

OUTLINE PLANNING PERMISSION

JONATHAN FEARN
HEAD OF CORPORATE PROPERTY
CARMARTHENSHIRE COUNCYT COUNCIL
C/O AGENT

Application No: **W/23782** received: 28/09/2010 for:

Proposal : PROPOSED DEVELOPMENT OF INDUSTRIAL PARK, INCLUDING THE DEVELOPMENT OF BUSINESS AND INDUSTRIAL UNITS (USE CLASSES B1 AND B8), OFFICES, BUSINESS INCUBATOR UNITS, A HOTEL, A BUSINESS CENTRAL HUB, RESOURCE CENTRE, ENERGY CENTRE, CENTRAL GREEN SPACE, PARKLAND, ROADS, GATEWAY FEATURE, PEDESTRIAN AND CYCLING FACILITIES INCLUDING A GREEN LINK, LANDSCAPING, PROVISION OF FOUL AND SURFACE WATER DRAINAGE, ATTENUATION PONDS, SERVICES, UTILITIES, SITE REMEDIATION, PLUS ASSOCIATED ENGINEERING OPERATIONS.

Location : LAND AT THE CROSS HANDS EAST STRATEGIC EMPLOYMENT SITE (SES), ADJOINING THE CROSS HANDS BUSINESS PARK, NORTH EAST OF HEOL PARC MAWR AND TO THE SOUTH WEST OF BLACK LION ROAD, PEN Y BANC AND GREENGROVE, GORSLAS, CROSSHANDS, CARMARTHENSHIRE.

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):

CONDITIONS

- 1 The permission now granted is an outline permission only, within the meaning of the Town and Country Planning (General Development Procedure) Order 1995.
- 2 The permission now granted relates to the land defined by the amended 1:1250 scale Application Plan – Cross Hands East SES (Outline) (Drwg No. P_001) received on 12 December 2011.
- 3 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:-
 - a) the expiration of five years from the date of this outline planning permission;
 - b) the expiration of two years from the date of approval of the last of the reserved matters to be approved.

- 4 Development shall not commence until detailed plans of the appearance; landscaping; layout; and scale together with means of access, have been submitted to, and received the written approval of the Local Planning Authority.
- 5 Details of the design, height and materials of construction of screen and boundary walls and fences shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development hereby permitted.
- 6 Cross sections throughout the site and details of the finished floor and roof levels in relation to adjacent properties and the access road shall be submitted with any subsequent reserved matters or detailed planning application.
- 7 Prior to the commencement of each phase of the development the written approval of the Local Planning Authority shall be obtained for a scheme of parking and turning facilities within the curtilage of each plot, and this shall be dedicated to serve the proposal. Each approved scheme is to be fully implemented prior to any part of the respective phase 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.
- 8 Any development of a building over 1000sqm in floor area hereby approved shall be constructed to achieve a minimum BREEAM (Building Research Establishment Environmental Assessment Method) 'Very Good' standard and achieve the mandatory credits for 'Excellent' under issue Ene1 - Reduction of CO2 Emission in accordance with the requirements of BREEAM New Construction, Non-Domestic Buildings, Technical Manual SD5073 -1.0:2011.
- 9 The construction of any development over 1000sqm shall not commence until an 'Interim Certificate' has been submitted to and approved in writing by the Local Planning Authority, certifying that a minimum BREEAM (Building Research Establishment Environmental Assessment Method) 'Very Good' standard and the mandatory credits for 'Excellent' under issue Ene1 - Reduction of CO2 Emission has been achieved for each building in accordance with the requirements of BREEAM New Construction, Non-Domestic Buildings, Technical Manual SD5073 -1.0:2011.
- 10 Prior to the beneficial use of development unit over 1000sqm hereby approved a 'Final Certificate' shall be submitted to and approved in writing by the Local Planning Authority, certifying that a minimum BREEAM (Building Research Establishment Environmental Assessment Method) 'Very Good' standard and the mandatory credits for 'Excellent' under issue Ene1 - Reduction of CO2 Emission has been achieved for that building in accordance with the requirements of BREEAM New Construction, Non-Domestic Buildings, Technical Manual SD5073 -1.0:2011.
- 11 Prior to the commencement of each phase of the development the developer shall submit to the local planning authority a Noise Impact Assessment (NIA) for both the construction and operational phases of each component phase of the development based upon the actual plant and machinery to be used, and predicted traffic noise generated. No development shall then commence for that particular phase until either the written approval of the local planning authority has been obtained as to the conclusions and recommendations of such a NIA, and/or a detailed scheme of noise attenuation has been produced which will then be implemented in full for the construction phase, and prior to the first use of the road by vehicular traffic in respect of mitigation for the operational phase. All attenuation measures required for the operational phase of the development

shall thereafter be retained and maintained in perpetuity, unless otherwise agreed to in writing by the local planning authority.

