



Our ref: CSC1090
Date: 14th April 2023

Forward Planning Manager
Place and Sustainability
Department of Sustainability and Infrastructure
Carmarthenshire County Council
3 Spilman Street
Carmarthen
SA31 1LE

VIA EMAIL

Dear Sir/Madam,

**Representations to Carmarthenshire County Council 2nd Deposit Revised Local Development Plan Consultation
Land Adjacent to Culla Road Roundabout (B4317), Carway (Candidate Site ref: SR/023/003)**

CarneySweeney is instructed on behalf of our client, Ffos Las Ltd, to submit representations to the current consultation on Carmarthenshire's 2nd Deposit LDP. This letter accompanies the following:

- Completed Representation Form;
- Site Location Plan;
- Site Ref: SR/023/003 Reasonable Alternatives Site Assessment Proforma (Carmarthenshire County Council, February 2023); and
- Candidate Site Submission Supporting Statement (prepared by WYG, first submitted at First Deposit LDP candidate site consultation).

These representations are made in relation to land adjacent to Culla Road Roundabout (B4317), Carway; a site which was submitted as a Candidate Site during the 2018 Call for Sites (Candidate Site ref: SR/023/003). The site successfully passed all three stages of the LPA's previous assessment process, scoring highly. The site is in single ownership and is immediately deliverable. Notwithstanding this, the site is not currently being progressed by the Council as a draft allocation. The LPA's stated reason for not currently allocating the site, as stated within its Site Assessment Table (2023), is:

"Whilst there are no adverse impacts to the development of this site, there is more suitable and appropriate land available within the village to accommodate new development".

Whilst not currently allocated, the site is included as a 'Reasonable Alternative' site by the LPA within their Site Allocation Assessment - Reasonable Alternatives Report, February 2023. The report reiterates that the site performed suitably in terms of the RLDP Site Assessment Methodology, including Integrated Sustainability Appraisal objectives. A copy of the site's proforma is also enclosed with this submission and clearly demonstrates how favourably the site scores against the RLDP's key objectives.



It is our firm view the Council should re-consider its decision not to allocate this site for housing development, and to this end we wish to make the following representations.

Candidate Site Description and Context

Full details of the site's characteristics and development potential are provided within the enclosed Candidate Site Supporting Statement (2018) prepared by WYG. This Statement was previously submitted to the LPA as part of the Call for Sites process.

In summary, the candidate site (ref: SR/023/003) comprises c. 5.3ha of land which is bound by existing residential development to the north, comprising the built settlement of Carway, and to the south by the Persimmon housing development at Ffos Las racecourse. The site's location is considered highly sustainable, given its immediate proximity to Carway, Ffos Las racecourse and Trimsaran, and associated facilities. The allocation and subsequent ongoing delivery for housing of the adjacent Persimmon sites¹ also establishes the sustainability of this location to accommodate new housing.

The site is free from physical constraints, being relatively flat with no existing buildings. The site is not located within any heritage, ecological or nature conservation designations and lies within Flood Zone A.

The site can be readily accessed from the existing B4327 Culla Road Roundabout, with a secondary access point available at Heol Dyffryn Aur to the south.

As outlined above the site is immediately deliverable and as previously concluded by officers there are no adverse impacts to the development of this site.

Pre-Application Advice (ref: PRE/01319)

Since the previous Candidate Site submission Ffos Las Ltd has sought pre-application advice from Carmarthenshire County Council in respect of the proposed development of the site for housing. A written response was received from the LPA in March 2023 (application ref: PRE/01319).

Whilst the current NRW Development Advice Map identifies the site within flood zone A, the pre-application response notes that based on the emerging draft NRW Flood Map for Planning, part of the site lies within flood zone 3 (see Fig. 2 below). The pre-application response advises that in accordance with TAN 15 (which is due to be adopted for decision making in June 2023) vulnerable development such as housing is generally not permitted in Flood Zone 3.

¹ Pursuant to outline planning permission for mixed use development at Ffos Las racecourse and surrounding land (pp ref: S/11568).



