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Report

Inquiry opened on 30/11/04
Site visit made on 02/12/04

gan/by Clive Nield BSc, CEng, MICE, MCIWEM

**Arolygydd penodwyd gan Cynulliad
Cenedlaethol Cymru**

**an Inspector appointed by the National
Assembly for Wales**

Dyddiad/Date 12-01-2005

TOWN AND COUNTRY PLANNING ACT 1990

SECTION 77

CARMARTHENSHIRE COUNTY COUNCIL

THREE APPLICATIONS BY MR W DAVIES, OF DAVMOR DEVELOPMENTS, AND ONE
BY CARMARTHENSHIRE COUNTY COUNCIL

Maes Yr Eglwys & land at Heol Pluguffan, Llandovery

Cyf ffeil/File ref: APP/M6825/X/04/514568, 514569, 514571 & 514570

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File Ref: APP/M6825/X/04/514568

Site address: Maes Yr Eglwys, Llandovery (off Pluguffan Road)

- This application and 3 others listed below were called in for decision by the National Assembly for Wales by a direction, made under section 77 of the Town and Country Planning Act 1990, on 11 September 2003.
- The first application is made by Mr Winston Davies, of Davmor Developments, to Carmarthenshire County Council.
- The application Ref TG/2108 is dated 6 August 2002.
- The development proposed is a detailed application for a residential road.
- The reason given for making the direction was that the proposed developments raise planning issues of more than local importance in that they may conflict with national policies.
- On the information available at the time of making the direction, the following were the matters on which the National Assembly for Wales particularly wished to be informed for the purpose of its consideration of the applications: (1) the visual and environmental implications of the proposed development on the site and surrounding area; (2) the relevant national policies as set out in Planning Policy Wales (March 2002), particularly those relating to risk from flooding; and (3) policies in the Dyfed Structure Plan and the Dinefwr Local Plan.
- The inquiry sat for 2 days on 30 November and 1 December 2004.

Summary of Recommendation: The application be approved.

File Ref: APP/M6825/X/04/514569

Site address: Maes Yr Eglwys, Llandovery, Carmarthenshire, Plot 4

- The second application is made by Mr W Davies, of Davmor Developments, to Carmarthenshire County Council.
- The application Ref TG/2042 is dated 1 August 2002.
- The development proposed is a residential bungalow.

Summary of Recommendation: The application be approved.

File Ref: APP/M6825/X/04/514571

Site address: Maes Yr Eglwys, Llandovery, Carmarthenshire, Plot 3

- The third application is made by Mr W Davies, of Davmor Developments, to Carmarthenshire County Council.
- The application Ref TG/2041 is dated 1 August 2002.
- The development proposed is a residential bungalow.

Summary of Recommendation: The application be approved.

File Ref: APP/M6825/X/04/514570

Site address: Land at Heol Pluguffan, Llandovery

- The fourth application is made by Carmarthenshire County Council itself.
- The application Ref TG/2268 is dated 30 August 2002.
- The development proposed is a residential site of 0.75 hectares (1.85 acres).

Summary of Recommendation: The application be approved.

Preamble

1. This report includes descriptions of the site and surrounding area, the proposed developments, the planning history and policies, the gist of representations made, my appraisal and conclusions and my recommendations. Document references are shown in brackets, and in my appraisal and conclusions the numbers in square brackets indicate the relevant paragraphs of the report. Details of the people who took part in the inquiry and comprehensive lists of documents and plans referred to are attached at the end of the report. Possible conditions are attached as an annex.

Background and Procedural Matters

2. Four applications were originally submitted by Mr Davies. The fourth (ref TG/2040), for a residential bungalow on Plot 2, was also called-in but the application was withdrawn on 22 October 2004. All 4 applications made by Mr Davies were considered by the Council's planning committee in June 2003, when they were recommended for refusal due to concerns over risk of flooding. However, the committee was minded to grant permission, and the applications were advertised as a "departure" from the development plan and were considered by the Council's departure committee on 11 August 2003. The committee was due to reconsider the applications when the NAW called them in. (Documents 7.1, 7.2 & 12)
3. The Council's own application, made by the Head of Asset Management, was first presented to the planning committee in January 2003 with a similar recommendation for refusal but at its meeting in May 2003 the committee resolved to approve the application. The application was then advertised, considered by the departure committee and called-in by the NAW in the same way as above. (Documents 7.1, 7.2 & 12)
4. The Council took 2 roles at the public inquiry: firstly, as an Applicant, it presented a joint case with Mr Davies, and the advocate and witnesses represented both Applicants; secondly, it acted as an independent local planning authority, represented by Mr Bowen, the Head of Planning. These cases are reported separately below.

Sites and Surroundings

5. The application sites lie on the south-western edge of Llandovery in an area known as Church Bank just within the development limits designated in the Dinefwr Local Plan. The locations of the sites are best illustrated on the Local Plan Inset Map (Plan E) where they (and 3 areas already developed) are shown with squared hatching in the south-western corner. They lie to the west of Broad Street (the A4069 major road) and are separated by Heol Pluguffan, a new road built in 1995 to service development in this part of the town and to improve access to the rugby club.
6. Mr Davies' land is bounded to the north and north-west by St Dingat's churchyard, to the west by a small Housing Association development (Clos Pluguen) and the Church Bank Industrial Estate, and to the east by the A4069 road with fields beyond. A bungalow has already been built on Plot 1 in the southern corner of the land (not shown on Plan E but included on Plan A3). The Council's land is bounded by another small Housing Association development (not shown on Plan E but indicated as an open area opposite Clos Pluguen and excluded from the application site on Plan D) and open fields to the south and south-west.

7. Although Mr Davies' land has a slight rise from south to north, the area is generally fairly flat, apart from the A4069 road, which is slightly elevated above the surrounding fields. The Afon Bran flows in a generally north-east to south-west direction some 250 metres to the east of the sites beyond the open fields on the eastern side of the main road. A scheme to alleviate flooding in the town was constructed by the Environment Agency in 2002/03 and included a flood bund near the application sites. The bund runs along the rear of the houses on the eastern side of Broad Street and ties-in to the main road opposite Mr Davies' land (see plan titled "Site G" in Appendix 5 of Document 7.2).

Planning History (Documents 7.1 and 12)

8. The planning history of the sites and surrounding area is relevant. Details are provided in Appendix 5 of Document 7.2, where the various areas of land are shown as A, B, C, D, E and F on the coloured plan and details are reproduced in succeeding sections A – F. Outline planning permission was granted for residential development on the Council's site (A) in January 1992 (ref. C6/229) but that permission has lapsed. Permission for the access road and services (B, now Heol Pluguffan) was granted in April 1992 (ref. P6/1/19297/92), and construction was completed in 1995.
9. Most of Mr Davies' land is represented by site C, for which outline planning permission for residential development was first granted in December 1992 (ref. P6/1/19625/92). In February 1997 outline permission was granted for residential development of 16 units (ref. E/317), and in December 1999 this was varied to allow the date for the approval of reserved matters to be extended to 13 November 2001 (ref. E/01897). However, the permission subsequently lapsed.
10. The 15 unit Housing Association development at Clos Pluguen (Site D) was granted planning permission in November 1994 (ref. P6/1/626/94) and was implemented. In August 2001 permission was granted for the bungalow that has since been built on Plot 1 (ref. E/02744, site E on plan) and is known as 1 Maes Yr Eglwys. Also in August 2001 permission was granted for the 8 Housing Association houses (ref. E/02822, site F on plan) that have recently been built alongside the Council's current site.
11. None of these applications were subject to any objection by the Environment Agency (or former National Rivers Authority).
12. The flood alleviation scheme was granted planning permission in April 2001 (ref. E/02658) and was described as "a combination of channel improvements along the Afon Bran and raised flood defences on the flood plains of the Bran and Gwydderig" (see Appendix 5G of Document 7.2).

Proposed Developments

13. The applications are reproduced in Appendix 2 of Document 7.2 (including the application recently withdrawn). The first application, the proposed estate road, is shown on plans A2 and A3, and the planned plot numbers on Mr Davies' site are also indicated on Plan A3. The second and third applications, for bungalows on Plots 4 and 3 respectively, are detailed on Plans B1 - B3, and C1 - C3; Plans B3 and C3 show the bungalow layouts and elevations.
14. The fourth application is for outline planning permission for residential development on land in the Council's ownership. All matters were reserved for future consideration. The application plan is Plan D.

