CITY AND COUNTY OF SWANSEA

NOTICE OF MEETING

You are invited to attend a Meeting of the

DEVELOPMENT MANAGEMENT AND CONTROL COMMITTEE

At: Council Chamber, Civic Centre, Swansea.
On: Thursday, 10 January, 2013
Time: 5.00 pm

AGENDA

Page No.

1. Apologies for Absence.

2. To Receive Disclosures of Personal & Prejudicial Interests. 1

3. To approve as a correct record the Minutes of the Meeting held on 25 October 2012. 2 - 8

4. Planning Application no. 2012/1376 – Various Banks at the River Tawe, Swansea Vale North and Swansea Enterprise Park, Swansea. 9 - 40

5. Planning Application no 2012/1376 - Gower Holiday Village, Monksland Road, Reynoldston. (Referral from Area 2 held on 4 December 2012) 41 - 56

6. Consultation by Welsh Government on proposed changes to Non-Domestic Permitted Development Rights. 57 - 67

7. To receive the Minutes of the Rights of Way & Commons Sub Committee held on 10 October 2012. (For Information)

 Patrick Arran
 Head of Legal, Democratic Services & Procurement
 3 January 2013

Contact: Democratic Services - 636824
Disclosures of Personal Interest from Members

To receive Disclosures of Personal Interest from Members in accordance with the provisions of the Code of Conduct adopted by the City and County of Swansea. You must disclose orally to the meeting the existence and nature of that interest.

NOTE: You are requested to identify the Agenda Item / Minute No. / Planning Application No. and Subject Matter to which that interest relates and to enter all declared interests on the sheet provided for that purpose at the meeting.

1. If you have a Personal Interest as set out in Paragraph 10 of the Code, you MAY STAY, SPEAK AND VOTE unless it is also a Prejudicial Interest.

2. If you have a Personal Interest which is also a Prejudicial Interest as set out in Paragraph 12 of the Code, then subject to point 3 below, you MUST WITHDRAW from the meeting (unless you have obtained a dispensation from the Authority’s Standards Committee).

3. Where you have a Prejudicial Interest you may attend the meeting but only for the purpose of making representations, answering questions or giving evidence relating to the business, provided that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise. In such a case, you must withdraw from the meeting immediately after the period for making representations, answering questions, or giving evidence relating to the business has ended, and in any event before further consideration of the business begins, whether or not the public are allowed to remain in attendance for such consideration (Paragraph 14 of the Code).

4. Where you have agreement from the Monitoring Officer that the information relating to your Personal Interest is sensitive information, as set out in Paragraph 16 of the Code of Conduct, your obligation to disclose such information is replaced with an obligation to disclose the existence of a personal interest and to confirm that the Monitoring Officer has agreed that the nature of such personal interest is sensitive information.

5. If you are relying on a grant of a dispensation by the Standards Committee, you must, before the matter is under consideration:
   (i) disclose orally both the interest concerned and the existence of the dispensation; and (ii) before or immediately after the close of the meeting give written notification to the Authority containing -
   - details of the prejudicial interest;
   - details of the business to which the prejudicial interest relates;
   - details of, and the date on which, the dispensation was granted; and
   - your signature
28. **APOLOGIES FOR ABSENCE**


29. **DISCLOSURES OF PERSONAL AND PREJUDICIAL INTEREST**

In accordance with the Code of Conduct adopted by the City and County of Swansea, the following interests were declared:

Councillor S E Crouch - Minute No. 38 - Application No. 2012/1314 - Personal and Prejudicial - Employee of Swansea University and left during discussion thereof.

Councillor U C Clay - Minute No. 34 - Application No. 2012/1168 - Personal - Applicant is known to me.
Councillor N J Davies - Minute No. 34 - Application No. 2012/1168 - Personal - Applicant is known to me.

Councillor P Meara - Minute No. 38 - Application No. 2012/1314) - Personal - Residual links with the university.

Councillor J A Raynor - Minute No. 38 - Application No. 2012/1314 - Personal - My husband works at Swansea University.

Councillor M Thomas - Minute No. 35 - Application No. 2012/0707) - Personal and Prejudicial - Applicant is a personal friend - Made statement under paragraph 14(2) of the Code then left during discussion.

30. **MINUTES**

RESOLVED that the Minutes of the Development Management and Control Committee held on 30 August 2012 be accepted as a correct record.

31. **PRESENTATION BY DWR CYMRU/WELSH WATER**

Fergus O’Brien (Coastal Water Manager), Ian Wyatt (Head of Development Services) and Steve Wilson (Waste Water Operating Manager) of Dwr Cymru/Welsh Water gave a detailed and informative presentation to the Committee on the details of the company’s planned Capital Programme works.

They detailed the works to be planned during the next tranche up to 2025, particularly relating to the Loughor Estuary and the Gowerton Treatment Works.

They outlined the potential engineering solutions to the various issues that the company has to address and the associated costings and viability of the schemes. They indicated they are looking at ideas from abroad to deal with the problems of reducing flow and waste water.

Members asked questions of the Officers who responded accordingly.

RESOLVED that the topic form the basis of a future Members’ Seminar to involve Dwr Cymru/Welsh Water, Environment Agency and Council Officers.
32. **PLANNING APPLICATION NO. 2012/0270 - EXTENSIONS TO EXISTING GARDEN CENTRE BUILDINGS, PROVISION OF NEW ACCESS, CAR PARKING AREA, COFFEE SHOP, FARM SHOP, LANDSCAPE CENTRE, NATURE WALK AND ASSOCIATED WORKS (OUTLINE) AT PONTARDDULAI S GARDEN CENTRE, ALLT-Y-GRABAN ROAD, PONTARDDULAI S, SWANSEA**

The Head of Economic Regeneration and Planning submitted a report to determine the application for the works detailed above.

The application had been reported to the Area 1 Development Control Committee on 4 September with a recommendation that the application be approved as an acceptable departure to the Development Plan.

A plan showing the location of the application site was attached at Appendix A and a copy of the officer’s report was attached at Appendix B to the report.

A visual presentation was given to Members.

The Officer indicated that the Health and Safety Executive would be informed of the decision with an opportunity for them to call in should they decide to.

**RESOLVED** that the application be approved subject to the conditions as set out in the report.

33. **PLANNING APPLICATION NO. 2012/0849 - CHANGE OF USE FROM PUBLIC HOUSE (CLASS A3) TO EIGHT SELF-CONTAINED FLATS (CLASS C3), TWO STOREY AND SINGLE STOREY REAR EXTENSIONS AT 124 NEATH ROAD, HAFOD, SWANSEA**

The Head of Economic Regeneration and Planning submitted a report to determine the application for the change of use at the location above.

The application had been reported to the Area 1 Development Control Committee on 2 October 2012 with a recommendation that the application be refused for the reasons detailed in the report.

The Area 1 Development Control Committee on 20 October 2012 did not accept the officer’s recommendation but resolved to refer the application to the Development Management and Control Committee for decision with a recommendation that planning permission should be granted as the use for residential purposes will provide affordable
Minutes of the Development Management and Control Committee  
(25.10.12) Cont’d

housing for the area and that the cessation of the use of the premises as a public house will be beneficial to the residential amenity of the area.

A plan showing the location of the application site was attached at Appendix A and a copy of the officer’s report was attached at Appendix B of the report.

A visual presentation was given to Members.

RESOLVED  that the application be approved subject to the conditions as set out at Appendix C to the report and for the following reasons:

The benefits accruing to the area in terms of substituting housing for licensed premises in this location outweighed the limited potential decrease in public health arising from the small increase in residents in this area of poor air quality.

34. PLANNING APPLICATION NO. 2012/1168 - VARIATION OF CONDITION 6 OF PLANNING PERMISSION 77/0743 TO ALLOW 12 MONTHS RESIDENTIAL OCCUPANCY AT 4 LANGCLIFFE PARK, MUMBLES, SWANSEA

The Head of Economic Regeneration and Planning submitted a report to determine the application for the change of use at the location above.

The application had been reported to the Area 1 Development Control Committee on 2 October 2012 with a recommendation that the application be refused for the reasons detailed in the report.

The Area 1 Development Control Committee on 20 October 2012 did not accept the officer’s recommendation but resolved to refer the application to the Development Management and Control Committee for decision with a recommendation that planning permission should be granted as the chalet is suitable for permanent occupation by virtue of its size, structure, amenity, garden areas and parking provision and that the tourism aspirations of the Council’s adopted Supplementary Planning Guidance for holiday chalet accommodation in Limeslade Bay would not be compromised.

A plan showing the location of the application site was attached at Appendix A and a copy of the officer’s report was attached at Appendix B of the report.
A visual presentation was given to Members.

Mr O’Sullivan (applicant) addressed the Committee.

RESOLVED that the application be refused for the reasons outlined in the report.

35. PLANNING APPLICATION NO. 2012/0707 - CONSTRUCTION OF STABLES/STORE AT LOWER HARDINGSDOWN FARM, LLANGENNITH, GOWER

The Head of Economic Regeneration and Planning submitted a report to determine the application for the change of use at the location above.

The application had been reported to the Area 1 Development Control Committee on 2 October 2012 with a recommendation that the application be refused for the reasons detailed in the report.

The Area 1 Development Control Committee on 20 October 2012 did not accept the officer’s recommendation but resolved to refer the application to the Development Management and Control Committee for decision with a recommendation that planning permission should be granted as the proposal is justified in the interests of farm diversification and animal husbandry and by virtue of its discreet location and use of sustainable materials which would not have an unacceptable impact upon the visual amenities of the area and character and appearance of the Gower AONB.

A plan showing the location of the application site was attached at Appendix A and a copy of the officer’s report was attached at Appendix B of the report.

A visual presentation was given to Members.

Mrs Tyrrell (applicant) addressed the Committee.

RESOLVED that the application be approved subject to the conditions as set out at Appendix C to the report and for the following reasons:

The benefits of the proposed tourist related business outweighed the limited visual intrusion in the landscape of the proposed building.

(NOTE: Committee adjourned at 7.30 p.m. for a five minute comfort break.)
36. **DRAFT PLANNING FOR COMMUNITY SAFETY - SUPPLEMENTARY PLANNING GUIDANCE (SPG) - REPORT OF CONSULTATION**

The Head of Economic Regeneration and Planning submitted a report which informed Members of the representations received during recent consultation exercise on the Planning for Community Safety SPG.

The amendments to the Draft SPG were outlined in the appendix.

**RESOLVED** that:

1. the proposed amendments to the SPG as set out in the report be agreed;
2. the amended SPG be approved;
3. the SPG be adopted as planning guidance.

37. **NEATH PORT TALBOT COUNTY BOROUGH COUNCIL - LOCAL DEVELOPMENT PLAN (LDP): EMERGING DEPOSIT LDP PROPOSALS CONSULTATION**

The Head of Economic Regeneration and Planning submitted a report which detailed the background to the consultation with Neath Port Talbot County Borough Council on their LDP and outlined a draft response.

**RESOLVED** that:

1. no objection be raised to Neath Port Talbot County Borough Council’s LDP consultation;
2. the draft response as set out in paragraph 3 to the report be submitted to Neath Port Talbot County Borough Council.

38. **SWANSEA UNIVERSITY BAY SCIENCE AND INNOVATION CAMPUS - RESERVED MATTERS CONSULTATION REPORT (2012/1314)**

The Head of Economic Regeneration and Planning submitted a report which informed Members of the consultation received from Neath Port Talbot County Borough Council in respect of the reserved matters submission by Swansea University and St Modwen Properties to develop the Swansea University Bay Science and Innovation Campus on land off Fabian Way.
The background history of the proposed development was outlined and detailed in the report.

The concerns of Officers regarding the design, particularly of the student accommodation blocks which will front onto Fabian Way, was outlined and discussed.

Members raised issues regarding the potential traffic impact of the development on the Authority’s road network.

**RESOLVED** that the City and County of Swansea formally respond to the consultation received from Neath Port Talbot County Borough Council as follows:

1. That the Council sets out its full in principle support for the Bay Science and Innovation Campus.

2. That Neath Port Talbot County Borough Council be requested that the precise nature and location of the highway improvement works to the Fabian Way Transport Corridor be the subject of an agreement between City and County of Swansea and Neath Port Talbot County Borough Council.

3. That Neath Port Talbot County Borough Council be requested to seek through negotiation the introduction of greater variety and interest into the student blocks facing Fabian Way to mitigate the impact of the scale of the development and to ensure that the visual benefits of this unique opportunity are optimised to the benefit of City and County of Swansea, Neath Port Talbot County Borough Council and the City Region as a whole.

39. **MINUTES**

The Minutes of the Rights of Way Sub-Committee held on 15 August 2012 were reported for information.

The meeting ended at 8.12 p.m.

CHAIR

Purpose: To determine the application for the construction of the Lower Swansea Valley Flood Risk Management Project along the banks of the River Tawe involving the re-alignment of the existing Swansea Vale North embankment and creation of a wetland habitat, raising the height of the existing embankments, constructing new flood defence walls, flood gate installation, the replacement of the Beaufort Road bridge with a new pedestrian /cycle bridge, and protection works to the ordinary watercourse at the rear of Cwrt Llwyn Fedwen together with associated works, landscaping and cycleway / footpath reinstatement

Policy Framework: National and Local Planning Policies

Reason for Decision: Statutory responsibility of the Local Planning Authority

Consultation: Statutory consultations in accordance with planning regulations as set out in the planning application report contained in Appendix B

Recommendation(s): Approve, subject to conditions set out in the report

Report Author: David Owen

Finance Officer: Not applicable

Legal Officer: Rod Jones
1.0 Background

1.1 This application is reported directly to the Development Management and Control Committee in accordance with the Council's Constitution as an application of strategic importance. The application is also reported as a departure from the adopted Unitary Development Plan where approval is being recommended.

1.2 The attached report details the scheme, sets out the policy base for considering the proposal and responses had to the statutory consultation procedure.

1.3 In summary, the scheme forms part of the flood prevention works which seek to reduce the flood risk to the existing businesses and properties in the Swansea Vale.

2.0 Policy

2.1 The Unitary Development Plan (UDP) allocates the site of the works for greenspace protection, riverside walk and employment.

2.2 Notwithstanding this, the protection works are considered both necessary and appropriate.

3.0 Recommendation

3.1 That the application to approve subject to the conditions set out in the report attached as Appendix B.

Background Papers:
Local Government Act 1972 (Section 100) (As amended)

The following documents were used in the preparation of this report:
Application file, together with the files and documents referred to in the appended report.

Appendices:
Appendix A – Location Plan
Appendix B – Report
ITEM APPLICATION NO. 2012/1376
WARD: Llansamlet Morriston Area 1

Location: Various Banks at the River Tawe, Swansea Vale North and Swansea Enterprise Park Swansea

Proposal: Construction of the Lower Swansea Valley Flood Risk Management Project along the banks of the River Tawe involving the re-alignment of the existing Swansea Vale North embankment and creation of a wetland habitat, raising the height of the existing embankments, constructing new flood defence walls, flood gate installation, the replacement of the Beaufort Road bridge with a new pedestrian /cycle bridge, and protection works to the ordinary watercourse at the rear of Cwrt Llwyn Fedwen together with associated works, landscaping and cycleway / footpath reinstatement

Applicant: Mr Tim Hopkins

BACKGROUND INFORMATION

RELEVANT PLANNING POLICIES

Swansea Unitary Development Plan

Policy EC1 - General Employment Land
Employment land is allocated at the Strategic Mixed Use site at Swansea Vale and within Swansea Enterprise Park to meet the growth needs of the local economy.

Policy HC9 – Gypsy and Traveller Caravan Sites
Criteria for consideration of gypsy and travellers sites where an unmet need is proven. The amplification indicates that the County has a small permanent population of gypsies, supplemented by a number of caravans that move into the area on a regular basis. The only statutory gypsy site within the County is at Pantyblawd Road, Llansamlet, which provides accommodation for 14 caravans.

Policy HC19 – Tawe Riverside Park
The Tawe Riverside Park will be completed so as to enhance its ecology and appearance, improve its role as an attractive recreation area and complete the pedestrian and cycle network.