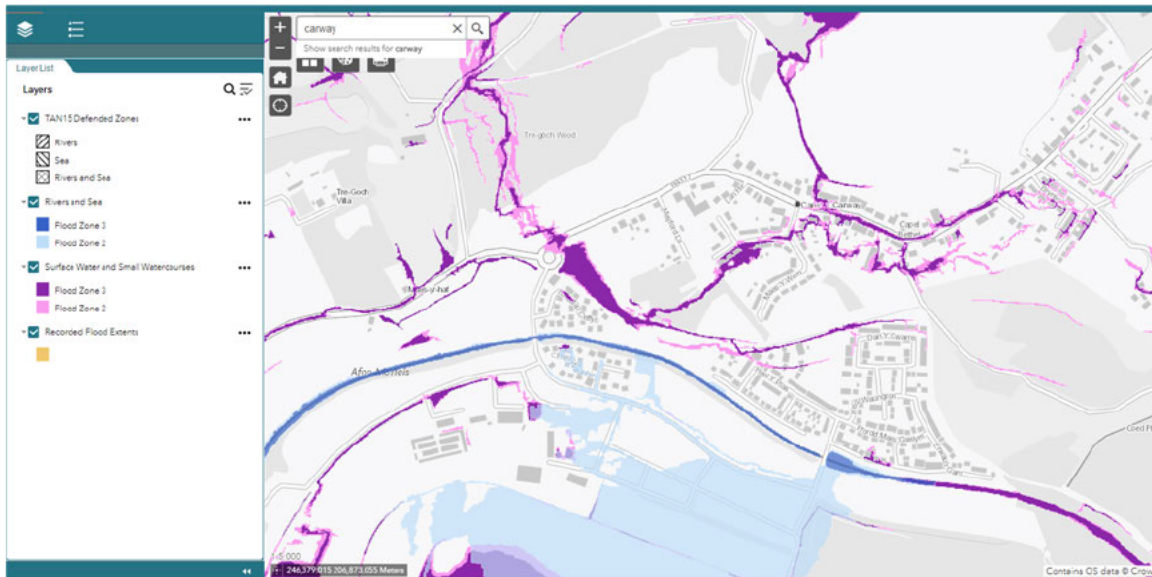


Figure 1: NRW Flood Map for Planning extract for Carway

Whilst we acknowledge the above, it is important to note only a small proportion of the site is affected by this Flood Zone 3 designation and, most importantly, it lies partly within Flood Zone 3 for surface water and small watercourses only and is not deemed at risk of river and sea flooding. The latest available version of the TAN 15 (January 2023, Consultation Version), is clear that vulnerable development such as housing is generally not considered acceptable in areas that are flood zone 3 for Rivers and Sea flooding specifically:

“Where development is proposed in any area facing flood risk from rivers and the sea, the planning authority will need to be satisfied that its location is justified. It is important that areas in Zone 3 are used only as a last resort, and not at all for new highly vulnerable development.” (TAN 15 Consultation Version 2023, pp 10.10) (our emphasis).

Whereas, in terms of surface water flood risk, TAN 15 (Jan 2023) notes:

“Locally appropriate approaches can be incorporated into the Development Plan using local policies, and in the decision-making process for planning applications.” (pp 4.8).

“The [Flood Map for Planning] shows areas at risk of flooding from surface water and small watercourses, split into ‘Flood Zone 2’ and ‘Flood Zone 3’. These are considerations for planning authorities and must be integrated into plan-making processes and decision-making. For some developments it will be possible and appropriate to include management and mitigation measures (refer to section 8).” (pp 5.2) (our emphasis added).

“A Flood Consequences Assessment will be required for any new development proposal located fully or partly in Flood Zones 2 and 3 - Surface Water and Small Watercourses.” (pp 8.7).

The emerging TAN15 does not preclude housing development within surface water Flood Zone 3; such development will generally be acceptable, subject to detailed design and appropriate management and mitigation.

Accordingly, any future development proposals at the site would be supported by a Flood Consequences Assessment and Drainage Strategy and would be subject to the separate SAB approval process to secure sustainable surface water drainage measures. This is eminently achievable at the detailed design stage and, therefore, should not be considered a barrier to the allocation of the site.



Additionally, it should be noted that significant drainage infrastructure has already been implemented at this location as part of the delivery of, firstly, Ffos Las racecourse and latterly the housing allocation being delivered by Persimmon immediately to the south (site allocation ref. SeC8/h1).