15. Although the original applications were submitted in the form above, more recent flood consequences assessment studies have led to a range of flood protection and mitigation measures being put forward, which should now be considered as part of the proposals (Documents 5.2 and 5.3). These include the raising of ground levels to the 1% (1 in 100 years) flood level, the elevation of finished floor levels above this, the inclusion of storage lagoons to compensate for the loss of flood plain caused by raising the ground levels, and provision for a sustainable drainage system (SUDS). (Documents 5.1 and 7.1)

Planning Policy

National Policy (Document 7.1)

16. The relevant national policy is contained in Planning Policy Wales (PPW) and Technical Advice Note (TAN) 15, Development and Flood Risk. PPW promotes sustainable development and in paragraph 2.1.4 describes 4 objectives that are to be pursued: social progress that recognises the needs of everyone; effective protection of the environment; prudent use of natural resources; and the maintenance of high and stable levels of economic growth and employment. In paragraph 2.1.5 it recognises the need to balance these objectives to meet current development needs. Paragraph 2.2.1 lists the principles that underpin the policy approach for sustainable development: putting people at the centre of decision-making; taking a long-term perspective whilst meeting the needs of people today; respecting environmental limits; using scientific knowledge to aid decision-making; applying the precautionary principle where there is scientific uncertainty; using the “polluter pays” and proximity principles where appropriate; and taking into account the full range of costs and benefits when making decisions.
17. Reference is made to Figure 2.1 in section 2.7 which defines previously developed land as that which is or was occupied by a permanent structure (excluding agricultural or forestry buildings) and associated fixed surface infrastructure. A list of types of land excluded from the development is also included. Reference has also been made to paragraph 9.2.5 which says that local planning authorities should “*ensure that sufficient land is genuinely available or will become available to provide a 5-year supply of land for housing*”.
18. Sections 13.2 – 13.4 of PPW deal with flood risk. Paragraph 13.2.1 states that “*All development on land within the flood plain of a watercourse, drained by a culvert, or on low lying land adjacent to tidal waters, is at some risk of flooding and, whilst flood risk can be reduced by using mitigation measures, it can never be completely eliminated.*” Paragraph 13.2.2 further explains “*planning authorities should recognise when assessing development proposals located within areas of flood hazard that the development is still at risk of flooding which may threaten human life and cause substantial damage to property, even where mitigation measures are proposed.*” Consequently paragraph 13.2.3 advocates the precautionary approach and says “*Meeting the Assembly Government’s objectives for sustainable development requires action through the planning system to move away from flood defence and the mitigation of the consequences of new development in areas defined as being of flood hazard.*”
19. Section 13.3 covers the preparation of development plans, and paragraph 13.3.2 says “*In areas of flood plain currently unobstructed, where water flows in times of flood, built development should be wholly exceptional and limited to essential transport and utilities infrastructure*” and “*Local planning authorities should recognise that it will be*

inappropriate to locate certain types of development such as schools, hospitals, residential development and emergency services within some areas defined as being of high flood hazard”.

20. Development control is covered in section 13.4, and paragraph 13.4.1 states *“Development proposals in areas defined as being of high flood hazard should only be considered: where new development could be justified in that location, even though it is likely to be at risk of flooding; and where any development proposals would not result in the intensification of existing development which may itself be at risk or would increase the potential adverse impacts of a flood event”.*
21. Technical guidance to support these principles is provided by TAN15, which provides a framework for the assessment of flood risk. Paragraph 3.1 of TAN15 describes the aims of the precautionary framework as to direct new development away from areas at high risk of flooding and, where development has to be considered in high risk areas, only allow it when it can be justified on the basis of tests outlined in Sections 6 and 7 of the TAN. Paragraph 3.2 explains that the framework is governed by the development advice maps (issued with the TAN), which define flood risk zones A, B and C with C subdivided into C1 and C2, and by definitions of vulnerable development and advice on permissible uses in relation to the location of the development and the consequences of flooding.
22. Section 4 covers the development advice maps and explains their basis and status. It says they are based on the best information available. However, paragraph 4.3 says *“While robust for triggering the application of the tests at the present time it is inevitable that information will be improved and refined over time. It is expected that the development advice maps will remain in place for 3 years, unless the Assembly Government is informed by the Environment Agency with regard to significant change.”* Figure 1 in paragraph 4.2 defines the zones and their uses. Zone A is described as *“Considered to be at little or no risk of fluvial or tidal/coastal flooding”*; Zone B is *“Areas known to have been flooded in the past evidenced by sedimentary deposits”*; Zone C is defined as *“Based on Environment Agency extreme flood outline, equal to or greater than 0.1% (river, tidal or coastal)”*.
23. Within Zone C, Zone C1 is described as *“Areas of the floodplain which are developed and served by significant infrastructure, including flood defences”*, and Zone C2 is defined as *“Areas of the floodplain without significant flood defence infrastructure”*. For Zone C2 the use is explained as *“Used to indicate that only less vulnerable development should be considered subject to application of justification test, including acceptability of consequences. Emergency services and highly vulnerable development should not be considered.”* Development categories are explained in Figure 2 in paragraph 5.1, and highly vulnerable development is described as *“all residential premises (including hotels and caravan parks), public buildings (e.g. schools, libraries, leisure centres), especially vulnerable industrial development (e.g. power stations, chemical plants, incinerators), and waste disposal sites”*. Transport and utilities infrastructure is included in the definition of less vulnerable development.
24. Justifying the location of development is covered in Section 6. Paragraph 6.1 recognises that some existing development will be vulnerable to flooding and that *“some flexibility is necessary to enable the risks of flooding to be assessed whilst recognising the negative economic and social consequences if policy were to preclude investment in existing urban areas, and the benefits of reusing previously developed land”* but it warns that further development in such areas will not be free from risk.

25. Paragraph 6.2 says that new development should be directed away from Zone C towards suitable land in Zones A or B and that *“In Zone C the tests outlined in sections 6 and 7 will be applied, recognising, however, that highly vulnerable development and Emergency Services in Zone C2 should not be permitted”*. Justification for other development in Zone C is then expressed in terms of 4 tests: (i) its location in Zone C is necessary to assist a local authority regeneration initiative or strategy to sustain an existing settlement; or (ii) its location is necessary to contribute to key employment objectives for the same reason; and (iii) it is in line with national policy aims and is previously developed land; and (iv) the potential flooding consequences have been considered and deemed acceptable.
26. Section 7 of TAN15 explains how flooding consequences should be assessed. Paragraph 7.4 says that an assessment, appropriate to the size and scale of the proposed development, must be carried out to examine the likely mechanisms of flooding and the consequences of those floods on the development. Paragraph 7.3 says that the assessment should establish whether suitable mitigation measures can be incorporated within the design to ensure that the development is as safe as possible and minimises risks to life, people living and working in the area, damage to property, general flood risk and the natural heritage. Detailed advice on the scope of such assessments is listed in Appendix 1.
27. Finally, Section 8 covers surface water run-off from new development and says (paragraph 8.3) that *“the aim should be for new development not to create additional run-off when compared with the undeveloped situation”*, though it acknowledges that *“there may be practical difficulties in achieving this aim”*.

Development Plan Policy (Documents 7.1, 7.2 and 12)

28. The development plan comprises the Dyfed Structure Plan (including Alterations No.1), dated November 1990, and the Dinefwr Local Plan, adopted in April 1998. Although somewhat out of date, the Structure Plan provides strategic guidance, and Policy H1 says that land may be made available to accommodate new dwellings in accord with an overall policy for dispersal throughout the County. Policy H4 identifies Llandovery as a location where moderate residential development may be allowed.
29. Relevant Local Plan policies are reproduced in Appendix 8 of Document 7.2. Local Plan policies DLPH3, DLPH8 and DLPE11 are particularly relevant to housing supply. Policy DLPH3 includes Llandovery in a list of 5 settlements in which a moderate level of development will be permitted, and Policy DLPH8 says the Council will ensure that a minimum of 5 years supply of housing land is available in order to provide continuity of supply in accordance with the land availability requirements of the Joint Housing Land Availability Study. Policy DLPE11 makes specific provision for 5.8 hectares of land at Church Bank, Llandovery for a range of light industrial, commercial, residential and amenity uses. The Local Plan Development Limits plan (Plan E) shows that the current application sites lie within the land allocated for housing development under policies DLPH3 and DLPE11.
30. Local Plan Policy DLPPU12 is also relevant. It says that planning permission will not be granted on sites that are prone to flooding and that considerations such as flood risk and flood storage capacity of the flood plain will be taken into account in determining planning applications. It also says that, where the proposed development would result in a significant increase in surface water run-off from the site, developers are required to submit proposals to mitigate the effects of the development and include agreements for long-term maintenance of any structures proposed to regulate flows.

Emerging Draft Unitary Development Plan Policy (Documents 7.1, 7.2 and 12)

31. The deposit draft of the Carmarthenshire UDP was published in November 2002 (see Appendix 9 of Document 7.2), and Pre-Inquiry changes followed in November 2003 (see Appendix 10 of Document 7.2). The public local inquiry for the UDP has been substantially completed and, except where subject to unresolved objections, the plan warrants considerable weight.
32. Draft Policy CUDP1 allocates land for development in accordance with a sustainable strategic settlement framework, which identifies Llandovery as a secondary growth area, and draft Policy CUDP3 establishes an aim of allocating land for some 9,800 dwellings over the plan period 2001-2016. Draft Policy H1, UDP Appendix 1 and the corresponding proposals map identify specific areas of land for housing development, including the application sites (see Document 7.2, Appendices 9 and 10). They are listed as “Churchfield, Llandovery”, one of only 2 areas of land designated for housing development in the town, and described as 3.05 hectares and suitable for 40 units. During the deposit period the Environment Agency advised that, as part of its work for the Llandovery flood alleviation scheme, it had carried out detailed modelling of the indicative flood plain and that the allocated sites were now considered to be within the fluvial flood plain. Consequently, it objected to their inclusion within the plan, and the matter is not yet resolved.
33. Draft Policy GDC34 deals with development and flood risk areas. The detailed wording was subject to considerable change between the deposit draft and the pre-inquiry draft versions, and it is reported that further modifications were proposed at the inquiry itself. Accordingly, it is not appropriate to attribute weight to any particular policy wording at this stage, except (possibly) the objectives of the policy, which are described as avoiding development that has an unacceptable risk of flooding, would create or exacerbate flooding elsewhere, would prejudice works to reduce flood risks or cause unacceptable detriment to the environment, and retaining and restoring natural flood plain areas.
34. It is pertinent that, in parallel with the allocation of land for housing development, draft Policy E1 and Appendix 2 of the emerging UDP allocate land for employment development. This includes further land at Church Bank to the north-west of the current application sites and served by the same road, Heol Pluguffan.

