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Carmarthenshire County Council
Environment Department
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Ebost/Email:

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14/04/2023

Annwyl / Dear Mr Llewellyn

REVISED CARMARTHENSHIRE LOCAL DEVELOPMENT PLAN (LDP) 2018 - 2033: CONSULTATION ON THE SECOND DEPOSIT PLAN.

Thank you for consulting Cyfoeth Naturiol Cymru/National Resources Wales (NRW) on the above, which was received on 17 February 2023.

We welcome the opportunity to provide comments on your Second Deposit Revised LDP.

We support the intent of the plan's policies and proposals to enable the delivery of sustainable development and ensure social, economic, environmental and cultural well-being goals are all suitably balanced in the decision-making process, so the right development occurs in the right place.

We also acknowledge that you have taken on board advice from our previous correspondence which has enabled positive provisions in the second Deposit Plan both in policy terms and regarding allocation of sites. However, there are issues with the latest draft which we feel challenge the Soundness of the Plan. These key issues are highlighted below:

- SAC rivers / Habitats Regulations Assessment (HRA)
- Flood risk regarding the following sites allocated for housing under Strategic Policy 4: A Sustainable Approach to Providing New Homes

PrC3/h33	Llys Dolgader
PrC3/h19	Land off Llys y Nant
SeC19/h1	Land at Park View, Whitland
Sec19/h2	Land at Whitland Creamery

- Flood risk regarding allocation - PrC2/GT1 – Land at Penyfan, Trostre, Llanelli, under Strategic Policy SP 10: Gypsy and Traveller provision.

- Biodiversity and ecosystem resilience regarding six allocations (two housing and four employment).

In addition, to matters of soundness we also advise that some refining/clarity be made to the plan in respect of several policies and supporting text to ensure the robustness of the plan.

Our detailed comments on the plan and supporting documents can be found in the annexes to this letter.

Please note that our comments are without prejudice to any comments we may wish to make when consulted on any subsequent formal planning application submissions to develop any of the land identified within the plan. At the time of any other consultation there may be new information available which we will need to consider in providing our formal advice.

Finally, we look forward to continuing to work closely with you to progress the plan and trust these comments are of assistance. If you have any queries, or if you require any further information, please do not hesitate to contact us at the above address.

Yn ddiffuant / Yours sincerely

Miss Sharon Luke
**Ymgynghorydd Cynllunio Datblygu Uwch / Senior Development Planning
Advisor**

Attachments:

Annex 1

Written Statement

Annex 2:

1. Development and Flood Risk
2. Interim Action Plan (IAP)
3. Habitats Regulations Assessment (HRA)
4. Ecology
5. Land Contamination
6. Foul Drainage

Annex 3:



**Cyfoeth
Naturiol**
Cymru
**Natural
Resources**
Wales

Allocated sites

Annex 1

Written Statement

11. Policies

11.1 We note the intention that the strategic policies reflect the core elements of sustainability and sustainable development and the four themes of the Carmarthenshire Well-being plan.

- **Strategic Policy SP1: Strategic Growth**

SG1: Regeneration and Mixed-Use Sites

Provision for mixed use allocations have been made for ten sites across the county. Our detailed comments on all the allocations can be found in Annex 2 and 3. We have not provided comments on those allocations which have already secured full planning.

Paragraph 11.16 states that where appropriate the allocated sites and their identified uses will be considered further through Supplementary Planning Guidance (SPG) in the form of development briefs. We are happy to be involved in their production and can offer advice on the assessments and considerations required to support any subsequent planning application submission.

- **Strategic policy SG3: Pembrey Peninsula**

This is a new policy that has been included since the first draft. We can understand the significance of the area regarding the economy of the county but in addition to respecting the area's role, function and sense of place it is imperative that proposals do not have a negative impact on the sensitive ecology of the area and that consideration is given to the risks from coastal flooding and erosion.

Pembrey is a particularly sensitive area with regard to ecology and habitat loss, disturbance, light pollution and hydrological impacts. Some of the UK's rarest species can be found in this area including *Vertigo angustior* and *Dactonys aquatus*, in addition to numerous other Sites of Special Scientific Interest (SSSI) and Special Area of Conservation (SAC) features. Water voles have been reintroduced to the Pembrey area in recent years and it also provides a haven for Dormice and Greater horseshoe bats. The area is also adjacent to the Burry Inlet Special Protection Area (SPA) and Ramsar site.

11.25 We note that SPG will be produced to elaborate upon the provisions of this policy and the future opportunities within the Peninsula. We advise that careful

consideration should be given to the sensitivities of the area especially those outlined above, and we are happy to offer our input into the production of the SPG.

PSD1: Effective Design Solutions: Sustainability and Placemaking

We support the intention of the policy to ‘maximise opportunities for; enhancement to the quality and extent of existing; and the creation of new, landscape and ecological elements and features, as Green and Blue Infrastructure assets’. However, connectivity needs to be considered in the design to ensure that existing habitats/ biodiversity is not isolated. We therefore advise that as a point of clarity specific mention of connectivity is detailed within Policy PSD1 (d).

- **Strategic Policy – SP4: A Sustainable Approach to Providing New Homes**

HOM1: Housing Allocations

The following sites are identified by the Flood Map for Planning as being at risk of flooding and therefore their allocation within the plan fails to meet the tests of soundness.

As confirmed in the [letter](#) from Welsh Government dated 15 December 2021, ‘when plans are reviewed, the flood risk considerations that feed into the settlement strategy and site allocations must be in accordance with the new TAN 15 and the Flood Map for Planning’. When proposing an allocation within a flood risk area your Authority should undertake sufficient background evidence to demonstrate that the development is appropriate for the flood zone and that the consequences of flooding can be acceptably managed.

