



CARMARTHENSHIRE REPLACEMENT LOCAL
DEVELOPMENT PLAN
EXAMINATION IN PUBLIC STAGE

STATEMENT OF OBJECTION

PROPOSED ALLOCATION PrC2/h4
LAND AT NORTH DOCK, LLANELLI

On behalf of
Evans Banks Planning Ltd

Our Ref: PrC2/h4/EBP
EiP Rep. No.: 4967
Date: September 2024
Prepared by: RAB

Representation No.: 5237

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1.0 INTRODUCTION

1.1 This Statement has been prepared by Evans Banks Planning Limited on behalf of its Clients as a continued objection to the proposed allocation of land at North Dock, Llanelli (LDP Ref. No. PrC2/h4) as part of the *Carmarthenshire Replacement Local Development Plan* (LDP). This Statement has been prepared in advance of our attendance of the relevant session of the Examination in Public and has been prepared in response to the Inspector's issued '*Matters, Issues and Questions*' document. The contents of this Statement should also be read in conjunction with the originally made points of objection submitted at the Revised Deposit stage, which still stand.

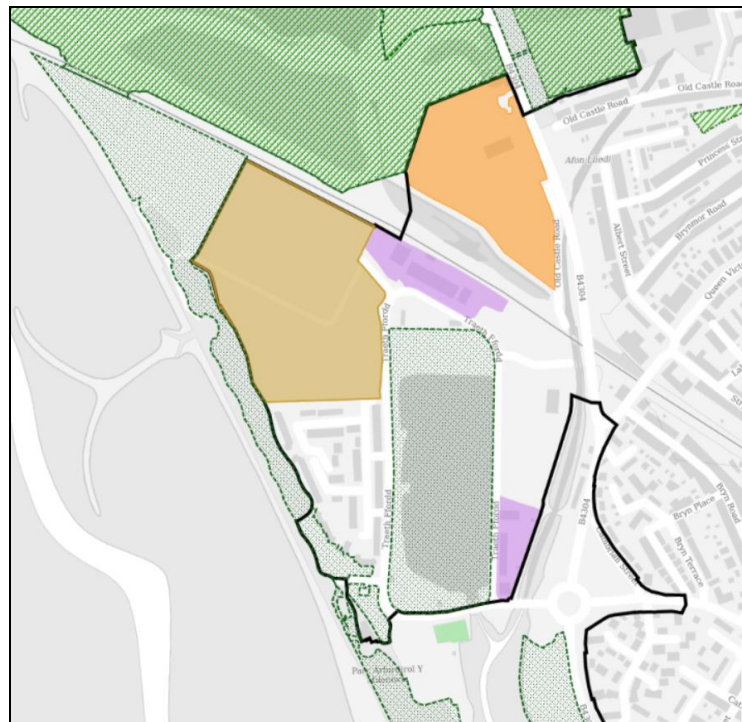
1.2 In addition to providing, where relevant, updated information since the originally made objection (particularly in view of recent changes to national planning policy), this Statement also seeks to address the following questions raised by the Inspector:

- What is the current use of the allocated site?
- What is the proposed use of the allocated site?
- What are the constraints affecting the site, and are these constraints significant obstacles to development within the Plan period?
- In light of the constraints, and having regard to the need to provide affordable housing, is the allocation economically viable?
- Are the number of residential units proposed realistic and deliverable over the plan period?
- What are the mechanisms and timescales for delivering the site?
- Is the allocation of the site essential to ensure the soundness of the Plan?

2.0 THE PROPOSED ALLOCATION

2.1 THE SITE

2.1.1 Since the submission of our original objection to the allocation of the land for housing development purposes, the proposed allocation (Plan A) remains undeveloped, as illustrated by the aerial photograph below, being part of a larger brownfield site, which has begun to return to nature.



Plan A – Extract from Second Deposit Draft



Photograph 1 – Google Earth – September 2023

2.1.2 The site presently and for some time been left in a redundant state, being surrounded by a high fenced perimeter with locked access gates. Informal access is achievable from Traeth Ffordd to the east through to the Coastal Path and Seafront.