Case for Applicants

35. The Applicants presented 9 witnesses: Mr Winston Davies, the Applicant for 3 of the applications; Mr Humphreys, representing the Council in its role as Applicant for the fourth application; 2 expert witnesses, Mr Powell on planning matters and Mr Ayoubkhani of flood consequences assessment; and 5 local residents, including the Mayor of Llandovery.

The material points are:

Principles for Application of TAN15

36. It is understood that the applications were called-in as a result of concerns about possible conflict with national policies on flood risk. However, all parties agree that consideration of the applications should involve a balanced approach with weight attributed to the various factors, including any conflict with national policy in TAN15. Even the Environment Agency endorses this approach despite its opposition on the basis that TAN15 says that residential development should not be considered in Zone C2 flood risk areas. The principle of Section 54A of the Town and Country Planning Act 1990 (as amended) applies, i.e. that planning

applications shall be determined in accordance with relevant development plan policies unless material considerations indicate otherwise. Conflict, or compliance, with TAN15 is one of several material considerations to be taken into account and to which judgements as to appropriate weight have to be made. If it is found that the proposals are in accord with TAN15 then there is little other objection. If conflict is found, then it is necessary to assess the severity and nature of the conflict and attribute appropriate weight to it.

37. Flood risk Zone C on the TAN15 development advice maps has been defined on the basis of Environment Agency maps that were not designed for planning control purposes. The distinction between Zones C1 and C2 is defined in Figure 1 of TAN15. Zone C1 is defined as “Areas of floodplain which are developed and served by significant infrastructure, including flood defences” and Zone C2 is “Areas of the flood plain without significant flood defence infrastructure”. Clearly, it is not just the existence of flood defences that has to be taken into account; if it were, “significant infrastructure” would be superfluous. Therefore, the existence of other infrastructure is a factor that should be taken into account in deciding whether land falls within Zone C1 or C2. It is also not disputed that a physical obstruction may act as a flood defence even it was not designed with that purpose in mind. In this case, the main road, constructed on an elevated embankment, acts as a flood defence.
38. There is confusion amongst various published maps about the most appropriate flood zone. Although the application sites lie within Zone C2 on the development advice maps published with TAN15, they lie outside or partially within various versions of the Environment Agency maps published over the past year. On the evidence of longstanding local residents, who say they do not remember the land being subject to flooding before February 2004, it can be argued that it lies within Zone B, in which case there could be little objection to the proposed developments on grounds of flood risk, provided adequate mitigation measures were included. (Document 7.1)
39. However, if that argument is not accepted, then the land should certainly be classed as Zone C1 rather than Zone C2. The area is already partly developed and served by significant access and utilities infrastructure (as explained by the Council). In addition, the proposed mitigation measures would provide significant flood defence infrastructure. (Document 7.1)
40. It is also relevant that the land does not have a history of flooding. Several local residents have given accounts of their thorough familiarity with the land in this area over many years and their recollection that, although the fields on the opposite side of the main road are subject to regular flooding, the application sites have never been known to flood before the event of February 2004 (see photographs in Document 5.2), which they attribute to the recently constructed Llandovery Flood Alleviation Scheme (Documents 8.1, 9, 10.1, 10.2, 10.3 and 10.4). Clearly, the elevated main road acts as a flood defence barrier to protect the area of land on its western side.
41. It is not clear what is meant by “significant” in the TAN15 definitions of the flood risk zones, and it is not known whether the Environment Agency’s estimate that the February 2004 flood was of a 1 in 15 years frequency is accurate or not. Nor is it known whether the flood alleviation scheme has increased the risk of flooding in this area; there is some evidence that it has. However, in the context of the land in question and the evidence of local people, the main road acts as a significant flood defence. The land is often waterlogged but that is due to poor internal drainage rather than flooding, and the road embankment prevents the water from escaping (Documents 7.1 and 8.1). In view of these various factors, it is considered that the land should be seen as lying within Zone C1 rather than C2.

42. If the land was accepted as lying within Zone C1, then the next step would be to assess the proposals against the tests specified in Sections 6 and 7 of the TAN. However, if it lies within Zone C2, there is a fundamental conflict with TAN15 policy for all of the applications except the first, for the road, which is defined as “*less vulnerable development*” and not subject to the same constraints as the “*highly vulnerable*” residential development. Nevertheless, the tests still need to be carried out in order to determine the degree of conflict and the weight that should be attributed to it.

Commitment to Development

43. The tests for justification of the location of the development are described in Section 6 of TAN15, and in this case they rely largely on the extensive commitment already made to the development of this area. The first test (Item (ii) in paragraph 6.2 of TAN15) is whether or not the development needs to be in that location in order to support a local authority regeneration initiative or sustain an existing settlement. In this case, there is a long-standing commitment to develop the Church Bank area of Llandovery, including the remaining land on the application sites. Both the Mayor of Llandovery, on behalf of the Town Council, and the local planning authority say that a range of residential development is needed in order to maintain a viable community and attract people and businesses to the town (Document 10.5). The application sites are one of only 2 areas of land designated for residential development in Llandovery in the Local Plan and the emerging Unitary Development Plan and the only sites for which service infrastructure is already available.
44. A development agreement was entered into by the Welsh Development Agency (WDA), the Council and the (then) landowner in 1994 (Document 8.4), and the access road and other services were subsequently installed with financial support from the WDA. The land has been designated for residential development for many years in the Local Plan and it is the Council’s intention to carry that allocation forward into the emerging Unitary Development Plan. These initiatives clearly demonstrate the long-standing commitments to and importance of the proposed development towards the Council’s aims to sustain the community of Llandovery. (Document 7.1)
45. The next test is described in section (iii) of paragraph 6.2 of TAN15 and relates to the aims of Planning Policy Wales (PPW) and the definition of previously developed land. This is taken to refer to the broad objectives for sustainable development described in Section 2 of PPW. The proposed developments would be in accord with these objectives. In particular, they would be located close to local services and would minimise urban sprawl and the need for travel, they would include suitable mitigation measures to minimise the risks of flooding and would utilise existing infrastructure and services, they would make a valuable contribution towards meeting local housing needs and a range and choice of housing, and they would not conflict with any of the other objectives for environmental protection. (Document 7.1)
46. With regard to classification as previously developed land, the sites do not conflict with any of the criteria listed in PPW for exclusion from the definition. In particular, they are part of a larger area of land at Church Bank that has already been substantially developed, and it can be argued that because of that they may be defined as previously developed land. However, even if that is not accepted, the substantial commitments already made towards their development provide the same rationale as that for the re-use of previously developed land. It is concluded that the tests against PPW aims and previously developed land are met. (Document 7.1)

47. The final test in Section 6 of TAN15 relates to assessment of the consequences of flooding and its acceptability. This is addressed below, and it is found that the proposed flood mitigation measures would be acceptable. Accordingly, the tests for justification of the location of the development are all met.

Flood Risk

48. Detailed flood consequences assessments have been carried out for both Mr Davies' and the Council's areas of land in accordance with the guidelines provided in TAN15 (Documents 5.2 and 5.3). These have concluded that suitable mitigation measures could be carried out in order to adequately address the risks and consequences of flooding. The mitigation measures would comprise the raising of land on the sites to a level commensurate with the 1% (1 in 100 years) flood event, the raising of finished floor levels by a further 500 mm in order to take account of global warming and other uncertainties, the provision of wetland lagoons to compensate for the volume of floodplain lost by the land-raising and to provide infiltration and attenuation of peak flows for sustainable surface water disposal (SUDS), and the provision of culverts under the main road to ensure full drainage of the lagoons during non-flood conditions. These arrangements would also benefit the existing development nearby, particularly the bungalow at 1 Maes Yr Eglwys (Mr Barrett's home), by improving the general drainage of the land. (Documents 5.1 and 7.1)
49. These measures would involve raising the level of part of Mr Davies' land by up to 800 mm and the Council's site by about 500 mm. The access roads into the sites would be at or above the 1% flood level, except the junctions with Heol Pluguffan, which would be slightly below it. Thus access to and from the sites during such an event would be maintained within the guidelines prescribed in TAN15. (Documents 5.1 and 7.1)
50. Objections to these proposals have been quite limited. Some doubts have been expressed about the detailed arrangements for the lagoons but the Environment Agency has accepted that the raising of land provides more protection against flooding than a flood protection bund. The Environment Agency has argued that the lagoons should be provided at a higher elevation. However, it is considered that the proposals put forward would be of benefit for more frequent flood events as well as the 1% design flood and are, therefore, satisfactory. The Agency has provided no detailed assessment to support its argument, and it is considered that the assessment carried out for the Applicants provides a robust analysis.
51. The flooding consequences assessments show that the proposed engineering measures would satisfy the requirements of Section 7 of TAN15 to manage the consequences of flooding to an acceptable level. They would provide a safe and secure living environment with safeguards against the 1% (1 in 100 years) flood event. It has not been possible to carry out a full assessment for an extreme 0.1% (1 in 1000 years) event as, despite several reminders (Document 6), the Environment Agency has not yet made available information that it holds. Nevertheless, it is considered that the raising of finished floor levels to 500 mm above the 1% flood level would provide adequate protection for the higher 0.1% flood level in addition to allowing for global warming. (Documents 5.1, 5.2 and 7.1)
52. The Environment Agency has criticised the failure to carry out a detailed assessment for the 0.1% flood event. However, the floodplain is several hundred metres wide, and it is unlikely the water level for the 0.1% flood would be more than 200-300 mm higher than that of the 1% flood. The planned 500 mm elevation of finished floor levels would provide ample clearance to avoid internal flooding for the extreme event. In any case, the guidance in TAN15 allows residential development to be flooded by up to 600 mm under extreme

conditions. Thus the proposals would provide a safeguard some 800-900 mm better than this. Under these circumstances, the degree of detail carried out for the flood consequences assessment is considered to be quite adequate, and it is not appropriate for the Environment Agency to argue that more detail is needed.