In respect to other potential site-specific requirements, namely, further ecological investigation, we envisage this being carried out to help inform detailed development proposals and ensure Biodiversity Net Gain (BNG) is delivered by on site delivery and/or by offsetting.

Housing Need and Supply

The Council's pre-application advice concludes that while development of the site would be considered contrary to the development plan (given the site's current status outside the existing settlement boundary), there is noted potential for small areas of local needs housing adjacent to the development limits (in Carway) provided there is an established genuine local need.

We note the 2nd Deposit Plan Strategic Policy – SP4 'A Sustainable Approach to Delivering Homes' states that:

"In order to ensure the overall housing requirement of 8,822 homes for the plan period is met, provision is made for 9,704 new homes in accordance with the settlement framework in order to promote the creation and enhancement of sustainable communities."

Various population and household growth projections were assessed to reach the above requirement figure. The ten-year based projection from Turley's Housing and Economic Growth Report was chosen to be taken forward for the RLDP, which projects a total population increase of 14,468 and a requirement for 588 new homes per year.

We understand this annual housing requirement reflects build rates since 2007, which are approximately 501 homes per year (paragraph 4 of the Housing and Economic Growth Report, Turley, November 2022). However, this figure is less than half that of the 2014 LDP housing target, which was 1,013 dwellings per annum. Carmarthenshire Council has failed to deliver sufficient homes to meet local demand for a longstanding period; basing future delivery on inadequate past build rates merely compounds the longstanding issue of undersupply going forward into the new plan period.

The supporting Housing and Economic Growth report importantly notes that:

"Undersupply may though have contributed towards residents of Carmarthenshire living in larger households than was previously anticipated, some potentially being left with no choice but to stay in the family home or share with other adults due to a shortage of available housing." (pp 5).

There is clear, genuine local need. The strong market interest and swift and ongoing delivery of the existing allocation in Carway directly adjacent to the site is a strong demonstration, itself, of local need. We consider the housing targets proposed within the 2nd Deposit are insufficient to address previous undersupply and meet the demands of the growing local population across the new plan period. We consider housing targets should be lifted accordingly.

In order to achieve the RLDP's goals to "promote the creation and enhancement of sustainable communities" (RLDP Policy SP4), additional housing should be directed towards sustainable settlements such as Carway. Carway is an identified Service Centre within the settlement hierarchy and is accordingly appropriate for additional housing allocations (as per RLDP Strategic Policy SP3).

The subject site adjacent to Culla Road Roundabout (ref: SR/023/003) represents a sustainably located site, as established in principle by the neighbouring allocated sites (refs: SeC8/h1, which has been built out and SeC8/h3, which benefits from outline planning consent). Furthermore, the site is immediately deliverable and by the Council's own measure scored highly in the LPA's candidate site assessment process. Based on the Council's Site Assessment Table (2023), the only reason for rejecting the site



as an allocation is a perceived lack of need. However, we encourage the Council to revisit its previous conclusion on this in the context of the Council's persistent undersupply of housing and added uncertainty regarding the deliverability of the Council's proposed housing allocations. Paragraph 4.2.10 of Planning Policy Wales 11 (PPW) stresses the importance that *"The supply of land to meet the housing requirement proposed in a development plan must be deliverable."*

Phosphates and SAC

We understand one of the principal reasons for the Council's current consultation on a 2nd Deposit Plan was to evaluate NRW's guidance on riverine phosphate levels. Within the County, there are two riverine Special Areas of Conservation (SAC) that are affected by this guidance: the Afon Teifi and Afon Tywi. Planning applications for development that may increase phosphate levels in these rivers need to demonstrate nutrient neutrality for development to proceed.

The 2nd Deposit Plan's evidence base includes a Nutrient Mitigation Options Technical Review report prepared by Ricardo (June 2022). The report notes that the Pencader Sewage Treatment Works and Llandovery Waste Water Treatment works have the highest number of planning applications constrained by phosphorus (page iv of the report). Therefore, it is apparent that future housing development in Pencader and Llandovery is particularly constrained by the need for nutrient neutrality. There is now, in our view, significant doubts as to the deliverability of the housing sites allocated within the 2nd Deposit in these two settlements in particular, namely:

- Ref: SeC14/h2 Land adjoining Maescader, Pencader for 24 dwellings;
- Ref: SeC14/h1 Blossom Garage, Pencader, for 30 dwellings;
- Ref: SeC15/h1 Land to north of Dan y Crug, Llandovery, for 61 dwellings;
- Ref: SeC15/h2 Land adjacent to Bryndeilog, Tywi Avenue, Llandovery, for 8 dwellings.