Policy EV24 – Greenspace System
Within the greenspace system, consisting of wildlife reservoirs, green corridors, pocket sites and riparian corridors, the natural heritage and historic environment will be conserved and enhanced. Development proposals which would be likely to have a significant adverse effect on the greenspace system or which do not provide for appropriate compensatory or mitigation measures will not be permitted.

Policy EV32 – Environmental Enhancements
Environmental improvement schemes will be implemented at a number of locations shown on the Proposals Map.
Policy EV36 - Development and Flood Risk
New development, where considered appropriate within flood risk areas, will only be permitted where developers can demonstrate to the satisfaction of the Council that its location is justified and the consequences associated with flooding are acceptable.

Policy EV37 - Tidal and River Defences
The integrity and continuity of tidal and river defences will be maintained and improved where necessary. Access to existing and future tidal and river defences for maintenance and emergency purposes will be protected and where appropriate, improved subject to satisfactory ecological and visual safeguards. Where development relating to tidal and river defences is permitted the stability and continuity of the defences must be maintained.

Policy AS3 – Public Rights of Way
Development that adversely affects the safety, enjoyment and convenient use of a Public Right Of Way (PROW) will only be permitted where an acceptable alternative route is identified.

Policy AS4 – Public Access Routes
The creation or improvement of public access routes, including the Public Right Of Way (PROW) network, will be encouraged.

RELEVANT PLANNING HISTORY

94/0078 Mixed Development for Residential, Leisure, Commercial, Industrial Hotel, and Community Usage (Outline)
Planning Permission March, 1994

98/0055 Construction of Flood Prevention Bund to East Bank of the River Tawe and Landfilling for Proposed Riverside Development (Council Development Regulation 3)
Planning Permission February, 1998

99/1228 Construction of 3 metre wide footway / cycleway along top of the bund with associated landscape works (Council Development Regulation 3)
Planning Permission October 1999

2001/1862 Reclamation of land, construction of flood prevention bund/wall, demolition works and earthworks on land west of Valley Way
Planning Permission January, 2002

2002/1080 Land reclamation and clearance works to include demolition and tinning shed and creation of flood prevention bund to eastern bank of River Tawe (former Beaufort Training Centre) - (Council Development Regulation 3)
Planning Permission February, 2003

2002/1323 Reclamation of land at Beaufort Training Centre including creation of flood bund and alterations to existing ground levels (Council Development Regulation 3)
Planning Permission October, 2002

2003/0855 Flood prevention bund to east and west of Annealing and Tinning sheds (former Beaufort Training Centre) - (Council Development Regulation 3)
Planning Permission June, 2003

2004/1206 Provision of new Footway / cycleway bridge (Mannesmann Bridge) (Council Development Regulation 3)
Planning Permission July, 2004

2009/1249 Retention of change of use for a temporary period from public car park to informal Gypsy Traveller site for use by named families (Council Development Regulation 3)
Refused for the following reason:

1. The proposed site has been identified as being at significant risk of flooding. The potential depths and velocities are far in excess of those stated as acceptable for residential development in Appendix 1 of Welsh Assembly Government Technical Advice Note 15: Development and Flood Risk (TAN 15). Having regard to the highly vulnerable nature of the development, its lack of justification against the criteria of TAN 15 and the potential risk to life as a consequence of a flood event, the proposal amounts to development that is contrary to national planning policy set out in TAN 15 and UDP Policies EV2(ix) and EV36.

RESPONSE TO CONSULTATIONS

The application was advertised on site and in the local press as a development which does not accord with the provisions of the Development Plan and which affects a Public Right of Way. ONE LETTER OF OBJECTION has been received making the following points:

1. Security - the North Riverside Temporary car park has over five years been the victim of extensive FLY TIPPING and ILLEGAL OCCUPATION BY TRAVELLERS.

   The fly tipping has resulted in tax payers having to clean up the site on several occasions resulting in tens of thousands of pounds in cost to the tax payer. This cost having been made as a direct result of the relevant departments and officers within the local authority not ensuring the site was protected from abuse.

   The illegal occupation by travellers has happened many dozens of times resulting in a lengthy and drawn out process followed by the local authority, social services department and officers from the Environment Department not acting in a timely and effective way. This has meant local residents feeling intimidated to walk/ cycle in the area and finding human faeces and waste on public footpaths.

   In addition I have had cause to report arson of several caravans - touring and static, skeleton of a dog and indecent exposure of a traveller lady urinating.

   Unless the partners involved i.e. Environment Agency, City & County of Swansea and the yet unnamed contractors can 100% guarantee that no such occurrence can happen I feel that the site cannot be developed upon.

2. Safety - I am concerned about the safety of all members of the community who choose to walk, cycle use motorised vehicles in the area. The local authority have decided to turn off many of the street lights which in a non construction site area as it is at present has resulted in an area which is significantly more dangerous than if
the lights were still on. Should the site be allowed to develop and the travellers currently residing in the North Riverside car park be relocated then the surrounding roads will be come more treacherous due to construction vehicles and Traveller vehicles bringing mud and vegetation onto the roads. At present no such experience is happening because the surfaces being used prevent mud from being taken across public footpaths and onto the public roads.

3. Traffic Management - the entrance to the North Riverside Car Park comes onto the spine road going through Swansea Vale. As a direct result of traffic management over the last ten years this road has become increasingly busier. To have any construction vehicles on this road on a continuous basis could result in significant traffic jams. A muting point is when traffic was redirected to allow some remedial work to be undertaken on the bridge by ASDA. Once there is any slow moving traffic, mud on the road, the backlog on vehicles could be terrible for the local community and local businesses.

4. I am concerned that an assessment has not been undertaken over the welfare of the resident Swans and Geese who enjoy the pond at the front of the North Riverside Car Park.

Glamorgan Gwent Archaeological Trust - You will recall that in response to the scoping for the development in 2011, we noted that there are significant archaeological features within the Lower Swansea Valley, which reflect the internationally important historical landscape, and that archaeological mitigation work would be necessary. As a result, Chapter 5.7 forms an Archaeological Desk Based Assessment within the Environmental Report.

This work has identified the potential for encountering archaeological remains, particularly in the areas of the Beaufort and the Siemens bridges, although elements of the archaeological remains associated with the Upper Fforest Tinplate Works, the Beaufort Works, the Dyffryn Works and the Morriston Works are likely to extend into the areas of work. Some of these date from the latter part of the 18th century and were part of the industrialisation of the Lower Swansea Valley that ensured that the town became a world leader in the smelting and production of metals. Previous archaeological investigations in the area have been reviewed and the recent work shows that a mixture of buried and upstanding remains exist generally in the wider area, and that the method of demolition of industrial remains in the 20th century has preserved complex, extensive and significant industrial features.

In considering the impact of the development, the work identifies the likelihood that features associated with the industrial past of the Lower Swansea Valley will be encountered during the work; whilst demolition, levelling and redistribution of tipped material has occurred to some extent there is the potential for encountering remains.

The work concludes that mitigation can be achieved by the undertaking of work under archaeological supervision, and it is our opinion that suitable contingencies should in place to ensure that sufficient time and resources for fuller archaeological investigation to be undertaken is allowed.

We therefore recommend that two conditions should be attached to the consent. Firstly, a condition requiring the applicant to submit a programme of archaeological work in accordance with a written scheme of investigation. We envisage that this programme of work would be an archaeological watching brief; this will also ensure that a targeted
programme of work can be facilitated, with detailed contingency arrangements including the provision of sufficient time and resources to ensure that archaeological features that are located are properly excavated and analysed. We recommend that the condition should be worded in a manner similar to the model given in Welsh Office Circular 60/96, Section 23:

No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority.

Reason: To identify and record any features of archaeological interest discovered during the works, in order to mitigate the impact of the works on the archaeological resource.

Secondly, the Beaufort and Siemens bridges will require recording as identified, and in order to ensure that the work is undertaken we recommend that a condition based on the model suggested by the Association of Local Government Archaeological Officers in their document Analysis and Recording for the Conservation and Control of Works to Historic Buildings should be attached to any planning consent granted by your Members. This condition is worded: -

No site works shall be undertaken until the implementation of an appropriate programme of building recording and analysis has been agreed with the local planning authority, to be carried out by a specialist acceptable to the local planning authority and in accordance with an agreed written specification.

The justification for the imposition of the condition would therefore be: -

As the structures are of architectural and cultural significance the specified records are required to mitigate the impact of the development.

Countryside Council for Wales –

CCW do not object to the proposed works. We wish to make the following comments and recommendations.

(1) European and UK Designated sites
CCW agree that the proposed works are unlikely to impact upon any sites.

(2) Habitat enhancement
CCW welcome the proposal for the creation of 4.2ha of new wetland habitat and wet woodland as part of the works, and the provision of bat and bird boxes.

(3) Environmental Action Plan and Constraints Plans
CCW recommend that the Environmental Action Plan and Constraints Plans be agreed with your authority’s ecologist prior to the application being decided, and that the finalised version of the plans be subject to a condition on any planning permission issued for the proposed works. Please see Annex 1 for further recommendations.

(4) Protected Species
Please see Annex 1 below.
(5) **Biodiversity**
Please note that we have not considered possible effects of the scheme on all local or regional biodiversity interests. Therefore, you should not rule out the possibility of adverse effects on such interests, and we remind you of your Authority’s general duty to have regard to conserving biodiversity, as set out in section 40 of the Natural Environment and Rural Communities (NERC) Act (2006). We recommend that you speak to your Authority’s Ecologist in this regard.

**Conclusion**
CCW have no objection to the application and welcome the provision of habitat enhancement and mitigation measures. We have provided comments and recommendations above which we wish to have taken into account when you consider the application.

**Annex 1 Protected Species**
We recommend it is made a requirement within the Environment Action Plan that all staff are advised that should any Protected species be found during the course of works the work halts whilst the project’s ecologist or CCW are contacted for advice.

We have further recommendations regarding the following:

**Otter**

We recommend that you ensure sections A2.6 and B2.4 of the current Environmental Action Plan are included in the finalised version of the Plan.

A2.6 relates to pre-construction checks for otters.

B2.4 sets out that construction lighting will not be directed onto the river or adjoining habitat- this is to avoid causing disturbance to otters.

B2.4 also states that excavations will be covered or left with suitable means of exits for otters- we recommend that ramps are included to avoid otters getting trapped.

**Bats**
CCW agree with the conclusions of Rob Colley Associates’ report. We would draw your attention to the following:

(a) In section 9.5 of the report (page 6) it refers to a tree, “tn1”, which may be suitable for roosting bats. The report recommends that if the tree is to be removed as part of the works then this should be done during the winter following a precautionary methodology and under supervision by a qualified bat worker. We recommend that a formal method statement for removing potential bat roosts is agreed and included as part of the Environment Action Plan;

(b) in section 9.2 of the report (page 3) reference is made to a dead alder with a woodpecker hole within it. We have been informed that the tree is not due to be removed by the works, but that it could be damaged during the works. We therefore recommend that if the tree is to be removed this is done following the precautionary method statement referred to in section (a) above;
(c) the report refers to a number of trees which, although not due to be removed, have potential for bat roosts. We recommend that the locations of these trees be noted in the Constraints Plans, and a requirement be included in the Environmental Action Plan requiring assessment of the trees by a qualified ecologist if any are to be removed. If trees are shown to have potential but do not require an European Protected Species licence for removal then we would recommend that they are removed following the precautionary methodology we recommended in section (a) above.

(d) in section 9.6 of the report (page 7) it identifies a section of wall which will require further assessment by a qualified ecologist should it become included in the works. We recommend that this be noted in the Environment Action Plan and Constraints Plans, and the results of any assessment be provided to the local authority's ecologist.

(e) also in section 9.6, the report recommends that a metal grille on a culvert be maintained for bat use. We wish to see this included in the finalised Environment Action Plan.

Should any suitable crevices be noted on the bridges we recommend that these be checked for roosting bats prior to removal.

We also recommend that you ensure section B2.4 of the current Environmental Action Plan is included in the finalised version of the Plan.

As noted above, section B2.4 sets out that construction lighting will not be directed onto the river or adjoining habitat- this is in order to avoid causing disturbance to commuting and foraging bats.

Amphibians and Reptiles
We note that surveys have found grass snakes, common lizards, toads, frogs and palmate newts present on site. Following discussions with your authority’s ecologist CCW accept the recommendations regarding amphibians and reptiles. We recommend that a formal method statement for translocation of amphibians and reptiles is agreed and made part of the Environment Action Plan.

However, we note that the ponds were not surveyed for great crested newts as is good practise- assessing ponds using the Habitat Suitability Index is not a reliable means of establishing presence/absence. We therefore recommend that the applicant be made aware that should great crested newts be discovered during the works that work must stop whilst CCW are consulted.

Dormouse
We have previously recommended that the applicant take dormice into account in the clearance works as there is suitable habitat for the species which will be affected.

On page 33 of the Environment Report it recommends that vegetation should be cleared above ground during the winter, and topsoil and tree roots will be stripped in February-March under supervision of an ecologist.

Unless a search by hand is to be carried out in the areas of suitable habitat, we recommend that the initial clearance be carried out in winter as suggested, but that this is limited to no lower than 10cm from the ground. The roots and topsoil can then be cleared.
in March under supervision if the weather is suitable- if the weather is cold there would be the risk of hibernating dormice still being present and unable to escape.

We therefore recommend that a methodology be included in the Environment Action Plan for vegetation clearance.

**Badger**

CCW agree with the applicant’s proposal for pre-construction surveys to ensure badgers have not constructed setts on or adjacent to the works area. The need for these surveys should be recorded in the Environment Action Plan.

We note that the applicant intends covering excavations at night and providing a means of exit to prevent otters becoming trapped- this approach will also serve to protect badgers.

**Nesting birds**

CCW welcomes the applicant’s proposals regarding kingfishers despite no suitable nesting locations being located- we note that kingfishers were recorded during the surveys. We recommend that these be included in the finalised Environment Action Plan.

However, we advise that the applicant has the bridges surveyed for nesting birds prior to removing the structures- if present they would be protected under law and the applicant would be unable to remove the bridges.

**Environment Agency** – As your Authority is aware this a collaborative project between us and you Authority to improve the management of flood risk in the lower Swansea Valley. We would offer no objection to the scheme, as submitted, however we would like to take this opportunity to highlight that the management of flood risks for existing development is the driver for this project rather than facilitating new development in this area.

We would offer the following detailed comments in respect of the proposed scheme.

**Flood Risk**

We are in receipt of a flood consequence assessment (FCA) and are satisfied that it provides a good representation of the flood risks associated with the proposed scheme.

We would highlight that the supporting hydraulic modelling has shown that water levels are affected by the proposed works however; the proposed mitigation to be put in place is acceptable. A key element of this mitigation is the phasing of the works, which is detailed within the FCA. We would therefore offer no adverse comments with regard to flood risk provided that the works are carried out in accordance with the above referenced FCA. We would request that this is secured by means of an appropriately worded planning condition.

**Pollution Prevention / Waste Management**

As your Authority will be aware there can be no deterioration of water bodies under the Water Framework Directive. It is therefore vital that all appropriate pollution control measures are adopted on site to ensure that the integrity of controlled waters (surface and ground) is assured. We note that the supporting documentation does highlight the importance of this issues however, for the avoidance of doubt and to ensure that all parties are aware of pollution prevention measures to be adopted on site we would recommend the inclusion of a condition requiring a Method Statement detailing all necessary pollution prevention measures for the construction phase of the development is submitted.
Groundwater and Contaminated Land
As your Authority will be aware controlled water at this site are of high environmental sensitivity and contamination is strongly suspected within the area due to historic uses such as metal works, mining, chemical works, tin plating works, steel and iron processing, refuse heaps, slag heaps, railways and ancillary operations to these processes.