Policy Conflict with TAN15

53. The first application, for a residential road, is categorised in TAN15 as “less vulnerable development” and so is to be considered on the basis of the justification and consequences tests whether the site lies within flood risk Zone C1 or C2. If the land is accepted as lying within Zone C1 then the same applies to the 3 other applications, which are categorised as “high vulnerable development”. However, if the land lies within Zone C2, there is a policy conflict with TAN15 so far as the 3 applications for residential premises are concerned. It remains to be determined how much weight should be attributed to that conflict.
54. The justification and flooding consequences tests are satisfied for all 4 development proposals and, in practical terms, the only distinction between whether the land lies within flood zone C1 or C2 is the pre-existence of flood defences of the required standard or their provision as part of the development proposals. It is questionable how significant this is.
55. The Environment Agency has recently constructed a flood alleviation scheme for Llandovery but did not extend it quite far enough to protect the area in which the application sites lie, because at that time the Agency did not consider this land to be at risk of flooding. It has only changed its mind since further modelling work has been carried out. If the Agency had more accurately identified the areas at risk of flooding when the scheme was designed in 2001 it would have extended the flood defence embankment further south to provide protection for the application sites (see plan identified as “Site G” in Appendix 5 of Document 7.2). If that had been done, the land would have definitely fallen within flood risk Zone C1. However, that protection would not have provided as much assurance against flooding as the current proposals to raise the level of the land on the application sites; the Environment Agency acknowledged at the inquiry that land-raising is a more assured means of protecting against flooding than an embankment.
56. The strange consequences of this are that, if the Environment Agency had more accurately defined the land at risk of flooding and had extended its flood alleviation scheme to include protection for the application sites, the sites would have been classed as within Zone C1, and housing development could have been allowed without any further protection. However, as it did not, the land is arguably classed as Zone C2, and TAN15 policy resists the proposed housing development even though it would benefit from better protection against flooding than if the Agency had extended its scheme. Furthermore, the developers are prepared to shoulder the entire cost of providing the flood protection measures rather than it falling on the public purse. Under these circumstances, it is submitted that quite limited weight should be attributed to the policy conflict with TAN15. It could even be argued that the current opportunities are too good to miss.
57. It should also be remembered that planning permissions have been granted in recent years for extensive housing, commercial and industrial development in this area on land that is now considered to lie within the same flood risk zone. That development does not benefit from any protection measures. Indeed, planning permissions were granted for residential developments on the current application sites with similar lack of measures for flood protection, and it is pure chance that they were not implemented. This reinforces the argument that little weight should be attributed to the TAN15 policy conflict. (Document 7.1)

Benefits

58. The proposed schemes would provide a range of much needed housing. Although not specifically stated, the Council says its intention is that its site should be used for Housing Association development, similar to that already recently built on the adjacent land and at Clos Pluguen opposite. Mr Davies' intention is to build housing for the general market. Both are needed in Llandovery. The only other suitable site allocated for housing development in the town is off the Brecon road and does not yet benefit from any basic infrastructure. The Mayor of Llandovery, several local residents, the Council and the National Assembly Member have all argued the need for both affordable housing and market housing to attract people and businesses to Llandovery. The proposed developments would provide social and economic benefits to the town. (Documents 8.1, 9, 10.1 and 10.5)

Environmental Effects

59. The National Assembly for Wales has also asked to be informed about the visual and environmental implications of the proposed developments. The sites are relatively flat, and housing development up to 2 storeys in height would have little visual impact in the context of the existing residential and industrial development on adjoining land. None of the statutory consultees have raised any concerns on environmental or archaeological grounds, and there is no dispute on any such matters. In allocating the land for development in the development plan the Council has clearly reached the conclusion that visual and environmental impacts would be acceptable or could be made to be so by measures specified in appropriate planning conditions.

Overall Balance

60. Finally, as explained earlier, the decision involves a balanced judgement of the various considerations. The flood consequences assessments have shown that, whether the land falls within flood Zone B, C1 or C2, the proposed developments could be carried out with adequate protection against the risks of flooding and without causing any increase in flood risk elsewhere. There is no dispute that visual and environmental impacts would be limited and acceptable or that the proposals would meet the need for a range of new residential accommodation in the town and contribute social and economic benefits. (Documents 5.1 and 7.1)

61. The proposed development would be in accordance with current development plan policies for specific allocations of land for housing development within the plan period. Although subject to objection, the Council is seeking to carry forward these designations into the emerging Unitary Development Plan, as alternative land outside the areas at risk of flooding would tend to be outside the town development boundary and even in the adjoining Brecon Beacons National Park, where housing development would conflict with other important policies. There is a clear commitment to the use of this land, and considerable investment has already been made in the access road (Heol Pluguffan) and in the provision of utility services. (Document 7.1)

62. These are strong arguments in favour of granting planning permission for all of the proposals. There is no TAN15 policy conflict for the first proposal, the residential road. Similarly, if it is accepted that the sites should really be considered to lie within flood risk Zones B or C1, there is little policy conflict for the other 3 proposals and, in view of the strong arguments in favour, planning permission should be granted for all 4 proposals. If the land is taken as lying within flood risk Zone C2, it is accepted that there is conflict with national policy in TAN15,

which is a material consideration. However, for the reasons explained above, the weight to be attributed to that is limited and far outweighed by the social and economic benefits and the commitments already made towards the development of this area of land. Consequently, even under these circumstances, permission should be granted for all 4 proposed developments.

Support from Local Planning Authority (Document 12)

The material points are:

63. The current application sites comprise one of only 2 large potential areas of land for expansion of housing in the town over the Local Plan period to 2006. The land is identified in the Local Plan as available for development opportunities and features in the Joint Housing Land Availability Study. It is an integral part of the commitment to provide a sufficient supply of readily available land in accordance with Structure Plan policy and contributes towards meeting the objective advised in Planning Policy Wales to provide a 5-year supply of land for housing.
64. Some years ago the Council prepared the Church Bank Development Brief to promote residential, industrial, commercial and retail development in the area and to initiate the provision of improved access and public utilities. Much of the development promoted by the brief has already been carried out, and there has been considerable investment in infrastructure provision by both the Council and the Welsh Development Agency. Although not strictly falling within the definition of previously developed land in Planning Policy Wales, the provision of this infrastructure shows a significant commitment to the further development of the land in question. It features strongly in land use planning for the town, and it is considered that the proposed development would contribute towards sustainability for Llandovery as a community.
65. With regard to visual and environmental implications, the sites are part of the larger area previously identified for development some years ago and seen as a logical extension of the built-up area of Llandovery. Construction of the new access road (Heol Pluguffan) has already allowed a substantial proportion of the Church Bank development to be carried out and, in the context of the adjacent new development and subject to appropriate design and landscaping, it is considered that the proposed development would not be visually intrusive. In reaching this conclusion, the Council has taken into account the relatively flat nature of the sites and the likely elevated level of the dwellings to reduce the risk of flooding. St Dingat's church, close to the north-eastern boundary of Mr Davies' land, is a Grade 2 listed building. Nevertheless, the proposed development would not harm the setting of the town.
66. TAN15 was published after the local planning authority considered the applications but the increased prominence attributed to flood risk by TAN15 has not changed its view that the balance of considerations supports the granting of planning permission. The local planning authority usually follows the Environment Agency's advice but that advice has changed over the past couple of years. The Agency did not object to previous developments in the area, including the bungalow built on Plot 1 of Mr Davies' land when consulted in May 2001 and the Housing Association development alongside the Carmarthenshire County Council site when consulted in August 2001. The change in the Agency's position has occurred as a result of modelling work carried out for the Llandovery Flood Alleviation Scheme coupled with the issue of TAN15. The Agency now maintains that the land falls within a Zone C2 flood risk area. However, it is arguable that the elevated level of the main road provides a reasonable level of flood protection, in which case the land would lie in Zone C1. The Environment

Agency has also acknowledged that the development advice maps in TAN15 are not always reliable. However, the Council's views are the same whichever flood risk zone is applicable.

67. Much of the development already carried out in the Church Bank area also lies within the flood risk area now identified by the Environment Agency's latest modelling work and the development advice maps accompanying TAN15. This includes recent housing developments on land immediately adjacent to the current application sites. The applicants have carried out a flood risk assessment and propose to include suitable flood alleviation and mitigation measures in their proposals. These show that the application sites can be developed with adequate protection against risks of flooding and without exacerbating risks to other properties. The design of these measures would be acceptable to the local planning authority, and it is not anticipated that any problems would arise in regard to gaining wayleaves for culverts under the main road.
68. In conclusion, the proposed developments would be in accordance with development plan policies, and Section 54A of the Town and Country Planning Act 1990 (as amended) aims to provide a degree of confidence that decisions will be made with consistency. To date that has been the case for development proposals in this area, and the local planning authority considers that the same land allocations should be carried forward into the emerging Unitary Development Plan. The matter of flood risk is one of a number of material considerations, others being the significance of commitments towards the development of this area and the considerable benefits for the town, as explained above. On balance, development is justified in this location, and the local planning authority maintains its view that permissions should be granted.

Other Support

69. In addition to support by the local residents and mayor, presented as part of the Applicants' case, Rhodri Glyn Thomas AM spoke in support of the proposals.

