



Report of the Cabinet Member for Investment, Regeneration, Events & Tourism

Cabinet – 18 April 2024

Public Open Space Notice Publicising The Proposed Disposal Of Public Open Space Land At Kilvey Hill, Swansea

Purpose:	To seek approval in principle to the disposal of land designated as public open space at Kilvey Hill Swansea, by way of a commercial lease to Skyline (Swansea) Ltd.
Policy Framework:	Swansea Local Development Plan (2019). Corporate Priority Creating a Vibrant and Viable City and Economy. Council Constitution - Land Transaction Procedure Rules.
Consultation:	Finance, Legal.
Recommendation(s):	It is recommended that: 1) Cabinet considers the responses from the public open space consultation process, which was conducted in accordance with the public open space legislation in particular s123 Local Government Act 1972, for the disposal of land identified in Appendix A (Public Open Space Notice Plan). A full copy of the responses received from the consultation process that either support, object, or provide a neutral comment have been provided in the Background Papers. 2) If Cabinet approves in principle the proposed disposal of land on Kilvey Hill to Skyline (Swansea) Ltd, having considered the responses of the Public Open Space Notice, then Cabinet agrees that a further report will be received by Cabinet in due course, detailing the terms of the proposed disposal (which will be by way of a commercial lease), for consideration and decision.
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1. Background

- 1.1. The Council received a direct approach from Skyline Enterprises Limited (Skyline), a global tourism leisure experience operator with operations in New Zealand, Canada, South Korea, and Singapore, in 2017 with a proposal to develop land on Kilvey Hill (the Hill) into a gravity-based leisure destination. A link to the Skyline Consultation Pack is available for further information ([LINK](#)).
- 1.2. Skyline is an experienced operator with an established track record internationally and the Swansea project will be its first venture in Europe.
- 1.3. Skyline Enterprises Limited has a UK based company; Skyline (Swansea) Limited.
- 1.4. This report is responding directly to this speculative approach by Skyline and its proposal to create a leisure facility on Kilvey Hill, and the requirement for Council land to enable this.
- 1.5. All major development projects will generate public discussion, some of it factually accurate and some of it factually inaccurate. This Report will seek to address any factual inaccuracies about the effect the Skyline scheme will have on Kilvey Hill by referencing source documentation from Skyline's planning application.

2. Public Open Space Notice

- 2.1. To facilitate Skyline's proposal for bringing forward such a scheme, Skyline will require a legal interest in, and rights over the land held by the Council at Kilvey Hill. This land is designated as Public Open Space.
- 2.2. Most of the Council's land disposals are governed by the Council's Land Transaction Procedure Rules, and in Section 5 (5) it states, "Any disposal of public open space shall comply with the requirements of Section 123 of the Local Government Act 1972."
- 2.3. The Council is required under s123 to advertise the disposal of public open space land in the local newspaper for two consecutive weeks and to give full and proper consideration to the responses received. The key issue for the Council is to balance any adverse consequences of the loss of open space, having regard to the objections received, against the advantages of disposing of the land.
- 2.4. A formal Public Open Space Notice (see Appendix B) was published in the press (South Wales Evening Post on 15th & 22nd January 2024), along with notices placed on site, at the Civic Centre and on the Council's Website. The consultation period commenced from January 15th to 5th February 2024.

2.5. There were 267 (263 digital and 4 written) responses recorded throughout the consultation period. Responses have been categorised and grouped as having a view to either: -

2.5.1. Support' the proposed disposal of public open space land.

2.5.2. Object' to the proposed disposal of public open space land.

2.6. Cabinet must fully consider the detail of the comments contained within the Background Papers, which presents all the recorded responses in full. In summary, of the 267 responses, 265 expressed objections and two respondents were in favour of the proposal. Cabinet Members may take into account that the number of respondents represents around 0.11% of the total population of Swansea. Cabinet Members may also take into account that consultations on important topics like Open Space Disposal Notices are likely to attract engagement from individuals with strongly held views in favour of or against such proposals rather than from the general population as a whole. The respondents' personal information has been redacted under the General Data Protection Regulations.

2.7. In summary, the responses in support (2) generally considered it was a good idea and would bring in leisure tourism to the area.

2.8. In summary, the responders that have objected to the proposed disposal (265) did so on many grounds, due to the volume of objections their concerns were categorised under the broad headings below. Many responders objected in more than one of the categories.

2.9. Although not an exhaustive list, the objections can be broadly categorised in the following sections, with accompanying narrative following. For a full understanding of the responders' concerns the responses to the Notice must be read in full by Cabinet Members.

Please follow the link to the Skyline Planning Application Documents Page ([LINK](#)), this Page must be open for the links below to work and the documents to open.

