

TOWN AND COUNTRY PLANNING ACT 1990

Decision Notice

Refusal of Outline Planning Permission

Applicant

Acorn (3000) Limited
Gwelfor,
Heol Llanelli,
Trimsaran,
Kidwelly,
SA17 4AG

Application No: **PL/06220** registered on 08/08/2023 for:

Proposal:	Residential Development
Location:	Gwelfor, Heol Llanelli, Trimsaran, Kidwelly, SA17 4AG
Application Type:	Outline planning consent - some matters reserved

Carmarthenshire County Council hereby **REFUSE OUTLINE PLANNING PERMISSION** for the development proposed by you as shown on the application form, plan(s) and supporting document(s) for the following reason(s):

Reason 1

The application site comprises priority habitat **Species-rich Purple Moor-grass and rush pasture** which appears on the Environment (Wales) Act 2016 Section 7 list of habitats of key significance to sustain and improve biodiversity in relation to Wales. The site offers considerable biodiversity value in terms of the presence of Section 7 habitats and delivers ecosystem services. Whilst additional information has been submitted, it is considered that this information is insufficient to comply with national policy requirements contained within Planning Policy Wales (Section 6.4.21) and Dear CPO letter (23/10/2019). The 'mitigation hierarchy' a stepwise approach (avoid, reduce, mitigate, compensate) should be followed to meet the requirements of local and national policy. The mitigation hierarchy has not been followed and it is evident that a section 7 habitat (Species-rich Purple Moor-grass and rush pasture) exists on site and will be lost as a result of the development. The proposed development is therefore contrary to Policies SP14, EQ4 and EQ5 of the Carmarthenshire Local Development Plan (adopted December 2014), Nature Conservation and Biodiversity Supplementary Planning Guidance (SPG), Planning Policy Wales (PPW) Edition 11, February 2021, the 'Dear CPO' letter from Welsh Government to Wales LPA Heads of Planning dated 23rd October 2019.

Reason 2

The application site comprises priority habitat **Hedgerows, tree-lines and semi-natural broad leaved woodland** which appears on the Environment (Wales) Act 2016 Section 7 list of habitats of key significance to sustain and improve biodiversity in relation to Wales. Whilst the trees will be retained, the site plan shows many of the trees in the gardens of dwellings and in some cases overhanging garages. This will result in loss of understory plants and potential damage to trees through landscaping, compaction and fence construction. It is likely to prevent many trees reaching full maturity and some may be felled or cut back by residents who do not

want such a shaded garden. There will also be disturbance of this habitat by humans and their pets affected birds and small mammals. Therefore, although not lost completely, this habitat will be damaged by the development. The proposed development is therefore contrary to Policies SP14, EQ4 and EQ5 of the Carmarthenshire Local Development Plan (adopted December 2014), Nature Conservation and Biodiversity Supplementary Planning Guidance (SPG), Planning Policy Wales (PPW) Edition 11, February 2021, the 'Dear CPO' letter from Welsh Government to Wales LPA Heads of Planning dated 23rd October 2019.

Reason 3

The Environment (Wales) Act 2016, PPW (Edition 11, February 2021) and Future Wales, The National Plan 2040 (Policy 9) requires the LPA to seek to enhance biodiversity through the planning process. Whilst compensation measures have been proposed, it is considered that the development will result in an overall loss of biodiversity and is therefore contrary to the above legislation.

Reason 4

Insufficient information has been submitted to demonstrate that the impact the proposed development will have on Reptiles and Amphibians. The PEA (section 5.8) recommends a full reptile and amphibian survey is undertaken to assess population size, however, this has not been completed. The population must be assessed and if required a suitable translocation site would need to be identified since little suitable habitat will remain on site. Without the required information the development does not comply with Policies SP14 and EQ4 of the Carmarthenshire Local Development Plan (adopted December 2014).

Reason 5

The site has been assessed as suitable for badgers and Dormice however, insufficient information has been submitted to demonstrate that the mitigation or method statements for the protection or relocation of said habitats, without the required information the development does not comply with Policies SP14 and EQ4 of the Carmarthenshire Local Development Plan (adopted December 2014).

Reason 6

The proposal does not contribute to the creation of sustainable places and spaces since the proposal has not been accompanied by a legal agreement to secure a commuted sum towards affordable housing in the sub-market area and open space. The proposal is therefore contrary to Policies GP3, AH1 and REC2 of the Carmarthenshire Local Development Plan (adopted December 2014) and Supplementary Planning Guidance documents: Affordable Housing (adopted June 2018) and Planning Obligations (adopted December 2014).

Note 1

The developer is advised that in the event that the other above fundamental reason for refusal can be satisfactorily addressed, reason for refusal 6 could be overcome through the completion of a Section 106 agreement to secure the required contributions

Note 2

This application has been determined within the scope of the delegated authority granted to the Head of Place & Sustainability by the Meeting of Carmarthenshire County Council on 9 February 2022 (Minute No 5.1 refers).

DATED: 24/11/2023

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.