The material points are:

70. Considerable investment has already been made in the Church Bank area of Llandovery, including investment by the Welsh Development Agency and the Council in basic infrastructure. If there is a risk of flooding, then measures should be taken to minimise that risk. However, flood risk is just one of several material considerations, and one needs to take an holistic view.
71. Suitable development of the Llandovery/Llandeilo area of the Towy Valley is important. The current proposals are essential for the provision of a range of housing in the town. There is a need for affordable housing in Llandovery, and it is known that many local people are having difficulty finding suitable accommodation. If the sites under consideration are not developed for housing there will be a shortage of supply, which will have serious effects on both the commercial attractiveness of the town and on individual people.

Case for Environment Agency

In addition to written submissions, the Environment Agency provided considerable information verbally at the inquiry. The material points are:

72. The application sites lie within the floodplain of the Afon Bran, which runs about 250 metres to the east of the sites. Two tributaries, the Afon Gwydderig and the Nant Bawddr, join the river just upstream, and the total catchment area at this point is about 127 square miles. In

1998 severe flooding from the Afon Bran affected 150 properties in the town, including a large area of sheltered housing, and that triggered a flood alleviation scheme designed to provide protection against a 1% (1 in 100 years) flood event. The scheme was completed in 2002/03. However, the scheme does not provide protection for the application sites as, when it was designed, it was not considered that the land in this area was at significant risk of flooding. However, further modelling carried out later has caused this to be reconsidered and led to the Agency's objections to the current proposals. All of the Council's site and most of Mr Davies' land lies below the predicted 1% flood level. (Document 13.1)

73. The Agency has records of flooding in Llandovery in October 1998, October 2000 and February 2004. There is no evidence of flooding of the application sites associated with the first 2 events, though these peaked quite quickly or during hours of darkness, and their full extents are uncertain. The February 2004 event is known to have affected the sites, and a photograph at Appendix 3 of Document 13.1 shows the lower part of Mr Davies' land to be flooded, though it should be noted the photograph was not taken at the time of peak flooding. The Agency also has a survey record of the peak flood level on that occasion taken from the garden of the bungalow at 1 Maes Yr Eglwys, most of which was flooded. The Agency estimates the severity of that event to have been approximately 1 in 15 years frequency (6.7%). Some people have said that this flooding occurred because the flood alleviation scheme, which had been completed a few months earlier, has had a detrimental effect on the risk of flooding in the area immediately downstream of it. The Agency does not accept this. Detailed modelling shows the scheme would have negligible effect on flood levels in this area. (Document 13.1)
74. The proposed developments would be contrary to national policy contained in Planning Policy Wales and Technical Advice Note (TAN) 15 as they would introduce additional people into an area at risk of flooding, which is contrary to the principle of sustainability. Dwellings built on the floodplain will be inundated at some time, and this will cause initial loss and suffering followed by anxiety and long-term uncertainty for residents and increased pressures on the emergency services. In promoting the current proposals the applicants would be knowingly exposing people and property to flood risk. The long-term sustainability of such properties would be doubtful, particularly as insurance cover may not be available. (Documents 13.1 and 14)
75. Whilst it is acknowledged that TAN15 is a material consideration rather than a development plan policy, it represents advice on up to date Welsh Assembly Government policy and warrants considerable weight, though it is also acknowledged that it may be one of several considerations to be taken into account in making the decision whether to grant planning permission or not. However, the advice in TAN15 is clear. The development advice maps that accompany TAN15 define the flood risk zones to which the advice applies, and the application sites fall completely within Zone C2 (see map in Appendix 1 in Document 13.1), which is defined as "*Areas of floodplain without significant flood defence infrastructure*". TAN15 defines residential premises as "*highly vulnerable development*" and says that highly vulnerable development should not be considered in Zone C2. Whilst it says that the flooding consequences should be assessed for less vulnerable development proposed in Zone C2 and for all types of development proposed in Zone C1, TAN15 makes no provision for any further consideration of highly vulnerable development proposed in Zone C2; it simply says it should not be considered. (Documents 13.1, 13.2 and 14)

76. TAN15 promotes the precautionary principle and directs development away from areas at risk of flooding. The sites in question are affected by floods with a probability of less than 1 in 15 years, i.e. they are at high risk of flooding. On this basis the applications should be refused. (Document 14)
77. Finally, the Agency does not consider that the flood consequences assessment has been adequately carried out, and this affects its confidence in the suitability and effectiveness of the proposed mitigation measures. The 0.1% event (1 in 1000 years) has not been assessed, and the Applicants say this was because the Agency failed to provide information that would have avoided the duplication of work. However, the Applicants could have carried out this analysis themselves and failed to do so. Consequently, the assessment lacks the confidence that would have been provided by assessing the 0.1% event. (Document 13.2)
78. As for the proposed lagoons, they would be at a lower elevation than the levels of the voids they would replace and so would not provide like-for-like compensation. Consequently, they would fill at an earlier stage of a flood event and would not have the same effect as the voids for which they would be intended to compensate. These doubts about the effectiveness of the mitigation measures are reinforced by concerns about arrangements for their long-term maintenance. Other matters of some concern to the Agency are the proposals for single storey bungalows on Mr Davies' 2 plots and possible effects on existing neighbouring properties. (Documents 13.2 and 14)

Neutral Comments

79. Mr Barrett, of 1 Maes Yr Eglwys, the new bungalow built near the southern corner of Mr Davies' land, spoke as an independent observer neither opposed to nor supportive of the proposed developments. He has lived in the bungalow since July 2003. (see correspondence at Documents 3.1 and 3.4)

The material points are:

80. Enquiries were made about flood risk when the bungalow was bought but neither the Council nor local residents indicated any significant risk. However, the February 2004 flood came across the fields from the Afon Bran, over the main road and flooded to bottom corner of Mr Davies' field and part of Mr Barrett's garden; it stopped just short of his front door. Mr Barrett's bungalow lies on the lowest part of the field, and the rear garden is often soggy and wet. The surface water from the bungalow drains to soakaways, and this is the matter of most concern.
81. In addition, no other party has mentioned foul drainage. However, this has proved to be problematic. A foul water pumping station is situated next to Mr Barrett's bungalow but the sewerage system seems to be at capacity and subject to blockages. 3 blockages have occurred during the 20 months period since July 2003.

Written Representations

82. In addition to the 2 letters submitted by Mr Barrett, Councillor Ivor Jackson has written in support of the proposals and the Council for the Protection of Rural Wales (CPRW) has written in opposition.

83. Councillor Jackson has lived in Llandovery all his life and has never known this area to be subject to flooding. The town lacks building plots, and the application sites are ideal for residential development. This would improve the area and provide more accommodation to attract families to move into the area. (Document 3.2)
84. The CPRW argues that housing development should not be permitted on the floodplain and that the land would be better used for local amenity, e.g. as a playground or other recreational area. (Document 3.3)

Conditions and Section 106 Obligation

85. 3 sets of draft conditions were presented at the inquiry as agreed between the Applicants and the local planning authority (Documents 15.1, 15.2 and 15.3). They apply to the first application for the road, the second and third applications for bungalows on Plots 4 and 3, and the fourth application for the Council's residential site respectively. Other draft conditions were put forward by the Environment Agency (EA) (Document 15.4). A Section 106 Obligation was also put forward by Mr Davies in regard to the future maintenance of the lagoon and culvert proposed as flood mitigation measures on his land (Documents 16.1 and 16.2). The obligation would come into effect on commencement of construction of the bungalows referred to in the second and third applications. These draft conditions and Obligation were the subject of a detailed discussion at the inquiry.
86. Considering first the 2 applications for residential bungalows, the Applicant and the local planning authority suggested 11 draft conditions (Document 15.2). Numbers 1, 2, 3, 4, 10 and 11 (as numbered in that document) were agreed in principle by all parties, though it was accepted that in some cases the model conditions contained in (Welsh Office) Circular 35/95, The Use of Conditions in Planning Permissions, might be more appropriate. Levels were agreed for the raised ground and finished floor levels specified in conditions 10 and 11, based on the 1% (1 in 100 years) flood level, though the Environment Agency expressed reservations about the lack of information on the level of the extreme 0.1% (1 in 1000 years) flood level.
87. Draft conditions 5 and 6 concerned surface water drainage arrangements, and the EA put forward an alternative (Condition A in Document 15.4). Apart from reservations by the Applicant about inclusion of the words "which will limit the discharge from the site and improve the status quo", the principle of a condition based on these various suggestions was agreed. It was also agreed that a condition should refer to suitable arrangements for long-term maintenance of the facilities, which may not be readily adopted by the drainage authority. Draft conditions 7 and 8 proposed a flood protection scheme and subsequent long-term maintenance arrangements, and again the EA suggested an alternative (Condition B in Document 15.4). The Section 106 Obligation put forward by Mr Davies would be an addition to draft condition 8, whereby, as the landowner, he would accept responsibility for future maintenance of the flood alleviation measures, and is supported by the EA. Finally, condition 9 requiring notification of the potential risk of flooding to future occupants of the properties concerned was generally agreed, but the EA argued that the occupants should also be required to register with the Agency's flood warning service.
88. The EA asked for 2 other draft conditions to be considered (Conditions C and D in Document 15.4). The first sought to exclude single storey residential development from the sites, as this type of property is more susceptible to flooding impact. The Applicant argued that this would be unreasonable as it would negate the planning permissions, which are specifically for residential bungalows. The second was for any materials imported for ground raising to be

subject to approval. The Applicant responded that it was not intended to import any materials for this as there would be a balance between material excavated for the lagoon and material used to raise the level of the lower part of the site. However, he raised no objection.