In particular, we question the deliverability of site allocation ref: SeC14/h2 Blossom Garage. This site has been subject to a recent planning application refusal (ref: W/39283). One of the principal reasons for refusal was the site being located within the catchment of Afon Tywi SAC and not demonstrating phosphate neutrality or betterment.

We note allocation ref: SeC15/h1 in Llandovery listed above has been allocated for many years and remains undeveloped. The LPA's supporting Site Assessment Table (2023) indeed notes concerns over the deliverability of this site, and therefore reduces the size of the allocation within the 2nd Draft Deposit RLDP. The riverine SAC phosphates constraint makes this site even less deliverable.

Other settlements in the County that have housing allocations near to riverine SACs are Newcastle Emlyn (which is also largely constrained by SSSI and Conservation Area designations) (allocations for 51 units); Pont-Tyweli (14 units); Cwmifor (8 units); Carmarthen (1,283 units); Burry Port (501 units); Llanelli (1,516 units); and Llangennech (94 units).

It is highly likely that proposed housing allocations in locations affected by riverine SACs phosphate constraints will not be deliverable, either in part or in full. Indeed, site ref SeC14/h2 above has already failed to achieve planning permission. Combined, we understand the above affected settlements are allocated to provide an estimated 3,590 homes. On an assumption that just c.25% of these allocations failed to be delivered due to the riverine SAC phosphate constraint, this would lead to a significant shortfall of c.897 homes throughout the Plan period.

Notwithstanding sites affected by the SAC phosphates constraint, there are other sites throughout the County exhibiting deliverability issues. For instance, existing allocation Ref: SeC16/h1 - Llandeilo Northern Quarter has been reduced in size due to deliverability concerns. We understand this site has been allocated for a longstanding period without being delivered. Similarly, we note the below existing allocations, totalling 115 units, have been reduced in size due to concerns over deliverability:

- Opposite Village Hall in Cwmifor for 16 units (ref: SC30/h1);
- Land at Maesarddafen, Llanelli for 94 units (ref: PrC2/h15);



- Pre-application advice (ref: PRE/01319) notes the site lies within Flood Zone 3 in the emerging TAN15. The site lies within Zone 3 for surface water and small watercourses flooding only (i.e. not river or sea flooding), whereby development for housing is generally acceptable; in accordance with TAN 15 (Jan 2023);
- Site specific assessments such as ecological surveys etc. can be provided as part of any future proposals at the site, to ensure Biodiversity Net Gain is achieved. There are no insurmountable site constraints identified at this stage. The site is readily deliverable;
- The proposed provision for 9,704 homes within the RLDP to meet an identified requirement for 8,822 homes at c.500 homes per year is considered insufficient and will compound longstanding undersupply. The County should be targeting an increase in annual build rates, in order to provide for the future population growth and meet local need;
- Based on current draft allocations the riverine SAC phosphate constraint will likely significantly constrain the delivery of housing across the County over the emerging plan period, particularly in Pencader and Llandoverly. The Council's previous conclusions on need should be thoroughly reassessed. The proposed site at land adjacent to Culla Road Roundabout (ref: SR/023/003) is unconstrained and immediately deliverable.
- The sustainability of this site location is established and confirmed by the Council's own site assessment process. Delivery of the site for housing will logically complete the Carway settlement and meet clear and genuine local need. There has already been significant market interest in the site by developers. The site should be allocated for housing within the RLDP.

We trust that the above/ enclosed representations will be taken into consideration as part of the future progression of Carmarthenshire's RLDP.

We look forward to being kept informed of the RDP's progress and hearing from you in due course.

Should you require any further information or wish to discuss further please do not hesitate to contact us.

Yours faithfully,



Rob Mitchell
Director
CarneySweeney

Enc
Cc. Meryl Lewis – Ffos Las Ltd

