



City and County of Swansea

Notice of Meeting

You are invited to attend a Special Meeting of the

Planning Committee

At: Remotely via Microsoft Teams

On: Monday, 22 February 2021

Time: 10.00 am

Chair: Councillor Paul Lloyd

Membership:

Councillors: C Anderson, P M Black, J E Burtonshaw, W Evans, M H Jones, M B Lewis, R D Lewis, P B Smith, D W W Thomas, L J Tyler-Lloyd and T M White

Watch Online: <http://bit.ly/2MUASN9>

Agenda

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Next Meeting: Tuesday, 2 March 2021 at 2.00 pm

A handwritten signature in black ink that reads 'Huw Evans'.

Huw Evans
Head of Democratic Services
Friday, 12 February 2021

Contact: Democratic Services - 636923

Agenda Item 3



Report of the Head of Planning and City Regeneration

Special Planning Committee – 22 February 2021

Adoption of Supplementary Planning Guidance: Development and Biodiversity

Purpose:	To inform Members of the representations received during the public consultation on the draft version of the SPG and highlight officer responses to these, and to seek approval to formally adopt the amended version as Supplementary Planning Guidance
Policy Framework:	Swansea Local Development Plan (Adopted 2019); Planning and Compulsory Purchase Act 2004; City & County of Swansea Local Development Plan (Adopted February 2019); Well-being of Future Generations (Wales) Act 2015; Planning (Wales) Act 2015; Planning Policy Wales (2018) and related Guidance; Environment (Wales) Act 2016.
Consultation:	Legal, Finance, Access to Services
Recommendation(s):	<p>It is recommended that:</p> <p>a) The issues raised in the representations made during the consultation process, and the responses of the Planning Authority to these (set out at Appendix A of this report), be noted;</p> <p>b) The final version of the SPG (attached at Appendix B of this report) be approved and adopted by the Council;</p> <p>c) The Head of Planning and City Regeneration, or appropriate delegated officer, be authorised to make any outstanding typographical, grammatical, presentational or factual amendments to the SPG prior to its final publication.</p>
Report Author:	Rachel Willis
Finance Officer:	Aimee Dyer
Legal Officers:	Jonathan Wills/Debbie Smith
Access to Services:	Rhian Millar

1.0 Introduction

- 1.1 In **July 2020** the Planning Committee resolved to approve a draft version of Supplementary Planning Guidance (SPG) relating to **Development and Biodiversity** for the purpose of public consultation. Subsequently, a comprehensive stakeholder engagement and public consultation process was undertaken to obtain views on the content of the draft document, and to identify whether modifications would be appropriate having regard to comments received.
- 1.2 Following the close of the consultation exercise in October 2020, the draft SPG document has been amended, which has improved the accuracy and clarity of the Guidance. The final version has now been produced for Members to formally endorse as SPG to supplement the Swansea Local Development Plan (LDP), and to be used in planning decision making.
- 1.3 This Committee Report briefly summarises the background and context to the SPG's preparation. It describes the outcome of the consultation process, and summarises the range of comments received, and the response of the Planning Authority to these comments. It also highlights the specific amendments that have been made to the draft version to further clarify and refine the SPG.
- 1.4 Appended to this Committee Report (Appendix A) is a copy of the Public Consultation Report, which has been produced to set out in full the range of comments received and assessed.
- 1.5 The final amended version of the Biodiversity and Development SPG is attached to this Committee Report at Appendix B.

2.0 Background and Context

- 2.1 Full details of the planning policy and legislative background and context to the SPG are provided in the July Committee report. The key points are summarised below.
- 2.2 The Swansea LDP (available at www.swansea.gov.uk/ldp) was adopted in February 2019 as the Council's statutory development plan. The LDP highlights a wide range of SPG scheduled to be produced to augment LDP policies, which will provide definitions and working examples to assist the interpretation of policy. One of the SPGs identified in the LDP as a priority to be produced in the early years of LDP adoption is '**Development and Biodiversity**', hereafter referred to in this Committee Report as 'the SPG'.
- 2.3 The SPG is primarily supplemental to the following policies in the adopted Swansea LDP:
- ER 6 Designated Sites of Ecological Importance:** regarding the effects of development upon sites of international, national and local nature conservation interest.
- ER 8 Habitats and Species,** regarding the effects of development on the resilience of protected habitats and species.
- ER 9 Ecological Networks and Features of Importance for Biodiversity,** regarding the effects of development on the connectivity of ecological networks and features of importance for biodiversity.

2.4 The SPG also provides supporting guidance to the following adopted policies:

ER 1: Climate Change	ER 3: Strategic Green Infrastructure Network
ER 4 Gower AONB	ER 7 Undeveloped Coast
PS 1: Sustainable Places	PS 2: Placemaking and Place Management
SI 1 Health and Well Being	SI 5 Protection of Open Space

2.5 The SPG provides applicants with the detail necessary to understand how the Council will implement the LDP's biodiversity policies in alignment with recent changes to legislation and policy requirements¹ which together require the Council to achieve clearly defined well-being and environmental goals and objectives.

2.6 Maintaining and enhancing biodiversity is an integral part of the '**placemaking approach**', which underpins the Swansea LDP and Planning Policy Wales (PPW). The SPG assists in implementing this approach by providing guidance on the retention and enhancement of existing natural features and assets, and the integration of new features into the design and layout of a development.

3.0 Public Consultation and Engagement

3.1 A public consultation and engagement process was undertaken on the draft version of the SPG for a minimum of 6 weeks, which began on the 4th September and ran until the 26th October.

3.2 Face to face public engagement events were unable to occur due to constraints on social contact associated with Covid-19 restrictions. Nevertheless, the consultation involved a wide range of awareness raising and engagement activities, including:

- Print media articles and social media notices before and during the consultation
- A specific web page created for the SPG that described the consultation, provided a weblink to the document, and a link to the comment form.
- Notification emails posted to a range of stakeholders, including Councillors
- Remote briefings to stakeholder groups via Microsoft Teams presentations.
- Publication of recorded video presentations on the Council's website.

3.3 The responses to the consultation have been recorded and evaluated. The key issues raised are set out below.

4.0 Key Issues Arising from the Consultation

4.1 The public consultation generated a range of representations relating to all parts of the document, from individuals and organisations, representing both environmental and development industry sectors.

4.2 The Consultation Report (enclosed as Appendix A of this Committee Report) contains summaries of the comments received, categorised into issues/themes, together with the Council's corresponding response. Any necessary amendments to the draft SPG document are also reported. The full text of all consultation responses are annexed to the Consultation Report for transparency.

¹ National Planning Guidance [PPW and Technical Advice Note (TAN) 12 'Design'], the Planning Act Wales 2015, the Environment Act (Wales) 2016, and the Well-being of Future Generations (Wales) Act 2015,

- 4.3 The main issues raised are set out below grouped under sub-headings that relate to sections of the SPG and the specific questions asked in the consultation survey.
- 4.4 **General comments:** The SPG document is substantial in length and technical in nature. Suggestion that this, together with the timing of the consultation during the pandemic, will have reduced the number and quality of responses received.
- 4.5 **Chapter 1: Introduction:**
- Support for the implementation of the stepwise approach and clarification that the s6 Duty applies to all biodiversity and not just important features.
 - Key Concepts are well explained, but “sustainable management of natural resources, net benefit and Enhancement” should be introduced upfront in chapter 1.
 - Request that fungi are given a much higher profile in the documents to recognise their important role in ecosystem resilience.
 - The use of the term “significant loss” at para 1.5 in relation *ensuring that development does not cause any significant loss of habitats or species*” does not reflect the wording and intention of the Environment (Wales) Act 2016.
 - Provide examples of actions Swansea have taken to deal with issues raised. E.g. how the Council have dealt with Invasive Non-Native species.
- 4.6 **Chapter 3: The stepwise approach**
- Development on a designated SINC should not be accepted unless it is made clear at the earliest stages of the planning process how the development will seek to enhance and/or restore the ecological contribution of that site to the ecological network. This requires a strict application of the stepwise approach and should be applied proportionately to all developments with the potential for ecological impacts regardless of scale.
 - Query whether there is sufficient capacity/resource within the council to support implementation of steps G & H re monitoring and management
- 4.7 **Chapter 4: The Development Management Process**
- Integration of the Stepwise Approach into council’s decision making process on planning applications**
- Support and encouragement for this approach and the commitment to implement key principles expressed throughout the chapter.
 - Linking of Stepwise to the stage of the DM process welcomed
 - Support for the clear link between biodiversity and ecosystem resilience in the planning process and the refusal to accept compensation for irreplaceable habitats.
 - Support the recommendation in para 4.23 that all ecological data collected as part of the planning process should be shared with the Local Biological Record Centre (SEWBReC)
 - Support - the principle expressed at 4.26 re the need to consider biodiversity impacts beyond site boundaries, and the importance of understanding the - larger impacts of relatively small developments.
 - Support - The principle expressed at 4.31 for re minimising fragmentation of ecological connectivity and any avoidable harm or net loss of important habitats or species.

- Support re iteration of s6 duty throughout the document, particularly the requirement for the DAS to set out how the stepwise approach has been followed
- Reference to emerging reference to British standard 8683 is which relates to a number of concepts which relate solely to the English planning system.
- Caution required when using terms such as 'net benefit' which may have several different interpretations and definitions.
- Refer to value of poor or degraded habitats and 'brown field' sites
- Concern that paras 4.42 and 4.49, re the relationship between the SAB and planning applications processes will add to confusion surrounding SAB.

Appropriateness and viability of the approach early consideration of biodiversity issues to inform integration/retention and enhancement of developments.

- Support for encouraging early consideration of key biodiversity issues
- Introduction of requirements for upfront ecological information and validation, engagement of specialists, pre-app engagement with council ecologists and consultation with NRW will impact on viability, affordability and elongate the planning process, particularly for SME's who are unable to cover upfront costs, due to development funding not being available until PP granted.
- Objections/concerns that the SPG will exacerbate problems of reduced densities and financial viability of development, when combined with other matters such as WG's planning fee raise and consultation on space standards for new homes
- SPG effects on viability will impact the amount of s.106 obligations that the Council can expect in areas like education and affordable housing particularly on sites that involve brownfield regeneration.
- The SPG should set out the mechanism for the calculation of commuted sums for maintenance and management
- The SPG should set out a transparent method of calculation of a monitoring fee
- Review Chapter 4 to highlight role of Fungi.

Taking account of, and promoting the resilience of ecosystems

- Include the means of enforcement of the stepwise process.

Securing enhancements for net benefit for biodiversity wherever possible, proportionate to the scale, nature and location of the development involved

- General support for the approach
- The wording "*Wherever possible*" is a vague commitment. The SPG should insist on biodiversity enhancements in all cases and then make a judgement on proportionality.

Environmental information required to support a planning application

- Detail provided in Appendix 2 re major developments should be clarified in the main document.
- Include reference to surveys requirements for Fungi

4.8 Chapter 6: Appendices

- Update incorrect references to River Tywi SAC and the River Usk SAC which do not fall within the Swansea / City & County of Swansea Local Authority area.

- The Council should publish a biodiversity connectivity map laying out clearly where crucial wildlife corridors are presently and where it proposes to create others.
- Add reference to “fish and aquatic invertebrates” in Appendix 1 to highlight necessary surveys for proposals affecting water bodies.

5.0 The Amended Final Version of the SPG

- 5.1 A full schedule of the responses of the Planning Authority to all the duly made consultation representations is included within the Consultation Report, which is published separately and also attached to this Committee report at Appendix A.
- 5.2 **Comments not requiring amendments:** A large number of the comments made did not necessitate an amendment to the draft document as it was considered the LDP and/or SPG already sufficiently covered the points raised. Some comments made in support of the SPG did not require a response other than to note and welcome the representation made. Some suggestions put forward conflicted with the adopted LDP or national guidance, or requested repetition of national guidance, neither of which are appropriate. A number of comments were queries that required an answer (which has been provided in the consultation report), but did not require a change to the SPG.
- 5.3 A comment was received on the length and technical nature of the document. Whilst no change is proposed to the document itself, it is proposed to produce an online “SPG on a page” style leaflet to communicate the key messages.
- 5.3 **Comments on viability:** Comments were received which highlighted concerns about the potential impact of the SPG on development viability and subsequent affordability of housing. The Council’s response is set out below and draws attention to the fact that the SPG does not itself introduce new requirements. Rather, the SPG provides guidance on how the Council will implement requirements already set out in national legislation & guidance and in the Council’s Adopted LDP.
- 5.4 **Comments requiring factual updates:** A number of comments did highlight the need for the draft SPG to be amended in order to: provide factual updates; additional cross references to relevant existing information; and improve the grammatical structure of the document. Specific changes have been made in order to provide more clarity in respect of:
- Amendment of references throughout the SPG and Appendices to reflect post Brexit amendments to UK environmental legislation.
 - Amendment of incorrect reference to “net gain” (a term more relevant to English planning process)
 - Proposed addition of visual examples of where Swansea has successfully secured environmental enhancements.
 - Amendment to reflect the important ecosystem services provided by fungi, and accurately reflect their definition as distinct “kingdom” alongside plants, animals and micro-organisms. (paras 1.14/1.15)
 - Clarification of wording throughout Chapter 3 to emphasise more clearly the key messages which underpin national legislation and guidance.
 - Various additions of key terms to the glossary.
 - Addition of a list of acronyms to the glossary.
 - Factual amendments to the Appendices and addition of reference to fish and aquatic invertebrates.

5.5 **Comments requiring substantive amendments:** Amendments made to the draft SPG, which are now incorporated in the final version, [Appendix B] include:

- Review of key terms and principles (namely “net benefit” “significant loss”, “no net loss” and “maintaining and enhancing biodiversity and ecosystem resilience) to ensure clear and accurate expression, consistent with the intention of national guidance and policy. These amendments will also ensure that the SPG remains robust in light of anticipated WG publication of the LDF and resulting revisions to PPW later this year. **See amendments to paras 1.6; 2.8; 3.13; 3.14; 3.18; 3.24, 4.31.**
- Minor amends made throughout the document consistently refer to “*net benefit for biodiversity*”. See amendments to paras 2.27, 2.31, 3.7, 3.23, 3.29, 4.9, 4.34, 4.53.
- Paras 1.1 and 1.3 - clarification of the significance of the Environment Wales Act 2016
- Paras 1.17 to 1.19 - clarification of principles of SMNR and net benefit and enhancement.
- Chapter 3 – General minor amends to improve clarity of expression of principles of the step wise process (3.5; 3.6; 3.11 3.16; 3.18; 3.19; 3.24; 3.34-3.36)
- Figure 3.1 and para 3.27 - clarification of the significance of principle of enhancement.
- Chapter 4 para 4.9 bullet 3 – Clarify reference to application requirements and PEA.
- Paras 4.9 (final bullet), 4.42 and 4.49 - Clarify references to the parallel SuDS approval process at
- Para 4.48 - Remove reference to un-adopted British Standard re Biodiversity Net Gain

5.6 The effectiveness and appropriateness of this SPG will be regularly monitored by the LPA having regard to the outcomes that arise. This monitoring will consider any additional evidence arising over time, such as new national guidance and future outcomes of planning decisions that reference the SPG (including planning appeals). This will be particularly important where such outcomes demonstrate that a particular change to the guidance is necessary for the LPA to continue to use the SPG to provide effective, evidenced based and sustainable decision making.

6.0 Financial Implications

6.1 There are no significant financial implications arising from the publication of this SPG. The cost of the public consultation process and document production has been accommodated within existing budgets and staff resources, and has utilised, as far as possible, electronic communication (email and website). The final adopted document will be made available electronically and hard copies will generally only be produced upon request for an appropriate charge in order to recoup costs incurred. As such printing costs going forward will not be significant and can be met within allocated budgets.

7.0 Legal Implications

7.1 The SPG will provide planning guidance to the adopted Swansea LDP and will be a material consideration in evaluating future planning applications.

7.2 The Council has a duty to seek to continually improve in the exercise of its functions (which include where appropriate powers) in terms of strategic effectiveness, service quality and availability, sustainability, efficiency and innovation pursuant to the Local Government (Wales) Measure 2009.

8.0 Equality & Engagement Implications

8.1 The Council is subject to the Public Sector Equality Duty (Wales) and must, in the exercise of their functions, have due regard to the need to:

- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.
- Advance equality of opportunity between people who share a protected characteristic and those who do not.
- Foster good relations between people who share a protected characteristic and those who do not.

Our Equality Impact Assessment process ensures that we have paid due regard to the above

8.2 An Equality Impact Assessment (EIA) screening was carried out and this demonstrated that a full EIA was not necessary. The results of the screening are set out in Appendix C of this Committee Report.

Background Papers:

Report of the Head of Planning and City Regeneration to Special Planning Committee July 2020 re [New Supplementary Planning Guidance: Development and Biodiversity and Trees, Woodlands & Hedgerows \(Consultation Drafts\)](#).

Appendices:

Appendix A: Public Consultation Report

Appendix B: Development and Biodiversity SPG

Appendix C: Equality Impact Assessment (EIA) Screening Form

**Supplementary Planning Guidance –
DEVELOPMENT AND BIODIVERSITY**

Public Consultation Report

City & County of Swansea Council

February 2021

Supplementary Planning Guidance – DEVELOPMENT AND BIODIVERSITY

Public Consultation Report

1. Introduction

- 1.1 In July 2020, the City & County of Swansea Council Planning Committee approved a draft version of Supplementary Planning Guidance (SPG) relating to Development and Biodiversity for the purpose of public consultation.
- 1.2 A six week public consultation and engagement process was undertaken on the draft version of the SPG, which began on the 4th September and ran until the 26th October.
- 1.3 Face to face public engagement events were unable to occur due to constraints associated with Covid-19 restrictions. Nevertheless, the consultation involved a wide range of awareness raising and engagement activities, including:
- Print media articles and social media notices before and during the consultation
 - A specific web page created for the SPG that described the consultation, provided a weblink to the document, and a link to the comment form.
 - Notification emails posted to a range of stakeholders, including Councillors
 - Remote briefings to stakeholder groups via Microsoft Teams presentations.

- Publication of recorded video presentations on the Council’s website.

- 1.4 The consultation generated a range of responses from organisations and individuals.

List of Respondents and Stakeholders

Various individuals	Gower Society
Art and Education by the Sea	Hygrove Homes
Bat Conservation Trust	Natural Resources Wales
Cllr Linda James	Persimmon Homes
Glamorgan Fungus Group	Wildlife Trust of South and West Wales (WTSWW)
Various internal council departments	

- 1.5 All of the comments received have been recorded and evaluated. They have been summarised and categorised into issues/themes in the schedule in Section 2 of this report, and the Council’s response provided within a separate column adjacent to each. In addition, the schedule

outlines the changes proposed by the Council to the SPG document as a result. A full list of all consultation responses received is provided in the Appendix to this report.

2. Schedule of Summarised Comments and Responses

2.1 The following schedule sets out, broken down for each part of the SPG document, the consultation comments raised, summarised into issues/themes with the Council’s response and the changes that are being proposed by the Council to the SPG document as a result. Appendix 1 to this report provides a copy of the verbatim comments received from each respondent to each question.

CHAPTER 1: Introduction

Summarised Issue	Council’s Response	Changes proposed to SPG Document
<p>Question 1: Do you think the draft SPG contains sufficient and appropriate links to the Swansea LDP and its policies?</p> <p>Question 2: The key terms of biodiversity, ecosystem services, ecosystem resilience, and sustainable management of natural resources, net benefit and enhancement are all defined in Chapter 1. Do you think that the draft SPG clearly explains these terms and how they relate to the planning system?</p> <p>Question 3: Chapter 1 (together with the Appendices) confirms the key habitats, species and ecological features found in Swansea. Do you think the draft SPG provides clear information on how to identify important ecological features which may be affected by development?</p>		
<p>The majority of respondents considered that key terms and their relationship to the planning system were clearly explained and that the draft provided clear information on how relevant ecological features which may be affected by development.</p>	<p>Support noted</p>	<p>No change</p>

<p>The SPG document is substantial in length and technical in nature. Suggestion that this, together with the timing of the consultation during the pandemic, will have reduced the number and quality of responses received.</p>	<p>This SPG covers a technical subject which sits in the context of a complex framework of legislative and policy requirements. The document has sought to achieve the difficult balance between providing an accurate and transparent document for use as a material consideration in the planning process, whilst seeking to make it as accessible as possible to the lay reader.</p> <p>We propose, in response to this feedback, to produce an easy to read, infogram style leaflet to summarise the key points of the SPG. This will be produced post adoption and made available on our website.</p> <p>In response to the timing of the consultation, a number of online events were held to ensure that a range of individuals and stakeholders were engaged in the process, despite the constraints of lockdown.</p>	<p>No change to the SPG. However, propose to produce an online “SPG on a page” style leaflet to communicate key messages.</p>
<p>There was specific support for the implementation of the stepwise approach to mitigation and the clarification on how this will be applied to developments in Swansea,</p>	<p>Support noted</p>	<p>No change</p>

<p>for the clarification that the duty to maintain and enhance applies to all biodiversity and not just important features (in para 3.3) the clear intent to seek enhancement even when mitigation is not strictly necessary (para 3.7) and the link to green infrastructure and good place making at para 1.7.</p>		
<p>Implications of s6 Duty on planning system should be highlighted earlier in the document.</p>	<p>Amend introduction to clearly highlight implications of s6 Duty and resulting shift in approach required from LPA and applicants.</p>	<p><u>Amend second sentence of para 1.1.</u></p> <p><u>“... This aim is in line with the Council’s enhanced biodiversity and resilience of ecosystems duties under Part 1, Section 6 of the Environment (Wales) Act 2016...”</u></p> <p><u>Add new para after 1.2.</u></p> <p><u>“1.3 The Environment (Wales) Act represents a fundamental shift in approach that must be reflected in the Planning system. All those required in the planning process must move away from the presumption that damage or loss to biodiversity is acceptable where we can provide mitigation. The approach of “impact and mitigate” must now be replaced with one which delivers better quality development which works alongside nature to secure a more biodiverse and resilient environment.”</u></p>
<p>Strongly disagree with the use of ‘significant’ in the statement at para 1.6 “...set out how</p>	<p>Amend references to “significant loss” and other terms such as “no net</p>	<p>Amendments to clarify references to “significant loss” and “no net loss” as follows:</p>

<p>the Council will seek to ensure that development does not cause any <u>significant loss</u> of habitats or species...". 3</p> <p>The wording of the Act is quite clear that the intention must be to <i>'maintain and enhance' biodiversity</i>, therefore, Swansea seeking to avoid a 'significant loss' is not consistent with the act, particularly as there is no definition of what 'significant loss' might entail in this context, or with the rest of this SPG.</p> <p>While we appreciate that Planning Policy Wales (PPW) section 6.4.5 also makes reference to <i>'significant loss'</i> it also states that the onus is on individual planning authorities to make it clear that <i>any loss of biodiversity due to development is unacceptable, particularly in the current climate and environmental crises, and to refuse applications on this basis.</i></p> <p>This SPG represents an opportunity to remove this confusion and embed the principle of the Act and its own corporate objectives in the Council's planning policies. Only then can this guidance be meaningfully applied to address any potential impacts on biodiversity from development and ensure that the biodiversity and ecosystem goods</p>	<p>loss" which do not provide the level of clarity sought by the Council in communicating the council will go through in the determination of a planning application to ensure that the Council is able meeting its s6 duty in the carrying out of its functions as a Local Planning Authority.</p> <p>The SPG text should ensure that it clearly communicates the objective of the Environment Act and PPW which is to effect a shift towards securing development which maintains and enhances biodiversity and ecosystem resilience. Therefore the SPG text should be amended to communicate this positive focus on maintaining and enhancing.</p>	<p>Clarify para 1.6.</p> <p>The purpose of this <i>SPG</i> is to confirm how national guidance and legislation requirements should be considered at the local level, specifically by explaining how the policies of the <i>Swansea Local Development Plan (LDP)</i> will be applied. The <i>SPG</i> highlights how the <i>biodiversity</i> impact of development proposals should be assessed, and sets out the steps to be taken to ensure biodiversity and <i>ecosystem resilience</i> is maintained and enhanced. It also sets out how the Council will seek to ensure that development does not cause any significant loss of habitats or species, and provides enhancements which deliver a net benefit for biodiversity.</p> <p>Clarify para 2.8: "By following a stepwise approach to maintaining and enhancing biodiversity, development can build and sustain resilient ecological networks by:</p> <ul style="list-style-type: none"> ❖ Avoiding any significant loss of habitats or populations of species, locally or nationally ❖ Putting appropriate mechanisms in place to avoid loss, mitigate and/or compensate negative effects and secure enhancement <u>which deliver a net benefit for biodiversity and ecosystem resilience</u> wherever possible. ❖ Providing a net benefit for biodiversity <p>[delete footnote ² - ⁴ PPW, para 6.4.5 <i>Planning authorities must seek to maintain and enhance</i></p>
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<p>and services of the area are maintained and enhanced as set out in the Act.</p>		<p><i>biodiversity in the exercise of their functions. This means development should not cause any significant loss of habitats or populations of species, locally or nationally and must provide a net benefit for biodiversity. In doing so planning authorities must also take account of and promote the resilience of ecosystems.</i></p> <p>♣ Creating ecosystem resilience by applying the 5 principles of ecosystem resilience. (See DECCA figure 1.3).</p> <p>Clarify para 3.13: “The primary biodiversity objective in the early stages of the development design process should be <u>the to avoid negative impacts, by designing a site around the</u> retention and maintenance of ecological features.”</p> <p>Clarify para 3.14: “...However, no site is devoid of opportunities for ecological enhancements <u>to be integrated into the design of the development.</u> The Council will therefore explore with the developer opportunities to achieve ecological enhancements within the design and layout of a site (<u>See Step C</u>), or a contribution to off-site enhancements, which address evidenced opportunities to improve of the diversity, connectivity, scale, condition or adaptability of local ecosystems. (<u>see Step E and DECCA Figure 1.3</u>).</p> <p>Clarify para 3.18: “Whilst the need for the development and justification of its location has been</p>
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		<p>established for LDP allocated sites by virtue of the Plan's adoption by the Council, efforts should still be made to avoid and minimise loss of biodiversity through sensitive site layout and design and compensate for any residual loss. Stages A to F of the Stepwise Approach will still therefore apply in order to <u>maintain and enhance biodiversity the resilience of ecosystems.</u></p> <p>Clarify para 3.24: "Compensation either restores or recreates the ecological feature/s damaged by development, ensuring no net loss. It is also important to note that compensation is related solely to ensuring there is no net loss. It is not a substitute for enhancements or <u>required to deliver a net benefit for biodiversity.</u></p> <p>Clarify para 4.31: Specifically, the applicant should seek to establish at the pre-application stage how the proposal will avoid or minimise the occurrence of the fragmentation of <u>maintain and enhance biodiversity, ecological connectivity and resilience</u> and any avoidable harm or net loss of important habitats or species.</p>
<p>The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019, published Jan 1st 2021 by Defra.makes changes to the EU Habitats Regulations 2017.</p>	<p>Amend references throughout the document as appropriate.</p>	<p>Amend para 1.12 as below.</p> <p>"These include:</p> <ul style="list-style-type: none"> • <i>2 Ramsar Wetlands of International Importance</i> • 9 Natura 2000 Site • <u>7 Special Areas of Conservation (SACs)</u>

<p>SACs and Special Protection Areas (SPAs) in the UK no longer form part of the EU's Natura 2000 ecological network.</p> <p>The 2019 Defra Regulations have created a national site network on land and at sea, including both the inshore and offshore marine areas in the UK. The national site network includes:</p> <ul style="list-style-type: none"> existing SACs and SPAs new SACs and SPAs designated under these Regulations <p>Any references to Natura 2000 in the 2017 Regulations and in guidance must be amended to refer to the new national site network.</p>		<ul style="list-style-type: none"> <u>2 Special Protection Areas (SPAs)</u> <u>35 Sites of Special Scientific Interest (SSSI)</u> <u>Gower AONB – IUCN Category V protected landscape</u> <p>Add footnote at end of section as follows: <u>“Changes to the EU Habitats Regulations 2017, published Jan 1st 2021 – available at: https://www.gov.uk/government/publications/changes-to-the-habitats-regulations-2017”</u></p> <p>Amend title of photo to Crymlyn Bog - <u>Ramsar, SAC, SSSI and NNR</u></p> <p>Amend <i>Figure 1.4</i> – Key ecological features – bullet 1 –as follows: International and National Designated Sites SSSIs, SACs, SPAs, Ramsars, NNRs <u>Ramsars, SACs, SPAs, NNRs</u></p>
<p>Request from Glamorgan Fungus Group that fungi are given a much higher profile in the documents to recognise their important role in ecosystem resilience.</p>	<p>The Importance of fungi is acknowledged. Although specific reference is not made to fungi or their specific ecosystem functions, the document does make reference in chapter 1 and the glossary to “plants and micro-organisms” and “plants and microbes” in the definition of ecosystems and biodiversity.</p> <p>Reference to plants is intended to refer to both “higher” and “lower”</p>	<p>Amend paras 1.14 and 1.15 to clarify the definition of an ecosystem in relation to plants and fungi.</p> <p>1.14 An <i>ecosystem</i> is made up of animals, <u>plants, fungi</u> and <u>single celled organisms</u></p> <p>1.15 Changes in the distribution and abundance of <u>plants, fungi</u>, animals, and microbes affect ecosystem functions</p> <p>Amend <i>Figure 1.4</i> – Key Ecological Features, bullet 6 to make reference to the role of Fungi in woodlands.</p>

	<p>plants, with lower plants including fungi amongst others. The glossary should be amended to make this clear.</p> <p>A specific glossary</p> <p>The Checklist of surveys at appendix 1 also highlights where all types of plant surveys may be required and this will include fungal surveys.</p> <p>The importance of fungi as part of the decomposition process of woodland habitats is acknowledged. Amend Figure 1.4: Key Ecological Features to highlight that trees, hedgerows and woodlands are also important for the ecosystems they are comprised of..</p>	<ul style="list-style-type: none"> • Trees, Hedgerows and Woodland <u>This includes both the trees themselves and species and habitats that comprise hedgerow and woodland ecosystems (See Trees, Hedgerows and Woodland on Development Sites SPG)</u> <p>Add the following to the Glossary</p> <p><u>Fungi: Fungi are a group of living organisms which are classified in their own kingdom. Fungi are found throughout the Earth including on land, in the water, in the air, and even in plants and animals. They vary widely in size from microscopically small to the largest organisms on Earth at several square miles large. There are more than 100,000 different identified species of fungi.</u></p> <p>Amend glossary to clarify the definition of “Plant” as follows</p> <p><u>Plant: This includes</u></p> <p><u>(i) lower plants which include bryophytes (mosses and liverworts), lichens, fungi and algae (including diatoms), and</u></p> <p><u>(ii) higher plants or vascular plants which include trees, shrubs, flowering herbs and ferns etc.</u></p>
<p>Amend chapter 1 to include definitions of “sustainable management of natural resources, net benefit and Enhancement” currently located in the glossary.</p>	<p>A definition of SMNR and Enhancement and net benefit is included in the glossary.</p> <p>Whilst these terms are not specifically defined in chapter 1 they are</p>	<p>Add new text after para 1.16</p> <p><u>1.17 The Environment Act (Wales) 2016 established the principle of Sustainable Management of Natural Resources (SMNR) which is “using natural resources</u></p>

	<p>explained in detailed in subsequent chapters.</p> <p>However, these are principles which are fundamental to the policy shift implemented in the Environment {Wales} Act, it is useful to include explanations of their significance in chapter 1 of the SPG.</p> <p>Current Glossary Definitions</p> <p>SMNR <i>Management</i> of land, water, soil, plants and animals, with a particular focus on providing nature based solutions which deliver improved quality of life for both present and future generations by maintaining biodiversity value and ecological resilience (stewardship).</p> <p>Enhancement: Improved management of ecological features or provision of new ecological features, resulting in a net benefit to biodiversity, which is unrelated to a negative impact or is “over and above” that required to mitigate/compensate for an impact. (CIEEM 2018)</p>	<p><u>in a way and at a rate that maintains and enhances the resilience of ecosystems and the benefits they provide. In doing so, meeting the needs of present generations of people without compromising the ability of future generations to meet their needs, and contributing to the achievement of the well-being goals in the Well-being of Future Generations Act.”¹</u></p> <p>1.18 <u>Key principles of the SMNR include thinking about::</u></p> <ul style="list-style-type: none"> • <u>the complex relationships between nature and people over the long term.</u> • <u>the benefits that we get from natural resources now and in the future, recognising the ways they support our well-being.</u> • <u>ways of making our ecosystems more resilient.</u> <p>1.19 <u>If we are to achieve this then we must think differently about how we can ensure that the planning process plays its part in ensuring that biodiversity and ecosystem resilience is maintained and enhanced. In this context “Enhancement” is where improved management of ecological features or provision of new ecological features result in a net benefit to biodiversity. This benefit is unrelated to negative impact and should be clearly distinguished from the results of actions to</u></p>
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¹ <https://naturalresources.wales/media/678063/introducing-smnr-booklet-english-final.pdf>

		<u>mitigate/compensate.</u>
<p>Further information should be provided in relation to Section 7 habitats , to supplement information already provided Re key ecological features Figure 1.4, habitats listed in paragraph 1.9., and information provided re Priority/Protected species within Chapter 6 (Appendix 1),</p>	<p>Agree that amendments should be made to ensure appropriate reference is made throughout the document and appendices to the S7 list of habitats and species.</p>	<p>Amend Figure A.14 (Protection of Species in Swansea) to include a link to the Wales Section 7 Priority Species list. <u>Section 7 Priority species (pdf)</u></p> <p>Amend Figure A1.6 Protection of Habitats In Swansea- Legal and Policy Framework</p> <p>Amend reference to National/Local habitats – Feature column as follows</p> <p>Section 7 – list of the habitats of principal importance for the purpose of maintaining and enhancing biodiversity in relation to Wales.</p>
<p>Suggest that examples are given of actions Swansea have taken to deal with issues raised. This would give weight to the SPG by showing that successful implementation of the Council’s stated actions. For example, provide examples of how the Council have dealt with Invasive Non-Native species.</p>	<p>Agree that this would be useful.</p> <p>The final published version will include photographs of successful Swansea compensation, mitigation and enhancement schemes.</p>	<p>Include updated photos in final published version.</p>

CHAPTER 2: Legislation and Policy Context

Summarised Issue	Council's Response	Changes proposed to SPG Document
QUESTION 4: Is the draft SPG clear regarding how the relevant national legislation and policies, relating to biodiversity, will be implemented locally in Swansea through the planning application process?		
All respondents agreed that the draft was clear on this issue	Support noted.	No changes to Chapter 2 arising from comments

CHAPTER 3: The Stepwise Approach

Summarised Issue	Council's Response	Changes proposed to SPG Document
No specific Question set on Chapter 3.		
Support expressed for approach set out in Chapter 3, specifically, the clarification that the duty to maintain and enhance applies to all biodiversity and not just important features (para 3.3); the clear intent to seek enhancement even when mitigation is not strictly necessary (3.7), Step B of Stepwise re avoidance of negative impacts through early design to achieve retention and integration of ecological features (3.12), and Step F – Enhance (3.30 to 3.34)		
Step A	General minor amendments required to clarify and reinforce the message	Para 3.5: <u>“The first principle of the stepwise process is</u> € <u>The early and accurate identification of designated sites, and/or protected habitats and species that are present on a site and/or wider area. This is essential to understanding the significance of biodiversity issues and ascertain the potential ecological impacts and opportunities of a development proposal. , and</u>

Summarised Issue	Council's Response	Changes proposed to SPG Document
		<p>It is also crucial to establish the site's location in relation to ecological connectivity corridors is the essential first step in understanding the significance of biodiversity issues, and for ascertaining the potential ecological impacts of a development proposal.</p> <p>3.6: "The attributes of ecosystem resilience should be used to <u>provide baseline data about</u> assess the current resilience of a site². The Council supports the best practice approach of sharing of ecological survey data with the Local Environmental Records Centre to secure the continuous improvement of baseline <u>data as promoted in the Environment Act.</u> "</p>
<p>STEP B</p> <p>Clarify the distinction between the principle of avoidance at the strategic plan making stage and during the planning application process</p>	<p>Clarify paras 3.11, 3.12 and 3.27 as below and amend figure 3.1 and para 3.27</p>	<p>3.11: <u>The principle of avoidance is embedded into LDP Policies ER 6, 8 and 9 which require that the applicant must justify the need for the development in that location and that there are no satisfactory alternative locations for the development. It is important to distinguish between the principle of avoidance at the strategic plan making stage, and avoidance during the detailed planning application process.</u></p>

² PPW 10, Para 6.4.9

Summarised Issue	Council's Response	Changes proposed to SPG Document
		<p><u>3.12 In the case of sites allocated for development in the LDP, the process of establishing appropriate need for the development and considering alternative locations was undertaken as an integral part of LDP preparation. Allocated sites will still be expected at the planning application stage to apply the stepwise process maintain and enhance biodiversity and the resilience of ecosystems through sensitive design and site layout a, mitigation, compensation and enhancement.</u></p>
<p>Para 3.15 (Step B Avoid) should refer to the ways in which the council will seek ecological enhancements, in the same way as set out in Step C respond and design, which refers to measures such as green infrastructure requirements, such as SuDS, or through other planning requirements (such as S106 agreements or CILs) associated with the granting of the planning permission.</p>	<p>In order to avoid repetition, a simple cross reference in para 3.16 to the relevant Step section would address this point.</p>	<p>3.16 "...The Council will therefore explore with the developer opportunities to achieve ecological enhancements within the design and layout of a site (<u>See Step C</u>), or a contribution to off-site enhancements, which address evidenced opportunities to improve of the diversity, connectivity, scale, condition or adaptability of local ecosystems. (<u>See Step E and DECCA Figure 1.3</u>).</p>
<p>Development on a SINC not supported unless demonstrated at the earliest stage how the development will seek to enhance and/or restore the ecological contribution of that site to the</p>	<p>The importance of SINC is acknowledged in the SPG which seeks to ensure that each stage of the SPG Stepwise process is equally applicable</p>	<p>No change</p>

Summarised Issue	Council's Response	Changes proposed to SPG Document
ecological network. This requires a strict enforcement of each stage of the stepwise process.	to SINC's as to any other area of ecological value. Para 3.10 specifically highlights the need to assess SINC's as part of the wider Step of gathering site information. It does not support development on designated SINC's. Para 3.15 also stresses the importance of SINC's in the process of avoiding impact at Step B.	
<p>Step C</p> <p>Minor amendments required to better express paras .3.18 and 3.19</p>	Amend 3.18 and 3.19	<p>3.18 Gaining a detailed understanding of the biodiversity and GI qualities of a site at an early stage will <u>highlight opportunities to maximise the retention, enhancement or further creation of of natural assets on a site wherever possible ...This evidence led approach enables development to be designed with biodiversity benefits as an integral part. This will embed such matters into the placemaking approach that is advocated by the Council, as described in the adopted LDP.</u></p> <p>3.19 "Ongoing dialogue ... process. <u>This will ensure that the most appropriate mitigation, compensation and enhancement measures are agreed at the time of permission. As stated above, the Council will seek to secure net</u></p>

Summarised Issue	Council's Response	Changes proposed to SPG Document
		benefit/biodiversity enhancements through the design of a site as outlined in Step F.
STEP D: Improve clarity of expression	Amend para 3.19	3.19: <u>Where it has been established that avoidance is not possible,</u> "
STEP E: Ensure accurate reference to key terms of "net benefit" and "enhancements"	Amend par 3.24	3.24: " Compensation either restores or recreates the ecological feature/s damaged by development, ensuring no net loss. It is also important to note that compensation <u>is related solely to ensuring there is no net loss.</u> It is not a substitute for enhancements <u>required to deliver a net benefit for biodiversity.</u> "
Support for Step E – Compensation. Example provided of compensation, in very specific cases where it may be possible for the development to contribute to a landscape scale restoration project to deliver the compensation required but only if the alternative approach can demonstrate significant benefits above the standard approach (for example, the Carmarthenshire Cross Hands marsh fritillary project).	Point acknowledged, but this scenario is too specific to include in the SPG text and may dilute the emphasis on ensuring that proportionate, on site compensation is secured in the first instance.	No change

Summarised Issue	Council's Response	Changes proposed to SPG Document
<p>STEP F:</p> <p>Clarify the significance of the principle of enhancement as an overarching principle.</p>	<p>Amend 3.29 and figures 3.1 and 4.1 to reflect overarching principle of enhancement.</p>	<p>Add new text to the start of para 3.29 as follows</p> <p><u>“Arguably Step F is not a sequential step in itself but an overarching principle which is fundamental to meeting the duty to maintain and enhance biodiversity. It is important not to confuse enhancement with mitigation and/or compensation. Enhancement will be sought over and above mitigation and compensation to achieve net benefit for biodiversity and maintain ecosystem resilience....”</u></p> <p>Amend figures 3.1 and 4.1 to emphasis enhancement as an overarching principle.</p>
<p>Steps G&H</p> <p>Improve clarity of expression of Steps G&H</p>	<p>Amend paras 3.34 to 3.6.</p> <p>Transfer technical information on best practice to a separate figure/text box.</p>	<p><u>3.34 Appropriate ongoing management arrangements must be put in place in order to secure the long lasting benefits of On sites where of retained and/or newly created habitats and features are created, appropriate ongoing management must be put in place to ensure long lasting benefits.</u></p> <p><u>3.35 As with previous steps, Applicants are strongly advised to consider management proposals at an early stage and integration of management requirements into the design of</u></p>

Summarised Issue	Council's Response	Changes proposed to SPG Document
		<p>mitigation, compensation and enhancement schemes <u>is strongly advised</u>.</p> <p>3.36 Management and monitoring needs will vary from site to site. The guiding principle will be to ensure that management and monitoring proposed is proportionate both to the scale and impact of the project.</p> <p>Create new figure re Recommended Best practice for Management and Monitoring Plans from remaining text of Steps G & H</p>
<p>Steps G&H : Sufficient resources are required to support and improve appropriate monitoring and objective setting is key to this and improve review of CEMPs. The use of quality benchmarking such as BREEAM or Building with Nature (https://www.buildingwithnature.org.uk/) is a useful tool but these do not replace the need for the Council to provide sufficient resources to enable its planning/ecology/biodiversity functions to deliver this critical follow up role.</p>	<p>Whilst an important point, this issue is a corporate issue which can only be addressed outside the scope of the SPG.</p>	<p>No change</p>

CHAPTER 4: The Development Management Process

Summarised Issue	Council's Response	Changes proposed to SPG Document
<p>QUESTION 5: Does the draft SPG make clear how the Council will integrate the Stepwise Approach advocated in PPW into its decision making process on planning applications.</p>		
<p>Support: All respondents agreed that the draft was clear on this issue. There was clear support and encouragement for - the integration of the Stepwise Approach into the Council's development management and decision making process.</p> <ul style="list-style-type: none"> - the approach of linking the Stepwise Process to the stage of the DM process was welcomed. - the clear link between biodiversity and ecosystem resilience in the planning process and the refusal to accept compensation for irreplaceable habitats. - the recommendation in para 4.23 that all ecological data collected as part of the planning process should be shared with the Local Biological Record Centre (SEWBReC) - the principle expressed at 4.26 re the need to consider biodiversity impacts beyond site boundaries, and the importance of understanding the - larger impacts of relatively small developments. - The principle expressed at 4.31 for re minimising fragmentation of ecological connectivity and any avoidable harm or net loss of important habitats or species. <p>4.37 – re iteration of s6 duty throughout the document, particularly the requirement for the DAS to set out how the stepwise approach has been followed.</p>		
<p>The emerging British Standard for Biodiversity (para 4.8) contains terms and concepts which relate solely to the English system. The paragraph therefore creates confusion regarding</p>	<p>Reference to the BS guidance should be removed given its draft status and continued uncertainty surrounding the status of the guidance and its</p>	<p>Amend para 4.8</p> <p>4.8 This Chapter signposts best practice contained in the British Standard for Biodiversity (BS 42020:2013)³ and supporting</p>

³ BS 42020:2013 British standard for Biodiversity – Code of Practice for Planning and development. (BSI, 2013)

Summarised Issue	Council's Response	Changes proposed to SPG Document
distinctions between approaches to biodiversity gain in England and Wales.	relationship to the differing environmental legislation in England and Wales	CIEEM Guidance ⁴ The Council may also refer to relevant sections of the emerging British Standards Institution best practice the process of designing and implementing biodiversity net benefit as it evolves. ⁵
Caution required when using terms such as 'net benefit' which may have several different interpretations and definitions.	<p>Agree. The document has been reviewed to consistently refer to "net benefit for biodiversity" and to clearly distinguish between net benefit in the context of compensation/mitigation and enhancement. This is already clearly expressed in the definition of enhancement in the glossary and in Step F re enhancement.</p> <p>A single erroneous reference at para 2.14 to "net gain" also to be corrected.</p> <p>See also response above, which proposes to add an explanation of the terms enhancement and net benefit to Key Terms section in Chapter 1.</p>	<p>Minor amends made throughout the document consistently refer to "net benefit for biodiversity" at paras 2.27, 2.31, 3.7, 3.23, 3.29, 4.9, 4.34, 4.53.</p> <p>Addition of new diagram box re "enhancement" on 3.1 and 4.1 to be clear that enhancement is overarching principle.</p> <p>Amend para 2.14 – "...to achieve biodiversity net gain <u>benefit</u>..."</p>
The SPG should highlight that poor or degraded habitats and 'brown field' sites may be of	The SPG is clear throughout that it relates to all features of biodiversity	No change

⁴ Ecological Impact Assessment (EclA) Checklist <https://cieem.net/resource/ecological-impact-assessment-ecia-checklist> The checklist ensures that decisions adequate information in accordance with Clauses 6.2 and 8.1 of BS 42020

⁵ BS 8683 Process for designing and implementing Biodiversity Net Gain – Specification <https://standardsdevelopment.bsigroup.com/projects/2018-02413#/section>

Summarised Issue	Council's Response	Changes proposed to SPG Document
<p>considerable value, particularly if they are the only semi-natural habitat in an area or hold/connect isolated populations of vulnerable or scarce species</p>	<p>value, and the emphasis on considering ecological connectivity and ecosystem resilience will ensure that all types of habitat are considered.</p> <p>There is also specific guidance in Appendix 1 section 7c on the need for a survey on derelict land and brownfield sites. This will ensure that the relevant issues are considered.</p>	
<p>Adoption of SPG Paras 4.42 and 4.49, setting out the relationship between the SAB and planning applications processes, will add to the confusion caused by the introduction of SAB and the resulting impacts on site density and viability.</p>	<p>Whilst this sections refers to a factual statement to clarify that SAB and Planning processes operate under distinct legislative regimes, it is agreed that the text could be confusing and there is no disbenefit from removing the text from the SGP.</p>	<p>Amend final bullet of 4.9 as follows</p> <p>4.9 “Where approval from the SuDS Approval Body (SAB) is required..... However, receipt of SAB approval in compliance with these standards should not be taken to imply that a proposed drainage scheme would necessarily satisfy the requirements of the planning process or meet the requirements of the Environment (Wales) Act 2016. Conversely, ecological measures agreed through the planning process, will not necessarily meet the requirements of the SAB process.”</p> <p>4.2 “SAB Pre-Application: Where a pre-application submission is made Applicants should seek to establish separately that the biodiversity requirements of both the SuDS legislation and Planning Legislation are satisfied.</p>

Summarised Issue	Council's Response	Changes proposed to SPG Document
		<p>Approval of biodiversity measures under one regime, should not be assumed to imply that these measures are satisfactory under the other. It is also important to establish that measures, for example approved through the planning process, do not conflict with the requirements of the SAB process and vice versa.</p> <p>4.49 Sustainable Drainage Systems Approval: The details of any parallel SAB approval will be taken into account. It should be noted that compliance with all requirements of a SAB approval does not necessarily indicate that the development will provide all biodiversity measures required to make the development acceptable in planning terms. The converse is also the case, granting of planning permission does not imply that the biodiversity measures required in the planning consent will meet the SAB requirements.</p>

Summarised Issue	Council's Response	Changes proposed to SPG Document
<p>QUESTION 6: The draft SPG seeks to ensure that biodiversity issues are considered as early as possible in the development process, in the interests of maximising opportunities to integrate, retain and/or enhance biodiversity.</p> <p>Do you consider this to be an appropriate and viable approach?</p>		
<p>This is a very important element of the SPG. With so many green sites being developed e.g. housing sites where I live in Loughor, there may come a time when local green spaces are protected from development.</p> <p>Para 3.7 re Sharing ecological data is excellent and demonstrates best practice</p>	<p>Support noted</p>	<p>No change</p>
<p>Adoption of the SPG will exacerbate concerns about the impact on density and viability of</p> <ul style="list-style-type: none"> - The August 2020 WG 20% rise in planning fees. - The WG consultation on space standards for new homes 	<p>The purpose of SPG is to provide clarity/certainty to avoid costs and time delays. It provides guidance to navigate a complex environmental process. It does not introduce any obligations that are not already set out at a national level.</p>	<p>No change</p>
<p>The SPG introduces requirements for upfront ecological information and validation, engagement of specialists, pre-app engagement with council ecologists and consultation with NRW (Paragraphs 4.8, 4.9, 4.23 and 4.33). These will result in increased up-front costs for</p>	<p>Whilst issues of funding are noted, this is an issue that needs to be resolved at the national level.</p> <p>The paragraphs referred do not introduce new requirements above those set at the national level, and are not</p>	<p>4.9 – 3rd bullet</p> <ul style="list-style-type: none"> • Submission of timely and appropriate ecological information is essential. In particular, where the Council's Planning Ecologist has identified that a <i>Preliminary Ecological Assessment (PEA)</i> and any additional species

Summarised Issue	Council's Response	Changes proposed to SPG Document
<p>developers and planning applicants which will affect viability and deliverability and elongate the length of the planning application process further by adding additional stages of consultation.</p> <p>The impacts of the above are particularly unclear for brownfield sites.</p> <p>National Assembly for Wales Economy, Infrastructure and Skills Committee report on barriers facing Small Housebuilders in 2019 highlights SME concerns re funding up-front costs given that banks will not lend on development schemes until planning consent has been secured.</p>	<p>intended to introduce barriers. Rather they seek to signpost best practice, either professional guidance (i.e. CIEM) on the quality and timing of ecological information in order to ensure that applicants meet the various legal requirements relating to protected species, sites and habitats.</p> <p>Amendments are proposed to bullet 3 of para 4.9 to clarify that it will be the Council's Ecologist who will identify that an applicant is required to undertake a PEA. The request will be in response to relevant evidence of sites, species likely to be affected by the development. The PEA may also highlight where the applicant will need to commission further species surveys. The LPA will require both the PEA and associated surveys in order to have sufficient information to determine the application. This process is standard practice and is explained in more detail at para 4.20.</p> <p>The SPG also seeks to highlight Council's own best practice methods of collaborative working with developers on</p>	<p>surveys are <u>is required, this must be submitted with an application, along with any additional species surveys identified in the PEA.</u> these must be submitted with an application. Failure to submit the required information could lead to the application being refused....”</p>

Summarised Issue	Council's Response	Changes proposed to SPG Document
	<p>larger sites to ensure early identification and integration of environmental issues into design and cost appraisals.</p> <p>Again, the objective of national guidance, and of the SPG is to give clarity and certainty to developers of key issues and environmental legislation to be factored into the development appraisal process.</p>	
<p>It is of key importance that Council Members and Officers understand the increased cost associated with developer contributions and measures (referred to in Chapters 3 and 4) will impact on a scheme's viability and will have a detrimental impact on the amount of s.106 obligations that the Council can expect in areas like education and affordable housing particularly on sites that involve brownfield regeneration.</p> <p>If the Council is not prepared to be flexible in its approach on this, it will result in development schemes not being brought forward.</p>	<p>It is important to emphasise that the SPG does not introduce any new policies or costs. It is not the role of SPG to introduce policy, only to support the implementation of existing policy.</p> <p>The principle of securing biodiversity measures and enhancements has already been established in National Planning policy and Guidance and adopted LDP policies. The SPG simply provides more detail on the process the Council will follow to implement this.</p>	No change
<p>The SPG adds further reductions to density/developable area and viability in addition to those already arising from SAB requirements, new space standards and increased planning fees. Ongoing monitoring and management</p>	<p>Indeed, there is a strong emphasis in the SPG on ensuring that potential biodiversity measures are understood from the earliest stage of the process in order that costs and delays can be</p>	

Summarised Issue	Council's Response	Changes proposed to SPG Document
<p>requirements (see 3.36) and associated commuted sums or maintenance fees will have also have impacts on long term costs.</p> <p>These increased costs may be passed to purchasers through increased house prices or as management fees which will affect affordability, especially for first time buyers.</p>	<p>avoided. The SPG specifically promotes early engagement and assessment to ensure that there is a move away from conditions at a late stage in the project and that early integration of measures can be achieved through the design of the scheme.</p> <p>As with all developments, the council has made a clear statement that it is prepared to be flexible and work with developers through an open book viability process to ensure that developments are viable and deliverable whilst also ensuring that the most appropriate level of environmental and community benefits are realised by the development.</p>	
<p>The method of calculating any commuted maintenance sum should be transparent, with the calculation mechanism set out in any final SPG document.</p>	<p>Agree that clarity and certainty of all potential development costs is essential to inform an accurate development appraisal.</p>	<p>No change.</p>
<p>Will we get an idea of cost implications or commuted sum levels with the maintenance in mind at an early / pre app stage?</p>	<p>The Planning Obligations SPG currently sets the monitoring fee and is the appropriate location for setting out the method of calculation of commuted</p>	

Summarised Issue	Council's Response	Changes proposed to SPG Document
<p>Para 4.60 sets out how the Council will request a monitoring fee, referring to the use of either s106 Agreement or planning conditions. Concern is raised over the lack of inclusion in the draft SPG of a transparent method of calculation of the Monitoring Fee, which prevents developers from including monitoring costs into financial appraisals of development viability.</p>	<p>sums, relating both to environmental measures and to all other relevant developer contributions.</p> <p>A review of the current adopted Planning Obligations SPG will be carried out.</p>	
<p>Proposed allocations on sites may not be achievable as a result of reduced viability. Paramount that enough sites are allocated at LDP review to meet housing requirements, recognising that these further measures are likely to highly impact the gross / net ratio on sites. Allocated sites must be capable of the densities that they show on the masterplan.</p>	<p>The Annual Monitoring Report is the mechanism through which the delivery of adopted allocated sites is monitored and this will inform future LDP Reviews.</p> <p>Allocations in a reviewed LDP will be made in the context of the most up to date legislation and policy context at the time.</p>	No change
<p>Review Chapter 4 to highlight role of Fungi.</p>	<p>As stated above, all references to biodiversity are intended to include fungi.</p>	See changes listed above.

Summarised Issue	Council's Response	Changes proposed to SPG Document
QUESTION 7: Does the SPG clearly explain how the Council will take account of, and promote the resilience of ecosystems?		
Means of enforcement should be included	The process of enforcement of measures negotiated through the planning process is a corporate matter which lies outside the remit of this SPG.	No change

Summarised Issue	Council's Response	Changes proposed to SPG Document
QUESTION 8: The draft SPG explains that the Council will seek to "secure enhancements wherever possible".		
Do you agree with the SPG's approach that enhancement should be proportionate to the scale, nature and location of the development involved?		
SUPPORT: Member of public: The more enhancement the better! No excuses for minimising.	Support noted	No change required
The wording " <i>Wherever possible</i> " is a vague commitment. Many things are possible, with the appropriate resources. For example, a city centre development might have very limited surrounding space for biodiversity enhancement but could install a green roof or wall. The SPG should insist on biodiversity enhancements in all	The SPG cannot require enhancements in every single case. It is for this reason that the SPG refers to the principle of proportionality in order to acknowledge that a blanket requirement for enhancements in all cases is not practical.	No change

cases and then make a judgement on proportionality.	The approach is supported by the detail in the Appendices which provides advice relating to specific scales of development.	
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QUESTION 9: The draft SPG emphasises that the Council will normally require any necessary biodiversity enhancements to be shown on plans submitted as part of a planning application, and will then use Planning Conditions to require that the proposed development is carried out in accordance with those submitted plans. Do you agree with the approach set out in the draft SPG to securing biodiversity enhancement through the use of planning conditions?

All respondents answered “yes” to this question. No detailed comments submitted.

Summarised Issue	Council’s Response	Changes proposed to SPG Document
QUESTION 10: Does the draft SPG make clear what information is required at what stage to support a planning application, in relation to biodiversity matters?		
Detail provided in Appendix 2 re major developments should be clarified in the main document.	The SPG must satisfy a diverse readership and applies to a range of scales of applications. Detail was provided in the Appendices with the intention that specific readers could easily access specific sections of the SPG.	No change
Not in relation to fungi	See above re proposed amendments re references to Fungi	See above

CHAPTER 5: Glossary of Terms

Summarised Issue	Council's Response	Changes proposed to SPG Document
QUESTION 10: Does the draft SPG make clear what information is required at what stage to support a planning application, in relation to biodiversity matters?		
A list of all the acronyms used would be a useful addition.	Provide a list of acronyms as part of the glossary	See list of acronyms now included in amended LDP doc at Appendix B.

CHAPTER 6: Appendices

Summarised Issue	Council's Response	Changes proposed to SPG Document
QUESTION 11: Is the information set out in the draft SPG Appendices accurate?		
Amend incorrect reference to Rivers outside Council boundaries at Chapter 6 (Appendices) and Figure A.1.7 –(the River Tywi SAC and the River Usk SAC)	Amend errors in the Appendix A1.7	Amend Appendix to remover reference to River Tywi SAC and the River Usk SAC
The Council should publish a biodiversity connectivity map laying out clearly where crucial wildlife corridors are presently and where it proposes to create others. This would send a clear message of the Council's serious intent be and would be useful information for land owners and developers.	The Council have completed work on a Connectivity Map and intend to publish on the Council website.	No change

Summarised Issue	Council's Response	Changes proposed to SPG Document
Suggest fish and aquatic invertebrates could be added to Appendix 1 section 6 re Proposals affecting water bodies!	Add fish and aquatic invertebrate to section 6 of checklist re proposals affecting water bodies.	Amend Appendix 1, Figure A1.1 at sections 3, 5 and 6 to refer to "Fish" and "Aquatic Invertebrates"
Amendments required to align text with post Brexit changes to environmental legislation	Amend Appendices	Various amendments to Appendices.

Summarised Issue	Council's Response	Changes proposed to SPG Document
QUESTION 12: Is the information set out in the draft SPG Appendices informative?		
Support for the substantial appendix of original sources and further reading	Support noted	No change

Summarised Issue	Council's Response	Changes proposed to SPG Document
QUESTION 13: Do you have any additional comments relating to the draft SPG and/or are there specific amendments (not covered by questions 1-12 above) that you would like to see made to the document?		
The Wildlife Trust of South and West Wales (WTSWW) welcome and support the production of this supplementary planning guidance (SPG) on Biodiversity and development. It will help ensure a consistent and pro-active approach to ensuring	The detailed comments and support of WTSWW are welcomed.	No change

Summarised Issue	Council's Response	Changes proposed to SPG Document
all development within the Swansea area takes full account of the Council's S6 duty. It should also assist in delivering better and more sustainable development within Swansea.		
General support from Gower Society, particularly re explanation of ecological survey requirements, with the caveat of the need to successfully implement and monitor the guidance	Support noted and welcomed. The implementation and monitoring of the SPG is a corporate issue which lies outside the remit of the SPG document.	No change.
Greater clarity requested on how monitoring will be carried out and funding, by whom and for how long. What will be the consequence if anticipated "green" outcomes are not realised. Who will be responsible for the ongoing management of important "green" resources like hedgerows, woods and ponds?		

Annex A - Consultation Responses

APPENDIX – FULL LIST OF RESPONSES FOR EACH CONSULTATION QUESTION

CHAPTER 1: INTRODUCTION

Question 1: Do you think the draft SPG contains sufficient and appropriate links to the Swansea LDP and its policies?

Comments

Natural Resources Wales: We note and welcome the references to LDP policies within paragraphs 2.16, 2.17, 2.18 and Appendix 5.

Question 2: The key terms of biodiversity, ecosystem services, ecosystem resilience, and sustainable management of natural resources, net benefit and enhancement are all defined in Chapter 1. Do you think that the draft SPG clearly explains these terms and how they relate to the planning system?

Comments

NRW = We believe the SPG clearly explains these terms especially biodiversity, ecosystem services and ecosystem resilience in paragraphs 1.13, 1.14 and 1.15. Although the terms sustainable management of natural resources, net benefit and enhancement are mentioned, they do not appear to have been defined in Chapter 1. They are however defined in the Glossary. Consideration should be given to adding the definitions, within Chapter 1.

Gower Society - We conclude with one thought. Maybe it is just not feasible in a document of this complexity to give examples of pro-active actions that CCS has actually been involved in that have utilised its predecessor equivalent, say, in the last five years, but, occasionally, one can be under the impression that documents of this type, once produced and approved, full of good intentions, essentially sit and gather dust on some distant largely 'forgotten shelf'. **For perhaps just one example, on p9, in the ecosystem services diagram fig 1.2,** 'Invasive Non-Native Species (INNS)' are referred to as 'one of the greatest drivers of change in Wales'. Fine, but are these just words? The reader has no means of knowing what activities the CCS might have had to date of dealing with invasive non-native species or even whether it has a watchlist of what it has considered should be on such a list. (Japanese knotweed, rhododendrons, then elm, ash, oak, bamboo diseases all probably, but what of species like grey squirrels and Spanish bluebells, etc - but where do you stop?)

QUESTION 3: Chapter 1 (together with the Appendices) confirms the key habitats, species and ecological features found in Swansea. Do you think the draft SPG provides clear information on how to identify important ecological features which may be affected by development?

Comments

Fungi are not covered - see Additional Information

NRW - We note that key ecological features are noted in Figure 1.4 along with certain habitats listed in paragraph 1.9. While we note that clear information is provided in relation to Priority/Protected species within Chapter 6 (Appendix 1), **we recommend that further information should also be provided in relation to Section 7 habitats.**

Wildlife Trust SWW
1 introduction. Welcome the acknowledgement of Swansea Council's responsibilities set out under Section 6 of The Environment (Wales) Act 2016
<p>1.5 Strongly disagree with the use of 'significant' in the statement "...set out how the Council will seek to ensure that development does not cause any significant loss of habitats or species...".</p> <p>The wording of the Act is quite clear that the intention must be to 'maintain and enhance' biodiversity, therefore, Swansea seeking to avoid a 'significant loss' is not consistent with the act, particularly as there is no definition of what 'significant loss' might entail in this context, or with the rest of this SPG. While we appreciate that Planning Policy Wales (PPW) section 6.4.5 also makes reference to 'significant loss' it also states that the onus is on individual planning authorities to make it clear that any loss of biodiversity due to development is unacceptable, particularly in the current climate and environmental crises, and to refuse applications on this basis.</p> <p>This SPG represents an opportunity to remove this confusion and embed the principle of the Act and its own corporate objectives in the Council's planning policies. Only then can this guidance be meaningfully applied to address any potential impacts on biodiversity from development and ensure that the biodiversity and ecosystem goods and services of the area are maintained and enhanced as set out in the Act.</p>
1.7 Strongly support the link to green infrastructure and good place making.
1.8 support the intention to apply the mitigation hierarchy but see comments on section 1.5 about undermining this approach.