89. Turning to the application for a residential road, the Applicant and the local planning authority suggested 4 draft conditions (Document 15.1). All parties agreed to draft conditions 1 and 2, and in regard to draft condition 3 (for a surface water scheme) the EA put forward the same alternative condition as above and general agreement was reached, as above, on the need for suitable conditions for a surface water drainage scheme and a flood mitigation scheme incorporating arrangements for adequate long-term maintenance. Mr Davies' Section 106 Obligation does not apply in respect of this application.
90. Draft condition 4 would be intended to specify the raised ground level of Mr Davies' land but it was questioned whether this was relevant to the road scheme itself, which already includes details for raising the level of the road above the surrounding ground level. A further condition was suggested that the road be constructed to base course level prior to occupation of any dwellings. However, it was observed that this application does not include any dwellings.
91. Finally, conditions for the Council's own application for outline planning permission were discussed. The Council suggested 10 draft conditions (Document 15.3). Conditions 1, 2, 5, 9 and 10 were agreed in principle by all parties, and levels were agreed for the raised ground and finished floor levels specified in conditions 9 and 10, based on the 1% (1 in 100 years) flood level, subject to the same Environment Agency reservations as above about the lack of information on the level of the extreme 0.1% (1 in 1000 years) flood level. Draft conditions 6, 7 and 8 deal with measures for flood risk mitigation, and the same comments were made as above about conditions to ensure implementation and future maintenance of suitable surface water drainage and flood mitigation schemes.
92. Draft conditions 3 and 4 proposed details for a landscaping scheme but it was observed that this would be covered by the reserved matters condition. The EA again asked for 2 additional conditions to be considered to exclude single storey residential development and to ensure approval for any imported fill materials (Conditions C and D in Document 15.4). The Council raised no objection to either of these.

Appraisal and Conclusions

[The numbers in square brackets indicate the relevant paragraphs of the report.]

93. In its statement of matters on which it particularly wished to be informed the National Assembly for Wales identified 3 broad areas: the visual and environmental implications of the proposed developments; the relevant national policies, particularly those relating to risk from flooding; and the relevant Structure and Local Plan policies. Taking into account this indication, in my view, the main consideration in these applications is whether or not the long-term commitments to development in this area and the benefits that the proposals would bring to the local community outweigh the risks and consequences of flooding and the strong national policies against development in areas at risk of flooding.

Risk of Flooding

94. National policy, as contained in Planning Policy Wales and Technical Advice Note 15 (TAN15), promotes sustainable development, which includes the principle of moving away from reliance on flood alleviation and mitigation measures in favour of development on land where the risks of flooding are less. Planning Policy Wales says that development should only be considered in areas of high flood hazard when it can be justified in that location, and TAN15 provides clear guidance on the types of development considered unsuitable for high risk areas, what matters should be considered by way of justification, and how flooding risks and consequences should be assessed. [16 - 26]
95. Evidence has been brought forward to demonstrate that the application sites do not have a history of flooding, with the exception of an event in February 2004. Several local people, who are familiar with the land, have attested to this, and there is no evidence that the application sites were affected by the floods that seriously inundated other parts of the town in October 1998 and October 2000. The Environment Agency acknowledges that, when it carried out the design of the recent flood alleviation scheme for the town in 2001, it did not consider the area of land in which the application sites lie to be at significant risk of flooding, and it did not extend the flood protection scheme to provide protection for this land. On this same basis it did not object to development proposals in this area of Llandovery prior to 2002. [11, 38, 40, 66, 72, 73, 80, 81]
96. However, more detailed modelling work associated with the flood alleviation scheme has led the Agency to reconsider this, and its latest advice is that the land lies in an area at risk of flooding. This assessment is now reflected in its flood risk maps and in the development advice maps issued with TAN15 in July 2004. It has been alleged that the flood alleviation scheme itself has increased the risk of flooding in this area, which lies immediately downstream of the engineering works constructed to protect most of the town. By preventing floodwater from flowing over the natural floodplain higher upstream it is inevitable that the flood alleviation scheme has had some effect. However, the Environment Agency advises that it is negligible, and no evidence has been put forward to cause me to doubt that advice. Nevertheless, the fact that in February 2004 parts of the application sites were affected by flooding that the Agency estimates was equivalent to a 1 in 15 years event whilst they are not thought to have been affected by more serious flood events over the past few decades serves to illustrate how difficult it is to predict these natural events with confidence. Each event unfolds in a different way, is subject to unique circumstances, and has different effects. [22, 41, 66, 72, 73, 76]

97. Notwithstanding the many uncertainties involved, the best information available is that contained on the Environment Agency's flood risk maps, which have formed a major component of the TAN15 development advice maps. The latter provide clear guidance on the areas of land considered to lie within each flood risk zone for the purposes of the guidance contained in the TAN. The application sites are all shown to lie within Zone C2, i.e. areas of the floodplain, within the extreme flood outline equal to or greater than 0.1% (1 in 1000 years event), without significant flood defence infrastructure. [22, 75]
98. TAN15 advises that only less vulnerable development should be considered in such areas and that highly vulnerable development should not be considered. In accordance with the definitions contained in the TAN, the first application (for a residential road) is for "less vulnerable development", whilst the other 3 applications (for various forms of residential premises) are classed as "highly vulnerable development". Consequently, according to TAN15, only the application for the residential road should be considered further. However, even though it represents the latest national policy guidance, TAN15 is only one of several material considerations in these cases and, in order to assess the relative weight to be given to it, it is necessary to give further thought to the question of flood risk for the proposed developments. [36, 42, 68, 75, 84]
99. Several factors are relevant. Firstly, the Applicants have argued that the definition of the boundary between Zones C1 and C2 is at odds with the way the boundaries have been determined on the development advice maps. The definition of Zone C1 in Figure 1 of TAN15 is "*Areas of the floodplain which are developed and served by significant infrastructure, including flood defences*". However, the development advice maps take no account of other infrastructure. Clearly, whilst not affecting the flood risk itself, the presence of other infrastructure is indicative of the area being "developed". There has been considerable investment in other infrastructure in the development area in which the application sites lie, and the Applicants argue that the area should have been classed as Zone C1 on account of the presence of this infrastructure and the partial development of the area already carried out. There is some merit in this argument. [23, 37, 39]
100. The Applicants also argue that the existing main road (A4069) provides a degree of flood protection to this area, as it is elevated above the general level of the fields on either side. Again, that is undoubtedly true. However, water flowed over the road during the flooding event in February 2004, and I do not consider it could be described as "significant flood defence infrastructure" such as to warrant classification of the land as Zone C1. Nevertheless, it undoubtedly provides some protection and is a factor to be taken into account. [5, 7, 37, 41]
101. Finally, the Applicants have also highlighted the somewhat unusual circumstance that, if the developments were allowed, they would benefit from better flood protection than if the Llandovery Flood Protection Scheme had been extended to protect the area in the first place. Strangely, that would appear to be the case, as the current proposals would include the raising of land as part of the flood protection measures whilst the Environment Agency's flood protection scheme for the town would have used embankments to protect the area, as it did for the houses on the opposite side of the main road. The Environment Agency acknowledges that, provided compensation for the loss of floodplain storage were provided, land raising would provide better protection against flood risk than an embankment, which could be overtopped and eroded. If the land had been included in the area protected by the main town scheme, there is no dispute that it would have been located in Zone C1 and, subject to acceptable justification and risk assessment, the proposed developments would probably have been granted planning permission with little, if any, additional attention to flood alleviation

measures. Notwithstanding the location of the sites within Zone C2, as a matter of fact, this anomaly is another factor to be taken into account in deciding how much weight to attribute to the conflict with TAN15. [7, 12, 50, 55, 56]

102. TAN15 specifies tests in Sections 6 and 7 to address justification for the location of the development and for assessing flooding consequences. The former would be met if the proposed developments were part of a local authority strategy to sustain an existing settlement, and if they were in line with the aims of Planning Policy Wales and met the definition of previously developed land. On balance, I consider that the principle of these tests would be largely met, as explained in more detail later. [21, 25, 26]
103. Assessments of flooding consequences have been carried out for the proposed developments, and flood prevention and mitigation measures are now also proposed. The Environment Agency has expressed some reservations about these assessments as they have not included details of the extreme 0.1% (1 in 1000 years) flood event. However, in my view, they should not be dismissed on that account. The flood plain is several hundred metres wide and relatively flat in this location, and the 0.1% flood level is unlikely to be significantly higher than the 1% flood level, which has been assessed. There would be ample provision for this in the safety margins proposed in setting the finished floor levels of the proposed dwellings, which could be controlled by appropriate planning conditions. [15, 26, 48, 51, 52, 67, 72, 77, 86, 91]
104. The Environment Agency has also argued that the proposed storage lagoons would not compensate for the floodplain storage lost as a result of raising the land levels on parts of the application sites, even though the volumes would be the same. The Agency maintains that to be a like-for-like replacement the lagoons would have to be at the same elevation as the voids they would replace. I do not consider this to be a significant argument, as the lagoons would still provide the same storage volume, albeit at a marginally earlier stage of the flood event. The critical factor in their effectiveness would be the need to ensure that they were empty under normal circumstances so that their volume was available to receive the flood water. This could be achieved by means of culverts under the main road, as proposed following the flooding consequences assessments, though detailed consideration would have to be given as to how the water would be drained away through the land on the opposite side of the road. Although that land is not under the control of the Applicants, there is a reasonable expectation that suitable arrangements could be provided, and concerns on this matter could be covered by an appropriate planning condition. I conclude that adequate flood protection and mitigation measures could be provided and that the potential consequences for a flooding event would be acceptable. [15, 50, 78, 87]
105. In conclusion, the 3 proposals comprising residential premises would be contrary to the principle expressed in TAN15 that highly vulnerable development should not be considered in flood risk Zone C2. However, there is some merit in the argument that the land could have been classified as Zone C1 rather than C2. In addition, the elevated main road provides some protection against flooding, and further protection and mitigation measures proposed would ensure that the potential consequences of a flood event would be acceptable and that better protection would be provided than would have been the case if protection for the area had been included in the recent flood protection scheme for the town. I consider the weight to be attributed to the conflict with the detailed guidance provided by TAN15 should be tempered by these factors. Nevertheless, the proposed developments would expose people and property to additional risk of flooding, contrary to the precautionary principle contained in national policy that directs development away from areas at risk of flooding. [18, 21, 53, 74]