PrC3/h33	Llys Dolgader
PrC3/h19	Land off Llys y Nant
SeC19/h1	Land at Park View, Whitland
Sec19/h2	Land at Whitland Creamery

The following three sites appear to provide important ecological connectivity features. Loss of ecosystem connectivity would be at odds with the fundamental aims of maintaining and enhancing biodiversity and your Authority’s duty under Section 6, Part 1 of the Environment (Wales) Act 2016. The Well-Being of Future Generations (Wales) Act and the Environment (Wales) Act provide a duty to maintain and enhance the resilience of ecosystems.

- PrC2/h10 The Dell, Furnace, Llanelli
Following discussions on this allocation it was confirmed that the surrounding woodland will be retained to maintain a green corridor providing connectivity with the main woodland and the Dell. The mitigation required may reduce the amount of land available for development and the site would need to be allocated on this principle to ensure the soundness of the plan.

- SeC7/h3 Golwg yr Afon, Llangennech
Following our discussions on this allocation we are satisfied there is a way forward. The mitigation required may reduce the amount of land available for development and the site would need to be allocated on this principle to ensure the soundness of the plan.
- PrC3/h4 Tirychen Farm
The site has secured outline permission and there are several ecological requirements attached. The final design of the site will have to be guided by the ecological sensitivities of the site.

Our detailed comments on the land allocated for residential development can be found in Annex 2 and 3. We have not provided comments on those allocations which have already secured full planning. The Lead Local Flood Authority (LLFA) and your Ecologist may identify other sites requiring consideration of these matters.

- **Strategic Policy - SP6: Strategic Sites**

We acknowledge the two strategic sites identified as key components of the Swansea Bay City Deal:

- The Life Science and Well-being Village, Llanelli.
- Yr Egin – Creative Digital Cluster, Carmarthen.

We have no comment to make on Policy SP6 as we are involved with both sites through the planning process. We will continue to work with your Authority in progressing the development of these sites.

- **Strategic Policy – SP7: Employment and the Economy**

EME3: Employment Proposals on Allocated Sites

The following allocations appear to border/provide important ecological connectivity features. These features would need to be protected from development. Loss of ecosystem connectivity would be at odds with the fundamental aims of maintaining and enhancing biodiversity and Section 6, Part 1 of the Environment (Wales) Act 2016. The Well-Being of Future Generations (Wales) Act and the Environment (Wales) Act recognise that we have a duty to maintain and enhance the resilience of our ecosystems for our own continued existence and for future generations. This duty is reflected in many policies including Planning Policy Wales.

Our detailed comments on the allocated employment sites can be found in Annex 2 and 3 however, any mitigation required may reduce the amount of land available for

development and the site would need to be allocated on this principle to ensure the soundness of the plan.

- PrC3/E2 Cross Hands West Food Park
- PrC3/E2(i) Land west of Castell Howell
- PrC3/E2(ii) Land south of Heol Parc Mawr
- PrC3/E2(iii) Land north of Dunbia

There are also several sites where a large area is covered by trees. Please refer to our comments under PSD4: Green and Blue Infrastructure – Trees, Woodlands and Hedgerows.

- **Strategic Policy – SP9: Infrastructure**

INF4: Llanelli Waste Water Treatment Surface Water Disposal

We support the inclusion of this policy and the supporting Burry Inlet SPG. As you know there has been a long-established partnership approach to dealing with concerns on the risk of deterioration of water quality on the Carmarthen Bay and Estuaries European Marine Site.

Paragraph 11.203 states that Dwr Cymru Welsh Water (DCWW) have confirmed that there is sufficient capacity within Llanelli Waste Water Treatment Works to deliver the Plan's identified growth without breaching their permit requirements.

We acknowledge that in addition to the implementation of the requirements of the Memorandum of Understanding on new developments, several improvement schemes have also been undertaken within the catchment since it was introduced. We are satisfied that if DCWW have confirmed the above in writing, the Policy, with its requirements for surface water removal by the major developments, should ensure that the identified growth will cause no detriment to water quality from the generation of foul flows.

11.208 Subject to the above we are satisfied that the policy and Burry Inlet SPG supersede the requirements of the Memorandum of Understanding.

INF5: Rural Allocations outside Public Sewerage System Catchments

We welcome the requirement for sites of five or more dwellings in settlements where there is no connection to the public sewer to be served by a single private treatment system. This will prevent proliferation of small private treatment systems in rural areas and reduce risk of system failure if appropriate management controls are in place.

However, Paragraph 4.2.11 of the HRA Addendum Report (February 2023) advises this policy should be amended by ‘...*directly referencing in the policy wording that ‘such infrastructure will only be permitted if it can be demonstrated that there is no adverse effect on the integrity of phosphorus sensitive riverine SACs’*’.

Despite this recommendation, no change has been made to the policy and there is no explanation given for this.

- **Strategic Policy – SP 10: Gypsy and Traveller Provision**

PrC2/GT1 – Land at Penyfan, Trostre, Llanelli has been identified by the Flood Map for Planning as being at risk of flooding and therefore its allocation within the plan fails to meet the tests of soundness.

As confirmed in the [letter](#) from Welsh Government dated 15 December 2021, ‘when plans are reviewed, the flood risk considerations that feed into the settlement strategy and site allocations must be in accordance with the new TAN 15 and the Flood Map for Planning’. When proposing an allocation within a flood risk area your Authority should undertake sufficient background evidence to demonstrate that the development is appropriate for the flood zone and that the consequences of flooding can be acceptably managed.

Please note that the existing Gypsy and Traveller site at Penybryn is located within an area at risk of flooding however, it appears that the proposed allocation for its extension (PrC/GT2 – Penybryn (extension), Bynea, Llanelli) is just outside the flood risk area. This should be confirmed as a matter of clarity.

- **Strategic Policy – SP 12: Placemaking and Sustainable Places**

PSD3: Green and Blue Infrastructure Network

We welcome the principle of ‘multifunctionality by bringing green infrastructure functions together’, in some circumstances securing wildlife interests would not be compatible with other Green and Blue Infrastructure (GBI) functions. However, to ensure the soundness of the plan in respect of Test 1 and having regard to national policy we advise the following amendments.