CHAPTER 2: LEGISLATION AND POLICY CONTEXT

QUESTION 4: Is the draft SPG clear regarding how the relevant national legislation and policies, relating to biodiversity, will be implemented locally in Swansea through the planning application process?
Comments
NRW = We note that references to national legislation and policies, relating to biodiversity, and how they will be implemented locally in Swansea are outlined throughout the document.

CHAPTER 3: THE STEPWISE APPROACH

No specific questions

Comments
ADD WTSW COMMENTS
<p>Hygrove Homes: Impact on s.106 obligations</p> <p>We note from paragraph 3.30 that <i>"Wherever possible the Council will seek to secure enhancements by applying the principles of good placemaking and GI. Where on-site enhancements are not feasible/cannot be incorporated into the site design the Council may seek a contribution from the developer to off-site measures. For example, to support identified projects for maintaining or creating habitats. This could be secured through an appropriate legal mechanism."</i></p> <p>Similar points are made in <i>paragraphs 3.8, 3.15, 3.20, 3.22, 3.33 and 4.52</i> of the SPG document.</p> <p>It is of key importance that Council Members and Officers understand the increased cost associated with these measures will impact on a scheme's viability and will have a detrimental impact on the amount of s.106 obligations that the Council can expect in areas like education and affordable housing particularly</p>

on sites that involve brownfield regeneration. If the Council is not prepared to be flexible in its approach on this, it will result in development schemes not being brought forward.

We also note the section of the SPG document that states:

“Monitoring is intended to both check compliance with conditions or planning obligations and to establish whether the measures undertaken are effective and are successfully delivering the intended outcomes. The Council will either request a monitoring fee as part of a s106 Agreement and monitor in-house, or include within planning conditions a requirement for the applicant to cover the cost for ongoing monitoring”.

We would expect any monitoring fee to be transparent, with the method of calculation set out in any final SPG document to enable developers to factor in such a cost to their development appraisal but reiterate that the SPG will add significant unnecessary cost to the applicant.

Hygrove Homes : 7. Impact on affordability of first time buyers

The potential reduction in density on development sites caused by the introduction of SAB's and the possible introduction of the new Welsh Government space standards will force developers to increase house prices, reducing the number of potential first time buyers from purchasing homes in the County. In addition to this, we note the comments relating ongoing management of biodiversity measures in paragraphs 3.34, 3.36 and 3.37 of the SPG document.

We particularly note an extract from paragraph 3.36, which states:

“On sites where ecological features are retained and/or new habitats and features are created, appropriate ongoing management must be put in place to ensure long lasting benefits. Applicants are strongly advised to consider management proposals at an early stage and integrate management requirements into the design of mitigation, compensation and enhancement schemes. Management and monitoring needs will vary from site to site. The guiding principle will be to ensure that management and monitoring proposed is proportionate both to the scale and impact of the project. In these cases, the appropriate monitoring and management plans will need to be produced and submitted to the Council”.

While it is encouraging to note the SPG document's emphasis on proportionality, the **likelihood is that the management cost will be funded either through a commuted maintenance sum or via a management company with monthly contributions from home owners.**

We would expect the method of **calculating any commuted maintenance sum to be transparent, with the calculation mechanism set out in any final SPG document.**

This is contrary to our recent experience with the Council's parks department, which refused to provide a breakdown of a requested commuted maintenance sum for the future maintenance of a green space within one of our developments.

Further to the above, any commuted maintenance sum will impact a scheme's viability. Should a developer opt to pass the cost of maintenance on to future homeowners (via monthly contributions to a management company), this monthly cost will need to be factored in to a purchaser's affordability assessment at the point of mortgage application (who will already be expected to pay contributions to the upkeep of any on-site SAB). This, again, will impact the number of first-time buyers that will be able to afford to buy in the County.

Wildlife Trust for South West Wales:

Section 3. WTSWW strongly support the implementation of the stepwise approach to mitigation and the clarification on how this will be applied to developments in Swansea.

3.3 WTSWW welcomes the clarification that the duty to maintain and enhance applies to all biodiversity and not just important features.

3.7 Welcome the clear intent to seek enhancement even when mitigation is not strictly necessary.

3.10 WTSWW does not support any development on a designated SINC, even if it is demonstrated that the site no longer meets qualifying criteria, unless it is made clear at the earliest stages of the planning process how the development will seek to enhance and/or restore the ecological contribution of that site to the ecological network. This should not just be a matter of replacement of lost or damaged features but a strict application of the stepwise approach, ideally through the production of ecological management plan. This plan must demonstrate how the ecological capacity of the area will be maintained and

enhanced both at the completion of the development and monitored and managed thereafter. In addition, such a process should not be limited to 'major' developments only but applied proportionately to all developments with the potential for ecological impacts, no matter how small.

3.12 WTSWW strongly support this approach.

3.15 While planning law (or at least the Planning Inspectorate and courts' interpretation of that law) that enhancement cannot be made a condition for development, it is still clear that the section 6 duty applies to the Council in exercising its function as a planning authority. We welcome that the SPG sets out that the Council will work with developers/applicants to seek ecological enhancements whenever and wherever possible, either by adapting green infrastructure requirements, such as SuDS, or through other planning requirements (such as S106 agreements or CILs) associated with the granting of the planning permission (Sections 3.18 and 3.19) but feel it could usefully be made clear in this section also.

3.17 WTSWW strongly support this approach, though our comments on section 3.10, particularly the need to look at restoring the original features that qualified the SINC, also apply.

3.21 – 3.29 WTSWW support the approach taken to compensation here, particularly the need to demonstrate that the compensation measures need to be able to either demonstrate that they fulfil the role and function of the loss or are sufficient to provide confidence that they will do so (for example, by applying a multiplier). In some, very specific, cases it may be possible for the development to contribute to a landscape scale restoration project to deliver the compensation required but only if the alternative approach can demonstrate significant benefits above the standard approach (for example, the Carmarthenshire Cross Hands marsh fritillary project).

3.30 – 3.34 WTSWW strongly support this approach, particularly the need to include even small developments in the remit of enhancements and the potential to contribute to landscape scale ecological enhancement initiatives (for example the RCT Rhos pasture project)

3.35 – 3.40 WTSWW support this approach but the need for a measurable and reliable way of ensuring the long-term viability of ecological mitigation and enhancement measures is critical. Appropriate monitoring and objective setting is key to this and review of CEMPs is often poor or non-existent. The use of quality benchmarking such as BREEAM or Building with Nature (<https://www.buildingwithnature.org.uk/>) is a useful tool but these do not replace the need for the Council to provide sufficient resources to enable its planning/ecology/biodiversity functions to deliver this critical follow up role.

CHAPTER 4: THE DEVELOPMENT MANAGEMENT PROCESS

QUESTION 5: Does the draft SPG make clear how the Council will integrate the Stepwise Approach advocated in PPW into its decision-making process on planning applications?

Comment

We note and encourage the integration of the 'Stepwise Approach' into the Council's development management decision making process, as detailed in both chapters.

Excellent approach

Section 4. WTSWW welcomes the clear setting out of the stepwise approach and how it applies to the application process

4.8 Note the developing British Standards Institute best practice guidance is based on the English legislative framework and heavily weighted towards the English approach to issues such as mitigation and concepts such as 'biodiversity no net-loss'.

This is not the approach currently being applied in Wales where the section 6 duty clearly states that we must 'maintain and enhance'. This should be made clear in the SPG, particularly where larger developers may be unfamiliar with the Welsh legislative framework and seek to apply inappropriate metrics when calculating the impacts of their developments.

4.9 WTSWW welcome most of the points highlighted in this section, such as the clear link between biodiversity and ecosystem resilience in the planning process and the refusal to accept compensation for irreplaceable habitats. However, we would urge the Council to be cautious when using terms such as ‘net benefit’ which may have several different interpretations and definitions.
4.23 WTSWW strongly support the recommendation that all ecological data collected as part of the planning process should be shared with the Local Biological Record Centre (SEWBRcC)
4.25 While WTSWW accept that there may be instances where ecological impacts of a development might be minor, the SPG should also highlight that poor or degraded habitats and ‘brown field’ sites may be of considerable value, particularly if they are the only semi-natural habitat in an area or hold/connect isolated populations of vulnerable or scarce species. Such areas often also have the potential for significant enhancement both as Green infrastructure and for biodiversity but developers often ‘downgrade’ the value of such land in the application process. WTSWW strongly recommend that these types of habitat are included in the list of considerations when a preliminary ecological assessment is requested.
4.26 WTSWW strongly support this principle
4.31 WTSWW support this principle but refer to comments on Section 4.25 in relation to habitats and species of perceived lesser importance.
4.37 While we accept that biodiversity enhancement may currently not be legally required in the planning process, we feel that the Council should make it clear throughout the SPG that it will be seeking to apply its section 6 responsibilities to maintain and enhance biodiversity throughout the planning process. Therefore, we particularly welcome the approach set out in sections 4.51 – 4.54
Hygrove Homes Paras 4.42 and 4.49 Welsh Government introduced SAB’s in January 2019; The introduction of SAB’s has been chaotic, causing widespread confusion in the industry and uncertainty over both the application process and interaction between the SAB board and planning department. Furthermore, SAB’s will impact site density (it is estimated that density could be reduced by up to 20% of the developable site acreage) and the developer will face cost consequences associated with construction and future maintenance of the SAB. A recent meeting of the Swansea developer forum heard significant concerns from the developers present while extracts from paragraphs 4.42 and 4.49 of the SPG document hints at the existing and increased confusion that planning applicants will experience should the SPG document be adopted <i>(“...Approval of biodiversity measures under one regime, should not be assumed to imply that these measures are satisfactory under the other.....”)</i> and <i>(“It should be noted that compliance with all requirements of a SAB approval does not necessarily indicate that the development will provide all biodiversity measures required to make the development acceptable in planning terms. The converse is also the case, granting of planning permission does not imply that the biodiversity measures required in the planning consent will meet the SAB requirements...”)</i>
Hygrove Homes Welsh Government announced a 20% rise in planning fees as of August 2020; We have expressed concerns previously that the increase in planning fees will not result in an increase in the speed of the planning process or customer service received. These concerns will be exacerbated further should the SPG document be adopted;
Hygrove Homes: Welsh Government is currently consulting on the potential introduction of increased space standards in new homes Point i) above discusses the potential impact that SAB’s will have on site density. Welsh Government’s current consultation on space standards of new homes (if adopted) will clearly affect potential density further, impacting the viability of schemes (particularly of brown field first time buyer sites) negatively in the process. The introduction of the SPG document will only add to this. We would urge both Council Members and Officers to consider the above as part of the process in deciding on whether to adopt the SPG document.
Hygrove Homes 4. Increase in developer and planning applicant up-front cost

The EIS Committee's report on barriers facing Small Housebuilders in 2019 heard concerns from developers about the up-front cost associated with planning applications and how banks will not lend on development schemes until planning consent has been secured.

This is a major obstacle for SME housebuilders that have ambitions to bring sites forward for development.

Paragraphs 4.8, 4.9, 4.23 and 4.33 of the SPG document details yet further up-front cost that developers will face should the SPG document be adopted ("....Submission of timely and appropriate ecological information is essential. In particular, where the Council's Planning Ecologist has identified that a Preliminary Ecological Assessment (PEA) and any additional species surveys are required, these must be submitted with an application. Failure to submit the required information could lead to the application being refused.....",

and

"For major applications, a multi-disciplinary design team should be engaged at the earliest possible stage and include a suitably qualified ecologist".

This will of course be in addition to the 20% rise in planning fees introduced in August 2020 (as referred to above).

:Hygrove Homes Elongate the planning process

As well as increasing the up-front cost faced by developers, the adoption of the SPG document will also elongate the length of the planning application process further.

We note extracts from paragraphs 4.17 and 4.45 of the SPG document in particular:

"...The LPA will co-ordinate appropriate engagement of the Council's planning ecologist on biodiversity issues at the pre-application stage"

and

"...Where applications are submitted without ecological information, they may be validated but cannot be determined until any necessary ecological reports have been submitted to, and approved by, the Local Planning Authority (LPA). Where surveys and reports are submitted which recommend further survey work is carried out, and this is not submitted to the LPA, the LPA may refuse the application".

It is unclear as to what interaction the planning department has had with other Council departments as part of the drafting of the SPG, and furthermore, **whether input from the Council's planning ecologist on design elements of planning applications will be contradicted by other departments** like highways, parks an urban design and how the case officer will decide which comments take precedence (these comments are equally relevant to the Council's current consultation on trees and hedgerows).

Also, the LPA's efforts to *"....co-ordinate appropriate engagement of the Council's planning ecologist on biodiversity issues..."* will depend on the ecologist's working hours. We have found in the past that members of the planning ecologist team work part time, affecting the timeliness of response times.

We also note paragraph 4.40 of the SPG document, an extract from which states:

"....Preapplication discussion with statutory consultees such as NRW is also recommended, together with non-statutory consultees, where appropriate....".

This acknowledges a duplication in process, which will elongate the application time and cause further uncertainty to the applicant.

QUESTION 6: The draft SPG seeks to ensure that biodiversity issues are considered as early as possible in the development process, in the interests of maximising opportunities to integrate, retain and/or enhance biodiversity.

Do you consider this to be an appropriate and viable approach?

Comment

This is a very important element of the SPG.

With so many green sites being developed eg housing sites where I live in Loughor, there may come a time when local green spaces are protected from development. Sharing data 3.7 excellent best practice

If fungi are taken into consideration

Persimmon : Site viability 'will' be impacted regardless of level of biodiversity on a site. How do these measures impact brownfield development is something that is unclear. Will we get an idea of cost implications or commuted sum levels with the maintenance in mind at an early / pre app stage? It must also be ensured that all departments of the council give quick comprehensive and quick feedback in the pre app stage and that the comments made in the SAB process by ecologist are consistent with pre app feedback to the developer.

QUESTION 7: Does the SPG clearly explain how the Council will take account of, and promote the resilience of ecosystems?

Comment

DECCA

Means of enforcement should be included

If fungi are taken into consideration

Nrw - We note key ecological features, as shown in Figure 1.4, which will be maintained and enhanced by the Council in order to contribute to the resilience of local biodiversity. We also note and encourage the use of the 5 Attributes of Ecosystem Resilience (DECCA) in Figure 1.4.

QUESTION 8: The draft SPG explains that the Council will seek to "secure enhancements wherever possible". Do you agree with the SPG's approach that enhancement should be proportionate to the scale, nature and location of the development involved?

Comment

Ciarn Obrian: "Wherever possible" is a vague commitment.

Many things are possible, with the appropriate resources. For example, a city centre development might have very limited surrounding space for biodiversity enhancement but could install a green roof or wall. In my opinion, **the SPG should insist on biodiversity enhancements in all cases and then make a judgement on proportionality.**

Persimmon Homes: Yes, however what is considered reasonably as 'not possible' i.e. will this apply to brownfield for instance?

Member of public: The more enhancement the better! No excuses for minimising.

QUESTION 9 : The draft SPG emphasises that the Council will normally require any necessary biodiversity enhancements to be shown on plans submitted as part of a planning application, and will then use Planning Conditions to require that the proposed development is carried out in accordance with those submitted plans. Do you agree with the approach set out in the draft SPG to securing biodiversity enhancement through the use of planning conditions?

QUESTION 10 Does the draft SPG make clear what information is required at what stage to support a planning application, in relation to biodiversity matters?

Comment

NRW: This was mentioned to a degree within the SPG, and further detailed in Appendix 2. However, we advise that further clarity within the main document, would likely be more helpful for applicants.

Not in relation to fungi

CHAPTER 5: GLOSSARY OF TERMS

No specific question

Comment

Gower Society : The presentation is, on the whole clear and purposeful, though for ease-of-reading it would be greatly helped if, under the Glossary section (p 48), there could be added a list of all the acronyms used, of which there are a bewildering number. (N.B. Whilst, in a small document, it may be sufficiently simple to define the acronym the first time it is used – as has been adopted here – in a large document like this one, the absence of an easy-to refer-to list makes the reading of it akin to walking in a minefield of time-consuming distractions.)

CHAPTER 6: APPENDICES

QUESTION 11: Is the information set out in the draft SPG Appendices accurate?

Comment

NRW : In relation to Chapter 6 (Appendices) and Figure A.1.7 – we wish to highlight that the River Tywi SAC and the River Usk SAC, do not fall within the Swansea / City & County of Swansea Local Authority area. We advise that this is corrected and updated.

In my opinion, the Council should publish a biodiversity connectivity map laying out clearly where crucial wildlife corridors are presently and where it proposes to create others. This would send a clear message of the Council's serious intent be and would be useful information for land owners and developers.

Looks very thorough and comprehensive. Appreciate NRW will have information, but perhaps fish and aquatic invertebrates could be added for completeness in 6. Proposals affecting water bodies!

QUESTION 12 Is the information set out in the draft SPG Appendices informative?

Comment

Excellent

There is a substantial appendix of original sources and further reading for those minded to do so.

QUESTION 13 Do you have any additional comments relating to the draft SPG and/or are there specific amendments (not covered by questions 1-12 above) that you would like to see made to the document?

Comment
<ul style="list-style-type: none"> The Wildlife Trust of South and West Wales (WTSWW) welcome and support the production of this supplementary planning guidance (SPG) on Biodiversity and development. It will help ensure a consistent and pro-active approach to ensuring all development within the Swansea area takes full account of the Council's responsibilities under Section 6 of the Environment (Wales) Act 2016. It should also assist in delivering better and more sustainable development within Swansea. The comments provided should be taken not as criticisms, but points for improvement in an otherwise very good document
<ul style="list-style-type: none"> We note that there is almost no mention of fungi in the documents. Fungi are perhaps the most important members of the terrestrial ecological community, as they recycle nutrients, create habitats and provide food for a huge range of organisms. They are key players in carbon and nitrogen dynamics in habitats, and their role in maintaining healthy soils, should not be overlooked. Decomposition is just as important to consider as primary productivity. We must start to implement measures to combat biodiversity loss and greenhouse gas emissions. Soils with healthy populations of fungi, help sequester carbon and greatly support the functioning of terrestrial habitats. For these reasons, fungi and their habitats must be given protection, it is of utmost importance when designing strategies to improve, maintain or protect our green spaces. In addition to the aforementioned points, there are certain fungi present in Swansea, that need direct protection to prevent local extinction. Most trees depend on fungi - particularly mycorrhizal species that enhance the development of trees by providing water and nutrients from the soil that are not readily available. We would ask that due consideration of fungi be in measures proposed to protect trees/roots etc.. New, semi ancient and ancient woodlands may contain assemblages of locally important fungi. Veteran trees hold assemblages of fungi that can be hundreds of years old, and protection must be granted to these particular trees. Tree and hedgerow management – leaving standing deadwood (subject to safety concerns), a mixture of different grades of coarse deadwood and old/veteran trees is very important. In addition, semi or unimproved grassland sites are important for fungi particularly Waxcap fungi (<i>Hygrocybe</i> et al species). These include pasture, cemeteries and old lawns which we hope could be surveyed before change of use is agreed. Grassland fungi are extremely sensitive to change and this needs to be taken into consideration early in the planning process. We would ask that fungi are given a much higher profile in the documents, which ties into the Well-being of Future Generations (Wales) Act 2015. We must start to think about habitats from the ground up, starting with the microbes that support these habitats. Please do not hesitate to contact us with any further queries on aspects of fungal biology, ecology or conservation. We stress the need for fungal surveys by competent mycologists to be included as early as possible in the planning process.
<p>I have insufficient personal knowledge to highlight any discrepancies.</p>
<p>Persimmon Viability impact needs to be recognised, the measures in the SPG are another cost that will be borne by the developer and it will also have a significant affect on net developable area and if certain sites are still viable. So much so that the proposed allocations on sites may not be achievable. Thus, when the LDP review occurs it is paramount that enough sites are allocated to meet housing requirements, recognising that these further measures are likely to highly impact the gross / net ratio on sites. When the LDP review takes place, it is paramount that sites that are allocated are capable of the densities that they show on the masterplan. It is unclear as to how Brownfield sites are implicated in the SPG. We are also reliant on the different consultees in the council being on the same page on sites and have buy in from all parties. Quick and comprehensive feedback at the pre app stage will be vital.</p>
<p>Gower Society : Overall, it is a good and interesting summary of its intended function as a policy guide set within a quasi-legal framework of obligations of Swansea CCS on the one hand, and requirements from developers on the other. The requirements from developers get tougher if more than ten houses are involved, which partly explains why the amount of glossy paperwork provided for major developments is necessarily required to satisfy CCS. The information provided is assembled from a wide variety of sources, mainly either from the multitude of specific geographic locations of sites of biodiversity/environmental</p>

<p>interests on the one hand and the large number of environmentally-related organisations that have grown up over many years that represent particular aspects of environmental concern. (One of these referred to is the Gower Society.) : Overall, a very useful, detailed summary of what should and should not be done but needs vigilant implementing and monitoring if it is going to be of any real use when up against the rich panoply of real life.</p>
<p>I would like to greater clarity on how monitoring will be carried out and funding, by whom and for how long. What will be the consequence if anticipated "green" outcomes are not realised. Who will be responsible for the ongoing management of important "green" resources like hedgerows, woods and ponds?</p>
<p>We make the following initial comments:</p> <ul style="list-style-type: none"> i) The SPG document is substantial in length and technical in nature. We consider that this will impact on the overall number and quality of responses that are submitted by members of the public; ii) Further to 1 above, we believe that the survey questions have been drafted in a way that will encourage and result in a positive outcome in favour of adopting the SPG document without wider implications being considered; <p>2. As will be discussed in further detail below, we think it is important that Members understand at this stage that the introduction of the SPG in its current form will:</p> <ul style="list-style-type: none"> i) Elongate the planning process; ii) Have a negative impact on the level of s.106 obligations that the Council can expect in other areas like Education and Affordable Housing; iii) Have a negative impact on the affordability of first time buyers in purchasing a new home in the City and County of Swansea; iv) Further impact on the presence of SME housebuilders in Swansea and deter housebuilders from building first time buyer homes.
<p>Hygrove homes: Conclusion: In summary, we consider that the introduction of the SPG document will:</p> <ul style="list-style-type: none"> 1. Introduce a further layer of bureaucracy to an already over-bureaucratic system; 2. Introduce a further layer of cost; 3. Delay the planning application process further; 4. Add to the barriers to entry faced by SME housebuilders and developers; 5. Inevitably result in site density reducing which will impact first-time buyers disproportionately; 6. Have a negative impact on the level of s.106 obligations that the Council can expect in other areas like Education and Affordable Housing. <p>We hope that Members and Officers consider the above as part of the decision-making process on whether to adopt the SPG document. We would encourage Members and Officers to postpone any decision until the results of Welsh Government's consultation on space standards are published and until there is further clarity on the resolution of the Covid-19 pandemic.;</p>
<p>Hygrove Welsh Government is currently consulting on the potential introduction of increased space standards in new homes</p> <p>Point i) above discusses the potential impact that SAB's will have on site density. Welsh Government's current consultation on space standards of new homes (if adopted) will clearly affect potential density further, impacting the viability of schemes (particularly of brown field first time buyer sites) negatively in the process. The introduction of the SPG document will only add to this. We would urge both Council Members and Officers to consider the above as part of the process in deciding on whether to adopt the SPG document</p>

Copies of Letters received



Mr. Tom Evans
Strategic Planning Lead, Planning and City Regeneration
Swansea Council
Civic Centre
Oystermouth Road
Swansea
SA1 3SN

Date 15 October 2020

Dear Sirs

Re: Consultation on Development and Biodiversity (Consultation Draft) Supplementary Planning Guidance

Hygrove Homes (hereinafter referred to as "Hygrove") welcomes the opportunity to respond to Swansea Council's Consultation on Development and Biodiversity (Consultation Draft) Supplementary Planning Guidance (hereinafter referred to as the "SPG document").

Hygrove is a SME housebuilder that operates primarily in the City and County of Swansea, building approximately 80 new homes per annum for both private sale for the first time buyer/young family market and on behalf of Registered Social Landlords. Our developments are mainly located on brownfield sites, which require remediation as part of the construction process.

The new home housing market in Wales is dominated by a small number of PLC housebuilders, while the market share of small house builders has declined from 28 per cent in 2008 to 12 per cent today. The difficulties encountered by Small Housebuilders in Wales were explored by the Senedd's Economy Infrastructure Skills committee's ("EIS Committee") report on barriers facing Small Housebuilders in 2019. We enclose a copy of Hygrove's written evidence paper that it submitted to the EIS committee for your reference purposes.

Hygrove recognises the importance of protecting the County's biodiversity and shares the Council's ambition that Swansea's natural assets are safeguarded for the enjoyment of future generations. We feel it important, however, that both Council Members and Officers consider the following comments prior to Members deciding on whether to adopt the SPG document:

1. We make the following initial comments:

- i) The SPG document is substantial in length and technical in nature. We consider that this will impact on the overall number and quality of responses that are submitted by members of the public;
- ii) Further to 1 above, we believe that the survey questions have been drafted in a way that will encourage and result in a positive outcome in favour of adopting the SPG document without wider implications being considered;

- iii) The Council has consulted on the SPG during the Covid-19 pandemic. Given this, we feel that interested parties that may otherwise have taken the time to read and comment on the substantial SPG document will have instead prioritised undertaking other matters;
- iv) We feel that the introduction of this SPG will cause planning applicants yet further cost and slow the planning process even further against a backdrop of:
 - a) **An already under-resourced planning department** (to this end, we do not consider that the Council's recent announcement of an added member of staff to the planning department will make a material difference should the SPG document be adopted in its current form);
 - b) **Poor communication between Council departments;**
 - c) **Inconsistency of approach and application by planning officers;**
 - d) **Failure of external consultees to respond to consultations in a timely manner.**

2. As will be discussed in further detail below, we think it is important that Members understand at this stage that the introduction of the SPG in its current form will:

- i) **Elongate the planning process;**
- ii) **Have a negative impact on the level of s.106 obligations that the Council can expect in other areas like Education and Affordable Housing;**
- iii) **Have a negative impact on the affordability of first time buyers in purchasing a new home in the City and County of Swansea;**
- iv) **Further impact on the presence of SME housebuilders in Swansea and deter housebuilders from building first time buyer homes.**

3. **Recent and proposed potential regulatory changes:**

The potential adoption of the SPG document comes at a time when:

- i) **Welsh Government introduced SAB's in January 2019;**
The introduction of SAB's has been chaotic, causing widespread confusion in the industry and uncertainty over both the application process and interaction between the SAB board and planning department. Furthermore, SAB's will impact site density (it is estimated that density could be reduced by up to 20% of the developable site acreage) and the developer will face cost consequences associated with construction and future maintenance of the SAB. A recent meeting of the Swansea developer forum heard significant concerns from the developers present while extracts from paragraphs 4.42 and 4.49 of the SPG document ("*...Approval of biodiversity measures under one regime, should not be assumed to imply that these measures are satisfactory under the other....*") and ("*It should be noted that compliance with all requirements of a SAB approval does not necessarily indicate that the development will provide all biodiversity measures required to make the development acceptable in planning terms. The converse is also the case, granting of planning permission does not imply that the biodiversity measures required in the planning consent will meet the SAB*")

requirements...”) hints at the existing and increased confusion that planning applicants will experience should the SPG document be adopted.

ii) **Welsh Government announced a 20% rise in planning fees as of August 2020;**

We have expressed concerns previously that the increase in planning fees will not result in an increase in the speed of the planning process or customer service received. These concerns will be exacerbated further should the SPG document be adopted;

iii) **Welsh Government is currently consulting on the potential introduction of increased space standards in new homes**

Point i) above discusses the potential impact that SAB’s will have on site density. Welsh Government’s current consultation on space standards of new homes (if adopted) will clearly affect potential density further, impacting the viability of schemes (particularly of brown field first time buyer sites) negatively in the process. The introduction of the SPG document will only add to this.

We would urge both Council Members and Officers to consider the above as part of the process in deciding on whether to adopt the SPG document.

4. Increase in developer and planning applicant up-front cost

The EIS Committee’s report on barriers facing Small Housebuilders in 2019 heard concerns from developers about the up-front cost associated with planning applications and how banks will not lend on development schemes until planning consent has been secured. This is a major obstacle for SME housebuilders that have ambitions to bring sites forward for development.

Paragraphs 4.8, 4.9, 4.23 and 4.33 of the SPG document details yet further up-front cost that developers will face should the SPG document be adopted (“...Submission of timely and appropriate ecological information is essential. In particular, where the Council’s Planning Ecologist has identified that a Preliminary Ecological Assessment (PEA) and any additional species surveys are required, these must be submitted with an application. Failure to submit the required information could lead to the application being refused...”; and “For major applications, a multi-disciplinary design team should be engaged at the earliest possible stage and include a suitably qualified ecologist”).

This will of course be in addition to the 20% rise in planning fees introduced in August 2020 (as referred to above).

5. Elongate the planning process

As well as increasing the up-front cost faced by developers, the adoption of the SPG document will also elongate the length of the planning application process further.

We note extracts from paragraphs 4.17 and 4.45 of the SPG document in particular:

“...The LPA will co-ordinate appropriate engagement of the Council’s planning ecologist on biodiversity issues at the pre-application stage” and “...Where applications are submitted without ecological information, they may be validated but cannot be determined until any necessary ecological reports have been submitted to, and approved by, the Local Planning Authority (LPA). Where surveys and reports are submitted which recommend further survey work is carried out, and this is not submitted to the LPA, the LPA may refuse the application”.

It is unclear as to what interaction the planning department has had with other Council departments as part of the drafting of the SPG, and furthermore, whether input from the Council’s planning ecologist on design elements of planning applications will be contradicted by other departments like highways, parks an urban design and how the case officer will decide which comments take precedence (these comments are equally relevant to the Council’s current consultation on trees and hedgerows). Also, the LPA’s efforts to “...co-ordinate appropriate engagement of the Council’s planning ecologist on biodiversity issues...” will depend on the ecologist’s working hours. We have found in the past that members of the planning ecologist team work part time, affecting the timeliness of response times.

We also note paragraph 4.40 of the SPG document, an extract from which states: “...Pre-application discussion with statutory consultees such as NRW is also recommended, together with non-statutory consultees, where appropriate...”. This acknowledges a duplication in process, which will elongate the application time and cause further uncertainty to the applicant.

6. Impact on s.106 obligations

We note from paragraph 3.30 that “Wherever possible the Council will seek to secure enhancements by applying the principles of good placemaking and GI. Where on-site enhancements are not feasible/cannot be incorporated into the site design the Council may seek a contribution from the developer to off-site measures. For example, to support identified projects for maintaining or creating habitats. This could be secured through an appropriate legal mechanism.”

Similar points are made in paragraphs 3.8, 3.15,3.20, 3.22, 3.33 and 4.52 of the SPG document.

It is of key importance that Council Members and Officers understand the increased cost associated with these measures will impact on a scheme’s viability and will have a detrimental impact on the amount of s.106 obligations that the Council can expect in areas like education and affordable housing particularly on

sites that involve brownfield regeneration. If the Council is not prepared to be flexible in its approach on this, it will result in development schemes not being brought forward.

We also note the section of the SPG document that states: "Monitoring is intended to both check compliance with conditions or planning obligations and to establish whether the measures undertaken are effective and are successfully delivering the intended outcomes. The Council will either request a monitoring fee as part of a s106 Agreement and monitor in-house, or include within planning conditions a requirement for the applicant to cover the cost for ongoing monitoring".

We would expect any monitoring fee to be transparent, with the method of calculation set out in any final SPG document to enable developers to factor in such a cost to their development appraisal but reiterate that the SPG will add significant unnecessary cost to the applicant.

7. Impact on affordability of first time buyers

The potential reduction in density on development sites caused by the introduction of SAB's and the possible introduction of the new Welsh Government space standards will force developers to increase house prices, reducing the number of potential first time buyers from purchasing homes in the County.

In addition to this, we note the comments relating ongoing management of biodiversity measures in paragraphs 3.34, 3.36 and 3.37 of the SPG document. We particularly note a extract from paragraph 3.36, which states:

" On sites where ecological features are retained and/or new habitats and features are created, appropriate ongoing management must be put in place to ensure long lasting benefits. Applicants are strongly advised to consider management proposals at an early stage and integrate management requirements into the design of mitigation, compensation and enhancement schemes. Management and monitoring needs will vary from site to site. The guiding principle will be to ensure that management and monitoring proposed is proportionate both to the scale and impact of the project. In these cases, the appropriate monitoring and management plans will need to be produced and submitted to the Council".

While it is encouraging to note the SPG document's emphasis on proportionality, the likelihood is that the management cost will be funded either through a commuted maintenance sum or via a management company with monthly contributions from home owners.

We would expect the method of calculating any commuted maintenance sum to be transparent, with the calculation mechanism set out in any final SPG document. This is contrary to our recent experience with the Council's parks department, which refused to provide a breakdown of a requested commuted maintenance sum for the future maintenance of a green space within one of our developments.

Further to the above, any commuted maintenance sum will impact a scheme's viability. Should a developer opt to pass the cost of maintenance on to future homeowners (via monthly contributions to a management company), this monthly cost will need to be factored in to a purchaser's affordability assessment at the point of mortgage application (who will already be expected to pay contributions to the upkeep of any on-site SAB). This, again, will impact the number of first-time buyers that will be able to afford to buy in the County.

Conclusion

In summary, we consider that the introduction of the SPG document will:

1. Introduce a further layer of bureaucracy to an already over-bureaucratic system;
2. Introduce a further layer of cost;
3. Delay the planning application process further;
4. Add to the barriers to entry faced by SME housebuilders and developers;
5. Inevitably result in site density reducing which will impact first-time buyers disproportionately;
6. Have a negative impact on the level of s.106 obligations that the Council can expect in other areas like Education and Affordable Housing.

We hope that Members and Officers consider the above as part of the decision-making process on whether to adopt the SPG document. We would encourage Members and Officers to postpone any decision until the results of Welsh Government's consultation on space standards are published and until there is further clarity on the resolution of the Covid-19 pandemic.

We would welcome any opportunity to discuss the contents of this document with the Council. If we are able to be of any further assistance, please contact the writer.

Yours faithfully

Ben Francis
Solicitor
On behalf of Hygrove Homes



Addendum 3

16 October 2020

BIODIVERSITY AND DEVELOPMENT CONSULTATION DRAFT:
Supplementary Planning Guidance

Overall, it is a good and interesting summary of its intended function as a policy guide set within a quasi-legal framework of obligations of Swansea CCS on the one hand, and requirements from developers on the other. The requirements from developers get tougher if more than ten houses are involved, which partly explains why the amount of glossy paperwork provided for major developments is necessarily required to satisfy CCS.

The information provided is assembled from a wide variety of sources, mainly either from the multitude of specific geographic locations of sites of biodiversity/environmental interests on the one hand and the large number of environmentally-related organisations that have grown up over many years that represent particular aspects of environmental concern. (One of these referred to is the Gower Society.)

The presentation is, on the whole clear and purposeful, though for ease-of-reading it would be greatly helped if, under the Glossary section (p 48), there could be added a list of all the acronyms used, of which there are a bewildering number. (N.B. Whilst, in a small document, it may be sufficiently simple to define the acronym the first time it is used – as has been adopted here – in a large document like this one, the absence of an easy-to-refer-to list makes the reading of it akin to walking in a minefield of time-consuming distractions.) There is a substantial appendix of original sources and further reading for those minded to do so.

We conclude with one thought. Maybe it is just not feasible in a document of this complexity to give examples of *pro*-active actions that CCS has actually been involved in that have utilised its predecessor equivalent, say, in the last five years, but, occasionally, one can be under the impression that documents of this type, once produced and approved, full of good intentions, essentially sit and gather dust on some distant largely forgotten shelf.

For perhaps just one example, on p9, in the ecosystem services diagram fig.1.2, '*Invasive-Non-Native Species (INNS)*' are referred to as 'one of the greatest drivers of change in Wales'. Fine, but are these just words? The reader has no means of knowing what activities the CCS might have had to date of dealing with invasive non-native species or even whether it has a watchlist of what it has considered should be on such a list. (Japanese knotweed, rhododendrons, then elm, ash, oak, bamboo diseases all probably, but what of species like grey squirrels and Spanish bluebells, etc - but where do you stop?)

Overall, a very useful, detailed summary of what should and should not be done but needs vigilant implementing and monitoring if it is going to be of any real use when up against the rich panoply of real life.

Biodiversity and development

The Wildlife Trust of South and West Wales (WTSWW) welcome and support the production of this supplementary planning guidance (SPG) on Biodiversity and development. It will help ensure a consistent and pro-active approach to ensuring all development within the Swansea area takes full account of the Council's responsibilities under Section 6 of the Environment (Wales) Act 2016. It should also assist in delivering better and more sustainable development within Swansea. The following comments should be taken as criticisms, but points for improvement in an otherwise very good document.

1 introduction. Welcome the acknowledgement of Swansea Council's responsibilities set out under Section 6 of The Environment (Wales) Act 2016

1.5 Strongly disagree with the use of 'significant' in the statement "...set out how the Council will seek to ensure that development does not cause any **significant** loss of habitats or species...". The wording of the Act is quite clear that the intention must be to 'maintain and enhance' biodiversity, therefore, Swansea seeking to avoid a 'significant loss' is not consistent with the act, particularly as there is no definition of what 'significant loss' might entail in this context, or with the rest of this SPG. While we appreciate that Planning Policy Wales (PPW) section 6.4.5 also makes reference to 'significant loss' it also states that the onus is on individual planning authorities to make it clear that any loss of biodiversity due to development is unacceptable, particularly in the current climate and environmental crises, and to refuse applications on this basis. This SPG represents an opportunity to remove this confusion and embed the principle of the Act and its own corporate objectives in the Council's planning policies. Only then can this guidance be meaningfully applied to address any potential impacts on biodiversity from development and ensure that the biodiversity and ecosystem goods and services of the area are maintained and enhanced as set out in the Act. The Wildlife Trust of South and West Wales (WTSWW), therefore, wish to see the wording of this section amended to "It also sets out how the Council will seek to ensure that development does not cause loss of habitats or species and provides for a net benefit for biodiversity."

1.7 Strongly support the link to green infrastructure and good place making.

1.8 support the intention to apply the mitigation hierarchy but see comments on section 1.5 about undermining this approach.

Section 3. WTSWW strongly support the implementation of the stepwise approach to mitigation and the clarification on how this will be applied to developments in Swansea.

3.3 WTSWW welcomes the clarification that the duty to maintain and enhance applies to all biodiversity and not just important features.

3.7 Welcome the clear intent to seek enhancement even when mitigation is not strictly necessary.

3.10 WTSWW does not support any development on a designated SINC, even if it is demonstrated that the site no longer meets qualifying criteria, unless it is made clear at the earliest stages of the planning process how the development will seek to enhance and/or restore the ecological contribution of that site to the ecological network. This should not just be a matter of replacement of lost or damaged features but a strict application of the stepwise approach, ideally through the production of ecological management plan. This plan must demonstrate how the ecological capacity of the area will be maintained and enhanced both at the completion of the development and monitored and managed thereafter. In addition, such a process should not be limited to 'major' developments only but applied proportionately to all developments with the potential for ecological impacts, no matter how small.

3.12 WTSWW strongly support this approach.

3.15 While planning law (or at least the Planning Inspectorate and courts' interpretation of that law) that enhancement cannot be made a condition for development, it is still clear that the section 6 duty applies to the Council in exercising its function as a planning authority. We welcome that the SPG sets out that the Council will work with developers/applicants to seek ecological enhancements whenever and wherever possible, either by adapting green infrastructure requirements, such as SuDS, or through other planning requirements (such as S106 agreements or CILs) associated with the granting of the planning permission (Sections 3.18 and 3.19) but feel it could usefully be made clear in this section also.

3.17 WTSWW strongly support this approach, though our comments on section 3.10, particularly the need to look at restoring the original features that qualified the SINC, also apply.

3.21 – 3.29 WTSWW support the approach taken to compensation here, particularly the need to demonstrate that the compensation measures need to be able to either demonstrate that they fulfil the role and function of the loss or are sufficient to provide confidence that they will do so (for example, by applying a multiplier). In some, very specific, cases it may be possible for the development to contribute to a landscape scale restoration project to deliver the compensation required but only if the alternative approach can demonstrate significant benefits above the standard approach (for example, the Carmarthenshire Cross Hands marsh fritillary project).

3.30 – 3.34 WTSWW strongly support this approach, particularly the need to include even small developments in the remit of enhancements and the potential to contribute to landscape scale ecological enhancement initiatives (for example the RCT Rhos pasture project)

3.35 – 3.40 WTSWW support this approach but the need for a measurable and reliable way of ensuring the long-term viability of ecological mitigation and enhancement measures is critical. Appropriate monitoring and objective setting is key to this and review of CEMPs is often poor or non-existent. The use of quality benchmarking such as BREEAM or Building with Nature (<https://www.buildingwithnature.org.uk/>) is a useful tool but these do not replace the need for the Council to provide sufficient resources to enable its planning/ecology/biodiversity functions to deliver this critical follow up role.

Section 4. WTSWW welcomes the clear setting out of the stepwise approach and how it applies to the application process

4.8 Note the developing British Standards Institute best practice guidance is based on the English legislative framework and heavily weighted towards the English approach to issues such as mitigation and concepts such as ‘biodiversity no net-loss’. This is not the approach currently being applied in Wales where the section 6 duty clearly states that we must ‘maintain and enhance’. This should be made clear in the SPG, particularly where larger developers may be unfamiliar with the Welsh legislative framework and seek to apply inappropriate metrics when calculating the impacts of their developments.

4.9 WTSWW welcome most of the points highlighted in this section, such as the clear link between biodiversity and ecosystem resilience in the planning process and the refusal to accept compensation for irreplaceable habitats. However, we would urge the Council to be cautious when using terms such as ‘net benefit’ which may have several different interpretations and definitions.

4.23 WTSWW strongly support the recommendation that all ecological data collected as part of the planning process should be shared with the Local Biological Record Centre (SEWBRc)

4.25 While WTSWW accept that there may be instances where ecological impacts of a development might be minor, the SPG should also highlight that poor or degraded habitats and ‘brown field’ sites may be of considerable value, particularly if they are the only semi-natural habitat in an area or hold/connect isolated populations of vulnerable or scarce species. Such areas often also have the potential for significant enhancement both as Green infrastructure and for biodiversity but developers often ‘downgrade’ the value of such land in the application process. WTSWW strongly recommend that these types of habitat are included in the list of considerations when a preliminary ecological assessment is requested.

4.26 WTSWW strongly support this principle

4.31 WTSWW support this principle but refer to comments on Section 4.25 in relation to habitats and species of perceived lesser importance.

4.37 While we accept that biodiversity enhancement may currently not be legally required in the planning process, we feel that the Council should make it clear throughout the SPG that it will be seeking to apply its section 6 responsibilities to maintain and enhance biodiversity throughout the planning process. Therefore, we particularly welcome the approach set out in sections 4.51 – 4.54



DEVELOPMENT AND BIODIVERSITY

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FEBRUARY 2021



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NB: Words shown in *italics* within the document are defined in the Glossary.



1 Introduction

SPG Aims and Purpose

- 1.1 This Supplementary Planning Guidance (SPG) sets out how the Council will seek to ensure **development within Swansea maintains and enhances the County’s biodiversity and delivers long term ecosystem resilience**. This aim is in line with the Council’s enhanced biodiversity and resilience of ecosystems duties under Part 1, Section 6 of the *Environment (Wales) Act 2016* (hereafter ‘the S6 duty’) and the Resilient Wales Goal of the *Well Being of Future Generations (WCFG) Act 2015*. Figure 1.1 provides a summary of these duties.
- 1.2 The SPG will be taken into account as a material consideration in the determination of planning applications submitted to the Local Planning Authority.
- 1.3 The Environment (Wales) Act represents a fundamental shift in approach that must be reflected in the Planning system. All those involved in the planning process must move away from the presumption that damage or loss to biodiversity is acceptable where we can provide mitigation or compensation. We need to recognise that recreating habitat takes time and resources, and is not possible to achieve in many cases. The approach of “mitigate and compensate” for any negative impacts, must therefore now be replaced with one which delivers better quality development which works alongside nature to secure a more biodiverse and resilient environment.

Figure 1.1: “The S6 duty”

The **Environment (Wales) Act 2016** sets out the requirement for the sustainable management of natural resources. It includes (Part 1 section 6) a new Biodiversity and Resilience of Ecosystems Duty (strengthening the NERC Act duty).

The duty requires that public authorities, including Swansea Council, “**must seek to maintain and enhance biodiversity so far as consistent with the proper exercise of their functions and in so doing promote the resilience of ecosystems**.”

In exercising this duty Swansea Council “**must take account of the resilience of ecosystems**, [see Figure 1.3 below]. The S6 Duty provides a statutory basis in Wales for the implementation of the Ecosystems Approach advocated in international policy.

- 1.4 Planning Policy Wales (PPW) recognises that delivering *the S6 duty* is a key influence on planning decision making in Wales, with the potential to provide multiple environmental, cultural and economic benefits for both people and wildlife¹. PPW also recognises the importance of applying an *ecosystem approach*, as part of the wider objective of achieving *sustainable development* and delivering on the goals of the *WBFG Act*. Specific guidance is set out in PPW on how *the S6 Duty* can be delivered through the planning system and how it should be considered alongside other key principles at plan making and application stages.
- 1.5 At the local level, the Council's commitment to delivering *the S6 Duty* is embedded within the *Local Well Being Plan*², and it is also identified as one of the Council's corporate priorities³.
- 1.6 The purpose of this *SPG* is to confirm how national guidance and legislation requirements should be considered at the local level, specifically by explaining how the policies of the *Swansea Local Development Plan (LDP)* will be applied
- 1.7 The *SPG* aims to ensure applicants, statutory consultees, local residents and all other stakeholders involved in the development process have access to clear and consistent advice and guidance. It signposts applicants and their appointed ecologists to other guidance and codes of practice⁴.
- 1.8 The guidance emphasises that matters relating to *biodiversity* should not be considered in isolation, and instead should be recognised as a key component of providing and sustaining '*Green Infrastructure*', which is integral to good placemaking. Further details on matters relating to Green Infrastructure are set out in the Key Terms and Definitions Section below.
- 1.9 The *SPG* will help applicants to understand how best to identify and assess the biodiversity and ecological resilience of a planning application site. It sets out how to follow the '*Stepwise approach*' to maintaining and enhancing *biodiversity* required by planning policy, and ensures that this approach is embedded into each stage of the development management process. Specifically, the *SPG* will support applicants by setting out the means by which the requirements of legislation and LDP policy relating to maintaining and enhancing *biodiversity* can be met. It provides the framework to enable applicants to demonstrate that all reasonable steps have been taken to avoid development resulting

¹Planning Policy Wales, Para 6.4.21: *to maintain and enhance biodiversity and build resilient ecological networks by ensuring that any adverse environmental effects are firstly avoided, then minimised, mitigated and as a last resort compensated for. Enhancement must be secured wherever possible*".

² Swansea Public Services Board Local Well-being Plan

³ Swansea Corporate Plan – Objective 5

⁴ BS 42020:2013 British standard for Biodiversity – Code of Practice for Planning and development. (BSI, 2013); Ecological Impact Assessment (EclA) Checklist <https://cieem.net/resource/ecological-impact-assessment-ecia-checklist> The checklist ensures that decisions adequate information in accordance with Clauses 6.2 and 8.1 of BS 42020

in adverse effects on *biodiversity*. Where avoidance is not possible, the *SPG* will guide the process of demonstrating that all opportunities have been explored to minimise, mitigate and/or compensate for any identified harm. This includes the requirement to demonstrate that there is no alternative location for the development. It also provides guidance on how to achieve biodiversity enhancement.



Burry Inlet Ramsar/Carmarthen Bay and Estuaries European Marine Site (CBEEMS)

Importance of the Natural Environment in Swansea

- 1.10 The natural environment of the City and County of Swansea is of outstanding quality and beauty. It makes up over 80% of the County's total land area. Its diversity of landscapes and habitats, including upland moorlands, coastal cliffs, sandy beaches, woodlands, wetlands, river valleys and estuaries, all combine to make it one of the most attractive and ecologically rich counties in the UK.

- 1.11 Given this diversity, it is unsurprising that over half the County's area is of significant ecological importance, with a number of areas protected by International or National Designations. These include:

- 2 Ramsar Wetlands of International Importance
- 7 Special Areas of Conservation (SACs)
- 2 Special Protection Areas (SPAs)
- 35 Sites of Special Scientific Interest (SSSI)
- Gower AONB – IUCN Category V protected landscape



Crymlyn Bog - Ramsar, SAC, SSSI and NNR

- 1.12 These International and National designations represent some of our very best ecological assets, but they do not encompass all that is irreplaceable within the County. Furthermore, the designated sites by themselves cannot maintain biodiversity and ecosystem resilience. The County's 6 *Local Nature Reserves (LNRs)* and numerous *Sites of Importance for Nature Conservation (SINCs)* combine with more common habitats, urban wildlife sites, residential gardens, churchyards, green pockets and spaces, to provide an important network of semi-natural sites that the Council will seek to maintain and enhance. Together these

areas make a cumulative contribution to the quality and extent of the County's biodiversity and ecosystem resilience. Further details on the statutory and non-statutory designated sites of ecological importance within Swansea are set out in Chapter 2⁵.

Key Terms and Definitions

- 1.13 There are a wide range of terms associated with biodiversity and its related concepts. A number of these are set out below and those shown in *italics* within the *SPG* are further detailed in the **Glossary**.
- 1.14 *Biodiversity* underpins the structure and functioning of ecosystems. The term *biodiversity* refers to the diversity of living organisms, whether at the genetic, species or ecosystem level. An *ecosystem* is made up of *animals, plants, fungi and single celled organisms* in conjunction with their non-living environment, air, water, minerals and soil, and all the diverse and complex interactions that take place between them.⁶
- 1.15 Our economy, health and well-being are dependent on the extent to which ecosystems are able to provide us with our food, clean water and air, and the raw materials and energy for our industries, as well as protecting us against hazards such as flooding and climate change. These are referred to as *ecosystem services* (See *Figure 1.2*). Changes in the distribution and abundance of plants, fungi, animals, and microbes

affect ecosystem functions and the capacity of those functions to deliver ecosystem services. Loss of species from ecosystems affect their ability to resist invasion by other species, affect production and nutrient cycling, and affect the resilience, reliability and stability of ecosystems. Therefore, *biodiversity* is essential to sustaining healthy, functioning ecosystems that provide the vital services our lives depend on.

⁵ Changes to the EU Habitats Regulations 2017, published Jan 1st 2021 – available at: <https://www.gov.uk/government/publications/changes-to-the-habitats-regulations-2017>

⁶ Planning Policy Wales, Para 6.4.1

Figure 1.2: Ecosystem services diagram

source:metrovancover.org



1.16 *Ecosystems* that are more biodiverse are generally more resilient and better able to adapt to pressures and changes, such as impacts from development and climate change. This aspect is referred to as *ecosystem resilience* and is a key element of sustainable *placemaking*. Indeed, humans can be

considered as species within their own *ecosystem*, and *placemaking* therefore serves to create resilient human habitats as well as wildlife habitats.

1.17 *The Environment Act (Wales) 2016* established the principle of *Sustainable Management of Natural Resources (SMNR)* which is “using natural resources in a way and at a rate that maintains and enhances the resilience of ecosystems and the benefits they provide. In doing so, meeting the needs of present generations of people without compromising the ability of future generations to meet their needs, and contributing to the achievement of the well-being goals in the Well-being of Future Generations Act.”⁷

1.18 Key principles of the *SMNR* include thinking about:

- the complex relationships between nature and people over the long term.
- the benefits that we get from natural resources now and in the future, recognising the ways they support our well-being.
- ways of making our ecosystems more resilient.

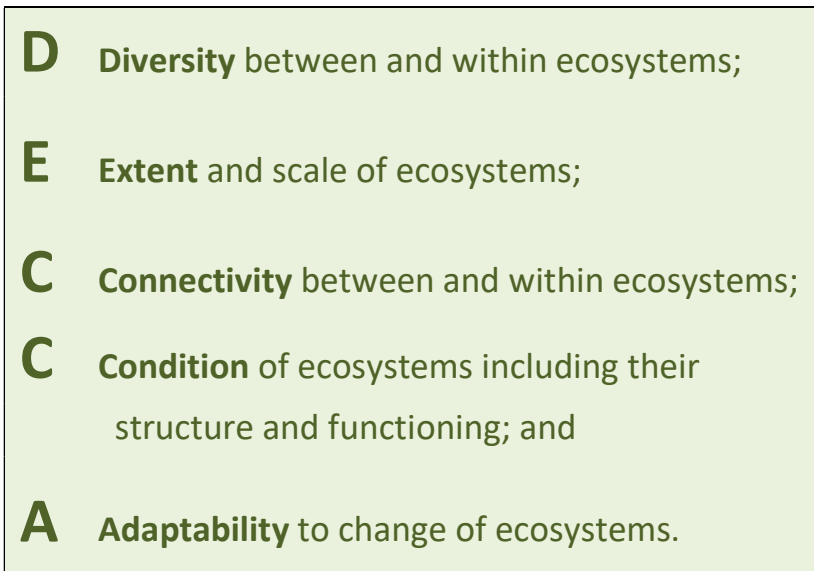
1.19 If we are to achieve this then we must think differently about how we can ensure that the planning process plays its part in ensuring that biodiversity and ecosystem resilience is maintained and enhanced. In this context “*Enhancement*” is where improved management of ecological features or provision of new ecological features result in a net benefit to biodiversity. This benefit is unrelated to negative impact and should

⁷ <https://naturalresources.wales/media/678063/introducing-smnr-booklet-english-final.pdf>

be clearly distinguished from the results of actions to mitigate/compensate.

- 1.20 The five principles⁸ set out in Figure 1.3 below provides a broad framework for maintaining and enhancing biodiversity and building resilience through the planning system⁹.

Figure 1.3: The 5 Attributes of Ecosystem Resilience (DECCA)



- 1.21 Taking this holistic and integrated *ecosystem approach* facilitates a broader consideration of compliance with LDP policies and national legislation, including a wide

range of related issues such as air and water pollution, climate change, drainage and trees.

- 1.22 There is a particularly close and symbiotic relationship between biodiversity, ecosystem resilience and Green Infrastructure (GI) i.e. the network of natural/semi-natural features, green spaces and green corridors. This *SPG* supports the delivery of green infrastructure as being a central facet of placemaking. Good quality GI enables the greatest multi-functionality and enhanced connectivity of the GI network, in order to maximise the number, quality and intensity of benefits.
- 1.23 This approach to the provision of GI is inextricably linked with the ecosystem approach. Both involve implementation of a holistic and integrated approach to the sustainable management of natural resources (SMNR). It is important therefore that development decisions take into account the needs of biodiversity alongside the needs of other GI benefits and ecosystem services (such as open space provision and surface water management) and vice versa.
- 1.24 Figure 1.4 sets out the key ecological features which should be maintained and enhanced in order to contribute to the resilience of local biodiversity in Swansea. Each is considered a highly significant green infrastructure asset, and together they comprise Swansea's Green Infrastructure Network.

⁸ Principles of resilience as set out in the Environment (Wales) Act 2016

⁹ Planning Policy Wales Para 6.4.9.

Figure 1.4: Key Ecological Features

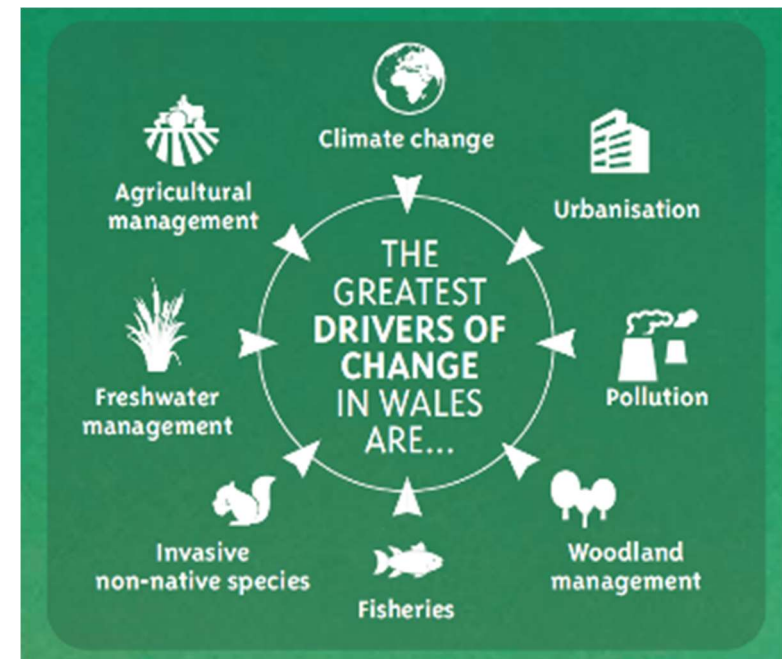
- ♣ **International and National Designated Sites** Ramsars, SACs, SPAs, NNRs
- ♣ **Priority habitats and Priority species** (section 7 of the **Environment (Wales) Act 2016**) (the S7 list)
- ♣ **Habitats** that provide **green corridors** or **stepping-stones** across the landscape and urban area, such as pocket woodlands, hedgerows or networks of ponds. Ecological connectivity allows species to forage, migrate, colonise new areas and respond to habitat and climate change.
- ♣ **Locally designated sites** designated for their nature conservation importance (SINCs/LNRs)
- ♣ **The wider landscape**, that can provide important complementary habitat and act as a buffer protecting priority habitats from the adverse impacts of developed areas and associated activities and have potential for biodiversity enhancement or habitat creation. They are also important in maintaining habitat connectivity.
- ♣ **Trees, Hedgerows and Woodland** This includes both the trees themselves and species and habitats that comprise hedgerow and woodland ecosystems (See Trees, Hedgerows and Woodland on Development Sites SPG)

1.25 At the national level, the State of Natural Resources Report Wales (SoNaRR) sets out what are considered the greatest drivers of change in Wales, as illustrated in Figure 1.5 below:¹⁰ Invasive *Non-Native Species (INNS)* are identified as one of these drivers, and as

¹⁰ nbn.org.uk/wp-content/uploads/2019/09/State-of-Nature-2019-Wales-English-version-27-09-19.pdf

such their management on planning application sites is an important way to maintain and enhance ecosystem resilience. *INNS* are a major threat to biodiversity at the global level and represent a serious impediment to conservation and sustainable use of global, regional and local biodiversity, as well as having a significant adverse impact on *ecosystem services*¹¹.

Figure 1.5: SoNaRR, Greatest Drivers of Change



¹¹ See Assessment of the impacts of Invasive Alien Species (IAS) in Europe and the EU (Institute for European Environmental Policy (IEEP), Technical Support to EU Strategy on IAS.

Document Structure

- 1.26 Following this introductory Chapter, the remaining document is structured as follows:
- 1.27 **Chapter 2: Provides an outline of the duties and requirements of applicants and the Council itself**, having regard to the relevant legislative and policy framework. Further details and extracts relating to these are provided on the Council's website¹². Chapter 2 explains how adopted *LDP* policies will be implemented and outlines how compliance with these policies will assist in demonstrating how development proposals accord with *the S6 Duty and other relevant legislation*. It provides specific guidance in relation to designated sites, including international, national and local designations. The full extent of protected sites, habitats and species in the County is listed in Appendix 1.
- 1.28 **Chapter 3: Provides a step-by-step guide to how the Council will administer the development management process in order to ensure that biodiversity is maintained and enhanced in all planning decisions.** The Chapter introduces the 'Stepwise approach' advocated by PPW¹³ which aims to build the consideration of *biodiversity* into the development management process at the earliest possible stage, in order to achieve the best possible outcome for biodiversity and minimise delays and costs to applicants. The focus of Chapter 3 is to provide guidance on how *biodiversity* requirements will be

implemented on all scales of development from minor householder applications, through to large scale major developments. This Chapter provides best practice guidance on the timing, scale, nature and content of ecological surveys and assessments of habitats, sites and species. It is supported by Appendix 1 which provides *Ecological Survey Checklists and details of Survey Seasons*. Detailed information and guidance on the process of *Environmental Impact Assessment (EIA)*, *Habitats Regulations Assessment (HRA)*, *Protected Species and Development Licences*, *Preliminary Ecological Assessment (PEA)* is provided on the Council's website.

- 1.29 **Chapter 4 explains in more detail the principles of the Stepwise Approach**, and sets out how the Council will ensure that any adverse environmental effects are firstly avoided, then minimised, mitigated and as a last resort compensated for. Guidance is also provided on how the requirement in national guidance to secure enhancement "wherever possible" will be implemented through the planning system, having particular regard to the extent to which enhancement is proportionate to the scale of the proposals. The Chapter also provides guidance on how the relevant ecological survey information will support this process.
- 1.30 **Chapter 5 provides a glossary of key terms and a link to a separate document of Appendices is provided at Chapter 6.**

¹² See Guidance re Environmental Legislation www.swansea.gov.uk

¹³ PPW Para 6.4.21: "to maintain and enhance biodiversity and build resilient ecological networks by ensuring that any adverse environmental effects are firstly

avoided, then minimised, mitigated and as a last resort compensated for. Enhancement must be secured wherever possible". ."

2 Legislation and Policy Context

International and National

- 2.1 Local policy and guidance relating to *biodiversity* is derived from International, UK and Welsh Government policy, guidance and legal requirements. International *biodiversity* policies provide the context for Wales' national *biodiversity* policies, which in turn are reflected in Swansea's own local strategies and adopted policies.
- 2.2 Infringement of legislation invariably results in delays, additional costs and in many cases prosecution. By following the guidance in this *SPG*, (as well as the best practice guidance signposted within it and any additional advice from a suitably qualified ecologist), applicants can be more confident that proposals will be in accordance with national and international legislation and policy requirements. Ultimately this will serve to reduce delays to the planning process and reduce the likelihood of unexpected costs being incurred.
- 2.3 Applicants should be aware that legislation is independent of the planning system and that they (and in some instances any contractors/third parties working with them) remain responsible for compliance with the legislation, both outside of the planning system and once planning permission has been granted.
- 2.4 Appendix 1 of this *SPG* provides an outline of the relationship between international, UK, Wales and local legislation and policy. Tables are also included giving

examples of how the policy framework relates to the *biodiversity* assets found in Swansea, and the implications for development.

- 2.5 This *SPG* does not seek to repeat all the national legislation and policy that applies to the consideration of *biodiversity* matters in relation to development. Extracts and summaries of the range of relevant policies and legislation are provided on the Council's website¹⁴. They give rise to various obligations, requirements and principles relating to biodiversity and sustainable management of the natural environment.

2.6 **In order to comply with the relevant legislation and policy, planning decisions made by the Council must:**

- ♣ Protect and promote the long-term conservation of protected habitats, species and designated sites. (See Appendix 1)
- ♣ Comply with the Council's S6 duty under the Environment (Wales) Act 2016 to seek to maintain and enhance biodiversity.
- ♣ Apply the ecosystem approach. Integrate management of land, water, air and living resources into development design and layout. Balance maintaining and enhancing biodiversity against, sustainable use and the equitable utilisation of ecosystem services¹⁵.