106. Finally, it should not be forgotten that the first application is for a road and that, if the flood risk assessment is considered to be acceptable, there is no conflict with TAN15 for this particular proposal. [53]

Long-term Commitment to Development

107. I turn now to the various other material considerations, and firstly the long-term commitment to these developments contained in the development plan. The Church Bank area of Llandovery, within which the application sites lie, has been designated for a mixture of residential, industrial and commercial development for many years, and much of the development has already been carried out. The current development plan includes specific allocations of land for both commercial and residential development. Some of the residential development has already been carried out, and the land owned by the Applicants makes up the remainder of the allocation for residential development. It is one of only 2 large areas of land in Llandovery designated in the development plan for residential development, and it is the only one for which basic infrastructure has already been installed. [6, 10, 29, 44, 63, 64]

108. The land allocation is an integral part of the Council's commitment to provide a 5 year supply of land for housing development in accordance with national policy. Local Plan policies DLPH3, DLPH8 and DLPE11 are particularly relevant to this land allocation and provide a strong lead under Section 54A of the Town and Country Planning Act 1990 (as amended) in favour of the grant of planning permissions. The Council is also seeking to carry through the land allocation into the emerging Unitary Development Plan, though it is subject to objection on grounds of flood risk. It is argued that alternative land would be likely to lie outside the town and its development would conflict with other policies for protection of the countryside or, even, the adjoining national park. [29, 32, 61, 63]

109. There has also been a longstanding financial commitment to the development of the Church Bank area, including Welsh Development Agency funding for the main access road, Heol Pluguffan. Other services infrastructure has also been installed and already serves recent residential development on land adjacent to the application sites. These long-term development plan and financial commitments to the development of the Church Bank area are important considerations both in terms of confidence in decision making and the economic wellbeing of the community. Furthermore, although the application sites do not fall within the definition of previously developed land, the proposed developments would make use of infrastructure that has already been provided and so would be in line with similar sustainability aims as the reuse of such land. [6, 17, 25, 44 - 46, 64, 68, 70]

Benefits to Local Community

110. The local planning authority, the Town Council, the National Assembly Member and many local residents have all described how the proposed developments would benefit the local community. There is a need for housing in the town both to attract people (and businesses) to move to the town and for local people for whom there is a shortage of suitable, affordable accommodation. Several parties described examples of local people having difficulties finding suitable housing in the area. The proposals would be likely to provide a mix of social and market housing to meet these needs. [43, 58, 69, 70]

111. The need for housing in Llandovery is recognised in development plan policies, which make provision for a moderate amount of development in the town. If housing is not built on the application sites there is likely to be a shortage of new housing in Llandovery, at least in the short-term, as it is the only large area of land available for early development. I see no reason

to disagree with the submissions made by the various parties that failure to allow this development would have a harmful effect on the commercial attractiveness of the town and on many individual local people who are in need of accommodation. Its benefits would be both economic and social. [43, 58, 71, 83]

112. In the context of the tests prescribed in TAN15, the proposed development is an integral part of the local authority strategy to maintain a viable community and sustain the settlement. That strategy is expressed in the specific allocation of the land for housing development. [25, 43]

Visual and Environmental Impact

113. Finally, I turn to the visual and environmental impacts of the proposals. Clearly, in allocating the land for residential development, the Council has been satisfied that such impacts would be acceptable in this location on the edge of the town. The surrounding area is relatively flat, and Mr Davies' land adjoins St Dingat's church, which is a Grade 2 listed building. However, there is already some housing development on other adjoining land, as well as industrial and commercial development only a few metres further to the west. Subject to appropriate landscaping and housing design, I consider single or two storey housing would be visually acceptable in this location and would not harm the setting of the church or the town as a whole. [6, 59, 65]

114. With regard to the wider environmental impact, none of the statutory consultees has raised any concerns on environmental or archaeological matters. The land does not contain any features or habitats of particular interest, and the proposed developments would not have an unacceptable effect on the amenity of neighbouring occupiers. I conclude that the visual and environmental effects would not be significant. [59]

Overall Conclusion

115. Notwithstanding the risks of flooding, on balance the proposals would be in accordance with development plan policy, which contains specific allocation of the land for the development now proposed. Section 54A of the Town and Country Planning Act 1990 (as amended) requires that, where an adopted or approved development plan contains relevant policies, an application for planning permission shall be determined in accordance with the plan, unless material considerations indicate otherwise. In this case, there are several material considerations. [36, 61]

116. All of the proposals would be contrary to the principle of national and local policies to avoid development in areas at risk of flooding. The 3 applications for residential premises would be contrary to the specific guidance provided by TAN15 that highly vulnerable development should not be considered in flood risk Zone C2. This national policy is more recent than that contained in the development plan and may be considered to override it. However, there are other material considerations to be taken into account in the balance of arguments for and against the proposals. [30, 74, 75]

117. There is a longstanding commitment to development of the area and to development of these particular sites for residential purposes. Not only is this reflected in the development plan allocations but it is also evidenced by the considerable financial investment in the access road and services infrastructure. There is little scope for similar early housing development elsewhere in Llandovery, and the provision of a range of housing on these sites would provide worthwhile economic and social benefits and would help towards sustaining the local

community. The sites are well placed within the development boundary, and the proposals would have negligible visual and environmental effects on the area. [43, 45, 60, 64]

118. The decision involves weighing compliance with the development plan, the longstanding commitments to residential development of the land and the benefits to the community of allowing a range of residential development to go ahead in Llandovery against the risks and consequences of flooding. In my view, the latter is outweighed by the development plan and other considerations. For the above reasons and having regard to all other matters raised, I conclude that the applications should all be allowed and permissions be granted subject to appropriate conditions.
119. Should the National Assembly for Wales disagree with my conclusions for the 3 applications for residential premises, then it would be appropriate to consider the application for the residential road separately. The Applicant indicated that he would wish that application to be considered even if the others were refused. For that proposal the balance is more strongly in favour of granting permission, as it would be less vulnerable development and there would be no conflict in principle with TAN15. Again, I conclude that the application should be allowed and permission be granted subject to appropriate conditions. [53, 62]
120. Finally, I consider the question of appropriate and necessary conditions.

Conditions and Section 106 Obligation

121. In addition to the various standard conditions for expiry period, reserved matters and plans, a number of other conditions would be necessary for planning permissions for each proposed development. Although the Applicants have indicated the general nature of measures proposed for surface water drainage and flood risk mitigation schemes, conditions would be needed for each development to ensure suitable detailed design, implementation and provision for long-term future maintenance. I attribute limited weight to the Section 106 Obligation put forward by Mr Davies. Although it would represent a commitment to the future maintenance of the proposed flood alleviation measures, that commitment would not provide the same assurance as adoption by a public body or statutory undertaker. I consider a condition favouring adoption would be appropriate. [86, 87, 89, 91]
122. In addition, other than for the road scheme, conditions would be necessary to specify levels for the raised ground and finished floor levels of the dwellings in order to provide adequate safeguards against risks of flooding. The permissions would also need conditions to ensure that future occupants were aware of the potential flood risks and of the opportunity to register with the Environment Agency's flood warning scheme. [86, 87, 91, 92]
123. Although the Applicants say they would not intend to import fill materials to raise the levels of the land, it would be prudent to allow for that possibility. Consequently, conditions would be needed for the 3 non-road proposals for any such materials to be subject to approval so that the use of polluting materials was avoided. As they are detailed applications, the proposals for single bungalows on Plots 3 and 4 would need conditions to cover landscaping and access details in the interests of visual amenity and the amenity of the future occupiers. Model conditions from the Circular would be preferred for both of these. Finally, the outline application would need a condition to specify appropriate provision for car parking space so that excessive parking on the road would be avoided. [88, 92]

124. Several other draft conditions have been suggested but are considered either unnecessary or inappropriate. For the road proposal draft conditions were suggested that the level of the site be raised to a particular level and that the road be constructed to base course level before any dwellings were occupied. However, this proposal does not include any dwellings and makes adequate provision for the level of the road itself. Consequently, such conditions would not be relevant to this particular application. [90]
125. With regard to the 2 proposals for single bungalows on Plots 3 and 4, the Environment Agency asked for conditions to prohibit single storey accommodation. As the applications are for just that, such conditions would be unreasonable. The EA has asked for the same condition for the Council's outline application. It would not be unreasonable to apply it to that case. However, in view of the extensive flood mitigation measures proposed, I consider the dwellings would be adequately protected against all but the most extreme event and consider such a condition to be unnecessary. Finally, the Council also proposed 2 conditions on landscaping for its own outline application. These would be unnecessary as landscaping would be covered by the reserved matters condition. [88, 91, 92]
126. I have taken into account these conclusions in drafting sets of conditions, which are included as an annex to this report. I consider they would adequately safeguard and mitigate all matters of environmental, amenity and flood risk protection and provide sufficient means for control of the proposed developments by the local planning authority. All of the conditions in the annex would meet the tests prescribed in (Welsh Office) Circular 35/95, The Use of Conditions in Planning Permissions.