2.9.1. Loss of Habitat, Nature & Environmental Concerns

2.9.1.1. The following concerns noted against this category are taken from the responses received following the publication of the Notice: -

- Destruction of the natural landscape.
- Critical sites for wildlife.
- Wonder of nature that I've seen it heal itself in my lifetime and now you want to rip it apart.
- Devastate the natural environment.
- Preservation of a diverse ecology should be priority.
- The proposed development is likely to disrupt the

balance of the ecosystem.

- Birds such as skylarks whose conservation status is RED, according to RSPB data, along with other wildlife will diminish along with their respective habitats.
- The forest- like nature of the hill provides vital habitats for local and migrant birds (such and night jar, fieldfare) and so should remain untouched.
- Kilvey Hill is a special location that incorporates habitats such as woodland, heathland, wetland and meadow.
- Kilvey Hill is a priceless urban ecosystem which has regenerated since the Industrial Revolution and is finally thriving with rare and threatened animals and plants.
- We need to conserve habitats of flora and fauna and not turn it into a theme park.
- Green space is important and scarce, and trees are too few, Natural Resources Wales recently produced their Forest Resource Plan for Kilvey hill and identified the area as priority heathland for the improvement of local biodiversity and conservation.
- Removal of native heathland, identified by natural resources Wales as area of priority heathland.

2.9.1.2. One of the deepest concerns to the respondents was the loss and destruction of green space and rich habitats, with the natural environment being replaced with buildings and concrete.

2.9.1.3. Many respondents consider that the land should be left as is because it is a crucial site for wildlife with a myriad of plant and animal species, and to develop this area to the intensity proposed would upset the balance in such a sensitive landscape between the urban environment and the open countryside.

2.9.1.4. National Resources Wales has produced a Lower Swansea Valley Forestry Resource Plan, and within this a supporting document titled 'Lower Swansea Valley Forest Objectives' (dated 24/03/2022) which states "Tree health in Kilvey can generally be described as poor. The lodgepole and Corsican pine are showing signs of infection with *Dothistroma septosporum* known as Red Band Needle Blight. This disease causes premature needle defoliation, resulting in loss of timber yield and in severe cases tree death. The larch is infected with the notifiable disease *Phytophthora ramorum*." And "The Kilvey larch has been programmed for removal within the next five-year period."

2.9.1.5. Skyline has provided details as part of the planning application submission of the habitat loss and its mitigation measures to minimise, enhance and create new habitat in

an Ecological Appraisal. Please follow the links to the EDP Ecological Appraisal ([LINK](#)) and read Sections 4 & 5, and to the Vegetation Strategy ([LINK](#)).

- 2.9.1.6. The Ecological Appraisal concludes at Page 87 (Paragraph 6.9) that “Overall, and subject to implementation of the proposed mitigation measures detailed above, the scheme is considered to be capable of compliance with relevant planning policy for the conservation of the natural environment at all levels. Additionally, it is considered that with sensitive design of mitigation and enhancement measures, the scheme has potential to deliver net benefits to biodiversity. Such measures will promote ecological resilience through the creation of new habitats incorporating a greater diversity of botanical species, of value to protected/notable species, combined with the sensitive management of retained habitats over the long-term to improve their condition and maintain and/or increase their extent across Kilvey Hill.”
- 2.9.1.7. The broad concerns raised by members of the public in relation to this category will be considered as part of the planning application process.
- 2.9.2. Social & Community Concerns
- 2.9.2.1. The following concerns noted against this category have been taken from the responses received following the publication of the Notice: -
- This is one of very few green spaces within walking distance of the local community and should be protected at all costs. The Future Generations Act incorporates the well-being of the community which will undoubtedly be adversely affected by these plans.
 - The hill is a valuable natural resource disposal of a cherished community asset, it is a short gain for a long-term public loss and so should be stopped.
 - Public Investment in the Skyline project is coming at a long-term cost to the community, is a terrible, money-grabbing scheme and will be of no benefit to local residents.
 - Local populations are going to be deprived of a valuable natural resource on their doorsteps.
 - Completely inappropriate to remove open space so close to a major city, where the Welsh Government have in recent years put so much emphasis on the availability of nature to improve the wellbeing of local populations.
 - Financial gain outweighs the impact to biodiversity or the community.