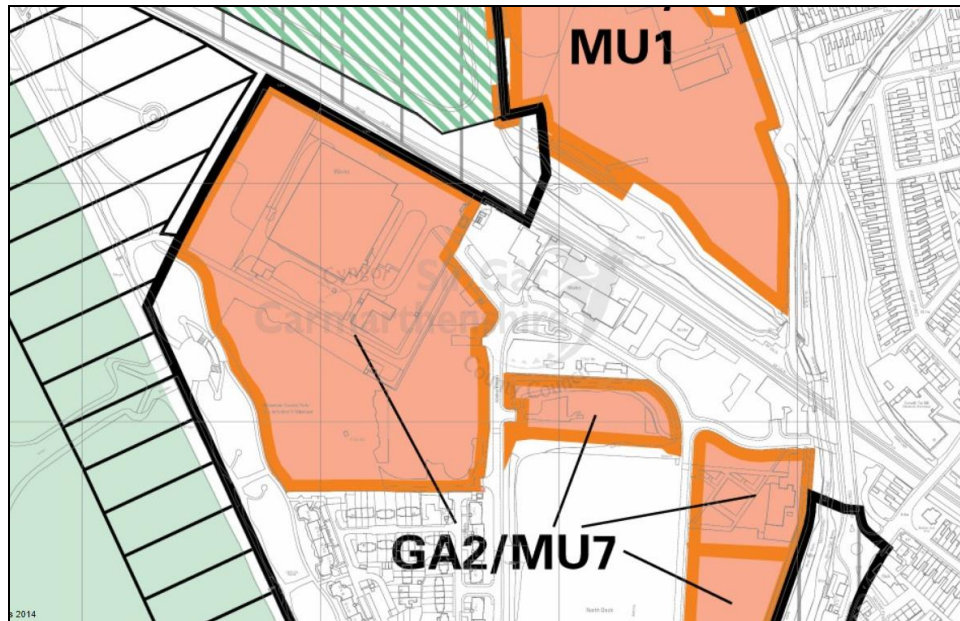
2.2 PLANNING HISTORY

2.2.1 The proposed allocation has been the subject of one application for **OUTLINE** planning permission being Application S/38285 which sought approval for a total of 210 houses. The application was formally granted on 2nd November 2021, and thus at this time of writing will shortly lapse. No application under Section 73 of the Act has been lodged to extend the time period of validity of that permission.

2.2.2 Notwithstanding the above, the site is proposed in the 2nd Deposit Revised LDP for the purposes of developing 210 residential units, expected under Policy HOM1 to be delivered in two phases over Years 6-10 of the Plan Period, i.e. between 2023 and 2027, and the second phase in Years 11-15 (2028-33).

3.0 DEVELOPMENT DELIVERABILITY

- 3.1 Welsh Government's Guidance in Development Plans Manual (Edition 3) (March 2020). Page 120 states: "**Rolling forward allocations** - Allocations rolled forward from a previous plan will require careful justification for inclusion in a revised plan, aligning with PPW. There will need to be a substantial change in circumstances to demonstrate sites can be delivered and justify being included again. Clear evidence will be required that such sites can be delivered. The sites should be subject to the same candidate site process requirements as new sites i.e., they must be demonstrated to be sustainable and deliverable. If an LPA wishes to retain such sites but cannot evidence, they will be delivered, i.e., for aspirational or regeneration purposes, they can still be allocated in the plan but not relied upon as contributing to the provision. It will not be appropriate to include such sites in the windfall allowance. They should be treated as 'bonus sites.'
- 3.2 The site at North Dock was allocated for residential development in the 2006-2021 Local Development Plan, as the majority of Site GA2/MU7, as shown below at Plan B. That LDP was formally adopted in December 2014, and a period of almost 10 years has elapsed since the site was allocated for residential development in an adopted LDP. It is noted that **only one application for outline planning permission** has been forthcoming since adoption, and no submissions for any detailed scheme.