¹⁴ See Guidance re Environmental Legislation www.swansea.gov.uk

¹⁵ Environment (Wales) Act 2016

- ♣ Take account of all relevant information relating to the sustainable management of natural resources, including having regard to the SMNR Framework (SoNaRR, Natural Resource Policy, Nature Recovery Action Plan for Wales, Area Statements).
 - ♣ Ensure measures are in place to address the presence of invasive non-native species (INNS) on the planning application site
 - ♣ Consider how development contributes to achievement of the “Resilient Wales” Well Being Goal in the Well Being of Future Generations Act.
- 2.7 When considering planning applications, the Council will have specific regard to how the proposal complies with the requirements set out in PPW, including the need to follow the stepwise approach.
- 2.8 By following a stepwise approach to maintaining and enhancing biodiversity, development can build and sustain resilient ecological networks by:
- ♣ Putting appropriate mechanisms in place to avoid, mitigate and/or compensate negative effects and secure enhancement that deliver a net benefit for biodiversity and ecosystem resilience wherever possible.
 - ♣ Creating ecosystem resilience by applying the 5 principles of ecosystem resilience. (See DECCA figure 1.3).
- 2.9 Consideration of how biodiversity and the wider GI benefits are integrated into new developments is key to

demonstrating compliance with national and local policy and guidance. This process is supported by the checklists provided at Appendix 1.

- 2.10 PPW makes clear that all reasonable steps must be taken to maintain and enhance biodiversity and promote the resilience of ecosystems, and that these should be balanced with the wider economic and social needs of business and local communities. It also emphasises that planning permission should be refused where adverse effects on the environment cannot be avoided or mitigated¹⁶
- 2.11 As well as the above, the following legislation has a particular bearing on the requirement for development to ensure biodiversity is maintained and enhanced:
- 2.12 The **Well-being and Future Generations Act, 2015** provides an obvious link to the resilient Wales and globally responsible Wales wellbeing goals. There are also clear and proven links between the impacts of exposure to the natural environment on physical and mental health. Maintaining and enhancing biodiversity in development is an important way to demonstrate how a development has considered and addressed the “healthier Wales well-being goal.
- 2.13 The importance of **Sustainable Drainage Systems (SuDS)** in providing opportunities to achieve biodiversity net benefit and ecosystem resilience is recognised in the Flood and Water Management Act and supporting SUDS Wales Standards. Further

¹⁶ PPW – Section 6.4

guidance on achieving biodiversity in SUDS is provided on the Council's website¹⁷.

- 2.14 There is a wide range of legislation, plans and guidance that applies to the sustainable management of the **Marine, Coastal and Estuarine areas of Wales**. Applicants proposing development within or adjacent to marine, coastal or estuarine areas should refer to the survey checklists at Appendix 1. See also guidance on the Marine Planning process on the Council's website¹⁸.

Local Policy

- 2.15 **The adopted Swansea LDP** provides the statutory local policy framework against which all planning applications must be determined. The *LDP* provides a detailed, evidence based framework for making effective and consistent planning decisions in the public interest. The policies have been formulated to recognise that biodiversity is a key part of achieving *sustainable development* through placemaking. LDP policies aim to reconcile the benefits of development and investment with the need to maintain and enhance biodiversity and ecosystem resilience.

- 2.16 The key *LDP policies* supported by this *SPG* are;

ER 6 Designated Sites of Ecological Importance, regarding the effects of development upon sites of international, national and local nature conservation interest.

ER 8 Habitats and Species, regarding the effects of development on the resilience of protected habitats and species.

ER 9 Ecological Networks and Features of Importance for Biodiversity, regarding the effects of development on the connectivity of ecological networks and features of importance for biodiversity.

- 2.17 These policies are supported, and complemented, by a range of other strategic and topic specific policies. These include:

<i>ER 1: Climate Change</i>	<i>PS 1: Sustainable Places</i>
<i>ER 3: Strategic Green Infrastructure Network</i>	<i>PS 2: Placemaking and Place Management</i>
<i>ER 4 Gower AONB</i>	<i>SI 1 Health and Well Being</i>
<i>ER 7 Undeveloped Coast</i>	<i>SI 5 Protection of Open Space</i>
<i>ER 11: Trees, Hedgerows and Development</i>	<i>SI 6 Provision of New Open Space</i>
<i>RP 1: Safeguarding Public Health and Natural Resources</i>	<i>RP 3 Air and Light Pollution</i>

¹⁷ See Guidance re SuDS and Biodiversity www.swansea.gov.uk

¹⁸ See Guidance re SuDS and Biodiversity www.swansea.gov.uk

*RP 2: Noise Pollution**RP 4 Water Pollution and the Protection of Water Resources*

- 2.18 The range of LDP policies that apply clearly demonstrates that the impacts of development on biodiversity cannot be considered in isolation. Appendix 5 provides relevant extracts from LDP policies. The policies can be read in full at www.swansea.gov.uk/ldp
- 2.19 This *SPG* provides details of the County's designated sites and protected habitats and species, and augments the information in the *LDP* (see *LDP Appendix 7*). Reference to the *SPG* will enable a more informed consideration of sites, and help applicants identify early on the extent to which Policies ER 6 and ER 8 apply to a planning application site. It will also assist in identifying opportunities to maintain and enhance ecological networks and features of importance for *biodiversity* (Policy ER 9), including on non-statutory, locally designated sites.
- 2.20 Locally designated sites of importance for biodiversity are a significant element of Swansea's biodiversity. PPW recognises that such sites can make a vital contribution to delivering an ecological connectivity network for protected species and habitats between designated sites and can help to ensure the resilience of ecosystems. It is important to recognise that a non-statutory designation will support protected and /or priority habitats and species which need to be given

appropriate protection in accordance with S7 of the Environment (Wales) Act 2016¹⁹.

- 2.21 Within Swansea there are two types of locally designated sites, both of which are shown on the LDP Constraints and Issues Map²⁰. These are:
- ***Sites of Importance for Nature Conservation (SINCs), and***
 - ***Local Nature Reserves (LNR)***
- 2.22 ***SINCs:*** A SINC is designated because of its significant nature conservation value. TAN 5 requires the selection of such sites to be based upon rigorous national criteria²¹, but recognises that some local amendments may be necessary to reflect the local biodiversity resource. The process of designation of SINCs in Swansea has followed this approach.
- 2.23 All sites identified as SINCs in Swansea are shown on the LDP Constraints and Issues Map²² and will be subject to Policy ER 6. The Constraints and Issues Map does not form part of the statutorily adopted LDP and is permitted to be updated at intervals throughout the Plan period. The SINC boundaries defined on the Map may therefore be subject to change during this period. Any changes to the boundaries will be based on the latest available evidence base and survey data, and will follow appropriate stakeholder consultation.
- 2.24 There may be other sites that meet SINC criteria but are not shown on the LDP Constraints and Issues Map which will still support priority habitats and/or species,

¹⁹ Planning Policy Wales - 6.4.20.

²⁰ <https://www.swansea.gov.uk/ldp>

²¹ Wildlife Sites Guidance Wales: A guide to develop local wildlife systems in Wales.

²² <https://www.swansea.gov.uk/ldp>

which will need to be given appropriate protection, having regard to the provisions of S7 of the Environment Act (and the Local Biodiversity Action Plan). Additionally, or alternatively, these sites may address gaps in connectivity, which PPW advises should be taken into account. Conversely, the Council will consider whether evidence submitted as part of an application demonstrates a site no longer meets SINC criteria. Such evidence will be taken into account as part of the process undertaken to review designated SINC boundaries on the LDP Constraints and Issues Map.

- 2.25 **LNR:** There are 6 LNRs in Swansea, all of which are situated within, or near, urban areas. These were established following consultation with Natural Resources Wales (NRW) under the National Parks and Access to the Countryside Act 1949. For a site to become an LNR it must have natural features of special interest to the local area, and be accessible to local people. The local authority must either have a legal interest in the land or have an agreement with the owner to manage the land as a reserve. The Council considers LNR designations useful not only as part of its responsibilities to protect habitats and wildlife but also to increase people's awareness of their environment and identify places where children can learn about nature.
- 2.26 LDP policies also refer to the requirements for applicants to undertake appropriate ecological surveys, in order to inform and support development proposals

(Policy ER6). This *SPG* provides guidance on the nature, content and timing of such surveys to assist in the process of assessing the impact of development. Where avoidance of harm is not possible, this *SPG* provides guidance on the information required to inform the early design of the proposal, the opportunities for creating connections to the wider *GI/ecological network*, and the need for and nature of any conditions or planning obligations necessary to secure *biodiversity* mitigation, compensation and enhancement. Where mitigation or compensation is required, the *SPG* provides further guidance on the steps that the Council will take throughout the planning application process to determine appropriate measures, in order to meet the requirement to secure a net benefit for biodiversity.

- 2.27 The LDP has been informed by an assessment of ecological connectivity across the whole of the County. As well as mapping the existing ecological connectivity network in Swansea, this assessment also identifies locations where ecological connectivity has the potential to be enhanced. The latest version of the Swansea Ecological Connectivity Assessment will inform the implementation of LDP policies and should be referenced where relevant in the application of this SPG²³.

Other Supplementary Planning Guidance

- 2.28 LDP Policy is supported by a suite of SPG that are material considerations for decision making on planning applications²⁴. A number of these have direct

²³ Swansea Ecological Connectivity Assessment www.swansea.gov.uk

²⁴ www.swansea.gov.uk/spg

relevance to biodiversity matters, including the following:

- *Placemaking Guidance for Residential Development*
- *Placemaking Guidance for Householder Development*
- *Placemaking Guidance for Infill and Backland Development*
- *Trees, Woodlands and Hedgerows on Development Sites*
- *Placemaking Guidance for development in the Gower AONB*

2.29 The *Placemaking Guidance for Residential Development SPG* provides important additional detail about how consideration of biodiversity and ecosystem resilience will form part of the wider design process. The main focus of the guidance is on schemes of ten or more dwellings or proposals on sites of 0.5 ha or more, however it is relevant as a material consideration for all proposals for new residential development.

2.30 The *Placemaking Guidance for Householder Development and Infill & Backland Development SPGs* sets out how net benefit for biodiversity will be secured on small scale and householder applications. These Placemaking Guidance documents support the approach of securing appropriate measures or interventions wherever possible, including on minor applications, as part of a cumulative approach to ensuring that planning decisions contribute to the wider *green infrastructure network and biodiversity gain*.

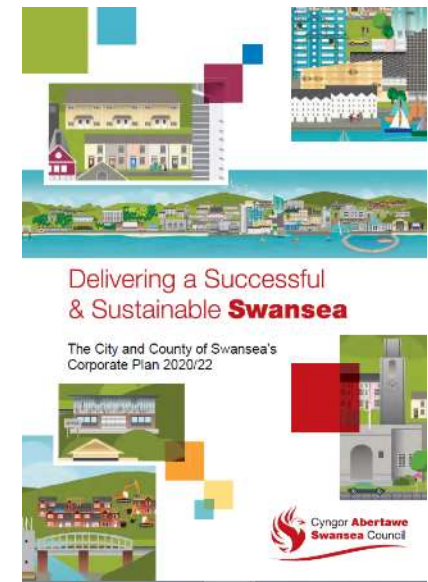
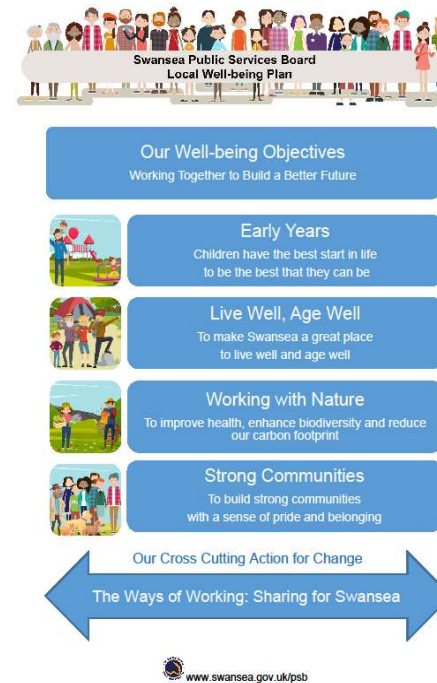
2.31 The *Trees, Hedgerows & Woodlands on Development Site SPG* provides specific advice on the role of trees, hedgerows and woodlands in enhancing biodiversity, both in their own right and as part of the wider green infrastructure network, and their role in contributing to *ecosystem resilience*. It is supported, and complemented, by the Council's '*County Tree Strategy*' which a material consideration for decision making in relation to proposals affecting trees on land owned by the Council.

2.32 A *Green Infrastructure Strategy and Green Infrastructure (GI) SPG* will also bring together a series of issues relating to specific GI benefits and ecosystem services, and enables their consideration by the LPA in a comprehensive and coordinated way.

Other Local Strategies and Plans

2.33 When considering development proposals the Council will also have regard to a range of local Strategies and Plans, and will consider how proposals deliver on the requirement for maintaining and enhancing biodiversity.

- ♣ **Swansea Public Service Board’s (PSB) Well Being Plan:** The partners of the Swansea PSB have a set of 4 objectives, one of which is *“working with nature to improve health, enhance biodiversity and reduce our carbon footprint”*.
- ♣ The Council has a set of 8 **Corporate Objectives**, one of which is *“maintaining and enhancing Swansea’s natural resources and biodiversity”*.²⁵
- ♣ **Local Biodiversity Action Plan (LBAP)** and emerging **Nature Recovery Action Plan (NRAP)** - These documents provide the local tier of the SMNR policy framework.
- ♣ **Gower AONB Management Plan:** Produced by the Gower AONB partnership this 5 year plan for the management of the AONB recognises Biodiversity special qualities of the AONB and sets out a specific vision, policies and objectives relating to conserving and enhancing the biodiversity within the AONB designation.



²⁵ www.swansea.gov.uk/corporateimprovementplan

3 The Stepwise Approach

Overview

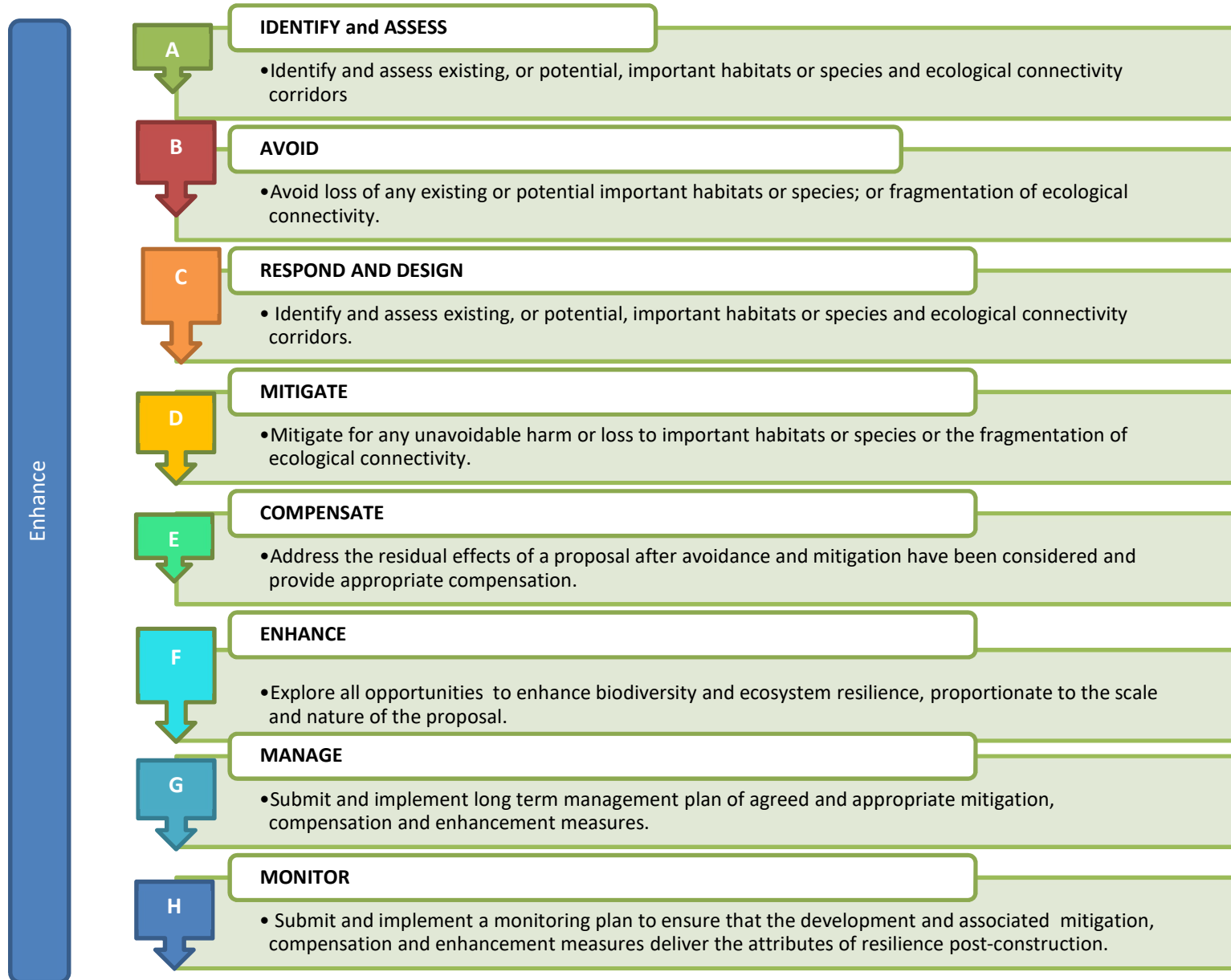
- 3.1 PPW makes clear that, when making planning decisions, the Local Planning Authority must follow a *stepwise approach*. Such an approach ensures that planning decisions maintain and enhance biodiversity and build resilient ecological networks. This approach also serves to ensure adverse environmental effects of development are first avoided, then minimised, mitigated and, as a last resort, compensated for²⁶. The same National Guidance states that enhancement of biodiversity must be secured wherever possible.
- 3.2 Figure 3.1 (overpage) provides a simple guide to the stepwise approach. The figure identifies the key steps outlined in PPW and explains how the Council will consider biodiversity throughout the lifespan of a planning application. The figure also provides a guide to how, and when, applicants should consider biodiversity. Further explanation of each step of the process is provided later in this Chapter.



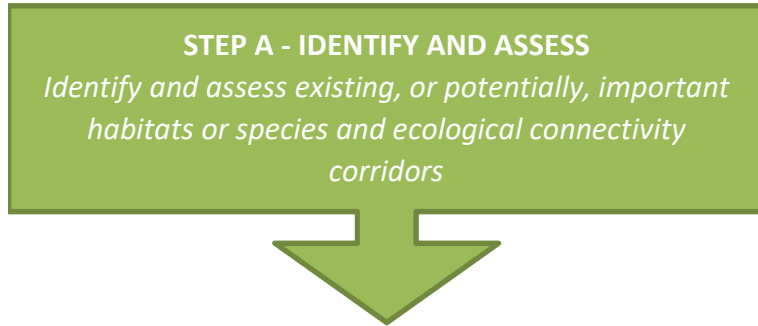
- 3.3 The S6 duty seeks to maintain and enhance all biodiversity. Therefore, where the stepwise approach refers to “important” species or habitats this means that the Council will follow a process to reach a judgement about the biodiversity present on the site, having regard to legal protections, statutory and non-statutory designations and all the other relevant considerations to determine ecological value (see figure 3.1 below).
- 3.4 Chapter 4 explains how the stepwise approach is integrated throughout the relevant stages of the Council’s Development Management processes. This is illustrated in the diagram at Figure 4.1.

²⁶ PPW 10, Para 6.4.21

Figure 3.1 Guide to the stepwise approach.



Steps A – H of the Stepwise Process



- 3.5 The first principle of the stepwise process is the early and accurate identification of designated sites, and/or protected habitats and species that are present on a site and/or wider area. This is essential to understanding the significance of biodiversity issues and ascertain the potential ecological impacts and opportunities of a development proposal. It is also crucial to establish the site's location in relation to ecological connectivity corridors.
- 3.6 Ecological survey data, together with information provided relating to the resilience of ecosystems on and around a site, will be critical in informing the extent and nature of mitigation, compensation and enhancements that will be sought in each application. The attributes of *ecosystem resilience* should be used to provide baseline data about the current resilience of a site²⁷. The Local Environmental

²⁷ PPW 10, Para 6.4.9

Records Centre can provide valuable data to inform a baseline site analysis. The Council supports the best practice approach of sharing of ecological survey data with the Local Environmental Records Centre to secure the continuous improvement of baseline data as promoted in the Environment Act. Further detail of how the Council will work with Applicants to achieve this is set out in Chapter 4.

- 3.7 In the case where surveys and assessments do not identify a requirement for compensation/mitigation, the Council still has a duty to maintain and enhance the biodiversity and ecosystem resilience of the site. The Council will therefore seek to secure biodiversity enhancements which deliver a net benefit for biodiversity in all developments where possible, having regard to the scale and nature of the development and the biodiversity and ecosystem resilience value of the site.
- 3.8 **In circumstances where the necessary biodiversity enhancement cannot be achieved as part of a planning application, it may be necessary to refuse permission.** The Welsh Government emphasise that *“where biodiversity enhancement is not proposed as part of an application, significant weight will be given to its absence, and unless significant material considerations indicate otherwise it will be necessary to refuse permission²⁸”*. This re-enforces the importance of being able to demonstrate how biodiversity and ecosystem resilience considerations have been taken into account

²⁸ Biodiversity enhancements: guidance for heads of planning <https://gov.wales/biodiversity-enhancements-guidance-heads-planning>

and that a scheme is based upon a full ecological understanding of the site.

3.9 In complying with the S6 duty to seek to protect and enhance biodiversity, appropriate regard will be given to the protection and enhancement of SINC's in the determination of planning applications. Where a planning application site contains a designated SINC, applicants will be:

- encouraged to consult the Council's planning ecologist to establish the features and values for which the site was designated²⁹
- required to make an assessment, undertaken by a suitably qualified ecologist, of the biodiversity impacts of the proposal on their site against the features and values of the SINC.

3.10 Appendix 1 provides checklists to support the process of identification and survey of sites, species and habitats and connectivity networks, both terrestrial and marine. Applicants are also advised to refer to the County Ecological Connectivity Assessment³⁰ which identifies locations where fragmentation of existing connectivity should be avoided and where ecological connectivity has the potential to be enhanced.

²⁹ <https://www.swansea.gov.uk/biodiversity>

³⁰ Swansea Ecological Connectivity Assessment www.swansea.gov.uk

STEP B: AVOID

Avoid loss of any existing or potentially important habitats or species; or fragmentation of ecological connectivity

- 3.11 The principle of avoidance is embedded into LDP Policies ER 6, 8 and 9, which require that the applicant must justify the need for the development in that location and demonstrate that there are no satisfactory alternative locations for the development. It is important to distinguish between the principle of avoidance at the strategic plan making stage, and avoidance during the detailed planning application process. Specifically, in the case of sites allocated for development in the adopted LDP, the process of establishing appropriate need for the development and considering alternative locations was undertaken as an integral part of LDP preparation.



John Hooper Bat Conservation Trust

- 3.12 The primary biodiversity objective in the early stages of the development design process should be the retention and maintenance of ecological features. For example, if a planning application site includes a pond, wildflower meadow, woodland, hedgerow or veteran tree³¹, every effort should be made to incorporate these features into the layout. Priority should be given to the retention and/or integration of habitats and features which are most difficult or impossible to recreate, such as ancient woodlands, which are irreplaceable and cannot be compensated for. A list of S7 protected and priority species and habitats found in Swansea is provided on the Council's website.³²
- 3.13 Where negative impacts have been identified, the *Preliminary Ecological Appraisal (PEA)* will be a key supporting document to demonstrate how the applicant has worked through the stepwise approach.

³¹ Further information is provided in the Council's *SPG* re Trees, Hedgerows and Woodland on Development Sites

³² See Guidance on Swansea's s7 List www.swansea.gov.uk

- 3.14 Where it has been concluded that residual biodiversity loss will be inevitable, the *PEA* should clearly explain why loss cannot be avoided, the process of considering alternative sites and reasons why alternative sites cannot be found. The *PEA* should also provide full justification for, and details of, proposed biodiversity offsetting/compensation and enhancement measures and must have regard to how the proposed mitigation and compensation measures will deliver the 5 principles of ecosystem resilience (See DECCA Figure 1.3). See also Guidance on *PEA* requirements on the Council's website.
- 3.15 Where there is no loss, or where loss has been avoided, then planning law is clear that it is not reasonable to secure enhancements as a condition of development. However, no site is devoid of opportunities for ecological enhancements to be integrated into the design of the development. The Council will therefore explore with the developer opportunities to achieve ecological enhancements within the design and layout of a site (see Step C), or a contribution to off-site enhancements, which address evidenced opportunities to improve the diversity, connectivity, scale, condition or adaptability of local ecosystems. (see Step E and DECCA Figure 1.3).
- 3.16 Applicants are advised to refer to the County Ecological Connectivity Assessment³³ which identifies locations where fragmentation of existing connectivity should be avoided and where ecological connectivity has the potential to be enhanced.
- 3.17 SINC's play an important role in local ecological connectivity. Development affecting SINC's will be considered against Policy ER 6 which follows the stepwise approach. It should be noted that for sites allocated for development in the LDP that contain SINC's, the process of establishing appropriate need and considering alternative locations was undertaken as an integral part of LDP preparation. Therefore, development proposals on allocated LDP sites that contain SINC's are not required to undertake the specific task of identifying appropriate need or justifying why alternative locations are not available. Whilst the need for the development and justification of its location has been established for LDP allocated sites by virtue of the Plan's adoption by the Council, Stages A to F of the Stepwise Approach will still therefore apply in order to maintain and enhance biodiversity and the resilience of ecosystems. This can be achieved through sensitive design and site layout, mitigation, compensation and enhancement.

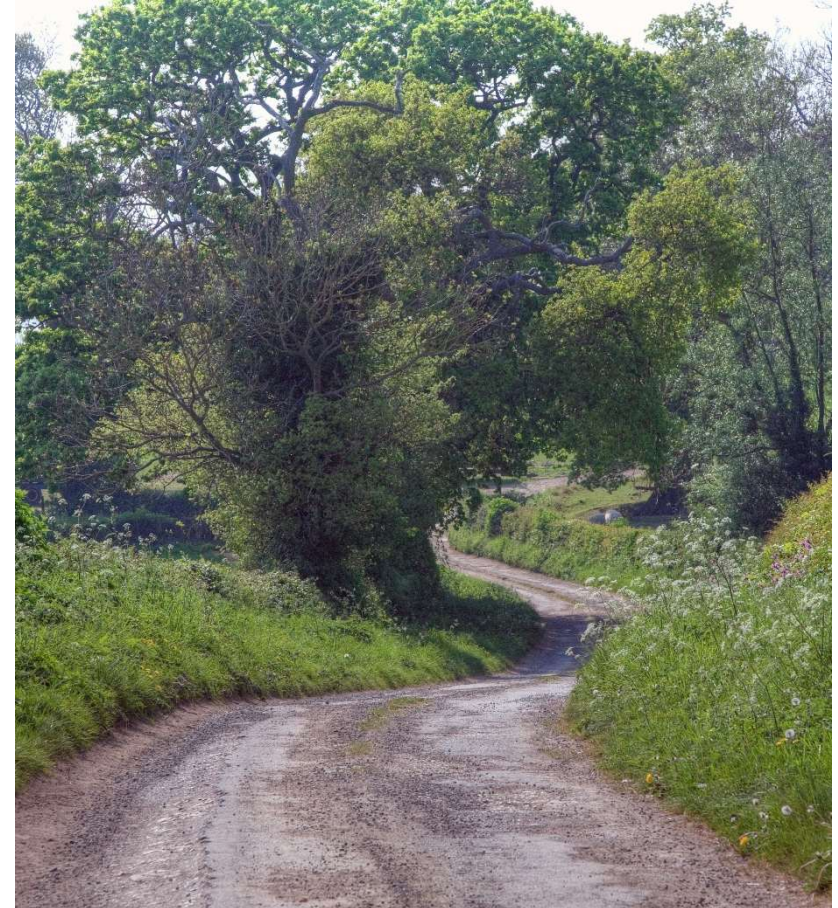
³³ Swansea Ecological Connectivity Assessment www.swansea.gov.uk

STEP C: RESPOND AND DESIGN

Identify and assess existing, or potential, important habitats or species and ecological connectivity corridors.



- 3.18 Gaining a detailed understanding of the biodiversity and GI qualities of a site at an early stage will highlight opportunities to maximise the retention, enhancement or further creation of natural assets on a site. Examples of new biodiversity features that could be provided through site design are, landscaping, habitat creation/enhancement, SuDs, and green infrastructure, living roofs and facades. This evidence led approach enables development to be designed with biodiversity benefits as an integral part. This will embed such matters into the placemaking approach that is advocated by the Council, as described in the adopted LDP.
- 3.19 Ongoing dialogue with the Council will ensure that modifications to proposals take appropriate account of additional biodiversity and ecosystem resilience information, as it emerges, throughout the development process. This will ensure that the most appropriate mitigation, compensation and enhancement measures are agreed at the time of permission.



STEP D - MITIGATE

For any unavoidable harm or loss to important habitats or species or the fragmentation of ecological connectivity.

3.20 Where it has been established that avoidance is not possible, then the design of a development proposal should aim to mitigate any detrimental effects by minimising, as far as possible, the negative impacts on biodiversity. This could include amending the design or timing of operations. Enhancements will be sought over and above the mitigation specified. CIEEM guidance recommends that wherever possible mitigation should be “by design”, i.e. embedded into the design and layout of a proposal. This is often a more beneficial approach than developers responding to LPA requests at a later stage and can provide greater certainty for the LPA that the mitigation will be delivered. For many species, particularly those with legal protection, there is published guidance that describes appropriate approaches to mitigation³⁴. In some cases, it will be necessary to design new approaches to mitigate an effect, and the advice of relevant experts and statutory and non-statutory consultees should be sought. If standard methods are not being used, this will need to be explained and justified. Examples of the types of mitigation measures that may be appropriate to address the specific effects of a range of

development types and locations are provided on the Council’s website³⁵.



³⁴ . See links to site, species and habitat specific guidance provided at Section 6 of the CIEEM Guidance

³⁵ GUIDANCE on Council Website– Examples of Mitigation, Compensation and Enhancement Measures

STEP E- COMPENSATE

Addressing the residual effects of a proposal after avoidance and mitigation have been considered.

- 3.21 Compensation should always be regarded as the last stage, after all other stages of the stepwise approach have been considered.
- 3.22 In some circumstances, it will not be possible to fully avoid, compensate or mitigate for certain ecological features on a site. Where all other options have been exhausted, off-site compensation for unavoidable damage will be sought.
- 3.23 Compensation describes measures taken to offset residual effects resulting in the loss of, or permanent damage to, ecological features, despite mitigation. Compensation must first be proposed on site. Off-site measures will only be considered where they are supported by evidence that there are no appropriate opportunities for on-site measures to be achieved.
- 3.24 It is also important to note that compensation It is not a substitute for enhancements required to deliver a *net benefit for biodiversity*.
- 3.25 Wherever possible compensation should be focused on replacing similar types of ecological features as those affected and equivalent levels of ecological resilience. The extent or size of any replacement area should be similar in terms of ecological features and ecological functions that have been lost or damaged, or with appropriate long term management have the ability to reproduce the functions, diversity and condition of those original ecological features.
- 3.26 Compensation should be provided as close as possible to the location where losses have occurred and benefit the same habitats and species as those affected³⁶.
- 3.27 Replacement ratios of compensatory habitat greater than one-to-one will be required. This is because of the uncertainty inherent in compensation, (particularly in cases which require ecological restoration, habitat creation or translocation of species or habitats) including the length of time needed for replacement habitat to provide the same level of ecosystem services as those lost. The scientific basis for deriving appropriate ratios is not exact and will vary depending on the habitat or species concerned. Increased replacement ratios can also help take account of the time lag in delivering compensation.
- 3.28 An ecosystem approach should be adopted when considering compensation proposals and applicants should be able to demonstrate how the five key ecosystem resilience attributes have been taken into account. (See

³⁶ PPW 10, para 6.4.21 4c "Where compensation for specific species is being sought the focus should be on maintaining or enhancing the population of the species within its natural range.

This approach might also identify locations for providing species-specific compensation further away from the site."

DECCA Figure 1.3). This approach ensures that the compensation is appropriate in terms of the wider ecological functions/ecosystem services it will provide.

- 3.29 The Council will take a pragmatic approach to considering the scale and nature of compensation appropriate to be considered to provide a net benefit. The identification and assessment of biodiversity features and assets at Stage A will be essential in understanding the opportunities for securing net benefit. Further details of the principles of enhancement together with examples of enhancement measures are provided on the Council's website.³⁷



³⁷ See Guidance re Enhancement Measures www.swansea.gov.uk

STEP F- ENHANCE

Explore all opportunities to enhance biodiversity and ecosystem resilience proportionate to the scale and nature of the proposal

- 3.30 Arguably Step F is not a sequential step in itself but an overarching principle that is fundamental to meeting the duty to maintain and enhance biodiversity. It is important not to confuse enhancement with mitigation and/or compensation. Enhancement will be sought over and above mitigation and compensation to achieve net benefit for biodiversity and maintain ecosystem resilience. The identification and assessment of biodiversity features and assets at Stage A will be essential in understanding the opportunities for securing enhancements. The attributes of ecosystem resilience (Figure 3.1) identified at this stage and those of the proposed enhancement should be used as a guiding principle in considering whether a net benefit will be achieved. Wherever possible, the Council will seek to secure enhancements by applying the principles of good placemaking and GI. Where on-site enhancements are not feasible/cannot be incorporated into the site design the Council may seek a contribution from the developer to off-site measures. For example, to support identified projects for maintaining or creating habitats. This could be secured through an appropriate legal mechanism.
- 3.31 The ways in which enhancement can be achieved will vary from site to site and should be proportionate to the scale,

nature and location of the development involved and have regard to evidence submitted relating to the biodiversity and resilience of ecosystems on and dependant/interrelated ecosystems adjacent to the site.

- 3.32 The Council will determine whether it is appropriate, reasonable and necessary to use a planning condition to secure biodiversity enhancement, with reference to the tests set out in the Welsh Government Circular 'The Use of Planning Conditions for Development Management' (Circular 016/2014). The Council's general approach is to require that biodiversity enhancements are shown on proposed plans, and that an appropriate condition be applied to the permission to approve the development in accordance with the submitted plans. Further suggestions for biodiversity enhancements will be included as an informative within the ecological consultation response. The Community Infrastructure Levy Regulations 2010 also state that it is not reasonable to include a Planning Obligation on as part of a development on the basis of contributions which are not directly related to the development.
- 3.33 Smaller scale developments could enhance local biodiversity through simple measures. For example, the installation of bird or bat boxes, or the improvement of existing *green corridors* through planting of native species. Larger scale developments could consider the creation and management of a woodland, wildflower meadow, wetland or other specific habitat of value to wildlife, or filling gaps in connectivity corridors as part of the development, or off site if there is limited scope within the development site. Chapter 4 provides further detail on how

the requirement for enhancement will be implemented for different types of development.



STEP G – MANAGE

Submit and implement long term management plan of agreed and appropriate mitigation, compensation and enhancement measures.



STEP H – MONITOR

Submit and implement a monitoring plan to ensure that the development and associated mitigation, compensation and enhancement measures deliver the attributes of resilience post-construction



- 3.34 Appropriate ongoing management arrangements must be put in place in order to secure the long lasting benefits of of retained and/or newly created habitats and features.
- 3.35 As with previous steps, integration of management requirements into the design of mitigation, compensation and enhancement schemes is strongly advised.
- 3.36 The guiding principle will be to ensure that management and monitoring proposed is proportionate both to the scale and impact of the project. This will ensure that the varying Management and monitoring needs from site to site will be taken into account.

Figure 3.2: Recommended Best practice for Management and Monitoring Plans

- Include criteria to measure success, such as a population of an indicator species reaching a certain size.
- Identify specific actions required for good management and include phasing where necessary.
- Identify the organisations and personnel responsible for implementing the plan
- Confirm that the implementation of the Plan will be overseen by a suitably qualified and experienced ecologist/Ecological Clerk of Works (ECOW) who will be required to liaise with the Council's Planning Ecology Officer and submit relevant ecological monitoring reports to the LPA.
- Specify the duration of monitoring. The time frame should be proportionate to the scale of the proposal, the species and habitats involved and the extent of the impact of the development. In some cases, particularly where relocation/translocation of species is involved, a longer timeframe may be required so that the species and habitats become established and to ensure that the long term management objectives for the site have been achieved.
- For larger developments and those that affect European Protected Species, applicants may need to provide a monitoring strategy and a mechanism for remediation measures in the event that it becomes apparent that mitigation, compensation and enhancement measures are not working. This will also be required by NRW as part of a European Protected Species (development) licence. The management and monitoring

plan should also include a forward projection of costs, and the means by which these costs will be secured for the future.

- For small scale development it may not be necessary for long term monitoring to be undertaken, rather just confirmation that the necessary avoidance / mitigation / compensation or enhancement measures have been delivered (e.g. the provision of bird or bat boxes). As suggested in the British Standard, a brief statement confirming that the agreed measures have been implemented, and signed by a competent ecologist, may be all that is necessary in such cases to demonstrate compliance with the planning consen



4 The Development Management Process

Overview

- 4.1 This Chapter provides step-by-step guidance on how the *stepwise approach* set out in Chapter 3 applies to each stage of the Council's Development Management (DM) decision making process. **Figure 4.1** overpage, illustrates the interrelationships that exist between the two processes.
- 4.2 The stepwise approach is applicable to all types and scales of development, from minor applications and householder development through to major applications. However, this guidance makes clear that the actions required to be undertaken should be proportionate to the scale, nature and location of the proposal and the potential impact of the development on biodiversity and ecosystem resilience.
- 4.3 This Chapter provides a general outline of the DM process which applies a broad framework to be followed for all development. Detailed guidance on how the process should be applied for specific scales and types of development is provided in Appendix 2 and 3, namely:

Stepwise for Major Development [see Appendix 2]

- 4.4 Major development is defined as any application that involves:
- mineral extraction
 - waste development
 - floorspace over 1000sqm/an area of 1 ha or
 - a residential site providing 10+ dwellings/over 0.5 ha. In the case of residential applications, Appendix A should also be read together with the Residential Design Guide SPG.

Stepwise for Minor Development [see Appendix 3]

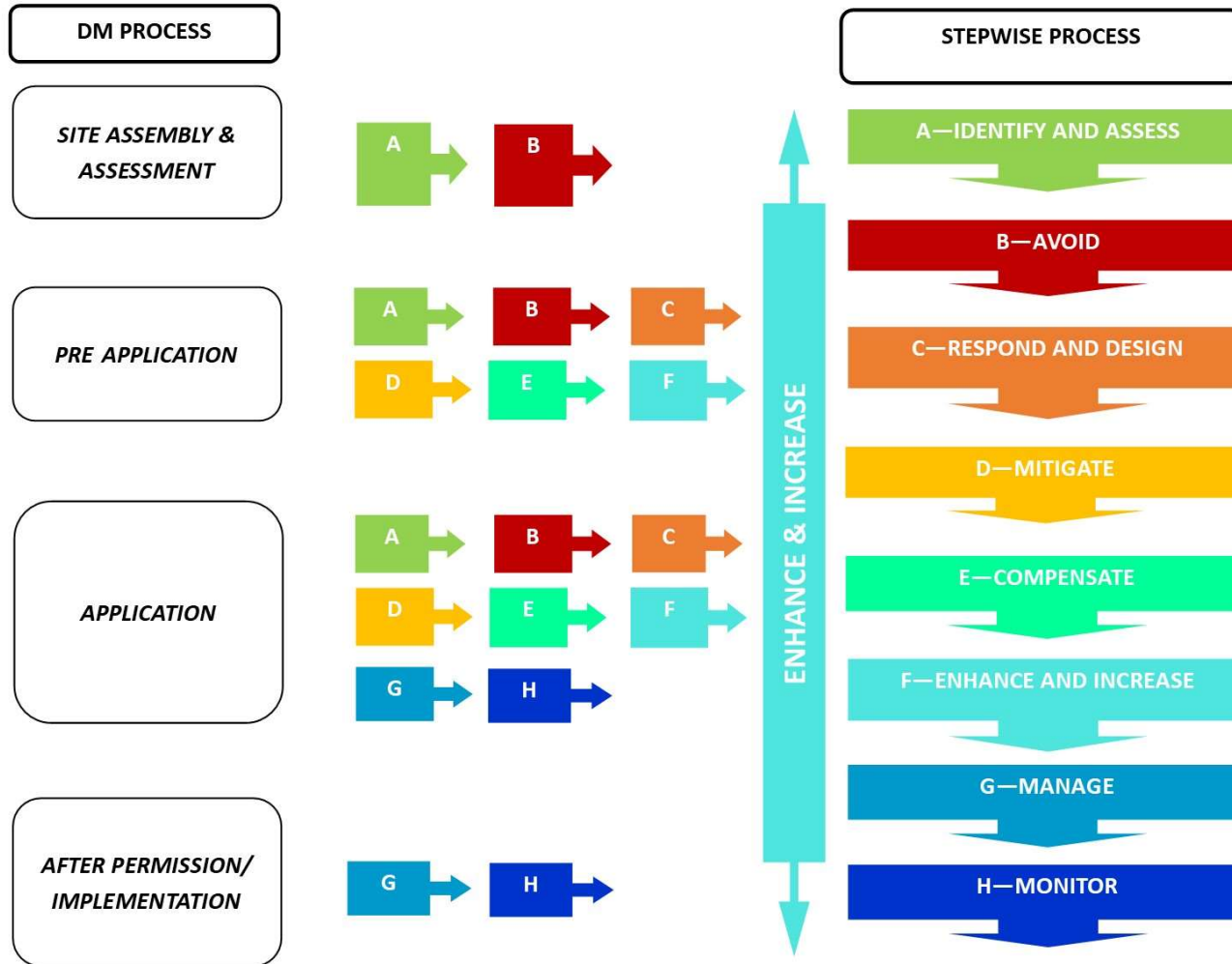
- 4.5 Minor development refers to applications which do not meet the criteria for major development, or proposals that are classed as 'other development'.
- 4.6 Other development includes changes of use, householder development, advertisements, listed building and conservation area consents, and certificates of existing or proposed lawful development.

Marine and Coastal Development

- 4.7 All development affecting marine, coastal or estuarine areas should refer to the Survey checklists in Appendix 1³⁸.

³⁸ See Guidance re Marine Planning www.swansea.gov.uk

Figure 4.1: Relationship between Development Management Process and the Stepwise approach



4.8 This Chapter signposts best practice contained in the **British Standard for Biodiversity (BS 42020:2013)**³⁹ and supporting **CIEEM Guidance**⁴⁰. These provide detailed guidance on ecological appraisal and the information that should be submitted as part of a planning application (including methodology and timing of any ecological surveys and assessments required). Site survey and assessment data is essential to effectively establish the potential impact of a proposal, provide evidence to guide the reasonable implementation of the stepwise approach, and identify the opportunities to achieve biodiversity enhancements which deliver a net benefit to ecosystem resilience.

4.9 The key overarching principles set out in this Chapter, in terms of the Council's approach to biodiversity and development management are:

- Applicants are strongly advised that **biodiversity and ecosystem resilience should be considered at the earliest possible stage of a development**, as part of an integrated and holistic approach to design of the development, to demonstrate a full understanding of the biodiversity value of a site, its ecosystem resilience and its function within the wider green infrastructure network.
- Integration of biodiversity and ecosystem resilience measures within a development are

part of good placemaking and green infrastructure principles, and are essential for the creation of locally responsive, healthy and well connected places.

- Submission of timely and appropriate ecological information is essential. In particular, where the Council's Planning Ecologist has identified that a *Preliminary Ecological Assessment (PEA)* must be submitted with an application along with any additional species surveys identified in the PEA. Failure to submit the required information could lead to the application being refused. The Council will refer to the relevant CIEEM guidance in determining whether submitted ecological information has been carried out by an appropriate ecological consultant following the appropriate ecological reporting methodologies.
- All applicants should consider where Invasive Non-native Species (INNS) surveys and assessments are required.
- Survey information is essential to inform the avoidance or minimisation of impact or loss of protected species or habitats, and the negotiation of appropriate mitigation. Applicants are required to demonstrate how the proposal and associated biodiversity measures has responded to the ecological information.

³⁹ BS 42020:2013 British standard for Biodiversity – Code of Practice for Planning and development. (BSI, 2013)

⁴⁰ Ecological Impact Assessment (EclA) Checklist <https://cieem.net/resource/ecological-impact-assessment-ecia-checklist> The checklist ensures that decisions adequate information in accordance with Clauses 6.2 and 8.1 of BS 42020

- The Council will only consider negotiating compensation measures where it has been clearly and robustly demonstrated that avoidance and mitigation cannot be achieved.
- Compensation will not be acceptable for irreplaceable habitats (e.g. ancient woodlands).
- The Council will seek to achieve a net benefit for biodiversity in all developments, proportionate to the scale of the development and having regard to the submitted evidence regarding biodiversity and resilience of ecosystems both within and adjacent the site.
- Where approval from the SuDS Approval Body (SAB) is required,⁴¹ early and parallel engagement with the SAB process is strongly advised. This will maximise opportunities to achieve an integrated and multifunctional design and layout of all elements of green infrastructure within a site to meet national and local planning policies and the WG Sustainable Drainage Standards for Wales⁴² which require the design of SuDS to take into consideration water quality and biodiversity. The Council's Planning Ecologist is a consultee on all SAB applications and can provide advice on ecological measures required. The Planning Ecologist is also a consultee on planning applications and will advise on the information required from



applicants to demonstrate how the planting and maintenance of Sustainable Drainage Systems (SuDS) proposals will maintain and enhance biodiversity and ecosystem resilience. Evidence will also be required of the impact of the proposal on the existing connectivity of ecosystems and opportunities to provide enhancements. See also Council Website re examples of biodiverse SuDS measures.⁴³

⁴¹ See <https://swansea.gov.uk/sustainable-drainage> for further information on SAB process.

⁴² <https://gov.wales/sites/default/files/publications/2019-06/statutory-national-standards-for-sustainable-drainage-systems.pdf>

⁴³ See Guidance re Enhancement Measures and also re SuDS and Biodiversity www.swansea.gov.uk

Integration of Stepwise Approach into the DM Process

DM STAGE 1: PRE-APPLICATION	RELEVANT STEPWISE STEPS	
<div style="border: 1px solid black; border-radius: 15px; padding: 10px; text-align: center;"> Site Assembly and Assessment </div>		
	Assess	Avoid

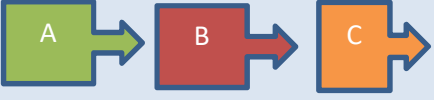
4.10 The potential for biodiversity and ecological features to be affected by a development must be considered at the earliest stage of any proposal. **Failure to do so may lead to delays in the planning process or refusal of an application.** It is therefore advisable to gain a clear understanding of the biodiversity features and GI assets and ecosystem resilience of a site at the earliest possible stage of any development project. This will improve the quality of initial site designs, provide valuable information to guide initial discussions with the Council and ensure that issues are considered and addressed from the outset, to achieve the best outcome for biodiversity and avoid additional costs or delays to a development. This advice is applicable to all types and scales of development.

4.11 The following steps can provide an early indication of the potential impacts and opportunities presented by a site, and ensure that proposals have appropriate regard to the relevant environmental and legislative context (See

Chapter 1, Appendix 1 and section 4.13 below for relevant sources of information):

- Assess the site to identify any international, national or local designations.
- Assess the site to identify the presence of a habitat and or species protected under International, UK or Welsh Gov legislation (e.g. the list of protected species in *S7 of the Environment Wales Act*). **Presence of a protected species is a material planning consideration** when a planning authority is considering a development proposal which, if carried out, would be likely to result in disturbance or harm to the species or its habitat, and will seek to ensure that the range and population of the species is sustained (see 6.4.22 PPW 10 for further guidance on protected species).
- Assess the site to identify the presence of any Invasive Non-native Species (*INNS*) of flora listed in Schedule 9 Part II section 14(2) of the Wildlife and Countryside Act 1981 (as amended).
- Assess the site to identify sites of importance in terms of habitat and/or connectivity.



DM STAGE 1: PRE-APPLICATION	RELEVANT STEPWISE STEPS
<div style="border: 1px solid black; border-radius: 15px; padding: 10px; text-align: center;"> PRE-APPLICATION – Understanding your site </div>	<div style="text-align: center;">  </div> <div style="display: flex; justify-content: space-around; margin-top: 5px;"> Assess Avoid Design </div>

4.12 Ideally, a baseline understanding of the impacts and opportunities presented by a development will have been undertaken at Stage 1. Any proposal presented to the Council at the pre-application stage should therefore be informed by a basic ecological knowledge of the site.

Sources of initial survey and assessment data

4.13 **SEWBRcC:** Screening to determine the presence of protected species and habitats should be carried out on the basis of data provided by the South East Wales Biodiversity Record Centre (SEWBRcC)⁴⁴. SEWBRcC provides detailed and confidential data to inform surveys carried out by competent ecologists at cost.

4.14 **LDP Constraints and Issues Map:** provides overview of the spatial location of the County's

statutory and non-statutory designated sites. Appendix 7 of the LDP lists all protected sites.

4.15 **Connectivity Mapping** – See Swansea Ecological Connectivity Assessment⁴⁵.

4.16 **Appendix 1:** provides a list of sites, habitats and species in the County in relation to the policy context; and a Survey checklist of species and habitats most likely to be affected by specific types of development, surveys required and the appropriate survey seasons.

4.17 The LPA will co-ordinate appropriate engagement of the Council's planning ecologist on biodiversity issues at the pre-application stage. There are considerable benefits in seeking professional ecological advice before making an application, including:

- It gives you the opportunity to understand how policies and guidance will be applied to your proposed development,
- It can identify at an early stage where there is need biodiversity surveys and assessments, It will ensure that project timescales have appropriate regard to the **seasonal nature** of the ecological surveying and avoid lengthy delays⁴⁶.
- Where there is a need for specialist input, (ecologists, landscape architects, sustainable drainage engineers)
- It can avoid potential breaches of environmental protection legislation.

⁴⁴ www.sewbrec.org.uk

⁴⁵ www.swansea.gov.uk

⁴⁶ See Appendix 1 re guidance on Survey Seasons

- It may lead to a reduction in time spent by your professional advisors in working up proposals, identifying issues to be addressed and opportunities to be explored for biodiversity protection and enhancement to be integrated into wider green infrastructure designs at the earliest possible stages, before an application is submitted.
- It may indicate that a proposal is completely unacceptable, saving you the cost of pursuing a formal application
- Provides opportunities to identify shared solutions for SuDS and biodiversity
- It will ensure that you provide all the necessary information and drawings to enable the application to be registered and validated.
- It will ensure that all ecological surveys required in support of a planning application are valid at the time of submission. **Ecological Surveys are generally considered to be valid for a period of 2 years** after which time, updated surveys will be required.⁴⁷

4.18 The range of impacts of development on biodiversity and ecosystem resilience will vary in both scale and nature. For example, a development could result in:

- direct loss of habitats or important species on site;

- fragmentation or loss of connectivity between habitats or species populations either on site, or off-site connectivity to the wider ecological network;
- alteration of regimes such as hydrology that an ecosystem is reliant upon.
- air, noise and light pollution
- disturbance from recreation and or predation for pets.

4.19 Understanding the specific issues relating to both the type of development and its location is therefore essential.

4.20 Early engagement with the Council's planning ecologist will identify the need for and potential content of a **Preliminary Ecological Appraisal (PEA)**⁴⁸. A PEA of a proposed development should identify any biodiversity features which may be affected by a proposed development, and should identify any further surveys which will need to be undertaken. Applications likely to affect any designated sites or priority habitats or species must include a survey and assessment for the relevant habitats and species. The initial survey and any additional detailed surveys form constituent parts of the PEA, in accordance with guidelines for ecological reports set out in the British Standard 42020 and in

⁴⁷ CIEEM Advice Note – On the lifespan of ecological reports and surveys
<https://cieem.net/wp-content/uploads/2019/04/Advice-Note.pdf>

⁴⁸ [CIEEM Guidelines for Ecological Impact Assessment in the UK and Ireland: Terrestrial, Freshwater and Coastal, \(Updated Sept 2019\)](#)

Further information [CIEEM Technical Guidance Series Guidance for Preliminary Ecological Appraisals](#) (Chartered Institute for Ecology and Environmental Appraisals, 2013)

the CIEEM guidelines. See also Guidance on Councils website re PEA process.⁴⁹

- 4.21 Appendix 1 of this SPG provides a Survey Checklist. This assists in identifying applications that will need survey work, and details of the information that will need to be considered during the design stage and submitted with the planning application. Applications that involve one or more of the development types listed in column 1 of the Survey Checklist must include the relevant species survey(s) as indicated in the table.
- 4.22 Applicants should also be aware that additional information may be requested. The Council can direct the applicant to supply any further information which is considered reasonably necessary for the purpose of determining the planning application.
- 4.23 Applicants required to submit ecological information with their planning application, will need to employ a suitably qualified ecological consultant⁵⁰. The Council supports the best practice approach of sharing ecological information with SEWBReC. This approach improves the quality of information for future applications. Applicants are therefore strongly advised to discuss with their ecological consultant the inclusion into their contracts the clause provided at Figure 4.2 below.

Figure 4.2 – Suggested draft contract clause re Ecological Survey Data

“Applicants or their consultants agree to proactively share with South East Wales Biodiversity Records Centre (SEWBReC) any biological records made during the process of ecological appraisal at the same time as report submission to the LPA (advice on preferred data formats is available via the SEWBReC website

The Council considers all parts of ecological reports submitted to it as part of the planning process which are not specifically marked as sensitive, to be in the public domain. “

- 4.24 Applicants should also include within survey and assessment specifications identification of the presence of any Invasive Non-native Species (INNS) of flora listed in Schedule 9 Part II section 14(2) of the Wildlife and Countryside Act 1981 (as amended).
- 4.25 In some cases, there may not be a reasonable likelihood for a wildlife feature to be affected by development and survey work will not be needed.
- 4.26 Impacts on biodiversity can extend beyond site boundaries in unexpected ways, for instance through noise or light pollution, surface water run-off, or predatory behaviour of domestic pets. Relatively small developments can also have larger impacts on the wider landscape, for example, removing a hedgerow or line of trees could break up a bat-

⁴⁹ See Guidance re Survey and Assessment Process www.swansea.gov.uk

⁵⁰ See Chapter 6 Glossary for links to CIEEM Guidance

foraging or commuting route, negatively affecting a breeding colony some distance from the planning application site.

- 4.27 A development may also have an adverse impact on biodiversity either during the construction phase or during the operational phase, or both, and the survey work needs to fully consider the possible impacts of both.
- 4.28 Additional surveys, assessments or licences may be legally required. When undertaking surveys and assessments for a planning application, the applicant should also determine whether the following are required⁵¹:
- a. **Environmental Impact Assessment (EIA)** the proposal would trigger the need for an EIA and if the submission of a 'screening opinion' is necessary;
 - b. **Habitat Regulations Assessment (HRA)** the development proposed would contravene the protection afforded to a European Protected Site (EPS) and whether there is therefore a need to submit a report to inform an HRA under the Habitats Directive⁵². (It is important to note that legislation covering EPS may apply even where an EPS has been detected outside the boundary of the site) and/or;
 - c. **NRW Protected Species Licence** the proposals triggers the need to apply to Natural Resources Wales for the below licences. The

consideration and granting of licences is separate from the process of applying for planning permission. However the LPA must take account of the legislation throughout the development management process.

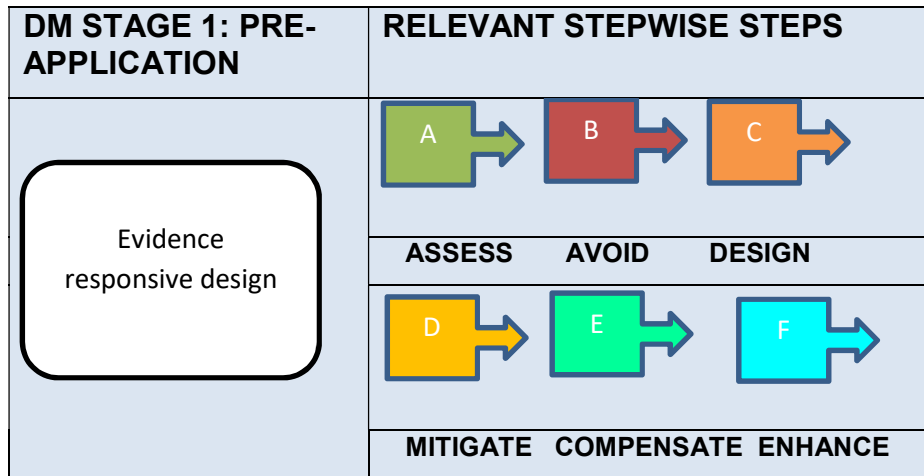
- **European Protected Species (EPS) Development Licence to disturb** NRW issues Protected Species licences for any development that would affect a EPS protected under the Conservation of Habitats and Species Regulations 2017; or
- **UK Protected Species Licence:** NRW issues development licences for species protected under the Wildlife and Countryside Act 1981, for example, Reptiles (all UK species) and Water Voles. NRW is also responsible for issuing licences under the Protection of Badgers Act 1992 where it is necessary to interfere with badger and/or their setts in the course of development.

- 4.29 Applicants and their consultants are also advised to consider the policy framework for the *Sustainable Management of Natural Resources in Wales* for an indication of potential issues and opportunities. The framework includes:
- *NRW SoNaRR Report,*
 - *NRW Area Statements,*

⁵¹ See Guidance re Survey and Assessment Process www.swansea.gov.uk

⁵² See PPW 10 para 6.4.23 which advises on the process relating to proposals for which development works would contravene the protection afforded to EPS,

- *Section 7 List of Habitats and Species in Wales (Env Act 2016),*
- *Swansea’s Local Biodiversity Action Plan (LBAP)*
- *Nature Recovery Action Plan (NRAP) (under preparation).*



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- 4.30 The pre-application stage is the most appropriate stage to consider how the proposal will address the impacts identified in the PEA and any additional species surveys carried out.
- 4.31 Specifically, the applicant should seek to establish at the pre-application stage how the proposal will maintain and enhance biodiversity, ecological connectivity and resilience .
- 4.32 It is therefore important that the findings of any ecological surveys are taken into careful consideration

during the design stage to ensure that biodiversity and ecosystem resilience are fully integrated into the early designs of proposals as part of the wider placemaking approach.

- 4.33 For major applications, a multi-disciplinary design team should be engaged at the earliest possible stage and include a suitably qualified ecologist. The design team should have a sound understanding of the ecological survey work and produce design solutions which respond to the identified opportunities to secure biodiversity enhancements and integrate ecosystem resilience into the development having regard to the 5 principles of resilience. Best practice principles of placemaking and green infrastructure demand that these issues are no longer retrofitted into the established/standard designs and layouts of development companies, but are a driving influence from an early stage.

'Ecological Constraints and Opportunities Plan' ECOP

- 4.34 It is strongly recommended that design teams provide an 'Ecological Constraints and Opportunities Plan' (ECOP), as set out in the British Standard. The ECOP is an efficient and effective way to communicate the key issues raised in the detailed technical ecological reports. This can be a simple traffic light plan which communicates the location of issues and design responses. Where appropriate it can signpost to detailed sections of survey reports. If prepared at an early stage, the ECOP is a useful tool to inform both pre-app discussions and updated designs at subsequent stages of the development

design and planning process. It provides a useful way to demonstrate how the design process has taken into account the most valuable natural assets and that developments result in a net benefit for biodiversity.

- 4.35 Information from the ECOP may usefully be incorporated into green infrastructure (GI) and SuDS proposals plans to evidence delivery of biodiversity and connectivity as part of GI and GI strategies in accordance with LDP Policies ER2 re Green Infrastructure and RP4 re SUDS.
- 4.36 The LDP promotes a holistic approach to placemaking, and the creation of places which maintain and enhance biodiversity forms part of the plan's wider placemaking approach (see LDP Policy PS 2 (xiv, xv). The Council will therefore expect proposals to demonstrate how designs:
- *respond to all available evidence relating to identified biodiversity and green infrastructure qualities: and*
 - *have evolved in line with the stepwise approach.*
- 4.37 Where no biodiversity issues have been identified, the Design and Access Statement (DAS) should contain a clear statement of the steps taken to establish biodiversity and ecosystem resilience of the site and an explanation of why no further measures are considered necessary. For example, the applicant should provide evidence of completion of a SEWBREC desktop search by provision of the relevant case reference number or correspondence

evidencing consultation with either privately engaged ecologists or the Council's ecologist.

- 4.38 Where avoidance is not feasible, then the design should aim to mitigate any detrimental effects by minimising them as far as possible. For example, if the development is designed to include an existing pond, a certain amount of mitigation for the developed area would be achieved by ensuring that the pond is physically connected to terrestrial habitat and not isolated by the development.
- 4.39 Ongoing dialogue with the Council throughout the design process will ensure that modifications to proposals take appropriate account of biodiversity information as it emerges throughout the development process.
- Other recommended Pre-application discussions**
- 4.40 Pre-application discussion with statutory consultees such as NRW is also recommended, together with non-statutory consultees, where appropriate.
- 4.41 **NRW:** have an environmental regulatory function and information on the NRW website provides details of consents, licences and permissions which applicants may need to obtain⁵³.

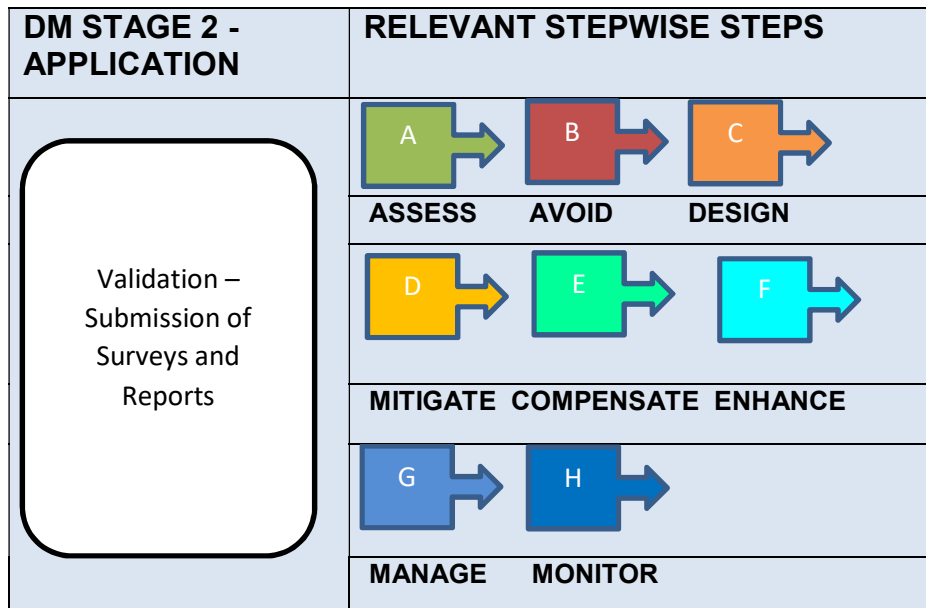
⁵³ <https://naturalresourceswales.gov.uk/permits-and-permissions/>

4.42 **SAB Pre-Application:** Where a pre-application submission is made under the SAB process, it is advisable to carry this out in parallel with the planning pre-app process in order that all opportunities for achieving biodiverse SuDS solutions can be fully explored.