4. Maximise opportunities to achieve multi-functionality by integrating GBI functions to deliver combined objectives which benefit Biodiversity, Climate Change and Sustainability, Health and Wellbeing, Sense of Place, and Economy; and ***where this will not compromise the purpose of the GBI;***
6. ***Where significant wildlife interests are associated with the site, GBI provides a resilient ecological network which adequately conserves the respective wildlife interests;***

7. Avoid illumination of GBI provided for the purpose of wildlife conservation.

All planning applications for major developments will be required to submit a Green Infrastructure Statement to demonstrate how GBI design solutions have been considered and accommodated as part of the proposed development **particularly to conserve the site's biodiversity.**

As noted previously any design plans should involve native species of local provenance. Consideration of the end uses of the sites is needed regarding species e.g., hedgerow connectivity across a housing development would not benefit Dormice due to increase predation by household pets.

11.301 We support the commitment to produce a SPG and would welcome the opportunity to be involved in the process.

PSD4: Green and Blue Infrastructure – Trees, Woodlands and Hedgerows

We support the inclusion of this policy and the recognition of the importance of protecting these features. During our previous discussions we have expressed concern that development of several allocated sites would not reflect your policy to retain and extend tree cover. This is concerning considering Welsh Governments (WG) recent declaration on Climate Change and biodiversity.

Point 3 states “Provide appropriate compensation planting for unavoidable loss of trees, woodlands, and hedgerows to deliver overall enhancement to extent and cover.” We would welcome further details on this aspect.

11.302. It is important that the planting occurs in the right place with the right species and that it is not at detriment to existing valuable ecological habitat.

The South West Wales Area Statement recognises increasing woodland networks and having the right tree at the right place as important in achieving its theme of reducing the decline of and enhancing biodiversity. Management of woodland (along with grassland and peat) is also seen as a way forward in protecting our carbon sinks and mitigating and adapting to climate change. The plan and relevant supporting SPG's should reflect a commitment to support delivery of these goals embedded within the Area Statement.

11.304 Tree survey information should also include details of enhancement. Where new trees are to be planted management measures need to include a plan on how they will be protected and replaced should failure occur. There should be a commitment to an end product of mature long living trees.

11.306 As well as being a native species they should be suitable for the location's conditions (soil/weather etc). We note the reference to unavoidable loss and that the 'Council will expect the applicant to make every reasonable effort to retain existing features'. It should be made clear that it is unacceptable for development sites to be cleared of vegetation until surveys have been completed and the habitats and species occupying the site understood. We are aware of circumstances when we have been consulted on developments and the site has already been cleared of all vegetation prior to any permission being granted.

PSD12: Light and Air Pollution

Light

11.348 We welcome the changes to this supporting paragraph which address the points made in our reply to the first deposit.

Air

11.356 We welcome the inclusion of this paragraph which address our previous points regarding agricultural developments. We would advise that reference to 'intensive' agriculture and livestock units is removed to prevent confusion as the comments are applicable to all agricultural developments.

The content of the Chief Planning Officers letter of 12 June 2018 on intensive agriculture states "LPAs are advised to put in place appropriate policies in Local Development Plans in order to facilitate the sustainable consideration of this type of development." It should be made clear what the sensitive receptors are within the county and what will require buffering from such developments. Given that Carmarthenshire is a strong agricultural setting we question whether a specific policy is required. We note you have included a policy on equestrian facilities (RD5) which from an environmental perspective tend to pose less risk when considering the discharges/emissions and wastes arising, cumulative impacts and water quality.

11.357 We would advise you remove reference to our guidance GN021 as it is to be replaced shortly.

- **Strategic Policy - SP 14: Maintaining and Enhancing the Natural Environment**

We welcome the principle of this policy and acknowledge that a HRA has been undertaken to assess the impacts of the Plan on European Protected Sites (including the allocated sites). Our detailed comments on the HRA are provided in Annex 2.

11.406 The WG's land use maps and previous habitat and species mapping undertaken by the Authority can provide valuable information for the protection and

enhancement of connectivity. These should be used to provide some background data to ensure the links in and beyond Carmarthenshire are understood so that it is clear what needs protection and why.

NE3: Corridors, Networks and Features of Distinctiveness

The supporting text needs to provide clarity on the definition of exceptional circumstances in this context to ensure the robustness of the plan.

NE4: Development within the Caeau Mynydd Mawr SPG Area

We support the inclusion of this policy and the supporting SPG.

We welcome the commitment to prioritise contributions regarding the Caeau Mynydd Mawr SPG area, for the sites subject to the requirements of Policy NE4.

NE5: Coastal Management

11.429 We welcome the change in wording in line with our previous response.

NE7: Coastal Change Management Area

1. New Residential Development

The policy states 'Proposals for any residential use within the CCMA will not be supported.' For robustness we advise the policy wording 'will not be supported' is changed to 'not be permitted' in line with the policy wording of the subsequent points.

11.440 For clarity, the supporting text requires strengthening in line with the policy to: New residential development *will not supported / not be permitted* in the Coastal Change Management Area.

- **Strategic Policy – SP 15: Protection and Enhancement of the Built and Historic Environment**

Policy BHE2: Landscape Character

11.458 Our existing guidance on the use of LANDMAP is on our website [here](#).

11.459 We note the policy will be supported by a Landscape Character Assessment and Supplementary Planning Guidance (SPG) and acknowledge your intent to remove the f the existing "Special Landscape Areas" . We would welcome the opportunity to input to the SPG.

- **Strategic Policy – SP 16: Climate Change**

We welcome that the LDP seeks to put a policy framework in place which tackles the causes and effects of climate change within the communities through the adoption of sustainable principles and development. Mitigating and adapting to Climate Change is a central theme in the South West Wales Area Statement.