- 2.9.2.2. The second concern that many respondents felt very passionate about was the impact that the loss of public open space would have on the local and wider communities and local community groups.
- 2.9.2.3. Presently, the Hill is free for people to enjoy, without obstruction or the need to pay, and people love the Hill just as it is and do not wish to see it developed.
- 2.9.2.4. Social exclusion was mooted, respondents felt that the high cost to use the facility would be unaffordable to local people and would benefit others but not those that live around the Hill.
- 2.9.2.5. If the Skyline proposal does go ahead the hill facility will only take a small part of the hill, a much larger area will remain for the local community and visitors to enjoy freely. People will still have use of the trails. These will be free and unhindered, still providing access to the Hill without having to use any of the proposed Skyline facilities. Visitors to the Hill will have access and use to free facilities such as toilets, viewing area, paths & trails crossing the facility, children's play area, water fountains, picnic areas, benches and open park land.
- 2.9.2.6. The Skyline proposal will create jobs, not just when operational but in the construction phase of the facility, in addition, it will bring training opportunities to local employees via the Council's Bricks Beyond Mortar Initiative ([LINK](#)).
- 2.9.2.7. Skyline has stated that "its estimates 236 direct construction roles would be created (such as building, landscaping etc), and 316 indirect jobs (such as suppliers). Once constructed, we predict 116 operational jobs would be created in the local area. This would cover site operatives and suppliers, and include all levels of employment from seasonal and part-time work to apprenticeships, school-leaver positions, university graduates, mid-level and senior career roles, and more. We also plan to work closely with local schools to raise awareness and aspiration for tourism careers in the local area." The Skyline facility once operational will offer employment in variety of job roles, with many of these roles filled by people who live in the local area.
- 2.9.2.8. The Skyline operation is part of a much bigger picture, with the predicted visitor numbers this venue will attract will assist in making the Hafod Morfa Copperworks Site a unique leisure destination, with the knock-on effect of increased tourism. This will benefit local hospitality, leisure, and service businesses. More tourism will encourage new business

growth in the aforementioned sectors, leading to more jobs and increased opportunities for local people, and will further assist the Council in its regeneration agenda for the City Centre, Hafod and the River Corridor.

2.9.2.9. The Skyline project will bring economic growth to the area, create jobs, and attract visitors who will in turn spend money in the local economy. From a tourism perspective, it would reinforce Swansea's reputation as a world-class destination, attracting new markets which are likely to extend the season.

2.9.2.10. The broad concerns raised by members of the public in relation to this category will be considered as part of the planning application process.

2.9.3. Loss of Recreational Space Concerns

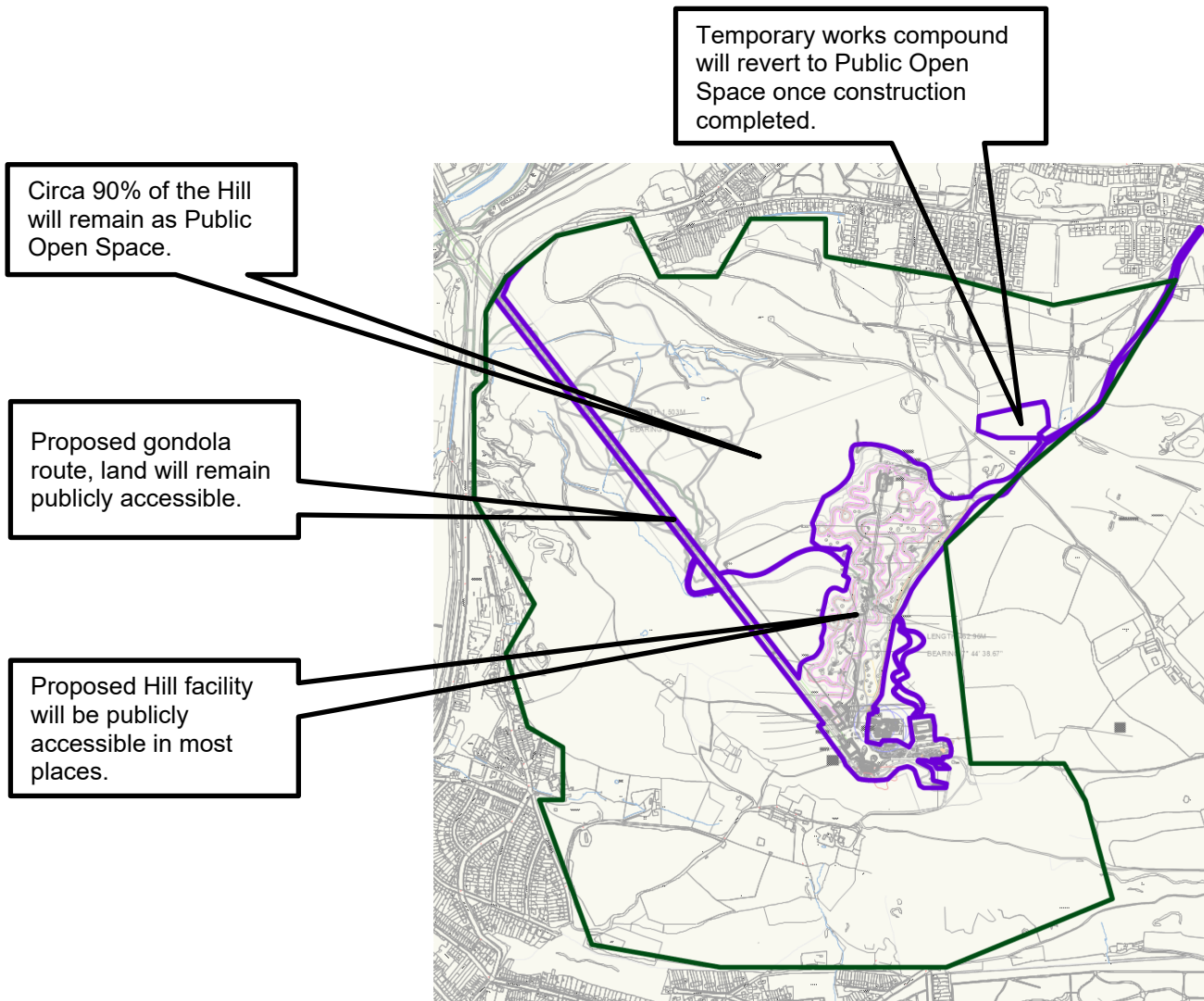
2.9.3.1. The following concerns noted against this category have been taken from the responses received following the publication of the Notice: -