The submitted supporting documentation details the type of industrial processes that historically operated within the scheme boundary and contaminants likely be present in the areas to be developed. Whilst we would offer no objection to the proposals there should be a watching brief for the disturbance of any perched ground waters in the made ground during works to ensure that contamination is not introduced to the River Tawe. To ensure that controlled waters at this site are protected, conditions for a site investigation / remediation strategy to deal with the risks associated with contamination should be submitted.

Biodiversity / Fisheries
With regard to biodiversity we would have no objections to the scheme and are satisfied with the Environmental Action Plan detailed within the Environmental Report. We also welcome the propose creation of new wetland habitat and wet woodland and would be happy to offer our specialist advice on the final design and the profiling of the new ponds.

We note however that no details have been provided with the supporting documentation on the species of trees and shrubs to be planted. We would advise that the scheme only incorporate native species and that the species list is approved by your Authority. Your Authority’s Biodiversity Officer will be able to provide additional advice in this regard.

With regard to potential impacts on fish, we note that any sheet pile driving proposed will be undertaken at a time when potential damage to fish is not expected. It is also noted that the pile driving will be restricted to normal working hours and will not create a migration barrier.

Head of Transportation – Drainage and Coastal Management Section

We have reviewed the submitted application and have no objections to the scheme, however we would offer the following comments and observations with regard to the information submitted.

1. The City & County of Swansea is now the Lead Local Flood Authority or LLFA and is responsible for the consenting of activities on ordinary watercourses under section 23 of the Land Drainage Act 1991 (as amended by the Floods and Water Management Act 2010).

2. There are a number of site compounds identified on drawing series 121974-6000X, care should be taken during the construction phase with regard to the management of surface on site to avoid temporarily increasing surface water run-off from those areas.

3. The conclusions of the report state that there is an increase in flood depths in the gardens of the properties to the south of the Tawe Street flood defence; have the residents accepted that their gardens will be flooded for longer and possibly more often with the consequent damage that entails?
4. A Maintenance Plan clarifying future maintenance obligations to the new structures included in the scheme to be provided.

APPRAISAL

The application is reported directly to the Development Management and Control Committee in accordance with the Council’s Constitution as the application is considered to be of strategic significance and amounts to a departure from the adopted Unitary Development Plan where approval is being recommended.

The proposal relates to the improvement of the existing flood defences on the downstream reaches of the River Tawe in Swansea and is referred to as the Lower Swansea Valley Flood Risk Management Study (FRMS). The FRMS is a collaboration between the City and County of Swansea and the Environment Agency Wales and would protect the area from river flooding, for events up to the 1% annual chance of occurrence flood event (1 in 100 year flood event), and specifically aims to reduce the fluvial risk of flooding of the River Tawe to people and property within the lower reaches downstream of the M4 motorway comprising the areas of Swansea Vale, Swansea Enterprise Park, Beaufort Industrial Estate and the Plasmarl Industrial Estate.

Flood embankments were originally constructed in the 1970’s and the highest recorded flood level occurred in 1979, estimated to be 1 in 100 (1%) annual chance flood, which resulted in widespread flooding throughout the study area, which at that time was an industrial wasteland. Following the development of the Swansea Enterprise Park, further works were carried out in the 1980’s to raise the embankments along the left-bank of the Tawe, and again in the 1990’s when flood defence embankments were constructed to increase the flood protection to the developments around Swansea Vale. Despite this, the most recent flooding occurred in 1998, which impacted on a number of areas including the former Beaufort training centre and Beaufort Industrial Estate, the Riverside Caravan Park, and the travellers site at Pantyblawd Road. The overtopping of the defences was estimated to be a 1 in 14 chance (7% probability). The training centre next to the Beaufort Bridge has since been demolished and some works were undertaken to locally raise embankments in this area.

It is indicated that within a 1 in 100 flood chance event (1% annual probability), 284 commercial properties, 16 residential properties and a large population of employees and shoppers within the area would be at risk from flooding caused by the River Tawe, in addition to flooding from the Nant Bran and Nant Fendrod watercourses and localised surface water ponding. There is a risk of failure of the existing flood embankments and a breach of the northern Swansea Vale Embankment could lead to sudden inundation with high velocities and flood depths presenting a significant risk to life. The strategic objective of the proposal therefore is to reduce the existing flood risk within the Lower Swansea Valley area, comprising of Swansea Vale, Swansea Enterprise Park, Riverside Caravan Park, Beaufort Industrial Estate and the Plasmarl Industrial Estate.

The proposed FRMS falls under Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 and has been subject to a screening opinion under the Regulations to assess the requirement for an Environmental Impact Assessment (E.I.A.) to accompany the application. Whilst EIA Circular (02/99), indicates that an EIA would be more likely to be required if schemes are more than 2km in length, the impact of flood relief works is especially dependant upon the nature of the location and the potential effects on the surrounding ecology and hydrology. The river corridor is not within an environmentally sensitive area as defined by the 1999
Regulations and whilst the total length of the works will exceed 2km, (the majority of the works will be undertaken to approx. 3.5km of the existing embankment), overall, it is not considered that the proposed development is likely to give rise to significant environmental effects, taking account of its scale, location and nature of likely impacts. However, a non-statutory Environmental Report (ER) has been submitted assessing the potential environmental impacts. Additionally, the application has been supported a Design and Access Statement, Flood Consequences Assessment (FCA), Invasive Species Management Plan, Tree Survey, and a New Beaufort Bridge AIP document.

Proposed Project
Within the following sections, the proposed works would comprise:

M4 Road Bridge to A4042 Swansea Vale Bridge
The Swansea Vale Embankment will be set back approximately 75m away from the existing alignment. The new flood defence embankment will be built to the same height as the existing embankment (approximately 3m to 3.25m high) and extend approx. 770m in length and the existing cycleway / footway would be relocated along the top of the new embankment. These works increase conveyance through the reach and help offset the backwater effect (i.e. raised water levels) caused by the proposed works downstream (see below). The redundant embankment will be removed and the material used for the other raised embankments across the scheme and any material remaining will be used to raise the area behind the new embankment for future use as a recreational area. Parts of the area adjacent to the river frontage would be lowered to approximately the level of the original flood plain prior to the reclamation works in the 1990’s to create a wetland habitat. Lowering this area improves conveyance through this reach during a flood event. It is anticipated that approximately 4.2ha would regularly flood (on average 18-37 days a year) with varying depths and every other year it could flood to depths of up to 2m. Between the lowered area and new embankment there will be an area which floods annually to a depth of 0.5m. During a 1 in 5 chance (20% annual probability) event flood depths would be up to 1m. This area will be landscaped to fit with the evolving vision for the area for recreational use within the Swansea Vale Development Strategy Review.

Swansea Vale Bridge to A48
A new wall on top of the existing embankment is proposed adjacent to the traveller community site at Pantyblawd Road. The wall would extend for a length of approx. 224m and would be typically 1.5m in height above ground level and would incorporate a stone finish. Alongside the wall, the embankment crest would be raised and reprofiled, allowing the path to be maintained as a cycle path with a minimum 3.5m width.

Downstream of the proposed wall, adjacent to the rear of the Asda superstore, approx. 270m of existing embankment will be raised by a maximum height of 2.33m along with the construction of a 20m length of sheet pile flood defence wall.

On the right bank, adjacent to the A4067, a 160m length of new flood defence wall is proposed to mitigate the impact of increased water levels which result from retaining more flood water within channel. A 5m flood gate would be included to allow for vehicular access. The flood defence wall will measure 1.26m in height and would be stone faced.

The culverted section of the ordinary watercourse to the west (which flows under the A4067) will be extended west by 55m to mitigate the backwater impact of raised water levels in this area. The exact details of the works in this location are subject to modelling.
A48 to Beaufort Bridge
Downstream of the A48 over-bridge (Clase Road) it is proposed to raise a 300m length of existing embankment by approx. 0.95m. This will incorporate the new cycle track and will also involve works to tie in with the existing maintenance access ramp from the A48 and the cycle path which runs under the road. Further downstream, it is proposed to raise a 320m length of existing embankment from Ferryboat Close to Beaufort Bridge by a maximum height of 2.10m. Again the cycle track would be accommodated on top of the embankment. This will also accommodate a 17m long section of flood defence wall.

On the right bank, a 280m long sheet piled flood wall will be constructed to the rear of Tawe Street to mitigate for an increase in flood levels. This would measure 2.55m in height and consist of a concrete block retaining wall.

Beaufort Bridge
The existing bridge is to be replaced with a new high-level pedestrian/cycle bridge to be located immediately downstream on the proposed flood defence embankment. The proposed steelwork bridge will be painted white and will be similar in construction to the Mannesman Bridge which is located approx. 1km downstream. The replacement bridge will incorporate a bridge deck of 3m and will accommodate the combined cycleway / footpath. Vehicular access will not be permitted. The new bridge structure will have a span of 45m and will have a raised soffit height of 11.4m AOD compared to the existing bridge deck height of 9.30m AOD, in order that it does not inhibit flood flows.

Additionally, the existing Welsh Water water main which traverses the River Tawe adjacent to the Beaufort Bridge, which also inhibits flood flows, will be removed. It is currently proposed to drill under the River Tawe, however, if this is not feasible then the new bridge would support the pipe.

“Southern” Bridge Structures
It is proposed to remove two redundant bridge structures. The structures are located immediately adjacent to each other. The downstream structure sits on the abutments of the Landore Siemens Steelworks Swingbridge. The left abutment of Landore Siemens Steelworks Swingbridge will be retained to avoid the need (and related risk) of constructing a large retaining wall along the river bank next to the footpath. The mid-channel pier will be retained. This will allow the retained abutment to be seen in context with the location of the bridge pier, alongside a potential interpretation board identifying the industrial heritage of the wider area.

Plasmarl Industrial Estate
A new raised embankment (approx. 500mm high) is proposed alongside the industrial estate area adjacent to Beaufort Road. This is located in the existing verge between the river and the A4067. There is a footpath along the verge which will require reinstating following the works.

There are numerous walking and cycling paths along the River Tawe. A Public Right of Way (PRoW) runs from Wychtree Bridge along the River Tawe to south to the Nant Y Fendrod tributary bank (LT385). Additionally, NCN, Route 43 follows the river corridor and existing flood embankments. The route follows the left bank until crossing Beaufort Bridge and continues along the right bank side of the River Tawe. This route forms part of Celtic Trail East, which is a large network of cycle routes extending from the Severn Bridge to Swansea. The NCN also links with local cycle routes in the Llansamlet area. Consent for the temporary and permanent diversion of NCN43 and the associated PRoW will be required for the proposed scheme.
In addition to walking and cycling, fishing is also a popular recreational activity. The fishing rights along the Tawe are owned by several stakeholders but mainly leased by Pontardawe and District Angling Association. Brynmill and District Angling Association run fisheries at Fendrod Lake.

**National Planning Policy and Development Plan Policy**

The City and County of Swansea Unitary Development Plan (UDP) (November 2008) sets out a range of policies and proposals which are relevant to this application. Within the Flood Risk Management (FRM) scheme area the river corridor is allocated under Greenspace protection Policy EV24 and the route of the Tawe Riverside Walk which runs mainly along the Eastern bank of the river is identified under Policy HC19. Additionally a section of the west river bank is allocated for environmental enhancement under Policy EV32 and the River Tawe at this location is a candidate Site of Importance for Nature Conservation (SINC). Also within the FRM area the UDP identifies locations for employment under Policy EC1 at Swansea Vale Business Park (sites RN1 and RN2) and at the Enterprise Park (site 16, land off Ferryboat Close, land at the site of the former Beaufort Training Centre and adjacent to Matrix Court).

Sites RN1 and RN2 are un-serviced and largely vacant sites occasionally used as a Park and Ride facility serving the Liberty Stadium, and are also occupied by gypsy traveller families. The proposed physical works at Riverside North (RN1) including the realignment of the defences, and site re-profiling would directly affect the current traveller’s encampment and therefore will require alternative accommodation. The realigned defences and re-profile of the RN1 site would also have a direct impact on the availability of the site for use as a Park and Ride facility to serve the Liberty Stadium’s match day requirements. Following the implementation of the works to improve flood risk management, it is possible that the remaining area of sites RN1 and RN2 may have scope to accommodate a permanent serviced Park and Ride, though other site options are also under consideration, including one in Swansea Vale which is consistent with the revised Development Strategy.

The sites form the largest parcel of land (13.5 hectares) within the Swansea Vale area that is subject to such a level of flood risk that precludes significant amounts of built development. The Development Plan land use designation for this part of the Swansea Vale Riverside Business Park has changed as a consequence of Technical Advice Note 15: Development and Flood Risk. In this respect the associated Development Advice Maps have identified the area of employment land at Swansea Vale as an area at risk from flooding. The employment allocation varies therefore from the Swansea Vale Development Strategy (June 1994) and the Swansea Vale Concept Plan (January 1999), which originally envisaged a residential use in this area.

These latter documents are currently being reviewed in light of the material changes in circumstances i.e. flood risk, and a revised Development Strategy for Swansea Vale was commissioned by the City and County of Swansea in 2010 and aims to respond to a range of new issues affecting the area including flood risk. The Lower Swansea Valley Convergence Flood Risk Management Scheme was reported to Cabinet on 8 March, 2012 where it was resolved to proceed with the Convergence funding for the project, and additionally, for the re-allocation of land currently identified for employment use under Unitary Development Plan Policy EC1 at Swansea Vale Riverside North (RN1) to become part of the flood plain.
The Swansea Vale Development Strategy Review (June 2012) is currently subject to public consultation, and it is intended that this document will in due course supersede the Swansea Vale Concept Plan (1999). The draft Development Strategy provides guidance on movement, land use, green infrastructure, character and design aspirations for Swansea Vale. The intention is that this revised draft Strategy will reflect the flood risk management scheme and new land use allocations proposed and will form supplementary planning guidance as part of the forthcoming Local Development Plan (LDP). In particular, it is proposed to re-allocate the area under Swansea Vale Riverside North (RN1) to reflect is use as part of the flood plain under the proposed scheme.

Dealing, however, with the current policy framework, primary planning legislation provides that the determination of applications for planning permission shall be made in accordance with the development plan, unless material considerations indicate otherwise. In this respect the proposals for these parts of the application site designated for employment purposes under the provisions of UDP Policy EC1, amount to a departure from the development plan. In such circumstances Planning Policy Wales (PPW) advises that Local Planning Authorities should have good reason to approve a development which is a departure from the UDP.

The draft Swansea Vale Development Strategy Review responds to the FRM scheme by re-allocating at least 7 hectares of land to flood plain which is approximately half of the Riverside North site (RN1), whilst the remaining site area (RN2 - 6.5 hectares) with improved flood defences would be re allocated for low intensity uses based on a watersports, recreational or leisure concept along with a small area for ancillary development in the south west corner. The realignment of the northern embankment at the Riverside North Swansea Vale is an essential component of the FRM Scheme to offset the impact of raising the flood defences downstream and it is therefore vital in delivering a comprehensive FRM Scheme for the area. The use of the proposed area as part of the flood plain would therefore represent a justifiable departure from the Development Plan.

Landscape and Visual Amenity

The Environment Report indicates that the River Tawe corridor incorporates semi mature woodland areas but there are extensive areas of invasive weeds throughout the river corridor area, including Japanese knotweed; Himalayan balsam and buddleia. The river corridor also accommodates Public Rights of Way footpaths and the National Cycle Network. An Extended Phase 1 Habitat Survey together with a Tree Constraints Survey and Report (Arboricultural Implications Assessment) has been submitted which has identified and assessed the woodland areas and recommended high value trees for retention. The works are generally contained within the Tawe corridor, which is largely lined with semi mature broadleaved woodland.

A key statutory development plan policy relating to the riverside corridor is UDP Policy HC19 (Tawe Riverside Park) which seeks to enhance its ecology and appearance, improve its role as an attractive recreation area and complete the pedestrian cycle link. Within the greenspace system identified under Policy EV24 development proposals which would have a significant adverse effect on the green space system or which do not provide for appropriate compensatory or mitigation measures will not be permitted. Policy EV32 seeks to implement environmental enhancement schemes at a number of locations.