11.471 This supporting paragraph is unclear. It states that 'Proposals affected by flood risk will be required to submit a Flood consequences Assessment as part of any planning application'. It needs to be clear that due to their vulnerability and the nature of the flood risk that certain proposals are unacceptable, and others would be subject to the justification test. Such proposals will only require an assessment if they pass the justification test. This paragraph should be amended to reflect National Policy.

11.486 Three solar photovoltaic Local Search Areas have been identified within the county. These will still be required to minimise landscape and visual impacts, even if the principle of development is acceptable in these areas.

CCH4: Water Quality and Protection of Water Resources

We note paragraph 4.2.10 of the HRA Addendum Report advises that policy CCH4: Water Quality and Protection of Water Resources is '*...further revised to be inclusive of all pathways (e.g., wastewater and diffuse run-off)*'. However, no change has been made to the policy and there is no explanation given for this. To ensure that the policy meets the tests of soundness we advise further clarity is provided on this point.

11.514 The explanatory text states: *To facilitate delivery of development which may be affected by this policy, the Council have prepared 'the 'Afon Tywi and Afon Teifi Phosphorus Reduction Strategy'. The document sets out the strategic approach for delivering phosphorus reductions in these catchments while also facilitating LDP growth and demonstrating that mitigation can be delivered in practice. The document sets out a range of measures, which have been agreed in consultation with NRW. The 'Afon Tywi and Afon Teifi Phosphorus Reduction Strategy' are living documents that will develop during the lifetime of the LDP, in consultation with NRW.*

We are aware from discussions with Officers at the Council that the Afon Tywi and Afon Teifi Phosphorus Reduction Strategy has not yet been prepared. In its absence, an Interim Action Plan, dated March 2023, has been prepared for the Council by Arcadis. The document is presented as '*...a "living document", i.e., a document that will be updated regularly as uncertainties are removed and understanding is improved*'.

Further comments on the Interim Action Plan and HRA Addendum Report are provided within Annex 2.

CCH5: Flood Risk Management and Avoidance

11.525 To ensure the soundness of the plan, in consideration of Test 2 (Is the plan appropriate?) reference needs to be made to the FMfP as it represents better and more up-to-date information on areas at flood risk.

CCH7 Climate change – Forest, Woodland and Tree Planting

We support this policy and the recognition given to the importance of the contribution trees, forest and woodland provide to our ecosystems.

Whilst potentially covered under ‘effects upon the environment’, flood risk management would be a key consideration in this policy. Therefore, for clarity we advise the wording of the policy be amended as follows:

*Proposals should consider potential adverse effects upon the environment, **flood risk management**, cultural heritage, communities, and landscape, and, where appropriate, follow the mitigation hierarchy.*

It is equally important that tree planting occurs on appropriate sites. Carmarthenshire is recognised for the importance of its marshy grassland habitat. This is not always considered in proposals and should be highlighted upfront. Marshy grassland is important for biodiversity and connectivity. In Carmarthenshire this provides important potential habitat for the protected Marsh Fritillary butterfly which has a stronghold and a nationally important population in the county.

11.532 To ensure the robustness of the plan we suggest the following inclusions to this supporting paragraph:

*The planting of trees, woodlands and forests can, **in some locations**, assist in tackling issues around flood risk, providing a soft engineering solution which can be undertaken in isolation or in conjunction with hard infrastructure (man-made structures). Proposals will be expected to demonstrate how they will contribute to flood risk alleviation **and not result in adverse flood risk consequences**.*

- **Strategic Policy SP18: Mineral Resources**

Mineral resource is available in quarries within the Cernydd Carmel SAC. We understand that these are either considered dormant or inactive. However, although classed as inactive and dormant, they have extant planning permissions and could become operational again. We note their capacity can be used in the regional landbank figures set out in the Regional Technical Statement (RTS 1st Review 2014).

Any resumption of quarrying within the Cernydd Carmel SAC must comply with all the relevant legislation, including the Conservation of Habitats and Species Regulations 2017 (as amended). Before commencement, the applicant would have to demonstrate that the operations would have no significant effect on either the biological or geological feature of this European designated site.

There are other quarries in the county which having been left undeveloped and have some rare biodiversity. Some of these are undesignated and perhaps such areas should be considered for designation as Sites of Importance for Nature Conservation (SINCs).

- **12. Monitoring**

12.9 We note an annual monitoring report will be undertaken for submission to WG. Reviewing the plan to keep it relevant and up to date is paramount so it has regard for changes and circumstances and national guidance. As noted earlier the revised TAN 15 is due to be published and will need to be reflected in the LDP, before your next 4 yearly whole plan review.

Annex 2

1. Development and Flood Risk

Planning Policy Wales (Section 6.6) describes the need to move away from flood defences and mitigation of flooding consequences. It states planning authorities should adopt a precautionary approach of positive avoidance of development in areas of flooding. It also states that development should reduce, and must not increase, flood risk on and off the development site itself.

This advice is supported by TAN 15 which provides a precautionary framework to guide decision making. This framework includes the planning tests contained within Section 6 of TAN15.

Section 10 of TAN15 provides advice in respect of development plans. Paragraph 10.8 is clear that sites in Zone C2 should not be allocated for highly vulnerable development. We refer you to WG's Chief Planning Officer letter - Planning Policy on Flood Risk and Insurance Industry Changes (9th January 2014) which affirms this policy direction.

Allocations for less vulnerable development in C2 and allocations in C1 should only be made if it can be justified that the development or use is in accordance with the tests in Section 6, including whether the consequences of flooding are acceptable in accordance with Appendix 1 of TAN15. It is for the planning authority to fully explain and justify the reasons for allocating a site within Zone C. A proposed allocation should not be made if the consequences of a flooding event cannot be effectively managed.