- What about horse riding, motorcycles, dog walking.
- Recreational opportunities
- Exercise and connections with others,
- I go there when I'm happy and sit at the top with a picnic and enjoy the views,
- Turning Kilvey Hill from a designated quiet area into a construction site and transforming it into a commercial venue contradicts its current purpose, thus being a direct threat to its natural tranquillity,
- It is important to maintain the access of this area for the mental health and for recreational activities of the local community,
- Used for both educational and recreational purposes by adults and children alike,
- Access to green space decreased,
- Carriage drivers who regularly utilise the land on Kilvey Hill for riding and driving horses,
- local workshops.

2.9.3.2. Respondents were concerned about the loss or recreational space on the Hill. Circa 90% (this figure may fluctuate on closer examination of the boundaries) of the Hill will be retained for public use with the remainder forming part of the proposed Skyline operation, which in the main will still be open and accessible to the public.

2.9.3.3. On the plan below the green area shows the extent of the Hill with the blue area showing the hill facility, gondola route,

temporary works compound and temporary works access road. It is evident from the plan that there is still a large amount of space on the Hill for people to enjoy away from the proposed Skyline facility.



2.9.3.4. The proposed Skyline facility will not have a fence around the perimeter, only around operational buildings and staff only areas. People will be able to walk through the facility via formal and informal paths and enjoy the publicly accessible areas that are proposed. Please follow the links to view the Landscape Illustrative Masterplan – Top of the Hill Plan ([LINK](#)) and the Landscape Illustrative Masterplan – Kilvey Hill ([LINK](#)).

2.9.3.5. Access to the Hill will be enhanced by the proposed scheme as it will enable those members of the public who are unable to get to the top of the Hill by their own means to use a gondola to do so. Once at the Hill Station rides and facilities will be accessible to all, with staff onsite to assist where required.

2.9.3.6. In fact, the scheme will increase the amount of publicly controlled land on the Hill because the Council is proposing to acquire a large parcel of land from a private landowner.

2.9.3.7. The broad concerns raised by members of the public in relation to this category will be considered as part of the planning application process.

2.9.4. Health & Wellbeing Concerns

2.9.4.1. The following concerns noted against this category have been taken from the responses received following the publication of the Notice: -

- Access to local green space.
- Connecting with nature, locals can enjoy the outdoors without the need to travel.
- Mental health benefits, as a psychotherapist I understand the importance of accessible natural spaces for the management of mental health and trauma.
- Restricting people the ability to sooth and heal through nature, destruction of the hill will be heartbreaking.
- Kilvey hill has served as a lifeline, a means of therapy both psychological and physical for many residents, how on earth can the many many people who rely on Kilvey Hill to keep their mental health issues in check do this if Swansea Council proposes to lease Kilvey Hill to Skyline?
- I struggle with depression & I find that the forestry, views & wildlife help to ease my mental state. It is a very peaceful place to go.
- Loss of quiet area and natural tranquillity.

2.9.4.2. Respondents had concerns about being able to still use the Hill for recreational activities such as walking, exercise, cycling, and connecting with nature etc.

2.9.4.3. Should the Skyline proposal proceed the hill facility will only take a small part of the hill, a much larger area will remain for people to enjoy. There will still be many places on the Hill for people to go to seek out solitude and calm away from others, if that is what is desired.

2.9.4.4. The land that Skyline will require for the hill facility will be open and accessible to the public, except for a small number of operational buildings and staff only areas. The public will still be able to enjoy the Hill with the public rights of way remaining and landscaped areas to rest and take in the views. The hill facility will have large areas of green space,

both maintained and left wild, for people to enjoy.

