

TOWN AND COUNTRY PLANNING ACT 1990

Decision Notice

Outline Planning Permission Granted

Applicant

TATA STEEL UK LIMITED
C/O AGENT

Application No: **S/34991** registered on 18/01/2017 for:

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| Proposal: | RESIDENTIAL DEVELOPMENT OF UP TO 94 DWELLINGS, VEHICULAR ACCESS FROM MAES-AR-DDAFEN ROAD, OPEN SPACE, LANDSCAPING AND OTHER ASSOCIATED INFRASTRUCTURE |
| Location: | LAND AT CEFNCAEAU, OFF MAES-AR-DDAFEN ROAD AND ERWLAS, LLWYNHENDY, LLANELLI |
| 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

The permission hereby granted relates to the land defined by the location plan contained in drawing no. 1003 received on 2nd October 2018.

Reason: For the avoidance of doubt as to the extent of this permission.

Condition 2

The development shall begin either before the expiration of five years from the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

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

Condition 3

Any application for approval of the reserved matters shall be made to the Local Planning Authority not later than three years from the date of this permission.

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

Condition 4

Details of the access, appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the Local Planning Authority before any development begins and the development shall be carried out as approved.

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

Condition 5

No development shall commence until details of a scheme for the disposal of foul and surface water has been submitted to and agreed in writing by the Local Planning Authority. The scheme shall include a programme of implementation of the scheme and shall be implemented in accordance with the approved details prior to the residential use of the development and retained in perpetuity.

Reason: To ensure the development is drained in a sustainable and acceptable manner.

Condition 6

No development shall commence until details of the design and implementation of the scheme of surface water removal from the public sewerage system, as set out in the Addendum to FCA /Drainage Strategy dated June 2018 and received on 25th June 2018 and accompanying surface water removal detail (aerial photograph) received on 13th February 2019, have been submitted to and agreed in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details and to the written approval of the Local Planning Authority prior to the occupation of any of the residential units hereby approved.

Reason: To protect the existing community and the environment from the adverse effects of sewage flooding.

Condition 7

No development shall commence until details of existing ground levels and proposed finished ground and floor levels have been submitted to and approved in writing by the Local Planning Authority. Such details are to form part of any Reserved Matters application for the site and the development shall be carried out in accordance with the approved details.

Reason: In the interests of visual amenity.

Condition 8

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:

- (a) 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.
- (b) A site investigation scheme, based on (a) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
- (c) The site investigation results and the detailed risk assessment (b) 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.
- (d) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (c) 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.

Reason: Controlled waters at this site are of high environmental sensitivity, being on Secondary A Aquifer and contamination is known at the site due to its previous use as a landfill.

Condition 9

Prior to occupation of any part of the permitted 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 demonstrate and ensure that the remediation criteria relating to controlled waters have been met, and (if necessary) to secure longer-term monitoring of groundwater quality.

Condition 10

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 demonstrate and ensure that the remediation criteria relating to controlled waters have been met, and (if necessary) to secure longer-term monitoring of groundwater quality.

Condition 11

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.

Reason: 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.

Condition 12

No infiltration of surface water drainage into the ground is 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 controlled waters. The development shall be carried out in accordance with the approval details.

Reason: There is an increased potential for pollution from inappropriately located infiltration systems such as soakaways, unsealed porous pavement systems or infiltration basins.

Condition 13

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 14

No development shall take place until an intrusive site investigation for mine entries shallow coal workings and gas monitoring has been carried out in accordance with a methodology first submitted to and approved in writing by the Local Planning Authority. The results of the intrusive site investigation shall be submitted to the Local Planning Authority prior to the commencement of the development. In the event that the site investigation confirm that remedial works are required, a scheme specifying the measures to be taken to remediate the site shall be submitted to and approved in writing by the Local Planning Authority. The remedial measures shall be carried out prior to the commencement of the development in accordance with the approved details.

Reason: To ensure any ground instability issues are dealt with in an acceptable manner.

Condition 15

No development, including site clearance, shall commence until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP must include:

- Construction methods: details of materials used in construction; details of how waste generated will be managed.