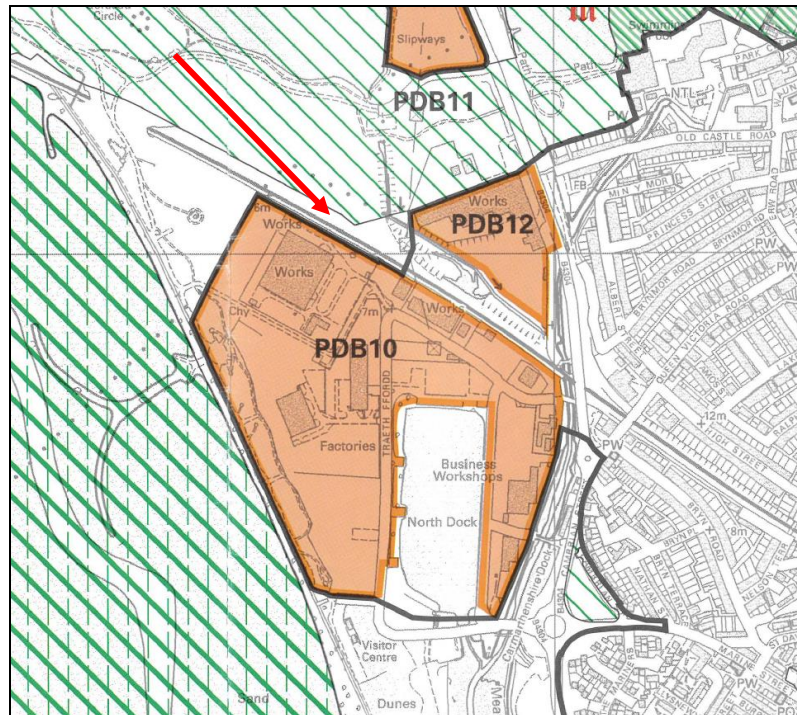


Plan B – 2014 Adopted LDP

3.3 The site was also allocated in the **Carmarthenshire Unitary Development Plan, which was adopted in 2006**. Plan C below provides an extract from the Proposals Map from that Plan. Site PDB10 proposed an extensive residential site surrounding North Dock, but contained much of the existing commercial units about the northern and eastern sides of the Dock. The western side has been partly completed through the development of residential apartments and townhouses by David McLean Homes of Traeth Ffordd over 15 years ago, and thus absorbing part of the 335 units proposed under the UDP capacity figure, leaving 210 units as allocated in subsequent Development Plans.

Yet, the northern element remains undeveloped, with no recent applications for planning permission.

A total of nearly 20 years has lapsed without any attempt to positively develop the land and being the above allocation to fruition.



Plan C – 2006 Adopted UDP Plan for North Dock

- 3.4 The failure to submit detailed proposals to develop sites is quite striking, particularly as the site entry in Policy HOM1 indicates that a proportion of the site is proposed for Affordable Housing, namely 42 units being 20% of the overall total. The site is **under the ownership of the County Council, and has been so for many years.** Given the lack of any notable activity, certainly over the last 10 years, it therefore must be questionable as to whether the landowner has genuine intentions to bring the allocated site to one which would provide a mix of seafront market housing, akin to the adjoining Traeth Ffordd and also social housing, which clearly the Plan indicates is needed in South Llanelli.

4.0 DEVELOPMENT CONSTRAINTS

Ecology

4.1 The Inspector will be fully aware of the recent changes to *Planning Policy Wales (Edition 12)* (PPW), particularly Chapter 6, there are a number of current and previous planning applications that have been determined within the County that are pertinent to the proposed allocation in question that should be given due consideration, which are as follows:

- Tirychen Farm, Ammanford (LPA Ref. No. PL/06556)
- Land off St Anne's Lane, Cwmffrwd, Carmarthen (LPA Ref. No. PL/04306)
- Gwelfor, Heol Llanelli, Trimsaran (LPA Ref. No. PL/06620)
- Land south of Cwmgarw Road, Upper Brynamman (LPA Ref. No. PL/04459)

4.2 Each case provides a 'real-time' indication of the interpretation of the new requirements of PPW by the LPA with respect to all aspects of ecology and biodiversity when a planning application is made, as illustrated by the accompanying decisions and related correspondence. In each of the above cases, Priority Habitat identified on the respective sites (such as marshy grassland and broadleaf woodland) has prevented their development being supported by the LPA, and in two cases PEDW.