Assessment of Effects and Mitigation

The construction of new flood embankments and flood defence walls, removal of bridges / installation of the new Beaufort Bridge, and extensive earthworks to modify levels may not
result in a major permanent change to the landscape, but will certainly generate notable temporary impacts upon the character of the area during construction. The proposed flood defence assets are not expected to have significant adverse effects on landscape character at or following completion. The proposals generally comprise realigning and improving landscape elements such as flood embankments which are already common features within the area. The new flood walls, new bridge and new sections of embankment are not considered to be of a scale, nature or appearance which is uncharacteristic for the area. However, the works will take place within the densely vegetated, tree lined river corridor, which will necessitate the removal of trees and vegetation to enable the works to be completed. The removal of this vegetation will in most cases leave a temporary interruption to the sense of continuity of the green corridor. Generally however, these interruptions will be small in scale and although visible on completion will recover with reinstatement and mitigation comprising new planting.

The embankment at Swansea Vale sites RN1 and RN2 is the element where the greatest impact might be expected, as the proposed embankment is to be set back significantly from the existing alignment. Instead of running parallel to the river it will run through flat green open space where it might appear more noticeable and unnatural. This Embankment also involves the largest scale of vegetation removal, and due to the setting back of the defence line and consequent regular flooding of the newly formed flood marsh area, replacing this tree cover alongside the river and re-creating an enclosed river corridor will not be possible. However in this location the existing tree cover alongside the river bank is fairly sparse and intermittent and a major change in the character of the river corridor vegetation is not foreseen. Also, as the public cycle route / footpath will be also set back to the new embankment line, the experience of the green corridor will be maintained, but shifted back to the new defence line. The effects on landscape character of the new line of the embankment will be mitigated through use of landform and planting, to soften its appearance and blend in the form of the embankment. Given that the existing landscape in this area is unremarkable, it is likely that the proposals will be able to bring about a minor positive enhancement in character.

At completion, the minor positive effects are generally associated with the removal and thinning of vegetation which is proposed not only to enable the works but to assist in the delivery of landscape management objectives such as improving the condition of existing planting, opening up views to the river, improving access and natural surveillance, managing invasive species, creating points of interest along the corridor, and re-planting with appropriate species where required. It is considered that such works will improve the condition of the existing landscape and reinforce the character and sense of place of the river corridor.

The construction operations will require temporary footpath and cycle route closures and diversions. Where public routes and spaces do remain open there will be cases where the construction operations, including the presence of plant and machinery, contractors compounds and materials storage areas, create notable impacts on the visual amenity of the area. During construction, the magnitude of change is considered to be high. However, the nature of the proposals is considered unlikely to create significant long term impacts on visual amenity, as the new flood assets including the embankments, walls and new bridge, are not dissimilar in appearance, scale and nature to existing features in the area, and will be located and designed to be as non intrusive as possible. The new bridge will be identical to the existing Mannesmann Bridge, which is located just downstream of the proposed location. Although representing a visual change, it is arguably a more attractive structure than the existing Beaufort Bridge, and of appropriate scale, proportion and appearance for the location.
The residential properties at Cwrt Llwyn Fedwen, adjacent to the proposed wall upstream of the existing culvert, will arguably experience a loss of visual amenity due to the loss of trees and vegetation directly to the rear of their back gardens. However, at completion and after 10 years following the landscaping proposals, the level of significance of visual effects has been assessed as not significant.

**Landscape character**

Whilst the proposed development will result in visual change to some landscape components, particularly during and shortly after construction, the scheme is generally felt to have insignificant or no adverse influence on the fundamental landscape character or quality of the area as the proposed flood defence works would not be odds with the existing landscape character. The Swansea Vale Embankment will create the greatest impact due to its set back location, and the fact that it will be overlooked from the A4067 and Swansea Vale spine road, but this will be offset by careful detailing of the embankment profiles, associated landform, and strategically located planting which will help to blend the structure into the landscape. Its impact is also offset by the creation of new wetland habitat areas, providing increased ecological value and visual interest.

The required level of landscape mitigation is generally limited to replacement planting required to offset the general loss of trees and shrubs, particularly associated with the construction of the Swansea Vale Embankment, where this loss is most extensive. The removal of trees and shrubs associated with the embankment represents both the loss of a significant landscape feature and the loss of valuable habitat, not least for bats which are known to use this area. Replacement planting proposals are therefore more extensive in this northern part of the scheme.

Elsewhere, localised replacement planting is required only where valuable screening structure planting is lost, particularly between industrial sites and public routes along the river corridor, or to avoid uncharacteristic patterns in vegetation cover which might otherwise be created through clearance works. The existing planting is in fact in poor condition due to lack of management, particularly the lack of thinning operations to semi mature structure planting, and the dominance of invasive species such as Japanese knotweed and Himalayan balsam. Rather than assuming a need to replace ‘like for like’ a more pragmatic approach is therefore to use the opportunity to undertake strategic clearance and thinning in line with a wider landscape management plan for the area. Despite the relatively low level of permanent landscape and visual effects, and the lack of designations affecting the area, the landscape has been assessed to have local importance and value and it remains essential therefore that landscape character, quality and visual amenity are all protected through careful and sensitive detailed design and construction.

**Ecological Impacts**

**Designated Sites**

The Crymlyn Bog SAC and Ramsar site is designated for the bog and fen habitat it supports and is located 2.7km from the nearest works. The ER indicates no apparent hydraulic connectivity between the River Tawe and the SAC and it is therefore considered that the proposed works will not have any impact on this European Site. Glais Moraine geological SSSI is located approximately 1.5km from the northern end of the proposed works and again it is considered that the proposed works will not have any impact on this upstream designated site. The River Tawe at this location is a candidate Site of Importance for Nature Conservation (SINC) and is considered to be of moderate
sensitivity due to its regional importance. The Countryside Council for Wales (CCW) agree that the proposed works are unlikely to impact upon any designated sites.

**Habitats and Flora**

In order to assess the baseline environment, a desk-based study was undertaken together with an Extended Phase 1 Habitat Survey including a series of field surveys which are incorporated into the ER. The dominant land use in the vicinity of the works comprises industrial estate, semi-improved grassland, broadleaved woodland and tree lines adjacent to the River Tawe.

Non-native Invasive Species dominate the vegetated areas along the banks of the river particularly, Japanese knotweed and Himalayan balsam (or both) to some extent. Generally Japanese knotweed dominates the edges of the woodland and cycle paths. Both of these species are listed under Schedule 9 of the Wildlife and Countryside Act 1981 making it illegal to release or cause the spread of these species in the wild. There is the potential for the spread of non-native (invasive) species off-site and an Invasive Species Management Plan has been prepared.

The objective of the Management Plan is to avoid the need to remove any waste from site and remove all scrub, trees, Japanese Knotweed and Himalayan Balsam to allow construction of permanent works without the spread of invasive species beyond where it has been identified.

** Protected and Notable Species**

**Amphibians**

The ER highlights that several waterbodies were identified within 250m of the proposed works and were all assessed using the Habitat Suitability Index (HSI) score with regards to their potential to support great crested newts. This indicates that despite the good size of some ponds and connectivity to several other ponds in close vicinity, the waterbodies were isolated from ponds in the wider landscape and heavily littered due to their urban surroundings. As such the ponds were not assessed as likely to support a population of great crested newts. CCW indicate however that using the HIS is not a reliable means of establishing presence / absence and recommend that the applicant be made aware that should great crested newts be discovered during the works, that work must stop whilst CCW are consulted.

**Badger**

The ER indicates that no badger setts or signs of badger activity have been discovered within the works areas. However, the woodland areas were identified as potentially suitable for badgers though it is thought their presence is unlikely in high numbers in such an industrial area. Biological records have identified two records of badger but both are over 100m from the proposed works. It is considered there is a low risk of disturbing badger setts during vegetation clearance and CCW agrees with the proposal for pre-construction surveys to be undertaken to ensure badgers have not constructed setts on or adjacent to the works areas.

**Bats**

The Extended Phase 1 Habitat Survey ER indicates that the trees within the woodland areas were generally semi-mature and those trees due to be removed for the works were not of high potential to support roosting bats. However, it is quite likely that a variety of bat species are using the edges of woodland/connecting tree lines for foraging or commuting routes given the surrounding habitats. CCW agree with the ER conclusions, subject to the incorporation of various measures within the Environmental Action Plan.
The Beaufort Bridge and Southern Bridges which are due to be removed were identified as having the potential to support roosting bats in the extended Phase 1 Habitat Survey, however, emergence surveys have not identified any bats roosts within these structures. CCW recommends that the bridges are further inspected prior to their removal. Biological records indicated the presence of whiskered bats, soprano pipistrelle and common pipistrelle all within 1km of the proposed works. A detailed bat activity survey has been undertaken to establish which bat species are using the vegetation due to be removed for the project. The surveys indicate that soprano pipistrelles, whiskered and Daubenton’s are using the vegetation as a habitat corridor. It is considered that the proposed replacement tree planting would mitigate against the loss of vegetation for foraging bats.

**Birds**

The Extended Phase 1 Habitat Survey ER indicates almost all habitats across the survey sites could potentially be used by nesting birds, including the areas of woodland, tall semi-improved grassland, tall ruderal vegetation and scrub habitat. The removal of vegetation would therefore result in the loss of potential bird breeding habitat. Accordingly it is recommended that site clearance should be undertaken outside of the breeding bird season (March to September).

The only Schedule 1 (as listed under the Wildlife and Countryside Act 1981) birds noted on site were two kingfishers in the vicinity of the Beaufort Bridge. There are however no potential kingfisher nesting sites in the vicinity as kingfishers nest in vertical bare banks. No other suitable nesting habitat for kingfishers was noted during the ecological surveys. CCW however welcomes the applicant’s proposals for pre-construction checks for kingfishers holes to be undertaken and recommends these measures be included in the finalised Environmental Action Plan. It is also proposed for works to the bridges to be conducted outside of the breeding bird season.

**Dormice**

All wooded areas across the site are reasonably well connected as they run alongside the River Tawe, which has an adjacent cycle path lined with connecting woodland/tree lines. These wooded corridors extend north to meet the M4 for which CCW has highlighted the presence of dormice in the vicinity. Works in the vicinity of the Swansea Vale Embankment have therefore been highlighted as having the highest potential for dormice. Whilst the ER indicates that a dormouse search for gnawed hazel nuts carried out in September 2012 did not find any evidence for dormice in the area, this does not preclude their presence.

The ER therefore recommends that vegetation should be cleared above ground during the winter, and topsoil and tree roots stripped in February-March under the supervision of an ecologist. CCW recommend that a methodology be included in the Environment Action Plan for the vegetation clearance.

**Otters**

Otters are known to be present on the River Tawe and the ER highlights two sightings in August 2012. In addition, biological records indicated many records of otters within the River Tawe, including the vicinity of the proposed works. Despite the presence of otters in the area, it is thought unlikely the species would have holts or ‘lay-ups’ in the vicinity of the works due to the disturbed nature of the area from users of the foot/cycle path, including dog walkers.
The extended Phase 1 Habitat Survey searched for otters along the length of the works and no holts or resting places were recorded. A second detailed search for otter holts 100m either side of the works and along the River Tawe corridor has again not identified any positive resting or holt sites. It is proposed for pre-construction checks for otters to be undertaken and CCW agree with the conclusions of the report and the measures to be undertaken within the Environmental Action Plan.

Reptiles
The reptile surveys have found small numbers of grass snakes, common lizards, toads, frogs and palmate newts on site. Additionally, the semi-improved grassland field in the vicinity of Swansea Vale Embankment is identified as having high potential to support a reptile population, and the loss of this area in particular, could affect this population. A mitigation strategy has been agreed in conjunction with the Council’s Ecologist involving the trapping and translocating of reptiles and CCW recommend that a formal method statement be agreed as part of the Environmental Action Plan.

Water vole
The ER indicates that the River Tawe and its tributary streams and drains in the vicinity of the works do not provide suitable habitat for water voles. In addition, no records of this species were highlighted during the desk study.

White-clawed crayfish
A gravel bedded stream is present in the area of the existing culvert between the Swansea Vale Bridge and the A48 and has been identified as being potentially suitable for white-clawed crayfish. However, data provided by the Fisheries and Biodiversity team (within the EA) indicate that there are no records of the species along the River Tawe, therefore no impact is anticipated on this species and no further work is proposed.

Other Fauna
The River Tawe is an important river for eels as well as sea and river lamprey. It is also a migrating route for Atlantic salmon and sea trout. It is known that salmon spawning occasionally occurs on the gravels towards the top end of the area (below the M4 Bridge). It is proposed that piling and tracking across or along the river margins will not be conducted during the salmonid spawning season (Oct to April). It is indicated that method statements for in-channel works will be agreed with the EA’ Environmental Management and Fisheries teams.

Summary of Ecological Impacts
The majority of adverse impacts will occur during the construction period and will be largely temporary short term and associated with the risks of working within close proximity to a watercourse and protected species. It is considered that these impacts can be largely mitigated by good construction practice, and the implementation of the Environmental Action Plan (EAP) to manage the environmental risks. This will be audited weekly by an Environmental Clerk of Works to ensure the actions are being undertaken appropriately.

The primary environmental impact as a result of the works will be from lowering a significant area of the Swansea Vale Embankment in order to improve conveyance of flood waters by setting back the existing embankment. This will involve the removal of the existing semi-mature woodland area which supports birds and provides a flight corridor for bats. However, the reinstatement of this area does provide one of the most significant positive impacts of the Lower Swansea FRMS. It is proposed to replant a corridor of woodland blocks along the set back embankment, which will restore the semi-natural
woodland strip and create a new wetland habitat. CCW have no objection to the proposal and welcome the provision of habitat enhancement and the proposed mitigation measures.

**Flood Consequences Assessment (FCA)**

A FCA has been completed for the proposed flood risk management scheme in accordance with TAN15 and focuses on the existing flood risk to the Lower Swansea Valley. As the proposed development is a flood defence scheme, there is no consequence of flooding to the development itself, so the focus of this report is flood consequences for existing development in and around the Lower Swansea Valley.

**Existing Flood Risk**

It is indicated that the highest recorded flood level occurred in December 1979. This has been estimated as being a 1 in 100 (1%) annual chance flood. There was widespread flooding throughout the study area, which at that time was largely an industrial wasteland. Following development of the Swansea Enterprise Park, works were carried out to raise the existing ‘agricultural’ flood embankments along the left-bank of the Tawe. In 1997 the flood defence embankments in the north of the study area were raised further to increase the standard of protection to the ongoing development in the area. The Swansea Vale embankment extends along the left-bank and would be overtopped during a 1 in 200 (0.5%) annual chance flood. The defence provides a higher standard of protection than other defences along the Tawe because its location on a right-angle bend means overtopping and a possible breach risk would result in catastrophic inundation of the area with significant risk to life.

It is further indicated that in October 1998, the travellers’ site and part of the Beaufort Industrial Estate was flooded by overtopping of the flood defence embankment which are estimated to overtop in a 1 in 10 (10%) annual chance flood.

On the right-bank there is a defence to protect the Riverside Caravan Park which is approximately 1m lower than the defence on the opposite bank protecting Swansea Vale and Swansea Enterprise Park and overtops during a 1 in 75 annual chance event. Further down the right-bank, there are no formal flood defences. The lowest flooding threshold occurs near the Plasmarl Industrial Estate which is predicted to flood during a 1 in 25 (4%) annual chance flood.

The FCA indicates that there are currently at least 284 commercial and 16 residential properties with a 1 in 100 (1%) annual chance of fluvial flooding each year, whilst 500 commercial, 80 residential properties along with the caravan site are at risk of flooding during the 1 in 1000 (0.1%) annual chance flood. Flood hazard is exacerbated by the relatively low onset of flooding, with a potentially higher risk to life due to the high depths and velocities travelling across the study area. The flood risk area extends up to 2km from the river corridor.