- General Site Management: details of the construction programme including timetable, details of site clearance; details of site construction drainage site set-up plan detailing how sensitive receptors will be protected from harm e.g. fencing, containments areas, appropriately sized buffer zones between storage areas (of spoil, oils, fuels, concrete mixing and washing areas) and any watercourse or surface drain.
- Biodiversity Management during construction: details of habitat retention and protection; invasive species management; species and habitat protection, avoidance and mitigation measures (as detailed with the Ecology reports).
- Soil Management: details of topsoil strip, storage and amelioration for re-use.
- CEMP Masterplan: details of the extent and phasing of development; location of landscape and environmental resources; design proposals and objectives for integration and mitigation measures.
- Control of Nuisances: details of restrictions to be applied during construction including timing, duration and frequency of works; details of measures to minimise noise and vibration from piling activities, for example acoustic barriers; details of dust control measures; measures to control light spill.
- Resource Management: details of fuel and chemical site storage and containment; details of waste generation and its management; details of the consumption of water, wastewater and energy use.
- Traffic Management: details of site deliveries access points, storage and use of plant on site; details of wheel wash facilities.
- Pollution Prevention: demonstrate how relevant Guidelines for Pollution Prevention and best practice will be implemented, including details of emergency spill procedures and incident response plan.
- Details of the persons and bodies responsible for activities set out in the CEMP and emergency contact details. For example, contract manager, site manager, contractors, visitors, site environmental advisor, landscape clerk and ecological clerk of works to ensure construction compliance with approved plans and environmental regulations.

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

Reason: To prevent the pollution of the environment.

Condition 16

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

- Details of habitats, landscape, environmental and ecological features present or to be created at the site.
- Details of the desired conditions of features (present and to be created) at the site.
- Details of scheduling and timings of 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.
- 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 ecology reports and associated documents.

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

Reason: In the interests of visual amenity and to safeguard and enhance existing features of landscape and biodiversity value.

Condition 17

During the construction phases, no works or construction shall take place other than within the hours of 08:00 – 18:00 Monday – Friday, Saturday 08:00 – 13:00 and not at all on Sundays, Bank or Public Holidays.

Reason: In the interest of safeguarding residential amenity.

Condition 18

No development shall commence unless and until all relevant interests in the land, including but not limited to the interests of mortgagees and chargees, are bound by the Section 106 agreement entered into between Carmarthenshire County Council and Tata Steel UK Limited, dated 7 March 2022. Any interests to be so bound shall enter into a supplemental deed substantially in the form appended to this outline permission.

Reason: As the Local Planning Authority would not have granted outline planning permission in the absence of a signed Section 106 agreement binding all relevant interests in the land and, at the time of this outline permission being issued, it was not possible to bind all relevant interests in the land to the terms of the Section 106 agreement. This condition restricts the commencement of development until such time that the relevant interests in the land, including but not limited to the interests of mortgagees and chargees, are bound by the Section 106 agreement dated 7 March 2022 by way of the supplemental deed appended to this outline permission.

Reasons for Granting Planning Permission

The decision to grant planning permission has been taken in accordance with Section 38 of the Planning and Compulsory Purchase Act 2004, which requires that, in determining a planning application the determination must be in accordance with the Development Plan unless material considerations indicate otherwise.

- The proposed development complies with Policies SP1, SP3 and GP1 of the LDP in that it consists of a sustainable form of development that is appropriate in scale and design to the existing urban form of the area and is not likely to cause unacceptable harm to neighbouring properties.
- The proposed development complies with Policy H1 and H2 of the LDP in that it is allocated for residential development purposes within the Plan. Furthermore, the proposal is in accord with policies AH1 and AH2 of the LDP in that it will provide a proportion of affordable housing.
- The proposed development complies with Policies SP9, GP1 & TR3 of the LDP in that the proposal is located in a sustainable location and will not be detrimental to highway safety.
- The proposed development complies with policies EQ4, EP2 and EP3 of the LDP in that it will not result in any unacceptable ecology, flooding or pollution impacts.
- The proposed development complies with policy GP4 in that it will be served by infrastructure that is adequate to meet the needs of the development.
- The proposed development complies with policies GP3, REC2 and REC3 of the LDP in that provision is to be made for improvements to open space, education and pedestrian and cycling facilities in area.

Note 1

The applicant/developer is advised that this permission is granted subject to the completion of a Section 106 Agreement securing a proportion of affordable housing as well as commuted payments towards the improvement of education, open space and pedestrian/cycling facilities as part of the development.

Note 2

Further advice and guidance from consultees is provided in their consultation responses which can be viewed on the Authority's website. This may include reference to other relevant permissions and legislation.

Note 3

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.

DATED: 07/03/2022

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.