- 12 Operations conducted at the premises shall not produce a five minute Leq noise level which is in excess of 5db above L90 background noise level during the hours of operation (07:00 to 23:00 with no increase in background levels between 23:00 and 07:00 Monday to Friday, and Saturdays 08:00 to 14:00, with no increase in noise levels permitted outside this period and on Sundays, Bank or Public Holidays) when measured from a nearby noise sensitive property in accordance with the measurement procedure laid down in BS 4142 Method of Rating Noise in Mixed Industrial and Residential Areas.
- 13 None of the development hereby permitted shall be occupied or otherwise brought into beneficial use until the successful installation and operation of phosphate stripping measures at the Cross Hands Sewerage Treatment Works having been undertaken and completed by Dwr Cymru/Welsh Water to ensure no deterioration in water quality of the Afon Gwili, whichever is sooner.
- 14 No development shall be commenced until a detailed scheme for the provision of surface water drainage works has been submitted to and approved in writing by the local planning authority. Such an approved scheme shall then be implemented prior to the construction of any impermeable surfaces draining into the system, unless otherwise agreed in writing by the local planning authority.
- 15 No development approved by this permission shall be commenced until an Ecological Management Plan detailing all necessary ecological retentions, enhancements, creations and management measures for the development is submitted to and approved in writing by the Local Planning Authority. The plan shall then be implemented as approved.
- 16 Prior to the commencement of development, a detailed method statement for the removal or long-term management /eradication of Japanese Knotweed on the site shall be submitted to and approved in writing by the local planning authority. The method statement shall include proposed measures to prevent the spread of Japanese Knotweed during any operations such as mowing, strimming or soil movement. It shall also contain measures to ensure that any soils brought to the site are free of the seeds / root / stem of any invasive plant covered under the Wildlife and Countryside Act 1981. Development shall proceed in accordance with the approved method statement.
- 17 No development shall commence on the application site until a scheme for the eradication of the invasive aquatic plant species fringed water lily has been submitted to the local planning authority for approval, together with a timetable for implementation. Such a scheme shall then be implemented in accordance with the approved details.
- 18 Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), 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.
 - (iv) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express consent of the local planning authority. The scheme shall be implemented as approved.

- 19 Prior to occupation of any part of the development hereby approved, 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.
- 20 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.
- 21 If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) 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.
- 22 No development approved by this permission shall be commenced until a Waste Management Plan for the control, management, storage and disposal of demolition waste/excavated material has been submitted to and approved in writing by the Local Planning Authority.
- 23 No development approved by this permission shall be commenced until a Method Statement detailing all necessary pollution prevention measures for the construction phase of the development is submitted to and approved in writing by the Local Planning Authority.
- 24 Notwithstanding the details previously submitted, prior to the commencement of development a detailed landscaping scheme and management plan for the site, including

boundary and forecourt treatment indicating species size and number of trees and/or shrubs to be planted shall be submitted to and specifically approved in writing by the Local Planning Authority and shall following approval of such a scheme be implemented in the first planting season following commencement of the development, or at such other time as may be specifically approved in writing by the Local Planning Authority.

- 25 Prior to the commencement of any development hereby granted planning permission, the proposed new primary and secondary access roads serving the site – as approved under full planning application S/23781 - shall be formed and constructed to the written approval of the local planning, and then completed in full prior to the first occupation and beneficial use of any buildings constructed on the site thereafter.
- 26 There shall be no beneficial occupation of the site until an agreed proposal has been put in place such that no additional traffic shall enter/exit Heol Stanllyd at its junction with the A48 gyratory as a result of the development.
- 27 The development hereby granted planning permission shall implemented in accordance with a numerical phasing scheme (as illustrated by Phasing Plan Drwg. No. CSK027), with no commencement on any subsequent phase until the substantial completion of the preceding phase, unless otherwise agreed to in writing by the local planning authority:-
- Phase 1 Primary and Secondary Access Roads, and off-site on-highway improvements;
 - Phase 2 Internal Highway (Part); Utilities/services & foul sewer Connection; Site Remediation; Surface Water Attenuation Pond; Serviced Plots 1,- 5; Hub/Resource Centre; Energy Centre; Hotel;
 - Phase 3 Remaining Section of Internal Highway; Remediation; Serviced Plots 6 – 8
- 28 No development shall commence on any part of the application site hereby granted planning permission until the applicant/developer has commissioned a site investigation survey into the presence or otherwise of past mine workings, mine entries or coal seams which might be affected by the proposed development, together with detailed mitigation measures where necessary which shall then be implemented in full to the written approval of the local planning authority, prior to the beneficial occupation of any part of the development.
- 29 No development approved by this permission shall be commenced until a method statement clearly stating how the mitigation for marsh fritillary butterfly habitat will be undertaken before, during and following construction, including timing of the work in relation to the phasing of the development has been submitted and approved. The method statement shall include details of the following:-
- Grassland management inclusive of the translocation of species-rich grassland;
 - Grassland creation and management;
 - Protection and management of areas to be retained.