2.9.4.5. Skyline propose to upgrade existing paths and cycle routes, and to create new paths, cycle routes (beginner and intermediate trails) and bridleways on the Hill. In addition, free public amenities are proposed, these will include an outdoor all-weather children's play facility, seating benches, picnic tables, bike stands and drinking fountains.

2.9.4.6. As part of the project an additional 86 acres of private land will be acquired by the Council, of which circa 32 acres will be required by Skyline the remainder will be under Council control and available for public use.

2.9.4.7. The broad concerns raised by members of the public in relation to this category will be considered as part of the planning application process.

2.9.5. Sustainability & Climate Change Concerns

2.9.5.1. The following concerns noted against this category have been taken from the responses received following the publication of the Notice: -

- In contravention of environmental pledges made by Swansea Council and WG.
- Carving up a natural hill for entertainment during a climate crisis is a bit extreme.
- What is the carbon footprint of this project?
- The development will have a significant footprint in its construction and operation.
- Wellbeing and Future Generation Act (2015) has been set for sustainable economic development that takes into account the wellbeing effects of the local areas.
- NRW identified the land as priority heathland.
- Carbon sink close to the City.
- The plans contravene the Environment (Wales) Act 2016 & disregards The Climate Change (Wales) Regulations 2021'.

2.9.5.2. Respondents felt that the proposed development's environmental impacts outweigh its economic benefits and preservation of the natural environment is priority as this is fundamental in tackling climate change and the climate emergency we find ourselves in. Some respondents believe that both the Council and Welsh Government are disingenuous in the fight against climate change when both are supporting the scheme.

- 2.9.5.3. Many of the categories are interwoven and resonate on the same key crosscutting themes. When reading the responses concerns around sustainability and climate change appear to stem from the fact that there will be a loss of habitat. Those who have visited the Hill and viewed the planning application will be able to clearly identify where that habitat loss will occur. Skyline has provided mitigation measures to reduce the development's impact and over time with the proposed replanting it is hoped the habitat will return.
- 2.9.5.4. It is widely agreed by science that climate change in the most part is caused by the burning of fossil fuels, with a contributor being the ubiquitous internal combustion engine powered by petrochemicals. It is known that a large percentage of the anticipated visitors to the attraction will travel by car (see Transport Statement ([LINK](#)) and a Travel Plan ([LINK](#))), many of which will use cars powered by petrol or diesel. The Travel Plan has listed alternatives to car travel, but this is the most favoured currently, although it is hoped that more sustainable travel options will be used by visitors in the coming years.
- 2.9.5.5. The Council along with Welsh Government and other key stakeholders are looking at ways to improve the public transport network in and around Swansea and make public transport more useable and greener. Present transport proposals include developing a Swansea Bay and West Wales Metro ([LINK](#)), a new railway station at Landore to connect to the Swansea and District Line (predominately used for freight but proposals are for passenger use with new stations proposed at Winch Wen, Morriston, Felindre and Pontlliw), trials of hydrogen fuel cell buses and additional rail services to and from Swansea.
- 2.9.5.6. There is no denying the fact that all significant construction projects will have a large carbon footprint, the industry has been working hard for decades to reduce this. Skyline has stated that it tries to minimise its carbon footprint where it is able to, and is always looking at different construction methods, practices and technologies to improve on this area of its business.
- 2.9.5.7. The broad concerns raised by members of the public in relation to this category will be considered as part of the planning application process.

2.9.6. Pollution & Flooding Concerns

2.9.6.1. The following concerns noted against this category have been taken from the responses received following the publication of the Notice: -

- Noise.
- Light.
- Increased traffic.
- increased number of people (450,000).
- High carbon emissions.
- Noise and pollution.
- Destroying such an enormous amount of trees and plants will increase flood risks and pollution to the area.
- Light pollution at night in a dark area.
- Flooding due to the amount of hard surfacing.

2.9.6.2. Pollution comes in many forms from car use for travelling to the attraction (as previously mentioned), noise from machinery and people enjoying themselves at the proposed attraction, light emanating from the attraction at night, contaminants disturbed from earthworks in the construction phase, or water run-off carrying silt into nearby watercourses. Skyline has already considered many of these concerns as part of its planning application, with the requisite technical advice provided to the Local Planning Authority as part of its submission. Please follow the links to the Noise Assessment Report ([LINK](#)) and the External Lighting Assessment Report ([LINK](#)). Should it become evident by the Local Planning Authority or any of the statutory consultees that further information is required in this area, it will request this information from Skyline.

2.9.6.3. Should the Skyline project proceed, once onsite there are various pieces of legislation and policies to protect against environmental pollution, which Skyline as the developer, the main contractor and all subcontractors would have to adhere to otherwise they would leave themselves open to prosecution.