Section 10 of TAN15 identifies that where the local planning authority wishes to allocate a site, and can justify such an allocation, the local planning authority will need to undertake an assessment of the consequences of flooding. This assessment should demonstrate that the consequences of flooding have been understood and are capable of being managed in an acceptable way. Where such local information has been produced then this should be reflected in the plan. If the consequences are considered acceptable in accordance with section 7 and appendix 1 of TAN15, the resulting allocation should include annotation of flooding as a constraint for the individual site on the proposals map and specify the policy requirements which pertain to the development of that site. This should include making it clear that in taking forward the allocation a developer will need to undertake detailed technical assessment in accordance with appendix 1, to ensure that the nature of the proposed development is acceptable, that it is suitably designed to cope with the risk of flooding, and that any funding and maintenance provision is appropriate.

In addition, as you are aware, TAN15 is due to be revised by Welsh Government. As confirmed in the [letter](#) from Welsh Government dated 15 December 2021, 'when

plans are reviewed, the flood risk considerations that feed into the settlement strategy and site allocations must be in accordance with the new TAN 15 and the Flood Map for Planning'. When proposing an allocation within a flood risk area your Authority should undertake sufficient background evidence to demonstrate that the development is appropriate for the flood zone and that the consequences of flooding can be acceptably managed.

Carmarthenshire and Pembrokeshire Stage 1 SFCA

We welcome the production of SCFCA that supports the Deposit Plan.

We have reviewed the allocations which have yet to secure planning permission for all/part of the site. Our comments on flooding need to be considered in line with the Lead Local Flood Authority's comments as well as your SFCA findings. The LLFA will offer advice regarding risk from ordinary watercourses and surface water flooding which should be given the same consideration as our advice.

- **Stage 1 SFCA**

The SFCA produced by Atkins covers the broad-based remit and criteria for a Stage 1 SFCA. The SFCA proposes a desk-based assessment of sites utilising existing flood risk information and adopting a 'precautionary' approach to estimating future flood risk. It is accepted that the broad scale nature of a Stage 1 SFCA means that any sites identified as having an element of flood risk will require further, more detailed assessment if they are to progress. It is therefore important that the screening criteria utilised is robust enough to capture all sites that may be liable to flood risk over the lifetime of development.

To assess the flood risk to sites in the present day the SFCA refers to the NRW Flood Map zones 2 and 3, NRW Risk of Flooding from Surface Water maps, the Shoreline Management Plan, and some historic flood information. To estimate flood risk over the lifetime of potential developments the SFCA proposes some assumptions.

For fluvial flood risk an assumption has been made that the existing 0.1% flood extent indicated by zone 2 on our Flood Map give an indication of the future 1% flood extent. Whilst this assumption is not supported by any evidence the SFCA considers it to be a 'conservative assumption'.

For tidal flood risk the future 0.1% level is estimated by utilising a + 2 metre (m) buffer layer within the South of Wales Shoreline Management Plan 2. This layer adds 2m to the current 0.1% tidal flood extent and is therefore considered to be a conservative approach.

For the future tidal 0.5% level the SFCA proposes the use of a single level contour of 7m around the whole coastline covered. The 7m contour is based on tide levels at the eastern end of the coastline at the Burry Inlet, where the highest tidal elevations are experienced compared to areas further to the west. The 7m contour was overlaid at a 5 m resolution resulting in a very coarse estimation of future flood extent not appropriate for particular sites.

Be advised that the existing 0.5% tide level, based on 2016 figures, is 6.02m AOD (above ordnance datum). If an allowance for predicted sea level rise of 1.08m over 100 years is added this will equate to a future level of 7.1m AOD. Therefore, the proposed 7metre contour may not capture all site areas affected by the future 0.5% tidal flood extent. When this is combined with the coarse 50m grid used an element of caution must be used in that full extent of flood risk affecting some sites may not be captured at Stage 1.

- **Stage 1b SFCA for Llanelli, Burry Port and Surrounding Areas**

The Stage 1b SFCA builds on the contents of the Stage 1 SFCA by considering several individual sites and additional information. The primary source of additional information is sourced from previous planning applications and associated FCAs, drainage strategies and hydraulic models submitted by third parties in support of applications. Where no such information exists further context and narrative on the information used within Stage 1 has been provided.

The tidal 0.5% assessment described in the Stage 1 SFCA has also been further refined for Stage 1b using a finer 1metre resolution. However, the 7m contour is still used as the buffer level and therefore the comments made on the Stage 1 SFCA will still apply.

It is suggested within the SFCA that an assessment of the potential for new development within an area at risk of flooding to increase flooding elsewhere may not always be required depending on the source of flooding. We would advise that the assumption should always be that development within an area identified as being at risk of flooding will affect flood risk elsewhere unless shown otherwise. Whilst there may be some situations, such as a site in an open coastal location, where it may be accepted that there will be no effect elsewhere, this must still be addressed and the reasoning behind such an assertion explained. It is certainly not the case that the effect on flooding elsewhere does not need to be considered purely because the source of flood risk is tidal. Development in areas at risk of tidal flooding can affect flood storage volumes or inundation routes in similar ways to development in a fluvial flood plain. If the SFCA indicates a tidal risk to an allocated site an FCA would be required to support any planning application to establish the risks and determine if it can be managed for the lifetime of the development.

The SFCA provides additional more detailed assessment of several of the potential development sites. It seeks to highlight the acceptability of them for proposed development types pursuant to current national policy. It also comments on the scope of detailed FCA's that will be required if they are pursued. The narrative on the sites provides a reasonable indication of the constraints associated with the sites.

The SFCA also accepts that potential changes to policy and flood risk information will always be subject to change and therefore any advice provided now may not be applicable or may need to be updated when a formal application is submitted.

Any sites in the high flood risk zone, will require sufficient evidence to demonstrate that the consequences of flooding can be managed to an acceptable level and that the site itself will not exacerbate flooding elsewhere over the lifetime of the development.