Above - Pond and grassland habitat mosaic. Below SuDS pond: Source: <https://www.susdrain.org/case-studies>



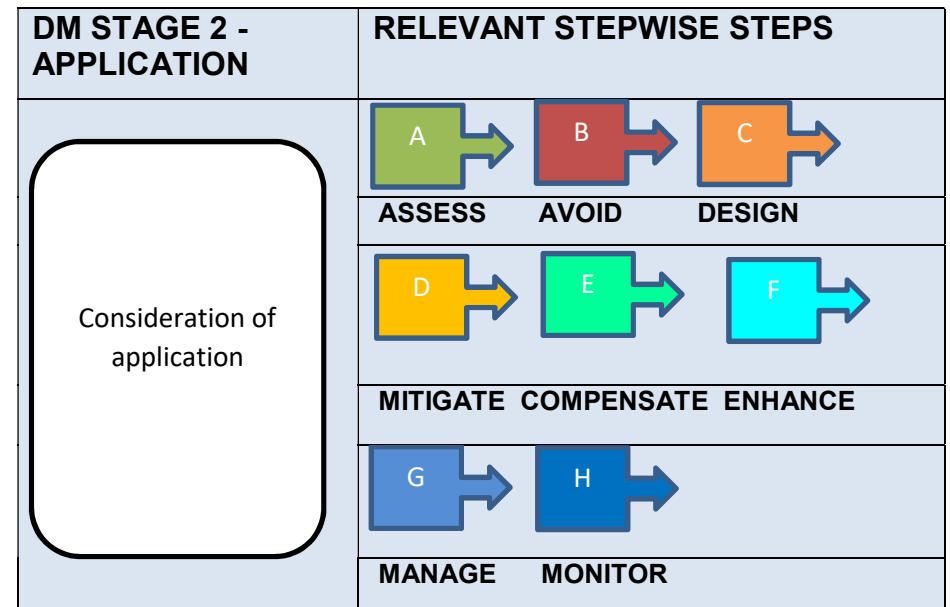


4.43 By the time a planning application is ready for submission the ecological features present on the site should have been fully considered and the stages of the Stepwise approach carefully followed. Any identified impacts should have been avoided, minimised or mitigated in the design of the proposal presented and fully justified in the application.

4.44 Any relevant ecological survey or assessments required should be submitted along with the application. The ecologist employed by the applicant or their agent should always work to the relevant

recognised survey and mitigation guidelines and industry standards, and should give an evidence-based justification for any deviation from these guidelines.⁵⁴

4.45 Where applications are submitted without ecological information, they may be validated but cannot be determined until any necessary ecological reports have been submitted to, and approved by, the Local Planning Authority (LPA). Where surveys and reports are submitted which recommend further survey work is carried out, and this is not submitted to the LPA, the LPA may refuse the application.



⁵⁴ See Appendix 1 and Appendix 6 re guidance on Surveys and Assessments

- 4.46 The Ecological report submitted to support an application will be assessed to ensure that it:
- **Is up to date** – see *CIEEM advice note re valid timeframes for survey reports*⁵⁵ *Ecological Surveys submitted in support of planning applications are generally considered to be valid for a period of 2 years, after which time, updated surveys are likely to be required.*
 - **Is clear enough to allow the Council:**
 - to assess the biodiversity and ecosystem resilience of the proposed development before making a planning decision.
 - to understand the particular avoidance, mitigation and compensation measures proposed as part of the development scheme.
 - **Provides full and clear justification of the implementation of the stepwise approach,** and specifically that any compensation proposed is residual, having first fully considered avoidance, minimisation and mitigation of identified negative effects.
 - **Describes how the proposed biodiversity enhancements will achieve ecosystem resilience** in accordance with the 5 attributes of resilience (See DECCA Fig 1.3).
- 4.47 To ensure decisions are based upon adequate information in accordance with BS42020 the Council will consider the information submitted against the Ecological Impact Assessment (EcIA) checklist⁵⁶. The checklist signposts to all relevant CIEEM and NRW guidance relating to carrying out surveys.
- 4.48 The Council will also assess the application and supporting information submitted to establish:
- compliance with the relevant legislation and policy with reference to this *SPG*.
 - the current ecosystem resilience of the site which PPW requires must be maintained and enhanced post development⁵⁷
 - the appropriateness of mitigation and compensation measures proposed.
 - the appropriateness of enhancement measures proposed. Effective use of the pre-application process should have established by this stage what enhancement measures will be required.
 - the integration of biodiversity measures as part of good placemaking and the provision of quality GI.
 - the need for *Planning Obligations* to secure biodiversity measures and interventions (further detail below).
 - the need to attach conditions to a consent in order to make the development acceptable.

⁵⁵ CIEEM Advice Note – On the lifespan of ecological reports and surveys
<https://cieem.net/wp-content/uploads/2019/04/Advice-Note.pdf>

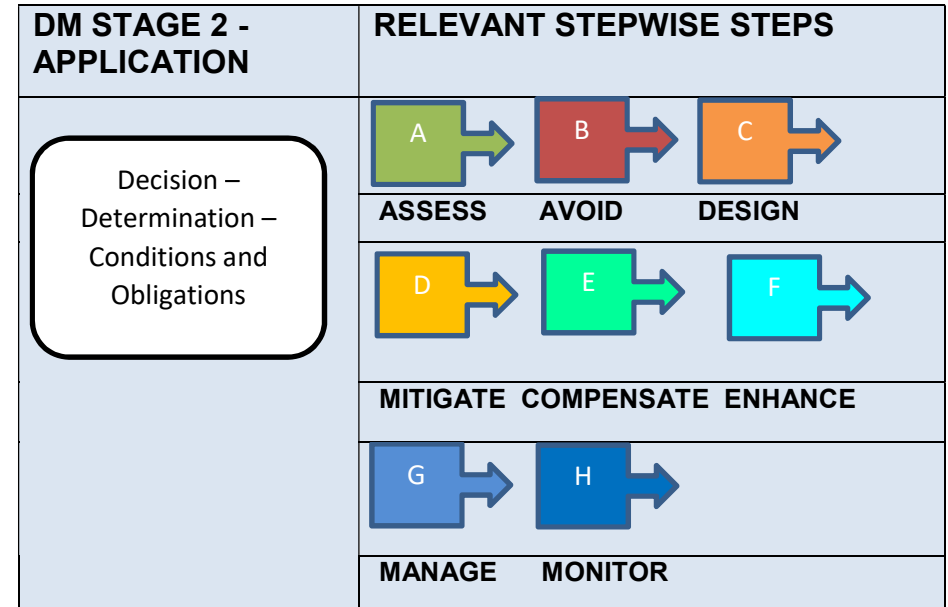
⁵⁶ <https://cieem.net/resource/ecological-impact-assessment-ecia-checklist/>

⁵⁷ PPW paras 6.4.9 and 6.4.20 4d

These might include for example, restrictions on certain operations at particular times of year, good practice during construction, or appropriate future management and maintenance.

- The need to attach informatives to a consent⁵⁸.

4.49 **Sustainable Drainage Systems Approval:** The details of any parallel SAB approval will be taken into account.



4.50 As stated above in Chapter 3, any biodiversity measures agreed should be incorporated into the design of the development at the earliest stage and shown on all plans submitted for approval. Consent will be conditional upon approval in accordance with approved plans. Delivery of enhancements will not be secured through separate conditions on the consent as this is not compliant with the relevant CIL regulations.

4.51 Welsh Government have clarified that where biodiversity enhancement is not proposed as part of an application, significant weight will be given to its

⁵⁸ Standard list of informatives www.swansea.gov.uk/planning

absence, and unless other significant material considerations indicate otherwise, it will be necessary to refuse permission⁵⁹. **The Council considers that the lack of ecological evidence of a negative effect on biodiversity or ecosystem resilience which is directly related to the development to be a significant material consideration in this respect.**

- 4.52 Where the Council concludes that it is reasonable, proportionate, or feasible to require mitigation, compensation, or enhancement measures, and this cannot be integrated into the design of the development or created on site, it may still seek to secure these measures **off-site** (this is generally more likely to occur on major sites).
- 4.53 **Enhancement:** In accordance with PPW (6.4.5), and the S6 duty, the Council will seek to ensure that development provides a net benefit for biodiversity. The Council will therefore explore with the applicant what opportunities exist within or outside the development to provide enhancements to biodiversity and ecosystem resilience, having regard to the SMNR framework and any up to date ecological surveys submitted with the application. Enhancements may be expressed through advisories or informatives attached to a consent which provide guidance on potential steps that can be taken to increase local biodiversity and ecosystem resilience and contribute to the Council's wider strategic aspirations to green the County and make positive steps to mitigate for

and adapt to climate change. This will particularly be the case in smaller scale developments and is in line with the wider principle that all developments at all scales will present opportunities to reverse biodiversity loss and mitigate against the impacts of climate change. Though such interventions may be minor, they will have a significant cumulative effect.

S106 Agreements and Conditions

- 4.54 The Council may recommend approval subject to section 106 Agreement/planning obligations. Planning Obligations are legally binding agreements between the developer and the Planning Authority or a unilateral agreement by the developer enforced by the Planning authority under S106 of the Planning Act 1990, which involve a commitment to address the impacts of a development that will make it acceptable in planning terms, where otherwise it might be refused. Such obligations will normally be required where off-site compensation provisions are necessary or financial contributions are needed to ensure that there are no detrimental impacts on biodiversity.
- 4.55 Swansea Council does not condition protected species surveys and would not consider doing so for any scheduled development works. In accordance with the stepwise approach, survey work should be undertaken at the earliest possible stage in order that measures to maintain and enhance biodiversity are integrated into the design of the development.

⁵⁹ Biodiversity enhancements: guidance for heads of planning
<https://gov.wales/biodiversity-enhancements-guidance-heads-planning>

- 4.56 Where an invasive non-native species (*INNS*) of flora listed in Schedule 9 Part II section 14(2) of the Wildlife and Countryside Act 1981 (as amended) is present on a planning application site, (e.g. Japanese Knotweed) an invasive non-native species *INNS* (flora) condition will be placed upon that application.
- 4.57 See also Appendix 4 for further guidance on s106 Agreements and Conditions.



DM STAGE 2 - APPLICATION	RELEVANT STEPWISE STEPS
<div style="border: 1px solid black; border-radius: 15px; padding: 10px; text-align: center;"> Management and monitoring during construction and aftercare </div>	
	<div style="display: flex; justify-content: space-around;"> MANAGE MONITOR </div>

- 4.58 By this stage, the planning consent and associated conditions will have established the management and monitoring measures required following consent, before during and after construction. The preparation and implementation of the appropriate management and monitoring plan will usually be agreed as part of the plans required to be submitted to grant consent. However, in some cases, it may be appropriate to condition the preparation and implementation of a management and monitoring plan after consent.
- 4.59 The plan will detail management objectives for habitats and species present, both retained and created, and will include details for ongoing management and monitoring prescriptions as required. The plan will often include an 'Ecological Constraints and Parameters Plan' (ECOPP) which will demonstrate that appropriate ecological features are integrated into the development. Applicants should note that larger developments, particularly those subject to an Environmental Impact Assessment, will require a *CEMP*. 'Construction Industry Research and Information Association' set out guidance for

methods and measures of working a development site where biodiversity is present, including suggested contents for 'Construction Environmental Management Plans' and 'Risk Assessments', details on setting out no-go zones, protective fencing and other practical measures.⁶⁰

- 4.60 Monitoring is intended to both check compliance with conditions or planning obligations and to establish whether the measures undertaken are effective and are successfully delivering the intended outcomes. The Council will either request a monitoring fee as part of a s106 Agreement and monitor in-house, or include within planning conditions a requirement for the applicant to cover the cost for ongoing monitoring.
- 4.61 During construction, the management of the site should follow appropriate guidelines for protection of habitats and species⁶¹, including trees and ecological features to be retained on site which will form part of the overall management and monitoring plan. Where appropriate, protection will be in the form of development licences granted by NRW.



⁶⁰ https://www.ciria.org/CIRIA/Topics/environmental_management

⁶¹ See Chapter 6

5. Glossary of Terms

Adaptive Environmental Management Plan	An AEMP sets out the management strategy where an adaptive environmental management approach is considered to be appropriate. The aim of adaptive management must be to avoid unacceptable effects. It is a systematic and iterative approach of “learning by doing and adapting as you learn”. Adaptive management should only be used to allow projects to proceed where there is still uncertainty despite having completed a robust environmental assessment, or where the environmental baseline is likely to change.		resource to enhance mental and physical health and well-being.
Biodiversity	The whole range of living things and systems on this earth, it includes animals, plants, microbes and their genetic variations and underpins the health and resilience of all of our ecosystems. In turn, these ecosystems support all life on Earth. This means that taking positive action for biodiversity and ecosystem resilience in Swansea will enhance the natural resources the public utilise such as clean water, air and food production including pollination services. The natural environment is also a vital	Biodiverse	Having a high level of biodiversity.
		Conserve	Has the same meaning as maintain, to protect from harm or destruction.
		Construction Environmental Management Plan (CEMP)	<p>Provides details and specifications for practical measures intended to avoid or minimise adverse effects on biodiversity during the construction process. Normally such reports are prepared in support of a planning application where the LPA requires management as a formal requirement e.g. for biodiversity mitigation, compensation or enhancement purposes.</p> <p>The CEMP may form a part of the information originally submitted with the application (e.g. as part of the EclA) or its provision and delivery may be secured through planning conditions or obligations. Preparation of the CEMP should, where appropriate, follow the general guidance set out in Section below.</p> <p>The appropriate content of such a report is set out in BS42020 clause 10.2.</p>

Compensation	Offsetting unavoidable harm caused by development.		characteristic healthy and often rich biodiversity.
Ecology	The interrelationship between organisms and between organisms and their environment.	Ecosystem Services	The multitude of resources and processes that are provided by natural ecosystems and utilised by humans. These include clean air and water provision, flood control, carbon sequestration, food production including pollination services and recreational and cultural benefits such as enhancing mental and physical health and well-being.
Ecological feature	An element of the environment that is of biodiversity value, including sites designated for their nature conservation importance; priority habitats; priority species; habitats that provide corridors or stepping-stones across the landscape and urban area; and the wider landscape.	Ecosystems approach	The ecosystem approach provides a framework for the integrated management of land, water and living resources that promotes conservation and sustainable land use in an equitable way. National Legislation requires that the ecosystem approach must be applied to the consideration of all new development. The Environment (Wales) Act 2016, together with the Well-being of Future Generations Act 2015, ensures that the Ecosystem Approach (advocated in international policy) is given a statutory basis in Wales. The ecosystem approach must therefore be applied to the consideration of all new
Ecosystem	A community made up of living organisms and non-living components such as air, water, and mineral soil.		
Ecosystem Resilience	The ability of ecosystems to cope with pressures, disturbances and change – either by resisting them, recovering from them or adapting to them. Achieving <i>ecosystem resilience</i> is about working at larger scales, promoting functional connections between natural places, ensuring they have high natural diversity, are in good condition and increasing their extent. Biodiversity is an essential underpinning element of all resilient ecosystems. All functioning and resilient ecosystems have a		

	<p>development. The approach integrates the management of land, water, air and living resources and aims to reach a balance between the maintaining and enhancing biodiversity, sustainable use and the equitable utilisation of ecosystem services. Under S6 of the Environment (Wales) Act 2016, the Council has a duty to seek to maintain and enhance biodiversity and in so doing promote the resilience of ecosystems. This is often referred to as the S6 Duty.</p>
<p>Ecological Monitoring Plan</p>	<p>(Effectiveness or Early Warning Monitoring)</p> <p>(As distinct from a monitoring report – see above)</p> <p>Provides detailed and structured proposals for the preparation of a monitoring strategy, in advance of the commencement of development, which will be used to establish whether proposed mitigation, compensation and enhancement measures have been effective over a specified period. The strategy may also be used to provide early warning of when contingencies and/or remedial measures will be ‘triggered’ in the event that ecological objectives are not being achieved. Implementation of the strategy over</p>

	<p>time will be informed by periodic ‘Ecological Monitoring Reports’ (see above under ‘Survey and Research Reports’).</p> <p>The strategy may form a part of the information originally submitted with the application (e.g. as part of the EclA) or its provision and implementation may be secured through planning conditions or obligations. Preparation of the strategy should, where appropriate, follow the general guidance set out in Section 5 below.</p> <p>The appropriate content of such a report is set out in BS42020 clause 11.2.3.4</p>
<p>Ecological Monitoring Report</p>	<p>(As distinct from a monitoring plan – see below)</p> <p>Provides the results of post-construction monitoring for a development project as a ‘snap shot’ at a particular period in time, as required by a planning condition/obligation or by a protected species licence. The report will include a description of the methods used as well as the detailed results of the survey, and interpretation/ assessment of the results.</p>

	<p>Preparation of the monitoring report should, where appropriate, follow the guidance on report structure set out in Section 5 below.</p> <p>The appropriate content of such a report is set out in BS42020 clause 11.2.3.4.</p> <p>A monitoring 'report' is distinct from an ecological monitoring 'plan'. The former provides only the methods and results of monitoring, along with their interpretation (often collected at prescribed periods after the completion of works). Whereas, the full strategy provides an agreed set of aims and objectives for monitoring and comprehensive details about how monitoring will be undertaken and reviewed (see 'Ecological Monitoring Strategy' below under 'Other Common Types of Ecological Report').</p>		<p>kingdom. Fungi are found throughout the Earth including on land, in the water, in the air, and even in plants and animals. They vary widely in size from microscopically small to the largest organisms on Earth at several square miles large. There are more than 100,000 different identified species of fungi.</p>
Enhancement	Improved management of ecological features or provision of new ecological features, resulting in a net benefit to biodiversity, which is unrelated to a negative impact or is "over and above" that required to mitigate/compensate for an impact. (CIEEM 2018)	Green Infrastructure	The network of multi-functional green space, encompassing both land and water (blue space). The Green Infrastructure areas include existing and new (created) features in both rural and urban areas. The Green Infrastructure network delivers a wide range of Ecosystem Services including environmental and quality of life benefits for local communities.
Fungi	Fungi are a group of living organisms which are classified in their own	Habitat	The place where an organism or a community of organisms live, including all living and non-living factors or conditions of the surrounding environment.
		Invasive Non-Native Species	Any non-native animal or plant that has the ability to spread causing damage to the environment, the economy, health and the way people live. A list of INNS is provided in schedule 9 of the Wildlife and Countryside Act 1981.

“important” species or habitats/biodiversity	Where the stepwise approach refers to “important” species or habitats this means that the Council will follow a process to reach a judgement about the biodiversity present on the site, having regard to legal protections, statutory and non-statutory designations and all the other relevant considerations to determine ecological value (see figure 3.1 below).
Landscape and Ecological Management Plan (LEMP)	Provides details and specifications for the management of habitats and other features of biodiversity interest. Normally such reports are prepared in support of a planning application where the LPA requires management as a formal requirement e.g. for biodiversity mitigation, compensation or enhancement purposes. The LEMP may form a part of the information originally submitted with the application (e.g. as part of the EclA) or its provision and delivery may be secured through planning conditions or obligations. Preparation of the LEMP should, where appropriate, follow the general guidance set out in Section 5 below.

	The appropriate content of such a report is set out in BS42020 clause 11.1
Maintain	No net biodiversity loss.
Mitigation	Action taken which minimises potential impacts on any wildlife features.
Natura 2000 site	A network of protected areas covering Europe's most valuable and threatened species and habitats. It is the largest coordinated network of protected areas in the world, extending across all 28 EU countries, both on land and at sea. The sites within Natura 2000 are designated under the Birds and the Habitats Directives and Ramsar Convention
Natural heritage	In the context of this SPG, natural heritage refers to biodiversity, natural beauty and amenity. It embraces the relationships between landform and landscape, habitat and wildlife, and their capacity to sustain economic activity and to provide enjoyment and inspiration. It includes statutorily designated sites, urban areas, the countryside, the coast and open water features.
Plants	This includes (i) lower plants which include bryophytes (mosses and liverworts),

	lichens, and algae (including diatoms), and (ii) higher plants or vascular plants which include trees, shrubs, flowering herbs and ferns etc.
SMNR	Management of land, water, soil, plants and animals, with a particular focus on providing nature based solutions which deliver improved quality of life for both present and future generations by maintaining biodiversity value and ecological resilience (stewardship).
Placemaking	Is both a process and a tool to collectively design and manage the public realm to create quality places that people want to live and work in, that are appealing, accessible, safe and support social interaction and amenities.
Priority habitats and species	Those included in the list of habitat and species identified under section 7 of the Environment (Wales) Act 2016
The Council	Swansea Council
Suitably qualified ecological consultant	This guidance is unable to make individual recommendations on ecological consultants. The Chartered Institute of Ecology and Environmental Management (CIEEM, www.cieem.net) is one of the main

	bodies in the UK to promote good practice and professionalism in ecology and membership of this organisation is a good indication that the person is suitably qualified to carry out ecological surveys to a high standard of competence. The website has a directory of members that can be searched by region and specialism and also provides Guidelines for Ecological Report Writing https://cieem.net/i-need/finding-an-eem/ CIEEM (2017) <i>Guidelines for Ecological Report Writing</i> . https://cieem.net/resource/guidelines-for-ecological-report-writing/ CIEEM (2018) <i>Guidelines for Ecological Impact Assessment. Updated 2019</i> https://cieem.net/resource/guidelines-for-ecological-impact-assessment-ecia/
Sustainable Development	Development that meets the needs of the present, without compromising the ability of future generations to meet their own needs.

Acronyms

Abbreviation	Full Term
AONB	Area of Outstanding Natural Beauty
CBEEMS	Carmarthen Bay and Estuaries European Marine Site
CEMP	Construction Environmental Management Plans
CIEEM	Chartered Institute of Ecology and Environmental Management
CIL	Community Infrastructure Levy
DAS	Design and Access Statement
DECCA	Diversity, Extent, Condition, Connectivity and Adaptability Framework
DM	Development Management
EcIA	Ecological Impact Assessment
ECOP	Ecological Constraints and Opportunities Plan
ECOW	Ecological Clerk of Works
EIA	Environmental Impact Assessment
EPS	European Protected Site
GI	Green Infrastructure
HRA	Habitats Regulations Assessment
IAS	Invasive Alien Species

Abbreviation	Full Term
IEEP	Institute for European Environmental Policy
INNS	Invasive Non-Native Species
LBAP	Local Biodiversity Action Plan
LDP	Local Development Plan
LEMP	Landscape and Ecological Management Plan
LNR	Local Nature Reserves
NERC	Natural Environment Research Council
NNR	National Nature Reserve
NRAP	Nature Recovery Action Plan
NRW	Natural Resources Wales
PEA	Preliminary Ecological Assessment
PPW	Planning Policy Wales
PSB	Public Service Board
SAB	SuDS Approval Body
SAC	Special Area of Conservation
SEWBSRec	South East Wales Biodiversity Record Centre
SINC	Sites of Importance for Nature Conservation

Abbreviation	Full Term
SMNR	Sustainable Management of Natural Resources
SoNaRR	State of Natural Resources Report Wales
SPA	Special Protection Area
SPG	Supplementary Planning Guidance
SSSI	Sites of Special Scientific Interest
SuDS	Sustainable Drainage Systems
TAN	Technical Advice Note
WBFG Act	Well Being of Future Generations Act
WG	Welsh Government

6. Appendices

See Development and Biodiversity SPG Appendices at www.swansea.gov.uk/spg





BIODIVERSITY AND DEVELOPMENT SPG

Chapter 6 APPENDICES

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Appendix 1: Protected Sites, Habitats And Species In Swansea

A.1.1 This Appendix supports Step A: of the Stepwise Process which requires that the Applicant gains a good /sound understanding of the ecological constraints and opportunities of a site at the earliest stage in the application process. A Development Checklist provides applicants with guidance on the type and timing of habitat and species of surveys and ecological assessments that are likely to be required to be submitted in support of a planning application. (See Figures A1.1, A1.2 and A1.3) Guidance is also provided on the implications of development on areas supporting priority species, and /or habitats and on protected sites in the context of the relevant framework of environmental legislation and policy. (See Figures A1.4, A1.5, A1.6, A1.7)

A.1.2 All information is correct at the time of publication. Further legislation and policy will be produced in response to increased understanding of the natural environment and changing circumstances, not least Britain's departure from the European Union. It is therefore intended that the Head of Planning and City Regeneration, or an appropriate delegated officer, will be authorised (add relevant minute reference) to make factual updates to the legislation and policy information outlined in this SPG. It is the responsibility of the developer to ensure that their proposals meet current legislative and policy requirements.



		Type of Species Survey likely to be Required	Checklist
Development Types			
1. Conversion, modification, demolition or removal of buildings –			
1.a	agricultural buildings (e.g. farmhouses, barns and outbuildings) of traditional brick or stone construction and/or with exposed wooden beams*	Barn owls Bats Breeding Birds	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
1.b	buildings and structures with weather boarding and/or hanging tiles; or	Bats	<input type="checkbox"/>
1.c	pre-1960 detached buildings and structures that are within 200m of woodland and/or water	Amphibians Barn owls Great crested newts Nesting birds	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
1.d	pre-1914 buildings and structures – that are within 400m of woodland and/or water*	Otters	<input type="checkbox"/>
1.e	pre-1914 buildings and structures with gable ends or slate roofs, regardless of location	Bats Nesting birds	<input type="checkbox"/> <input type="checkbox"/>
2. Development affecting built structures:			
2.a.	tunnels, mines, kilns, ice-houses, military fortifications, air raid shelters, cellars and similar underground ducts and structures	Bats	<input type="checkbox"/>
2.b.	bridge structures, aqueducts and viaducts (especially over water and wet ground)	Bats Breeding birds Otters Water voles	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>



3. Illumination/floodlighting of:

3.a churches and listed buildings, green space (e.g. sports pitches) within 50m of woodland, water, field hedgerows or lines of trees with connectivity to woodland or water	Bats Badgers Barn owls Breeding birds Otters	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
3.b. agricultural buildings (e.g. farmhouses, barns and outbuildings) of traditional brick or stone construction and/or with exposed wooden beams	Bats Barn owls Breeding birds	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
3.c. rivers, streams, canals, lakes, ponds or other aquatic habitats (water bodies)	Amphibians Bats Breeding birds Otters Water voles Fish Aquatic invertebrates	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
3.d. areas of scrub or woodland	Barn owls Bats Breeding birds Dormouse Otters	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>



4. Felling, removal or lopping of:

<p>4.a. woodland</p> <p>4.b. hedgerows and/or lines of trees with connectivity to woodland or water bodies</p>	<p>Bats</p> <p>Badgers</p> <p>Dormouse</p> <p>Otters</p> <p>Plants</p> <p>Breeding Birds</p>	<p><input type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p>
<p>4.c. old and veteran trees that are older than 100 years</p> <p>4.d. mature trees with obvious holes, cracks or cavities (and also large dead trees)</p>	<p>Bats</p> <p>Barn owls</p> <p>Breeding birds</p> <p>Plants</p> <p>Invertebrates</p>	<p><input type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p>
<p>4.e. removal of mature/semi-mature trees on river banks</p>	<p>Bats</p> <p>Breeding birds</p> <p>Otters</p>	<p><input type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p>
<p>5. Proposals affecting ponds with respect to:</p>		
<p>5.a. applications within 500m of a pond marked on an OS map</p> <p>5.b. applications which directly impact on any pond</p>	<p>Great crested newts</p> <p>Amphibians</p> <p>Aquatic invertebrates</p> <p>Water voles</p> <p>Otters</p> <p>Fish</p>	<p><input type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p>
<p>6. Proposals affecting water bodies:</p>		
<p>6.a. in or within 200m of rivers, streams, canals, lakes, reedbeds or other aquatic habitats (water bodies)</p>	<p>Bats</p> <p>Otters</p> <p>Great crested newts</p> <p>Amphibians</p> <p>Breeding Birds</p> <p>Plants</p> <p>Reptiles</p>	<p><input type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p>

	Water Voles Fish Aquatic invertebrates	<input type="checkbox"/>
7. Proposals located in or immediately adjacent to:		
7.a. quarries	Bats Breeding birds	<input type="checkbox"/>
7.b. natural cliff faces and rock outcrops with crevices or caves (see also specific guidance on marine/coastal developments).		<input type="checkbox"/>
7.c. derelict land (brown field sites), allotments and railway land	Bats Badgers Breeding Birds Brown hare Plants Reptiles	<input type="checkbox"/>
7.d. arable or pasture land		<input type="checkbox"/>
7.e. apparently unmanaged habitats (e.g. scrub, rank grassland)		<input type="checkbox"/>
		<input type="checkbox"/>
8. Renewable Energy¹		
8.a. Multiple wind turbines	Bats Breeding birds Nesting birds Vantage point bird surveys	<input type="checkbox"/>
8.b. Single wind turbines		<input type="checkbox"/>
https://www.gov.uk/guidance/wild-birds-surveys-and-monitoring-for-onshore-wind-farms		<input type="checkbox"/>
8.c. Solar arrays		<input type="checkbox"/>
8. Householder Development		
See also Householder Design Guide SPG www.swansea.gov.uk/ldp/spg	Bats, Barn owls, Breeding birds Great crested newts	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>

¹ for offshore energy see effects of marine development in Swansea Marine Planning Guide on Council's website www.swansea.gov.uk

Figure A1.2 Ecological Survey Seasons – Terrestrial Species

												
	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sept	Oct	Nov	Dec
Badgers												
Bats (Hibernation Roosts)												
Bats (Summer Roosts)												
Bats (Foraging/Commuting)												
Birds (Breeding)												
Birds (Over-Wintering)												
Dormice												
Great Crested-Newts Terrestrial												
Great Crested Newts Aquatic												
Other amphibians												
Invertebrates												
Otters												
Reptiles												
Water Voles												
Habitats/Vegetation												

KEY: Optimal Survey Time  Sub Optimal 

Figure A1.3 Section 7 Species and Habitats likely to be found in Swansea’s Marine/Coastal/Estuarine locations

TYPE OF CONSENT	S7/ EPS SPECIES				S7 HABITATS	
Marine/Estuarine: Marine works where the LPA jurisdiction extends into main rivers and estuaries						
Planning Permission may be required	Allis and twaite shad <input type="checkbox"/> European eel <input type="checkbox"/> Otter <input type="checkbox"/> River and sea lamprey <input type="checkbox"/> Sea trout <input type="checkbox"/>				Blue mussel beds <input type="checkbox"/> Coastal saltmarsh <input type="checkbox"/> Intertidal mudflats <input type="checkbox"/> Seagrass beds <input type="checkbox"/> Sheltered muddy gravels <input type="checkbox"/>	
Coastal: Works below Mean High Water Springs (MHWS)						
Marine Licence	<i>Overwintering birds such as</i> Eurasian curlew <input type="checkbox"/> Ringed plover <input type="checkbox"/> Sanderling <input type="checkbox"/> <i>and other species such as</i> Bar-tailed godwit <input type="checkbox"/> Black-headed gull <input type="checkbox"/> Chough <input type="checkbox"/> Herring gull <input type="checkbox"/>		<i>Coastal plant species including:</i> Sea stock <input type="checkbox"/> Small flowered catchfly <input type="checkbox"/> Prickly saltwort <input type="checkbox"/> Shore dock <input type="checkbox"/> Burnt orchid <input type="checkbox"/> Fen orchid <input type="checkbox"/> Basil thyme <input type="checkbox"/> Juniper <input type="checkbox"/>		Coastal saltmarsh <input type="checkbox"/> Coastal vegetated sand dunes <input type="checkbox"/> Coastal vegetated shingle <input type="checkbox"/> Maritime cliff and slopes <input type="checkbox"/>	
Intertidal: Developments taking place in the intertidal zone or across the land/sea boundary, for example a slipway						
Planning permission Marine Licence	Native oyster <input type="checkbox"/> Sand eel <input type="checkbox"/>				Blue mussel beds <input type="checkbox"/> Intertidal boulder communities <input type="checkbox"/> Intertidal mudflats <input type="checkbox"/> Peat and clay exposures <input type="checkbox"/> Sabellaria alveolata reefs (<i>honeycomb worm reefs</i>) <input type="checkbox"/>	
Above MLWM: Works to infrastructure up to the boundary jurisdiction of the local planning authority (LPA) (generally above the Mean Low Water Mark (MLWM)) will need Planning permission						

Figure A1.4: PROTECTION OF SPECIES In Swansea - Legal and Policy Framework

	LDP Policy	Feature	Legislation and Policy	Examples in Swansea	Implications for Development / Legal Requirements
Species of International Importance	Policy ER 8	European Protected Species (EPS)	Species list on Schedule 2 (fauna) and Schedule 4 (flora) of the Conservation of Habitats and Species Regulations 2017 (as amended) (The Habitat Regulations)	Bats (all species), Dormouse European otter Great crested newt. Harbour porpoise Shore dock Fen orchid	Schedule 2 and 4 EPS are protected from: intentional or reckless killing, injury, disturbance or capture, as are their breeding and resting places. The Council as the Local Planning Authority has a duty to have regard to the <i>EC Habitats Directive and Wild Birds Directive</i> as part of the planning process.
		Wild Birds of international importance <i>Habitats Directive Annex 2</i> <i>Birds Directives Annex 1 - Species</i>	The Conservation of Habitats and Species Regulations 2017 (as amended) (The Habitat Regulations)	See SAC and SPA Sites in Table A1.6 below.	Protected through the designation of SAC/SPA sites OR a site of sufficient diversity and area of habitat for wild birds. As a competent authority, the LPA have a duty to undertake a HRA.

	LDP Policy	Feature	Legislation and Policy	Examples in Swansea	Implications for Development / Legal Requirements
Species of National or Local Importance (continued)	Policy ER 8	Badger	Protection of Badgers Act (1992)	Badgers	<p>This Act protects badgers and their setts, and makes it illegal to:</p> <ul style="list-style-type: none"> • <i>Wilfully capture, injure or kill a wild badger</i> • <i>Be in possession of a live or dead badger</i> • <i>Destroy or obstruct access to an active badger sett</i> <p>NRW Licence may be required to: close or to interfere with a Badger sett; cause disturbance to Badgers. Badger setts are protected from intentional or reckless interference.</p>
		Wild Mammals	Wild Mammals (Protection) Act 1996	Hedgehog Badger	This Act makes it an offence to inflict unnecessary suffering on wild mammals. The Act provides an animal welfare protection to all wild species of mammals.
		All Wild Birds	Wildlife and Countryside Act (1981) (as amended) Schedule 1	All wild birds	<p>All wild birds, their nests and their eggs are protected under the Act. It is an offence intentionally to:</p> <ul style="list-style-type: none"> • Kill, injure or take any wild bird, • Take, damage or destroy the nest of a Golden Eagle, White-tailed Eagle or Osprey (even if disused), • Take, damage or destroy the nest of any wild bird whilst it is in use or being built, • Take, damage or destroy an egg or any wild bird, <p>Or to possess any live or dead wild bird or the egg of any wild bird, or any derivative</p>
		Schedule 1: Birds	Wildlife and Countryside Act (1981) (as amended) Schedule 1	Barn Owl Peregrine Falcon Red Kite Chough Kingfisher Bittern Common scoter	<p>Many rare birds are listed on Schedule 1, which makes it an offence intentionally or recklessly to:</p> <ul style="list-style-type: none"> • <i>Disturb a Schedule 1 bird while it is building a nest or is in, on or near a nest containing eggs or young; or</i> • <i>Disturb dependent young of such a bird</i>

	LDP Policy	Feature	Legislation and Policy	Examples in Swansea	Implications for Development / Legal Requirements
Species of National or Local Importance (continued)	Policy ER 8	Schedule 5 Protected Animals (not including Birds)	Wildlife and Countryside Act (1981) (as amended) Schedule 5	Water vole Marsh fritillary Small blue butterfly Fen raft spider Slow worm Grass snake Adder Common toad Smooth newt Allis and Twaite shad.	Species have different levels of protection, including protected from intentional killing, injury or taking, or destruction; protected from harm at all times; or whilst nesting. Species should be protected and enhanced.
		Schedule 8: Protected Plants	Wildlife and Countryside Act (1981) (as amended) Schedule 8	Sea stock Small-flowered catchfly Native bluebell Deptford pink Pennyroyal Dune gentian	Species have varying levels of protection. Plants which are protected: Schedule 8 lists plant species that are protected under Section 13. Section 13 protects plants from picking and sale of plants or parts of plants listed in Schedule 8. <ul style="list-style-type: none"> intentional picking, uprooting or destruction (Section 13 1a) selling, offering for sale, possessing or transporting for the purpose of sale (live or dead, part or derivative) (Section 13 2a); advertising (any of these) for buying or selling (Section 13 2b)
		Section 7: Species of principal importance	Environment (Wales) Act 2016	See S7 list.	Material planning consideration Link to Section 7 Priority species (pdf) See Council Website for List of S7 Species in Swansea.
		Invasive Non-Native Species	Wildlife and Countryside Act 1981, NERC Act 2006 CROW Act 2000.	Himalayan balsam Japanese knotweed Cotoneaster	Material planning consideration

Figure A1.5: PROTECTED SITES in Swansea - Environmental Legislation and Policy Framework

	LDP Policy	Feature	Sites in Swansea	Legislation and Policy	Implications for Development / Legal Requirements
Protected Sites of INTERNATIONAL Importance	Policy ER 4	IUCN Category V Protected Landscape	♣ Gower Area of Outstanding Natural Beauty (AONB)	Countryside and Rights of Way Act 2000	Development must have regard to the purpose of the designation to conserve and enhance the natural beauty of the area. (See LDP Policy ER 4)
	Policy ER 8	Ramsar 'Wetland of International Importance'	♣ Burry Inlet ^{1 2} ♣ Crymlyn Bog ^{1 2}	United Nations Ramsar Convention (1971)	Sites are protected against potentially damaging operations. Strong Presumption against damaging development
	Constraints & Issues Map	Special Protection Area (SPA)	♣ Burry Inlet ^{1 2} ♣ Carmarthen Bay ^{1 2}	The Conservation of Habitats and Species Regulations 2017 (as amended)	EIA: Development may require Environmental Impact Assessment (See
	LDP Appendix 7	Special Area of Conservation (SAC) * SAC and SPA are collectively known as 'Natura 2000' sites	♣ Bristol Channel Approaches (Harbour porpoises) ^{1 2} ♣ Carmarthen Bay Dunes ^{1 2} ♣ Carmarthen Bay and Estuary ^{1 2} ♣ Crymlyn Bog ^{1 2} ♣ Gower Ash Woods ² ♣ Gower Commons ² ♣ Limestone Coast of South and West Wales ²	(The Habitat Regulations)	HRA: For Natura 2000 sites Habitats Regulations Assessment (HRA) to be undertaken prior to determination of planning. ² See Council website for further guidance on EIA and HRA process.

Notes

- 1 **Marine, Coastal and Estuarine Designations:** Typical effects which may arise from development along the foreshore and which may impact upon these designations include (but are not limited to):-
- Direct loss of habitat such as vegetated shingle or saltmarsh
 - Visual or noise disturbance to overwintering and migratory birds and marine mammals
 - Direct impacts upon overwintering and migratory birds by features such as wind turbines
 - Mobilisation of existing ground contaminants by works such as piling etc. which may then leach into the estuary
 - Deposition of airborne contaminants arising from traffic and industrial processes
- 2 Potential HRA effects – see Figure A1.7

	LDP Policy	Feature	Sites in Swansea		Legislation and Policy	Implications for Development / Legal Requirements
Protected Sites of NATIONAL Importance	<p>Policy ER 8</p> <p>Constraints & Issues Map</p> <p>LDP Appendix 7</p>	Site of Special Scientific Importance (SSSI)	<ul style="list-style-type: none"> ♣ Barlands Common Stream Section (Bishopston SSSI) ♣ Berry Wood ♣ Bishop's Wood ♣ Blackpill ♣ Bracelet Bay ♣ Burry Inlet and Loughor Estuary ♣ Caswell Bay ♣ Cefn Bryn Common ♣ Courthouse Grassland ♣ Crymlyn Bog ♣ Cwm Ivy Marsh and Tor ♣ Fairwood, Pengwern and Welshmoor ♣ Glais Morain ♣ Gower Coast: Rhossili to Port Eynon ♣ Graig Fawr ♣ Great Tor (Three Cliffs Bay) ♣ Horton, Eastern and Western Slade ♣ Iliston Quarry 	<ul style="list-style-type: none"> ♣ Llangland Bay (Rotherslade) ♣ Minchin Hole ♣ Nicholaston Wood ♣ Nant y Crimp ♣ Oystermouth Old Quarry ♣ Oxwich Bay ♣ Parkmill Woodlands and Llethrid Valley ♣ Pennard Valley ♣ Penlleger Railway Cutting ♣ Penplas Grassland ♣ Penrice Stables and Underhill Cottage ♣ Pwll Du Head and Bishopston Valley ♣ Rhossili Down ♣ Rose Cottage, Llethrid ♣ Six Pit, Swansea Vale and White Rock ♣ Sluxton Marsh, Whitemoor ♣ Whiteford Burrows, Landimore Marsh and Broughton Bay 	Wildlife and Countryside Act (1981) (as amended) by the Countryside and Rights Of Way Act (2000)	<p>Sites are protected against potentially damaging operations.</p> <p>Strong presumption against damaging development.</p> <p>Works may require consent from Natural Resources Wales (NRW)</p>
		National Nature Reserve (NNR) (NB – All NNRs are also SSSI)	<ul style="list-style-type: none"> ♣ Oxwich ♣ Gower Coast ♣ Whiteford ♣ Crymlyn Bog and Pant y Sais 	<p>NNR's are declared by NRW under National Parks & Access to the Countryside Act (1949) OR Wildlife and Countryside Act 1981 (As amended)</p>	<p>NNR's are a material planning consideration</p> <p>Each reserve has a programme of work to manage the site's special features. Some reserves require permits to gain access to them.</p>	

	LDP Policy	Feature	Sites in Swansea	Legislation and Policy	Implications for Development / Legal Requirements
Protected Sites of LOCAL importance	<p>Policy ER 6</p> <p>Policy ER 11</p> <p>Constraints & Issues Map</p> <p>LDP Appendix 7</p>	Local Nature Reserve (LNR)	<ul style="list-style-type: none"> ♣ Bishops Wood ♣ Cwm Llwyd Wood ♣ Killay Marsh ♣ Mumbles Hill ♣ Pwll Du Cliffs ♣ Cadle Heath 	National Parks and Access to the Countryside Act (1949) OR Wildlife and Countryside Act 1981 (as amended)	<p>Have regard to contribution to ecological connectivity and resilience of ecosystems.</p> <p>Check for presence of priority habitats and species to be given appropriate protection in accordance with Section 7 of the Environment (Wales) Act 2016. Link to Section 7 Priority habitats (pdf)</p> <p>Maintain public access where relevant.</p>
	Site of Importance for Nature Conservation (SINC)	<p>At Numerous locations – See LDP Constraints and Issues Map.</p> <p>Includes all</p> <ul style="list-style-type: none"> ♣ Ancient woodlands, ♣ Wildlife Trust, RSPB, and Woodland Trust Reserves 	<p>Planning Policy Wales (Edition 10)</p> <p>Environment (Wales) Act 2016</p>	<p>Have regard to contribution to ecological connectivity and resilience of ecosystems.</p> <p>Check for presence of priority habitats and species to be given appropriate protection in accordance with Section 7 of the Environment (Wales) Act 2016. Link to Section 7 Priority habitats (pdf)</p>	

Figure A1.6 PROTECTION OF HABITATS In Swansea- Legal and Policy Framework

	LDP Policy	Feature	Legislation and Policy Development Implications/Legal/Policy Requirements
Protected Habitats of INTERNATIONAL Importance	Policy ER 8 Constraints & Issues Map LDP Appendix 7LDP:	Habitats of European Importance – ‘Annex I Priority Habitats’	The Conservation of Habitats and Species Regulations 2017 (as amended) (The Habitat Regulations) <ul style="list-style-type: none"> Habitat may be a designatory feature of a Natura 2000 site (see above)
Protected Habitats of NATIONAL Importance	Policy ER 11 Constraints & Issues Map (for Ancient Woodlands) Trees, Hedgerows and Woodlands on Development Sites SPG	Trees	Tree Preservation Orders (Town and Country Planning Act 1990) Town and Country Planning (Trees) Regulations 1999: Under the provisions of the Act, a number of TPOs have been made to protect specific trees, groups of trees and woodlands across the County. <ul style="list-style-type: none"> Contact details for Council's Tree Officer available at https://swansea.gov.uk/treepreservationorders See also https://swansea.gov.uk/treesondevelopmentsites The purpose of a TPO is to protect trees that make a significant impact on their local surroundings. Special provisions also apply to trees within Conservation Areas. In addition to their amenity value trees are an important natural asset and play an essential role in providing a wide range of ecosystem services. (drainage, carbon sequestration, air quality, food provision etc)
		Hedgerows	HEDGEROW REGULATIONS (1997) <ul style="list-style-type: none"> Certain hedgerows are protected from removal. Outcome of Hedgerows Regulations Screening will advise on necessary protection, maintenance and enhancement of hedgerows. Hedgerows may require screening for Hedgerow Regulations protection Hedgerows may also contain species identified for protection, contribute to biodiversity and connectivity and may be part of important green infrastructure and ecological networks.
		Ancient Woodland Plantations on Ancient Woodland Sites (PAWs)	Planning Policy Wales Development not normally permitted on these sites.

	LDP Policy	Feature	Legislation and Policy Development Implications/Legal/Policy Requirements
Protected Habitats of NATIONAL/LOCAL Importance	Policy ER 8 Constraints & Issues Map	Section 7 – list of the habitats of principal importance for the purpose of maintaining and enhancing biodiversity in relation to Wales.	The Environment (Wales) Act 2016 (Section 7) <ul style="list-style-type: none"> • Habitats that must be maintained and enhanced • Mitigation/compensation measures may be required
		LBAP/ Nature Recovery Action Plan Habitats	Swansea Local Biodiversity Action Plan/Nature Recovery Action Plan <ul style="list-style-type: none"> • Habitats of local importance and significance that must be maintained and enhanced • Section 7 Habitats In Swansea²
		Invasive Species	Schedule 9 Part II section 14(2) of the Wildlife and Countryside Act 1981 (as amended) <ul style="list-style-type: none"> • Assess the site to identify the presence of any invasive non-native species of flora listed
	Policy ER 9 Swansea Connectivity Assessment	Ecological Networks and Corridors	The Environment (Wales) Act 2016 (Section 6) Well Being of Future Generations Act - resilient Wales Goal Planning Policy Wales (Chapter 6) <ul style="list-style-type: none"> • Maintain and enhance ecological networks both within and outside the site

² <https://www.swansea.gov.uk/biodiversity>

Figure A1.7: Overview of potential HRA considerations re Swansea designations

Site	Reason for designation	Key considerations for Developers include...			
Carmarthen Bay and Estuaries European Marine Site (comprising the Carmarthen Bay and Estuaries SAC, Carmarthen Bay SPA and the Burry Inlet SPA and Ramsar)	Carmarthen Bay and Burry Inlet SPA: designated due to their internationally important assemblage of wintering birds. Carmarthen Bay and Estuaries SAC: designated due to the estuarine habitat features, <i>Salicornia</i> , otters and migratory fish species e.g. sea lamprey and Allis shad. The Burry Inlet is also designated a Ramsar 'Wetland of International Importance'.	Water Quality and Quantity: Applicable to all designated sites. Ensuring that proposals do not adversely impact on water quality and quantity.	<ul style="list-style-type: none"> ❖ Timing restrictions may be placed on piling works and other activities which cause noise or disturbance to migratory fish and marine mammals. ❖ Wintering and migratory bird surveys may be required and restrictions (e.g. in relation to timing, scale, location of works) may be applied depending on potential impacts. ❖ Otters: Any works which may disturb otters may be subject to restricted working hours, and mitigation measures such as installation of artificial otter holts/appropriate planning etc. Survey and assessment requirements may include otter surveys, mitigation proposals and lighting assessments. 		
	Designated due to its dune habitat features including, whorl snail, petalwort and fen orchid.			Developers may be required to undertake some/all of the following assessments: <i>flood assessment; foul sewerage; land contamination; site waste management.</i>	N/A
	SAC: designated due to its fen, bog and mire and alluvial forest habitat features, reed and tree species. Ramsar 'Wetland Of International Importance'.				<ul style="list-style-type: none"> ❖ Additional recreation pressure arising from the new development.
	Designated due to Ash and Mixed woodland habitat features on base-rich soils associated with rocky slopes.				<ul style="list-style-type: none"> ❖ Air quality deterioration resulting from the new development.

Gower Commons SAC	Designated due to heath and meadow habitat features, damselfly and marsh fritillary.		<ul style="list-style-type: none"> ❖ Timing restrictions may be placed on activities which cause noise or disturbance to the <i>damselfly species</i> and <i>marsh fritillary</i>. ❖ Safeguarding of <i>devils bit scabious</i> habitat. ❖ Changes to the water table
Limestone Coast of South West Wales SAC	<p>The Limestone Coast is designated as a SAC due to vegetated sea cliff, fixed dune, heath, grassland, cave and sea case habitat features, greater horseshoe bat, petalwort and gentian.</p> <p>It is also designated a SPA, primarily due to the presence of Chough.</p>		<ul style="list-style-type: none"> ❖ Timing restrictions may be placed on activities which cause noise or disturbance to the <i>damselfly</i> and <i>marsh fritillary</i> and <i>greater horseshoe bat</i>.
Bristol Channel Approaches SAC	<p>Identified for the protection of harbour porpoise.</p> <p>Key site conservation objective: to ensure that the integrity of the site is maintained, and that it makes an appropriate contribution to maintaining Favourable Conservation Status (FCS) for harbour porpoise in UK waters.</p> <p>Site Location: This site straddles the Bristol Channel from Carmarthen Bay in the north to the northern coasts of Devon and Cornwall in the south.</p> <ul style="list-style-type: none"> ❖ Map boundary details: https://naturalresources.wales/media/675769/bristol-channel-approaches-sac-map-final.pdf <p>See Conservation objectives and management details:</p> <ul style="list-style-type: none"> ❖ http://jncc.defra.gov.uk/pdf/BristolChannelApproachesConservationObjectivesAndAdviceOnActivities.pdf in particular - see Table A2. 		

Appendix 2: Biodiversity and Major Developments

This appendix relates to the consideration of biodiversity and ecosystem resilience in the types of major and large scale applications set out below.

- I Housing (10+ houses or 0.5ha +
- II Other built development (1000sqm floorspace or 1ha+
- III Minerals development
- IV Waste development
- V Road or rail facilities

General Principles for all Major Applications

A2.2 The key points to be considered for all major proposals are listed below. Specific recommendations for each type of development are given in the subsequent pages.

A2.3 All major developments should consider the following principles.

- Follow the Stepwise Approach
- Assess the ecosystem resilience of proposals
- Have regard to SMNR framework
- Check whether the HRA process applies
- Check for INNS

A2.4 **Follow the Stepwise Approach:** The Council will consider all developments against the stepwise process. (See Fig A2.2 below and Chapter 3 of Main document). Applicants should be able to demonstrate in their submissions how the stepwise approach has been followed and how biodiversity has been considered as part of every stage of a development proposal. Figure A2.1 below explains how the Council will apply the Stepwise Approach in the context of large scale developments. A key factor of this process is the consideration of biodiversity at the pre-application stage. This will also help to prevent delays that may otherwise be caused by the need for additional survey work and redesign.

Figure A2.1. MAJOR DEVELOPMENT AND THE STEPWISE PROCESS

<p>STEP A - IDENTIFY AND ASSESS <i>Identify and assess existing, or potentially, important habitats, sites and/or species and ecological connectivity corridors</i></p>	<ul style="list-style-type: none"> • Ensure adequate survey data is available/obtained initially. The level of detail required will vary according to the size and nature of the development and the habitats and species concerned. • Some developments require an Environmental Impact Assessment under the Town & Country Planning Regulations 1999. Even permitted development can have a significant impact on conservation interests and may require an E.I.A. • Further advice can be obtained from the organisations listed in Appendix 6. 	<p>• ENHANCE</p>
<p>STEP B - AVOID <i>Avoid loss of any existing or potentially important habitats or species, or fragmentation of ecological connectivity</i></p>	<p>Wherever possible, development should avoid detrimental impact on biodiversity, ecological resilience and on any <i>ecological feature</i>.</p> <ul style="list-style-type: none"> • Avoid adverse impacts on designated sites (ER 8) • Avoid negative effects on statutorily protected habitats and species (ER 6) • Site layout and design should retain existing habitats, species and ecological features of benefit to wildlife. As part of this, an ecological landscaping scheme should be provided prior to the planning decision. • It is important to keep features in context rather than as an isolated fragment. Proposals must consider all opportunities to connect to wildlife corridors and link habitats (ER 9) and explore all opportunities to contribute to the county’s multifunctional green infrastructure network (ER 2). 	
<p>STEP C - RESPOND AND DESIGN <i>Integrate new and existing biodiversity into proposals and projects at the earliest opportunity</i></p>	<ul style="list-style-type: none"> • If avoidance is not possible, the developer should be able to justify why, and demonstrate how, the loss will be positively mitigated and/or compensated for. (See LDP Policy ER 6 re Sites, and Policy ER 8 re Habitats and Species). • The developer should show how their proposal has been designed in order to minimise any adverse effects on those habitats or species present. This may involve incorporating appropriate new features or habitats within development to maintain and enhance biodiversity. 	
<p>STEP D – MITIGATE <i>For any unavoidable harm or loss to important habitats or species or the fragmentation of ecological connectivity.</i></p>	<ul style="list-style-type: none"> • Minimise damage to habitats and species wherever possible. • The Council may use a planning condition to require a mitigation strategy. • Refer to guidance on the treatment of protected species.³ • Consider if operations proposed require a licence⁴ • The Council will use planning conditions to ensure works are carried out at the appropriate time of year to avoid disturbance to species. Any disturbance may be in contravention of national or European law. The nesting season generally extends between late February and early September inclusive. Appendix 1 provides information on relevant survey seasons for specific species. 	

³ Appendix 1 and further guidance on Council’s Website www.swansea.gov.uk

⁴ See Guidance on Council’s website.

<p>STEP E- COMPENSATE <i>Addressing the residual effects of a proposal after avoidance and mitigation have been considered.</i></p>	<ul style="list-style-type: none"> • The Council will use appropriate legal mechanisms to ensure re-creation of habitat on or off-site, at the expense of the developer. • A financial contribution to management of nearby existing sites, through a commuted sum, can be requested. • This is especially relevant where the development could lead to increased pressure on those sites (e.g. noise and disturbance through increased amenity use of the site). 	<p style="writing-mode: vertical-rl; text-orientation: mixed;">ENHANCE</p>
<p>STEP F- ENHANCE <i>Explore all opportunities to enhance and increase biodiversity and ecosystem resilience proportionate to the scale and nature of the proposal</i></p>	<ul style="list-style-type: none"> • Enhancement will be proportionate to the scale, nature and location of the proposal, and opportunities to enhance biodiversity, in accordance with the five attributes of resilience. For details, see specific pages below for each development type. 	
<p>STEP G – MANAGE and MONITOR <i>Submit and implement long term management plan of agreed and appropriate mitigation, compensation and enhancement measures.</i></p>	<ul style="list-style-type: none"> • Provision must be made for the appropriate management of retained features and of new or enhanced habitat. The management and monitoring should be proportionate to the scale and impact of the development and the biodiversity measures proposed. • The developer should monitor the site, during the construction phase to ascertain any effects on wildlife. This may require the appointment of an Ecological Clerk of Works. • The developer will also be required to monitor the effectiveness of any mitigation, compensation and or enhancement measures to ensure they have been successful in achieving biodiversity gain. If this is not the case they may be required to implement remedial action • The term of management required should be proportionate to the biodiversity measures proposed. Applicants should explore options to transfer long term management through including an agreement with appropriate local stakeholders and environmental organisations. Where a commuted sum for management/monitoring is required this will be secured through appropriate legal mechanisms, such as a planning obligation. See Appendix 5. • Planning agreements will also secure the preparation and implementation of a management plan, and long-term monitoring in accordance with the agreed management plan objectives. 	

- A2.5 **Assess the impact of the proposals on Ecosystem Resilience:** All development will be assessed against the principles of ecosystem resilience (see DECCA Figure 1.3 of main document)). Figure A2.2 below presents the application of the DECCA principles in the context of Major developments.

Figure A2.2 – DECCA and Major development

- D Diversity** between and within ecosystems; development must not cause any significant loss of habitats or species; and must provide a net benefit for biodiversity.
- E Extent** and scale of ecosystems; planning decisions should incorporate measures which seek to retain the extent of habitats and green networks; through protection, creation, restoration and appropriate management.
- C Connectivity** between and within ecosystems; maintain and develop functional habitat and species connectivity and ecological networks within and between ecosystems and across landscapes;
- C Condition** of ecosystems including their structure and functioning; and planning decisions should not compromise the condition of ecosystems;
- A Adaptability** to change of ecosystems; protect the extent, condition and connectivity of habitats, features and ecological networks

- A2.6 **Have regard to SMNR Framework:** Opportunities for enhancement should be considered within the Sustainable Management of Natural Resources (SMNR) Framework i.e. SoNaRR, Natural Resource Policy, Nature Recovery Action Plan for Wales, Area Statements.
- A2.7 The extent of any biodiversity enhancement required will be proportionate to the size, nature and location of the proposal and assessment of the proposal against the five attributes of ecosystem resilience set out in PPW and detailed above.
- A2.8 **Check if the HRA process applies:** Where the development may affect a European Designated Site, under the Habitat Regulations, the Council must be satisfied that the proposals will have no likely significant effect on the features of the site or an additional assessment will be required. Figure A1.7 above provides an overview of potential HRA considerations re designated sites in Swansea.
- A2.9 **Check if an EIA is required:** Applicants should establish whether development will require an Environmental Impact Assessment (EIA) having regard to the descriptions of development set out in Schedules 1⁵ and 2⁶ of the Town and Country Planning (EIA) Regulations 2017.
- A2.10 **Check for INNS:** Where an invasive non-native species of flora listed in Schedule 9 Part II section 14(2) of the Wildlife and Countryside Act 1981 (as amended) is present on a planning application site (for example Japanese Knotweed), a separate invasive non-native species (flora) condition will be placed upon that application.

⁵ <http://www.legislation.gov.uk/ukxi/2017/571/schedule/1/made>

⁶ <http://www.legislation.gov.uk/ukxi/2017/571/schedule/2/made>

GUIDANCE FOR SPECIFIC MAJOR DEVELOPMENT TYPES

HOUSING DEVELOPMENTS (10 OR MORE HOUSES, OR 0.5+ HA)

This part of the appendix should be read in conjunction with the Residential Design Guide SPG.

A2.11 Discussions between the LPA and the applicant at an early stage are vital, and ensure that ecological concerns are raised at the beginning of the process. Survey work can then be timetabled appropriately. Results of ecological surveys should be communicated via an Ecological Constraints and Opportunities Plan.

A2.12 The extent of any biodiversity mitigation, compensation and enhancement required will be proportionate to the size, nature and location of the proposal and assessment of the proposal against the five attributes of ecosystem resilience set out in PPW and detailed above in Fig A2.3.

A2.13 The Council will discuss any mitigation, compensation and enhancement requirements with the applicant at the pre-application stage in response to the information emerging from the ecological surveys. Where issues are identified through the PEA and any specific species surveys, the Council's Ecologist will recommend appropriate mitigation, compensation and enhancement measures and these will be

communicated through the written pre-application response.

A2.15 This allows reasonable time for the applicant to respond to the issues raised and integrate any identified requirements into the design of the proposal.

A.2.16 Agreed enhancement measures must be included within the design of the scheme and shown on plans submitted to the Council. The Council's approach is not to routinely condition planning permission upon the provision of specific enhancements, but rather that permission will be granted in accordance with the approved plans, which should incorporate any biodiversity mitigation, compensation and enhancement measures required to address identified and evidenced biodiversity issues directly relating to the development. This approach is in accordance with the CIL regulations.

A2.17 A list of suggested general recommendations for improving biodiversity is provided on the Council's website, and can be incorporated into development as appropriate. Applicants will be required to demonstrate

how the integration of both retained and newly created biodiversity features will be achieved **throughout the site**. This will require consideration of how biodiversity features will deliver benefits at the landscape, neighbourhood and plot scales. Taking this approach will assist in demonstrating how biodiversity measures form part of the wider strategy to deliver quality placemaking and maintain and enhance the strategic and local green infrastructure network. A Green Infrastructure Strategy may be required where appropriate. This will also assist in demonstrating how the ecological connectivity of the site has been considered. (See Policy ER9 and point 3 of the Ecosystem Services Approach.

integrated as part of the wider placemaking approach to sustainable development, particularly in relation to delivering multifunctional green infrastructure and sustainable drainage systems. A Green Infrastructure Strategy will be required which should set out how biodiversity measures proposed and shown on the ECOP will be integrated as part of a biodiverse GI network throughout the site. This will demonstrate how biodiversity will be integrated at all scales of placemaking, for example, landscaping measures should consider both connectivity with existing strategic ecological corridors outside of the site and maintaining and enhancing connectivity within the site. Biodiversity can also be maintained and enhanced at the neighbourhood or street level through the greening of highway/active travel routes and landscaping and planting of open space and recreation layouts. At the plot and building scale, native planting of front and back gardens can increase biodiversity of individual properties and curtilages.

A2.18 For **new settlements**, as with other built developments, early discussions will highlight any biodiversity issues. These types of developments should employ an ecologist for the duration of the scheme who should form part of a multidisciplinary team, to ensure that biodiversity measures are fully

Non Residential Development

i. Built development (1000 sq m floorspace or 1+ ha)

A2.19 The extent of any biodiversity mitigation, compensation and **enhancement** will be proportionate to the size and nature of the development and its location and assessment of the proposal against the five attributes of ecosystem resilience. (See Figure A2.3 above)

A2.20-A list of **general recommendations** for improving biodiversity is provided on the Council's website which can be used as appropriate. Habitat creation must fit with the ecological landscape character area. Additional consultation with relevant stakeholders and conservation organisations is advised.

A2.21 **Large developments**, should employ an ecologist for the duration of the scheme who should operate as part of a multidisciplinary project team.

ii. Minerals Development

A2.22 The Environment Act 1995 supports the use of restored mineral workings for biodiversity. The review of mineral planning conditions can also be imposed to secure nature conservation after use.

A2.23 MTAN 1: Aggregates contains detailed recommendations for minimising damage to ecosystems during works.

A2.24 Old mineral workings are an ideal opportunity to promote large-scale habitat creation and restoration schemes. Bare ground /brown field sites can provide valuable habitats for a range of plant invertebrate and other species. Maintenance and or creation of bare ground should feature in restoration schemes where possible.

A2.25 After care conditions should stipulate a programme of management, including provision for public access and timing of development in order to avoid damage to existing habitats and species and to create new areas for wildlife.

