

- ii) the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;
- iii) 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)];
- iv) the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
- v) 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 provide an appropriate level of affordable housing in accordance with Policy AH1 of the LDP and TAN 2.

### **Condition 32**

The development hereby permitted shall not be commenced (including any ground works or site clearance) until details of a scheme to eradicate and prevent the spread of sea buckthorn has been submitted to and approved in writing by the Local Planning Authority. Furthermore works should be implemented in accordance with the approved scheme.

*Reason:* To prevent the spread and eradicate an invasive species.

### **Condition 33**

No phase of development, including site clearance, with the potential to impact on protected species shall commence until updated pre-construction protected species survey has been carried out for that respective phase of development as agreed with the LPA and NRW. 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 future development is supported by up-to-date ecological information.

### **Condition 34**

Prior to the commencement of development an Active Travel and Public Transport Improvement Plan to support the development herewith approved shall be submitted to and approved in writing by the Local Planning Authority. The plan shall include the details set out in the Transport Assessment Addendums submitted as part of this application. The approved works shall subsequently be implemented in full prior to the beneficial occupation of the development.

*Reason:* In the interest of highway safety.

### **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**

The applicant/developer should note that the following financial contributions have already been made:-

- £110,624 towards improving education facilities within the catchment area;
- £192,500 towards improving parks and open space provision within the locality;
- £137,500 towards conservation and enhancement of offsite brownfield habitat.

#### **Note 3**

Comments and responses received from consultees and third parties can be found on the Authority's website ([www.carmarthenshire.gov.uk](http://www.carmarthenshire.gov.uk)). They may also relate to other permissions or consents required or include further advice and guidance.

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**DATED:** 02/02/2023

*Rhodri Griffiths*

**Pennaeth Lle a Chynaliadwyedd / Head of Place and Sustainability**

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