Managing flood risk can have a significant impact on the design, cost and viability of developments. Your Authority should be satisfied that the flood risk management measures associated with a potential allocation are feasible and practicable.

The following allocations would require a Flood Consequence Assessment (FCA) to be submitted in support of any application. We can then provide you with technical advice on the acceptability of flooding consequences in accordance with Appendix 1 of TAN15. Other sites may also require FCA's based on your own Strategic Flood Assessment's (SFCA) results and the Lead Local Flood Authority's (LLFA) recommendations. Please note, if further information is available when an application is submitted, it may be necessary for us to change our advice in line with the new information. Certain sites may also need to be reviewed subject to the content of the revised TAN 15 once published. The details on the spreadsheet in Annex 3 should also be reviewed regarding site requirements.

- PrC1/MU2 Pibwrlwyd
- PrC2/MU1 Former Old Castle Works
- SeC4/MU1 Burry Port Waterfront
- SeC16/MU1 Beechwood Industrial Estate
- SeC16/E1 Beechwood Industrial Estate
- SuV5/h1 Land at Maesglasnant
- SuV11/h1 Land at Alltwallis School
- SuV20/h1 Land adjacent to Llwynhenry Farm
- PrC2/h10 Land adjacent The Dell, Furnace
- PrC2/h15 Maesarddafen Road /Erw Las, Llwynhendy
- SeC7/h4 Opposite Parc Morlais
- SeC15/h1 Land to north of Dan y Crug
- PrC1/E1 Cillefwr Industrial Estate
- PrC1/E1(ii) Land north of Allycnap Road

- PrC2/E2 Dafen
- PrC2/E2(iii) Land at Heol Aur
- PrC2/E2(iv) Land west of Heol Gors
- PrC2/E2(v) Land at Heol Croppin
- SeC4/E1 Dyfatty Site

2. Interim Action Plan, Arcadis, March 2023

We note the status of the Interim Action Plan as a 'living document' and that there remain many uncertainties with regards to the potential interventions and solutions. This includes the scope to update the phosphorus balance calculations. An update will be necessary to take account of the outcome of the Review of Permits (RoP) and the water company's emerging business plans for investment at wastewater treatment works. We note the use of total phosphorus concentrations in wastewater treatment works final effluent of 5mg/l and 8 mg/l for balance calculations and agree that any phosphorus concentration values be reviewed once outcomes of the RoP and Dwr Cymru Welsh Water investment plans are confirmed.

We welcome the proposed approach to seek phosphorus neutrality for new developments planned under the rLDP.

The plan has a reliance on the use of constructed wetlands as the core intervention for phosphorus reduction and bases all calculations on these. Although other interventions to achieve phosphorus reductions in the SAC catchments are described, the current plan has not sought to quantify what role they may have in phosphorus mitigation against future development. We would welcome further consideration of a broader range of catchment interventions in future iterations of the Plan and direct you to our nutrient neutrality principles for them to be effectively applied. We also advise that the fate of phosphorus accumulated in constructed wetlands be considered with regards to the long-term operation and management of these facilities.

Section 6.3 describes the use of constructed wetlands for phosphorus removal from streamflow, in contrast to treatment of wastewater treatment works final effluent, due to land ownership opportunities/constraints. We have concerns over this use for constructed wetlands where they may not be the most effective option to achieve phosphorus reductions and that addressing the source of upstream phosphorus discharges could be a more appropriate solution. Abstraction of streamflow for 'polishing' has the potential for wider ecological impact on the river environment and will likely be subject to additional regulatory controls through the Water Resources licensing regime.

We note the proposal for a Developer Contribution Scheme to support financing of catchment interventions. While we welcome the approach, we seek engagement

with Carmarthenshire County Council to understand what role the Council anticipates we may have to support development and delivery of the scheme.

3. HRA Addendum Report 2nd Deposit Plan February 2023

With regard to paragraph 3.2.17, and the screening out of the updated preferred strategic growth option on the grounds that the implications of change provided for by this framework are more appropriately assessed under later, more specific, policies through which growth will be implemented, it is important to note that the HRA handbook quoted goes on to say that the assessment should *note under the reasoning for the assessment that any potential effects are in any event addressed via a specific policy, for example 'but implications are assessed under policy xx below'*. *The possibility of a driver for a significant effect being an objective (rather than a later policy) that is not further developed in the plan, however, cannot be ruled out entirely, and if one occurs it should be screened in for further assessment (or promptly modified)*. Clarification is therefore needed as to which specific policy/ies in the rLDP the updated preferred strategic growth option is more appropriately subject to assessment through.

Similarly, Table 4 and paragraph 3.2.20 should provide clear links to specific policies in the rLDP to where the Strategic policies are assessed. Furthermore, in Table 5, for the specific policies referred to in the first two rows, it is stated these were found to be more appropriately assessed through the specific allocations respective to each SAC catchment, but links to these assessments are not provided.

Regarding paragraph 3.2.28, it is unclear whether the 116 allocations referred to as 'commitments' (those with extant/full planning permission) and which have already been subject to assessment under the Regulations at the project stage, including consultation with NRW as the Appropriate Nature Conservation Body, whether this assessment and accompanying consultation was undertaken prior to the publication of the phosphorus compliance report in January 2021.

Appendix C: Phosphate Assessment Appendix

Section 4.3 does not appear to clearly refer to the need to safeguard measures that are required to restore the SAC, to avoid them being used up and 'cancelled out', thereby preventing or disrupting restoration work, or the potential for future restoration i.e., making restoring the SAC more difficult. The need to ensure this is avoided is a key principle and should be referenced.

The Development Phasing set out in section 4.3.2 does not appear to be tied to the delivery of defined milestones, and the length of time these milestones will take to deliver. This is a key element of delivering nutrient neutrality and of avoiding adverse effects, and we advise that further information is required to provide

confidence that development release is tied to the delivery of mitigation which itself is preventing/removing phosphorus from waterbodies in corresponding quantities.