A2.26 Monitoring and enforcement of the proposals is necessary to ensure maximum benefit for wildlife is achieved.

iii. Waste Development

- ♣ Hedgerows, shelterbelts and copses can all be planted on or around landfill and recycling sites for **landscaping and screening** during the lifetime of the site.
- ♣ Landfill sites should ideally be restored as **wildlife areas**. This could include wildflower meadows and or native woodlands.
- ♣ Surface drainage ditches should be maintained and enhanced and protected from pollution. Creation of new ditches should be considered having regard to the relevant SuDS legislation and guidance.
- ♣ Refer to NRAP and Area Statements to identify priorities for that location.

iv. Road and Rail Facilities

- ♣ Road or rail 'underpasses' and other structures such as warning signs for toads, badgers, otters and other animals may be required if these species are known to be in the area.
- ♣ Runways for otters and water voles may be needed under bridges if banks are to be disturbed.
- ♣ Use the verges as a space for habitat creation, particularly grassland appropriate to the area. Consider the use of grasses suited to low nutrient soils to minimise management and maintenance requirements. Refer to Guidance on road verge management⁷

⁷ <https://www.plantlife.org.uk/uk/our-work/publications/road-verge-management-guide>

Appendix 3: Biodiversity and Minor & Other Development

This appendix relates to the consideration of biodiversity and ecosystem resilience in Minor and other applications

GUIDANCE FOR ALL MINOR DEVELOPMENT TYPES

A3.1 The first step in any application is to identify if any protected species or habitats are present on the site. Applicants are advised to follow the steps below to establish the biodiversity value of their site.

A3.2 **Refer to Development Checklists – Appendix 1: All applicants should refer to** Appendix 1 to establish the likelihood of any protected species or habitats being present on a site that might be affected the type the type and nature of development proposed. This will inform what ecological survey information applicants will need to submit with their application. For example, a proposal for a loft conversion will affect roofspace which is a potential habitat for bat roosting and bird nesting. The presence of trees and or hedgerows on or near the site may also be providing habitat for bats or nesting birds.

A3.3 **Where applicants are already aware that protected species are present:** Pre-application advice should be sought as early as possible in order to ensure that the proposed development complies with legislation and that necessary compensation and enhancement is planned for.

A3.4 **Where the applicant is not aware of any protected species on the site:** The Council will consult The South East Wales Biodiversity Records Centre [SEWBREC]⁸ Aderyn Database to carry out initial desk based research to establish the likely presence of protected habitats and species on a site and will advise the applicant accordingly on any surveys that will be required to be submitted with an application.

A3.5 **Carry out relevant surveys:** If a survey is needed, it must be carried out by a suitably qualified ecologist⁹. The required information should include the necessary survey data, impact assessment, method statements

⁸ Aderyn is the LERC Wales' Biodiversity Information & Reporting Database <http://www.sewbrec.org.uk/>

⁹ The **Chartered Institute of Ecology and Environmental Management (CIEEM, www.cieem.net)** has a directory of members that can be searched by region and specialism⁹ and also provides Guidelines for Ecological Report Writing⁹

and mitigation/ enhancement strategies. This information will need to be included as part of the planning application. Ecological surveys are seasonal, so the required survey must be carried out at an appropriate month of the year, and time of day. (See Appendix 1).

A3.6 Where there is no reasonable likelihood for biodiversity features to be affected: In these cases, survey work will not be required. However, applicants should also be aware that additional information may be requested. The Council can direct the applicant to supply any further information reasonably necessary to determine any planning application.

A3.7 INNS: Applicants should consider whether INNs¹⁰ are present on the site (for example Japanese Knotweed). The Council may place a condition on the application to control removal of INNs.



¹⁰ Invasive non-native species of flora listed in Schedule 9 Part II section 14(2) of the Wildlife and Countryside Act 1981 (as amended)

Specific Guidance for HOUSEHOLDER PROPOSALS and LISTED BUILDING CONSENTS
Applications for householder development should be read in conjunction with the Householder Design Guide SPG.

A3.8 Most householder and Listed Building Consent applications involve only minor alterations. Further investigation is only likely to be required if the proposal involves:

- Roofing or roofing works
- Demolition (full or partial)
- Damage to or loss of habitat features such as ponds, hedgerows and trees.

A3.9 Where this type of development is proposed applicants should check for the following protected species and habitats:

- Bat roosts or nesting bird sites which will be affected (See Aderyn BARB Service)¹¹
- Great crested newts in ponds
- TPOs, hedgerow regulations

A3.10 The species surveys most likely to be required in a householder application will be for

- Bats,
- Barn owls,
- Breeding birds
- Badgers
- Great crested newts

A3.11 Where no protected species or habitats are found on the site, the Council may require a simple statement setting out the steps taken to establish that the proposal will not have a negative ecological impact. (In line with the Council's s6 Duty to maintain and enhance biodiversity, the Council may attach advisory notes to a permission which signpost applicants to best practice and advice on measures and improvements that can be integrated into the development which benefit biodiversity.

A3.12 Where protected species and their habitats are found on a site and negative impact cannot be avoided, the Council will require the stepwise process to be followed to ensure that appropriate mitigation, compensation and enhancement measures are considered. (See chapters 3 and 4 of the SPG).

A3.13 If loss of habitat features is unavoidable, it is reasonable to request replacement habitats e.g. by including bird boxes or bat 'bricks' or increasing biodiversity of landscaping, in the new design. These should be identified measures should be included

¹¹[http://www.sewbrec.org.uk/content/attachments/How%20to%20use%20Aderyn%20\(Commerical%20Enquiries%20BARB\).pdf](http://www.sewbrec.org.uk/content/attachments/How%20to%20use%20Aderyn%20(Commerical%20Enquiries%20BARB).pdf)

within any submitted plans for the design of the development. Where appropriate, permission will be granted for the proposal with reference to the required detail shown on the submitted plans being approved.

A3.14 Any required survey, management, enhancement or development works must be carried out at the appropriate time of year to avoid disturbance to species. Any disturbance may be in contravention of national or European law. For example, it is illegal to disturb nesting birds under the Wildlife and Countryside Act 1981 (See Appendix 1). The breeding season generally lasts from late February to early September

inclusive. It is illegal to undertake works within 30 Metres of an active badger Settle without a licence from NRW

A3.15 Specific guidance on biodiversity in householder developments is provided in the *Householder Design Guide SPG*. This sets out the process for the most commonly found species (Bats, Barn Owls, Nesting Birds and Hedgehogs and Badgers) and provides specific examples of appropriate biodiversity enhancements. Further guidance can be found on the Council's website^{12, 13}

¹² Guidance on ecological survey requirements for homeowners ***A Householder's Guide to Engaging an Ecologist*** <https://cieem.net/resource/a-householders-guide-to-engaging-an-ecologist/> ***What to Expect From a Bat Survey: A Guide for UK***

Homeowners –<https://cieem.net/resource/what-to-expect-from-a-bat-survey-a-guide-for-uk-homeowners/>

¹³ www.hedgehogstreet.org/hedgehog-friendly-fencing/

Appendix 4: Planning Obligations and Planning Conditions

- A4.1 **PLANNING OBLIGATIONS:** The Council will use **LDP Policy IO 1 - Infrastructure Provision** to secure the delivery of requirements to provide measures to maintain and enhance biodiversity considered necessary as part of the proposal. This may include measures to protect/avoid, mitigate, compensate, enhance, manage and monitor the impacts of the development. The Council's preference is to retain existing features and integrate newly created features within the design and layout of the site. Where this is not possible, the Council may seek either a financial contribution or the provision of land in order to achieve the measures required off-site.
- A4.2 Contributions will be secured through planning obligations in accordance with the legislative and policy framework provided in ***PPW, Community Infrastructure Levy (CIL) Regulations 2010 (as amended) and Welsh Office Circular 13/97 'Planning Obligations' (or subsequent versions)***.
- A4.3 The Council expects that the costs relating to any biodiversity measures required to make the development viable and sustainable will be taken into account at an early stage of the development process (including land acquisition). This will ensure that realistic values and costs are achieved as part of the development appraisal.
- A4.4 **PLANNING CONDITIONS:** Planning conditions may be attached to a planning permission where appropriate, to secure the delivery of the recommendations set out in the Ecological Survey Report to avoid, mitigate, compensate, enhance, manage and monitor the biodiversity impacts of the development.
- A4.5 **VIABILITY:** Where a developer seeks to question the viability of a scheme to be delivered in accordance with the policy requirements, **the Council will request an independent development appraisal.** This may involve a full assessment if no viability appraisal has been undertaken. The Council will expect the costs of such an appraisal to be met by the applicant.

PLANNING OBLIGATIONS

Justification The Council has a duty to ensure that the County's biodiversity assets are protected and enhanced.

This includes Special Areas of Conservation (SAC), Special Protection Areas (SPA), RAMSAR sites, Sites of Special Scientific Interest (SSSI), National Nature Reserves (NNRs), Sites of Importance for Nature Conservation (SINCs), European Protected Species (EPS), Section 7 Species and Habitats, non-statutory sites, and Ancient and Semi Natural Woodlands.

Developers should seek to avoid developing on biodiversity assets, however if this is not possible appropriate mitigation and enhancements should be undertaken.

Planning Obligations				
Requirement	Nature of Contribution	Trigger for obligation	Payment types	Implementation
<p>There is no specific formula for contributions.</p> <p>Financial contributions will be calculated based on the recommendations in any Management Plan submitted.</p>	<ul style="list-style-type: none"> Mitigation measures. Habitat protection, avoidance, enhancement, restoration and creation (off and on site), compensation, monitoring and maintenance Landscaping. Site management Site interpretation Financial 	<ul style="list-style-type: none"> All development which may have an impact on ecological, or landscape sensitive features. Specific locations will need to be assessed individually. An Ecological Mitigation and Management Plan (EMMP) is required for all appropriate developments. CIL compliant enhancement 	<ul style="list-style-type: none"> All capital costs of implementation, mitigation or compensation measures; and Maintenance costs for a period to be agreed (for example, up to 10 years). Monitoring costs 	<ul style="list-style-type: none"> Developer to implement appropriate mitigation, enhancement, restoration or creation on site where agreed and delivery specified in the S106 agreement. If the developer makes financial contributions, they are likely to be required either prior to the commencement of the development or before the practical completion of buildings on site, depending on both the nature of the development and type of contribution required. If the developer makes financial contributions for offsite enhancements, restorations or creations, the appropriate trigger point for payment of contributions will be negotiated with the developer as part of the S106 agreement. The Council will be responsible for the delivery of the specified work within the agreed timescale

Appendix 5: LDP Policy Extracts

ER 6: Designated Sites of Ecological Importance

Development will not be permitted that would result in a likely significant adverse effect on the integrity of sites of international or national nature conservation importance, except in the circumstances specified in relevant legislation.

Development that would adversely affect locally designated sites of nature conservation importance should maintain and enhance the nature conservation interest of the site. Where this cannot be achieved development will only be permitted where it can be demonstrated that:

- i. The need for the development outweighs the need to protect the site for nature conservation purposes;
- ii. There is no satisfactory alternative location for the development that avoids nature conservation impacts; and
- iii. Any unacceptable harm is kept to a minimum by effective avoidance measures and mitigation, or where this is not feasible, compensatory measures must be put in place to ensure that there is no overall reduction in the nature conservation value of the area.

2.9.38 This policy seeks to ensure that the nature conservation value of designated sites is protected from harmful development and that the Council fulfils its obligation to maintain and enhance *biodiversity and ecosystem resilience*. A Biodiversity and Development SPG will be produced to provide further information on how *biodiversity* should be conserved and enhanced through development. The policy will also play a significant role in achieving the Plan's *Vision for Swansea as a County that 'capitalises on the distinctive relationship between its vibrant urban areas and outstanding rural and coastal environments' and 'conserves its unique natural heritage'*. In addition, protection of designated sites will contribute to *climate change* resilience.



- 2.9.39 All designated sites are shown on Constraints and Issues Map and listed in the Appendix 7.
- 2.9.40 National Planning Policy and Guidance⁵² provides for the protection of designated sites and sets a clear context for the relevant policy approach for their protection. Those of international and national importance are afforded more protection than those of local importance.
- 2.9.41 Sites of international importance are EU designated *Special Protection Areas (SPAs)* and *Special Areas of Conservation (SACs)*, known collectively as Natura 2000 sites, and UN designated *Ramsar sites*. As a matter of national policy *Ramsar sites* are afforded the same policy protection as the Natura 2000 sites. Natura 2000 sites are given protection under European Directives⁵³ that have been transposed into UK law through the Conservation of Habitats and Species Regulations 2017 (as amended) (Habitats Regulations). Only development which demonstrates compliance with the Habitats Regulations will be permitted. In considering development proposals that affect sites of international importance full account must be taken of the core management plans prepared for each site.

⁵² Planning Policy Wales and TAN 5: Nature Conservation and Planning.
⁵³ Birds Directive 1979 (79/409/EEC), Habitats Directive 1992 (92/43/EEC).

- 2.9.42 Sites of national importance are *National Nature Reserves (NNRs)* and *Sites of Special Scientific Interest (SSSIs)*. These are protected under the Wildlife and Countryside Act 1981, as amended by the Countryside and Rights of Way (CROW) Act 2000, the Natural Environment and Rural Communities (NERC) Act 2006 and the Environment (Wales) Act 2016.
- 2.9.43 Sites recognised for their local nature conservation value are *Local Nature Reserves (LNRs)*, and *Sites of Importance for Nature Conservation (SINCs)*. SINCs have been identified on the basis of guidelines outlined in national guidance⁵⁴ and taking account of local factors. All such designations are shown on the Constraints and Issues Map.
- 2.9.44 Criteria for assessing sites of international and national importance are based on standards set out in the relevant legislation (detailed above) and expanded upon in National Planning Policy and Guidance.⁵⁵ Sites of national importance will be treated in a similar way to international sites utilising the criteria outlined in the policy. These highly sensitive sites may be affected by development on, adjacent to, or some distance away from them.
- 2.9.45 Where development is proposed which may have an adverse effect on a site of international and national importance, or where nature conservation interests of locally important sites are likely to be disturbed or harmed by proposed development, developers will be expected to provide an ecological survey that includes an assessment of the likely impact of the proposal on the protected site and, where necessary, make appropriate provision for its safeguarding. In assessing the potential harm the Council will consider:
- The individual and cumulative effects which will include impacts during construction;
 - The role of the site in the ecological connectivity network; and
 - Whether effective mitigation and/or compensation measures have been provided.

⁵⁴ Wales Biodiversity Partnership – Legislation and Guidance. Wildlife Sites Guidance Wales: A Guide to Develop Local Wildlife Systems in Wales (2006).
⁵⁵ Planning Policy Wales and TAN 5: Nature Conservation and Planning.

ER 8: Habitats and Species

Development proposals that would have a significant adverse effect on the resilience of protected habitats and species will only be permitted where:

- i. The need for development outweighs the nature conservation importance of the site;
- ii. The developer demonstrates that there is no satisfactory alternative location for the development which avoids nature conservation impacts; and
- iii. Any unavoidable harm is minimised by effective mitigation to ensure that there is no reduction in the overall nature conservation value of the area. Where this is not feasible, compensation measures designed to conserve, enhance, manage and, where appropriate, restore natural habitats and species must be provided.



- 2.9.56 Development proposals should aim to minimise detrimental impacts on protected habitats and species and *ecosystem resilience*. This policy should be implemented in conjunction with Policies ER 6 Designated Sites of Ecological Importance and ER 9 Ecological Networks and Features of Importance for Biodiversity to ensure no net loss in overall *biodiversity* as a result of development and where possible there should be *biodiversity* gains.
- 2.9.57 Protected habitats and species are those protected under European and UK legislation, as identified in TAN 5 Nature Conservation and Planning (2009). The legislation includes the Habitats Directive, Birds Directive, Wildlife and Countryside Act 1981, Environment (Wales) Act 2016. Protected habitat and species include priority habitats and species that are protected in Local Biodiversity Action Plans and emerging Nature Recovery Plans. A *biodiversity* and development SPG will be produced to provide further information on how *biodiversity* should be conserved and enhanced through development.
- 2.9.58 Factors to be taken into consideration in assessing the significant adverse effect development proposals are likely to have on habitats and species are:
- The current distribution and status of the protected habitat or species within the County;
 - All likely effects, including cumulative effects and impacts during construction;
 - The role of the habitats as connectivity pathways; and
 - Whether effective mitigation and/or compensatory measures have been provided; and
 - Maintaining and enhancing *ecosystem resilience*.



2.9.50 Where habitats and species are likely to be disturbed or harmed, development proposals will be assessed in accordance with National Planning Policy and Guidance.⁵⁸ Developers will be expected to provide: an ecological survey; an assessment of the likely impact of the proposal on the *protected species/ habitats*; and, where necessary, make appropriate provision for their safeguarding, mitigation and/or compensatory measures. In addition measures to enhance *biodiversity*, such as through habitat creation, will be expected.

2.9.60 *Invasive Non-Native Species* are alien animals, plants or other organisms that have the ability to spread, causing damage to the environment, the economy, our health and the way we live. They are addressed by existing legislation. If *invasive non-native species* are present in and around a development site appropriate action should be taken to control or remove them prior to the commencement of any approved development. Where planning permission is granted it will be subject to appropriate planning conditions and obligations to secure control, monitoring, mitigation, compensation and management.

⁵⁸ Planning Policy Wales and TAN 5: Nature Conservation and Planning.

ER 9: Ecological Networks and Features of Importance for Biodiversity

Development proposals will be expected to maintain, protect and enhance ecological networks and features of importance for biodiversity. Particular importance will be given to maintaining and enhancing the connectivity of ecological networks which enable the dispersal and functioning of protected and priority species.

Development proposals that could result in an adverse effect on the connectivity of ecological networks and features of importance for biodiversity will only be permitted where:

- i. The need for the development outweighs the nature conservation value of the site;
- ii. It can be demonstrated that there is no satisfactory alternative location for the development;
- iii. A functional connected element of the natural resource is retained as part of the design of the development; and
- iv. Compensatory provision will be made of comparable or greater ecological value to that lost as a result of the development.

2.9.61 There are a significant number of ecological habitats and features within the County, in addition to those that are legally protected, that lie outside the designated areas and make a significant contribution to the overall *biodiversity* resource. These include linear wildlife corridors such as rivers, hedgerows and cycle tracks; 'stepping stones' such as ponds and copses and *landscape* features such as stone walls, ornamental gardens, ruined buildings and dead trees, that provide valuable habitats and are of importance for wild fauna and flora.

Chapter 2 Policies and Proposals



- 2.9.62 The wildlife corridors, stepping stones and *landscape* features are a vital part of the ecological network. Whilst it is important to protect and enhance *biodiversity* sites and species of importance dispersed throughout the County this cannot be achieved without protecting and enhancing the intervening habitats and spaces that provide crucial links between the designated sites.
- 2.9.63 The protection, management and enhancement of ecological networks is recognised as being particularly important for nature conservation. Wildlife corridors allow species to move between fragmented habitats, to recolonise areas and to move in response to *climate change* and development that may have destroyed part of their habitat. For example, the water vole, which is a priority species will not travel through unvegetated ground. If its habitat becomes isolated through development and then the colony within this isolated habitat become endangered, for example through disease, it is likely that it will not survive.
- 2.9.64 The Plan has been informed by an assessment of ecological connectivity across the whole of the County. This assessment maps the existing ecological connectivity network and also identifies locations where ecological connectivity has the potential to be enhanced. The latest version of the Swansea Ecological Connectivity Assessment will inform the implementation of this policy.
- 2.9.65 Providing ecological connectivity is an important ecosystem service of the *Green Infrastructure network* and its protection and/or enhancement accords with Policy ER 2 Strategic Green Infrastructure Network.

Appendix 6: References

Sources of Further Information

Biodiversity assessment

1. Association for Local Environmental Record Centres (ALERC)
www.alerc.org.uk
2. BS42020: 2013 - British standard for Biodiversity – Code of Practice for Planning and development. (BSI, 2013)
3. BS 8683 Process for designing and implementing Biodiversity Net Gain – Specification
<https://standardsdevelopment.bsigroup.com/projects/2018-02413#/section>
4. B£ST – Benefits Estimation Tool (SusDrain)
www.susdrain.org/resources/best.html
5. BRE Home Quality Mark (Building Research Establishment, 2015)
www.homequalitymark.com
6. Building with Nature – benchmark for people and nature (Gloucestershire Wildlife Trust and University of the West of England, 2017) www.buildingwithnature.org.uk
7. Demystifying Series – Valuing Nature Network <https://valuing-nature.net/demystifying-series>
8. Environmental Impact Assessment Guide to Shaping Quality Development (IEMA , 2015)
www.iema.net/assets/uploads/iema_guidance_documents_eia_guide_to_shaping_quality_development_v7.pdf
9. Environmental Information Regulations, Information Commissioner's Office; <https://ico.org.uk/for-organisations/guide-to-the-environmental-information-regulations>
10. MAGIC: geographic information across Great Britain
<https://magic.defra.gov.uk>
11. Natural Capital Planning Tool <http://ncptool.com>
12. National Biodiversity Network <https://nbn.org.uk>
13. Registered ecological consultants directory (CIEEM)
<https://events.cieem.net/RegisteredPracticeDirectory/Registered-Practice-Directory.aspx>

Technical Guidance Series Guidance for Preliminary Ecological Appraisals (CIEEM, 2013)

www.cieem.net/data/files/Resource_Library/Technical_Guidance_Series/GPEA/GPEA_April_2013.pdf

14. Ecological Impact Assessment (EclA) Checklist
<https://cieem.net/resource/ecological-impact-assessment-ecia-checklist>
15. Wildlife Assessment Check www.biodiversityinplanning.org
16. **CIEEM Guidelines for Ecological Impact Assessment in the UK and Ireland: Terrestrial, Freshwater and Coastal, (Updated Sept 2019)** <https://cieem.net/wp-content/uploads/2018/08/ECIA-Guidelines-Sept-2019.pdf>
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18. Natural Resources Wales – Advice on Permits and Permissions - <https://naturalresourceswales.gov.uk/permits-and-permissions/>
19. State of Natural Resources Report (SoNaRR)
<https://naturalresources.wales/evidence-and-data/research-and-reports/state-of-natural-resources-interim-report-2019/sonarr-2020/?lang=en>
20. NRW South West Wales Area Statement
<https://naturalresources.wales/about-us/area-statements/south-west-wales-area-statement/?lang=en>

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21. A Better Balance: A roadmap to biodiversity net gain. (Balfour Beatty, 2018) www.balfourbeatty.com/media/317352/balfour-beatty-a-better-balance-a-roadmap-to-biodiversity-net-gain.pdf
22. Creating greenroofs for invertebrates: Best practice guidance (Buglife International, 2012) https://cdn.buglife.org.uk/2019/07/Creating-Green-Roofs-for-Invertebrates_Best-practice-guidance.pdf

23. Designing for Biodiversity: a technical guide for new and existing buildings (2013) www.bats.org.uk/pages/guidanceforprof-designing-for-biodiversity-a-technical-guide-for-new-and-existing-buildings-1089.htm
24. Green Infrastructure and Biodiversity. PERFECT Fact Sheet (TCPA, 2017) www.interregeurope.eu/fileadmin/user_upload/tx_tevprojects/library/file_1526374606.pdf
25. Guidance on Biodiversity Net Gain (CIRIA / CIEEM / IEMA, 2016 & 2019) www.ciria.org/Resources/Biodiversity_Net_Gain.aspx
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28. Landscape and Urban Design for Bats and Biodiversity (Kelly Gunnell, Gary Grant, Carol Williams, 2012) www.bats.org.uk/our-work/landscapes-for-bats/landscape-and-urban-design
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30. Trees Species selection for Green Infrastructure, (Trees and Design Action Group, 2018) <http://www.tdag.org.uk/species-selection-for-green-infrastructure.html>
31. Urban Greening Factor. Policy G5, London Plan (GLA, 2018) www.london.gov.uk/what-we-do/planning/london-plan/new-london-plan/draft-new-london-plan/chapter-8-green-infrastructure-and-natural-environment/policy-g5
32. [Draft Swansea Central Area Green Infrastructure Strategy – Regenerating our City for Wellbeing and Wildlife](#)
33. Local Nature Partnerships (LNPs) <https://www.biodiversitywales.org.uk/Local-to-You>
34. National Wildlife Crime Unit www.nwcu.police.uk
35. Partnership for Action Against Wildlife Crime (PAW) www.gov.uk/government/groups/partnership-for-action-against-wildlife-crime

Biodiversity and Sustainable Drainage

36. WG Statutory National Standards for Sustainable Drainage <https://gov.wales/sites/default/files/publications/2019-06/statutory-national-standards-for-sustainable-drainage-systems.pdf>
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38. Ciria SuDS Manual Chapter 6 part B - Designing for Biodiversity <https://ciria.sharefile.com/share/view/5aac0809db2c431d> and Chapter 29 Part E Chapter 29 – Landscaping/Planting <https://ciria.sharefile.com/share/view/69401ce0743c4059>
39. RSBP/WWT Sustainable Drainage Systems – Maximising the potential for people and wildlife http://ww2.rspb.org.uk/Images/SuDS_report_final_tcm9-338064.pdf
40. Scottish Environment Protection Agency Ponds Pools and Lochans https://www.sepa.org.uk/media/151336/ponds_pools_lochans.pdf
41. Freshwater Habitats Trust - The Ponds Creation Toolkit <https://freshwaterhabitats.org.uk/projects/million-ponds/pond-creation-toolkit/>

Biodiversity policy

42. Environment (Wales) Act (Welsh Government, 2016) <https://gweddill.gov.wales/topics/environmentcountryside/consmanagement/natural-resources-management/environment-act/?lang=en>
43. Environmental (Principles and Governance) Bill (2019/2020) (England and Wales)
44. Natural Environment and Rural Communities (NERC) Act (2006) www.legislation.gov.uk/ukpga/2006/16/contents
45. The Århus Convention (UN Economic Commission for Europe, 1998) www.unece.org/fileadmin/DAM/env/pp/documents/cep43e.pdf
46. Wildlife and Countryside Act 1981 (as amended) www.legislation.gov.uk/ukpga/1981/69
47. Conservation of Habitats and Species Regulations (HM Government, 2017) www.legislation.gov.uk/uksi/2017/1012/contents/made
48. Planning Policy Wales (Edition 10) Section 6- <https://gov.wales/planning-policy-wales>

49. Swansea Public Service Board Local Well-being Plan
<https://www.swansea.gov.uk/localwellbeingplan>
50. Swansea Corporate Plan
https://www.swansea.gov.uk/media/35686/Corporate-Plan-2020-22/pdf/Corporate_Plan_2020-22.pdf
51. Swansea LDP <https://swansea.gov.uk/ldp>

Biodiversity advice

52. Bats, planning and the law. (Bat Conservation Trust)
www.bats.org.uk/our-work/buildings-planning-and-development/building-or-development-works/planning-and-the-law
53. Biodiversity in Wales guidance, including S6 duty biodiversity guidance and the Action Plan for Pollinators
www.biodiversitywales.org.uk
54. Planning naturally: Spatial planning with nature in mind (RSPB, CIEEM and RTPI, 2013)
www.rspb.org.uk/globalassets/downloads/documents/positions/planning/planning-naturally---spatial-planning-with-mature-in-mind.pdf
55. Planning for green and prosperous communities. Guide 7 Practical Guides for Creating Successful New Communities. INTERREG project. (TCPA, 2018)
www.interregeurope.eu/fileadmin/user_upload/tx_tevprojects/library/file_1518622468.pdf
56. Species and habitats guidance. (JNCC, 2013)
<http://jncc.defra.gov.uk/page-6297>

Organisations working to promote biodiversity at national and local levels

National policy makers
<ul style="list-style-type: none"> • Welsh Government
National statutory bodies
<ul style="list-style-type: none"> • Natural Resources Wales • National Wildlife Crime Unit (UK)

Professional ecological and environmental institutes
<ul style="list-style-type: none"> • Association of Local Government Ecologists (ALGE) • Chartered Institute for Environmental Ecology and Management (CIEEM) • Construction Industry Research and Information Association (CIRIA) • Institute for Environmental Management and Assessment (IEMA)
Data sources and managers
<p>Local Data Sources</p> <ul style="list-style-type: none"> • The Local Environment Records Centre (LERC) for Swansea is the South East Wales Biodiversity Records Centre ((SEWBRcC) • The Wildlife Trust of South & West Wales • Swansea Local Nature Partnership • Natural Resources Wales • Swansea Council <p>UK National Sources</p> <ul style="list-style-type: none"> • MAGIC • National Biodiversity Network Atlas
Species and habitat conservation groups
<ul style="list-style-type: none"> • Amphibian and Reptile Conservation (ARC) Trust • Badger Trust • Bat Conservation Trust • Buglife • Bumblebee Conservation Trust • Butterfly Conservation • Glamorgan Fungus Group • Mammal Society • Plantlife • Protected, Threatened and Endangered Species (PTES) trust • RSPB Cymru • RSPCA • The Conservation Volunteers (TCV) • The Rivers Trust • Wildfowl and Wetland Trust (WWT) • Woodland Trust • National Trust



Equality Impact Assessment Screening Form

Please ensure that you refer to the Screening Form Guidance while completing this form. If you would like further guidance please contact the Access to Services team (see guidance for details).

Section 1

Which service area and directorate are you from?

Service Area: **Planning and City Regeneration**

Directorate: **Place**

Q1(a) WHAT ARE YOU SCREENING FOR RELEVANCE?

Service/ Function <input type="checkbox"/>	Policy/ Procedure <input type="checkbox"/>	Project <input type="checkbox"/>	Strategy <input type="checkbox"/>	Plan <input checked="" type="checkbox"/>	Proposal <input type="checkbox"/>
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(b) Please name and describe here:

Name: Supplementary Planning Guidance (SPG) on Biodiversity and Development

Description: The SPG provides supplementary planning guidance to support the implementation of policies in the adopted Swansea Local Development Plan (LDP) on Biodiversity. It explains to planning applicants how the Council will implement the LDP's biodiversity policies in the context of legislation and policy requirements. The LDP policies cover consideration of designated sites (ER 6) and protected habitats and species (ER 8). Policy ER 9 ensures that development decisions take account of the wider ecosystem resilience of the site and how it connects with surrounding ecological corridors which are enable dispersal and function of protected and priority species. Where protected biodiversity features are present on a site, the Council will require the relevant ecological surveys and assessments to be submitted in support of an application. The SPG provides survey checklists and signposts to best practice guidance on how to carry out the necessary surveys and assessments. The SPG encourages engagement with the Council on biodiversity issues from an early stage of the development process in order to secure the best outcomes for biodiversity and the related social, economic and environmental ecosystem services provided as a result of maintaining and enhancing the natural environment.

It should be noted that the SPG does not introduce new policy, it provides detailed clarification on the relevant policies set out in the LDP, which have been subject to EIA and Examination by the Planning Inspectorate.

Q2(a) WHAT DOES Q1a RELATE TO?

Direct front line
service delivery

(H)

Indirect front line
service delivery

(M)

Indirect back room
service delivery

(L)

(b) DO YOUR CUSTOMERS/CLIENTS ACCESS THIS...?

Because they
need to

(H)

Because they
want to

(M)

Because it is
automatically provided to
everyone in Swansea

(M)

On an internal
basis
i.e. Staff

(L)

Equality Impact Assessment Screening Form

Q3 WHAT IS THE POTENTIAL IMPACT ON THE FOLLOWING...

	High Impact (H)	Medium Impact (M)	Low Impact (L)	Don't know (H)
Children/young people (0-18) →	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Older people (50+) →	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Any other age group →	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Disability →	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Race (including refugees) →	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Asylum seekers →	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Gypsies & travellers →	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Religion or (non-)belief →	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sex →	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sexual Orientation →	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Gender reassignment →	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Welsh Language →	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Poverty/social exclusion →	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Carers (inc. young carers) →	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Community cohesion →	<input type="checkbox"/>	<input checked="" type="checkbox"/> *	<input type="checkbox"/>	<input type="checkbox"/>
Marriage & civil partnership →	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Pregnancy and maternity →	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

***The document will improve community cohesion by supporting the implementation of LDP policies on maintaining and enhancing the biodiversity of the County's places and spaces which contribute to mental and physical wellbeing.**

Q4 WHAT ENGAGEMENT / CONSULTATION / CO-PRODUCTIVE APPROACHES WILL YOU UNDERTAKE?

A six week public consultation and engagement process was undertaken on the draft version of the SPG between **4th September and 16th October 2020**. Face to face public engagement events were unable to occur due to constraints associated with Covid-19 restrictions. Nevertheless, the consultation involved a wide range of awareness raising and engagement activities, including:

- Print media articles and social media notices before and during the consultation
- A specific web page created for the SPG that described the consultation, provided a weblink to the document, and a link to the comment form.
- Notification emails posted to a range of stakeholders, including Councillors
- Remote briefings to stakeholder groups via Microsoft Teams presentations.
- Publication of recorded video presentations on the Council's website.

Comments received in response to the consultation have been collated and evaluated, and are reported in a Consultation Report which provides the Council's response and suggested amendments to the final document to be adopted as SPG.

Q5(a) HOW VISIBLE IS THIS INITIATIVE TO THE GENERAL PUBLIC?

High visibility
 (H)

Medium visibility
 (M)
Page 162

Low visibility
 (L)

Equality Impact Assessment Screening Form

(b) WHAT IS THE POTENTIAL RISK TO THE COUNCIL'S REPUTATION?
(Consider the following impacts – legal, financial, political, media, public perception etc...)

High risk
 (H)

Medium risk
 (M)

Low risk
 (L)

Q6 Will this initiative have an impact (however minor) on any other Council service?

Yes

No

If yes, please provide details below

Q7 HOW DID YOU SCORE?
Please tick the relevant box

MOSTLY H and/or M → HIGH PRIORITY → **EIA to be completed**
Please go to Section 2

MOSTLY L → LOW PRIORITY / NOT RELEVANT → **Do not complete EIA**
Please go to Q8 followed by Section 2

Q8 If you determine that this initiative is not relevant for an EIA report, you must provide a full explanation here. Please ensure that you cover all of the relevant protected groups.

An Equality Impact Assessment Screening was undertaken on the version of the document prepared for consultation. That EIA Screening identified mostly low impacts. This is an update of that EIA to reflect the consultation process undertaken.

The SPG seeks to facilitate community cohesion by assisting the implementation of the relevant LDP policies. The LDP policies have already been subject to EIA and are based on a comprehensive, and up to date evidence base, which has been found sound by the Planning Inspectorate. The SPG balances the delivery of the Council's S6 Duty to maintain and enhance biodiversity with managing growth in a sustainable manner.

*The document will improve community cohesion by supporting the implementation of LDP policies on maintaining and enhancing the biodiversity in the development of the County's places and spaces which contribute to mental and physical wellbeing. A significant amount of engagement has already been completed in the formulation of the policies with the public; and key stakeholders, including NRW, Local Wildlife Groups, Council Officers and Local Councillors.

A 6 week consultation was undertaken which provided opportunities for engagement via a range of methods, and the document has now been reviewed and amended where appropriate in response to the consultation (in-line with Welsh Government planning guidance) and is now being

Equality Impact Assessment Screening Form

presented to Planning Committee for approval to be adopted as planning guidance. Public consultation and engagement is a central element of producing planning guidance. No equalities issues were raised during the consultation.

Section 2

NB: Please email this completed form to the Access to Services Team for agreement before obtaining approval from your Head of Service. Head of Service approval is only required via email – no electronic signatures or paper copies are needed.

Screening completed by:
Name: Rachel Willis
Job title: Principal Planning Officer
Date: 23/10/2020
Approval by Head of Service:
Name: Phil Holmes
Position: Head of Service
Date:

Agenda Item 4



Report of the Head of Planning and City Regeneration

Special Planning Committee – 22 February 2021

Adoption of Supplementary Planning Guidance: Mumbles Conservation Area Character Appraisal and Management Plan

Purpose:	To report the representations received during the consultation on the Mumbles Conservation Area Review; to agree the proposed amendments to the draft guide and adopt the relevant document as Supplementary Planning Guidance (SPG).
Policy Framework:	Swansea Local Development Plan (Adopted 2019).
Reason for Decision:	To enable the new Mumbles Conservation Area document to be afforded Supplementary Planning Guidance status.
Consultation:	Legal, Finance, Access to Services.
Recommendation(s):	It is recommended that: a) The issues raised in the representations made during the consultation process, and the responses of the Planning Authority to these (as set out at Appendix B and C of this report), be noted; b) The final version of the Mumbles Conservation Area Character Appraisal and Management Plan (as set out at Appendix A of this report), be approved and adopted by the Council as Supplementary Planning Guidance; c) The new Mumbles Conservation Area Boundary (as set out at Appendix D of this report) be approved; d) The Head of Planning and City Regeneration, or appropriate delegated officer, be authorised to make any outstanding typographical, grammatical, presentational or factual amendments to the SPG prior to its final publication.

Report Author:	Krystyna Williams
Finance Officer:	Aimee Dyer
Legal Officer:	Jonathan Wills
Access to Services:	Rhian Millar

1.0 Background

- 1.1 Conservation Areas are designated by the Local Planning Authority under section 69 of the Planning (Listed Buildings and Conservation Areas) Act 1990. The principal considerations are the architectural or historic interest, the character or appearance of which it is desirable to preserve or enhance.
- 1.2 Designation of a place as a Conservation Area does not mean that no change can occur or that only traditional designs are allowed. Rather, the designation requires that appropriate special regard is had to the impact of a proposed development within that area, as set out in LDP policies HC1 and HC2, with the main consideration being whether any change 'preserves or enhances' the character of the conservation area.
- 1.3 Whilst the legislation sets out a duty to review the Conservation Areas from 'time to time', the only published information available in Swansea are informal notes which comprise boundary plans and a very limited description of the area (often less than a single side of text). As a result there is a lack of up to date information on the character and appearance of some Conservation Areas in Swansea to guide those preparing and assessing development proposals in these sensitive and historic areas.
- 1.4 The Mumbles Conservation Area Review process was undertaken to produce an up to date assessment of the character and issues affecting the designated Mumbles Conservation Area. The final version of the Mumbles Conservation Area Character Appraisal & Management Plan will be used to help assess and determine planning applications in this area. It allows for the commencement in the future of introducing Article 4 Directions, should this be considered necessary to provide greater control of various permitted development rights for selected properties.
- 1.5 In order to be effective a Conservation Area Review needs to comprise:
1. A 'Character Appraisal' which is an up to date record of the character of buildings and spaces including positive and negative features.
 2. A 'Management Plan' which indicates how the character of the area will be preserved and enhanced by a variety of means including Development Control, management of the public realm and spaces, plus possible environmental enhancements.

2.0 Mumbles Conservation Area Character Appraisal & Management Plan

2.1 Mumbles Conservation Area was first designated in 1969. Since this time the area has never been reviewed or updated.

2.2 The Mumbles Conservation Area Character Appraisal and Management Plan SPG (attached as Appendix A) seeks to:

- Define the special interest of the area and identify the issues which threaten its special qualities; and
- Provide guidelines to prevent harm and achieve the enhancement of the area.

2.3 The SPG document briefly sets out the historical development of the area. Mumbles has a long and rich history with evidence as far back as a Roman villa on the site of All Saints Church. Medieval Mumbles was a village based on fishing, focused around the narrow streets and cottages called 'slades' that led steeping up Mumbles Hill. Notably, the opening of the Swansea to Mumbles railway in 1804 brought further changes to the village, with the first regular horse drawn rail passenger service in the world introduced in 1807 when the area began to develop as a tourist resort.

2.4 The document explains the townscape and built form of the Conservation Area including listed buildings, buildings of local character and special heritage characteristics. It identifies the following positive issues and assets:

- Overall Character and Setting of the Conservation Area which clusters around the seafront with Swansea Bay and the wooded headland forming strong visual boundaries to the historic settlement
- Variety of historic townscape including the contrasting built heritage qualities of the Character Areas from the three storey seafront streetscape to the predominantly two storey area of terraces and the Newton Road shopping area
- Individual building and structures of particular heritage merit and/or locational impact which enlivens the streetscape with focal buildings
- Significant townscape groups of buildings including Victorian and Edwardian terraces of commercial and residential buildings that combine to create an attractive variety of scale and design
- Long distance views from the Conservation Area to the coastal setting.

2.5 The document also identifies 7 distinct character areas within the expanded conservation area:

- Seafront
- Newton Road
- Queen's Road and terraces
- Overland Road

- Village Lane / Thistleboon Road
 - Castle Grounds and Castle Avenue
 - Wooded hill slopes.
- 2.6 The proposed division into character areas as shown on page 17 of the document makes it easier to differentiate between the distinct parts of the Conservation Area, and will also make it easier to manage change.
- 2.7 The Management Plan, which forms an integral part of the document, sets out key issues and opportunities to preserve or enhance the areas special character. A key action identified is the amendments to the Conservation Area boundary in order to recognise additional areas of historic value and interest for conservation.
- 2.8 The areas listed below highlight those assessed as having a quality and historic interest commensurate with areas already within the Conservation Area. The extent of the current conservation area boundary and the proposed enlarged boundary to the Mumbles Conservation Area to include the areas listed below, as well as the small area proposed to be removed from the boundary, are set in Appendix D.
- **Oystermouth Castle area:** The Historic Castle, associated grounds and Castle Avenue;
 - **Newton Road commercial area:** From Mumbles Road at the bottom of the hill up to the junction with Stanley Street;
 - **The residential terraces area:** The planned grid layout of terraces either side of Newton Road;
 - **Overland Road (east end):** The steeper slopes of Mumbles Hill with wooded hill slopes as the backdrop;
 - **Mumbles Road including Oystermouth Square and the ‘Northern seafront approach’:** The area between the current Conservation Area boundary at Church Park Lane extending along Mumbles Road to Norton Road.
- 2.9 The principle of adding the above areas to the existing conservation area was highlighted as a key question during the public and stakeholder consultation. The implications of expanding the Conservation Area to include the above areas brings a greater level of placemaking and development management to assess whether proposals preserve or enhance the area, as explained in paragraph 2.2. It should be noted that designation of the additional areas listed above will not stop change, moreover it provides an appropriate framework for managing any change proposed. Therefore the expanded conservation area boundary will not stop change at Oystermouth Square and will not stop change for the potential sea wall and public realm project along the Promenade; instead the conservation area designation brings the preserve or enhance test to projects that would in any situation be expected to be high quality.

2.10 Other recommendations of the Management Plan include:

- Enhancement of existing buildings. Residents and owners should be encouraged to repair original elements in preference to replacement.
- Management Framework for the public realm. Whilst no enhancement funding is allocated, the draft management plan identifies that improvements to the public realm can make a significant contribution to the appearance and use of the conservation area by creating high quality attractive streetscape and improved open space. The Council is undertaking further design and feasibility work on a new Coastal Protection scheme to improve which will improve the standard of flood risk protection and also enhance the promenade to create a more sustainable and attractive seafront with regeneration and recreation benefits.
- Preservation / Improvement of key sites. For example, encouraging investment to reuse the historic building stock, improvements to shopfronts and signage, and traffic and parking appraisals.
- Local Listing in the Conservation Area for buildings of local historic or architectural value, group value or visual interest.
- Community involvement. There is scope for further engagement with the community in caring for the local built environment through voluntary projects and conservation education and training.

3.0 Public consultation

3.1 In April 2018 the draft Mumbles Conservation Area Review was presented to Planning Committee. Members resolved to endorse the draft document to be issued for public and stakeholder consultation.

3.2 The draft Mumbles Conservation Area Review was subject to a 6 week consultation exercise which ran from the 14th May 2018 until the 25th June 2018 and was extended by a further 4 week to the 20th July 2018 to allow extra time to comment.

3.3 The following consultation methods were used to engage the community and stakeholders with the review of Mumbles Conservation Area:

- A Press Release was issued and featured within the South Wales Evening Post on the 19th May 2018.
- Bilingual notification emails highlighting the consultation on the draft document were sent to local ward councillors as well as specific consultation bodies, planning agents.
- Bilingual letters explaining the consultation process and how to view documents and make representations were sent to all households and commercial properties in the expanded conservation area (+1000 properties). This included a web link to the online bilingual information for comment.
- A dedicated webpage was established to explain the consultation process and allow electronic documents to be downloaded in pdf

format. The webpage included the facility to complete and submit an online comment form.

- Over 20 bilingual posters were displayed in the local area
- Paper copies of the bilingual draft documents were placed on deposit in Mumbles Library and Swansea Central Library.
- Social media notifications during the 6 week consultation process.
- Council officers held consultation events at Mumbles Farmer's Market on 9th June 2018 and Ostreme Hall on 12th June 2018 followed by evening walking tour.
- Council officers met with local traders and Mumbles Community Council on 3rd July 2018 to discuss the conservation area review process.

3.4 This initial period of consultation resulted in comments from circa 90 respondents at the Farmers Market event, a further 60 respondents commented at the drop in session at the Ostreme Centre plus 30 stakeholders also commented via post/ email. These representations are set out in appendix B along with the Authority's response.

3.5 A further 6 week period of consultation was undertaken from the 24th January 2020 until the 9th March 2020. This additional consultation was undertaken as a result of the strong support from respondents of the initial consultation exercise for the 'Northern Seafront Approach' area to be included within the expanded Conservation Area boundary. This focussed consultation included direct letters to the properties within the 'Northern Seafront Approach' area and a drop in session at Oystermouth Library on the 27th February 2020.

3.6 Following this additional consultation on the inclusion of the Northern Seafront Approach, an additional 11 individual respondents provided comments on the Conservation Area review via the comment form or by letter. A further 20 individuals expressed their views at the public event at the drop in session at Oystermouth Library. The representations are set out in Appendix C along with the Authority's response.

3.7 The final amended version of the Mumbles Conservation Area Character Appraisal and Management Plan includes all the necessary and appropriate changes to the document following the public and stakeholder consultation exercise.

4.0 Boundary Amendment

4.1 A key action set out in the Management Plan is the proposal to review the Conservation Area boundary and forms part of the public and stakeholder consultation. Following analysis of the areas around the Conservation Area, the following areas have been assessed as having a character and quality equal to the existing conservation area and are therefore proposed for inclusion within the designated boundary:

- Oystermouth Castle area;
- Newton Road commercial area;
- The residential terraces area; and

- Mumbles Road including Oystermouth Square and the 'Northern Seafront Approach.
- 4.2 In addition to the above, it is proposed to remove a small area from the Conservation Area comprising modern development that does not contribute to the special character on Western Close, at the top of Thistleboon Road from the Conservation Area.
- 4.3 There was widespread support from respondents for the expansion of the Conservation Area as outlined above. A number of respondents suggested that the boundary be extended further north to include the western section of Overland Road, Langland Villas and properties located on Langland corner. However, whilst these areas contain some buildings of character and historic interest, it is considered that these areas do not warrant inclusion as they are largely modern development and disjointed from the evolution of Mumbles Conservation Area which is characterised largely by a seafront, fishing village and grid-like pattern of development. The looser pattern of development found in the aforementioned areas are more akin to the adjoining Langland Conservation Area.
- 4.4 The full extent of areas proposed to be added to, or removed from, the Conservation Area as previously defined are shown in Appendix D of this report.

5.0 Other Representations Received

- 5.1 The majority of comments received during consultation were supportive of the character areas identified, as well as the Management Plan set out in the document. Appendices B and C to this report contain the full list of detailed comments and the recommended responses. The main comments and responses are summarised below.
- 5.2 A significant amount of respondents advocated the further expansion of the Conservation Area boundary to encompass the 'Northern Seafront Approach' area along Mumbles Road (no's 422-488), hence the additional public and stakeholder re-consultation undertaken in 2020. The proposal seeks to expand the Conservation Area boundary to take in '*adjoining areas of similar architectural / townscape character or quality*'. It is considered that this section of terraced housing located on the approach to Mumbles from Swansea is worthy of inclusion within the expanded boundary on the basis that it is of a similar architectural / townscape character, provides a logical 'squaring' off of the boundary and encompasses some historical development which pre-dates 1877.
- 5.3 A number of respondents questioned why areas such as Mumbles Pier, Mumbles Headland and Underhill Park are not proposed to be within the expanded boundary. However each of these areas is protected in its own right, being either listed, designated Nature Reserve or protected by parks and recreation land planning policy.

- 5.4 There was significant interest in what protection could be afforded to the commercial units located on Newton Road in terms of potential restoration/enhancement works, and whether any form of grant funding would be available to assist such works. The attractive townscape along Newton Road is acknowledged in the document and the boundary is to be extended to encompass this area and provide additional protection. All applications for works in the area, including to shopfronts, will need to meet the 'preserve or enhance' test. In terms of potential funding initiatives, some comments have been provided which suggest that there may be scope for owner/occupiers to explore restoration/enhancement works to commercial units in the area. Worthy to note is the funding Mumbles Community Council has recently provided towards improving the decorative condition of the retail premises along Newton Road which aligns with the aspirations of the Management Plan which provides guidance on improving shopfronts and signage.
- 5.5 Several respondents focused on the unsympathetic alterations to residential dwellings, for example replacement UPVC windows, removal of bay windows and inappropriate dormer window extensions. The document identifies key negative issues and acknowledges that the proliferation of minor building alterations can incrementally erode the character and appearance of an area. Whilst it is not possible to 'turn back the clock', it is important that property owners and occupiers adopt a sensitive approach to repairs, extensions and alterations. There is a need to raise awareness of this issue and inform householders of the importance of 'street character' and the contribution that individual residences make to that. A 'Living in your Conservation Area' leaflet has been produced by the council which briefly sets out the effects of living in a conservation area to local people (in a positive way). Notwithstanding this, the Conservation Area designation does not stop change but it does require greater scrutiny of new designs. As a further project there may be scope to impose Article 4(2) Directions on key unlisted properties to remove Permitted Development Rights and bring minor alterations under planning controls.
- 5.6 The current status and redevelopment of the tennis courts alongside the Tivoli was raised by a number of respondents. It is important to note is that the tennis courts are located within the existing conservation area boundary and any potential development of the site would be assessed against the 'preserve or enhance' test
- 5.7 A number of respondents also focused on public realm improvements needed in the area, specifically work to pavements, maintenance of street furniture along the promenade and the need for additional places to sit and rest in the area. The Management Plan notes that public realm has a significant contribution to the appearance and use of the area. Subject to the availability of funding, there is scope for street enhancements, de-cluttering of pedestrian space, with the primary focus being the pedestrian environment and the space in front of commercial units. Specifically in this seafront location, the Council, along with partners, is working on a coastal protection scheme in the area between Knab Rock and the Dairy Car Park (subject to separate public consultation). The scheme aims to address the

current condition of the sea wall and provide an improved standard of protection against the risks of flooding. It will potentially provide the opportunity for the widening of the promenade, improve accessibility of the foreshore and enhance the public realm to create a high quality, sustainable green, and attractive waterfront. The scheme will require careful design to integrate the new defences with adjacent areas of existing public realm, areas of existing public open space and highways.

6.0 The Next Steps

6.1 Following adoption as Supplementary Planning Guidance, the Mumbles Conservation Area Character Appraisal and Management Plan will become a material planning consideration in determining planning applications within the enlarged conservation area.

6.2 Prior to final publication some minor factual, grammatical and formatting changes to the document may be necessary, and some photographs may need to be altered.

7.0 Financial Implications

7.1 The final adopted document will be provided in electronic form on the planning webpage of the council's public website. Any request for printed copies will incur a fee to cover the costs of printing. Therefore there are no financial implications arising from the publication of this SPG.

7.2 The increase in the size of Mumbles Conservation Area will result in greater scrutiny of planning applications in the enlarged area to ensure that they preserve or enhance the special character of the conservation area. Whilst this will result in an increase in the workload of the development control service and the Placemaking and Heritage Team it is essential to properly manage character and special interest of the Conservation Area. Any additional workload will be met from the existing team structures and budget.

8.0 Legal Implications

8.1 The designation and proposed enlargement of the Mumbles Conservation Area will need to comply with national legislation set out in the Planning (Listed Building and Conservation Areas) Act 1990. The final Mumbles Conservation Area Review document will amount to SPG to relevant policies of the LDP, including Policy HC2, and will need to be taken into account as a material consideration in evaluating future planning applications.

8.2 Within all Conservation Areas across Wales, there are reduced Householder Permitted Development Rights imposed by Welsh Government as follows:

- Control over removal of chimneys
- Control over addition of roof lights
- Control over changing the appearance of any wall of a dwelling

- Control over external wall insulation
- Reduced dimensions for single storey side extensions
- Control over all two storey extensions

Therefore these works require planning consent in all Conservation Areas and a key consideration is the preservation or enhancement of the identified special character.

8.3 Irrespective of location within a Conservation Area or not, there are limited Permitted Development Rights for flats and commercial properties. Therefore, work to change the appearance of these types of buildings often requires planning consent.

8.4 There are a number of long established Article 4 Directions in the original Mumbles Conservation Area from 1977 which remove Householder Permitted Development Rights for the following:

- Dwelling alterations to footprint and roof
- Addition of porches
- Control over front walls more than 1m high and all other walls over 2m
- Control over new accesses to the highway

Therefore these works require planning consent in the 'original' Mumbles Conservation Area and do not apply to the enlarged areas of Mumbles Conservation Area as outlined in this report.

8.5 Any future imposition of Article 4(2) Directions on selected unlisted buildings of character and local interest will require further reviews to be undertaken and separate public and stakeholder consultation, which will require the approval of Members.

9.0 Equality and Engagement Implications:

9.1 The Council is subject to the Public Sector Equality Duty (Wales) and must, in the exercise of their functions, have due regard to the need to:

- Eliminate unlawful discrimination, harassment and victimization and other conduct prohibited by the Act.
- Advance equality of opportunity between people who share a protected characteristic and those who do not.
- Foster good relations between people who share a protected characteristic and those who do not.

Our Equality Impact Assessment process ensures that we have paid due regard to the above.

9.2 An EIA screening has been undertaken with the result that a full EIA is not required. It should be noted that the conservation area review provides a heritage framework for managing change and future projects:

- Where changes are proposed within public areas and commercial buildings these will also be subject to national requirements such as Part M of the Building regulations and the Equality Impact Assessment process.
- The potential flood alleviation scheme and public realm enhancement is a separate project that will be subject to a separate EIA screening and will require further consultation and engagement.

Background Papers:

Planning Committee report, 3rd April 2018 (approval for initial consultation)

Planning Committee report 5th November 2019 (approval for further consultation)

Appendices:

Appendix A Final draft of the Mumbles Conservation Area Character Appraisal and Management Plan.

Appendix B Record of Initial 2018 Public and stakeholder comments - Full table of comments and authority responses.

Appendix C Record of additional 2020 Public and stakeholder comments - Full table of comments and authority responses.

Appendix D Plan showing proposed amendments to the boundary of the Mumbles Conservation Area.

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Mumbles Conservation Area

Character Appraisal and Management Plan

February 2021



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SUMMARY OF THE CONSERVATION AREA CHARACTER APPRAISAL & MANAGEMENT PLAN

The aim of this Character Appraisal and Management Plan is to assist the Council to ensure the protection and enhancement of the built heritage of Mumbles Conservation Area, while enabling the residents, businesses, public and stakeholders to recognise both the benefits of living, working and visiting the Conservation Area, and their role in looking after the area.

The current Mumbles Conservation Area includes most of the seafront areas below the high escarpment of wooded limestone cliffs, the original village streets climbing the slopes, and the wooded backdrop to the attractive coastal settlement. This Appraisal expands the Conservation Area northwards to include the Newton Road shopping area, the grid of Victorian terrace houses and Oystermouth Castle and its grounds.

The history of Mumbles predates the Norman Castle, the growth of the oyster trade, the arrival of the first regular passenger train service in the world and its development as a tourist resort. Today the area has retained many of these past qualities and can benefit from the protection and regeneration of the heritage potential.

Distinctive Character Areas have been identified within the expanded Mumbles Conservation Area, each with a valuable heritage townscape that needs to be protected and enhanced. Some damage to these areas has occurred through unsympathetic new developments and inappropriate replacement materials on heritage buildings. Although these unfortunate changes have had a detrimental impact on some of the townscapes, there are still significant and important areas of heritage quality that are worthy of retention to enhance the village character.

Management and enhancement proposals have been suggested to include; policy guidance and design principles, management and control recommendations, identification of potential historic assets of local importance, design guidance, recommendations for a potential Article 4 Direction for the Conservation Area, and the involvement of the community.



1.0 INTRODUCTION

Background

1.1 Conservation Areas were introduced by the Civic Amenities Act 1967 and are defined as, “Areas of special architectural or historic interest the character and appearance of which it is desirable to preserve or enhance”.

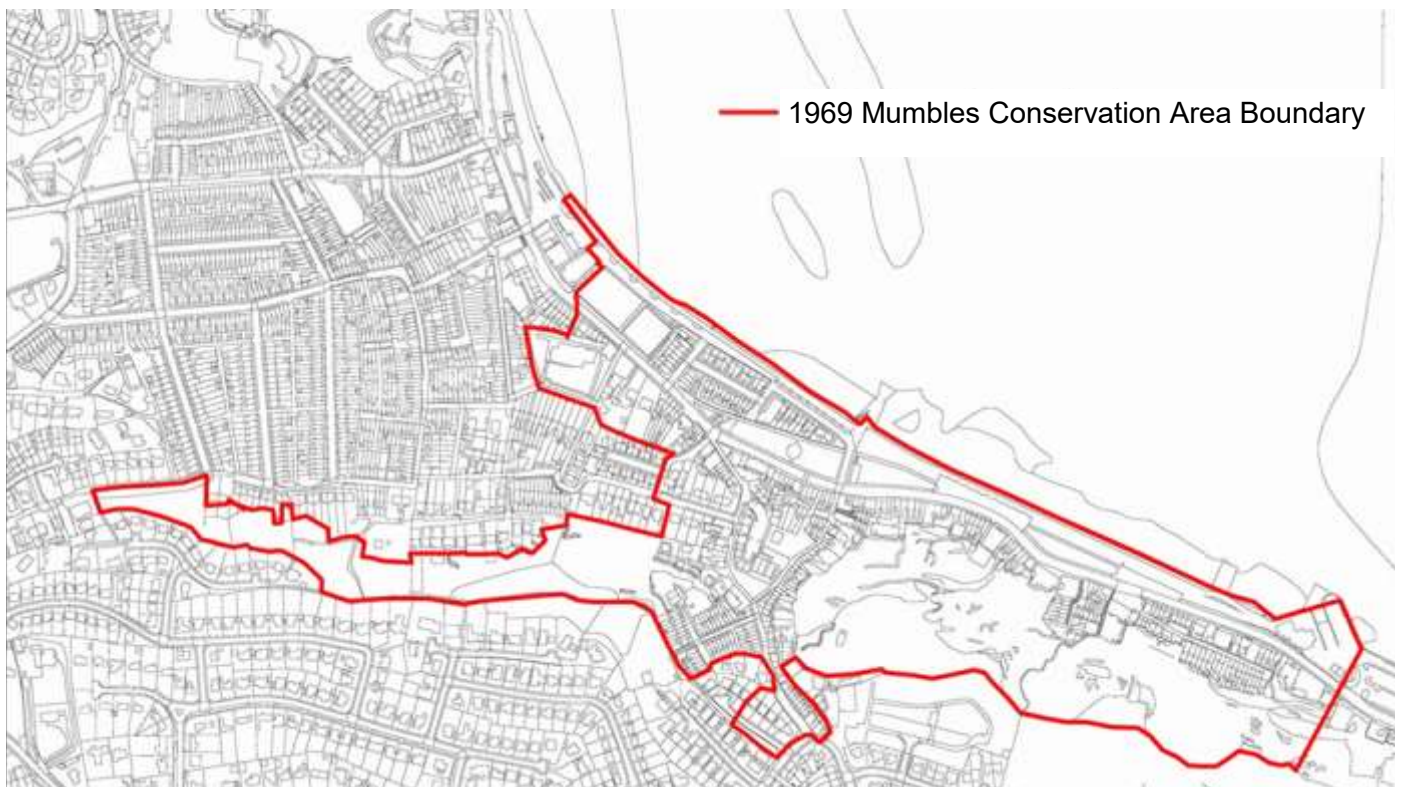
1.1.2 Conservation Area designation is more dependent on the overall quality and interest of an area, rather than individual buildings, although it is common for such areas to contain a number of Listed Buildings.

1.1.3 Conservation Areas are designated by the Local Planning Authority under section 69 of the Planning (Listed Buildings and Conservation Areas) Act 1990. The principal considerations are the architectural or historic interest, the character or appearance of which it is desirable to preserve or enhance. Planning consent must be gained for certain types of development within Conservation Areas which are elsewhere classified as ‘permitted development’, such as various types of cladding, dormer windows, satellite dishes and radio masts/antennae.

1.1.4 The demolition of any structure over 115 cubic metres requires Conservation Area Consent and the proposed demolition of any unlisted buildings considered to have a ‘positive’ impact upon the Conservation Area will be resisted. Designation also brings controls over works to trees.

1.1.5 Planning Authorities are able to publish proposals for the preservation and enhancement of Conservation Areas that include character appraisals and strategies for the future. Residents must be consulted over the designation of areas and the definition of their boundaries, and proposals for the management of a Conservation Area should be submitted to a public meeting, in connection with wider consultation.

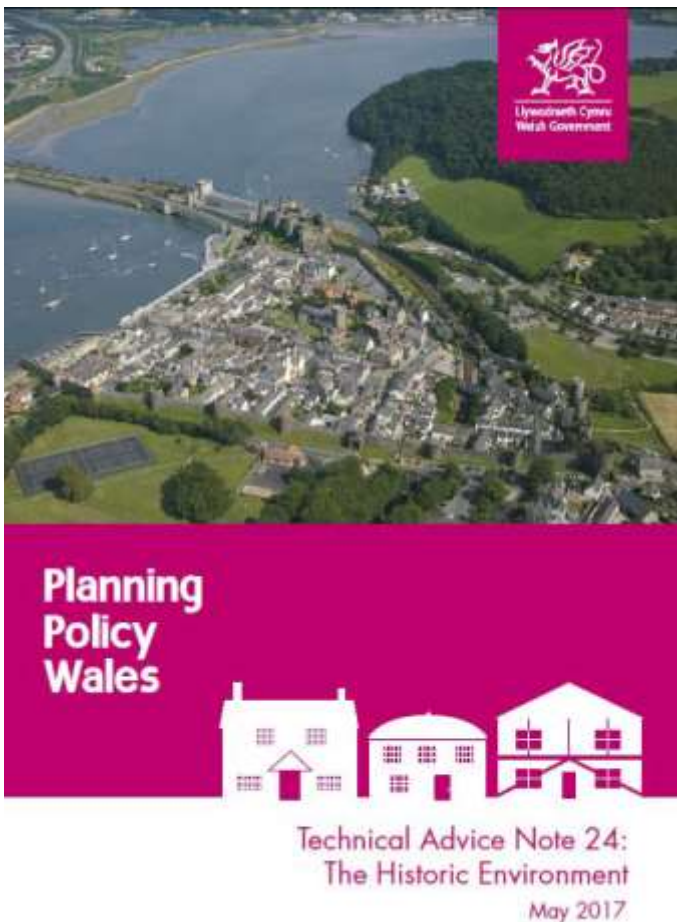
1.1.6 The Mumbles Conservation Area was first designated in 1969 and the boundary remained unchanged for 50 years. This Conservation Area Character Appraisal and Management Plan has revised the original boundary to take account of the historic value and interest of additional areas that an up to date assessment has identified have clear potential for conservation. These areas are detailed in Section 4 of this document.



Planning Policy Framework

1.2 Section 6 of Technical Advice Note (TAN) 24: The Historic Environment stresses the duty on local planning authorities to review their Conservation Areas from 'time to time' and to decide whether they need to designate further areas.

1.2.1 TAN 24 stresses quality of place as the 'prime consideration' in identifying Conservation Areas and explains that this depends on much more than individual buildings, It implies that an holistic approach is taken to the analysis of character and the significance of townscape features.