Recommendations

File Ref: APP/M6825/X/04/514568 (Residential Road)

127. I recommend that planning permission be granted subject to conditions as listed in the annex.

File Ref: APP/M6825/X/04/514569 (Bungalow on Plot 4)

128. I recommend that planning permission be granted subject to conditions as listed in the annex.

File Ref: APP/M6825/X/04/514571 (Bungalow on Plot 3)

129. I recommend that planning permission be granted subject to conditions as listed in the annex.

File Ref: APP/M6825/X/04/514570 (Residential Site - Outline)

130. I recommend that planning permission be granted subject to conditions as listed in the annex.

Clive Nield

APPEARANCES

FOR THE APPLICANTS:

Mr Robert Palmer of Counsel Instructed by Morris Roberts Solicitors (for Mr Davies)
and by the Council's Solicitor.

He called:

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Mr David Adams 51 Maesglas, Llandovery, Carmarthenshire, SA20 0DW.

FOR THE LOCAL PLANNING AUTHORITY:

Mr Eifion Bowen, BSc, DipTP, Head of Planning, Carmarthenshire CC.
MRTPI

FOR THE ENVIRONMENT AGENCY:

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Assisted by:

Mr Phil Pickershill, BSc, CEng, Area Flood Defence Manager, EAW.
MICE

Mr Phil Coombe Technical Specialist, Planning Liaison, EAW.

OTHER INTERESTED PERSONS:

| | |
|--------------------------|--|
| Mr Rhodri Glyn Thomas AM | National Assembly for Wales, Cardiff Bay, Cardiff, CF99 1NA. |
| Mr Edward Barrett | 1 Maes Yr Eglwys, Llandovery, Carmarthenshire, SA20 0BJ. |

DOCUMENTS

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|-----------|-------------|--|
| Documents | 1.1 - 1.2 | Lists of persons present each day at the inquiry. |
| Documents | 2.1 - 2.2 | Letter of Notification and list of persons notified, and newspaper advertisement of public inquiry. |
| Documents | 3.1 - 3.4 | Letters submitted by interested third parties. |
| Documents | 4.1 – 4.2 | Letters from Mr Rhodri Glyn Thomas AM & Mr Nicholas Bourne AM. |
| Documents | 5.1 – 5.3 | Mr Ayoubkhani's Statement of Evidence, Flooding Consequences Report and Addendum to Report. |
| Document | 6 | Mr Ayoubkhani's letters of 6 & 20 October 2004 to the Environment Agency, presented at the inquiry. |
| Documents | 7.1 – 7.2 | Mr Powell's Statement of Evidence and Appendices. |
| Documents | 8.1 – 8.5 | Mr Winston Davies' Statement of Evidence and accompanying Documents 1, 2, 3 & 7. |
| Document | 9 | Mr Humphreys' Statement of Evidence. |
| Documents | 10.1 – 10.5 | Statements of 5 local residents: Messrs Rees, Wilkins, Davies & Davies; and Mrs Rees (Mayor of Llandovery). |
| Document | 11 | Statement of Common Ground. |
| Document | 12 | Mr Bowen's Statement of Evidence for Local Planning Authority. |
| Documents | 13.1 – 13.4 | Environment Agency Statements of 3 September 2004 & 23 November 2004, and survey of levels for 4 February 2004 flood event, & explanation of various flood maps, presented at the inquiry. |
| Document | 14 | Environment Agency's Closing Statement. |
| Documents | 15.1 – 15.4 | Draft conditions put forward by Applicants and Local Planning Authority for the various applications, and others suggested by Environment Agency Wales. |
| Documents | 16.1 – 16.2 | Draft Planning Obligation discussed at the inquiry, and final version submitted at site visit, as agreed at the inquiry. |

PLANS

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| Plans | A1 - A3 | Plans submitted for first application, TG/2108 (residential road). |
| Plans | B1 – B3 | Plans submitted for second application, TG/2042 (bungalow, plot 4). |
| Plans | C1 – C3 | Plans submitted for third application, TG/2041 (bungalow, plot 3). |
| Plan | D | Plan submitted for fourth application, TG/2268 (CCC residential site). |
| Plan | E | Local Plan Development Limits plan, showing layout of Llandoverly as a whole (Appendix 3 from Mr Bowen’s Statement of Evidence). |

ANNEX – Suggested Conditions

Application for Residential Road at Maes Yr Eglwys (Application 1)

1. The development hereby permitted shall be commenced before the expiration of 5 years from the date of this permission.
2. The development hereby permitted shall be carried out strictly in accordance with the plans referenced “/02108” received by the local planning authority on 9 August 2001 unless amended by any of the following conditions or approved in advance by the local planning authority.
3. No development shall take place until details of the implementation, maintenance and management of a SUDS surface water drainage scheme have been submitted to and approved by the local planning authority. Those details shall include:
 - (i) details of the responsibilities of each party for the implementation of the scheme, together with the timetable for implementation; and
 - (ii) a management and maintenance plan for the lifetime of the development which shall include arrangements for adoption by a public body or statutory undertaker, or any other arrangements to secure the operation of the scheme throughout its lifetime.

The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details.

4. No development shall take place until details of the implementation, maintenance and management of a scheme for protecting the site and adjacent land against the consequences of flooding have been submitted to and approved by the local planning authority. Those details shall include:
 - (i) details of the responsibilities of each party for the implementation of the scheme, together with the timetable for implementation; and
 - (ii) a management and maintenance plan for the lifetime of the development which shall include arrangements for adoption by a public body or statutory undertaker, or any other arrangements to secure the operation of the scheme throughout its lifetime.

The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details.

Applications for Residential Bungalows on Plots 3 and 4 at Maes Yr Eglwys (Applications 2 & 3)

1. The development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.
2. The development hereby permitted shall be carried out strictly in accordance with the plans referenced ["/02042" for Plot 4 or "/02041" for Plot 3] received by the local planning authority on 5 August 2001 unless amended by any of the following conditions or approved in advance by the local planning authority.
3. No development shall take place until there has been submitted to and approved by the local planning authority a scheme of landscaping, which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development.
4. All planting, seeding and turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the dwelling or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation.
5. No development shall take place until details of the implementation, maintenance and management of a SUDS surface water drainage scheme have been submitted to and approved by the local planning authority. Those details shall include:
 - (i) details of the responsibilities of each party for the implementation of the scheme, together with the timetable for implementation; and
 - (ii) a management and maintenance plan for the lifetime of the development which shall include arrangements for adoption by a public body or statutory undertaker, or any other arrangements to secure the operation of the scheme throughout its lifetime.

The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details.

6. No development shall take place until details of the implementation, maintenance and management of a scheme for protecting the site and adjacent land against the consequences of flooding have been submitted to and approved by the local planning authority. Those details shall include:
 - (i) details of the responsibilities of each party for the implementation of the scheme, together with the timetable for implementation; and
 - (ii) a management and maintenance plan for the lifetime of the development which shall include arrangements for adoption by a public body or statutory undertaker, or any other arrangements to secure the operation of the scheme throughout its lifetime.

The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details.

7. Prior to commencement of any other development the level of the site (except any part to be used for the lagoon) shall be raised to 64.0 metres AOD.
8. Prior to any infill materials being imported on to the site to raise ground levels, details shall be submitted to and approved by the local planning authority, and only approved materials shall be used.
9. The finished floor level of the dwelling shall sit at a height of 64.5 metres AOD.
10. Prior to acquisition/occupation of the property the future owner/occupier shall be made aware in writing of the potential flood risks and consequences and of the facility to register with the Environment Agency for its flood warning scheme.
11. The building shall not be occupied until a means of vehicular access has been constructed in accordance with the approved plans.

Application for Residential Development (Outline) on land at Heol Pluguffan (Application 4)

1. Application for the approval of reserved matters shall be made to the local planning authority before the expiration of 3 years from the date of this permission.
2. Approval of the details of the siting, design and external appearance of the dwellings, the means of access thereto and the landscaping of the site (hereinafter called the reserved matters) shall be obtained from the local planning authority in writing before any development is commenced.
3. The development hereby permitted shall be begun either before the expiration of 5 years from the date of this permission, or before the expiration of 2 years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
4. Each dwelling shall be provided with one garage or one parking space in accordance with details to be submitted for the approval of reserved matters.
5. No development shall take place until details of the implementation, maintenance and management of a SUDS surface water drainage scheme have been submitted to and approved by the local planning authority. Those details shall include:
 - (i) details of the responsibilities of each party for the implementation of the scheme, together with the timetable for implementation; and
 - (ii) a management and maintenance plan for the lifetime of the development which shall include arrangements for adoption by a public body or statutory undertaker, or any other arrangements to secure the operation of the scheme throughout its lifetime.

The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details.

6. No development shall take place until details of the implementation, maintenance and management of a scheme for protecting the site and adjacent land against the consequences of flooding have been submitted to and approved by the local planning authority. Those details shall include:
- (i) details of the responsibilities of each party for the implementation of the scheme, together with the timetable for implementation; and
 - (ii) a management and maintenance plan for the lifetime of the development which shall include arrangements for adoption by a public body or statutory undertaker, or any other arrangements to secure the operation of the scheme throughout its lifetime.

The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details.

7. Prior to occupation of the properties the future occupiers shall be made aware in writing of the potential flood risks and consequences and of the facility to register with the Environment Agency for its flood warning scheme.
8. Prior to commencement of any other development the level of the site (except any part to be used for the lagoon) shall be raised to 63.5 metres AOD.
9. Prior to any infill materials being imported on to the site to raise ground levels, details shall be submitted to and approved by the local planning authority, and only approved materials shall be used.
10. The finished floor level of each dwelling shall sit at a height of 64.0 metres AOD.