The proposals for constructed wetlands in the Teifi catchment appear to rely largely on Ceredigion County Council (paragraph 4.4.2 refers to support being expressed in a meeting on 15th December 2022). Whilst a robust Development Management policy may be relied upon to ensure adverse effects are avoided, there are questions around certainty and deliverability of mitigation that may be required to facilitate development, if it is outside your Council's control. There also needs to be some consideration to location, with the risk being an increased discharge at the top of the SAC and a constructed wetland removing phosphorus at the bottom of the SAC, resulting in a net increase in phosphorus over much of the SAC. This risk does not seem to have been considered.

There are several matters that require clarification and there is significant further work to be undertaken with regards to developing and agreeing the mitigation required. As such, at this time, we do not believe it is possible to conclude with appropriate certainty that the 2nd Deposit rLDP will not have an adverse effect on the integrity of the river SACs and therefore does not meet the test of soundness.

3. Ecology

Please note, that most sites have not been surveyed, observations at this stage can only be based on pre-existing records, consideration of habitat on sites and potential connections into the wider landscape. The details on the spreadsheet in Annex 3 should also be reviewed regarding site requirements.

One of the South West Area Statement's themes is to reverse the decline in biodiversity; improving the connectivity and condition of habitats and species being a key aim. The following sites appear to provide important ecological connectivity features and the loss of ecosystem connectivity would be at odds with the fundamental aims of maintaining and enhancing biodiversity and your Authority's duty under Section 6, Part 1 of the Environment (Wales) Act 2016. Mitigation may reduce the amount of land available for development and the site would need to be allocated on this principle to ensure the soundness of the plan.

- PrC2/h10 The Dell, Furnace, Llanelli
- SeC7/h3 Golwg yr Afon, Llangennech
- PrC3/h4 Tirychen Farm
- PrC3/E2 Cross Hands West Food Park

For the following sites, we advise that to develop these the following would apply:

- As a minimum boundary vegetation such as hedgerows and treelines must be retained and remain unlit by the development.

- Where the site borders a watercourse, woodland, potentially important green corridor and /or where a significant habitat feature for protected species has been identified, the development is set back from the feature (buffered) to ensure that the feature and its connections are retained and protected from degradation and light spill.
- Carmarthenshire is a strong hold for dormice. The LPA ecologist should be consulted on whether/ what level of dormouse survey should be undertaken for any proposals on the strategic sites, or any development sites approved in the LPD.
- Otters are known to be present throughout the county in major rivers, smaller streams, ponds and reservoirs. Based on existing records on road casualties, collisions with vehicles are likely to be a significant cause of mortality for the species. Therefore, all development proposals must be designed to allow for safe otter passage along any existing habitat corridors, and features (such as dark vegetated passages, culverts of sufficient size, or mammal tunnels where necessary) must be inbuilt into the design to ensure that otters are not diverted onto any roads. Where new habitat features likely to be attractive to otters are proposed, safe otter passage must also be considered.
- Any trees or structures with bat roosting potential to be lost or affected will require assessment, and where appropriate, further inspection and activity surveys adhering to best practice guidelines.
- The sites marked with a star in the table below (due to presence of records in the locality and the potential for suitable habitat to occur on site), need to be assessed for their potential to support Marsh Fritillary Butterfly and this used to inform the need for further surveys and inform any mitigation proposals if appropriate.
- The sites marked with a hash symbol in the table below (due to presence of records in the locality and the potential for suitable habitat to occur on site), need to be assessed for their potential to support water vole. The LPA ecologist should be consulted on whether/ what level of water vole survey should be undertaken for any proposals on the strategic sites, or any development sites approved in the LDP.

Regeneration and Mixed-Use Sites	Reference
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Emlyn Brickworks	PrC3/Mu1*
Burry Port Waterfront	SeC4/MU1
Former Old Castle Works	PrC2/MU1#
Pibwrlwyd	PrC1MU2
Nant y Caws Regeneration and Mixed-Use Site	PRC1/MU3
Beechwood Industrial Estate	SeC16/MU1
Employment Sites	
Crosshands	PrC3/E3(i)*, PrC3/E3(ii)*, PrC3/E3(iii)*,
Cillefwr	PrC1/E1, PrC1/E1(iii)
Dafen	PrC2/E2#, PrC2/E2(i)#, PrC2/E2(ii)#, PrC2/E2(iii)#, PrC2/E2(iv)#, PrC2/E2(v)#, PrC2/E2(vi)#, PrC2/E2(vii)#, PrC2/E2(viii)#, PrC2/E2(ix)#
Parc Hendre	PrC3/E7, PrC3/E7(i), PrC3/E7(ii), PrC3/E7(iii), PrC3/E7(iv),
Capel Hendre Industrial estate	PrC3/E6*
Cilyrychen Industrial estate	PrC3/E8
Dyfatty	SeC4/E1
Old Foundary	Sec13/E1
Beechwood Industrial Estate	SeC16/E1
St Clears Business Park	Sec18/E1
Travellers' sites	
Land at Penyfan Trostre, Llanelli	PrC2/GT1#
Penybryn (extension), Brynea, Llanelli	PrC/GT2
Housing sites	
Settlement	Reference
Pontyates	SeC1/h1, SeC1/h6, SeC1/h7
Pembrey	SeC5/h2
Brynamman	SeC9/h2
Llangennech	SeC7/h5, SeC7/h4
Llanelli	PrC2/h1, PrC2/h22#, PrC2/h23#
Meidrim	Suv58/h1, Su58/h2
Llangynog	SuV60/h1
Glandycross	SuV55/h1, SuV55/h2
Capel Iwan	SuV38/h1
Laugharne	SeC20/h3
Newcastle Emlyn	SeC12/h3, SeC12/h2
Pontwelly	SuV41/h1
Whitland	SeC19/h2, SeC18/h1, SeC18/h4, SeC18/h3