1.2.2 Technical Advice Note (TAN) 12:Design (2016) is also relevant in that it offers advice on the promotion of good design in the historic environment and in areas of special character. It identifies a number of factors that should be considered in context appraisals which are amongst those that a character appraisal of a Conservation Area should take into account (paragraph 5.6.2).

1.2.3 Advice on the appraisal of Conservation Areas and on designation and management issues has been published by Historic England (Conservation Area Designation, Appraisal and Management, February 2016).

1.2.4 The Swansea LDP 2010-25, provides the statutory local policy framework against which all planning applications within the County must be determined. The Mumbles Conservation Area Character Appraisal and Management Plan provides supplementary planning guidance (SPG) that augments and supports policies set out within the LDP. The SPG will be taken into account as a material consideration in the determination of planning applications submitted to the Local Planning Authority.

1.2.5 The LDP contains the Authority's general policy for the management of Conservation Areas. Policy HC 2: Preservation or Enhancement of Buildings and Features:

'Development within or adjacent to a conservation area will only be permitted if it would preserve or enhance the character or appearance of the conservation area or its setting'.

New development in such locations must also be of a high standard of design, respond to the area's special characteristics, and pay particular regard to:

- a. Important views, vistas, street scenes, roofscapes, trees, open spaces, and other features that contribute to the character or appearance of the conservation area;*
- b. The retention of historically significant boundaries or other elements that contribute to the established pattern of development;*
- c. The relationship to existing buildings and spaces, and pattern of development;*
- d. Scale, height and massing, architectural design, established architectural detailing, the use of materials, boundary treatment, and public realm materials.*

Planning Policy Framework cont.

1.2.6 The amplification of the policy *inter alia* requires detailed plans and drawings to be submitted for new development in its setting, and sets out an expectation that the highways authority and statutory undertakers use appropriate materials and structures to preserve or enhance the character or appearance of Conservation Areas.

1.2.7 Policy HC 2 (iii) goes on to states that permission will not be granted for the total or substantial demolition of a listed building, unless there is the strongest justification and convincing evidence that the proposal is necessary.

1.2.8 Policy HC 2 (vi) states that permission will not be granted for the total or substantial demolition of an unlisted locally important building that makes a positive contribution to the character or appearance of an area, unless there is justification and evidence that the proposal is necessary.

1.2.9 Also relevant, amongst other policies is Policy PS1: Sustainable Places, which notes that in order to deliver sustainable places and strategically manage the spatial growth of the County, the delivery of new homes, jobs, infrastructure and community facilities must comply with the Plan's sustainable settlement strategy.

1.2.10 Policy PS 2: Placemaking and Place Management, requires that development creates quality places by encouraging an approach of understanding and responding to the context and character of the application sites. It highlights that consideration must be given to not just the building but also the space around it. It specifically requires that:

“Development should enhance the quality of places and spaces, and respond positively to aspects of local context and character that contribute towards a sense of place. The design, layout and orientation of proposed buildings, and spaces between them, should provide for an attractive, legible, healthy, accessible and safe environment”.



1.2.11 Additionally, this Guidance should be considered alongside a suite of SPGs that provide Placemaking and Heritage Guidance for development in Swansea:

- Placemaking Guidance for Residential Developments: Places to Live
- Placemaking Guidance for Infill and Backland Development
- Placemaking Guidance for Householder Development
- The Shopfront & Commercial Frontage
- Development in the Gower AONB.

2.0 LOCATION & SETTING

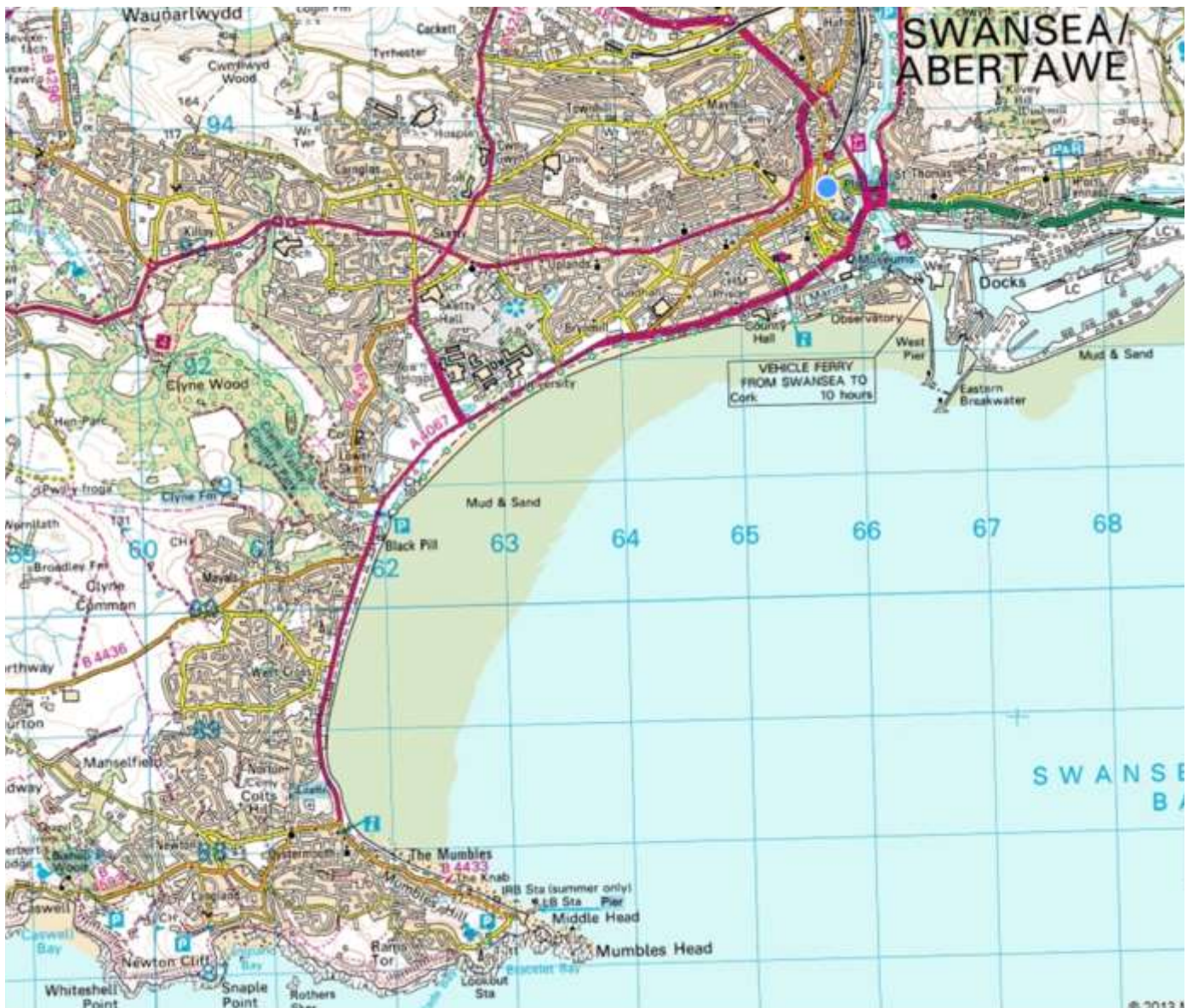
Location and Context

2.1 Mumbles is located at the southern end of Swansea Bay, under a high escarpment of limestone cliffs, approximately 5 miles south-west of Swansea, on the edge of the Gower peninsula. The main road link is the coastal A4067 Mumbles Road from the centre of Swansea.

2.1.1 The Conservation Area includes the built-up coastal strip below the cliffs and the rising bowl of land either side of the Newton Road where a significant area of terraced housing denies the contours.

2.1.2 Housing on the steeper slopes includes the earliest built-up roads which climb directly up the escarpment and the sites above Overland Road which follow the contours.

2.1.3 Mumbles is part of the Oystermouth Electoral Ward and currently has a population of circa 4,100. Comparable areas had populations of nearly 1,500 in 1851 and over 4,100 in 1891. There have been significant changes in the local economy over this period with even the employment in tourism reducing dramatically and now many people work in Swansea which has increased transport requirements.



Map of Swansea Bay

Landscape and Seascape Setting

2.2 Mumbles Conservation Area has a dramatic setting at a gateway to the Gower peninsula which has determined its history and defined its settlement pattern. The coastal setting along a shallow beach at the southern end of Swansea Bay with long distance views to Swansea, the high limestone escarpment that ends at Mumbles Head and its islands, and the thick belt of mature trees that follows the steep and higher open land, have all provided a strong context and setting for Mumbles and its Conservation Area.



View across Swansea Bay of the settlement following the seafront, with Oystermouth Castle set on higher land. The setting for Mumbles is defined by the sea and the tree belts along the higher land.

2.2.1 To the south of the Conservation Area, the steep cliffs are close to the seafront and the pattern of development follows the coast, benefiting from the dramatic bay views. Previously the steep cliffs were quarried to provide local building stone which was transported by the Mumbles Tramway.

2.2.2 Above the cliffs is Mumbles Hill Local Nature Reserve which is protected and managed for its species rich limestone grassland and woodland habitats. It also offers superb views across the bay.

2.2.3 Further north the escarpment is more shallow and a wider belt of development which follows the contours around the hillside is achieved. To the south of the Oystermouth Castle hill is a broad bowl of land, which though it rises significantly, was fully developed in Victorian and Edwardian times with a wide grid of residential terraces and Newton Road, the main shopping street, following the lowest line uphill.

2.2.4 In addition to the densely tree covered cliff face and hill tops there are a number of public spaces:

- The promenade strip along the sea wall has different types of use and landscaping. From car parking, boat parking, public fenced grassed areas, private outdoor sports areas and a range of hard surfaces and other uses. Selected mature trees add to the qualities of this seafront area. The majority of the green spaces are owned and maintained by the Council.
- The beach to the south of the promenade is designated as a Site of Special Scientific Interest (SINC) for its importance for overwintering birds.
- The hill around Oystermouth Castle provides an attractive grassed area surrounded by a thick belt of trees – except where this important setting is used for four areas of allotments. The largest of the allotments is located to the south west of the Castle, reaching up to the Castle walls. The smaller allotment areas are screened by the surrounding tree belt.
- Just outside the Conservation Area boundary, on Newton Road, is the large Underhill Park – a flat area of sports pitches bordered by trees which provides an important open space setting and outdoor facility for the Conservation Area residents.

2.2.5 Within the rest of urban Mumbles there are few open spaces, except for the churchyard around All Saints. The public realm is primarily hard surfaces which display a mixture of materials and signage which need rationalisation and more sensitive solutions to benefit their heritage locations.



The steep tree covered cliffs limit the extent of seafront buildings which overlook the public open space gardens along this part of the promenade, and across Swansea Bay.



Aerial view of the castle showing its grassed hill setting, the screening belts of trees and the allotments site.

3.0 HISTORIC DEVELOPMENT

Origins and Historic Development of the Settlement

3.1 Mumbles has a long and rich history. The submerged foreshore is known to have been covered by an ancient forest and bones of prehistoric animals and mammoths have been found. There is evidence that 30,000 years ago there was nearby human habitation with the finding of the Paviland skeleton, and the first crop growers settled 5,000 years ago. Flint axes have been found as have bronze age artefacts and remains of an Iron Age fort. Remnants of a tessellated pavement show a Roman villa on the site of All Saints Church. The Romans were known to be keen on the local oysters and after they left in the C5 – 6th, Mumbles remained as a small fishing community.

3.1.1 The Normans arrived in the C11th and first built a timber ringwork and bailey Castle at Oystermouth. After being burnt down in 1116 by Welsh armies it was rebuilt in stone with C12th keep, a freestanding rectangular building with its great hall on the first floor. Another destruction in 1215 led to the de Braose's rebuilding the larger castle in stone with most of buildings still seen today, except the chapel block added in the early C14th. Edward I visited the castle in 1284 but by 1331, the Lords of Gower lived elsewhere and a gradual decline set in. By the C16th, the castle was in ruins.

3.1.2 A church on the site of All Saints was first described in 1141, though it is thought to be the location of an earlier place of worship. In the C13th the Normans built a stone church with the western tower – a defensive location for the villagers, the Lady's Chapel and south aisle, all still standing today. Because of the increasing population, a northern extension was built in 1860 and linked by an open arcade. The arcade remains, but the rest of the extension was demolished in 1915 for a new church building. Though most was completed, the war and the interwar depression resulted in it not being finished until 1937.

3.1.3 The medieval village life was based on fishing and was focused around the narrow streets of cottages called 'slades' that led steeply up Mumbles Hill. A description of Mumbles and Oystermouth in 1690 listed employment in limestone quarries, farms, a colliery in Clyne Valley and oyster fishing. In 1773 Mumbles lighthouse was built on the outer island, which in 1995 was converted to solar power.

3.1.4 By the 1800's there were over 170 oyster dredging boats harvesting over 10 million oysters a year. Trade went from strength to strength and from 1850 to 1873, 560 men were employed with oysters exported throughout Britain. In Victorian times an Oyster Fair introduced the fishing season – September to May. A slump followed and the industry was finished by a virus in 1920.

3.1.5 The opening of the Swansea to Mumbles railway in 1804 brought further changes to the village. In 1806 goods wagons pulled by horses carried a main cargo of limestone. Then in 1807 the first regular horse drawn rail passenger service in the world was introduced as Mumbles began to develop as a tourist resort. Visitor numbers gradually increased with some of the tourists arriving by steamer from Ilfracombe. Steam trains replaced the horses, and later, In 1898 the rail line was extended to the islands and a pier was opened. In 1916 a RNLI slipway was added to the pier with a boathouse in 1922. The rail service lasted until 1959 when it was closed and the route dismantled.



An 1850s etching of Mumbles village, Mumbles Hill and the lighthouse on the distant island

3.1.6 Mumbles grew into a significant settlement during the Victorian years. Its unique location, its transport links and the growth of tourism led to a significant growth of the urban area. Oystermouth Urban District was established in 1894 and this later merged with the County Borough of Swansea in 1918. Oystermouth Board School opened on the Newton Road in 1878.

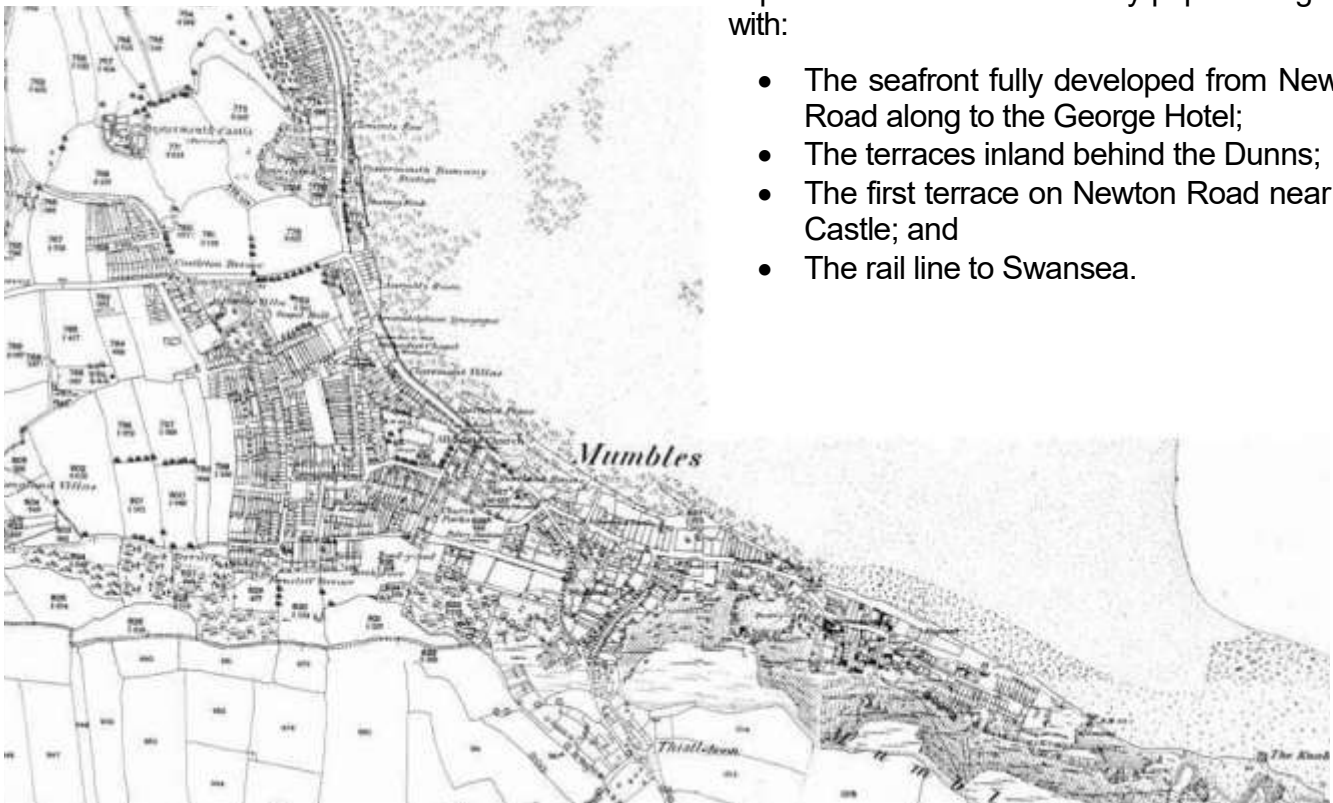
3.1.7 The increasing visitor numbers led to additional places of entertainment. A popular dancehall was built at the pier head though this was replaced by an amusement complex in 1966 after the rail line had closed.

3.1.8 The New Cinema and the Regent Cinema were built on Newton Road in 1927 and 1929 and the 'Mumbles Mile' became famous for the concentration of public houses along the seafront. Visitor numbers began to decline in the 1990's and of the circa 20 inns along the 'Mile' only a handful now remain.

3.1.9 Mumbles was already an established settlement before the first OS map of 1876—1881. Houses along the seafront, on a cluster of roads around All Saints church, and the fisherman's houses on the lanes or 'slades' climbing Mumbles Hill (Village Lane, Western Lane and Thistleboon Road) were the oldest parts of the village.

3.1.10 The 1876-1881 OS map identifies the expansion after the mid-century population growth with:

- The seafront fully developed from Newton Road along to the George Hotel;
- The terraces inland behind the Dunns;
- The first terrace on Newton Road near the Castle; and
- The rail line to Swansea.



First Ordnance Survey map 1876 – 1881



Mumbles horse drawn tramway 1870



Mumbles steam train 1877

3.1.11 The 1899 – 1907 OS map identifies the expansion at the turn of the century. Continuing population growth led to increasing demand for housing and supporting commercial and service facilities, and the importance of tourism is reflected in further facilities and redevelopment:

- Terraces have been redeveloped to provide improved accommodation and visitor facilities;
- Seafront terraces have been redeveloped to provide improved accommodation and visitor facilities;
- A significant expansion of the terraces between Queens Road and Overland Road;
- New development along Newton Road including places of worship; and
- The extension of the rail line to the pier and islands.



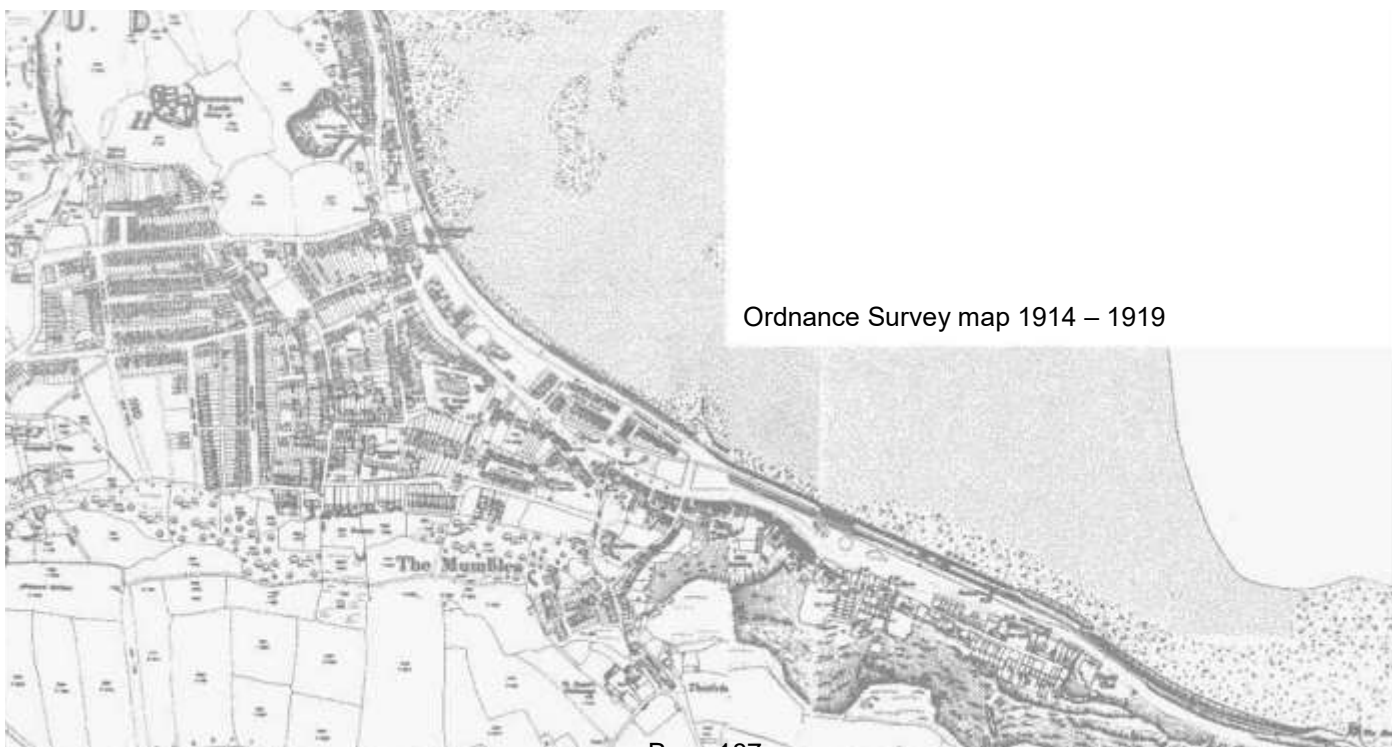
Mumbles (1900) from the castle with the rail line to the pier, recent urban expansion and the surprising lack of trees on Mumbles Hill



Newton Road 1920's

3.1.12 The 1914–1919 OS map identifies the continuing growth of Mumbles during the pre-war years. Housing developments of terraces increased in the Queens Road and Newton Road area and further redevelopment occurred along the seafront:

- Additional seafront terraces have been redeveloped;
- Further expansion of the terraces between Newton Road and Overland Road;
- Newton Road is almost completely built-up, except for areas of the north side; and
- The map shows evidence of the wooded areas expanding along the steep slopes of Mumbles Hill.



Ordnance Survey map 1914 – 1919

Archaeological Significance

3.2 Significant archaeological finds have been made throughout the Mumbles area. Artefacts and remains from prehistoric animals, the earliest human habitation, the Iron and Bronze ages and Roman occupation have been found. The Norman castle and church identify the potential for examples of the mediaeval settlement, and there is the likelihood of further interest from the period of growth and change during the C18th.

3.2.1 Swansea Council is required to take archaeology into consideration as a material consideration when determining a planning application. Information on all known archaeological sites and finds in and around Mumbles is included in the County Sites and Monuments Record (SMR). The Oystermouth area is defined in the LDP as an Archaeologically Sensitive Area.

3.2.2 Planning Policy Wales (Edition 10, 2018) identifies the key issues and policies related to Archaeology in Section 6: Distinctive and Natural Places and particularly section 6.1 'The Historic Environment'. This guidance is supplemented by TAN 24: The Historic Environment.

3.2.3 The key considerations are that appropriate management is essential to ensure that the assets survive in good condition and where nationally important archaeological remains, whether scheduled or not, and their settings, are affected by proposed development there should be a presumption in favour of their physical preservation. However, there may also be hidden archaeological potential which could assist the understanding of the early urbanisation and development of this area.

3.2.4 Where a proposed development is likely to disturb the ground within the Conservation Area and could affect archaeology, Swansea Council will require further information before determining a planning application. This may be required in the form of a desk based study or an archaeological evaluation. In order to protect the archaeological remains it is sometimes necessary to modify proposals or carry out an excavation before development takes place.



View of Oystermouth Castle and Castle Road 1900

4.0 CONSERVATION AREA BOUNDARY

Amendments to Original Boundary

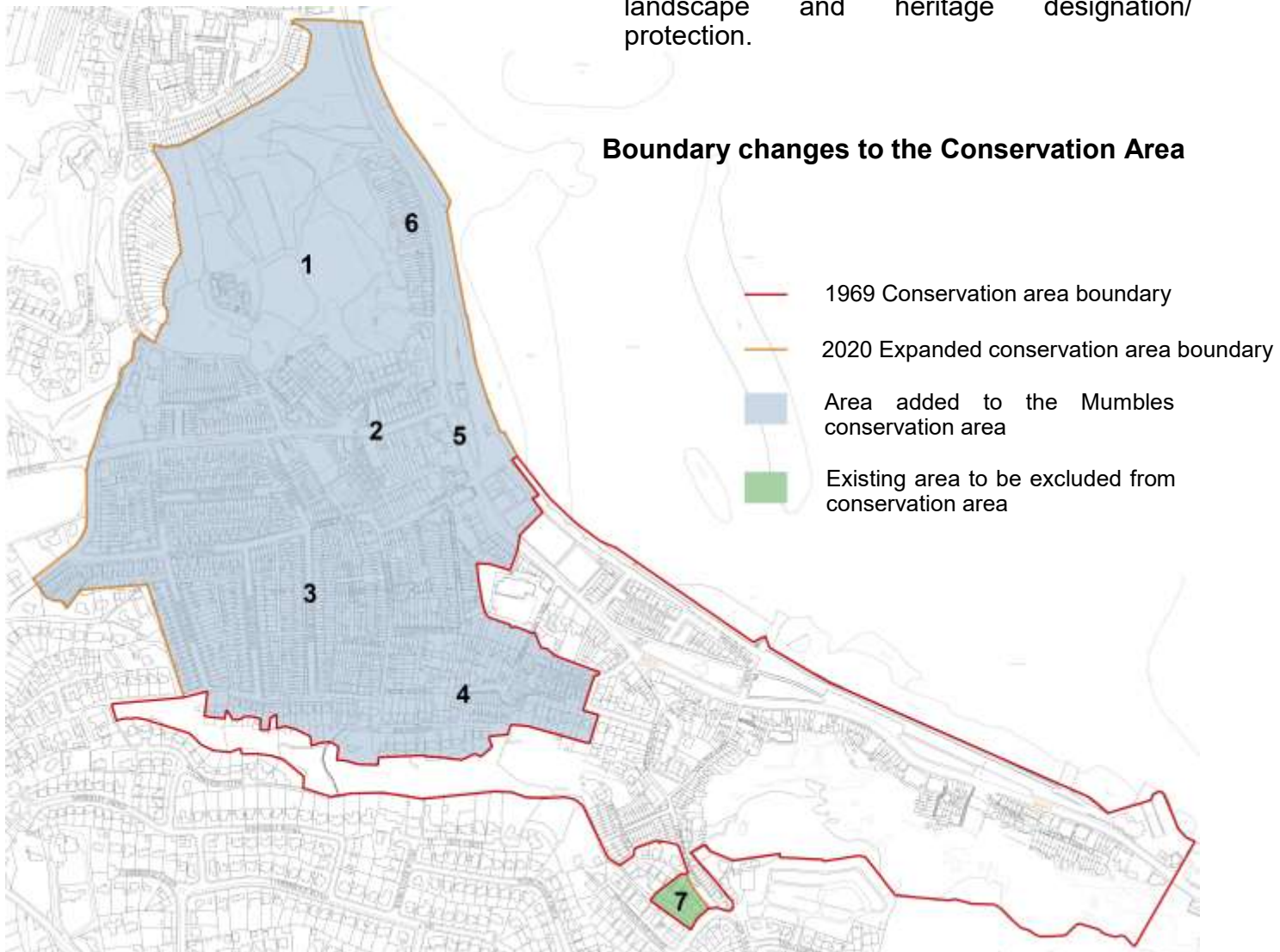
4.1 The Mumbles Conservation Area was designated in 1969. Although there have been a number of considerations to extend this boundary between 1987 and 1991, the original boundary has remained until it changed as set out in this Conservation Area Character Appraisal and Management Plan.

4.1.2 The Conservation Area Review undertaken to inform this Conservation Area Character Appraisal and Management Plan comprehensively considered the need for adjustments to the boundary. The Review process confirmed that significant adjustments should be made to take account of the historic value and interest of areas with potential for conservation to the north of the current boundary, including Oystermouth Castle.

4.1.3 The diagram below identifies the areas added to the 1969 Conservation Area boundary and the reasoning is discussed below with areas 1, 2, 3, 4, 5 & 6 identified as proposed additions, and the small area 7 recommended for omission.

4.1.4 There are no changes to the original boundary around the cliff faces, as the Review confirmed the importance of the inclusion of the steep wooded hillsides that overlook the built Conservation Area and create a strong edge and setting for the historic townscapes.

4.1.5 Further extensions to the woodlands to the west of the Castle, the top of Mumbles Hill and to Mumbles Pier have not been included as they do not relate directly with the built form of the village and are subject to other landscape and heritage designation/protection.



Current and Potential Conservation Area boundaries showing added and removed areas

1. Oystermouth Castle Area

Oystermouth Castle is Listed Grade I and a Scheduled Ancient Monument. It sits on a grassy mound of a hill as key focal point and is surrounded by mature wooded boundary. A Conservation Area designation adds to the potential management of this sensitive area.

The main access to the castle is by way of Castle Avenue, a road of attractive C20th houses. Though not of historic value, this short road provides an important context and arrival setting and requires Conservation Area management and controls.



Views up Castle Avenue with stairs into castle grounds

2. Newton Road Commercial Area

The Newton Road shopping area provides a focal point for Mumbles residents and visitors. The attractive townscape along a steep incline was built up throughout the second half of the C19th and early C20th and though it includes a mix of building styles, most are three storey Victorian gabled terraces with bay windows.

Although some details and shopfronts have been changed this area retains its overall heritage characteristics.



Newton Road

3. The Residential Terraces Area

Either side of the Newton Road are areas of planned Victorian terraces. All retain many original features and designs creating attractive heritage streetscapes with the later streets having gabled ends facing the roads. The oldest streets are to the north of Newton Road and the areas nearest to the sea.

The area south of Newton Road was developed gradually over the second half of the C19th but it has retained the terrace form and the grid layout of the streets.

4. Overland Road (east end)



Views up Oakland Road

As the grid layout reached the steeper slopes of Mumbles Hill the street layout changed to follow the contours. Some fine Victorian and later Edwardian terraces benefited from the steep slopes with steep front gardens above Overland Road and magnificent views over Swansea Bay.

The popularity of this area has led to infill developments and roofspace extensions. The heritage qualities of this area are in need to be protected from further inappropriate change.



Overland Road

5. Mumbles Road near the junction with Newton Road

The area between the current Conservation Area boundary and the Newton Road junction includes a surprising mixture of historic buildings and one late C20th building which demonstrates how inappropriate form and materials can detract from a heritage streetscape.

The area was built up before the OS map 1876 and many of the original buildings remain from this period.



Mumbles Road (above and below) includes a mixture of heritage buildings up to the White Rose inn at the junction of Newton Road.



6. Northern Seafront Approach

This area lies to the east of Castle grounds and comprises of a long row of buildings (predominantly dwellings) on the west side of Mumbles Road which front outwards towards the sea, as well the green spaces and promenade between Mumbles and the sea. This area includes the 'Oystermouth Square' potential development site and seafront car parks.

This area forms an integral part of the sweep of seafront development overlooking Swansea Bay and provides the seafront approach to the more urbanised/developed part of Mumbles.



Terraces fronting onto Mumbles Road and the seafront.

7. Thistleboon Road / Higher Lane

This is an area of modern development at the top of Thistleboon Road that does not contribute to the character or special interest and therefore is to be omitted from the designated area.



Western Close off Higher Lane

5.0 CHARACTER AREAS

Identification of Character Areas

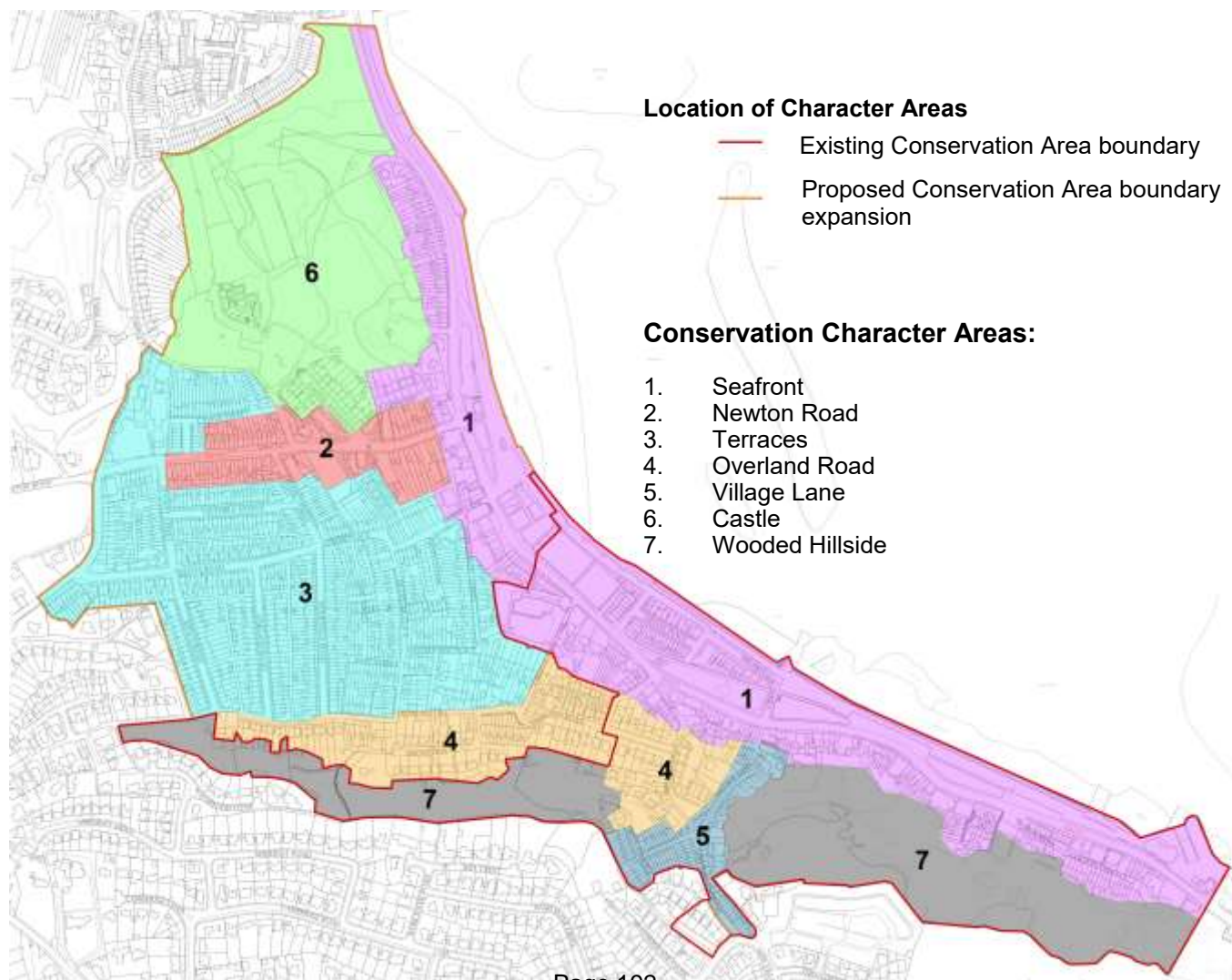
5.1 This appraisal of the Conservation Area identifies several distinctive 'Character Areas', including the extension area, that are based on the periods and design of development, the density of development and their use. These Character Areas are indicated and described below.

5.1.2 The purpose of describing the key characteristics of each Character Area is to provide guidance for the consideration of any renovation or redevelopment proposal for that area, and to ensure it is appropriate within its local heritage context and does not damage its historic townscape.

5.1.3 The policy guidance and design principles described in Section 7.0 provide a recommended approach for both owners and local authority officers reviewing proposals for change in the built environment with an emphasis on the protection of the heritage.

5.1.4 The brief appraisals of each Character Area identify the main development forms, their layouts and the principle details that need to be respected. Section 6 provides an overall assessment of the conservation issues and lists the main positive and negative issues with the assets and problems which relate to all Character Areas.

5.1.5 Within each Character Area, notable buildings of historic or architectural interest are identified as 'Focal Buildings'. All other heritage buildings and terraces that contribute to the streetscape are identified as 'Positive Buildings' – though some display inappropriate repairs and alterations. Those buildings that are of inappropriate scale, materials or design and damage the historic character of the Conservation Area are shown as 'Negative Buildings'. All others are considered as Neutral.



Seafront Character Area

5.2 Mumbles seafront provides the 'public face' of the town and as such, its townscape qualities and character are particularly important to protect, improve and enhance. The development along much of its length has a long history. The seafront was fully built up by Victorian times when many of the current terraces replaced earlier buildings. Edwardian buildings followed and it was not until the later C20th and early C21st when significant further changes occurred.

5.2.1 Within this Character Area, the long line of sea facing development on the western side of the Mumbles Road – from the long row of sea facing buildings which form the northern seafront gateway to Mumbles Road, past the Newton Road junction to the narrowing of the developable land past Verdi's restaurant to the south, presents the main townscape.

5.2.2 Two 'islands' of buildings break the almost continuous sea views:

- the commercial group that starts at the Dunns Lane junction with a striking two storey brick corner building with horizontal plaster banding, followed by brick and rendered properties, and ends with the recently built, 'Oyster Wharf' development; and
- a residential area including Cornwall Place, Devon Place and Promenade Terrace opposite the Western Lane junction with Mumbles Road. The late Victorian properties are terraced, mostly three storey and built in brick, with a row of lower two-storey C20th semi-detached houses. A few of the Victorian houses at the Mumbles Road junction have commercial uses.



Oyster Wharf, Mumbles Road facing elevation (above) and seafront facing elevation (below)



5.2.3 Otherwise, the area between the Mumbles Road and the sea wall is public open space:

- at the northern end, the area between the Norton Road/Mumbles Road junction running past the sea facing dwellings to the east of the Castle and up to the Mumtaz restaurant, comprises of the promenade and buffering areas of grass between this and the highway. The area opposite the Newton Road junction has proposals for a new development called 'Oystermouth Square' which is subject to a Supplementary Planning Guidance development brief which seeks to strike a balance between active frontages, mixed uses, retained parking, public realm, access for all to seafront and view from Newton Road to the sea. Currently used for surface car parking, this site is screened by a small area of trees and grass.



The Dunns with the Methodist Church and commercial unit opposite on Mumbles Road

- between the two built-up areas are tennis courts and bowling greens lined with trees. An attractive small sports pavilion provides a heritage note;
- between the Mumbles Road and Devon Place, and to the south is a public park area defined by low railings. The two plots of land with mature trees and grass provide an public facility and visual interest. A small shelter and store room provides another attractive heritage note;
- to the south of the parks, hard surfaces prevail with car parking areas and a boat park, owned and operated by the Council, that are screened by a low wall; and
- at the end of the Conservation Area is the attractive modern design of the single storey Verdi's restaurant with outside seating and a view over the slipway and across the Bay to Swansea.
- Linking these spaces is the sea wall promenade – a hard surfaced pedestrian and cycling route which follows the line of the historic tramway line.

5.2.4 Behind the line of the sea facing terraces on the west side of Mumbles Road, and on higher land, is the parish church. All Saint's Church is Listed Grade II and is notable for its medieval fabric and interior detail. The higher position, within its churchyard, provides views of its stumpy castellated tower from the sea.

5.2.5 The significant townscape characteristics of this Character Area are created by the lengths of three storey terraces interposed by a variety of buildings on the west side of Mumbles Road. Though they maintain common qualities, the different designs and mixture of commercial and residential uses introduce variety and visual interest.

5.2.6 Key townscape characteristics to be respected include:

- The mix of two and mainly three storey Victorian and Edwardian terraces that provide a consistent visual theme to the continuous frontage;
- Whilst there is a variety of scales and designs, unity is provided by rendered buildings with light or pastel colours and slate or slate effect roofing. Other materials are occasionally used, with the later properties tending to have more gable-ends facing the road.
- The fenestration mainly follows a vertical C19th pattern which adds to the rhythm and qualities of the heritage streetscape.
- The numerous public houses scattered along Mumbles Road create important focal points for the local economy and visual qualities of the continuous frontage. Most are notable buildings – eg. The George, The Village Inn and The Antelope.
- Further north from All Saint's Church, to the Newton Road junction, the mix of uses becomes more commercial and introduces public buildings. Other than an inappropriate late C20th brick development with ground floor shopping, the buildings are of historic interest. The old Post Office is next to the Methodist Church Listed Grade II, and after Dunn Street are a mixture of two storey buildings including corner Edwardian shop, Mount Zion Hall, group of shops with a variety of heritage designs, and older, lower buildings leading up to the three storey White Rose inn and a late Victorian group of two storey brick shops on the facing corner. To the north of this lies a long row of 2 & 3 storey buildings which define the seafront approach to Mumbles from the north. These frontages present an important heritage streetscape and gateway to Mumbles.



The White Rose Inn on the junction of Mumbles Road & Newton Road



Recently converted and extended Conservative Club, 672 Mumbles Road



Bristol Channel Yacht Club (grade II listed building)

5.2.7 Throughout the length of the seafront there are notable buildings that have qualities or characteristics that make them **focal points** and important heritage features in the streetscape. Along Mumbles Road these include:

- The White Rose Inn; the Methodist Church; the former Post Office; The Village Inn; the recently converted Conservative Club, The George Inn; 722 Mumbles Road, and the Bristol Channel Yacht Club building.

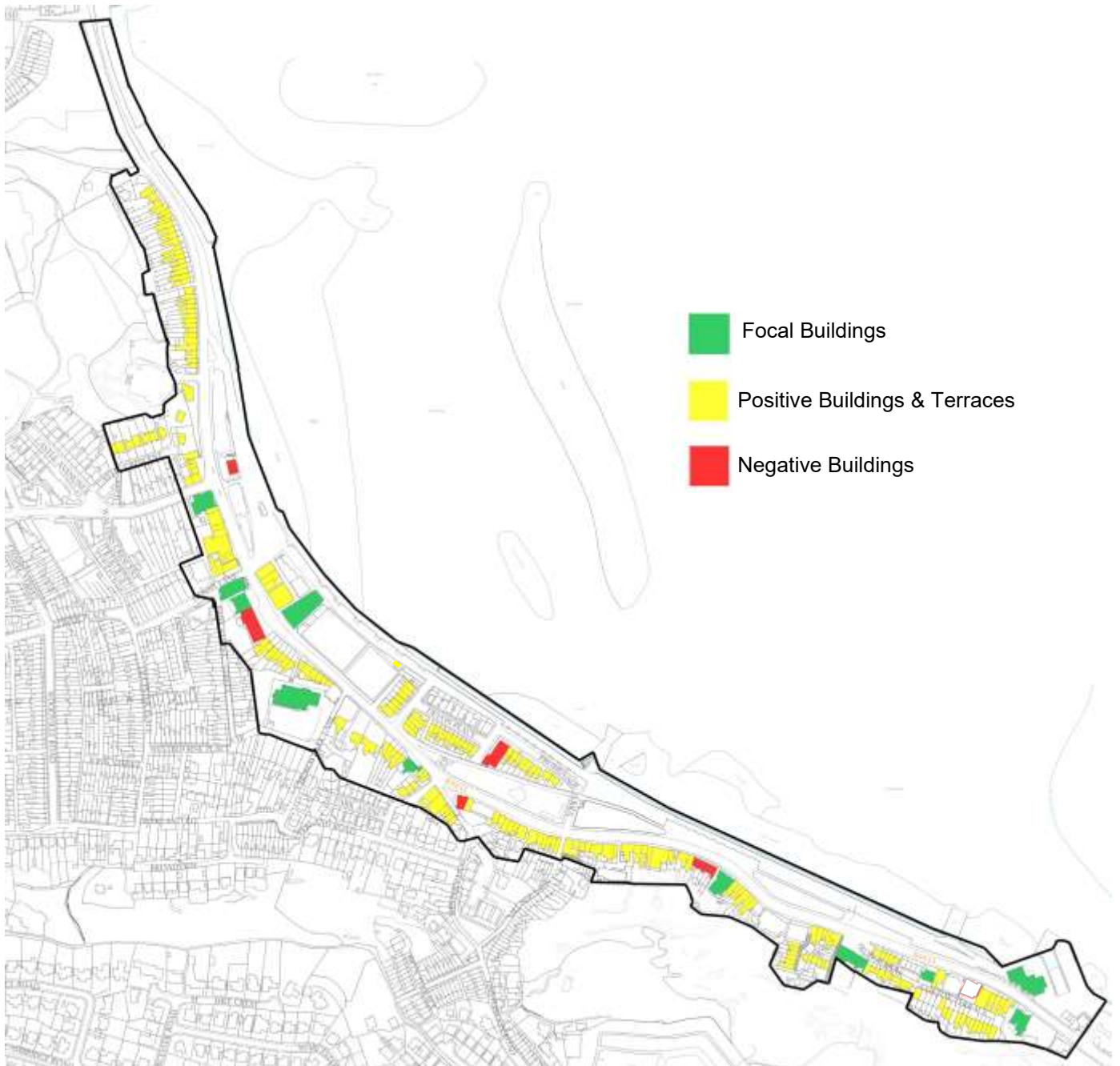
5.2.8 There are few **negative** buildings which are of inappropriate scale, materials, design or massing and create a negative effect on the historic character of the Conservation Area:

- the late C20th row of six shops to the south of the Post Office built in brick with unsympathetic fenestration and flat roofs;
- No's 664 – 668 Mumbles Road, a two-storey terrace which introduces new materials, fenestration and roof lines which do not accord with their neighbours;

5.2.9 **Neutral buildings** are mainly C20th and are unobtrusive because they respect the scale, materials and detail of surrounding properties, though some are older properties that have been heavily altered and no longer preserve the character of the Conservation Area. There are a number of examples on the Mumbles Road where improved attention to design using heritage forms and details would improve their appearance in the townscape.

5.2.10 The major concerns along the Mumbles Road are the gradual replacement of heritage details with inappropriate designs and materials, and examples of poor maintenance. Many of the historic terraces display examples of these issues that are changing their historic character and altering the townscape.

5.2.11 The protection, improvement and enhancement of the long Mumbles Road frontage should follow the guidance set out in Section 7 – Policy Guidance and Design Principles. Of particular importance will be the need to recognise that the scale, height and massing of any development accords with the historic characteristics of the area.



Townscape characteristics along Seafrost Character Area

Newton Road Character Area

5.3 Newton Road includes the main shopping centre of Mumbles. Although it was built up gradually over many years, it has retained a common form and scale of three storey terrace design which creates the attractive townscape. The road rises gradually from the seafront with a steeper section in the middle of this Character Area. Throughout its length there are striking views of Swansea Bay.

5.3.1. The Newton Road Character Area includes three distinct zones:

- From the Mumbles Road at the base of the hill, up to the junction with Castle Avenue. This length is predominantly three storey terrace development with ground floor shopping. Other notable buildings include Castleton Walk, the market building in a converted cinema with its traditional front elevation; the three storey Georgian styled brick building now used as a café; and the facing Castleton Chapel, an small attractive red brick chapel.
- The steepest part of the hill, between Castle Avenue and Castle Road includes the modern Police Station and the Ostreme Centre in a grassed setting on one side and the former British Legion site opposite which has recently been redeveloped for mixed use with ground floor retail use and residential apartments above. The character of this development has sought to reflect Newton Road with repeating gables, first floor bay windows, red brick and slate roof whilst incorporating a modest scale foodstore with undercroft parking.
- At the top of the hill, above Castle Road and ending at Castle Street on the north side and Stanley Street on the south side, are further three storey terraces of shops. The Tabernacle Reformed Church is the only other notable building in this section of the Conservation Area.

5.3.2 The oldest part of this Character Area is the northern side, at the top of the hill. The long terrace of three storey shops backing onto Castle Street was built before the OS 1876 mapping, with a few houses on the facing side of the road. By 1899, small groups

of shops has been built at the higher level facing the original terrace, and the first group of shops next to the White Rose inn on the south side near the Mumbles Road.

5.3.3 The 1914 OS map shows that the rest of the south side of Newton Road had been built, except for a short length at the steepest part of the hill. The shops on the north side, between the Mumbles Road junction and Castle Avenue, were completed during the inter-war period. This left the steep land between Castle Avenue and Castle Road which has now been developed with a Police Station and the community facilities of the Ostreme Centre.

5.3.4 The key feature of this shopping area is the townscape continuity created by the three storey terraces and shopfronts (many original). The consistent height, the rhythm of the repeated first floor bays and large gable dormer windows and the use of materials unifies this area. A more consistent design approach should limit the multitude of shop front designs while still creating the lively appearance and overall visual interest.



View up Newton Road including Castleton Chapel and former British Legion development on the left (and below) and the Ostreme Centre to the right



5.3.5 The terraces built in different periods each have identifying features. Though the majority have gable dormers and bay windows which is the fundamental design theme of the area, there are groups with flat topped dormers and no bays, some have brick walls while the majority are rendered, and many have semi-circular windows into the gable.

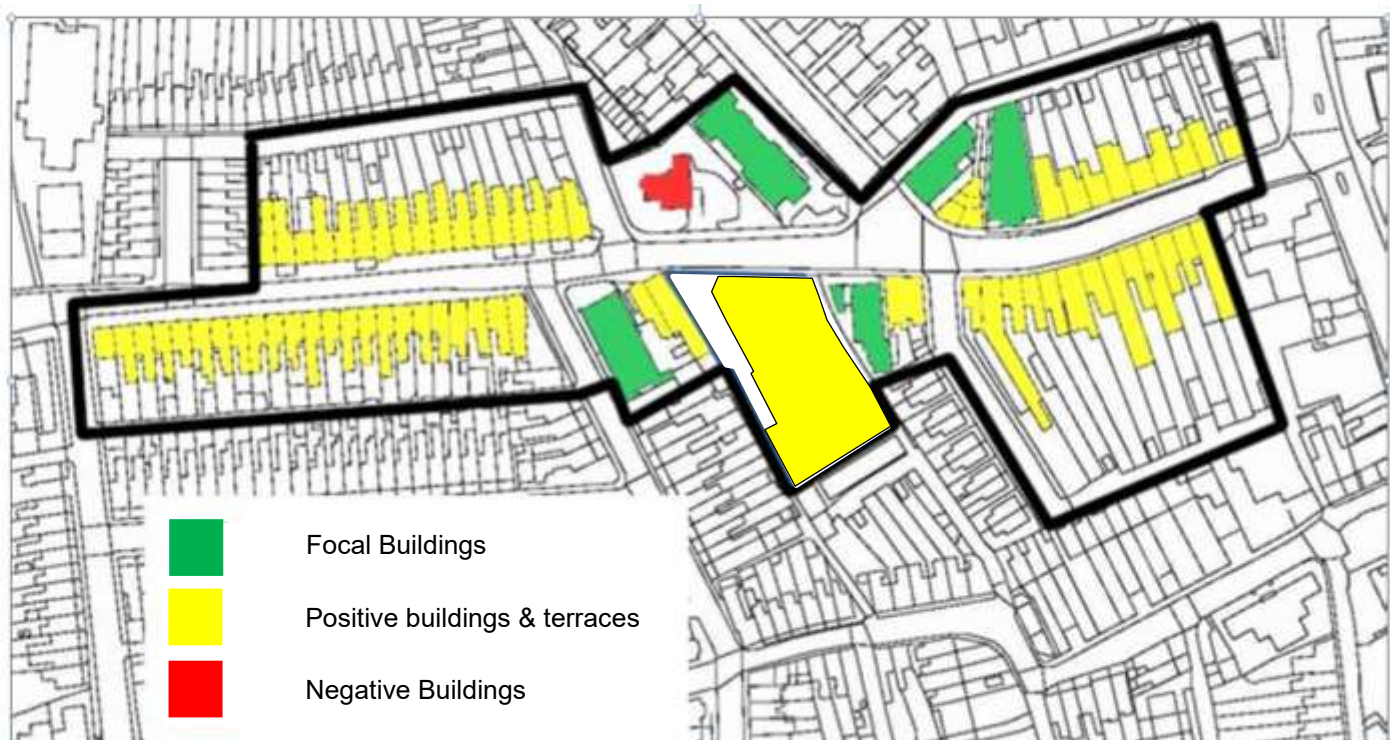


View from the Mumbles Road showing the White Rose (left) and the attractive townscape impact of the three storey terrace of Mumbles climbing uphill. The variations of terrace design can be seen on the right where the newer buildings lack the gabled dormers and include a fixed canopy as it is the sunniest side of the street.

5.3.6 The length of shops built in the 1920's and 30's on the north side at the bottom of the hill present the most significant variations. The lack of gable dormers and the fixed canopy over the pavement introduces new forms but first floor bay windows reinforce the townscape rhythm.



An example of the typical terrace of shops in this Character Area. The gable dormers and first floor bays create the attractive characteristics of this streetscape and limit the impact of the loss of heritage details on many buildings – chimney pots and stacks, decorated bargeboards, replacement fenestration with variety of designs, and inappropriate shopfronts and doors.



Townscape characteristics along Newton Road

Terraces Character Area

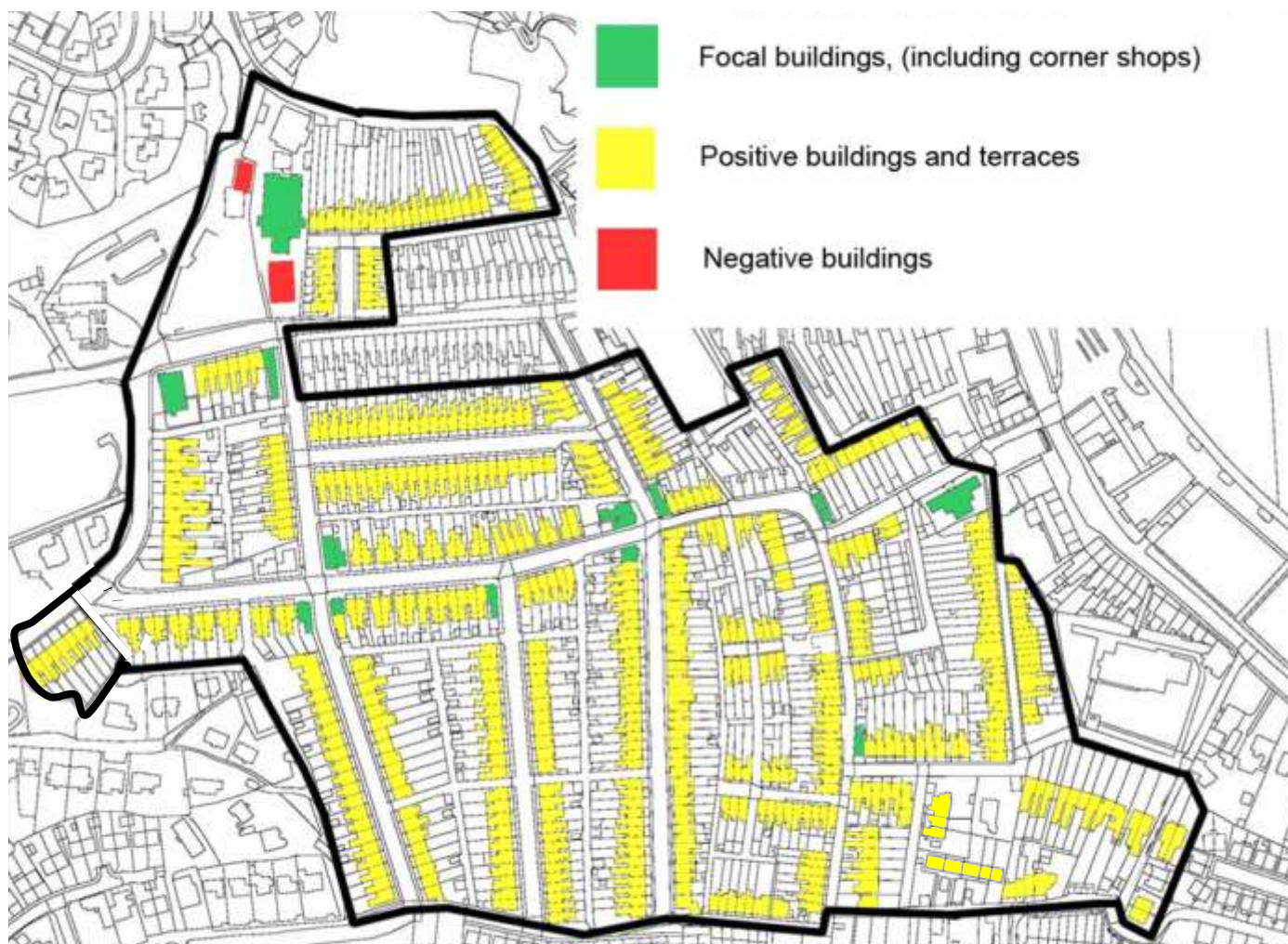
5.4 The large residential Character Area of Victorian and Edwardian terrace houses is notable for its consistent form, for the retention of its heritage characteristics and the visual quality of the range of designs. It spreads over a significant bowl of land to the north of Mumbles Hill and south of Oystermouth Castle.

5.4.1 The earliest development occurred on Castle Street, close to the castle, and the largest area started behind the seafront buildings. By the time of the OS 1876 map, over a third of the area had been built up. Building continued up to the end of the century in small pockets with the most substantial area between Queen's Road and Newton Road. Up to the OS 1914 map, development focused on Queen's Road and along Woodville and Oakland Roads to the south, with short terraces at the top of the Newton Road hill.

5.4.2 The final phase, in the south west of this Character Area, was completed after the First World War on Oakland and King's Roads.

5.4.3 The narrow stone walled Lime Kiln Lane on the north west boundary of the area provides a historic link to the lime kilns further up Castle Road. It borders Oystermouth Primary School which was first opened in 1860 with an attractive stone group of classrooms. Extensions both north and south have partly hidden this historic building and the box-like building facing Newton Road is particularly inappropriate in this heritage setting.

5.4.4 Throughout this consistently residential area only two other public buildings create notable focal places – Oystermouth Library on Dunns Lane, a grade II Listed art deco style single storey building; and Mumbles Baptist Church, built 1910, on the corner of Newton Road and Langland Road.



Townscape characteristics in the Terraces Character Area Page 199

5.4.5 The large residential area follows a grid-like layout and flows over the slopes of the land creating interesting views, spaces and streetscapes as the streets step down the hills. Although the terraces present a consistent form and massing, there is significant variation in the designs of each row.

5.4.6 The earlier groups tend to be plainer with less decoration or embellishment. As the stages of development of this Character Area progressed, the terraces gradually display ground and first floor bay windows, gable dormers, variations in fenestration and narrow front gardens in addition to increased decoration and mouldings. Of note are the strong designs at corners where corner shops and corner turning houses are a positive feature of the area and focal buildings.

5.4.7 Though most owners have been successful at maintaining their properties, there has been widespread loss of character to houses, along these historic terraces with

many displaying inappropriate changes to detailing and selection of materials.

5.4.8 In particular, replacement fenestration has introduced new materials and window types with variations of glazing bars; the replacement of traditional slate roofs with differing colours of tiling; the removal of chimney stacks and pots; the introduction of over large dormer windows and roof alterations; and the introduction of new materials for use as front garden boundary walls, is gradually changing the historic streetscapes and damaging the design rhythm of the terraces.

5.4.9 In spite of these concerns, the street layouts, the form and massing of the buildings and the significant number of properties which have retained their historic character has ensured the importance and attraction of this Character Area.



Terraces Character Area (continued)

5.4.11 The following images are examples of the variable built form within the Terraces Character Area:



An early Victorian terrace stepping down the hill with sea views. Changes to window materials and glazing bars and the introduction of an unexpected porch detail have altered the uniform character of the row



Examples of later Edwardian designs (above and below) in the last stage of development of this area show the introduction of new design details – gable ends and new glazing bar patterns; and materials – brick walls and hanging tiles



Mumbles Baptist Church on the corner of Newton Road and Langland Road with attractive three storey terraces in the background



Former Coastguard cottages off Upper Church Park



Further examples of early Victorian terraces with their plainer designs facing a later row with ground floor bays



Oystermouth Library, Listed Grade II

Overland Road Character Area

5.5 The Overland Road (east end) Character Area follows the contours around Mumbles Hill and includes the steeper land above Overland Road and the Terraces Character Area, and below the steep wooded slopes of Mumbles Hill – Character Area 6. In most cases the buildings are of a slightly later period – the end of the C19th and early years of the C20th, but many later houses and terraces have been built to benefit from the proximity to the town centre and the stunning views across Swansea Bay.

5.5.1 The resulting mixture of housing types adds to the interest of this Character Area, and it is only in cases of poor design and inappropriate layout that occasionally detract from its heritage interest and visual qualities.

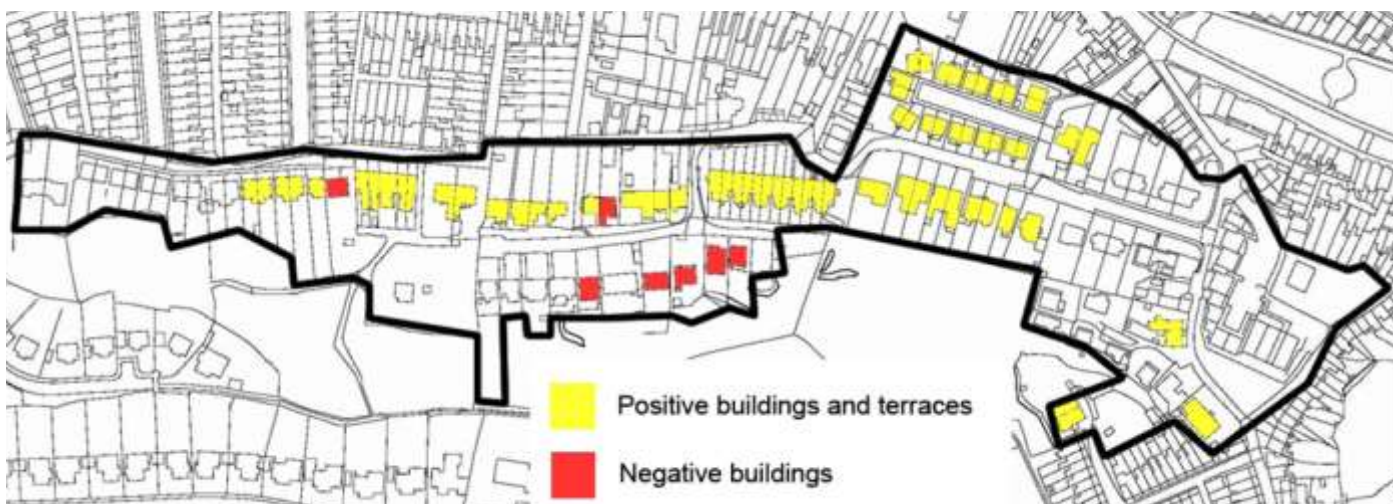
5.5.2 In the west part of this character area are a row of plain rendered 1950's semi-detached houses with small front gardens. These are followed by a group of 1930's semi-detached with period architectural detail, a single late C20th house and a variety of early C20th terraces and groups – some with a third storey gable dormer, with longer front gardens benefiting from the height, and together creating an attractive row of properties looking over the Terrace Character Area to Swansea Bay.