2.9.6.4. Respondents also noted concerns regarding water run-off from the removal of trees and vegetation to enable construction of the attraction, and from the amount of hard surfacing that will follow. Again, this is something that will be considered as part of the planning application.

2.9.6.5. The broad concerns raised by members of the public in relation to this category will be considered as part of the planning application process.

2.9.7. Economic Viability & Longevity Concerns

2.9.7.1. The following concerns noted against this category have been taken from the responses received following the publication of the Notice: -

- In 10 years if plans go ahead will be a plethora of ugly, rusty, decaying deteriorated metal where a once beautifully admirable piece of nature once stood, this will be of no good or use to the community much like the outdoor artificial ski slope in Swansea.
- Commercial failure because of the distance from large conurbations leaving a valuable public amenity permanently despoiled, if the proposed use of this area for the skylift goes the same way as the derelict ski run in Morfa the area will be scarred for a very long time, Similar projects in better locations around the world have failed and left tons of concrete in the ground, long-term economic viability.
- Employment seems to be seasonal and unstable insufficient for long-term community benefits.

2.9.7.2. To protect the Council against the abovementioned and other such eventualities, the proposed commercial lease will need to be robust enough to deal with such matters. There are risks in every project, it is how we manage and mitigate against those risks that is important.

2.9.7.3. You will note that some respondents suggest that the Skyline attraction will be seasonal, this is not the case. The attraction is an all year, all weather attraction, albeit on exceptionally windy days the operation of the gondolas may be halted.

2.9.7.4. Some respondents felt that because there are no large conurbations near to Swansea that the predicted visitor numbers will be lower than stated, and so the business model is unviable. Whether we agree or not people will travel to visit a leisure attraction, especially one such as that proposed by Skyline. Within a three-hour drive of Swansea there are the conurbations of Birmingham, Coventry, Swindon, Reading, Bristol, Exeter and Cardiff. People who wish to stay in the area for longer are likely to travel from further afield.

2.9.7.5. Skyline has produced a document noting the local and regional benefits from research previously conducted, please see Page 2 of the Consultation Pack ([LINK](#)).

2.9.7.6. The broad concerns raised by members of the public in

relation to this category will be considered as part of the planning application process.

2.9.8. Safety Concerns

2.9.8.1. The following concerns noted against this category have been taken from the responses received following the publication of the Notice: -

- Landslides, works will cause instability on the Hill we don't need another Aberfan.
- Insufficient road infrastructure to support the increased traffic.
- Fencing to protect assets and people injuring themselves.

2.9.8.2. Respondents noted genuine concerns around safety relating to landslides upon construction works being undertaken, increased traffic travelling to the base station site at the former Hafod Morfa Copper Works Site once the scheme is operational, and the lack of fencing to protect people from injuring themselves at the hill station site.

2.9.8.3. In the UK, the smallest to the largest construction sites are all regulated by numerous pieces of legislation, regulations and guidance to keep everyone safe.

2.9.8.4. In Skyline's planning application it has submitted a geotechnical study ([LINK](#)) by RSK Geosciences titled Preliminary Risk Assessment. This information will have been used in the formation of some of the planning documentation and will be used to provide data and inform subsequent engineering and construction documents.

2.9.8.5. Furthermore, Skyline has produced a Construction Environmental Management Plan, in Section 3.6 it notes slippage of materials onsite. Skyline has been contacted to seek further clarification on this point and the response was as follows: -

“Skyline will be employing a suitable qualified earthworks contractor who will manage the material movement on site. The risk of slippage (although low as the steep elements of the site the strata is rock) has already been Identified and will be a key element of the temporary and permanent design of the works. This design will ensure that all slopes are created in such a way to remove the risk of any slippage on the project. This design will be undertaken after planning and once the earthworks contractor is appointed so that the most suitable design is selected.”

- 2.9.8.6. Should the Skyline project proceed there will be increased vehicular traffic at the base station site. As part of the planning application Skyline has provided a Transport Statement ([LINK](#)) and a Travel Plan ([LINK](#)). These documents provide an array of data for the Local Planning Authority to investigate if any road enhancements are required to allow for the increased traffic on the highway network in this area.
- 2.9.8.7. In the Transport Statement at Paragraph 8.5 it notes “The traffic associated with the development will not have a significant impact on the operation of the highway network surrounding the site.”
- 2.9.8.8. The hill facility will be open for all visitors (see the link to the Access & Circulation Plan – [LINK](#) for further information) to enjoy, whether they are using the paid facilities or the free facilities, as previously mentioned. The only areas to be fenced are some of the operational buildings and the staff only areas (please see the link to the Skyline Swansea - Site Security Report – [LINK](#) for further information).
- 2.9.8.9. Skyline will have to manage the facility to the best of its endeavours to ensure that visitors to the hill facility or those who are merely walking over land in Skyline’s control are able to do so without the risk of injury to themselves. Skyline operates many facilities in this way around the world and has robust health and safety processes to ensure public safety is paramount.
- 2.9.8.10. The broad concerns raised by members of the public in relation to this category will be considered as part of the planning application process.
- 2.9.9. Visual Concerns
- 2.9.9.1. The following concerns noted against this category have been taken from the responses received following the publication of the Notice: -
- Blot on the landscape.
 - Eye sore.
 - Loss of natural beauty.
 - Skyline will ruin Kilvey Hill and its natural beauty so sad to see.
 - An eye sore where a current place of natural beauty lies.
 - Permanent neon lights on Kilvey Hill disturbing wildlife & the local people.
 - Significantly alter the landscape.