The method statement shall then be implemented as approved.

REASONS

- 1 Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.
- 2 For the avoidance of doubt as to the extent of this permission.
- 3 The application is in outline only.
- 4 In order to ensure a satisfactory layout of the site and in the interest of visual amenities.
- 5 In the interest of visual amenities.
- 6 In order to ensure sufficient information to properly consider any prospective application is provided.
- 7 In the interest of highway safety.
- 8 - 10 In the interests of sustainable development.
- 11&12 To protect the acoustic amenity of local residents.
- 13 To ensure the implementation of necessary infrastructure works to protect the water environment.
- 14 To ensure a satisfactory form of drainage and prevent any increased flood risk elsewhere.
- 15 To ensure the protection of wildlife and the habitat which supports it and secure opportunities for the enhancement of the nature conservation value of the site in line with national planning policy.
- 16 To prevent the spread of Japanese Knotweed.
- 17 To prevent the spread of an invasive plant species.
- 18 To protect the water environment from potential pollution.
- 19 To demonstrate that the remediation criteria relating to controlled waters have been met and (if necessary) to secure longer-term monitoring of groundwater quality. This will ensure that there are no longer remaining unacceptable risks to controlled waters following remediation of the site.
- 20 To ensure that longer term remediation criteria relating to controlled waters have been met. This will ensure that there are no longer remaining unacceptable risks to controlled waters following remediation of the site.
- 21 Given the size/complexity of the site it is considered possible that there may be unidentified areas of contamination at the site that could pose a risk to controlled waters if they are not remediated.
- 22 To ensure sustainability principles are adopted during development.

- 23 Prevention of pollution.
- 24 To ensure the preparation and delivery of an appropriate, detailed landscaping, planting and management scheme for the site.
- 25 To ensure the application site is served by an appropriate vehicular and pedestrian access
- 26 To preserve the free flow and safety of traffic on the A48 trunk road network
- 27 To ensure the appropriate phasing of the development
- 28 To ensure that the legacy of past mine workings, and any remaining coal measures are appropriately considered and mitigated
- 29 To ensure the adoption of appropriate methods to safeguard the mitigation of marsh fritillary butterfly throughout the development process.

SUMMARY REASONS FOR APPROVAL

In accordance with Article 3 of the Town & Country Planning (General Development Procedure)(Wales)(Amendment) Order 2004, the council hereby certify that the proposal as hereby approved conforms with the relevant policies of the Development Plan (comprising the Adopted Carmarthenshire Unitary Development Plan 2006 (UDP)) and material considerations do not indicate otherwise. The policies which refer are as follows:

- The proposal complies with Policy GDC2 of the UDP in that it is appropriate in terms of scale and design, and will not cause unacceptable loss of amenity to neighbouring uses;
- The proposal complies with Policy GDC11 of the UDP in that it provides adequate access and parking provision;
- The proposal complies with Policy GDC12 of the UDP in that the traffic generated by the proposed development will not adversely affect highway safety or residential amenity;
- The proposal complies with Policy GDC14 of the UDP in that the proposed development will not have a detrimental impact on the capacity of utility services;
- The proposal complies with Policy EN1 of the UDP in that it has been proven that the proposal either directly or indirectly, individually or in combination with other plans or projects will not adversely affect the integrity of the European protected site;
- The proposal complies with Policy T3 of the UDP in that the capacity of the highway network is sufficient to accommodate the development;
- The proposal complies with Policy T4 of the UDP in that the level of vehicle parking provision is acceptable;

- The proposal complies with Policy EN1 of the UDP in that it has been proven that the proposal either directly or indirectly, individually or in combination with other plans or projects will not adversely affect the integrity of the European protected site;
- The proposal complies with Policy EN5 of the UDP in that the development will not cause demonstrable harm to species or their habitats protected by legislation;
- The proposal complies with Policy EN6 of the UDP in that the development will not cause demonstrable harm to species or their habitats, whilst there is scope to create new habitats;
- The proposal complies with Policy EN9 of the UDP in that the development will not cause harm to a habitat or species recognised in either the UK Biodiversity Action Plan or the Carmarthenshire Local Biodiversity Action Plan;
- The proposal complies with Policy UT1 of the UDP in that the infrastructure is adequate to meet the needs of the development;
- The proposal complies with Policy UT8 of the UDP in that adequate surface water disposal methods can be put in place;
- The proposed development accords with CUDP1 in that it facilitates the development of a key area in one of the three Growth Areas in the Sustainable Strategic Settlement Framework.