5.5.3 The middle length of the narrow Overland Road is bounded to the south by a continuing mixture of late Victorian, Edwardian and more recent properties in short terraces, semi-detached and individual

buildings. All have longer front gardens that rise steeply to the house providing good long distance views. Some have garages built at road level. A steep route leads uphill to Broadview Close, a parallel line of eleven detached houses built in modern designs in the late C20th. The height of these properties needs to be controlled to limit their impact on the wooded slopes behind.

5.5.4 Following eastwards around a bend past the properties on Church Park Lane, the length of Overland Road up to the T-junction at Western Lane, the large semi-detached Edwardian houses are soon replaced by mid C20th and late C20th designs. On the downhill side a cul-de-sac of small brick semi-detached house provide an incompatible note. Although most of these modern properties are inappropriate for conservation, it is important that they are included to ensure any future changes reflect the aims of Conservation Area and their sensitive locations.

5.5.5 Key concerns throughout this Character Area are to protect and retain heritage detail, to ensure any changes and new development respect the aims set out in Section 6. In particular, roof extensions and the introduction of 'picture' windows needs to be controlled to limit the impact on neighbours and to protect the long distance views of this sensitive area against its wooded backdrop.



Townscape characteristics along Overland Road



Example of a late Victorian grouping where property on the right has lost some of its heritage detail – fenestration, decorated bargeboards and ground floor bay window surround



As the slope of Overland Road increases, the views over Swansea Bay influence the designs with bay windows on both floors to benefit from the panorama over Mumbles



Mix of designs - new build on left, early C20th houses in distance and Victorian terrace where Overland Road



The range of Victorian and Edwardian designs of properties introduces variety and interest along the edge of the Conservation Area



Eastern end of Overland Road comprising older properties uphill and Park Avenue cul-de-sac located below.

Village Lane Character Area

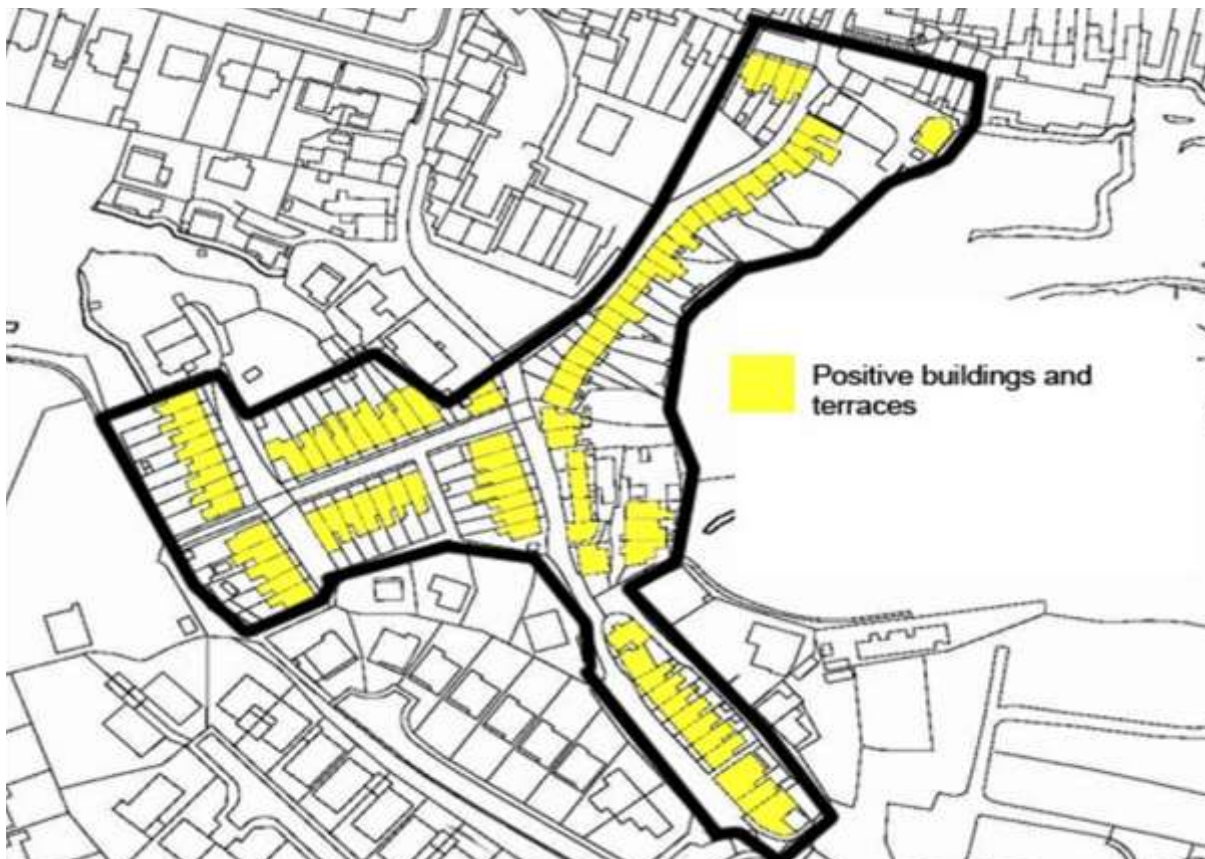
5.6 The Village Lane Character Area includes the traditional fisherman's village of Mumbles up Village Lane, Thistleboon Road, Tichbourne Street and Bryn Terrace. Other comparable lanes or 'slades' with fisherman's cottages off the Mumbles Road and up Mumbles Hill include George Bank and Clifton Terrace, Hallbank and the steps up to Dickslade,

5.6.1 The steep and very narrow Village Lane was not designed for road vehicles. The small and simple traditional terraced cottages follow the curves in the road along its eastern side. They face the stone wall across the lane with views over of Swansea Bay. Many of the properties have been sensitively renovated with rough cast rendered walls painted in pastel colours, six pane sash windows reintroduced and painted window surrounds. Roofs should use slates but a number have red tiles which changes the composition of the terrace grouping.

5.6.2 The terraces higher up Village Lane show increased loss of heritage detail with some inappropriate windows, doors and roofing materials.

5.6.3 Thistleboon Road continues to climb Mumbles Hill up to Higher Lane and the Conservation Area includes the properties on both sides over its lower length and just the eastern side and the facing stone walls to omit new housing development at the top of the hill. The boundary stone walls are a fundamental part of the heritage composition and link the historic terraces. Most of the terrace cottages that line the road have narrow front gardens bounded by stone walls, though some are unfortunately being replaced by other materials. As no coordinated renovation has been implemented, a number of the properties have lost heritage features.

5.6.4 Tichbourne Street climbs steeply from near the Village Lane and Thistleboon Road junction and connects to Bryn Terrace which follows the contour. Both roads include similar small rendered terrace properties with narrow stone walled front gardens. Many cottages have been appropriately renovated but access difficulties have limited attention to some heritage detail on the historic fisherman's homes.



Townscape characteristics in the Village Lane Character Area



Renovated fisherman's cottages on the steep Village Lane as it climbs Mumbles Hill. The facing stone walls screens the land sloping down to the seafront but permits views over Mumbles / Swansea Bay



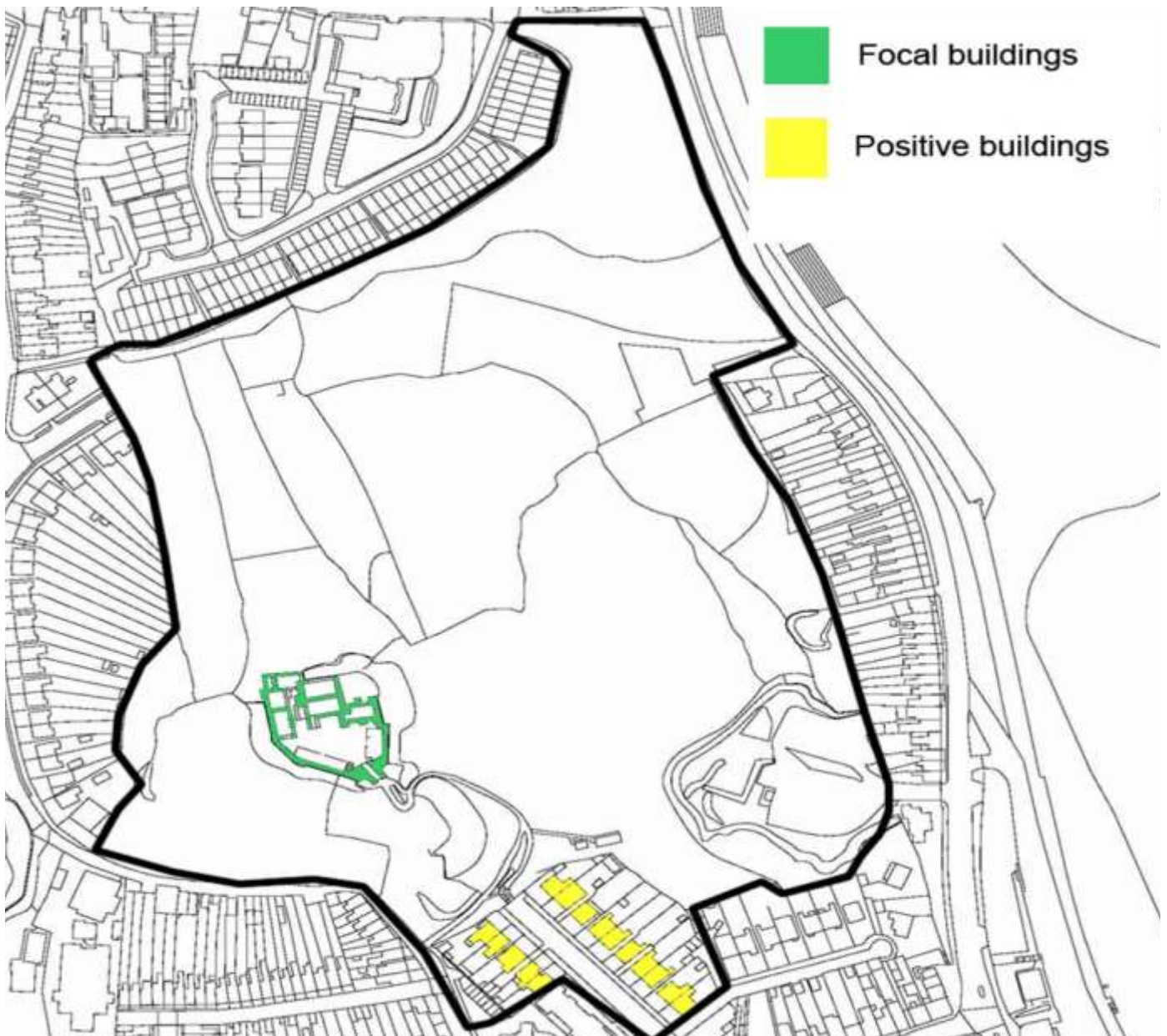
Top of Thistleboon Road showing the traditional two storey terraces stepping down the hill. Narrow roadway and problems for parking throughout the Character Area.

Castle Character Area

5.7 Oystermouth Castle sits on a small hill overlooking Swansea Bay, the coastline and most of Mumbles. It is surrounded by a large green area with a significant part covered by mature woodland. Four of the open spaces are used for allotments including the largest to the south west of the castle that almost reaches the castle walls. The main grassed area is to the south and east of the castle where the trees now screen views of surrounding buildings, the quarry car park and the seafront. The other significant open space is Castle Acre in the north of the site.

5.7.1 The historical importance of the castle in its dominating location has resulted in the need for recent renovations and the introduction of a visitor centre. The high stone wall along the Castle Road boundary to the south west provides an important visual edge which opens up for an access to the castle near the top of Castle Avenue.

5.7.2 As Castle Avenue is on a principal axis and is an important access from Mumbles, it is included in this Character Area. This route is bounded by attractive 1930's semi and detached houses and is a significant part of the context of the castle.



Townscape characteristics in the Castle Character Area



Oystermouth Castle sits within expansive grounds

Hillsides Open Space

5.8 Though the two lengths of wooded hill face around Mumbles Hill are mainly too steep for significant built development, they are of particularly important undeveloped backdrop and a skyline above the Conservation Area. The mature trees provide an important backdrop to the historic terraces and townscapes of Mumbles.

5.8.1 The two narrow lengths of woodland follow the steep escarpment and are separated by the Village Road Character Area.

5.8.2 Further open space around Mumbles could have been considered for inclusion in the Conservation Area, i.e. to the west of the castle grounds, and the rest of Mumbles Hill, but other woodland does not have the direct links as the setting for historic townscapes and is protected by its landscape designation.

5.8.3 Appropriate woodland management is required for this important resource to ensure its sustainable future as a visual framework for the Conservation Area. Similar actions will be needed to protect the tree belts around the castle.



View of the western length of woodland that follows the escarpment as a backdrop to the Terraces and Overland Road Character Areas



View from the Promenade across the bowling green demonstrates the importance of the impact of the eastern length of woodland on Mumbles Road properties and the Seafront Character Area

Key Heritage and Townscape Qualities

5.9 Mumbles is noted for its terraces - whether along the seafront, in residential areas or on shopping streets. The continuity and quality of the terrace heritage architecture is notable and presents important townscapes. The use of muted pastel colours gives continuity and character. The sloping and steep landform introduces much of the visual appeal and the way in which the terraces adapt creates the interest of spaces, views and rooflines.

5.9.1 Other than Oystermouth Castle, individual buildings of heritage and architectural note which create focal points are limited to churches, inns and a few public buildings. This has resulted in a short selection of Listed buildings both within the current and proposed Conservation Areas. Other notable focal buildings which should be recognised should be designated as Locally Listed buildings – see section 7.8.

5.9.2 Grade II Listed buildings within the current Conservation Area:

- All Saints Church
- 1/2/3 Southend Villas
- Bristol Channel Yacht Club
- Princes Fountain
- Turnpike Trust Boundary Stone

5.9.3 Grade II Listed buildings within the proposed extension to the Conservation Area:

- Mumbles Methodist Church
- Oystermouth Library
- Tabernacle, Newton Road.

5.9.4 Grade I Listed buildings within the proposed extension to the Conservation Area:

- Oystermouth Castle



Southend Villas, Mumbles Road



Tabernacle, Newton Road

5.9.5 Much of both the visual interest and the heritage character has been a result of the context and setting of Mumbles Conservation Area. The coastal setting with striking views across Swansea Bay, the location below and on the slopes of the Mumbles Hill escarpment, and the strong belts of mature trees that wrap around the Conservation Area reinforce the qualities of the historic townscapes.



6.0 IDENTIFICATION OF CONSERVATION ISSUES

General Conditions (SWOT Analysis)

6.1 The expanded Mumbles Conservation Area includes historic seafront buildings and terraces, a grid of traditional terraced housing streets, the core of the early village climbing the hillside, the Victorian shopping area, the castle and its surroundings and the steep wooded backdrop of the boundary cliffs. The protection and improvement of the heritage qualities of these areas are fundamental for the future of the local economy and the means to ensure its conservation.

6.1.2 Although the majority of these historic townscapes have been retained, there are a number of concerns for its future that need to be addressed. This Management Plan needs to build on the local strengths of the characteristics of the settlement to make certain the opportunities for its future are appreciated. The current concerns and problems identified require action to ensure the potential benefits for the residents and visitors to Mumbles are achieved.

6.1.3 Key issues affecting the management of the Conservation Area are:

Strengths:

- Significance and examples of the role of Mumbles in the history of South Wales;
- Setting and views created by the dramatic coastline, wooded cliffs and beaches;
- Coastal setting and the tourism importance of its role as a visitor destination;
- Importance, variety and considerable number of high quality historic buildings and townscapes throughout the proposed Conservation Area;
- Integrity and completeness of the historic street pattern of the area reinforced by the consistency of the building line and overall scale and massing of buildings – even amongst those 20th century buildings that have inappropriate designs;
- Consistent integrated quality of the heritage environment;
- Distinctive planned grid form of the area near the castle;
- Notable buildings providing focal points of interest along the seafront;
- Success of the recent Oyster Wharf development.

- Locational advantages of nearby beaches, golf courses and the Gower AONB for the leisure and tourism economy; and

Weaknesses:

- Decline in the traditional high street;
- Visual impact of vacant shops, inns and upper floors;
- Unsightly shop signs that dominate and/or disrupt the original architecture;
- Poor quality of replacement materials and detailing on many heritage buildings;
- Lack of appropriate maintenance and care for heritage details;
- Inappropriate designs and materials of some new and enveloping development;
- Incomplete enhancement of public realm;
- Limited delivery access to some shops creating traffic congestion;
- Lack of adequate car parking and its impact around the shops, the seafront and the dense housing areas.

Opportunities:

- Improvement of heritage building maintenance and management;
- Limit heritage loss through increased planning and design management and guidance;
- Further sensitive regeneration of key sites and townscapes;
- Potential funding opportunities for sympathetic restoration/improvement works to commercial units e.g. Mumbles Community Council.
- Potential for assistance with grant aid funding along the seafront,
- Reuse of underused and vacant floor space;
- Increase in the seafront and town centre economic viability and sustainability by targeting niche markets with the development of specialist shopping and leisure sectors;
- Marketing of town centre heritage with interpretation initiatives including walks tracing the history of the town, the harbour and its buildings;
- Traffic and parking management to reduce adverse impacts; and
- Increase the attraction of the seafront public open space.

Threats:

- Continuing economic difficulties for shops and businesses may discourage further private investment;
- Increase in unused buildings lead to sense of neglect and decline;
- Resistance to appropriate controls on historic building maintenance and alterations;
- Inappropriate designs of new infill buildings, extensions, shopfronts & alterations;
- Increasing traffic movement and parking impact;
- Lack of resources to maintain higher quality public realm within the Conservation Area;
- Continuing competition from out of town retailing and nearby Swansea; and
- Further changing demands for leisure and tourism.



Inappropriate shopfronts and signage (above and below) can detract from original features



Positive Assets

6.2 The special heritage characteristics of interest that need to be protected and enhanced include:

The overall character and setting of the Conservation Area which clusters around the seafront with the Swansea Bay and the wooded backdrop forming strong visual boundaries to the historic settlement.

The contrasting built heritage qualities of the Character Areas from the three storey seafront streetscape to the predominantly two storey area of terraces and the Newton Road shopping area, the Conservation Area includes a variety of historic townscapes.

Individual incident buildings and structures of particular heritage merit and/or locational impact which enliven the streetscapes with focal buildings.

Significant townscape groups of buildings such as the Victorian and Edwardian terraces that combine to create an attractive variety of scale and design throughout the Conservation Area.

Long distance views from the Conservation Area of the coastal setting that need to be protected from inappropriate development.



Bristol Channel Yacht Club, a listed building located along Mumbles Road

Negative Issues

6.3 The key negative issues and problems within the Conservation Area are:

Inappropriate Building Alterations and Repairs:

6.3.1 A significant number of buildings within the Conservation Area display a loss of some of their traditional heritage qualities that are gradually changing the overall historic townscapes. The main examples are:

- Loss of heritage details and materials including low quality repairs;
- Use of render and other non-heritage wall finishes;
- Use of inappropriate roof materials;
- Replacement of front doors with inappropriate designs and finishes;
- Replacement of wooden sash windows with UPVC frames and different window designs;
- Removal of heritage mouldings and other details;
- Removal of chimney stacks and pots;
- Addition of aerials and satellite dishes; and
- Extensions and outbuildings of inappropriate design, scale and materials.



Changes to wall finishes, door and window openings and frames remove the heritage character and the rhythm of the terrace

Unused Buildings:

6.3.2 Unused buildings throughout the Conservation Area detract from the visual qualities of the heritage environment and discourage new investment in neighbouring buildings. Economic changes will be needed to assist and encourage re-use. Many shops have vacant floor space above ground floor and the lack of economic returns is resulting in poor maintenance and inappropriate repairs.



Longstanding vacant buildings can detract from the visual qualities of the heritage environment

Replacement Shop Frontages and Signage:

6.3.3. Replacement shop fronts and signage with inappropriate designs and materials have the most dramatic effect on the visual qualities of the Conservation Area. The eye level impact of the variety of bright colours of signs and the use of large areas of glazing is at odds with the traditional forms of the historic buildings and has led to a dilution of the original design and a loss of heritage character.



Inappropriate shopfront design and materials detracts from the visual qualities of the Conservation Area

Impact of Inappropriate Developments:

6.3.4 These can introduce visual forms that detract from the Victorian and Edwardian streetscapes. Some examples of new infill development in the Conservation Area have been of inappropriate design, materials and quality which do not integrate with their adjacent heritage buildings and townscapes.



Inappropriately styled development that does not integrate with adjoining buildings can negatively impact upon the heritage townscape

Extensions and Additions of Inappropriate Design, Scale and Materials:

6.3.5 These can have a significant detrimental impact on heritage townscapes. The introduction of new forms and building materials can change the appearance of an individual building and a terrace of houses.



Extensions and alterations at roof level change the line and rhythm of terrace skylines to the detriment of the host building and wider terrace

Traffic and Parking Congestion:

6.3.6 This creates visual and practical disruption for residents and visitors. The tight traditional Victorian and Edwardian street layouts were not designed for heavy vehicular use and the problems for parking cars in the dense, and often steep, residential areas result in significant problems for many householders.



Parking along traditional streets causes both visual and practical disruption for residents and visitors to the area.

7.0 MANAGEMENT PLAN

7.1 The Management Plan builds upon the positive features identified in the preceding sections of this document and seeks to address negative features which have been identified through public consultation to provide recommendations for improvement and change. A wider approach for the proactive management of the Mumbles Conservation Area is encouraged through partnership working between the Council, local residents and other stakeholder groups.

7.2 The following six key principles provide a basis for the policy and management recommendations identified in this document:

1: The historic environment is a shared resource.

Section 7.3 identifies policies and design guidance for the future of all buildings and places within the Conservation Area.

2: Everyone should be able to participate in sustaining the historic environment.

In addition to the guidance in section 6, see section 7.14 - Community Involvement.

3: Understanding the significance of places is vital.

Section 4 of this Conservation Area Appraisal identifies, describes and locates the character and appearance of different parts of the area.

4: Significant Places should be managed to sustain their values.

The role of this document is to identify the key issues and opportunities for management of the area.

5: Decisions about change must be reasonable, transparent and consistent.

The Management Plan makes recommendations and identifies key approaches to support the current Conservation Area planning procedures.

6: Documenting and learning from decisions is essential.

Section 7.13 – Monitoring Change lists methods to inform both the community and the authorities.

Conservation Area Development Policy & Design Principles

7.3 The application of policy and design guidance, both generic and local, with Conservation Area wide design advice and site specific recommendations, will need to be linked with the Local Development Plan and following public consultation and Council adoption/approval process it will constitute a material consideration in planning decisions with the same weight attached to SPG. The positive assets described in section one need protection, while the negative problems need to be resolved or limited.

7.3.1 The following issues are discussed below in sections 6, 7 and 8:

- Policy guidance for existing and new development in the Conservation Area;
- Management framework for the public realm;
- Design guidance for selected sites and issues;
- Conservation and planning control measures;
- Community involvement; and an
- Implementation programme.

Guidance for Reuse and Enhancement of Existing Buildings

7.4 The following notes highlight the primary considerations for development management or the maintenance or replacement of heritage components within the Conservation Area.

Approach to Repairs and Alterations

7.4.1 Design guidance should encourage residents / owners to repair original elements in preference to replacement.

7.4.2 Currently some minor alterations to unlisted buildings within the Conservation Area do not require planning permission and the results often compromise their historic interest and architectural integrity with an adverse impact on the historic townscape.

7.4.3 The proliferation of relatively minor building alterations, many of which do not require planning permission, is incrementally

eroding the character and appearance of the existing and proposed Conservation Area. Inappropriate modern alterations can adversely affect the subtlety, balance and proportions of building elevations and can also be physically damaging to the fabric of historic buildings.

7.4.4 Important original features threatened by such alterations include shop fronts, timber sash windows, doors and door cases, cast iron handrails, railings, rainwater goods, and chimney pots and stacks. It is important, therefore, that property owners and occupiers adopt the right approach to repairs and the replacement of these features.

7.4.5 In the first instance, regular maintenance should be carried out to prevent, or at least delay, the need for more significant repairs. Repairs should only be undertaken where considered necessary to slow down the process of decay without damaging the character of the building. In the vast majority of cases, a traditional approach to repair should be adopted, replacing decayed material on a like-for-like basis.

7.4.6 In certain circumstances, decay may be so advanced that the fabric is beyond repair and the replacement of the features may be necessary. Care should be taken to avoid the unnecessary loss of historic fabric.

For example, the discrete insertion of modern draft seals can greatly enhance the performance of casement and sash windows in respect of heat retention and ease of use.

7.4.7 Coordinated renovations and colour schemes can have significant impacts on the streetscene. Owner/occupiers should adopt a pragmatic approach when considering such painting schemes on the basis of the visual impact this can have on the character and appearance of the conservation area.



Coordinated renovations/painting schemes for a traditional terrace would have been improved with the retention of appropriate designs of fenestration and doors. The widespread use of uPVC is not the preferred option, but where uPVC requires less maintenance because of the impact of the sea air, it is important that appropriate traditional designs of windows/window bars are used with the necessary reveals.



This attractive sea front terrace of Victorian houses displays the concerns of gradual change: loss of chimney stacks/pots; replaced gable barge boards; removal of the arched top floor window openings; two inaccurately rebuilt two storey bays; changed window fenestration; door openings and doors have been replaced; and the pebble-dash wall finish does not respect the traditional design.

Article 4 Directions

7.5 There are a number of long established Article 4 Directions in the original Mumbles Conservation Area from 1977 which remove Householder Permitted Development (PD) Rights for the following:

- Dwelling alterations to footprint and roof;
- Addition of porches;
- Control over front walls >1m high and all other walls over 2m; and
- Control over new accesses to the highway.

These works therefore require planning consent in the 'original' Mumbles Conservation Area but do not apply to the enlarged areas of Mumbles Conservation Area.

7.5.1 A future separate project could be imposition of Article 4(2) Directions on selected unlisted buildings of character and local interest. This will require further reports to Planning Committee and further public and stakeholder consultation.



Good examples of sensitive residential renovations at Overland Road (above) and Mumbles Road (below).



Guidelines for External Repair and Alteration Work

7.6 The following guidelines are intended to advise the residents/owners within the Mumbles Conservation Area of the general approach to be taken when contemplating external repairs or alterations. Owners and occupiers should, however, always seek the more detailed and specific advice of the Council Development Management before carrying out works to their buildings.

7.6.1 The following examples provide some initial guidance:

Windows and doors

7.6.2 Existing windows and external doors should be retained and carefully repaired wherever possible. In the Mumbles Conservation Area most original windows on the older buildings are of a timber sliding-sash design. If replacement is unavoidable, new windows should be accurate replicas of the original design, in both pattern and detail. uPVC frames are only acceptable where they achieve these aims. Windows and doors should be painted and not stained. The size and proportions of the openings should not be altered or replaced and, importantly, reveals or setbacks should be retained to maintain the perceived 'depth' of the elevation.

Roofs

7.6.3 Pitched roofs are essential to maintain the traditional building forms. Welsh slates are the predominant material, though artificial slate of an appropriate colour could be acceptable. Appropriate materials are needed to match the requirements of each building. Concrete tiles are unacceptable on traditional buildings, as are rooflights on the front elevation which disrupt the heritage appearance. When possible, photo voltaic (PV) panels on roofs should be on rear elevations and their metal frames should always be the same colour as the roofing materials.

Chimneys and pots

7.6.4 Chimneys requiring repair should be reinstated or rebuilt accurately to the original height and profile, in materials to match the existing, which in most cases in Mumbles, is brick. Original clay pots should be replaced appropriately or reinstated where necessary.

Ironwork

7.6.5 Decorative ironwork, such as railings and balconies should be retained and carefully repaired or, if necessary, reinstated accurately to the original pattern and detail in a similar material, usually wrought or cast iron.

Shopfronts and signage

7.6.6 Traditional shopfronts should be retained and opportunities to reinstate heritage designs should be required whenever alterations are proposed. New or replacement shopfronts and their signage should display good proportions, well thought out detailing and quality materials. They should respect the period of the building but simplicity of design often produces more convincing results than excessive 'Victoriana'. Detailed drawings, particularly of joinery construction, should accompany applications for proposed new shop fronts.



Loss of heritage fenestration and window bars (above) alters the character of the building and creates a detrimental neighbour for adjacent historic buildings. Remedial works (below) seek to reinstate more appropriate fenestration pattern and style.



Guidance for New Development within Mumbles Conservation Area

7.7 It is important to note that the conservation area designation does not mean no change nor does this mean that only 'traditional' designs are acceptable, instead this brings a higher level of design quality to address the statutory 'preserve or enhance' test.

7.7.1 The starting point should be to understand the site and its context within the conservation area. It is important that new development is guided by sound principles of placemaking, as well as a sympathetic response to the historic context. All forms of new development within the Conservation Area should:

- preserve and reinforce the distinctive pattern of traditional development, including street patterns, open spaces and trees, plot boundaries & boundary treatments;
- have regard for existing building lines & the orientation of existing development;
- respond to the particular rhythm and articulation of the subdivision of the streetscape and individual buildings in terms of bays and openings that break up the façade;
- reinforce the distinctive character and grain of the particular character area through an informed understanding of its building forms and styles, features and materials. Pastiche forms of development and the superficial echoing of historic features in new buildings should be avoided;
- respect the scale and massing of surrounding buildings. It is essential that new development is not out of scale with existing buildings by way of its height, floor levels, size of windows and doors, overall massing and roof scape;
- maintain key views and vistas within, into and out of the Conservation Area; and
- where possible, minimise the visual impact of parked vehicles and the provision of parking areas on the streetscape and landscape setting of historic streets and buildings.

7.7.2 Where new development is proposed for areas that are adjacent to the Conservation Area, it will be equally important for care and consideration of the impact of the intended urban design and detailing.



Development that is appropriate within its setting. It is not attached to a traditional design, it introduces new design forms and materials that add to the seaside context, and it sits within the robust sea defences.

7.7.3 Where appropriate, all forms of new development should respect the principles listed above, with particular concern to:

- ensure new development continues the local scale, form and materials in order to reinforce the distinctive architectural character of the immediate context;
- consider the impact of new development on key views and vistas; and
- ensure that new street layouts and parking arrangements have a limited impact on the streetscape qualities of the locality. Sensitive layout, designs and landscaping are required to reduce the areas of tarmac and lines of parked cars;

7.7.4 Good quality, contemporary designs may be appropriate in the Conservation Area, but the concern must be to avoid incongruous and low grade development.

Management Framework for the Public Realm

7.8 The public realm has the potential to make a significant contribution to the appearance and use of the Conservation Area. By creating a high quality, attractive streetscape and improved open space, a better stage can be created for appreciating the attractive historic townscapes of Mumbles.

7.8.1 Old photographs of Mumbles show the simple uncluttered designs throughout the public realm. Present day use of these areas including the needs of vehicles and associated parking, pedestrian routes and the supporting street furniture and signage create new requirements where there are few traditional answers.

7.8.2 The treatment of the spaces between the buildings are critically important in the overall quality and character of the Conservation Area and need to follow sound principles of urban design and respect for the heritage qualities of the Conservation Area. Specific issues to be addressed include:

- **Context** - an appreciation of the local setting and identity of an area coupled with a sympathetic choice of materials and details to respond to, and reinforce, the local character of the place.
- **Creating spaces and places** - the degree of openness or enclosure of a space, together with its scale, form and massing, helps to give it a character and identity and reinforces issues of safety, security, comfort, variety and interest.
- **Encouraging activity** - active frontages help promote activity and vibrancy as well as providing overlooking and natural surveillance to a space or street.
- **Variety and interest** - like the buildings in a street scene, the public realm needs as much careful consideration of the balance of uniformity and variety, to create a range of opportunities and settings for a variety of users, amenities and social groups.

7.8.3 A simple palette of materials, planting and street furniture should be considered for the Conservation Area as a whole to limit any confusion of solutions.

7.8.4 Fundamental to the appearance of the Conservation Area are the stone boundary walls. These need to be protected and repaired where necessary using the correct local stone. The use of other materials should be limited to selected areas where a consistent material – e.g. brick, railings or hedge, are appropriate in each location.

7.8.5 The most important public open spaces follow the seafront promenade are owned and managed by the Council. A comprehensive management plan is required to coordinate and maintain the designs, materials and planting of these key locations.

7.8.6 The Council, along with private consultancy, is working on a coastal protection scheme in the area between Knab Rock and the Dairy Car Park. This will be the subject to separate public consultation. The scheme aims to address the current condition of the sea wall and provide an improved standard of protection against the risks of flooding. It will potentially provide the opportunity for the widening of the promenade, improve accessibility to and along the foreshore and enhance the public realm to create a high quality, sustainable green and attractive waterfront. The scheme will require careful design to integrate the new defences with adjacent areas of existing public realm, areas of existing public open space and highways.

7.8.7 The steep wooded hillsides above the Conservation Area provide a valuable setting and boundary for the Conservation Area. The protection and management of these spaces is vital to ensure the long term setting for the village.

Specific Guidance

7.9 The following indicative list identifies a number of key projects requiring action within the Mumbles Conservation Area.

Tackling Unused Prominent Buildings

7.9.1 Encouraging investment to reuse the historic building stock must be seen as a priority. A number of key heritage buildings are at risk and others which are empty have a significant adverse impact on the historic townscape. Immediate action is needed to prevent the further deterioration of some buildings e.g. empty public houses on the seafront. Without viable uses it will be difficult to maintain these critical buildings.

Improving Shopfronts and Signage

7.9.2 The visual impact of inappropriate replacement and badly maintained shop frontages and signage detracts from the heritage environment. The quality of shopfronts is an important indicator of the prosperity of the area, and at present too many unsightly frames and signage detract from the qualities of the historic townscapes. All shop owners must be made aware that changes and/or replacements of elements of a shopfront within the Conservation Area will be likely to require planning permission.

7.9.3 The Shopfront & Commercial Frontage Design Guide SPG was adopted in January 2017 and provides specific guidance on such works. Owners should be aware that there are currently few permitted development opportunities with commercial properties. It will be important that all future changes to shopfronts and signage within the Conservation Area provide detailed planning applications.

Traffic and Parking Appraisal and Projects

7.9.4 Throughout the Conservation Area residents have difficulty parking their cars, shoppers struggle to find parking spaces and visitors to the seafront on busy days find a serious lack of opportunities to park. All three demands in this historic area, which was not designed for such vehicular use, overlap in

their search for spaces and increase the circulating traffic problems.

7.9.5 An appraisal of the traffic and parking needs in the Conservation Area is needed to identify projects to alleviate the current situation

Oystermouth Square Development

7.9.6 The existing parking and grassed area on the seafront side of the Mumbles Road and Newton Road junction has been identified for new mixed development which retains an area of open space to protect views from Newton Road to the sea. This site has a development development brief SPG dating from 2006 that needs to be updated in due course.

Oystermouth Castle Heritage Park

7.9.7 There is scope to improve management and interpretation of the landscape around Oystermouth Castle and its setting. This can build on past HLF funded schemes to improve access. This could include open spaces including Castle Acre to the north, woodlands, and historic remains such as the lime kilns beyond Castle Road.

Funding Support

7.9.8 There may be scope to explore funding initiatives for enhancement works, for example, for restoration/improvements to commercial units and frontages.

7.8.9 To encourage the protection and reuse of historic buildings that are either vacant or in poor condition, such as some seafront inns, grant funding opportunities need to be explored.

Local Listing in the Conservation Area

7.10 The purpose of Conservation Area designation is to provide added protection for the many heritage buildings which do not possess the individual characteristics suitable for full Statutory Listing.

7.10.1 This appraisal also provides the opportunity to provide additional recognition with a Local List of heritage structures and buildings having local historic or architectural value, group value, or visual interest as part of the setting of Listed buildings, though not on the Statutory List.



The Village Inn, 580 Mumbles Road



Mumbles Baptist Church, Newton Road

7.10.3 With the assistance of local representatives, there is scope to prepare a selection of properties that are considered worthy of additional protection by being included on a Local List of heritage buildings and structures.

7.10.4 The following examples have been identified for potential inclusion within the proposed Mumbles Conservation Area.



Castleton Walk Arcade, Newton Road



Bowls Pavilion, Mumbles Road



The George, Mumbles Road

Conservation Design Guidance

7.11 The following adopted SPG's are relevant:

7.11.1 Shopfront & Commercial frontage Design Guide SPG was adopted in January 2017. This document provides specific guidance on new shopfronts, access, signage and lighting, security and other features and considerations.

7.11.2 The Infill and Backland Design Guide SPG was adopted in 2014 (due to be updated) and provides design guidance for up to 10 dwellings in urban, suburban and rural locations that are within the settlement boundary.

7.11.3 The Design Guide for Householder Development SPG helps householders and their representatives when preparing applications for extensions and other alterations to dwellings. This document has recently been updated to reflect changes to permitted development rights for householders in Wales and needs to go back through the public and stakeholder consultation to then be readopted as updated SPG.

Planning Control Measures

Article 4 Directions and Permitted Development

7.12 Article 4 Directions can be imposed by Local Planning Authorities to control certain alterations to dwellings that would otherwise be automatically 'permitted development' under the General Permitted Development Order (GPDO) 1995 and not requiring planning permission. This extra planning control is primarily used where the character of an area of acknowledged importance would be threatened.

7.12.1 For example, the replacement of windows, doors, roof coverings etc. can come under planning control, the object being to prevent works that are considered to be damaging or inappropriate to the historic fabric or features of the buildings and historic townscapes.

7.12.2 The current Conservation Area is covered by an Article 4 Direction which was introduced in 1977 and based on the Town & Country Planning Act 1971 and the Town & Country General Development Order 1977. The Directions in the original Conservation Area relate to the following:

- Dwelling alterations to footprint and roof;
- Addition of porches;
- Control over front walls more than 1m high and other walls over 2m; and
- Control over new accesses to the highway.

7.12.3 These controls relate to the original Conservation Area and do not apply to the enlarged areas of the Mumbles Conservation Area.

7.12.4 A future separate project could be imposition of Article 4(2) Directions on selected unlisted buildings of character and local interest. This will require further reports to Planning committee and further public and stakeholder consultation. Withdrawing Permitted Development Rights will only affect any new changes to properties with the key aim of protecting the overall appearance of each traditional building and terrace.

7.12.5 The classes of currently permitted residential development which could be covered by the Article 4 (2) Direction include:

- Enlargement, improvement or other alteration to the public face of a building;
- Design and materials utilised for walls, windows, doors and rain water goods;
- Addition or material alteration to the shape, volume or materials of the roof;
- Erection, construction, improvement or alteration of a gate, fence, wall or other means of enclosure;
- Cladding of any part of the exterior with artificial stone, timber, plastic or tiles;
- Rendering or painting of the exterior masonry/brickwork of the building;
- Installation, alteration or replacement of a satellite antenna, etc.

7.12.6 The implementation of a potential Article 4(2) Direction for residential properties within the proposed Conservation Area

provides increased protection especially where there is the threat from small scale unsympathetic works. The removal of permitted development rights as outlined above is a separate process to the conservation area review and will require further consultation and reports to the Council.

7.12.7 Owners of commercial properties should be aware that almost any changes to their buildings requires a planning application – this includes windows, doors, roofs, wall finishes, aeriels, shopfronts and signage.

Mechanisms for Monitoring Change

7.13 A review of the Conservation Area Character Appraisal and Management Plan will be required to encompass development changes and any new priorities and proposals.

7.13.1 A key tool to monitor changes could include a new dated photographic survey of the Conservation Area. Regular updates supported by development management information will identify most development changes.

7.13.2 Further historic research of the Conservation Area will be beneficial. The use of historic maps, drawings, paintings or engravings and old photographs can be used to inform the accurate restoration of heritage properties and townscapes.

Community Involvement

7.14 An ongoing programme to raise awareness of the Conservation Area and its significance should continue as part of the potential regeneration strategy. It is essential that views are sought from both those who live, work and visit the area, and from the local and national organisations that have a responsibility towards the well-being of the village. This allows the Management Plan to consider all conservation issues which effect its future management and prosperity. Consultations were therefore undertaken as part of the production of this document.

Community Consultation and Engagement

7.14.1 The development of this Conservation Area Character Appraisal and Management Plan will have been assisted by a local consultation process including advice from local representatives, responses to a local exhibition and public meetings. Continuing community review and involvement will be managed by Swansea Council to provide the basis for review and pro-active promotion of the conservation aims and other heritage initiatives within the Conservation Area.

7.14.2 There is scope to further engage the community in caring for the local built environment through voluntary projects. Projects can be developed by local people in partnership with the Council and could work in unison with Mumbles Community Council and other stakeholders.

Conservation Education and Training

7.14.3 An associated element of the management plan will be to incorporate local education and training measures where possible, as they will be necessary to sustain a conservation based approach to the long-term management of the area.

7.14.4 The Management Plan proposes:

- Appropriate training and development for the Council's Conservation, Planning and Regeneration staff; and
-
- Distribution of the leaflet, 'living/ working in a conservation area' to explain the implementation of the revised boundary and introduction of Article 4(2).

Action Plan Summary

7.15 The following actions have been identified in this document for early implementation to further the awareness and achievements of conservation in the Mumbles Conservation Area. Further definition of these priorities will be needed by Council officers, local representatives, other stakeholders and public consultation to prepare a programme for implementation:

Planning Policy & Strategy:

- The adoption of the Mumbles Conservation Area Character Appraisal and Management Plan following public consultation;
- Ensure guidance in this document is linked to and consistent with the emerging Local Development Plan policies for Mumbles; and
- Preparation of a programme for those responsible for monitoring change.

Community involvement:

- Identify a Conservation Area Advisory Committee;
- Training and Development of Conservation, Planning and Regeneration Staff;
- Promotion of a 'Living/ working in a Conservation Area' leaflet; and
- Local availability of the Conservation Area Character Appraisal and Management Plan documents.

Planning Measures:

- Preparation of Local List of heritage properties to inform emerging Local Development Plan; and
- Review and consultation on introduction of Article 4(2) Direction limiting permitted development throughout the expanded Conservation Area boundary.

Appendix 1: Community Consultation

A1. The initial draft of the Conservation Area Character Appraisal and Management Plan was undertaken in 2013, the aim being to provide an up-to-date assessment of the character and issues affecting the designated Mumbles Conservation Area.

A2. In April 2018 the draft Mumbles Conservation Area Character Appraisal and Management Plan was presented to Development Management and Control Committee. Members resolved to endorse the draft document to be issued for public and stakeholder consultation.

A3. The draft Mumbles Conservation Area Character Appraisal and Management Plan was subject to a 6 week consultation exercise which ran from the 14th May 2018 until the 25th June 2018 and was extended by a further 4 weeks to the 20th July 2018 to allow extra time to comment.

A4. The following consultation methods were used to engage the community and stakeholders with the review of Mumbles Conservation Area:

- A Press Release was issued and featured within the South Wales Evening Post on the 19th May 2018.
- Bilingual notification emails highlighting the consultation on the draft document were sent to local ward councillors as well as specific consultation bodies, planning agents.
- Bilingual letters explaining the consultation process and how to view documents and make representations were sent to all households and commercial properties in the expanded conservation area (+1000 properties). This included a web link to the online bilingual information for comment.
- A dedicated webpage was established to explain the consultation process and allow electronic documents to be downloaded in pdf format. The webpage included the facility to complete and submit an online comment form.

- Over 20 bilingual posters were displayed in the local area
- Paper copies of the bilingual draft documents were placed on deposit in Mumbles Library and Swansea Central Library.
- Social media notifications during the 6 week consultation process.
- Council officers held consultation events at Mumbles Farmer's Market on 9th June 2018 and Ostreme Hall on 12th June 2018 followed by evening walking tour.
- Council officers met with local traders and Mumbles Community Council on 3rd July 2018 to discuss the Conservation Area review process.

A5. This initial period of consultation resulted in comments from circa 90 respondents at the Mumbles Farmers Market event, a further 60 respondents commented at the drop in session at the Ostreme Centre plus 30 stakeholders also commented via post/email. The breakdown of representations received along with the Authority's response is available on the council public website.



A6. A further 6 week period of consultation was undertaken from the 24th January 2020 until the 9th March 2020. The additional consultation was undertaken as a result of the strong support from respondents of the initial consultation exercise for the 'Northern Seafront Approach' area to be included within the expanded Conservation Area boundary. This focused consultation included letters to

the properties within the 'Northern Seafront Approach' area and a drop in session at Oystermouth Library on the 27th February 2020.

A7. Following this additional consultation on the inclusion of the Northern Seafront Approach an additional 11 individual respondents provided comments via the comment form or by letter. A further 20 individuals expressed their views at the public event at the drop in session at Oystermouth Library. The breakdown of representations received along with the Authority's response is available on the council public website.

A8. The final version of the Mumbles Conservation Area Character Appraisal and Management Plan includes all the proposed changes to the guidance following the public and stakeholder consultation exercise.

Boundary Amendment

A9. A key action set out in the Management Plan is the proposal to review the Conservation Area boundary and forms part of the public and stakeholder consultation. Following analysis of the areas around the Conservation Area, it is considered that the following areas have a character and quality equal to the existing conservation area and are therefore proposed for addition:

- Oystermouth Castle Area
- Newton Road commercial Area
- The residential terraces Area
- Mumbles Road including Oystermouth Square and the 'Northern Seafront Approach'.

A10. In addition to the above, it is proposed to remove a small area from the Conservation Area comprising modern development that does not contribute to the special character on Western Close, at the top of Thistleboon Road from the Conservation Area.

A11. The full extent of the areas added to the Conservation Area is shown on page 17.

Representations received

A12. The majority of comments received during consultation were supportive of the character areas identified, as well as the Management Plan. The main comments and responses are summarised below.

A13. A significant amount of respondents advocated the further expansion of the Conservation Area boundary to encompass the 'Northern Seafront Approach' area along Mumbles Road (no's 422-488), hence the additional public and stakeholder re-consultation undertaken in 2020. The proposal seeks to expand the Conservation Area boundary to take in '*adjoining areas of similar architectural / townscape character or quality*'. It is considered that this section of terraced housing located on the approach to Mumbles from Swansea is worthy of inclusion within the expanded boundary on the basis that it is of a similar architectural / townscape character, provides a logical 'squaring' off of the boundary and encompasses some historical development which pre-dates 1877.

A14. A number of respondents suggested that the boundary be extended further north to include the western section of Overland Road, Langland Villas and properties located on Langland corner. However, whilst these areas contain some buildings of character and historic interest, it is considered that these areas do not warrant inclusion as they are largely modern development and disjointed from the evolution of Mumbles Conservation Area which is characterised largely by a seafront, fishing village and grid-like pattern of development, rather than the looser pattern of development found in these areas which is more akin to the adjoining Langland Conservation Area.

A15. Additionally, a number of respondents questioned why areas such as Mumbles Pier, Mumbles Headland and Underhill Park are not proposed to be within the expanded boundary. However each of these areas is protected in its own right, being either listed, designated Nature Reserve or protected by parks and recreation land planning policy.

A16. There was significant interest in what protection could be afforded to the commercial units located on Newton Road in terms of potential restoration/enhancement works, and whether any form of grant funding would be available to assist such works. The attractive townscape along Newton Road is acknowledged in the document and the boundary is to be extended to encompass this area and provide additional protection. All applications for works in the area, including to shopfronts, will need to meet the 'preserve or enhance' test.

A.17 In terms of potential funding initiatives, some comments have been provided which suggest that there may be scope for owner/occupiers to explore restoration / enhancement works to commercial units in the area. Worthy to note is the funding Mumbles Community Council has recently provided towards improving the decorative condition of the retail premises along Newton Road which aligns with the aspirations of the Management Plan which provides guidance on improving shopfronts and signage.

A18. Several respondents focused on the unsympathetic alterations to residential dwellings, for example replacement UPVC windows, removal of bay windows and inappropriate dormer window extensions. The document identifies key negative issues and acknowledges that the proliferation of minor building alterations can incrementally erode the character and appearance of an area. Whilst it is not possible to 'turn back the clock', it is important that property owners and occupiers adopt a sensitive approach to repairs, extensions and alterations. There is a need to raise awareness of this issue and inform householders of the importance of 'street character' and the contribution that individual residences make to that. A 'Living in your Conservation Area' leaflet has been produced by the council which briefly sets out the effects of living in a conservation area to local people (in a positive way). Notwithstanding this, the Conservation Area designation does not stop change but it does require greater scrutiny of new designs.

A19. As a further project there may be scope to impose Article 4(2) Directions on key unlisted properties to remove Permitted

Development Rights and bring minor alterations under planning controls.

A20. The current status and redevelopment of the tennis courts alongside the Tivoli also got raised by a number of respondents. Important to note is that the tennis courts are located within the existing conservation area boundary and any potential development of the site would be assessed against the 'preserve or enhance' test.

A21. A number of respondents also focused on public realm improvements needed in the area, specifically work to pavements, maintenance of street furniture along the promenade and the need for additional places to sit and rest in the area. The Management Framework notes that public realm has a significant contribution to the appearance and use of the area. A streetscape strategy could include shared surface improvements, de-cluttering of pedestrian space, with the primary focus being the pedestrian environment and the space in front of commercial units. Specifically in this seafront location, the Council, along with private consultancy, is working on a coastal protection scheme in the area between Knab Rock and the Dairy Car Park (subject to separate public consultation). The scheme aims to address the current condition of the sea wall and provide an improved standard of protection against the risks of flooding. It will potentially provide the opportunity for the widening of the promenade, improve accessibility of the foreshore and enhance the public realm to create a high quality, sustainable green, and attractive waterfront. The scheme will require careful design to integrate the new defences with adjacent areas of existing public realm, areas of existing public open space and highways.

A22. A full detailed list of comments made and the consideration of these comments and the recommended action can be found on the council public website.

For more information of the Mumbles Conservation Area please contact:

designswansea@swansea.gov.uk



Record of Public and Stakeholder comments and authority responses to public consultation undertaken in 2018

Comments on the proposed amendments to the conservation area boundary

Respondent	Summary of comments	Council response	Recommended change
1	In favour of protection and enhancement of the natural beauty of the unique area of Mumbles. The terrace of houses on Mumbles Road (below the Castle) on the approach road to the village should be included. These houses are included on an 1877 OS Map (map included) and the allotments and trees behind them must be protected.	<p>The proposal is to expand the Conservation Area boundary to take in <i>adjoining areas of similar architectural / townscape character or quality</i>. The draft document proposes to extend the conservation area boundary up to the prominent residential dwelling, no. 420 Mumbles Road and include the section of promenade opposite, to recognise the impending new Coastal protection scheme which extends to the Dairy Car Park and Oystermouth Castle and its associated wooded boundary.</p> <p>Following the public consultation exercise it is agreed that the Conservation Area boundary should be extended to include the row of terraces fronting onto Mumbles Road, namely no's 422 – 488 Mumbles Road. This provides a logical 'squaring' off of the boundary and encompasses some historical development which pre-dates 1877.</p>	Boundary to be extended to include the terraces on the approach to Mumbles from Swansea (no. 422 – 488 Mumbles Road). This provides a logical 'squaring-off' of the boundary and encompasses some historical development which pre-dates 1877. Additional public and stakeholder consultation required.
2	The row of terraces in front of the quarry car park extending to Castle Acre should be included within the expanded boundary.		
3	The stretch of terrace houses along Mumbles Road from Norton to Newton Road have not been included within the expanded boundary. The houses/cottages are some of the oldest in Mumbles and form the start of the village as you arrive in Mumbles from Swansea. It is important for this area to be included within the expanded boundary and preserved from future development.		
4	Welcome the extension to the boundary which recognises the significance and commercial importance of Mumbles. Concerned that the houses on Mumbles Road to the east of Oystermouth Castle have been excluded. Coming from Swansea, after Norton Avenue and Castle Acre, there is open grassland and then Castle woods – these provide a significant visual break from the 'Swansea-side' of Mumbles Road. The houses after this are the 'introduction' to Mumbles and any significant and inappropriate development would seriously change the gateway to Mumbles.		
25	The terrace of properties on Mumbles Road should be included as they are typical Mumbles cottages.		
24	Feel strongly that the properties on Mumbles Road between the Quarry Car Park and the entrance to the woods/green at Norton should be included in the conservation area. These properties are older than many of the properties that have been included, they are the first buildings you see as you enter Mumbles, and the rear of many of the houses backs onto the castle grounds or the surrounding woodland.		
28	The terrace properties near the quarry car park on Mumbles Road are of historic interest and should be included in the Conservation Area boundary.		

29	Mumbles Community Council welcomes the proposals and congratulates the C&C Swansea Directorate of Place on the very detailed draft consultation documents. Advocate the expansion of the Conservation Area to include the Victorian/Edwardian terraced houses below Oystermouth Castle grounds that front directly on to Mumbles Road itself. This area is the 'gateway' to Mumbles and to have this small area excluded seems illogical. MCC are concerned that previously, further along the Mumbles Road towards Swansea, some of the large and high quality houses there were allowed to fall derelict and then knocked down and replaced with flats. Including this area would prevent this happening in future.		
27	The proposed areas and extent are warranted. The exclusion of the seafront terraces on Mumbles Road should be included.		
7	Attendance at the Farmers Market on the 9 th June was very informative and the proposals to extend the existing boundary is wholeheartedly supported. The properties along Mumbles Road, northward from the entrance to the quarry car park towards Norton fields should be included as these are some of the oldest cottages remaining in Mumbles, together with later houses of comparable age to most of those now included in the proposed extended conservation area boundary. These should be included in the expanded area to make the revised conservation area coherent.		
13	Positive way forward however concerned that the Mumbles Road (near quarry car park) houses have been excluded.		
15	Proposal to expand the boundary is welcomed. The boundary should also include Norton Road, Norton Avenue, Llanfair Gardens and the row of terraces as you approach Mumbles.	The support for the boundary change is noted. However, the proposal is to expand the Mumbles Conservation Area boundary to take in adjoining areas of similar architectural/ townscape character or quality. Norton itself does not form a part of the 'Mumbles' area and subsequently a boundary expansion to incorporate parts of Norton would not be appropriate.	No change.
5	Could Norton be included in the review?		
27	The omission of Western Close is entirely justified.	The support for the removal of an area of modern development at the top of Thistleboon Road is noted.	No change.
28	Support the removal of Western Close for boundary.		
29	The western end of Overland Road between Kings Road and Langland corner should be included. The built environment here mainly consists of Victorian or Edwardian villas of high quality and includes the home of Arthur Whitten Brown who flew the Atlantic with Sir John Alcock in 1915, as is recorded on the commemorative plaque. There are some inappropriate modern infill houses/ modernisations, thus including the whole of Langland Road would prevent this in future as well as creating a more homogenous conservation area. There are some similar villas nearby (Langland Villas) that would be worth considering.	The proposal is to expand the Conservation Area boundary to take in <i>adjoining areas of similar architectural / townscape character or quality</i> . The expanded boundary incorporates a large section of Overland Road, extending as far west as the break in Overland Road where there is no vehicular through route, only a footpath link (top end of Kings Road). This provides the obvious end point to the 'Overland Road' Character Area, and subsequent Conservation Area boundary expansion. Whilst it is acknowledged that the remainder of Overland Road (no's 1-18) includes some buildings of character and historic interest, this stretch of streetscene is varied, including a large proportion of post-war and more modern infill plots set out in a looser arrangement when compared to the more grid-like pattern development of the Mumbles terraces. This western end of Overland Road is more closely related to the Langland area in terms of distance and pattern of	No change.
28	The boundary should be extended along to the end of Overland Road to Langland corner and include Langland Villas.		

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		development. The further extension of the boundary is therefore not warranted. Additionally, the inclusion of Langland Villas and properties at Langland corner again, does not appear to relate directly with the Mumbles Conservation Area and it is not proposed to include these dwellings within the expanded boundary.	
8	Support the expansion of the boundary. It is important to conserve the architecture and appearance of this wider area of Mumbles in order to protect and enhance its special character. Details such as masonry finishes, fenestration and roofing in particular can radically alter the appearance of an area, so placing greater emphasis on quality and detail will benefit the extended conservation area.	The support for the boundary change is noted.	No change.
23	Fully support the proposal of extend the conservation area but feel this is only the start. I feel the British Legion development will further enhance the Newton Road area, and feel a similar small scale project should be carried out on the police station site.	The support for the boundary change is noted.	No change.
28	Supportive of expansion to boundary. There is a fine balance between development for visitors and residents. The overall area needs protection from unsympathetic development	The support for the boundary change is noted.	No change.
33	Fully supportive, proposals are entirely appropriate.	The support for the boundary change is noted.	No change.
32	I would welcome the conservation area in Mumbles.		
28	Do not change the designation of the area of land at Western Close (top of Thistleboon Road), shaded blue on the proposals map, to be outside the Conservation Area boundary.	The area shaded blue on the proposal map relates to a small area of modern housing development located on Western Close (backing onto Thistleboon Road). When the Conservation Area was originally designated in 1969 this parcel of land is believed to have housed an Orphanage and the boundary was drawn accordingly. Since this time, the previous buildings have been demolished and the site now comprises more modern residential development which does not hold the same architectural / townscape character or quality than the remainder of the conservation area. The existing boundary is therefore suggested to be changed to remove this area of modern development. This is the only area which is proposed to be omitted from the conservation area boundary. No mention is made to this in the draft LDP.	No change.
22	Page 17 of the Conservation Review item 6 shows that the area of modern development at the top of Thistleboon Road is to be omitted from the Conservation Area. Has this occurred anywhere else in the Oystermouth ward, and was this included in the draft LDP?		
6	Welcome expansion of boundary and any plans to conserve the character of this part of Swansea. However, this seems at odds with the recent increased development in the area to which the proposed boundary encompasses.	The support for the boundary change is noted.	No change.
9	In favour of expanding the boundary but if no action is taken regarding the parking / loss of small independent traders then the process seems futile.	Support for the boundary change is noted.	No change.
28	Good idea to expand boundary to include Newton Road commercial properties to protect shopfronts from unsympathetic changes. Supportive as will make planning more sensitive.	Support for the boundary change is noted.	No change.
28	Supportive of expansion to include castle grounds and allotments.	Support for the boundary change is noted.	No change.

28	Why isn't Underhill Park part of the proposed Conservation Area?	Parks and recreation land (including playing fields) are protected under policy HC23 of the Swansea Unitary Development Plan (emerging LDP policy SI 5). The policy notes that it is important to retain and improve community recreation land to maintain access to open spaces, promote healthier lifestyles and tackle health inequalities. It is considered that the policy protection in place is sufficient to control development at Underhill park and the further significant expansion of the conservation area boundary would not be necessary to impose additional controls to this open space. The proposed boundary expansion abuts the eastern boundary of Underhill Park (Langland Road), and should development proposals be forthcoming, in addition to the specific 'Parks and Recreation Land' policy, the setting of the Mumbles conservation area would also form part of the officer assessment.	No change.
1	Underhill park should also be included within the extended boundary as parks and leisure facilities are currently under threat (Underhill Park is not included in the Mumbles or Newton CA boundary).		
2	Underhill Park should be included within the expanded boundary.		
11	Concern regarding the withdrawal of status from the small wooded area on Mumbles Hill that was recently saved from development by a purchase (Area shaded blue).	There is no proposal to remove any part of the 'wooded area' on Mumbles Hill from the existing boundary. The steep wooded hillsides that overlook the built conservation area create a strong edge and setting for the historic townscape. The area shaded blue on the proposal map relates to a small section of modern housing development located on Western Close (backing onto Thistleboon Road). When the Conservation Area was originally designated in 1969 this parcel of land is believed to have housed an Orphanage and the boundary was drawn accordingly to encompass this. Since this time the previous buildings have been demolished and the site now comprises more modern residential development which does not hold the same architectural / townscape character or quality than the remainder of the conservation area.	No change.
13	Concerned that land at Newton Road and Langland Road, Mumbles Hill Pier development not included.	The proposed significant boundary expansion includes a large section of Newton Road stretching from Mumbles Road to Underhill Park, incorporating dwellings on the eastern side of Langland Road (facing Underhill Park). The expansion includes the main shopping centre of Mumbles which retains a common form and scale of development which creates the attractive townscape. In particular, Mumbles Pier, including the Lifeboat Station and slipway is grade II listed and therefore already affords a greater protection. There is no proposal to expand the Conservation Area to take in Mumbles Pier.	No change.
28	Why isn't Mumbles Pier included in the Conservation Area?		
2	The review coincides with the application to develop Mumbles Pier foreshore and headland which will then be densely developed from what is now mostly an open space. It will be 'cheek and jowl' with the Conservation Area which it will do nothing to enhance.		
18	It is important to include the woodland area that runs from Castle Road behind no's 78-92 Newton Road as it is an important wildlife corridor. The Mumbles limestone boundary walls from 78 Newton Road to the cemetery are historically important.	The proposed significant boundary expansion takes the conservation area boundary up to Lime Kiln Road. The areas referred to would be setting to the expanded conservation area and further expansion into this area is not considered necessary.	No change
19	The green areas (woodland running from the rear of Glen Road adjoining the cemetery, along Castle Road behind 78-92 Newton Road and linking back to the cemetery at Coltshill Woods at Underhill Park and at rear of Overland Road linking to Mumbles Hill) must be appropriately managed.		
16	Support for the inclusion of the area around the castle being included within the boundary.	The support for the boundary change is noted.	No change.

28	Expansion to include Overland Road is supported.	The support for the boundary change is noted.	No change.
28	Fully supported but what will the expansion mean for householders – owners need reassurance that the proposal does not result in additional bureaucracy? Owners must know the implications of designation and the proposal needs council commitment.	Once an area has been given conservation area status, the local planning authority is required to ensure that desirable features of the area are preserved or enhanced through the planning process. The planning policies typically require retention of historic features and a higher quality of design in new developments. The review of the Mumbles Conservation Area will include guidelines to help protect and enhance the special character of the area. The designation therefore does not stop change but it does require greater scrutiny of new designs. It is acknowledged that changes are required for day-to-day life, rather designation helps ensure that changes are managed to respect the special character and appearance of the area. To help householders, a 'Living in your Conservation Area' leaflet has been produced by the council which briefly sets out the effects of living in a conservation area to local people (in a positive way).	No change.
28	Support expansion and greater protection for trees. Will there be additional costs associated with works to remove trees?	The conservation area designation would bring in the notification process for works to private trees. Any person wishing to carry out works to a qualifying tree would need to notify the council of their intention of works to be carried out in writing. There is no charge associated with this notification process. The council then has 6 weeks to respond by either; i) If not response is provided within 6 weeks then the notified works can be undertaken; ii) Council can agree the works are acceptable; or iii) Place a TPO on the tree(s) and deal with any future application as a tree works application.	No change.
28	Supportive of the expansion to include Castle grounds and allotments. However, the allotments to the rear of no's 438 Mumbles Road are not mentioned in the draft document?	The allotments located to the rear of the terrace of properties fronting onto Mumbles Road are included within the proposed boundary expansion, and within the 'Castle Character Area'. The draft document text refers to 'three open spaces used for allotments including the largest to the south west of the castle walls'. It is noted that there are allotments to the south west (as mentioned above), two allotments located to the north of the castle and then a much smaller allotment area located to the rear of properties fronting onto Mumbles Road. On this basis the text should be amended to refer to 'four open spaces are used for allotments...'	Amend text in para. 5.7 as follows: <i>"Four of the open spaces are used for allotments including the largest to the south west of the castle that almost reaches the castle walls."</i>
24	An allotment site in the area around the castle has been left out located to the rear of the terraces fronting onto Mumbles Road. I suspect it is the 'Lower Norton' site, which is actually currently council run.		
28	Support the proposed expansion to preserve the value of the residential terraces and stop poor quality changes / development.	The support for the boundary change is noted.	No change.