- Concrete and metal landscape.
- 2.9.9.2. The respondents' concerns centred on the fact that the Hill will be covered in concrete, the natural environment will be replaced by a hard physical built environment.
- 2.9.9.3. Much of the area required for the hill facility will be re-greened following the earthworks, new habitat created, and existing habitat retained and enhanced. Please follow the links to view the Landscape Illustrative Masterplan – Top of the Hill Plan ([LINK](#)) and the Landscape Illustrative Masterplan – Kilvey Hill ([LINK](#)), and the Green Infrastructure Strategy ([LINK](#)).
- 2.9.9.4. Views are subjective and not everyone agrees. What some may see as a blot on the landscape others see as inspirational, progressive, and bold. This means everyone has their own views on what they do or don't like about a development.
- 2.9.9.5. The Local Planning Authority will consider all such matters in relation to the design as part of the planning application process. Skyline has provided a lot of visuals to give people the opportunity to see what the proposed scheme will look like on completion and in the future. Please follow the links to view the Skyline Planning Application Documents Page ([LINK](#)), and view the Visuals ([LINK](#)) and the Segments of Verified Views High Res 001-18.
- 2.9.9.6. The broad concerns raised by members of the public in relation to this category will be considered as part of the planning application process.
- 2.9.10. Planning Concerns
- 2.9.10.1. The following concerns noted against this category have been taken from the responses received following the publication of the Notice: -
- LDP 2010-2025 supports extensive green space.
 - Long-term impacts.
 - Alignment with local development plans.
 - Not enough public engagement.
- 2.9.10.2. Respondents had concerns that the proposed scheme was at odds with the policies set out in the Local Development Plan 2010-2025 and there was not enough public engagement and consultation. These concerns are specific to planning and will be addressed as part of the planning application process.

2.9.10.3. In respect of the consultation and public engagement concerns, Skyline submitted its proposal to the Design Commission in early January 2023, a Pre-Application Consultation (PAC) Events were held in Swansea between 7th -10th March 2023, Skyline representatives have corresponded and liaised with members of the public who have aired their concerns about the scheme, and since the planning application has gone live the public has been able to comment on the scheme as part of the statutory planning process.

2.9.10.4. Out of the PAC Events a Pre-Application Consultation Report was prepared, within this document questions that were put forward by members of the public to Skyline were recorded with the accompanying response provided, in the hope to dispel any inaccuracies that were in the public arena.

2.9.10.5. In relation to the Public Open Space Notice, legally the Council only needed to publicise the Notice in a local newspaper for two consecutive weeks. The Council has gone beyond what it is legally required to do under the governing legislation. The Notice was placed on the Council's website, on the Notice Board at the entrance to the Civic Centre, at prominent locations across Kilvey Hill, and a specific email address was created for members of the public to send their responses to.

2.9.11. Statutory & Policy Concerns

2.9.11.1. The following legislative and policy concerns noted against this category have been taken from the responses received following the publication of the Notice: -

- Well-being of Future Generations (Wales) Act 2015 – lack of consultation.
- Countryside Rights of Way Act 2000 – open access land grants rights to roam freely, rights of way.
- National Resources Wales designation as a quiet area.
- No Environmental Impact Assessment.
- Environment (Wales) Act 2016.
- The Climate Change (Wales) Regulations 2021.
- Integrated Impact Assessment.
- Sites of Importance for Nature Conservation (SINC).

2.9.11.2. Many respondents believe that the proposed development by Skyline will not only remove some of their legal rights that they presently have on the Hill, but it will also be in contravention of national legislation and policies.