The Lower Swansea Valley is therefore currently at significant risk of flooding from the River Tawe. The objective of the FRMS is to provide a flood alleviation scheme to provide protection against a fluvial flood from the River Tawe with a 1 in 100 (1%) annual chance of occurring. Whilst the proposed flood alleviation works are obviously necessary, and justified, flood defences can potentially make flood consequences worse for existing developments not afforded the protection of the scheme. It is therefore necessary to carry out an assessment of flood consequences for the Lower Swansea Valley area with the proposed flood defences in place and to compare this against existing flood consequences. The proposed scheme includes defences on the right-bank of the River...
Tawe in the area of DFS and Tawe Street, which are provided as mitigation measures to protect these areas from detriment caused by the elevated water levels in the Tawe as a result of the scheme on the left-bank.

Summary

The proposed development is for the provision of fluvial defences to provide the Lower Swansea Valley area with protection against a 1 in 100 (1%) annual chance flood, protecting at least 284 commercial and 16 residential properties. As stated above, the scheme includes setting-back an existing embankment, raising existing embankments and removal/replacement of bridges.

With regard to the observations of the Head of Transportation in respect to the linear defences result in raised flood levels in the Tawe Street, as mitigation a defence is proposed along the right bank, to protect the area near DFS and Tawe Street to ensure there would be no detriment caused. Mitigation measures at DFS are also likely to include raising the existing headwall of a culvert on an Ordinary Watercourse with associated bank works and providing suitable mechanisms to drain down the flood water through the Tawe defence.

The FCA has focussed on existing development and has been assessed for the 1 in 100 (1%) annual chance, the 1 in 100 (1%) annual chance plus climate change (20% increase on peak flows) and the 1 in 1000 (0.1%) annual chance floods. Modelling shows that overall there is significant betterment of the flooding situation once mitigation measures have been included and no detriment is caused to developed or developable areas. The exception is on the A4067 for the 1 in 1000 annual chance flood, where there is a slight increase in depth of flooding, but this has been accepted by the Head of Street Scene.

The new Beaufort cycle/footbridge will be designed so that it provides no constriction to flows even in extreme events; blockage is therefore not considered an issue. As part of the mitigation works to the DFS culvert, the existing non-standard trash screen will be replaced with one conforming to Environment Agency guidelines. Thus the risk of blockage at the culvert will be reduced.

Water Framework Directive

The Water Framework Directive (WFD) (2000/60/EC) was implemented in England and Wales by The Water Environment (Water Framework Directive) (England and Wales) Regulations 2003 (‘the Regulations’). River Basin Management Plans (RBMP) set out measures to achieve the aims of the WFD. The Lower Swansea Valley FRMS is located within the Western Wales RBMP. The implications of the proposed development are considered in relation to the impacts on local surface waters and water quality.

The temporary construction works within, and in close proximity to, the main water courses and drainage channels have the potential to affect surface waters through pollution and increased sedimentation by disturbance of the river bed. It is proposed that these will be mitigated against by the adoption of good working practices to ensure no residual impacts. To this end, an Environmental Clerk of Works will audit the construction works to ensure that pollution control measures and method statements are adhered to. Additionally, having regard to the former industrial nature of the site there is a strong likelihood that areas will be contaminated. Without mitigation, contamination could enter the water environment affecting its Ecological Status under the WFD. Accordingly, following evaluation of the ground investigation, if land is found to be contaminated it will
be either treated or removed from site and not used as embankment fill material. Overall, it is considered that the scheme would comply with the WFD.

In its role as consultee, the EA indicates that all appropriate pollution control measures should be adopted to ensure that there is no deterioration of controlled waters under the WFD. The EA recommends the inclusion of a planning condition requiring a Method Statement is submitted detailing all necessary pollution prevention measures for the construction phase of the development.

**Cultural Heritage and Archaeology**

A desk-based qualitative assessment of the potential effects of the proposed scheme on cultural heritage and archaeology was undertaken for the scoping phase of the project.

The Grade 2 Listed Annealing Building in the former Beaufort Tinplate Works is located within the study area and is the last surviving building from the Swansea tinplate industry in the immediate area. There are no Scheduled Monuments in the study area, although there are a number of known sites of archaeological and historic interest within the study area that are recorded on the National Monuments Record of Wales. Additionally, Glamorgan Gwent Archaeological Trust (GGAT) highlight that there are significant archaeological features within the Lower Swansea Valley, which reflect the internationally important historical landscape, and that archaeological mitigation work would be necessary. The ER has identified the potential for encountering archaeological remains, particularly in the areas of the Beaufort and the Siemens bridges, although elements of the archaeological remains associated with the Upper Fforest Copper works, Tinplate Works, the Beaufort Works, the Dyffryn Works and the Morriston Works are also likely to extend into the areas of work. GGAT indicate that some of these remains date from the latter part of the 18th century and were part of the industrialisation of the Lower Swansea Valley that ensured that the town became a world leader in the smelting and production of metals. The mixture of buried and upstanding remains exist generally in the wider area, due to the method of demolition of industrial remains in the 20th century which has preserved complex, extensive and significant industrial features.

The ER indicates that none of the works will have an impact on the Scheduled Monuments or the listed Annealing Building and it is not considered that the setting of the latter will be adversely affected by the proposals.

It is indicated that there will be a partial loss of the Beaufort Sluice Structure and Beaufort Works mill race under the footprint of the raised embankment, although the mill race is already beneath an existing embankment in the area. This impact has been assessed as minor adverse and permanent, prior to mitigation. In the Beaufort Sluice Structure area an archaeological contractor will be commissioned to produce a photographic record of the structure and also to produce a plan of the structure after vegetation clearance is completed. It is proposed that a watching brief will be conducted during excavations around the mill race.

The proposed works involve the removal and replacement of Beaufort Bridge. The existing bridge replaced a multi-arched tramway bridge that had stood on this site from 1747 – 1960 and therefore there may be remains of the earlier bridge surviving on the site. The exact position of the old bridge is not clear, although it is known to have stood several meters to the north of the existing bridge and the location for the new bridge is 10m south of the existing bridge where a building was present according to historical mapping from 1899. Flood bank construction may expose the causeway (road) for the original Beaufort Bridge and therefore it is proposed that an archaeological contractor is commissioned to
carry out an archaeological watching brief during ground works in the area of the Beaufort Bridge.

The Landore Siemens Swing Bridge (Southern Bridges) deck is proposed to be removed. The bridge deck is relatively modern so its removal will leave the southern abutment, which still incorporates the mechanism for a 19th century bridge to swing as a feature. The mid-stream pillar for the bridge will also remain. The deck is located on the line of an earlier crossing and therefore works to move the decking could expose unknown archaeology. The Landore Siemens Swing Bridge will be photographically recorded by an archaeological contractor in advance of the proposed works. The deck would be removed, along with the concrete capping of the mid-channel bridge pier. In order to retain the heritage value of the bridge, the mid-stream pillar and southern abutment will be retained as a visible feature. Additionally, an archaeological watching brief during ground works in the area of the Bridge will be carried out.

GGAT recommend the imposition of two conditions, firstly, a condition requiring the applicant to submit a programme of archaeological work in the form of an archaeological watching brief; and secondly, the implementation of an appropriate programme of building recording and analysis to be agreed with the local planning authority.

**Materials and Traffic Movements**

There will be three site compounds during the duration of the works:

- Main Works compound is to be located on existing Swansea Vale park and ride site to be accessed off the existing Swansea Vale spine road;
- Riverside Business Park, to be accessed from the existing spine road; and
- Adjacent to the Beaufort Bridge accessed via Coronet Way.

Vehicle movements will mostly use the main routes of the A4067, the A48, Swansea Vale spine road, Upper Fforest Way, Wychtree Street and Beaufort Road. Access onto the existing embankments and other flood defence works will be via the network of existing footpaths and cycle paths. It is indicated that approx. 33,000 m$^3$ of fill material will be required for the proposed works which it is anticipated will be sourced from excavated material from the setting back of the Swansea Vale Embankment. This will be subject to the material being suitable for reuse. The movement of materials from the Swansea Vale Embankment is estimated to involve 825 lorry movements which will impact on the local road network, however, this temporary impact would be mitigated against with the implementation of a Traffic Management Plan (TMP) to control the vehicle movements on the local traffic network.

**Contaminated Land**

The area was previously the site of extensive industrial and mining activity in the Lower Swansea Valley between the 18th and 20th centuries. Early development was dominated by coal mining. During the 20th century mining was replaced by the growth of industries such as iron, steel, tinplate and chemical works. Land-uses associated with these types of industry include large-scale developments, rail networks and spoil and refuse tips.

Ground Investigation has involved a mixture of boreholes and trial pits across the works site. Soil samples have been analysed for chemical content. The initial results of the investigations indicate the following:

- The Alluvium contains elevated arsenic and nickel.
- Slag fill contains elevated polycyclic aromatic hydrocarbon (PAH) in soil and
leachate.

- The made ground contains elevated arsenic and nickel and other metals, elevated PAH, rare Volatile Organic Compounds (VOC) / Semi-volatile Organic compounds (SVOC) compounds. At least 1 sample contains asbestos fibres.
- Locally the leachate contains arsenic and chromium, PAH and Total Petroleum Hydrocarbon (TPH).
- The crushed slag fill does not contain elevated contaminant concentrations.

Additionally, Japanese knotweed is prevalent across the sites with all working areas either infested with a strand of knotweed or are within 7m of a plant. Himalayan balsam is also prevalent across the site with a concentration in the northern section.

Overall, the ER considers the soils are less polluted than may be expected given the industrial legacy of the area however, the sensitivity of contaminated land has been assessed as very high until further investigation has been undertaken to determine the risk.

The area to be lowered along the Swansea Vale embankment contains some elevated heavy metals. The Ground Investigation indicates that there are some contaminants present within the Study Area. In order to determine whether the soil is suitable for re-use, particularly the material from the lowering the Swansea Vale embankment, a Generic Quantitative Risk Assessment (GQRA) will be undertaken. If the material is deemed not to be suitable for re-use then alternative material will be sought from a local supplier. If the GQRA deems the soil suitable for re-use, the Contractor will have to carry out sampling of the spoil to demonstrate the contaminant concentrations. Should any material be moved off site for disposal, it must be appropriately classified and sent to a licensed landfill site. A Site Waste Management Plan (SWMP) will be prepared for the project to manage waste and promote reuse and recycling opportunities. Measures will be undertaken to protect the workforce, public and environment and these measures will be identified in the Construction Environmental Management Plan (CEMP).

**Conclusion**

It is anticipated that the proposed development will provide economically and technically sound flood risk management to protect the industrial and commercial area from river flooding, for events up to the 1% annual chance of occurrence flood event (1 in 100 year flood event). This project will therefore reduce the risk of flooding from the River Tawe to life and property within the Lower Swansea Valley area.

The environmental impacts of the proposed works have been assessed within the submitted ER which indicates that the majority of adverse impacts will occur during the construction period and will be temporary and short term in nature. It is also considered that the impacts can be largely mitigated by good construction practice, liaison with those affected, and full reinstatement post construction. This will be controlled by the implementation of the Construction Method Statement and Traffic Management Plan. Additionally, an Environmental Action Plan will be implemented and the longer term impacts of the scheme will be mitigated through a comprehensive landscaping scheme. It is recommended that these matters be controlled via conditions.

The primary environmental impact as a result of the works will be from lowering a significant area of the Swansea Vale embankment to improve conveyance of flood waters by setting back the existing embankment by 75m. This will involve the removal of semi-mature woodland, however, the implementation of replacement planting will mitigate against this impact. The reinstatement of this area does, however, provide one of the most
significant positive impacts of the Lower Swansea FRMS, with the replanting of a corridor of woodland blocks along the set back embankment, which will restore the semi-natural woodland strip. Immediately adjacent to the river, ponds and scrapes will be created to contribute towards Biodiversity Action Plan habitat targets. The NCN route 43 will be diverted along the top of the new set back embankment and combined with some additional footpaths will significantly increase public access to the area. These proposals tie in with the emerging vision for this area as a key recreational space (Swansea Vale Development Strategy 2012).

The Beaufort Tinplate and Copper Works has left a legacy of industrial heritage and therefore there is significant archaeological value in the area. Conditions are therefore recommended to manage any archaeological impact from construction activities by way of archaeological investigations and an appropriate programme of building recording and analysis.

Whilst the implementation of the Lower Swansea Valley Flood Risk Management Scheme constitutes a departure from Unitary Development Plan Policy EC1, having regard to the wider economic benefits of improving flood defences within the Swansea Vale and Swansea Enterprise Park areas, it is considered that the proposal would represent a justifiable departure from the Development Plan. Moreover, the scheme would accord with the Swansea Vale Development Strategy Review (June, 2012) which will in due course replace the existing Swansea Vale Concept Plan. This reflects the flood risk management scheme and the new land use allocation, which will form Supplementary Planning Guidance to the forthcoming Local Development Plan. There are considered to be no additional issues arising from the provisions of the Human Rights Act and approval is therefore recommended.

RECOMMENDATION:

APPROVE, as a Departure from the adopted Unitary Development Plan subject to the following conditions:

1 The development hereby permitted shall begin not later than five years from the date of this decision.

   Reason: To comply with the provisions of Section 91 of the Town and Country Planning Act, 1990.

2 The proposed development shall be completed in accordance with the details as outlined within the Phasing of Works as set out in Appendix D within the Flood Consequences Assessment, unless otherwise agreed in writing by the Local Planning Authority. The construction of the new flood defences at Embankments 1, 3 and 4 shall not commence until the Dwr Cymru Welsh Water potable water main has been re-aligned.

   Reason: In order to prevent the increased risk of flooding as a result of the proposed scheme.

3 No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority.

   Reason: To identify and record any features of archaeological interest discovered during the works, in order to mitigate the impact of the works on the archaeological
4 No site works shall be undertaken until the implementation of an appropriate programme of building recording and analysis of the Beaufort and Siemens bridges has been agreed with the local planning authority, to be carried out by a specialist acceptable to the local planning authority and in accordance with an agreed written specification.

Reason: The structures are of architectural and cultural significance the specified records are required to mitigate the impact of the development.

5 Unless otherwise agreed in writing by the Local Planning Authority, prior to the commencement of development, a detailed method statement for the removal or long-term management/eradication of invasive non native species including Japanese knotweed and Himalayan Balsam on the site shall be submitted to and approved in writing by the Local Planning Authority. The method statement shall include proposed measures to prevent the spread of any invasive non-native species during any operations such as mowing, strimming or soil movement. It shall also contain measures to ensure that any soils brought to the site are free of the seeds / root / stem of any invasive plant covered under the Wildlife and Countryside Act 1981. Development shall proceed in accordance with the approved method statement.

Reason: Japanese knotweed and Himalayan Balsam are invasive plants, the spread of which is prohibited under the Wildlife and Countryside Act 1981. Without measures to prevent its spread as a result of the development there would be the risk of an offence being committed and avoidable harm to the environment occurring.

6 Prior to each phase of the development hereby approved, no development shall take place until a remediation strategy that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

1. A preliminary risk assessment which has identified:
   * all previous uses
   * potential contaminants associated with those uses
   * a conceptual model of the site indicating sources, pathways and receptors
   * potentially unacceptable risks arising from contamination at the site.

2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

4. A verification plan providing details of the data that it will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollution linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express written consent of the local planning authority. The scheme shall be implemented as approved.
Reason: Controlled waters at this site are of high environmental sensitivity and contamination is strongly suspected at the site due to its previous uses covering metal works, mining, chemical works, tin plating works, steel and iron processing, refuse heaps, slag heaps, railways, and ancillary operations to these processes.

7 A verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.

Reason: To demonstrate that the remediation criteria relating to controlled waters have been met and (if necessary) to secure longer-term monitoring of groundwater quality.

8 Unless otherwise agreed by the Local Planning Authority, no development shall take place until a long-term monitoring and maintenance plan in respect of contamination, including a timetable of monitoring and submission of reports to the Local Planning Authority, has been submitted to and approved in writing by the Local Planning Authority. Reports as specified in the approved plan, including details of any necessary contingency action arising from the monitoring, shall be submitted to and approved in writing by the Local Planning Authority. Any necessary contingency measures shall be carried out in accordance with the details in the approved reports. On completion of the monitoring specified in the plan a final report demonstrating that all long-term remediation works have been carried out and confirming that remedial targets have been achieved shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that longer term remediation criteria relating to controlled waters have been met. This will ensure that there are no longer remaining unacceptable risks to controlled waters following remediation of the site.