NOTES

The development hereby permitted shall be carried out strictly in accordance with the following schedule of plans received by the Local Planning Authority in respect of the application:-

- Application Site Plan (Drwg. No. P-001) 1:2500 Scale
- Phasing Plan (Drwg. No. CSK027) 1:2000 Scale

The applicant/developer is advised that the layout shown on the submitted Master Plan that accompanied the application is for indicative purposes only and does not form part of this planning permission.

This planning permission is accompanied by a contribution paid by the applicant/developer towards the delivery of a management scheme for marsh fritillary mitigation within the Caeau Mynydd Mawr Special Area of Conservation (SAC) that will meet the conservation objectives of the SAC inclusive of the management and purchase of land throughout the core population area.

It is the responsibility of the developer to contact the Streetworks Manager of the Local Highway Authority to apply for a Streetworks Licence before undertaking any works on an existing Public Highway.

All surface water shall be trapped and disposed of so as not to flow on any part of the public highway.

No surface water from any part of the development shall be connected into the existing highway surface water drains.

Further advice and guidance from the Environment Agency Wales is contained in correspondence dated 16 February 2012, a copy of which is appended to this planning permission.

Further advice and guidance from Welsh Water is contained in their letter dated the 27 February 2012, a copy of which is appended to this planning permission.

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 outline 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

Where any species listed under Schedules 2 or 4 of The Conservation (Natural Habitats, etc) Regulations 1994 is present on the site in respect of which this permission is hereby granted, no works of site clearance, demolition or construction shall take place in pursuance of this permission unless a licence to disturb any such species has been granted in accordance with the aforementioned Regulation and a copy thereof has been produced to the Local Planning Authority.

All British bat species are European Protected Species by virtue of their listing under Annex IV of EC Directive 92/43/EEC ('The Habitats Directive'). This Directive has been transposed into British Law under the Conservation (Natural Habitats &c.) Regulations (1994) And that Under Regulation 39 of the Regulations, it is an offence to:

- (a) *deliberately capture, injure or kill any wild animal of a European protected species;*
- (b) *deliberately disturb animals of any such species in such a way as to be likely significantly to affect:*
 - (i) *the ability of any significant group of animals of that species to survive, breed, or rear or nurture their young, or*
 - (ii) *the local distribution or abundance of that species;*

(c) *deliberately take or destroy the eggs of such an animal; or*

(d) *damage or destroy a breeding site or resting place of such an animal (including sites that are currently unoccupied).*

Bats are also protected under Schedule 5 of the Wildlife and Countryside Act (1981) (as amended). This legislation makes it an offence to intentionally to kill, injure, take from the wild, possess or trade in any species of British Bat, as well as intentionally or recklessly damage, destroy or obstruct access to any structure or place which bats use for shelter or protection. It is also an offence to disturb a bat/ bats whilst they are using such a place. The Wildlife and Countryside Act disturbance offence applies to activities that cause low level disturbance which is no longer an offence under Regulation 39 of the *Conservation (Natural Habitats &c.) Regulations (1994)*.

The building(s) on this application site may potentially be used by nesting birds. The applicant/developer should be aware that under the Section 1 of the Wildlife and Countryside Act 1981 (as amended) it is an offence to kill or injure any wild bird, take, damage or destroy the nest of any wild bird while that nest is in use or being built. The breeding bird season is generally taken to be mid-March to mid-August. As such no work should be carried out during the breeding season, unless it can be demonstrated that nesting birds are absent. It should be noted that birds may still be nesting outside this season, therefore care should be taken to ensure that no nesting birds are affected.

The applicant/developer is reminded of the presence of the unclassified highway U2262 Green Grove Road which leads through part of the application site. This route is protected by the provisions of the Highways Act 1980, whereby no development involving the stopping up or diversion of this highway shall take place without first obtaining the requisite consent to do so either under Section 116 of the Highways act 1980, or under Section 248 of the Town and Country Planning Act 1990.

DECISION DATE: 29/11/2012

SIGNED: _____

Senior Development Management Officer
for and on behalf of
EIFION W BOWEN, BSc, Dip TP, MRTPI
HEAD OF PLANNING