4.3 The above is particularly important when considered proposed allocation PrC2/h4, when considering its current form and nature, particularly with respect to **the significant swathes of mature scrub within the allocated site**. The 2019 outline planning application contained Ecological Survey Reports which the Council's Planning Ecologist had cause to examine and comment upon as follows:
"The site has been recorded partially as Open Mosaic Habitats on previously developed land."

"The LPA has a duty to maintain and enhance Section 7 habitats under the Environment Act 2016. Therefore, I suggest an audit is undertaken of the applications and habitats that is proposed to mitigate and ensure that the site will deliver the required areas

of habitat to mitigate these proposals and provide enhancement. Secondly, the application for the Eco park must be progressed and assurance must be in place to that this proposal will be delivered to mitigate this habitat loss and a clear mechanism for delivery of the site presented. The report states translocation of the habitats and kidney vetch must be considered; however, this is not presented in the Eco Park application. I would need information on contamination on site to consider if translocation of habitat is a feasible option and a firm proposal for this work to be presented.

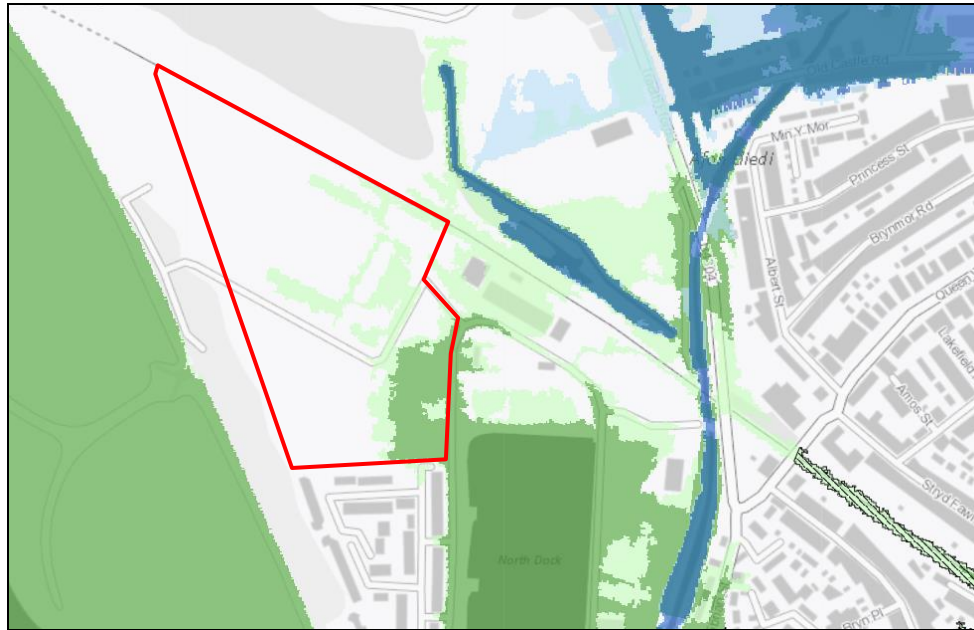
- 4.4 The loss of such ecological assets and habitat would be inevitable were the site to be developed and for reasons set out in Section 4.2 of this Statement, it is clear that current national and emerging local planning policy does not support its development. As a result, the development of the site is contrary to the requirements and stepwise approach set out in Chapter 6 of *Planning Policy Wales* (PPW) (Edition 12).
- 4.5 The site is also susceptible to an infestation of **Japanese Knotweed** which is expanding in area year on year. No attempt has been made by the landowners to control an establish a proper mitigation and eradication programme to eliminate the invasive species.

4.6 **Flood Risk**

The Flood Map for Planning reveals a significant portion of the site, particularly that bordering the existing Traeth Ffordd road about North Dock lies within Flood Zone 3 from tidal inundation. Plan D overleaf is a reproduction of the Flood Map.

PPW and the revised TAN15 contains stringent advice that residential development should steer away from such designations.