9 If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

Reason: It is considered possible that there may be unidentified areas of contamination at the site that could pose a risk to controlled waters if they are not remediated.

10 Prior to the commencement of development a Construction Method Statement ('CMS') describing the works to be undertaken and the pollution prevention measures to be implemented in accordance to current best practice during the construction phase, shall be submitted to and agreed in writing by the Local Planning Authority. Thereafter, the construction of the development shall be carried out in accordance with the approved CMS unless otherwise agreed in
writing by the Local Planning Authority. The CMS shall address the following matters:

a. Mitigation measures to avoid harm to protected species and minimise damage to Local Biodiversity Action Plan habitats

b. Details of the timing of construction works, including the timing of vegetation removal to avoid the potential for effects on reptiles and nesting birds.

c. Siting and details of wheel washing facilities

d. Cleaning of site entrances, site tracks and the adjacent public highway and the sheeting of all HGVs taking spoil or construction materials to/from the site to prevent spillage or deposit of any materials on the highway

e. Pollution control and prevention measures including sediment control measures, protection of water courses and ground water and soils, bunding of fuel, oil and chemical storage areas, sewage disposal

f. Details of the surface water quality monitoring programme to be undertaken prior to, during and after the construction phase of development, including detailed arrangements to ensure any deficiencies within the CMS are rectified immediately.

g. Measures for dealing with any contaminated material (demolition waste or excavated waste)

h. Details of the nature, type and quantity of materials to be imported on site,

i. The management of dust

j. Details of the proposed temporary site compounds for storage of materials, machinery and operatives parking within the sites clear of the highway, and the restoration

Reason: In order to prevent pollution to ensure the integrity of controlled waters.

11 Unless otherwise agreed in writing by the Local Planning Authority, prior to any works commencing on the site, a detailed traffic management plan shall be submitted to and approved in writing by the Local Planning Authority. The approved traffic management plan shall be implemented and adhered to at all time unless written consent to vary has been received from the Local Planning Authority.

Reason: In the interests of highway safety.

12 Prior to the commencement of the development, an Ecological Management Plan (EMP) shall be submitted for the approval of the Local Planning Authority. The EMP shall ensure that the identified ecological resources within the site are safeguarded / mitigated during the development works.

Reason: In the interests of nature conservation and to protect the ecology of the site

13 A landscaping scheme for the development shall be submitted for the written approval of the Local Planning Authority. The scheme shall be carried out within 12 months from the completion of the development, unless otherwise agreed with the Local Planning Authority. The landscaping scheme shall include details of street furniture along footpaths / cyclepaths together with details of their reinstatement. Any trees or shrubs planted in accordance with this condition which are removed, die, become seriously diseased within two years of planting shall be replaced by trees or shrubs of similar size and species to those originally required to be planted.
Reason: To ensure that the site is satisfactorily landscaped having regard to its location and the nature of the proposed development, and to accord with Section 197 of the Town and Country Planning Act 1990.

14 No development or other operations shall take place except in accordance with the guide on "The Protection of Trees on Development Sites". No trees, shrubs, or hedges shall be felled or cut back in any way, except where expressly authorised by the landscaping scheme as approved by the Local Planning Authority until two years after the completion of the development. Any trees, shrubs or hedges removed without such authorisation, or dying, or being seriously damaged or diseased before the end of that period shall be replaced by plants of a size and species as may be agreed with the Local Planning Authority.

Reason: To secure the protection of trees growing on the site whilst the development is being carried out.

INFORMATIVES

1 The development plan covering the City and County of Swansea is the City and County of Swansea Unitary Development Plan. The following policies were relevant to the consideration of the application: (UDP Policies EC1, HC9, HC19, EV24, EV32, EV36, EV37, AS3 & AS4)

PLANS

121974-11001 Overall Site layout, 13001 Embankment 1 Existing Site Layout, 13002 Embankment 1 Proposed Site Layout, 13003 Embankment 2 Existing Site Layout, 13004 Embankment 2 Proposed Site Layout, 13005 Embankment 3 Existing Site Layout, 13006 Embankment 3 Proposed Site Layout, 13007 Embankment 4 Existing Site Layout, 13008 Embankment 4 Proposed Site Layout, 13009 Embankment 5 Existing Site Layout, 13010 Embankment 5 Proposed Site Layout, 13011 Embankment 6 Existing Site Layout, 13012 Embankment 6 Proposed Site Layout, 13101 Embankment 1 Cross Sections, 13102 Embankment 2 Cross Sections, 13103 Embankment 3 Cross Sections, 13104 Embankment 4 Cross Sections, 13105 Embankment 5 Cross Sections, 13106 Embankment 6 Cross Sections, 13107 Embankment 6 Cross Sections, 13301 Embankment 1 Existing and Proposed Elevations, 13309 Embankment 6 - Existing and Proposed Elevations, 14001 Beaufort Bridge Existing Site Layout, 14002 Beaufort Bridge Proposed Site Layout, 140101 Beaufort Bridge Cross Sections, 17001 Flood Defence Wall 1 Existing site Layout, 17002 Flood Defence Wall, 1 Proposed Site Layout, 17003 Flood Defence Wall 2 Existing Site Layout, 17004 Flood Defence Wall 2 Proposed Site Layout, 17101 Flood Defence Wall 1 Cross Sections, 17102 Flood Defence Wall 2 Cross Sections, 18001 Flood Wall 3 Existing Site Layout, 18002 Flood Wall 3 Proposed Site Layout, 18101 Flood Wall 3 Cross Sections, 60001 Site Access Plan 1 of 8, 60002 Site Access Plan 2 of 8, 60003 Site Access Plan 3 of 8, 60004 Site Access Plan 4 of 8, 60005 Site Access Plan 5 of 8, 60006 Site Access Plan 6 of 8, 60007 Site Access Plan 7 of 8, 60008 Site Access Plan 8 of 8, 60009 Site Constraints Map, 51001 Proposed Beaufort Bridge with overlay of 1899 Ordnance Survey Map, 51002 Proposed Beaufort Bridge with overlay of 1992 Ordnance Survey Map 51003 Landscape Masterplan 1 of 5, 51004 Landscape Masterplan 2 of 5, 51005 Landscape Masterplan 3 of 5, 51006 Landscape Masterplan 4 of 5, 51007 Landscape 5 of 5 received 10th October 2012
Report of the Head of Economic Regeneration & Planning

To Development Management & Control Committee – 10 January 2013

Referral of Planning Application Ref: 2012/1117
From Area 2 Development Control Committee on 4 December 2012

GOWER HOLIDAY VILLAGE, MONKSLAND ROAD, REYNOLDSTON, SWANSEA

TEMPORARY USE OF FIELD FOR 64 TOURING UNITS FROM
1 JUNE TO 31 AUGUST 2013, 1 JUNE TO 31 AUGUST 2014
AND 1 JUNE TO 31 AUGUST 2015

Purpose: To determine the application for the temporary use of field for 64 touring units from 1st June to 31st August 2013, 1st June to 31st August 2014 and 1st June to 31st August 2015.

Policy Framework: National and Local Planning Policies

Reason for Decision: Statutory responsibility of the Local Planning Authority

Consultation: Statutory consultations in accordance with planning regulations as set out in the planning application report contained in Appendix B

Recommendation(s): Approved as set out in the report

Report Author: Ryan Thomas

Finance Officer: Not applicable

Legal Officer: Not applicable

1.0 Background

1.1 This application was reported to the Area 2 Development Control Committee on the 4th December, with the recommendation that planning permission should be granted, subject to conditions as the proposal was an acceptable departure from the provisions of the Development Plan, and the Committee resolved to accept the recommendation.

1.2 A plan showing the location of the application site is attached as Appendix A, and a copy of my report to the Area 2 Development Control Committee on the 4th December 2012 attached as Appendix B.
2.0 Planning Policy Issues

2.1 In terms of the principle of this form of use at this location, whilst it is acknowledged that Gower Holiday Village is an existing tourist destination, the extension into this field cannot be viewed as a small increase under the provisions of Policy EC21 of the Swansea Unitary Development Plan. This is because of the size and scale of the proposed extension in relation to the existing facility, and because planning permission has recently been granted for a small extension of 7 touring units at the existing site (planning permission Ref: 2011/0153).

2.2 However, Policy EC21 of the UDP allows for the provision of additional camping or touring unit pitches as extensions to existing sites on a short term basis during peak holiday periods provided they would not require additional infrastructure and would not cause significant harm to local amenity or traffic congestion. In addition proposals would have to be considered against the following criteria:

(a) There would be no significant adverse impact on the landscape; particularly in coastal locations;
(b) There would be no harm to natural heritage; &
(d) It is subject to a condition ensuring holiday occupancy.

2.3 Given the existing site has permission for only 19 touring units currently, the proposal does not accord fully with the requirements of Policy EC21 in that it would be difficult to demonstrate that the size and scale of what is currently proposed is needed as an area for overspill camping to serve an unmet need at the existing site.

2.4 Policy EC20 of the Unitary Development Plan seeks to control new chalet, static caravan and touring unit sites subject to criteria which includes a requirement that in the Gower AONB it can be demonstrated that the site contributes towards meeting an identified unmet need. It is acknowledged, however, that there are inherent difficulties for a single site operator to demonstrate that such a need exists within the Gower AONB and indeed since the adoption of the Swansea Unitary Development Plan in November 2008 the requirements of this policy have not been met by any applicant.

2.5 Notwithstanding this, the site benefits from good highway links; is positioned at an inland location away from the coast; and adjacent to the settlement of Scurlage, and lies within close proximity to major holiday destinations such as Rhossili, Horton, Port Eynon and Oxwich.

2.6 Given the difficulty in identifying an unmet need within the AONB as justification for allowing a new site, the release of this land for camping for a temporary period as an overspill campsite for the wider area would, subject to appropriate conditions, allow the Local Planning Authority the opportunity to assess the need for such a facility within the Gower AONB.
2.7 This overflow area would be controlled by condition for a set temporary period, for the use of non-advanced booking pitches, and the Authority would monitor the situation to note the impact of the development. Additionally, the site owner will keep records of use in order to demonstrate the extent of the claimed unmet need, which would inform any proposal to extend the consent or justify provision elsewhere.

2.8 Whilst the proposal is a departure from Policy EC21 of the development plan, it is considered that for reasons which are referred to above and set out more fully in my report to the Area 2 Development Control Committee, attached as Appendix B, including compliance with Policies EV1, EV22 and EV26 of the UDP, it should be supported.

3.0 Recommendation

3.1 It is recommended that:

(i) The application is approved as a Departure from the Development Plan subject to the conditions set out in Appendix B.

BACKGROUND PAPERS

Local Government Act 1972 (Section 100) (As Amended)

The following documents were used in the preparation of this report: Application file, together with the files and documents referred to in the background information section of the appended Development Control committee report.

Appendices:
Appendix A – Location Plan
Appendix B – Committee Report
ITEM  APPLICATION NO.  2012/1117
WARD:   Gower
         Area 2

Location:  Gower Holiday Village Monksland Road Reynoldston Swansea SA3 1AY
Proposal:  Temporary use of field for 64 touring units from 1st June to 31st August 2013, 1st June to 31st August 2014 and 1st June to 31st August 2015.
Applicant:  Gower Holiday Village

BACKGROUND INFORMATION

POLICIES

Policy  Policy Description
Policy EV2  The siting of new development shall give preference to the use of previously developed land and have regard to the physical character and topography of the site and its surroundings. (City & County of Swansea Unitary Development Plan 2008).
Policy EV3  Proposals for new development and alterations to and change of use of existing buildings will be required to meet defined standards of access. (City & County of Swansea Unitary Development Plan 2008)
Policy EV22  The countryside throughout the County will be conserved and enhanced for the sake of its natural heritage, natural resources, historic and cultural environment and agricultural and recreational value through:
   i)   The control of development, and
   ii)  Practical management and improvement measures.
        (City & County of Swansea Unitary Development Plan 2008)
Policy EV26  Within the Gower AONB, the primary objective is the conservation and enhancement of the area's natural beauty. Development that would have a material adverse effect on the natural beauty, wildlife and cultural heritage of the AONB will not be permitted. (City & County of Swansea Unitary Development Plan 2008)
Policy EC21  Improvements to the environmental quality, conditions and facilities will be encouraged within existing camping, touring unit and static caravan sites and small increases in the number of pitches maybe permitted where justified by environmental improvements and where the overalls scale would not be increased. Change to the type of accommodation will only be permitted where there is no adverse impact on the landscape, would bring about environmental improvements and not require extensive additional infrastructure, nor cause harm to the natural heritage. (City & County of Swansea Unitary Development Plan 2008)
Policy EV1: New development shall accord with a defined set of criteria of good design. (City & County of Swansea Unitary Development Plan 2008).

Policy EV20: In the countryside new dwellings will only be permitted where justification is proved in terms of agriculture, forestry or the rural economy; there is no alternative existing dwelling in nearby settlements; and the proposed dwelling is located close to existing farm buildings etc. (City & County of Swansea Unitary Development Plan 2008)

SITE HISTORY

<table>
<thead>
<tr>
<th>App No.</th>
<th>Proposal</th>
<th>Decision</th>
<th>Decision Date</th>
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<tr>
<td>2011/0153</td>
<td>Siting of additional 7 no. touring caravan pitches</td>
<td>Grant Permission Conditional</td>
<td>28/03/2011</td>
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<tr>
<td>2010/0464</td>
<td>Use of field 1638 for a maximum of 60 tents for camping from 1st May to 31st August, 2010 (inclusive)</td>
<td>Refuse</td>
<td>28/06/2010</td>
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<td>2001/1714</td>
<td>Use of land for siting of 12 touring units (caravans or motor homes) from 1st March to 1st January in any year</td>
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<td>2003/1298</td>
<td>Use of field for quadbiking (3 vehicles) from 15th May to 15th September each year</td>
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<td>2007/0369</td>
<td>Use of field for touring camping and caravanning to form extension to Gower Holiday Village</td>
<td>Refuse</td>
<td>06/02/2009</td>
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</table>

RESPONSE TO CONSULTATIONS

Neighbours: The application was advertised in the form of a site notice and in the press as a departure from the provisions of the development plan. No letters of response were received.

Port Eynon Community Council: Comments:

- The Council by majority, considers that these proposals are not acceptable and should not be approved,
- The development area is outside the curtilage of the present community and represents a clear expansion into established agricultural land.
During the past 5 years there has been no evidence of a lack of provision for touring caravans and camp sites in the Scurlage area. The planning application does not establish a compelling case for such a demand and only refers to overspill problems in other areas of Gower.

Gower Holiday Village was established as a community of chalets and not as a caravan site. Continued piecemeal expansion of the caravan site facilities is contrary to the original planning concepts.

The current drainage/sewerage provisions in Scurlage are already routinely overloaded during the summer months and a development of this nature will severely exacerbate this situation.

There is a history of traffic accidents in the immediate area and a development of this nature will clearly additional traffic movements leading to an increase in accidents.

The accuracy of the plans are questioned in terms of density of the units, provision of firebreaks, provision of leisure facilities, provision of toilets and wash facilities, etc, etc.

Consideration should be subject to all other relevant planning considerations.

Additional Comments from Port Eynon Community Council:

The Council by majority, considers that these proposals are not acceptable and should not be approved.

The development area is outside the curtilage of the present community and represents a clear expansion into established agricultural land.

During the past 5 years there has been no evidence of a lack of provision for touring caravans and camp sites in the Scurlage area. The planning application does not establish a compelling case for such a demand and only refers to overspill problems in other areas of Gower.

Gower Holiday Village was established as a community of chalets and not as a caravan site. Continued piecemeal expansion of the caravan site facilities is contrary to the original planning concepts.