Comments on the Character Appraisal and the proposed Character Areas

Respondent	Comment	Council Response	Recommended change
1	Supported, but does not go far enough. The Seafront (Area 1) is under extreme threat due to the potential loss of the tennis courts. The surrounding properties have small gardens and the loss of recreational activities will impact locals and visitors to the area. The tennis courts also visually enhance the area. The tennis courts should be refurbished for the wellbeing of the young people of the area.	The Seafront Character Area provides the public face and as such its townscape qualities and character are particularly important to protect, improve and enhance. A significant portion of the Seafront Character Area is already within the existing Conservation Area boundary which terminates just before the new Oyster Wharf development, at the tennis courts. The proposed boundary expansion seeks to extend the Seafront Character Area to include Oyster Wharf, Oystermouth Square and the section of promenade up until opposite no. 444 Mumbles Road, to coincide with potential Coastal protection works. The tennis courts are located within the existing Conservation Area boundary, and subsequently the 'preserve or enhance' test would be applied to any application for development at the site. By defining specific character areas, i.e. Seafront Character Area and acknowledging its special qualities allows greater control over future development work.	No change.
27	The character areas are suited and not overly piecemeal.	The support for the Character Appraisal is noted.	No change.
33	Fully supportive.	The support for the Character Appraisal is noted.	No change.
13	The proposed character areas are supported.	The support for the Character Appraisal is noted.	No change.
28	This is a critical time for the area, there is a need to sensitively develop and retain character areas by restricting new infill development.	The draft documents identifies inappropriate designs of new infill buildings, extensions, shopfronts and alterations as issues affecting the conservation area. Para 7.5.1 notes that 'individual infill developments reflect the taste and design approach of their eras, but where they have respected the principles of the historic building line, and of the scale, massing and form of their neighbours, they are generally absorbed into the streetscape with success'. The document provides specific guidance for new development with heritage areas, and where such development is proposed it is important that it is guided by sound principles of urban design as well as sympathetic detailing in relation to its historic context.	No change.
28	The division of the area into Character Areas is helpful as it clearly defines different areas, what they include and how they can be developed sensitively.	The support for the Character Appraisal is noted.	No change.

Comments on the proposed Management Plan for the Conservation Area

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Respondent	Comment	Council Response	Recommended change
1	Some of the Newton Road shops retain their original Edwardian windows, and some replacements include 'Edwardian type' shopfronts and windows, most notably 'Cash Hardware' and 'Newburys' the chemists. However, the most recent shop, Tesco's, is not sympathetic.	<p>In terms of commercial premises, the aim is to protect and preserve the remaining historic shopfronts and architectural features along Newton Road and promote further enhancement work. The Management Plan seeks to facilitate the use of both the Conservation Area review, which provides specific information for the Mumbles area, along with the Shop Front Design Guide Supplementary Planning Guidance (2017) in order to secure good quality commercial frontages. Owners should be aware that there are currently few permitted development opportunities with commercial properties and it will be important that all future changes to shopfronts / signage within the Conservation Area provides detailed planning applications.</p> <p>The replacement of shopfronts and signage with inappropriate design and materials is acknowledged to have a significant effect on the visual qualities of the Conservation Area. The Management Plan identifies that new and replacement shopfronts, and their associated signage, should display good proportions, well thought out detailing and quality materials. Whilst it is not possible to 'turn back the clock' any forthcoming applications for new shopfronts and/or Advertisement Consent would be assessed against the 'preserve or enhance' test, the aim being to improve the character and appearance of commercial frontages.</p> <p>The Newton Road shopping area currently falls outside the Conservation Area boundaries, however the proposal seeks to extend the boundary to take in the Newton Road Area as this provides a focal point for Mumbles residents and visitors. The attractive townscape along this road was built throughout the C19th and C20th and whilst it includes a mix of building styles, most are three storey Victorian gable terraces with bay windows. The expansion of the Conservation Area to include Newton Road seeks to protect its overall heritage characteristics.</p> <p>The proposed grant aid in Mumbles Community Council's 2018/2019 budget allocated towards the costs of improving the decorative condition of the retail premises along Newton Road is advocated and goes hand-in-hand with Management Plan specific guidance on 'Improving shopfronts and signage'. As noted in the comments made by Mumbles Community Council, there may be scope in subsequent years for additional funding towards more sympathetic restoration/development works to commercial units.</p>	<p>Section 6.1.3 'Opportunities' to be updated to include reference to grant funding for commercial units, to read as follows: <i>'Potential funding opportunities for sympathetic restoration/improvement works to commercial premises'</i></p> <p>Section 7.9.8 'Funding Support' to be updated to include the following wording: <i>'There may be scope to explore funding initiatives, for example, for restoration/ enhancement works to commercial units'</i></p> <p>Section 7.7.8 re-numbered 7.8.9 to include same text, 'To encourage the protection and reuse of historic buildings that are either vacant or in poor condition, such as some seafront inns, grant funding opportunities need to be explored'.</p>
25	Shop signage and frontages encouraged to be more traditional in character and appearance.		
28	Improvements / enhancements are needed to shopfronts and signage along Newton Road and arcade. Funding support is needed to help existing owner/occupiers of independent shops, many of which are struggling to compete with the larger retail units coming into the area. Will there be funding to encourage more sympathetic alterations to shopfronts and signage?		
10	Shopping area is scruffy and poorly maintained. Last year, Assembly members undertook street surgeries in Mumbles and poor maintenance and poor shop facades were raised. It is understood that the shopping area was already in the Conservation Area? The Council should use its powers to ensure owners keep shop facades in good order – businesses and residents should maintain the quality of their buildings. Other examples i.e. Cowbridge, Penarth and Narbeth are also uniquely placed to benefit from day visitors and tourists and are beautifully kept with local authorities, businesses and residents taking responsibility to ensure enhancement of shopping areas.		
2	The high standards of shopfronts seen in Pembrokeshire could appear in Mumbles. A remarkable effort is made there to harmonise paint choices, window sized and acceptance signage.		
25	A recommendation for CCS to seek funding to improve shopfronts would also be fantastic.		
29	Mumbles Community Council's desire to make a difference in this policy area is manifest by the newly elected MCC providing a small amount of grant aid in our 2018/9 budget to go towards the costs of improving the decorative condition of the retail premises in Newton Road. This accords with para. 7.7.2, "The visual impact of inappropriate replacement and badly maintained shop frontages and signage detracts from the heritage environment. The quality of shopfronts is an important indicator of the prosperity of the area,..." The draft document, para 7.7.8 refers to 'funding support' and we would be keen to discuss working jointly with you on this. Our initial grant budget for this specific programme this year is small, but our Grant Aid and Development budgets as a whole have increased hugely to nearly £340,000, and though these are committed for this fiscal year, it does provides considerable potential going forward.		

29	<p>Unsympathetic alterations have been undertaken in the area, for example replacement UPVC windows, removal of bay windows and inappropriate dormer window extensions. The draft review document highlights some of these issues, plus contrasting positive examples. We fully appreciate that there can be no retrospective action but we would urge the proposals in your draft to prevent these in future be implemented as soon as possible. Mumbles Community Council would like to discuss with you the possible available funding incentives to encourage addressing the worst example of negative practice.</p>	<p>It is noted that a significant number of buildings within the existing Conservation Area and the proposed expanded area display a loss of some of their traditional heritage qualities that gradually change the overall historic townscape. The proliferation of relatively minor building alterations can incrementally erode the character and appearance of the existing and proposed Conservation Area.</p> <p>The draft document identifies key 'negative issues' and problems, including inappropriate building alterations and repairs, such as replacement of wooden sash windows with UPVC frames and different window designs, inappropriate extensions, loss of heritage details and materials and use of inappropriate roof materials. It goes on to set out guidelines for external repair and alteration work. Whilst it is not possible to 'turn back the clock', it is important that property owners and occupiers adopt the right approach to repairs, extensions and alterations.</p>	No change.
31	<p>Part of our (Urban Foundry) work for Mumbles Community Council in their regeneration strategy will be to discuss how best to target their funding annually. It would be useful to continue dialogue and consider how to make the best of that from a Conservation perspective (MCC already highlight some suggestions in their response). Something could be worked into our report that gives added value to all parties - particularly, 'interpretation/incentives for remediation' as well as future development etc. could be viable from the Community Council's side.</p>	<p>There is an awareness raising necessity to inform householders of the importance of 'street character' and the contribution that individual residences make to that. A 'Living in your Conservation Area' leaflet has been produced by the council which briefly sets out the effects of living in a conservation area to local people (in a positive way). Notwithstanding this, the Conservation Area designation does not stop change but it does require greater scrutiny of new designs.</p>	
32	<p>Many beautiful buildings have been lost through poor choices in restoration - unsympathetic upvc windows, rendering the Victorian/Edwardian brick, dormers. Also, poor architecture inflicted on the environment by wealthy people who given managed guidance would have had to make less distasteful choices. Many people in Mumbles have improved the look of the area (cottages returned to stone / sympathetic restoration). I hope the review means efforts aren't wasted.</p>	<p>Should planning permission be required for works, once adopted the Mumbles Conservation Area Review will hold greater weight in the assessment of planning applications within the Conservation Area and provides specific guidance in terms of what works are considerate appropriate in meeting the 'preserve or enhance' test in terms of the character and appearance of the Conservation Area.</p>	
21	<p>There is not enough information about the approach the council will take when repair work is required. Will "retrograde" work be enforced? For example, a) requiring slate roof when a concrete tiled roof is repaired b) a stained door to be painted when time for staining again c) prohibiting replacement of an aerial that has blown down, d) enforcing a different colour when repainting. The websites referred to are vague and full of guidance rather than certainty. Much greater clarity is required on the likely use of the council's extended powers.</p>	<p>Mumbles Community Council has stated that there may be scope for funding incentives to encourage addressing the 'worst examples of negative practice for householder works'. Any potential for funding enhancement/remedial works to residential dwellings would be outside the remit of the Conservation Area Review. Any changes to residential properties would be controlled through the planning process.</p>	
8	<p>Entire streets can entirely lose their historic character when original windows and doors are replaced with poorly designed UVPC materials, when pebble-dash rendering is applied to replace the original masonry finish, and heavy roof tiles fitted to replace original slate roofing. Front gardens can be replaced with concrete car parking stands and trees and other greenery are often removed. When taken together many changes such as those described above can spoil the historic character of key buildings, whole streets, and eventually, the whole of the Mumbles area. We need to conserve and protect areas such as these for now and for future generations.</p>		
19	<p>Important to retain the remaining architectural identity of the village before it is destroyed by unsympathetic modernisation. This is a limestone area with houses and saddleback garden walls built from this raw material. Sash windows and small window panes should be retained, not the inappropriate styled plastic windows of modernisation.</p>		

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25	It would be great to encourage properties to be painted attractive complementary colours. Maybe using 'advisory' colour charts.	Whilst the council cannot impose specific requirements in terms of what colour a property is painted, there is scope to include general guidance / advisory charts on sympathetic renovations and coordinated painting schemes, taking into consideration the seaside character of the area. In the section 'Guidance for reuse and enhancement of existing buildings' an image is provided of a coordinated renovation and painting scheme for traditional terraces. A paragraph should be included, para 7.3.7, making reference to the support for coordinated renovations and sympathetic colour schemes.	Include new paragraph 7.4.7 to read: <i>“Coordinated renovations and colour schemes can have significant impacts on the streetscene. Owner / occupiers should adopt a pragmatic approach when considering such painting schemes on the basis of the visual impact this can have on the character and appearance of the conservation area”.</i>
14	Consideration should be given to preventing owners from painting their houses violent colours (i.e. no. 558 Mumbles Road & Oyster Wharf).		
28	Colours are important. Concerned about the bright colours used on buildings located on Village Lane.		
23	Can anything be done to ensure that commercial buildings are not left empty for long periods? Shops at the top of Newton Road are no longer commercially viable financially and so little can be done, but at the bottom of the hill where the buildings are more desirable the two banks which have closed and their landlord are under no obligation to re-let the premises to the detriment of the aesthetic of the conservation area.	The draft document identifies 'unused buildings' as a negative issue and problem affecting the Conservation Area. It is acknowledged that unused buildings detract from the visual qualities of the heritage environment. Unfortunately the council has no powers to insist that the buildings are re-let immediately despite the negative impact empty units have on the streetscene. In terms of the former Antelope, there is a recent consent granted (2017/1133/FUL) for extensions and alterations to the former Antelope which was approved in November 2017. Whilst there is a condition attached which requires the development begin no later than five years from the date of decision, unfortunately the council does not have powers to require this work is implemented immediately.	No change.
28	Why has work stopped at the former Antelope – it looks unsightly.		
314	The former Antelope public house is currently an eyesore – please urge the developer to complete the conversion.		
6	Concern regarding the increased development and traffic on Newton Road (former British Legion site). The redevelopment of the site without proper provision of accessible parking will do anything but enhance the unique character of this area (Newton Road). Urgent need for improved parking everywhere in Mumbles, in particular at the top of Newton Road and near Underhill park. Concern that without the parking problem being addressed the ability to maintain the unique 'village' character of the area will be lost.	The draft document identifies traffic and parking congestion as a 'negative issue and problem' facing the Conservation Area, however does not encompass any specific highway management and parking strategy. The Management Plan goes on to recognise a number of key projects requiring action within the Mumbles Conservation Area, one of these being 'Traffic and parking appraisal and projects'. It is acknowledged that there are parking issues for residents, shoppers and tourists to the area. All three demands in this historic area, which was not designed for such vehicular use, cause traffic problems. An appraisal of the traffic and parking needs in the area is needed to identify projects to alleviate the current situation. This is a wider strategic project which falls outside the remits of the conservation area review. Likewise, more sustainable travel solutions could be explored to lessen traffic / parking congestion in the area, i.e. park and ride / shuttle buses, which would fall outside the remits of this conservation area project.	No change.
29	Para 7.7.4 highlights the problems caused by traffic and parking. This is an ongoing problem, especially in the 'residential terraces' area and has a significant negative impact on the historic character of the area. Para 7.7.5 advocates an appraisal of the traffic and parking needs in the Conservation Area is needed to identify projects to alleviate the current situation. We thoroughly concur with the urgent need for this and would urge reconsideration of the policy to provide each household in these narrow and congested streets with two on street parking permits, as this generates an expectation of having a parking space available but demand far exceeds supply. In similarly congested heritage areas in other local authorities prospective residents are told there will be very restricted or even zero on-street parking. Mumbles residents should be encouraged to provide their own appropriate off street parking at the rear of their households where practical. Such encouragement could be grants for a proportion of the costs from central government 'environmental improvement' policies financed by parking and traffic congestion charges income. Similarly, C&C Swansea could encourage such provision through a reduction in Council Tax for houses making their own off road spaces as the policy would enhance the area for others. The small loss of income		

	could be financed through hypothecated parking charges and fines income. Most of the affected areas in the 'Terraces' area of Oystermouth have rear access lanes, for which we understand no one takes maintenance responsibility. On the western side of the aforementioned Park Street, nearly all the houses have long gardens with potentially easy access from Dunns Close. We are aware that Dunns Close is a private road owned by Gwalia- with which we assume C&C Swansea has positive relations - and it is cited here merely as a possible solution to a seemingly intractable problem.		
28	Parking issues on narrow streets. Visitor parking overflows onto the residential terrace. An appropriate space for a car park needs to be located, or perhaps some form of shuttle bus/'park and ride' initiative could serve the area and help reduce traffic/parking issues? Parking solutions are needed to encourage more footfall to the shops located at the top of Newton Road which are struggling. Better bus stop provision is needed. Parking should be removed from the bottom of Newton Road to prevent abuse and then the pavement could be widened.		
29	We note the contents of para 7.6.7 "The steep wooded hillsides above the Conservation Area provide a valuable setting and boundary for the Conservation Area. The protection and management of these spaces is vital to ensure the long term setting for the town." (Please note that after some recent much publicised proposals we are still officially a 'village!'). We fully agree with this sentiment and indeed tried to buy part of this area of woodland which came up for auction last year. We were outbid but in considering this option, it was apparent that the woodlands are not managed at all and we were aware that residents adjoining this woodland are often detrimentally affected by this in terms of loss of sunlight and satellite signals plus falling trees etc. Some appropriate tree surgery is necessary to keep tree crowns and overhanging branch growth to reasonable historic levels, to manage the health of trees and control the increase in invasive species that threaten their character. The woodlands are privately owned by various individuals who seemingly spend no money on effective management and this is a problem that could be rectified without threatening "the valuable setting" referred to above.	The support for the protection and management of the 'steep wooded hillsides' is noted. The points raised regarding the lack of appropriate management and subsequent impact on adjoining residents is acknowledged. In terms of the management of the trees by the current landowner(s), unfortunately they are under no responsibility to manage these trees. The affected residents can approach the landowner(s) and request that works are undertaken / offer to contribute to the works required, but there is no requirement for the landowner to oblige. The landowner(s) does however have a duty of care to neighbours to prevent damage (Donoghue v Stephenson, Rylands v Fletcher and Leaky v National Trust). The high hedges legislation can be used for more than one evergreen species where shading is a significant issue – further guidance can be found on the council environmental health webpages. It should be noted that there is no 'light to light, a view or a TV signal – boundary law can seem very unfair to most people that experience problems such as these. Neighbours may however cut back overhanging branches to the boundary line following (in the case of a conservation area) a successful section 211 notice being issued to the council.	Amend text in para. 7.8.7 as follows: <i>'The steep wooded hillsides above the Conservation Area provide a valuable setting and boundary for the Conservation Area. The protection and management of these spaces is vital to ensure the long term setting for the <u>village</u>.'</i>
29	As the official body elected by Mumbles residents to represent their interest, MCC would welcome an official role in the future management proposals that have been outlined in paragraphs 7.12-13 on community involvement, consultation and engagement, conservation education and training and the processes in section 8 covering the Action Plan Summary. We look forward to discussing our suggestions and all possible options for positive collaboration.	The support for community involvement, consultation and engagement is welcomed. Para 7.12 of the draft document notes that "an ongoing programme to raise awareness of the conservation area and its significance should be continued as part of the potential regeneration strategy". The views and opinions from those who live, work and visit Mumbles are essential to consider all the conservation issues which effect the future management and prosperity of the area. The Management Plan recognises the need for an awareness raising programme for the engagement / involvement of the community, this would also provide the community with a sense of understanding and pride in what the area represents. It is identified that there is scope to further engage the community in caring for the built environment through voluntary groups / projects.	The Management Plan recommends that 'Community consultation and engagement' is undertaken in order to improve and change the area. <i>Add the following to 7.14.2: "There is scope to further engage the community in caring for the local built environment through voluntary projects. Projects can be developed by local people in partnership with the Council and could work in unison with Mumbles Community Council and other stakeholders".</i>
28	Restore a sense of pride in the area. A greater community involvement in improvements / enhancements to the area is needed.		

1	The natural beauty of the area is breath-taking but the lack of planning controls and inappropriate development has impacts on the area.	Once an area has been given conservation area status, the local authority is required to ensure that desirable features of the area are preserved or enhanced through the planning process. The planning policies typically require retention of historic features and a higher quality of design in new developments. Designation therefore helps to ensure that changes are managed to respect the special character and appearance of the area.	No change.
25	Greater protection should be afforded to the pavilion and the Bowls Green along the seafront as this is a key feature of the village (maybe recommendation of village green status).	The Bowls Green and associated bowls pavilion are located alongside the recently completed Oyster Wharf development within the 'Seafront Character Area' which provides the 'public face' of the area. Para 5.2.3 makes reference to this area, "...between the two built up areas are tennis courts and bowling greens lined with trees. An attractive small sports pavilion provides a heritage note which should be protected".	The bowls pavilion is included as a 'positive' building and the diagram contained on page 21 of the document be updated to show this to further acknowledge the heritage of this structure.
28	The Bowls Green should be protected and designated as a 'Village Green'.	It is recommended that the bowls pavilion is included as a 'positive' building and the diagram contained on page 22 of the draft document be updated to show this. In addition, the significance of the pavilion building is acknowledged in para 7.8 'Local Listing in the Conservation Area', identified as a structure / building worthy of additional protection by being included on a Local List of heritage buildings and structures. In terms of 'village green' status, it is possible for anyone to apply under section 15(1) of the Commons Act 2006 to register land as a green if it has been used by local people for lawful sports and pastimes 'as a right' for at least 20 years. Further information can be found at: https://www.gov.uk/guidance/town-and-village-greens-how-to-register	
6	Works to improve the public realm are required. Some thought should be given to the possible provision of improved pedestrian access to the entire Newton Road and beyond. The existing pavement is narrow and often congested especially with illegally parked vehicles. Likewise, the pavement leading from Underhill park to Languard corner is extremely narrow and very dangerous for pedestrians, especially young children and buggies (however it is noted that this is outside the boundary expansion area).	The Management Framework notes that public realm has a significant contribution to the appearance and use of the area, and that modern day living and the requirement for vehicles and parking often result in the overall quality and character of an area being diluted.	No change.
28	Public realm improvements are needed i.e. work to pavements and roads, improved materials, introduce some shared spaced. Better maintenance of street furniture along the promenade is needed, and additional places to be able to sit and rest are needed throughout the area. The facilities along the promenade are poor, no public toilets with changing facilities. The derelict old 'coffee house' unit in the car park could be brought back into some form of use.	There are several stretches of pavement within the area which require surface improvements and it is also acknowledged that parts of Newton Road is served by only narrow sections of pavement. A streetscape strategy could include shared surface improvements, de-cluttering of pedestrian space, with the primary focus being the pedestrian environment and the space in front of commercial units. Whilst general maintenance works to the streets sits outside the remits of the conservation area review, the document contains guidance on the required simple palette of materials, planting and street furniture considerations that should be taken in any wider regeneration strategies for the area. Most notably, the important public spaces along the seafront promenade owned and managed by the council, require a comprehensive management plan to coordinate and maintain the designs, materials and planning of these key locations.	
2	A major overhaul of pavement in the commercial area is needed as these are in a deplorable state.	Specifically in this seafront location, the council is undertaking preliminary design and feasibility work on a new Coastal Protection	

28	Risk of flooding to properties along Mumbles Road is a concern. Is there a flood study being undertaken for the promenade?	scheme in the area between Knab Rock and the Dairy Car Park which will be the subject of a future separate public consultation. The scheme aims to address the current condition of the sea wall and provide an improved standard of protection against the risks of flooding. It will further provide the opportunity for the widening of the promenade, improve accessibility of the foreshore and enhance the public realm to create a high quality, sustainable and attractive waterfront. The scheme will require careful design to integrate the new defences with adjacent areas of existing public realm, areas of existing public open space and highways. The suggestion that there is a covered cobbled road under Oystermouth Road is an interesting concept for exploration. Unfortunately this would be outside the remit of the Conservation Area review.	
25	There is a cobbled road under Oystermouth road. Would be nice to explore the possibility of exposing it.		
21	The council is intending to give itself significant powers with Article 4(2) Direction.	Article 4 Directions can be imposed by local planning authorities to control certain alterations to dwellings that would otherwise be 'permitted development' under the GPDO and not require planning permission. The implementation of an Article 4(2) Direction for residential properties provides increased protection especially where there is threat from small scale unsympathetic works. The removal of permitted development rights is a separate process to the conservation area review and will require further consultation.	No change.
33	Fully supportive.	The support for the boundary change is noted.	No change.
28	We should be celebrating Mumbles history (first railway etc). Introduce a Visitor Centre to contain information on the history of the area along with information on what is happening in the area now. More should be done in the area to cater for tourists.	Mumbles is a well-known tourist destination. There are already numerous websites which promote the local area, including: https://www.visitswanseabay.com ; http://tourismswanseabay.co.uk . In terms of a visitor centre, Mumbles Methodist Church, Mumbles Road accommodates 'Mumbles Tourist Information Centre'. It is acknowledged that the history and heritage of the area could be better celebrated and there may be scope to include additional information within the area at Oystermouth Castle.	No change.
28	More information should be provided within the area on Oystermouth Castle.		

Other comments

Respondent	Comment	Council Response	Recommended change
10	Many streets/access are overgrown dumping grounds for rubbish.	Refuse is an issue across Swansea; this consultation was focussed on conservation issues. The day to day cleansing of streets is changing due to financial pressures facing Councils. There may be scope for community clear ups in the area in partnership with Keep Wales Tidy.	No change.
14	Also concerned about the incidences of dog mess and littering in the area increasing.		
28	Littering is an issue, especially along the promenade and associated with the increased number of food outlets / takeaways. Lack of litter bins and dog bins in the area.		
1	The loss of the tennis courts and the development at the iconic Mumbles Head will damage the unique landscape.	The potential loss of the tennis courts located alongside Oyster Wharf has been raised by a number of respondents. The tennis courts are located	No change.

10	The proposal to scrap the tennis courts in Mumbles in favour of a car park (encouraging people to use cars rather than cycling/using public transport to reach the resort) is in breach of the Well-being of Future Generations (Wales) Act 2015. This would rob this part of Mumbles of its unique character merely to help private enterprises make more money. Any Authority allowing this would not only contradict the above Act, it would spoil the unique appeal of Mumbles. In the words of Joni Mitchell "they paved paradise and put up a parking lot" - does Swansea Council want to be guilty of this?	within the existing conservation area boundary and any potential development of the site would be assessed against the 'preserve or enhance' test. The points raised relating to a lack of facilities/activities for younger people within the area is noted. Whilst not falling within the remit of the Conservation Area review, there are several projects i.e. Underhill Park redevelopment and the Skate Park which will offer a wider range of activities to the area.	
28	There is nothing for young people / children to do in the area. More play areas are needed. There is a lack of community facilities for teenagers. The tennis courts should either be retained or the land used for facilities for young people. Concern about the potential loss of the tennis courts for temporary car parking.		
9	The same body that is seeking to preserve the character of Mumbles is submitting plans to replace the tennis courts with temporary car parking.		
2	The term conservation area seems to be a very frail concept, when features within it can still be used as bargaining chips – the sacrifice potentially of the three tennis courts near Oyster Wharf for parking.		
6	The village quality comprising small, independent shops is being slowly eroded by new chain developments which on the whole are located on the seafront meaning that the smaller more traditional cafes and shops higher up Newton Road are suffering from lack of trade/lack of footfall.	It is acknowledged that the top end of Newton Road is struggling with apparently a greater turnover in occupiers of commercial units. This may be due to a combination of factors such as lack of footfall to this area due to the steep nature of this part of Newton Road and a lack of parking serving these units. Whilst it is desirable to preserve and enhance the character and appearance of the conservation area, it is not possible to control the occupiers of commercial units. There may however be scope for a wider strategy to support the economic viability of this area of Newton Road working with traders.	No change.
28	Importance of independent shops which are surviving rather than thriving at the top end of Newton Road. High business rates are also causing issues. Need something to draw people to the 'top shops', maybe a separate top entrance to the Castle?		
12	What impact will the proposal have on my house which is located just outside the conservation area boundary on the proposals map?	The residential property in question is located well outside both the existing and proposed conservation area boundary, separated by the 'wooded hill slopes'. On this basis there will no impact.	No change.
9	The area is being turned into a 'mini-Swansea' with the introduction of larger supermarkets, with small independent traders being pushed out due to these unsympathetic buildings being introduced with the loss of trees (even though there was a TPO in place at the former British Legion site). The introduction of larger shops (M&S) will cause more chaos on Newton Road and have a detrimental impact on the immediate area. There is no real commitment to conserving the Mumbles area as the infrastructure is constantly undermined by the introduction of unsuitable businesses that are adding to traffic problems and are detrimental to the health of the community due to noise and light pollution. There is more to conserving an area than just looking after historic features and buildings – it's the whole infrastructure and the 'feel' of the area.	A number of new retail occupiers have recently moved into the area, and most notably the former British Legion site is under redevelopment for a mixed-use scheme with ground floor retail use and residential apartments above (ref: 2016/1472/FUL). The site is located within the proposed boundary expansion which incorporates a significant portion of Newton Road. On this basis, at the time of the planning application, whilst the Mumbles Conservation Area Review document held limited weight, the case officer would have considered the emerging document in their assessment. The development of individual infill plots, such as the British Legion site, inevitably reflect the design and taste of their eras, but on the basis that they have respected the principles of the historic building line, and of the scale, massing and form of their neighbours, they are generally absorbed into the streetscene with success. The fundamental design	No change.

Mumbles Conservation Area: Record of public comments

13	New M&S on Newton Road is not in keeping with existing buildings.	theme for the Newton Road area is identified as gable dormers and first floor bay windows above shopfronts. The redevelopment of the site is considered to enhance the area, incorporating features that are characteristic of the area.	
28	What is happening to the Ostreme Hall and Police Station?	There are no current proposals for either the Police Station of Ostreme Centre.	No change.
1	The review has been very interesting, drawing attention to the ongoing problems and future issues of the area. Please save the area from overdevelopment and promote other areas that have got things right to planners. For example, Aberaeron was rundown but is now beautiful and all that has been done is make good what they have i.e. shopfront improvements and enhancement.	Support for the review is noted.	No change.
10	Mumbles is made up of a myriad of lanes intertwining the residential terraces. If the council wishes to set a high standard of conservation and heritage why then does it not bring the roads/lanes up to the required standard or ensure that residents that use them for vehicle access to their properties are required to keep them to highway standard.	A majority of the roads located within the existing and proposed boundary are adopted by the Council, however there are examples that are not, i.e. parts of Overland Road. In addition, the rear access lanes serving the 'Residential Terraces' are not adopted. Existing roads will not normally be adopted unless they are brought up to the required standards by the owners of the road. It may for example be unpaved, the surface in bad condition or possibly that the geometry of the road may be unsuitable for use as a highway maintained by public expense. Further information can be found: https://www.swansea.gov.uk/adoptedroads	No change.
26	The process is a waste of money and not required. Should get on with providing Mumbles area with some proper facilities (Under hill development has been talked about for 40 years yet it is still a reservoir with army WWII buildings for changing.	The Mumbles Conservation Area was first designated in 1969 and since this time no amendments have been made to the boundary. The Council is required to review conservation areas 'from time-to-time' with the review process involving the local community and stakeholders. The Conservation Area Appraisal and Management Plan has reconsidered the boundaries and proposes significant adjustments should be made to take account of the historic value and interest of areas with potential for conservation. Whilst planning consent may be needed for certain types of development within conservation areas which would elsewhere be classified as permitted development (i.e. dormer windows), this is in order to preserve or enhance the character and appearance of the area.	No change.
10	The Authority should invest in raising the quality of the area to a higher standard of repair and maintenance not just an exercise in expanding the area in relation to planning applications. This review gives the impression of an administrative exercise for the planning department to regain its foothold in determining planning applications that have been circumvented by Government.		
14	Please could the clock at All Saints Church be repaired?	The required work to All Saints Church falls outside the remits of the conservation area review.	No change.
27	Positive inclusion for GPDO control. Major concerns of permitted alterations that are so prominent on the entry to Mumbles – 'Castle Acre'.	Support for the review is noted.	No change.
28	There are vandalism / anti-social problems to the allotments to the rear of the properties fronting onto Mumbles Road.	The issue of vandalism and anti-social behaviour within, and adjacent to the allotment area, is noted. Whilst this problem is appreciated, this does not fall within the remits of the Conservation Area review and management, and any such issues would likely be a police matter.	No change.

Mumbles Conservation Area: Record of public comments

2	Could SCC designate a tranche of funding from the City Deal to assist with parking problems? Does Mumbles feature in the Swansea Metro Plans? Standards for building alterations seem to be inconsistently applied in Conservation Areas. The reason seems to be the anaemic standard of enforcement currently applying in Swansea.	The comments made relating to the City Deal and Metro Plans are outside the remits of the Conservation Area review. In terms of the reference to standards for building alterations to differ across Conservation Areas, this point is disputed. There is a clear 'preserve or enhance' test that is applied to development consistently across all conservation areas. With regard to enforcement, where concerns about unauthorised works are brought to the council's attention then they are investigated.	No change.
16	There are some poor alterations to the rear of properties on Newton Road, backing onto Castle Street, and the road is in a poor condition.	The presence of some unsympathetic works to the rear of properties on Newton Road is acknowledged. Once adopted, any works within the expanded Conservation Area will need to meet the 'preserve or enhance' test. Additionally, any potential unauthorised works can be reported to the Council's enforcement team to further investigate.	No change.
13	Poor extension to the rear of wine bar on Newton Road.		
21	The council will need to make a significant investment of its own to provide timely responses to the large number of enquiries, requests and approval that will follow the implementation of the conservation area. The information published to date gives no indication that the council understands this and has allocated sufficient budget to properly administer the enlarge area. The council need to clearly explain how they will support and administer the extended area and identify how this is to be funded long term.	The expansion of the Conservation Area is not expected to have any greater financial burden on the Council. The enquiries, requests and planning applications will be dealt with within the existing services.	No change.
32	The conservation area should be managed in a way which does not become an unwarranted economic burden.		
23	We need to protect the younger generations from being driving out of the area. There should be a stop on the amount of 2nd homes allowed to be purchased which sit empty for many months of the year or are simply used as additional income through holiday homes. House prices are constantly rising and we're being driven out of our own village when looking to put down roots. These beautiful character houses do not deserve to sit empty for months of the year - they should be lived in and enjoyed by young local families. I'm 35 and when I was a child in Oystermouth Primary, the village always had a close knit feel, and that is certainly lost these days.	The impact second homes, sitting vacant for months at a time, has on a street and wider area, is acknowledged. This is however not something that falls within the remit of the Conservation Area review.	No change.
28	Pressures to convert residential dwellings to holiday homes / second homes.		
28	Must be enforced – same rules for everyone.	The point made about enforcement is acknowledged.	No change.
28	Encroachment to rear of properties into Castle grounds.	Any concerns regarding encroachment onto private land would be a legal matter and fall outside the remits of the Conservation Area Review.	No change.

Record of Public and Stakeholder comments and authority responses to additional public consultation undertaken in 2020

Comments on the proposed amendments to the Conservation Area boundary to include no's 420-488 Mumbles Road

Respondent	Summary of comments	Council response	Recommended change
2	Supportive of extension of Conservation Area boundary. As raised during 2018 consultation, I was concerned that Underhill Park was not included in the proposed boundary expansion.	Parks and recreation land (including playing fields) are protected under policy S1 5: Protection of Open Space of the adopted Swansea LDP. The policy notes the importance to retain and improve community recreation land to maintain access to open spaces, promote healthier lifestyles and tackle health inequalities. It is considered that the policy protection in place is sufficient to control development at Underhill park and the further significant expansion of the Conservation Area boundary would not be warranted or necessary to impose additional controls to this open space. The proposed boundary expansion abuts the eastern boundary of Underhill Park (Langland Road), and should development proposals be forthcoming, in addition to the specific 'Protection of Open Space' policy, the setting of the Mumbles Conservation Area would also form part of the officer assessment.	No change.
12	Why isn't the Pier included in boundary?	Mumbles Pier, including the Lifeboat Station and slipway is Grade II listed and therefore already affords a greater protection. There is no proposal to expand the Conservation Area to take in Mumbles Pier.	No change.
3	In favour of an enhanced conservation area. Development for developments sake is a waste of time and shoddy blanket style modern construction would cause more harm than good.	Support for the extension to the conservation area boundary is noted.	No change.
4	Extend the conservation area boundary further to include Mumbles Road with SA3 5TN postcode (no's. 364-390) – the characterful row of houses on Mumbles Road between Norton Road and Norton Avenue.	The proposed expansion of the Conservation Area boundary seeks to encompass adjoining areas of similar architectural/ townscape character or quality. These properties, no's 364-390, form part of Norton, an area which is viewed as separate to the 'Mumbles' area, and subsequently, a boundary expansion to this extent which would then incorporate parts of Norton would not be appropriate.	No change.
6	This area should be left as 'green land'. More houses will not improve the area and will ruin the landscape.	The area to which the proposed extension seeks to encompass relates to existing buildings, namely no's 420-488 Mumbles Road. The area of green space which these comments may make reference to is the parcel of open green space north of no. 420 Mumbles Road and to the rear of properties located along Castle Acre. This area of land is within the extended conservation area boundary however no works are proposed to change the character and appearance of this open space.	No change.
8	Initial reaction to extension was one of ambivalence. In some ways it is nice to be included and have an acknowledgement that the properties on Mumbles Road, may have some collective value. On the other hand it is over 50 years since Conservation Areas were introduced, over 50 years since the original Conservation Area was designated and over 30 years since the requirement to review such areas was introduced by	The points are noted, as is the lack of support for the expansion. In terms of review, the Council is required to review conservation areas from 'time-to-time', with the review process involving the local community and stakeholders. The Conservation Area designation does not stop change but it does require greater scrutiny of new designs and a 'preserve or enhance' test to new development. The pre-application process is beneficial for applicants as any development	No change.

	<p>the 1990 Act. Clearly a lot of water passes under the proverbial bridge in this length of time and in many ways it's comforting to be left alone to be one's own arbiter and not subjected to additional and potentially more onerous controls than have previously existed. The present proposals could represent a large stick with a very little carrot in return. By way of example, it was amusing to note that householder requests for guidance on works would be chargeable. If the area should be designated, I would have hoped that the action plan would have indicated that the Council would have shouldered its responsibilities and taken a lead in improving the 'public realm', which I feel badly needs it. Unfortunately, in the absence of any positive proposals to do anything, I do not feel I can support the designation.</p>	<p>proposal can be critiqued prior to the submission of a formal application and this enables the opportunity to consider any issues and, if necessary, amend proposals before they are finalised and submitted. There is a charge associated with pre-application advice. Additionally, there is a 'Living in your Conservation Area' leaflet which has been produced by the Council and this sets out the effects of living in a conservation area to local people (in a positive way).</p> <p>In terms of public realm, the Management Framework notes that public realm has a significant contribution to the appearance and use of the area, and that modern day living and the requirement for vehicles and parking often result in the overall quality and character of an area being diluted. A streetscape strategy could include shared surface improvements, de-cluttering of pedestrian space, with the primary focus being the pedestrian environment. The document contains guidance on simple palette of materials, planting and street furniture considerations that should be taken in any wider regeneration strategy for the area.</p> <p>Most notably, the important public spaces along the seafront promenade owned and managed by the council, require a comprehensive management plan to coordinate and maintain the designs, materials and planning of these key locations. The plans continue to progress for the Coastal Protection scheme in the area, between Knab Rock and the Dairy Car Park, which is subject to separate public consultation. As well as flood risk management, the scheme will seek to preserve and enhance the promenade and seafront amenities such as widening the promenade at pinch-points and enhance public realm to create a high quality, sustainable and attractive waterfront.</p>	
9	<p>Agree with the inclusion of the 'Northern Seafront Approach' into the proposed Mumbles Conservation Area Boundary expansion. I had suggested that this would be a logical addition to the Conservation Area during the 2018 consultation.</p>	<p>Support for the extension to the conservation area boundary is noted.</p>	<p>No change.</p>
10	<p>Supportive of proposed expansion – a great idea!</p>	<p>Support for the extension to the conservation area boundary is noted.</p>	<p>No change.</p>
11	<p>Agree with comments and support the extension of the Conservation Area.</p>	<p>Support for the extension to the conservation area boundary is noted.</p>	<p>No change.</p>
12	<p>Positive expansion to the area. Could Mumbles headland be included?</p>	<p>No boundary changes are proposed to incorporate Mumbles Headland. The adjoining 'wooded hillsides' form part of the original Conservation Area boundary and are a particularly important undeveloped backdrop and create a strong edge and setting for the historic townscape. Mumbles Headland however, is protected in its own right being designated a Local Nature Reserve in 1991 to protect the site for both wildlife and people.</p>	<p>No change.</p>

Other comments

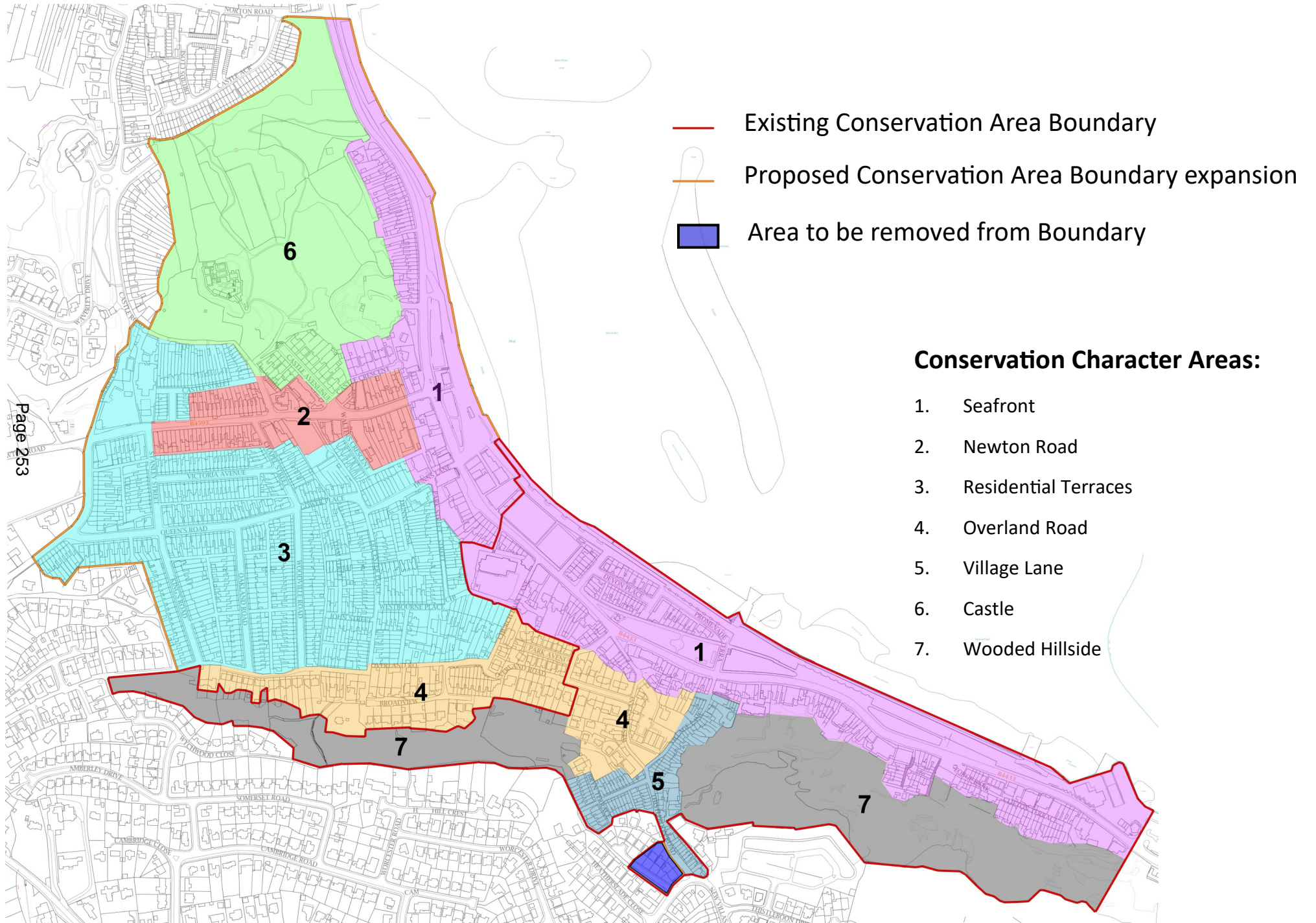
Respondent	Comment	Council Response	Recommended change
1	<p>An excellent review. Some points of detail:</p> <p>Page 29 Overland Road: The illustration ‘mix of designs – new builds on left...’ This is mistakenly included in the Overland Road section. It is a view from Church Park, where it joins Westbourne Place at the top of Church Street. The early C20th houses in distance are in fact part of the 1860’s Coastguard Station (the former coastguard captain’s house in the foreground). Page 25: One of the few unshaded areas, fronting Westbourne Place, Upper Church Park and Overland Road was acquired in 1859 for the Coastguard service. The Coastguard Station has played a significant part in Mumbles history (see online articles by Carol Powell) from the 1860’s to the 1950’s. The captain’s house, six cottages and former office are all, postally, in Upper Church Park as their front doors originally faced inwards to the exercise yard and flagstaff. Being some 40 years older than the western terraces on the map, do they not deserve recognition as ‘positive buildings’? The new build house (2a Westbourne Place) in the page 29 picture has replaced the rescue equipment shed shown in the NE corner of the map, and no. 2 Westbourne Place, was also built on the former coast guard site in 1960.</p>	<p>The support for the review is noted.</p> <p>The image on page 29 has been corrected.</p> <p>The information relating to the former Coastguard Station at the site where Westbourne Place meets Upper Church Park is welcomed. It is agreed that the former Coastguard Captain’s house, office and associated six terraced cottages which all face inwards onto a former central courtyard/exercise area should, given their historic significance, be included as ‘positive buildings’ on the plan on page 25.</p>	<p>Image on page 29 of the document to be corrected.</p> <p>The plan on page 25 to be updated to include the former Coastguard Captain’s house, office and six associated cottages as ‘positive buildings’.</p>
7	<p>What are the implications of being in a conservation area? If we have a planning approval for a small extension and a dormer at the back of the property, what is the impact? What would be the restrictions at the front of the house to colour, window and door style, etc? Does it have any impact on this suggestion? Are there any other restrictions with being in a CA?</p>	<p>Any planning consent remains unchanged and the works can proceed as per the approval.</p> <p>There are no restrictions in place in terms of the colour you can paint the front elevation of your property. Following previous comments in relation to the initial 2018 consultation exercise, a new para 7.3.7 has been added to the document making reference to owner/occupiers taking a ‘pragmatic approach when considering painting their properties on the basis of the visual impact such work can have on the character and appearance of the conservation area’.</p> <p>The Management Plan (Section 7) sets out the approach to repairs and alterations, which includes window and door styles. Whilst uPVC windows and doors may be permitted, there is an emphasis on appropriate repair works to existing windows and doors where possible, and an encouragement for ‘like-for-like’ replacements.</p> <p>In terms of ‘other restrictions’, the designation as a Conservation Area does not mean that no change can occur or that only traditional design is permitted, rather that there is a greater level of design and development control linked to Swansea LDP policies, and the main consideration is whether any proposed meets the ‘preserves or enhances’ test.</p>	<p>No change.</p>
8	<p>Initial feelings are that there is a little too much stick and not enough carrot. Sadly, I can’t imagine the Council making any positive contribution to the public realm, which in my opinion,</p>	<p>The Management Plan notes that public realm makes a significant contribution to the appearance and use of the area. As noted in the 2018 responses, a</p>	<p>No change.</p>

	really needs it.	streetscape strategy could include shared surface improvements, de-cluttering of pedestrian space; the primary focus being improvements to the pedestrian environment and the space in front of commercial units. Whilst general maintenance works to the streets sits outside the remits of the conservation area review, the document contains guidance on the required simple palette of materials, planting and street furniture considerations that should be taken in any wider regeneration strategies for the area. Most notably, the important public spaces along the seafront promenade owned and managed by the council, require a comprehensive management plan to coordinate and maintain the designs, materials and planning of these key locations. Specifically in this seafront location, the council, along with private consultancy, is working on a coastal protection scheme in the area between Knab Rock and the Dairy Car Park (subject to separate public consultation). The scheme aims to address the current condition of the sea wall and provide an improved standard of protection against the risks of flooding. It will provide the opportunity for the widening of the promenade, improve accessibility of the foreshore and enhance the public realm to create a high quality, sustainable and attractive waterfront. The scheme will require careful design to integrate the new defences with adjacent areas of existing public realm, areas of existing public open space and highways.	
8	If this review had been carried out nearer to the making of the original CA designation then perhaps a lot of damage to residential property features could have been avoided. I'm not sure whether it's possible to put the clock back, now, or where it would go back to.	The Council is required to review conservation areas from 'time-to-time', with the review process involving the local community and stakeholders. Whilst it is not possible to 'turn back the clock', it is important that property owners and occupiers adopt the right approach to repairs, extensions and alterations. There is an awareness raising necessity to inform householders of the importance of 'street character' and the contribution that individual residences make to that. A 'Living in your Conservation Area' leaflet has been produced by the Council which sets out the effects of living in a conservation area to local people (in a positive way). Notwithstanding this, the Conservation Area designation does not stop change but it does require greater scrutiny of new designs.	No change.
2	The Management Plan scheme sounds as if it has promise.	The support for the Management Plan is noted.	No change.
5	Mumbles should be developed, it's a district that should be a cash cow for the rest of the city. It needs more night life, more attractions, and better transport links. If you give the place any kind of protected status you will just be binding your own hands, and empowering local residents to hold back progress. The people of Mumbles have money and education on their side, they don't need to be handed more tools to use.	<p>The Mumbles Conservation Area was first designated in 1969. This current review is undertaken on the basis that the Council is required to review conservation areas 'time-to-time', with the review process involving the local community and stakeholders. The process includes a review of the conservation area boundary and proposes significant adjustments should be made to take account of the historic value and interest of areas with potential for conservation.</p> <p>It is noted that a number of previous public houses/ nightlife venues have shut in recent years. This is however due in part to peoples change in social habits and has no bearing on the conservation area status.</p> <p>The point with regard to better transport links is acknowledged. This is a wider strategic project which falls outside the remits of the Conservation Area review. Likewise, more sustainable travel solutions could be explored to lessen traffic / parking congestion in the area, i.e. park and ride / shuttle buses, which would fall outside the remits of this conservation area project. Additionally, the Santander Cycle scheme has now been implemented which provides a docking station in Mumbles (adjacent to Southend Park).</p> <p>There are wider strategic initiatives to provide new/ enhanced active travel links in the area.</p>	No change.

9	In general agreement with the Character Appraisal and the division into proposed Character Areas. Agree with the proposed Management Plan but am concerned as to whether Swansea Council has the necessary powers and specialist staff to ensure compliance.	Support for the Character Appraisal and division into Character Areas noted.	No change.
2	<p>I feel very concerned about what I perceive to be the general decline in Conservation Areas. It seems now that 'anything goes' and there no longer seems to be the will to preserve and enhance.</p> <p>The status of the three tennis courts and bowling green has become increasingly fragile; one tennis court has been sacrificed to the developing of Oyster Wharf. The remaining courts have not been restored to make playable. Enforcement by the council has become a lottery and sadly all this is happening in the centenary year of the Bowling Green. This contrasts with the restoration of the courts in de la Beche Road.</p> <p>Concerns raised regarding Newton Conservation Area, specifically in relation to 165A Newton Road, a restoration project which has stalled. What can be done to ensure ambitious projects are completed? The same issue has arisen at the backland site behind 19 Melcorn Drive – this was allowed on the long narrow gardens which were survivors of the medieval pattern. After years the developer cannot sell it and it remains incomplete with the promise to restore the three mature (TPO) trees not followed up on.</p>	<p>The views regarding the perceived general decline in Conservation Areas is acknowledged. The designation does not stop change, but it does require greater scrutiny of new designs. Once an area has been given conservation area status, the local planning authority is required to ensure that desirable features of the area are either 'preserved or enhanced' through the planning process. The planning policies typically require retention of historic features and a higher quality of design in new developments. The review of the Mumbles Conservation Area will include guidelines to help protect and enhance the special character of the area.</p> <p>The tennis courts are located within the existing Conservation Area boundary, and subsequently the 'preserve or enhance' test would be applied to any application for development at the site.</p> <p>In terms of the Bowling Green, para 5.2.3 makes reference to this area, "...between the two built up areas are tennis courts and bowling greens lined with trees. An attractive small sports pavilion provides a heritage note which should be protected". It is recommended that the bowls pavilion is included as a 'positive' building. In addition, the significance of the pavilion building is acknowledged in para 7.8 'Local Listing in the Conservation Area', identified as a structure / building worthy of additional protection by being included on a Local List of heritage buildings and structures.</p> <p>The concerns relating to Newton Conservation Area are noted. Planning permissions are granted with a standard condition requiring development to commence within a specified period but there is no requirement for a completion date.</p>	No change.
2	I hear that a 'Direction 4' applies to the Conservation Areas in Mumbles/ Gower. How can this be utilised to protect what remains and in the long term?	Article 4 Directions can be imposed by local planning authorities to control certain alterations to dwellings that would otherwise be 'permitted development' under the GPDO and not require planning permission. The implementation of an Article 4(2) Direction for residential properties provides increased protection especially where there is threat from small scale unsympathetic works. The removal of permitted development rights is a separate process to the conservation area review and will require further consultation.	No change.
12	Fully supported of the review and expansion but what will this mean for householders who want to undertake work, for example to windows and doors? Will there be additional restrictions in terms of what work can be carried out?	<p>Importantly, the designation does not stop change, but it does require greater scrutiny of new designs. To help householders, a 'Living in your Conservation Area' leaflet has been produced by the council which briefly sets out the effects of living in a conservation area to local people (in a positive way).</p> <p>Once an area has been given conservation area status, the local planning authority is required to ensure that desirable features of the area are either 'preserved or enhanced' through the planning process. The planning policies typically require retention of historic features and a higher quality of design in new developments. The review of the Mumbles Conservation Area will include guidelines to help protect and enhance the special character of the area.</p>	No change.
12	There appear to be many new developments which fail to respect the conservation area, i.e. Oyster Wharf, M&S.	The development of individual infill plots, such as Oyster Wharf and the new	No change.

		<p>M&S development, inevitably reflect the design and taste of their eras, but on the basis that they have respected the principles of the historic building line, and of the scale, massing and form of their neighbours, such developments are generally absorbed into the streetscene with success. For example, the fundamental design theme for the Newton Road area is identified as gable dormers and first floor bay windows above shopfronts. The redevelopment of the former British Legion site, now mixed use commercial with residential above, is considered to enhance the area, incorporating features that are characteristic of the area.</p>	
12	<p>Concern as to how the woodland area at Mumbles Headland is being managed.</p>	<p>Paragraph 7.6.7 of the document notes that, “The steep wooded hillsides above the Conservation Area provide a valuable setting and boundary for the Conservation Area. The protection and management of these spaces is vital to ensure the long term setting for the village”. Whilst certain areas of this wooded backdrop are in private ownership, the 23 hectares of Mumbles Hill was declared a Local Nature Reserve in 1991 to protect the site for both wildlife and people. The Council, along with help from volunteers and local interest groups such as Mumbles Development Trust, manage the reserve but it is acknowledged that certain management issues arise from time to time.</p>	<p>No change.</p>
12	<p>There are many buildings which have unsympathetic alterations, uPVC / dormer extensions. What grant funding is available for residents to undertake works that are sympathetic to the conservation area?</p>	<p>It is noted that a significant number of buildings within the existing Conservation Area and the proposed expanded area display a loss of some of their traditional heritage qualities that gradually change the overall historic townscape. The proliferation of relatively minor building alterations can incrementally erode the character and appearance of the existing and proposed Conservation Area.</p> <p>The draft document identifies key ‘negative issues’ and problems, including inappropriate building alterations and repairs, such as replacement of wooden sash windows with UPVC frames and different window designs, inappropriate extensions, loss of heritage details and materials and use of inappropriate roof materials. It goes on to set out guidelines for external repair and alteration work. Whilst it is not possible to ‘turn back the clock’, it is important that property owners and occupiers adopt the right approach to repairs, extensions and alterations.</p> <p>There is an awareness raising necessity to inform householders of the importance of ‘street character’ and the contribution that individual residences make to that. A ‘Living in your Conservation Area’ leaflet has been produced by the council which briefly sets out the effects of living in a conservation area to local people (in a positive way). Notwithstanding this, the Conservation Area designation does not stop change but it does require greater scrutiny of new designs.</p> <p>In terms of funding, Mumbles Community Council have provided assistance in the form of grant aid in previous budgets to go towards the costs of improving the decorative condition of the retail premises along Newton Road. There is however no current grant funding available to residential renovation/enhancement schemes in the area.</p>	<p>No change.</p>

Appendix D - Proposed expansion of the Mumbles Conservation Area Boundary



Please ensure that you refer to the Screening Form Guidance while completing this form. If you would like further guidance please contact your directorate support officer or the Access to Services team (see guidance for details).

Section 1	
Which service area and directorate are you from?	
Service Area:	Planning and City Regeneration
Directorate:	Place

Q1(a) WHAT ARE YOU SCREENING FOR RELEVANCE?

Service/ Function	Policy/ Procedure	Project	Strategy	Plan	Proposal
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

(b) Please name and describe below

The plan is an updated Conservation Area Review for Mumbles. This comprises a character appraisal and management plan and the primary aim is to ensure better management of change in this historic designated area. The Appraisal recommends the expansion of the existing conservation area boundary northwards to include the Newton Road shopping centre, the grid of Victorian terrace houses and Oystermouth Castle and its grounds. The conservation area encompasses the district retail centre and the promenade where public realm enhancements may be separate future projects.

Q2(a) WHAT DOES Q1a RELATE TO?

Direct front line service delivery	Indirect front line service delivery	Indirect back room service delivery
<input type="checkbox"/> (H)	<input checked="" type="checkbox"/> (M)	<input type="checkbox"/> (L)

(b) DO YOUR CUSTOMERS/CLIENTS ACCESS THIS...?

Because they need to	Because they want to	Because it is automatically provided to everyone in Swansea	On an internal basis i.e. Staff
<input type="checkbox"/> (H)	<input checked="" type="checkbox"/> (M)	<input type="checkbox"/> (M)	<input type="checkbox"/> (L)

Q3 WHAT IS THE POTENTIAL IMPACT ON THE FOLLOWING...

	High Impact (H)	Medium Impact (M)	Low Impact (L)	Don't know (H)
Children/young people (0-18) →	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Any other age group (18+) →	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Disability →	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Gender reassignment →	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Marriage & civil partnership →	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Pregnancy and maternity →	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Race →	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Religion or (non-)belief →	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sex →	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sexual Orientation →	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Welsh Language →	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Poverty/social exclusion →	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Carers (inc. young carers) →	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Community cohesion →	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Q4 HAVE YOU / WILL YOU UNDERTAKE ANY PUBLIC CONSULTATION AND ENGAGEMENT RELATING TO THE INITIATIVE?

- YES NO (If NO, you need to consider whether you should be undertaking consultation and engagement – please see the guidance)

If yes, please provide details below

The following consultation methods have been used to engage the community with the review of Mumbles Conservation Area during the 2018 and subsequent 2020 consultation periods:

- A Press Release was issued and featured within the South Wales Evening Post on the 19th May 2018.
- The consultation period ran for 6 weeks, running from the 14th May 2018 until the 25th June 2018 and was extended by a further 4 weeks to the 20th July 2018 to allow extra time to comment.
- Bilingual notification emails highlighting the consultation on the draft document were sent to local ward councillors as well as specific consultation bodies, planning agents and local groups.
- Bilingual letters explaining the consultation process and how to view documents and make representations were sent to all households and commercial properties in the expanded conservation area (+1000 properties). This included a web link to the online bilingual information for comment.
- A dedicated webpage was established to explain the consultation process and allow electronic documents to be downloaded in pdf format. The webpage included the facility to complete and submit an online comment form.
- Over 20 bilingual posters were displayed in the local area.
- Paper copies of the bilingual draft documents were placed on deposit in Mumbles Library and Swansea Central Library.
- Social media notifications during the consultation process.
- Council officers held a consultation event at Mumbles Farmer's Market on 9th June 2018 and at the Ostreme Centre on 12th June followed by an evening walking tour. In total circa 150 people were spoken to and views captured.
- Council officers met with local traders and Mumbles Community Council on 3rd July 2018 to discuss the conservation area process.
- A further 6 week period of focussed consultation was undertaken from the 24th January 2020 until the 9th March 2020. This additional consultation was undertaken as a result of the strong support from respondents of the initial consultation exercise for the 'Northern Seafront Approach' area to be included within the expanded Conservation Area boundary.
- This included direct letters to the properties affected and a drop in session at Oystermouth Library on the 27th February 2020.
- An additional 11 individual respondents provided comments via the online comment form or by letter.
- A further 20 individuals expressed their views at the public event at the drop in session at Oystermouth Library.
- The final amended version of the Mumbles Conservation Area Review includes all the proposed changes to the guidance following the public and stakeholder

consultation exercises, and once adopted, will be available to view in English and Welsh on the Council’s website.

Q5(a) HOW VISIBLE IS THIS INITIATIVE TO THE GENERAL PUBLIC?

High visibility <input type="checkbox"/> (H)	Medium visibility <input checked="" type="checkbox"/> (M)	Low visibility <input type="checkbox"/> (L)
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(b) WHAT IS THE POTENTIAL RISK TO THE COUNCIL’S REPUTATION?
(Consider the following impacts – legal, financial, political, media, public perception etc...)

High risk <input type="checkbox"/> (H)	Medium risk <input type="checkbox"/> (M)	Low risk <input checked="" type="checkbox"/> (L)
---	---	---

Q6 Will this initiative have an impact (however minor) on any other Council service?

Yes No **If yes, please provide details below**

Separate future projects within the Conservation Area could be public realm enhancements to the retail areas and promenade.

Q7 HOW DID YOU SCORE?
Please tick the relevant box

MOSTLY H and/or M → HIGH PRIORITY → **EIA to be completed**
Please go to Section 2

MOSTLY L → LOW PRIORITY / NOT RELEVANT → **Do not complete EIA**
Please go to Q8 followed by Section 2

Q8 If you determine that this initiative is not relevant for a full EIA report, you must provide adequate explanation below. In relation to the Council’s commitment to the UNCRC, your explanation must demonstrate that the initiative is designed / planned in the best interests of children (0-18 years). For Welsh language, we must maximise positive and minimise adverse effects on the language and its use. Your explanation must also show this where appropriate.

The consultation on the draft Mumbles Conservation Area reflected the preceding process for the Murrinston Conservation Area review. The process engaged with a cross section of the Community including young people, older people, residents, visitors, traders and business stakeholders, by means of a variety of communication methods.

The draft Conservation Area Review has been amended in response to the relevant comments made.

As has previously been agreed, a full EIA was not required for the Mumbles Conservation Area Review at the initial stage. However, EIA’s can be carried out on any individual enhancements as and when necessary.

The Welsh language is a unique ‘natural resource’ which it is sought to conserve. Children who live in the Mumbles area are able to attend Ysgol Gynradd Llwynderw in the neighbouring ward. As a tourist destination, Mumbles attracts many welsh speakers to the area. The Welsh language should be promoted and encouraged, for example signage/shopfronts could include the welsh language.

Section 2

NB: Please email this completed form to the Access to Services Team for agreement before obtaining approval from your Head of Service. Head of Service approval is only required via email – no electronic signatures or paper copies are needed.

Screening completed by:
Name: Krystyna Williams
Job title: Placemaking and Heritage Advisor
Date: 19/01/2020
Approval by Head of Service:
Name: Phil Holmes
Position: Head of Service
Date: 02/02/2021