The extent of flood zone is such that it must question the delivery of the site, and particularly one which can remain flood free.



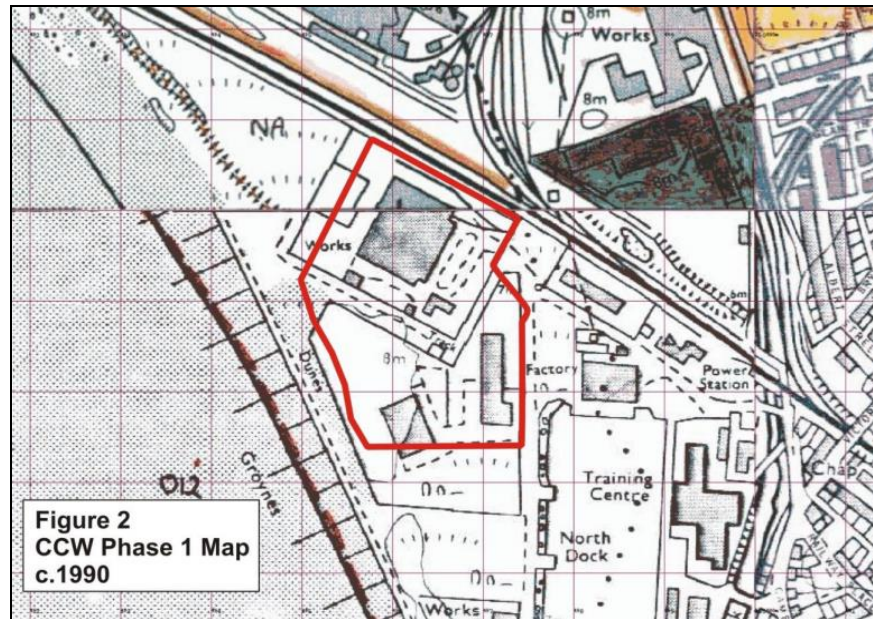
Plan D – Extract from Flood Map for Planning

4.7 Ground Contamination and Abnormal Conditions

The 2019 application revealed the true extent of below surface contaminants at the site. Dyfed Archaeological Trust reveal in their consultation response that –

“The area of proposed development included within the current application is mainly reclaimed ground of up to 7m depth, comprising re-worked natural materials, industrial waste and remnants of previous buildings (geotechnical report prepared by Earth Science Partnership, 2001).”

- 4.8 With so much depth of made-up ground, the suitability of the site to cater for standard building foundations is called into question. Not only would ground remediation be required to mitigate for potential contamination from previous industrial uses (as shown in the historic OS Map at Plan E below), but extensive piling could be required, substantially adding to construction costs at the site.



Plan E – Historic Industrial Uses on the site

4.9 It is noteworthy that the Geotechnical Report referred as prepared by Earth Science Partnership as prepared in 2001 – **some 23 years ago**. The landowners have long since known as to the true ground conditions at the site, which appear to be obvious inhibitors to the delivery of this prime seafront site.

No attempt has been made to actively market the site over that time period, despite the obvious opportunity to add to the development undertaken by David McLean Homes, and produce a complementary development alongside with seaward views over the Llanelli seafront.

5.0 TESTS OF SOUNDNESS

5.1 In summary, on the basis of the evidence submitted in and with this Statement, as well as that already submitted to the Authority, it is clear that the allocation of PrC2/h4 (Land at North Dock) fails to adhere to the following Tests of soundness, as required by the *Development Plan Manual*:

- Does the Plan fit?
- Is the Plan appropriate?
- Will the Plan deliver?

5.2 It is quite clear that the allocation of the land in question is not consistent with the guidance and requirements of national planning policy (particularly *Planning Policy Wales*), is not appropriate for allocation in light of the evidence, and will clearly, fail to deliver any residential units during the Plan period.

5.3 As a result, the inclusion of the allocation in question would result in the *Carmarthenshire Replacement Local Development Plan* being unsound and alternative sites such as those promoted on behalf of our Clients should in turn be allocated and included within the Plan, in order to rectify the situation.