The current drainage/sewerage provisions in Scurlage are already routinely overloaded during the summer months and a development of this nature will severely exacerbate this situation.

There is a history of traffic accidents in the immediate area and a development of this nature will clearly additional traffic movements leading to an increase in accidents.

The accuracy of the plans are questioned in terms of density of the units, provision of firebreaks, provision of leisure facilities, provision of toilets and wash facilities, etc, etc.

Consideration should be subject to all other relevant planning considerations.

Further Comments from Port Eynon Community Council:

The Council by majority, considers that these proposals are not acceptable and should not be approved.

The development area is outside the curtilage of the present community and represents a clear expansion into established agricultural land.

During the past 5 years there has been no evidence of a lack of provision for touring caravans and camp sites in the Scurlage area or in South Gower as a whole. The planning application does not establish a compelling case for such a demand and only refers to overspill problems in other areas of Gower.
• Gower Holiday Village was established as a community of chalets and not as a caravan site. Over recent years use and ownership of the chalets has become residential. Present usage and continued piecemeal expansion of the caravan site facilities is contrary to the original planning concepts.
• The current drainage/sewerage provisions in Scurlage are already routinely overloaded during the summer months and a development of this nature will severely exacerbate this situation.
• The size of the additional development is comparable to the overall size of the local community and will place existing community facilities such as health centre under severe strain during peak holiday periods.
• There is a history of traffic accidents in the immediate area and a development of this nature will clearly add additional traffic movements leading to an increase in accidents.
• The accuracy of the plans are questioned in terms of density of the units. No internal circulation paths or roads are identified and it is difficult to conceive how occupation will be controlled and legal requirements for spacing between units will be maintained.
• There is no indicated provision of firebreaks or firepoints.
• There is no indicated provision of additional leisure facilities for this area or in the complex as a whole.
• There is no indicated provision of additional toilet and wash facilities for this area or in the complex as a whole.
• Access to the planned development area appears to be via a single track road/path from the existing chalet area. In the event that a vehicle breaks down or becomes stranded emergency vehicles will not be able to gain access to the site.
• Consideration should be subject to all other relevant planning considerations.

Rights of Way: There is a right of way in the adjacent field, but it will not affect the right of way.

Gower Society: Object on the following grounds:

1. We are greatly concerned that an application for caravans has once again been made for this site. We objected to previous applications 07/0369 for 57 pitches (refused) and 10/0464 for tents (refused) as well as 11/0153 for 7 additional vans (in amongst existing static touring vans) that was, despite objections, approved.
2. There must be a limit to the capacity of the existing gravity sewer and pumping station at the Reynoldston Treatment Works (near to Fairyhill) for dealing with these additional numbers.
3. The existing small site adjacent to this application now has 19 vans that appear to occupy the pitches all of year round; they are in effect ‘static tourers’ and used as second homes.
4. This application is clearly at odds with the UDP; if allowed, it will seriously downgrade this small Gower village that in recent year has seen many planning approvals. This proposed site would occupy prime agricultural land.
5. The field covered by this application has recently had a row of trees planted down its eastern boundary; this cannot be considered as a serious attempt to screen such a proposed site. This application appears no different to the 2007 application that was refused.
6. Access onto the highway for these numbers is questionable.
7. Gower may have a need for smaller well-concealed legitimate touring (not static seasonal pitches) van and camping pitches, but a development on this scale in such a conspicuous location would certainly seriously and adversely impact upon the AONB landscape, as well as conflicting with the quality of life of the residents of Scurlage.

8. Possible conflict with a public right of way needs investigation as per the Public Notice in the Evening Post on 13th August 2012.

We have no alternative but to strongly object to this application and would be obliged if you would take the above points into consideration when arriving at your decision. We also add that if your Council is minded to approve (going against all current legislation and past decisions) it is essential that strict conditions are applied preventing stays of more than 28 days as per Caravan Clubs rules i.e. it should be a purely touring van site catering for genuine tourism.

Additional comments from the Gower Society:

1. All comments in our original letter of 11 August remain pertinent.
2. Access to the highway (point 6) still remains of concern, even after seeing these amended apps.

The Gower Society decision to object remains.

Highways: Amended Plans 24 Aug 2012

The amended plans indicate an alternative access to the site from within the holiday complex and not as originally indicated via one of the accesses directly from the B4247 frontage.

This option is also acceptable, being from an existing access and is unlikely to add significantly to traffic movements at that location.

My recommendation of no highway objection therefore remains.

Council’s Ecologist – The field is of improved grassland which has a low ecological value and the impact of the camping will have a very small temporary effect – No objections.

APPRAISAL

This application is reported to Committee for decision as the proposal is considered an acceptable Departure from the provisions of the Swansea Unitary Development Plan (2008).

Description

Full planning permission is sought for the temporary use of the Field No. 1638 for 64 touring units from 1st June to 31st August in the 2013, 2014 and 2015 seasons at land adjacent to Gower Holiday Village, Monksland Road, Scurlage.

The application site is situated within the Gower Area of Outstanding Natural Beauty. The applicant seeks the temporary change of use of the land to allow for touring units.
No physical alterations such as paths etc are proposed and the site will be accessed via the adjacent holiday park. The existing holiday park currently has 63 chalets and 19 touring caravans.

Site History

In terms of relevant site history planning permission (Ref: 2007/0369) was refused in February 2009 for the use of the field for touring camping and caravanning to form an extension to Gower Holiday Village for the following reasons:

1. The proposal represents an unjustified and visually intrusive form of development within the open countryside which would have a seriously detrimental effect on the generally undeveloped character and appearance of the open countryside and detract from the natural beauty of this part of the AONB. The development is therefore not considered to accord with Policies SP1, SP2, SP3, EV1, EV2, EC20, EV22 and EV26 of the Swansea Unitary Development Plan.

2. The applicant has failed to demonstrate that the proposed new camping site contributes towards meeting an identified unmet need for additional camping units within the County contrary to the requirements of Unitary Development Plan Policy EC20. The development therefore constitutes unjustified development in the open countryside and Gower AONB contrary to the provisions of Policies SP1, SP3, EV1, EV2, EC20, EV22 and EV26 of the Swansea Unitary Development Plan.

3. Approval of the application would set an undesirable precedent for the consideration of applications for development of a similar nature, the cumulative effect of which would result in development which would seriously erode the character and appearance of the open countryside and Gower AONB contrary to Policies SP1, SP2, SP3, EV22 and EV26 of the Swansea Unitary Development Plan.

In addition to this, planning permission was also recently refused in June 2010 (Ref: 2010/0464) for the use of the same field for camping from the 1st May to 31st August 2010 for the following reasons:

1. The proposal represents an unjustified and visually intrusive form of development within the open countryside which would have a seriously detrimental effect on the generally undeveloped character and appearance of the open countryside and detract from the natural beauty of this part of the AONB. The development is therefore not considered to accord with Policies EC20, EC21, EV22 and EV26 of the Unitary Development Plan 2008.

The current proposal differs in that its use is intended to provide an overspill area for camping during peak times.

Principle of Development

In terms of the principle of this form of use at this location, whilst it is acknowledged that Gower Holiday Village is an existing tourist destination the extension into this field cannot be viewed as a small increase under the provisions of Policy EC21 of the Swansea Unitary Development Plan given the size and scale of the proposed extension in relation to the existing offer and given that planning permission has recently been granted for a small extension of 7 touring units at the existing site under planning permission Ref: 2011/0153.
Policy EC21 of the UDP does however allow for camping or touring unit pitches as extensions to existing sites on a short term basis during peak holiday periods provided they would not require additional infrastructure and would not cause significant harm to local amenity or traffic congestion. In addition proposals would have to be considered against the following criteria:

(a) There would be no significant adverse impact on the landscape, particularly in coastal locations,
(b) There would be no harm to natural heritage, and
(d) It is subject to a condition ensuring holiday occupancy,

Given the existing site has permission for only 19 touring units currently, the proposal does not strictly accord with the requirements of Policy EC21 in that it will be difficult to demonstrate that the size and scale of what is currently proposed is needed as an area for overspill camping to serve an unmet need at the existing site.

Policy EC20 of the Unitary Development Plan seeks to control new chalet, static caravan and touring unit sites subject to criteria which includes a requirement that in the Gower AONB it can be demonstrated that the site contributes towards meeting an identified unmet need. It is acknowledged, however, that there are inherent difficulties for a single site operator to demonstrate that such a need exists within the Gower AONB and indeed since the adoption of the Swansea Unitary Development Plan in November 2008 the requirements of this policy have not been met by any applicant.

The site, however, benefits from good highway links, is positioned at an inland location away from the coast and adjacent to the settlement of Scurlange but lies within close proximity to major holiday destinations such as Rhossili, Horton, Port Eynon and Oxwich.

Given the difficulty in identifying and unmet need within the AONB as justification for allowing a new site, the release of this land for camping for a temporary period as an overspill campsite for the wider area would, subject to appropriate conditions, allow the Local Planning Authority the opportunity to assess the need for such a facility within the Gower AONB.

If considered acceptable this overflow area would be strictly controlled by condition for a set temporary period and for the use of non-advanced booking pitches which would enable the Authority to regularly monitor the situation to ensure the cumulative impact of such development is within acceptable levels. It should be noted that overflow areas are a short term measure only, however its provision will give the site owner an opportunity through the keeping of up to date records of use an opportunity to demonstrate whether this is an unmet need in the area.

Main Issues

Notwithstanding the issue of principle addressed above, the main issues for consideration during the determination of this application relate to the impact of the proposal upon the visual and residential amenities of the area, the impact upon the Gower AONB, together with the impact upon natural heritage and ecology of the area, the impact on the coastal area and highway safety having regard to the provisions of the Swansea Unitary Development Plan.
Policies EV1 and EV2 of the UDP require developments to relate satisfactorily to its local context and existing development patterns, integrate effectively with adjacent spaces and public realm, protect the amenities of the surrounding area including residential amenity, take into account and where possible retain landscape features, trees and hedgerows and have regard to visual and residential amenity and highway safety.

Whilst the proposal does not strictly comply with Policy EC21 the application will be considered against the criteria identified above in terms of impact upon the landscape and natural heritage.

In addition, Policy EV22 of the UDP seeks to conserve and enhance the countryside for the sake of its natural heritage, natural resources, historic and cultural environment and agricultural and recreational value whereby, in line with National policy guidance, Policy EV26 requires that within the Gower AONB, the primary objective is the conservation and enhancement of the area’s natural beauty and development that would have a material adverse effect on the natural beauty, wildlife and cultural heritage of the AONB will not be permitted. Furthermore, any development within the AONB should be of an appropriately high standard of design, and retain and where possible enhance existing features of natural heritage and the historic environment.

**Visual Amenity**

Scurlage is a small Gower settlement. In terms of its overall character and appearance, the settlement has changed significantly in recent years, but remains predominantly rural due to the markedly dispersed form of development, and the close relationship with the adjoining countryside which wraps around the established buildings. Not only do these spaces act as important visual breaks in the overall form of the settlement but they represent an intrinsic part of the special character and form of this rural settlement.

The site fronts onto and is prominent from the B4247 which links Scurlage to Rhossili and it is considered that the tents and touring units would be visible from public vantage points particularly from within the settlement. This road also connects a number of footpaths and is well used by walkers as well as vehicles.

When considering applications within the Gower AONB the primary objective under Policy EV26 of the UDP is for the conservation and enhancement of the areas natural beauty. Development which is contrary to this objective will not be permitted. In addition, Policy EC21 requires that the provision of overspill camp site will be permitted where there would be no significant impact on the landscape, particularly coastal locations and not require extensive additional infrastructure and services or harm natural heritage.

In visual terms, the site is not within close proximity to the coast and is not visible from main coastal vantage points. The site is situated, it is considered, in a relatively inconspicuous location within the landscape and directly adjacent to the existing settlement.
The site is visible at from the adjacent highway and at a distance from higher public vantage points but the pitches would, it is considered, be viewed in the context of the existing settlement and environmental improvements could be included as part of a landscape scheme which subject to a condition requiring the submission of comprehensive landscaping details for the whole of the site and specific adjacent fields could, it is considered, soften the visual impact of the seasonal use of this field for touring unit uses. Additional infrastructure or services are not proposed as part of the scheme whilst the seasonal nature of the proposal will ensure that the fields retain their rural character and could be used for agricultural purposes during the off season. On this basis, it is not considered that the proposal would harm any national heritage and ecological interests.

A landscaping scheme which involves the thickening up of hedgerows using native species will, it is considered, have a positive impact upon the character and appearance of the area and mitigate to a certain extent the impact of the proposed touring units upon the wider area. Furthermore the hedgerows will also have the potential to provide a valuable habitat for both native flora and fauna.

Therefore in visual terms the proposal is considered to comply with Policies EV1, EV22 and EV26 and the underlying objectives of Policy EC21 of the Swansea UDP and would it is considered conserve the character and appearance of this part of the Gower AONB.

Residential Amenity

Given the existing use at the adjacent Gower Holiday Village and the location of the site relative to residential properties, it is not considered that the proposed change of use will have an unacceptable impact upon the residential amenities of the neighbouring occupiers by virtue of unacceptable overlooking, overbearing, overshadowing or noise in compliance with Policy EV1 of the Swansea UDP.

Highways

Having consulted the Head of Transportation and Engineering the proposed access to the site is reasonable and on balance there are no highway objections raised.

Response to Consultations

Notwithstanding the above, five letters of objection were received which raised concerns relating to visual impact, proposal being contrary to the Unitary Development Plan, the principle of development, highway safety, unmet need, traffic and loss of agricultural land. The issues pertaining to which have been addressed in the main body of the report.

Concern has been raised relating to the fact that no unmet need has been demonstrated for this change of use. Whilst this is accepted, allowing the use of this site for a temporary period will provide the Local Planning Authority an opportunity to determine in a controlled manner whether there is a need for additional camping provision in the area.

In addition to this, concern has been raised in relation to the resultant impact upon the sewerage network, however no objections have been raised by Welsh Water in relation to capacity.
The proposal does not involve any additional facilities to the existing site and no hard surfacing is proposed. This will be ensured via condition. In terms of the density of the units, the separation distances and fire regulations are covered under separate legislation and were not considered relevant during the consideration of this application.

Furthermore, with regard to the impact upon community facilities, the site lies adjacent to the existing settlement and allowing this temporary change of use would not have an unacceptable impact in this respect.

Concern has been raised in relation to the impact upon a public Right of Way, however having consulted the Council’s Countryside Team, it would appear that any Rights of Way are located in adjacent fields.

In addition to this, concern has also been raised relating to the site license and the historical unlawful use of the fields for touring units. It has been acknowledged that the site has no site license however this is a separate matter. Similarly, whilst it is acknowledged the site has been used for touring units, this application seeks to regularise this use and provide touring pitches on a temporary basis.

There is some concern that the granting of permission would result in the field being permanently occupied by touring caravans for the season and therefore not actually providing overspill for demand during peak holiday periods. The Authority would not support the creation of a ‘static touring caravan’ site and this will be strictly controlled via conditions. These conditions will restrict the use of the field for holiday purposes only, prevent the use of the touring units as a permanent residence and the removal of touring units outside the allotted months in order to ensure the campsite is used in accordance with its intended purpose as an overspill campsite. If it transpires that the site is not being used as an overspill site to meet unmet demand then it is not considered that the continued use of the site will be supported in policy terms in the future.

Conclusion

In conclusion, it is considered that subject to appropriate conditions, approval of this application for a temporary period would allow the Local Planning Authority to monitor unmet demand within this part of the Gower AONB and that the nature and location of the site in a relatively inconspicuous position adjacent to the settlement of Scurlage will ensure that the temporary use proposed would not have an unacceptable impact upon the character, appearance and natural heritage of the Gower AONB. On this basis the proposal is regarded as being an acceptable departure from the provisions of Policies EC20 and EC21 of the City & County of Swansea Unitary Development Plan and meets with the requirements of Policies EV1, EV22 and EV26. As such this application is recommended for approval as a Departure from the provisions of the Swansea Unitary Development Plan.