- 2.9.11.3. It is a fact that some of the land on the Hill will have restricted access while the scheme is under development, but when completed only operational buildings and staff only areas will be secured. No fences will be erected on the perimeter, no formal rights of way will be removed, and the public will have the ability to walk/cycle through/around the facility (even when closed) with new paths and trails being created.
- 2.9.11.4. Following the Pre-Application Consultation event held in Swansea in early March 2023 by Skyline, it listened and responded to what people had say about access to the Hill and redesigned the hill facility so not impede the public rights of way. Please follow the link to the Skyline Planning Application 2023/1748/FUL ([LINK](#)) and review the accompanying Documents, specifically Landscape General Arrangement-Whole Site ([LINK](#)).
- 2.9.11.5. The Local Planning Authority in determining the Skyline planning application will consider the legislation and policies relevant to the application.
- 2.9.11.6. The Council will seek legal advice prior to any potential disposal to ensure it is compliant with all relevant legislation and policies.
- 2.9.11.7. The broad concerns raised by members of the public in relation to this category will be considered as part of the planning application process.
- 2.10. Cabinet must have regard to the emerging themes from the representations received to the publication of the formal Public Open Space Notice, in order that it can consider them and so comply with the statutory legislation governing the process prior to making any decision on the proposed disposal. A full copy of the redacted responses to the statutory consultation process have been included in the Background Papers.
- 2.11. There was an overwhelming response to the Notice of objection to the proposed disposal, but Cabinet Members may take into account this represents only 0.11% of the total population of Swansea when factored against a population of 241,300 (mid-year estimate 2022, Office for National Statistics). There were a number of responses received from responders not living within the County.
- 2.12. This project if it proceeds will meet several of the Council's Corporate Objectives. In making its decision, the key issue for Cabinet is to balance any adverse consequences of the loss of open space, having regard to the objections received, against the advantages of disposing the land.

3. Integrated Assessment Implications

3.1. The Council is subject to the Equality Act (Public Sector Equality Duty and the socio-economic duty), the Well-being of Future Generations (Wales) Act 2015 and the Welsh Language (Wales) Measure, 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 Acts.
- 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.
- Deliver better outcomes for those people who experience socio-economic disadvantage.
- Consider opportunities for people to use the Welsh language.
- Treat the Welsh language no less favourably than English.
- Ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs.

3.2. The Well-being of Future Generations (Wales) Act 2015 mandates that public bodies in Wales must carry out sustainable development. Sustainable development means the process of improving the economic, social, environmental and cultural well-being of Wales by acting, in accordance with the sustainable development principle, aimed at achieving the 'well-being goals'.

3.3. Our Integrated Impact Assessment (IIA) process ensures we have paid due regard to the above. It also takes into account other key issues and priorities, such as poverty and social exclusion, community cohesion, carers, the United Nations Convention on the Rights of the Child (UNCRC) and Welsh language.

3.4. An IIIA Screening Form (see Appendix C) has been completed with the agreed outcome that a full IIA report was not required at this time.

3.4.1. The impacts from the Recommendations in this Report are limited. The Report is seeking Cabinet to consider the responses received from the Public Open Space Notice and approve in principle the proposed land disposal. A further Cabinet report will follow seeking authority to action the proposed land disposal and enter into a commercial lease with Skyline (Swansea) Ltd. It will be at this point that the full impacts will be assessed before matters progress to the next stage.

4. Financial Implications

4.1. There are no direct financial implications associated with this report although as set out in the report once the consultation comments have been fully considered there may be a future decision on a potential land disposal and also future capital costs which have been provisionally provided for in the capital budget to support the Welsh Government and Swansea Council proposed initial up-front public funding support offer (subject to repayment terms) to support the wider Skyline scheme if it were to proceed

5. Legal Implications

5.1. Section 123 of the Local Government Act 1972, and the Council's Land Transaction Procedure Rules (as set out in the Council's Constitution) apply to this disposal. Under s123 LGA 1972, a local authority has the power to dispose of land held by it in any manner it wishes, provided that the local authority achieves the best consideration that can reasonably be obtained. Exceptions to this rule are where the disposal is for a short tenancy (less than 7 years), or the local authority has the consent of the Welsh Ministers. Under the Constitution, the responsibility of determining in what manner the land will be disposed of to obtain best consideration lies with the Head of Property Services.

5.2. Under the General Disposal Consent (Wales) Order 2003 the Welsh Ministers have issued a general consent for disposals of land under s123 for less than best consideration. This allows a local authority to dispose of land for less than best consideration if it considers that the disposal will contribute to the promotion or improvement of the economic, social, or environmental well-being of its area and the extent of the undervalue is no more than £2m.

5.3. There are specific powers and requirements for the disposal of land held by a local authority for planning purposes, housing, allotments, open space and school playing fields.

5.4. Where the land is deemed open space, the Council is required under s123 to advertise the disposal of the land in the local newspaper for two consecutive weeks and to give full and proper consideration to any objections. The key issue for the Council is to balance any adverse consequences of the loss of open space, having regard to the objections received, against the advantages of disposing of the land.

Background Papers: Public Open Space Consultation Responses - <http://tiny.cc/Cabinet18April>

Appendices:

Appendix A – Public Open Space Notice Plan

Appendix B – Public Open Space Notice

Appendix C – Integrated Impact Assessment Screening Form