



PL/08543

Construction of 6no. Detached Bungalows, and formation of Estate Road (Revision to that granted Planning Permission under S/05582) and Associated Infrastructure (Resubmission of PL/06116 refused 24/11/2023)

Gwelfor, Heol Llanelli, Trimsaran, Kidwelly, SA17 4AG

Reasons for Refusal:

Reason 1

The proposal is contrary to Policies EQ4 – ‘Biodiversity’ and SP14 ‘Protection and Enhancement of the Natural Environment’ of the adopted Carmarthenshire Local Development Plan (2014), and paragraphs 6.4.5 – 6.4.8 and 6.4.11 – 6.4.16 – 6.4.16 of Planning Policy Wales Edition 12 (February 2024) in that the site consists of species rich marshy grassland that meet the criteria for SINC (Sites of Importance for Nature Conservation) quality habitat and are identified as habitats of principal importance to the conservation of biodiversity in Wales under Section 7 of the Environment (Wales) Act 2016. The proposal will result in the loss of the majority of this habitat within the site whereby it will not maintain and enhance biodiversity or promote ecosystem resilience and would be at odds with the objectives of the Step-Wise Approach set out in paragraph 6.4.15 (1a & 1b) of Planning Policy Wales which states that :

1a) The first priority for planning authorities is to avoid damage to biodiversity in its widest sense (i.e. the variety of species and habitats and their abundance) and ecosystem functioning. Where there may be harmful environmental effects, planning authorities will need to be satisfied that any reasonable alternative sites (including alternative siting and design options) that would result in less harm, no harm or benefit have been fully considered.

1b) Proposals in statutory designated sites are, as a matter of principle, unacceptable and therefore must be excluded from site searches undertaken by developers. This principle also extends to those sites containing protected species and habitats which are irreplaceable ¹²⁹ and must be safeguarded. Such sites form the heart of resilient ecological networks and their role and the ecosystem services they provide must be protected, maintained and enhanced and safeguarded from development. It will be wholly exceptional for development to be justifiable in such instances.

129 Habitats, including the natural resources which underpin them, which would be technically very difficult (or take a very significant time) to restore, recreate or replace once destroyed, taking into account their age, uniqueness, species diversity or rarity. Examples include, ancient woodland and veteran trees, ancient hedgerows, wet woodlands, sand dunes, peatland, species rich grassland, long undisturbed soils, blanket bog, salt marsh and lowland fen.

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Further, the applicant's Ecological Appraisal Report (dated May 2023) identified the presence of Dingy Skipper (*Erynnis tages*) within the site which is a Section 42 species of principal importance under the NERC Act in Wales and Listed on Section 7 of the Environment (Wales) Act 2016, and the development would destroy the habitat and foodplant of this species within the site without suitable mitigation. The Report also confirms the site is suitable for reptiles and amphibians and in particular Slow worm, Common Lizard and Common Frog and recommends a further survey of the site to determine the population size class and the level of mitigation and enhancement required. The applicant has failed to provide this information in support of the application to enable an assessment of the impact of the development upon reptiles and amphibians and to determine appropriate mitigation, where necessary.

In addition, the proposal will include the removal of scrub habitat on a separate parcel of land to provide compensation for the loss of marshy grassland within the application site, and the applicant has failed to provide a dormouse survey of this land to enable an assessment of the impact of the development upon these European Protected Species.

Reason 2

The proposal is contrary to Policies AH1 – 'Affordable Housing', GP3 'Planning Obligations' and REC2 'Open Space Provision and New Developments' of the adopted Carmarthenshire Local Development Plan (adopted December 2014) in that the applicant has failed to enter into an agreement under Section 106 of the Town and Country Planning Act 1990 securing a financial contribution towards the improvement of children's play/open space facilities in the settlement of Trimsaran, and a financial contribution towards the improvement of education facilities in the catchment area primary and secondary schools that will serve the development. Further, the applicant has failed to enter into an agreement under Section 106 of the Town and Country Planning Act 1990 securing the provision of a 20% proportion of affordable housing as part of the development.

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Dull Newydd a syml o roi sylw ar apêl I Bobl â Diddordeb

Mae'r Arolygiaeth Gynllunio yn annog pobl i gyflwyno sylwadau ar apeliadau drwy e-bost. Mae cyflwyno sylwadau drwy e-bost yn hawdd, yn gyflym, ac yn arbed amser, a chostau argraffu a phostio i chi. Mae'n lleihau'r posibilrwydd o oedi unwaith y cyflwnir eich sylwadau. Byddwch hefyd yn cael derbynneb ar ffurf e-bost fel y byddwch yn gwybod bod eich sylwadau wedi'i derbyn yn ddiogel.

Gallwch ddewis cyflwyno eich sylwadau drwy'r post o hyd – er y byddai'n well gennym pe baech yn eu hanfon atom ar ffurf e-bost lle y bo modd. Os byddwch yn dewis eu hanfon atom ar bapur drwy'r post, sicrhewch fod pob atodiad o dogfennaeth ategol a anfonir atom wedi'i marcio'n glir gyda chyfeirnod yr apêl os ydych yn ei wybod neu enw'r apelydd a chyfeiriad safle'r apêl os nad ydych yn ei wybod.

Gwneir dogfennau a dderbynnir fel rhai dilys a anfonir atom drwy'r e-bost neu'r post yn gyhoeddus. Cofiwch hyn.

Os nad ydych am i ni gyhoeddi manylion personol fel eich cyfeiriad e-bost neu gyfeiriad gartref, atodwch ddogfen ar wahân o'ch sylwadau yn hytrach na'u cynnwys yng nghorff yr e-bost/llythyr.

Cyn belled a bod eich enw ar eich dogfen, fel ein bod yn gwybod gan bwy y'i hanfonwyd, nid oes angen cynnwys eich llofnod.

Caiff popeth a anfonir atom ei wirio er mwyn sicrhau nad yw'n cynnwys dim sy'n enllibus neu'n hiliol. Os ydyw caiff ei ddychwelyd i'r awdur. Os dilêir y darn sy'n tramgwyddo, gellid ailanfon y ddogfen, cyn belled y gwneir hyn o fewn y terfryn amser perthnasol.

<https://llyw.cymru/penderfyndiadau-cynllunio-ac-amgylchedd-cymru>
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A new and simple way to comment on an appeal for Interested Persons

The Planning Inspectorate encourages the submission of comments on an appeal by e-mail. Submission of comments by e-mail is easy, quick and it saves your time, and printing and postage costs. It minimises the possibility of delays once your comments are submitted. You will also get a receipt by e-mail, so you know that your comments have been received safely.

You can still choose to submit your comments by post – though we would prefer you to send them to us by e-mail wherever possible. If you do choose to send them to us on paper by post, please make sure that all attachments and supporting documentation posted to us are clearly marked, with the appeal reference if you know it or the name of the appellant and the appeal site address where you do not.

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If you do not wish us to publish personal details such as your e-mail or home address, please attach a separate document of your comments rather than including them in the body of the e-mail/letter.

Provided that your name is on your document, so we know who it came from, there is no need to include your signature.

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