RECOMMENDATION:

That the application be REFERRED TO THE DEVELOPMENT MANAGEMENT & CONTROL COMMITTEE as a Departure from the Development Plan with a recommendation that it be APPROVED subject to the following conditions:
1 Notwithstanding the provisions of Section 91 of the Town and Country Planning Act 1990 and the Town and Country Planning (General Permitted Development) Order 1995, this permission is for a temporary period expiring on 31st August 2015.

Reason: In the interest of visual amenity and in order to allow the applicant the opportunity to demonstrate an unmet need for additional camping.

2 The site shall not be occupied by touring units between the 1st September and 31st May in any calendar year.

Reason: To ensure that the holiday accommodation is not used for unauthorised permanent residential accommodation and to allow the applicant the opportunity to demonstrate that there is an unmet need for additional touring units within the locality.

3 No development shall take place without the prior written approval of the Local Planning Authority of a scheme for the landscaping of the site. The landscaping scheme shall be carried out within 12 months from the completion of the development. Any trees or shrubs planted in accordance with this condition which are removed, die, become seriously diseased within two years of planting shall be replaced by trees or shrubs of similar size and species to those originally required to be planted.

Reason: In the interest of visual amenity and the character and appearance of the Gower AONB.

4 The touring units shall be used for holiday purposes only and shall not be occupied as a person's sole, or main place of residence.

Reason: To ensure that the holiday accommodation is not used for unauthorised permanent residential accommodation and to allow the applicant the opportunity to demonstrate that there is an unmet need for additional touring units within the locality.

5 The site owner/operator shall maintain an up to date register of the names of all customers of the site and of their main home addresses and shall make this information available at all reasonable times for inspection by the Local Planning Authority.

Reason: To ensure that the holiday accommodation is not used for unauthorised permanent residential accommodation and to allow the applicant the opportunity to demonstrate that there is an unmet need for additional touring units within the locality.

6 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (or any Order revoking or amending that Order), Part 5 of Schedule 2 shall not apply.

Reason: The development hereby approved is such that the Council wish to retain control over any future development being permitted in order to ensure that a satisfactory form of development is achieved at all times.
7 The site shall be used for overspill purposes only and there shall be no advanced booking by customers of any pitch.
Reason: The site is granted planning permission for overspill purposes only.

8 The maximum period of stay on the site by any touring unit, individual or group users of the site shall not exceed 14 consecutive nights or involve any reoccupation by that touring unit, individual or group of individuals within 14 nights of the end of that period in any one calendar year unless prior written approval has been granted by the Local Planning Authority.
Reason: The site is granted planning permission for overspill purposes only and to prevent individual touring units permanently occupying the site.

INFORMATIVES

1 The development plan covering the City and County of Swansea is the City and County of Swansea Unitary Development Plan. The following policies were relevant to the consideration of the application: (EV1, EV2, EV3, EV22, EV26 and EC21).

PLANS

Site layout as existing received 3rd August 2012 and Site location plan, illustrative site layout-proposed dated 28th August 2012.
CONSULTATION BY WELSH GOVERNMENT ON PROPOSED CHANGES
TO NON-DOMESTIC PERMITTED DEVELOPMENT RIGHTS

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<td>National Planning Regulations &amp; Orders</td>
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<td>To comment on the Welsh Government's proposals in a timely manner</td>
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<td>Consultation:</td>
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<td>Recommendation(s):</td>
<td>That the responses set out in Appendix A are sent to the Welsh Government</td>
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<tr>
<td>Report Author:</td>
<td>John Lock</td>
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<tr>
<td>Finance Officer:</td>
<td>Sarah Wills</td>
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<tr>
<td>Legal Officer:</td>
<td>Rod Jones</td>
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1 Background

1.1 The Welsh Government has issued a consultation paper on proposed amendments to the permitted development rights for non-domestic properties (i.e. industrial and warehouses; schools, colleges, universities and hospitals; offices; and shops and financial services).

1.2 Members will be aware that the Town & Country Planning (General Permitted Development) Order 1995 (as amended) sets out what development can be undertaken without the need for the express grant of planning permission having to be obtained.

1.3 In line with other initiatives intended to simplify the development process in the interests of efficiency and economic stimulation, the General Development Order has been reviewed in both England and Wales. Proposals to amend the Order in respect of householder development were consulted on by the Welsh Government last year, and are due to come into force in spring 2013.
1.4 The proposals now being consulted on seek similarly to streamline the planning permission requirements for non-residential properties.

2 The Proposals

2.1 The changes relate to industrial and warehouse development; schools, colleges, universities & hospitals; office buildings; & shops & professional financial service establishments.

2.2 The precise proposals are set out in the Consultation Document attached at Appendix B, but in summary include:

- **Industrial and Warehouse Development;**
  - Amendment of the rights to extend a building to include the erection of a new building, subject to size and siting criteria;
  - Amendment of definitions to include research and development facilities within the permitted category;
  - Restriction of the permitted development rights for the formation & extension of hard standings to porous surfacing (unless polluted drainages precludes this) in the interests a sustainable drainage;
  - Increase in the permitted size of floor space to be changed from B8 (storage/warehousing) to B1 (business/office);
  - Greater control over extensions & new buildings within the curtilage of a listed building.

- **schools, colleges, universities & hospitals;**
  - Amendment of the rights to erect a new building to include the extension of a building, subject to size and siting criteria;
  - Amendment to allow a greater increase in the size of extensions & new buildings;
  - Greater control over extensions & new buildings within the curtilage of a listed building.

- **office buildings (B1 Use Class), shops & professional financial service establishments (A1 & A2 Use Classes) - currently these buildings have no permitted development rights. It is proposed to introduce rights to extend them subject to limitations on size & siting.**

- **Other minor allowances in respect of trolley stores; refuse storage areas & cycle storage facilities.**

- **Additional controls – it is proposed to predicate all the amendments by express exclusion for works within the curtilage of a listed building, and to extend the greater controls within conservation areas to world heritage sites.**

- **Other matters – the Welsh Government as well as consulting on these specific proposals to be included in the amended Order, also seek views on introducing a “prior approval regime” (similar to that for farm buildings and telecommunication masts) for ATM’s and shop fronts.**
3 Comments on the Proposals

3.1 In general terms the proposals to widen the scope of permitted development rights is to be welcomed. No only do they give greater freedom for businesses to implement their development plans, but they continue to lift the administrative burden on local planning authorities for the processing of minor applications.

3.2 Notwithstanding this, concern is felt in respect of the potential implications for the relaxations in respect of business premises in business parks, but this can be addressed by expressly excluding extensions and buildings to the main frontage of a building. These and other specific comments are set out Appendix A.

3.3 Turning to the consultation over the introduction of a prior approval regime for ATM's and shop fronts; it is considered that this is inappropriate as it would preclude public consultation until after the LPA had ruled on the need for the submission of details of the proposal. This goes against the need for greater involvement of the public in the local planning control of their towns and cities.

4 Legal Implications

4.1 None.

5 Financial Implications

5.1 None.

6 Recommendation

6.1 That the comments set out in Appendix A are forwarded to the Welsh Government.

BACKGROUND PAPERS

Local Government Act 1972 (Section 100) (As Amended)

The following documents were used in the preparation of this report:
Consultation Document WG 15462 – “Proposed Changes to Non-Domestic Permitted Development Rights”.

Appendices:
Appendix A – Response to Welsh Government
Consultation Response Form

Proposed Changes to Non-Domestic Permitted Development Rights

We want your views on our proposals for amendments to some non-domestic permitted development rights in Wales. Your views on the draft text for the subsequent Amendment Order and draft Technical Guidance document are also sought.

Please submit your comments by 11/01/2013.

If you have any queries on this consultation, please email: planconsultations-c@wales.gsi.gov.uk or telephone Alan Groves on 029 2082 5362.

Data Protection

Any response you send us will be seen in full by Welsh Government staff dealing with the issues which this consultation is about. It may also be seen by other Welsh Government staff to help them plan future consultations.

The Welsh Government intends to publish a summary of the responses to this document. We may also publish responses in full. Normally, the name and address (or part of the address) of the person or organisation who sent the response are published with the response. This helps to show that the consultation was carried out properly. If you do not want your name or address published, please tell us this in writing when you send your response. We will then blank them out.

Names or addresses we blank out might still get published later, though we do not think this would happen very often. The Freedom of Information Act 2000 and the Environmental Information Regulations 2004 allow the public to ask to see information held by many public bodies, including the Welsh Government. This includes information which has not been published. However, the law also allows us to withhold information in some circumstances. If anyone asks to see information we have withheld, we will have to decide whether to release it or not. If someone has asked for their name and address not to be published, that is an important fact we would take into account. However, there might sometimes be important reasons why we would have to reveal someone’s name and address, even though they have asked for them not to be published. We would get in touch with the person and ask their views before we finally decided to reveal the information.
# Proposed Changes to Non-Domestic Permitted Development Rights

## Date of consultation period: 3/10/2012 – 11/01/2013

<table>
<thead>
<tr>
<th>Name</th>
<th>John Lock</th>
</tr>
</thead>
<tbody>
<tr>
<td>Organisation</td>
<td>City &amp; County of Swansea</td>
</tr>
</tbody>
</table>
| Address    | Civic Centre, Swansea  
SA1 3SN               |
| E-mail address | john.lock@swansea.gov.uk |

<table>
<thead>
<tr>
<th>Type (please select one from the following)</th>
<th>Businesses/Planning Consultants</th>
<th>Local Planning Authority</th>
<th>Government Agency/Other Public Sector</th>
<th>Professional Bodies/Interest Groups</th>
<th>Voluntary sector (community groups, volunteers, self help groups, co-operatives, social enterprises, religious, and not for profit organisations)</th>
<th>Other (other groups not listed above) or individual</th>
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**Q1**

Do you agree with the proposed amendments to Part 8 of Schedule 2 to the GPDO, as described in Table 1 of the consultation paper?  

<table>
<thead>
<tr>
<th></th>
<th>Yes</th>
<th>Yes (subject to further comment)</th>
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Comments:  

**Q2a**

Do you agree that Part 8 Class C of Schedule 2 to the GPDO should be amended in order to require all new hard surfaces, including the part or whole replacement of hard surfaces, to either be constructed of porous or permeable materials or to direct run-off to a permeable or porous area within the curtilage of the industrial/warehouse building, except where there is a risk of groundwater contamination?  

<table>
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<th></th>
<th>Yes</th>
<th>Yes (subject to further comment)</th>
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Comments:
Q2b  Should an allowance be made for the partial replacement of hard surfacing? If yes, how large should this allowance be?

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<th>Yes</th>
<th>Yes (subject to further comment)</th>
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Comments:

Q3  Do you agree that the size thresholds for changes of use of B8 floorspace in Part 3 Class B.1 of the GPDO should be increased?

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Comments:

Q4  If the answer to question 3 is yes, is 470sqm the correct threshold or should the increase be larger or more modest?

Comments:
The principle of an increase is supported, & no data are held to question the proposed figure.

Q5  Do you agree with the proposed amendments to Part 32 of Schedule 2 to the GPDO, as described in Table 2 of the consultation paper?

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<th>Yes</th>
<th>Yes (subject to further comment)</th>
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Comments:
The reduction of the minimum distance of an extension or new building from 20 metres to 5 is considered too great a relaxation; & a distance of 10 metres is recommended in line with many Authorities' guidelines that address issues of overbearance.
Q6. Should new permitted development rights for offices be introduced to the GPDO, as detailed in paragraph 3.22 of the consultation paper?

<table>
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<tr>
<th>Yes</th>
<th>Yes (subject to further comment)</th>
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Comments:
The provision would allow extensions that could materially harm the street scene of business parks where frontage landscaping provision would cause compliance with the boundary limits of 5 & 10 metres. However, this could be addressed through the approach adopted in householder p.d. rights re principle elevations & fronting highway etc.

Q7. Should new permitted development rights for shops and financial/professional services be introduced to the GPDO, as detailed in paragraph 3.30 of the consultation paper?

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<th>Yes</th>
<th>Yes (subject to further comment)</th>
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Comments:
The provision would allow extensions that could materially harm the street scene of retail parks etc. where frontage landscaping provision would cause compliance with the boundary limits of 5 & 10 metres. However, this could be addressed through the restriction extension beyond "shop front" to refer to principle elevations & fronting a highway etc.

Q8. Should new permitted development rights for trolley stores be introduced to the GPDO, as detailed in paragraph 3.31 of the consultation paper?

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<th>Yes</th>
<th>Yes (subject to further comment)</th>
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Comments:

Q9. Should new permitted development rights for new buildings to store refuse and/or bicycles, as outlined in paragraph 3.37 of the consultation paper?

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<th>Yes</th>
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Comments:
<table>
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<tr>
<th>Consultation reference: WG 15462</th>
<th>further comment</th>
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<tr>
<td>consultation paper, be introduced?</td>
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Comments:
Q10 What are your views on the prior approval process, outlined in paragraph 3.39 of the consultation paper?

Comments:
Opposed. The potential disbenefits such as a reduction in public involvement in the visual planning of the High St (no consultation in 28 day period) would outweigh any benefits from an actual or perceived speedier process.

Q11 Do you agree that World Heritage Sites should have the same level of protection as article 1(5) land for the purpose of the proposals detailed in this consultation document?

Comments:

Yes | Yes (subject to further comment) | No

Q12 Are there any other amendments to the GPDO that you would like to suggest?

Comments:
No

Draft Regulatory Impact Assessment

Q13 Do you have any comments to make about the draft Regulatory Impact Assessment at Annex 1?

Comments:
General

<table>
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<th>Q14</th>
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<tr>
<td>We have asked a number of specific questions throughout this consultation. If you have any related queries or comments which we have not specifically addressed, please use this space to report them:</td>
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</table>

I do not want my name/or address published with my response (please tick) ☐
### How to Respond

Please submit your comments in any of the following ways:

<table>
<thead>
<tr>
<th><strong>Email</strong></th>
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</table>
| Please complete the consultation form and send it to: [planconsultations-c@wales.gsi.gov.uk](mailto:planconsultations-c@wales.gsi.gov.uk)  
[Please include ‘Proposed Changes to Non-Domestic Permitted Development Rights Consultation – WG-15462’ in the subject line] |

<table>
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<th><strong>Post</strong></th>
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| Please complete the consultation form and send it to:  
**Development Management Branch**  
**Planning Division**  
**Welsh Government**  
**Cathays Park**  
**Cardiff**  
**CF10 3 NQ** |

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<thead>
<tr>
<th><strong>Additional information</strong></th>
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</table>
| If you have any queries on this consultation, please  
Email: [planconsultations-c@wales.gsi.gov.uk](mailto:planconsultations-c@wales.gsi.gov.uk)  
Telephone: Alan Groves on 029 2082 5362 |
**DEVELOPMENT MANAGEMENT & CONTROL COMMITTEE (72)**

<table>
<thead>
<tr>
<th>Councillors:</th>
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<tbody>
<tr>
<td>John C Bayliss</td>
<td>Andrea S Lewis</td>
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<td>Peter M Black</td>
<td>David J Lewis</td>
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<td>Nicholas S Bradley</td>
<td>Richard D Lewis</td>
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<td>Clive E Lloyd</td>
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<tr>
<td>Mark C Child</td>
<td>Paul Lloyd <em>(Vice Chair)</em></td>
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<td>Keith E Marsh</td>
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<td>Geraint Owens</td>
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<td>W John F Davies</td>
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<td>Cheryl L Philpott</td>
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<td>T Huw Rees</td>
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<td>Ioan M Richard</td>
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<td>William Evans</td>
<td>J Christine Richards</td>
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<td>E Wendy Fitzgerald</td>
<td>Neil M Ronconi-Woollard</td>
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<td>Robert Francis-Davies <em>(Chair)</em></td>
<td>Pearleen Sangha</td>
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<td>Rob C Stewart</td>
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<td>Lesley V Walton</td>
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<td>Erika T Kirchner</td>
<td>T Mike White</td>
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