Hendy	SeC6/h2
Llanybydder	SeC13/h1
Llandoverly	SeC15/h2
Carmel	SuV27/h1*
Llanedi	SuV26/h1
Efailwen	SuV56/h1
Ferryside	SeC2/h2
Cwmann	SuV37/h2
Pencader	SeC14/h1, SeC14/h2
Ystradowen	SuV30/h1
Saron	SuV35/h1
Gorslas	PrC3/h18
Llanpumsaint	SuV12/h1*
Llanddarog	SuV19/h2
Five Roads	SuV23/h2*
Tumble/ Drefach	PrC3/h14, PrC3/h15
Pontyberem	SeC11/h1
Crosshands	PrC3/h9
Ammanford	PrC3/h1, PrC3/h6
Llandelio	SeC16/h3, SeC16/h1
Tygroes	PrC3/h32
Cefneithin	PrC3/h8
Pengroes	PrC3/h22*#, PrC3/h35
St Clears	SeC18/h6, SeC18/h2, SeC18/h3, SeC18/h1, SeC18/h4, SeC18/h7, SeC18/h9
Carmarthen	PrC1/h4, PrC1/h8, PrC1/h16, PrC1/h14
Abergwili	PrC1/h12
Peniel	SuV10/h2

4. Land Contamination and Sensitive Groundwaters

Planning Policy Wales takes a precautionary approach to land affected by contamination. Before the principle of development can be determined, land contamination should be investigated to see whether it could preclude certain development due to environmental risk or cost of clean-up (remediation).

Where contamination is known or strongly suspected, a preliminary risk assessment (PRA), site investigation, remediation and other works may be required to enable safe development, for example on historic landfill sites. Minimum requirements for submission with a planning application is a PRA, which should include the elements required under Land Contamination Risk Management ([LCRM](#)), which may also include a site walkover and a conceptual site model. A site investigation and remediation strategy may be required dependant on the findings. This uses a tiered risk-based evidence approach.

Given the lack of detailed information relating to past uses and potential risk, it is not possible for us to provide detailed comments for all allocations. We are likely to have concerns where development is proposed in an area known or is likely to be affected by land contamination, particularly where there are sensitive controlled waters close by, for example, close to a surface water body or over a principal aquifer.

These sites where we are aware that previous uses had the potential to cause contamination will require a PRA to be submitted as a minimum with any planning application submission. The details on the spreadsheet in Annex 3 should also be reviewed regarding site requirements.

- PrC1/MU2 Pibwrlwyd
- PrC2/MU1 Former Old Castle Works
- PrC2/MU2 Trostre Gateway
- SeC4/MU1 Burry Port Waterfront
- PrC3/MU1 Emlyn Brickworks
- PrC1/MU3 Nant y Caws Regeneration and Mixed-Use Site
- SuV17/h1 Rear of former joinery, Station Road
- PrC2/h16 Ynys Las, Llwynhendy
- PrC2/h22 Cwm y Nant, Dafen
- SeC14/h1 Blossom Garage
- SeC18/h2 Former Butter Factory
- SeC19/h2 Land at Whitland Creamery
- SeC13/E1 Old Foundry
- PrC2/E2 Dafen
- PrC2/GT1 Land at Penyfan, Trostre, Llanelli

Source Protection Zones (SPZ)

SPZ's are designated zones around public water supply abstractions and other sensitive receptors and are intended to highlight the areas in which certain activities may pose an unacceptable risk of pollution. Further information on protecting groundwater can be found [here](#).

5. Foul drainage

There are several sites that fall outside the catchment of a public sewerage system. We refer you to WG Circular 008/2018 on the use of private sewerage in new development, specifically paragraphs 2.3-2.5 which stress the first presumption must be to provide a system of foul drainage discharging into a public sewer. Only where having considered the cost and/or practicability it can be shown to the satisfaction of the local planning authority that connection to a public sewer is not feasible, should non-mains foul sewage disposal solutions be considered.

The following allocations would require a foul drainage assessment in line with WG Circular 008/2018. Allocation SuV61/h1 falls within Pendine SPZ; connection to the public sewerage system is required. The details on the spreadsheet in Annex 3 should also be reviewed regarding site requirements.

- SeC15/h2 Land adjacent to Bryndeilog, Tywi Avenue
- SuV36/h1 Cae Pensarn Helen
- SuV36/h2 Land at Bryndulais
- SuV55/h1 Land to the r/o Maesglas
- SuV55/h2 Land to the north of Cross Inn P.H
- SuV56/h1 Land to the r/o Talar Wen
- SuV60/h1 Land at College Bach
- SuV61/h1 Land at Nieuport Farm
- PrC2/E2(viii) Land at Llanelli Gate, off Heol Aur

Annex 3: Allocated Sites

Site Specific Observations and are colour coded for ease of reference. The attached spreadsheet (Allocations CARMS LDP) notes our observations identified for the allocations which can be used in conjunction with the comments in this reply.

We have not provided comments on allocations which you informed us have already secured planning permission. Should we have made any errors on this aspect please let us know. Please note there may be new requirements on sites if they have still to submit for full or reserved matters applications. Any application will be reviewed on the current legislation/ policies and information available. **We do not rule out the possibility that certain sites could be deemed inappropriate for development in the future.**

The comments in this section have been categorised using a 'traffic light system', as follows:

Red – we have strong reservations regarding these sites. Further **comprehensive assessment is required** to demonstrate their suitability and ensure the soundness of the plan.

Amber – these sites are subject to certain **requirements** being fulfilled at the planning application stage or to inform the planning application submission. The assessments requested may shape the land available for development and we reserve the right to raise significant concerns and/ or object when consulted on individual planning applications.

Green – sites where we have no objection to the allocation. Advice is given to inform submission of a potential planning application.