

ITEM

APPLICATION NO.

2013/1835

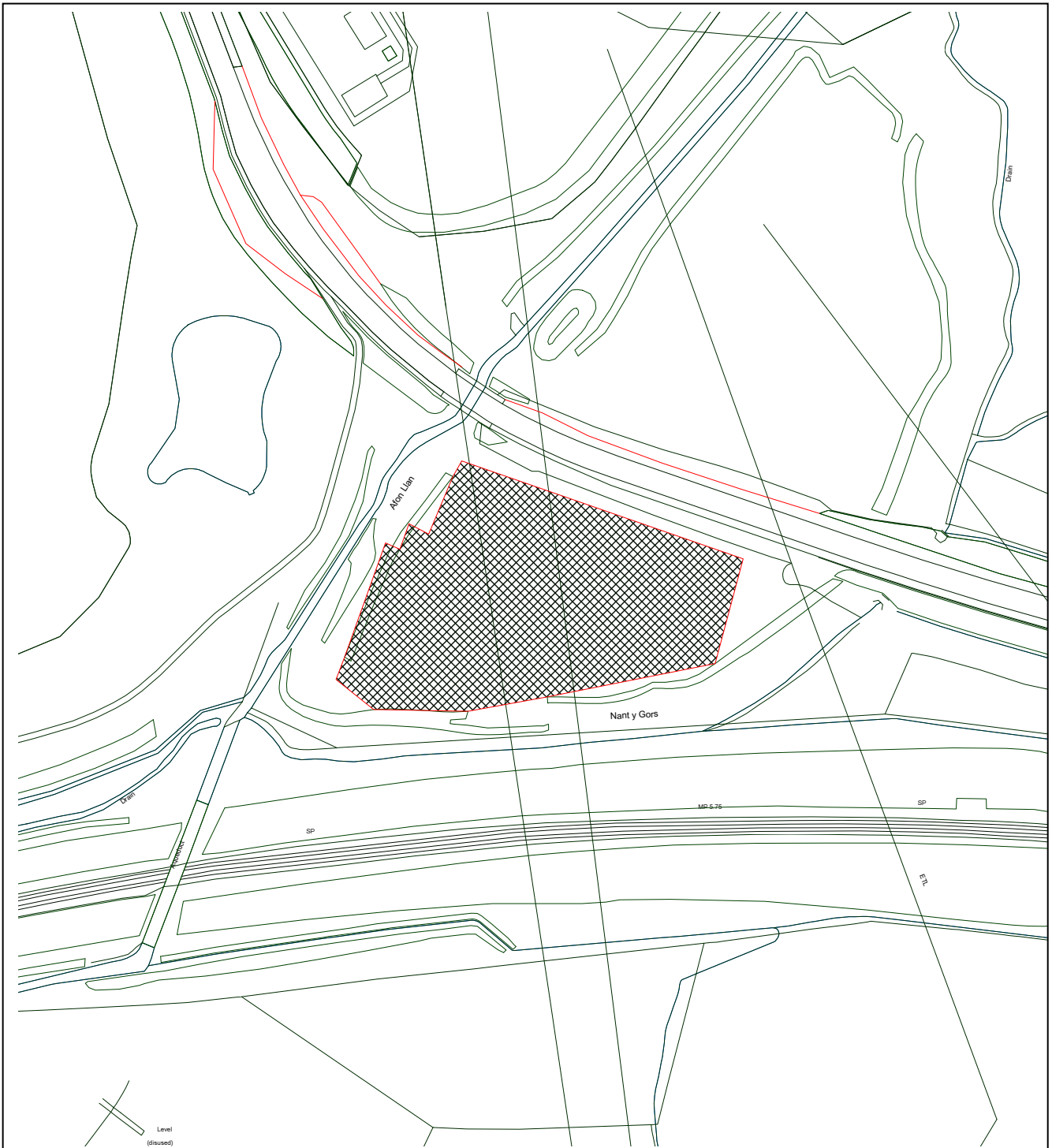
WARD:

Llangyfelach  
Area 1

**Location:** Land to east of Felindre Business Park Felindre Swansea SA4

**Proposal:** Construction of park and ride / share car park (approx 480 spaces) with new vehicular access, security office, toilet, engineering and associated works, including lighting, fencing, drainage attenuation and landscaping (Council Development Regulation 3)

**Applicant:** City and County of Swansea`



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## **BACKGROUND INFORMATION**

### **POLICIES**

#### **Swansea Unitary Development Plan (UDP).**

Policy EC1 Identifies the land to the west for the Felindre Strategic Business Park

Policy EV21 In the countryside non residential development will only be permitted where it can be demonstrated that:

- (i) It is beneficial for the rural economy or rural employment, or
- (ii) It meets the overriding social or economic needs of the local community, or
- (iii) It is an appropriate development associated with *farm diversification*, sustainable tourism and recreation, or nature conservation and does not adversely affect the viability of an established farm unit, or
- (iv) It provides an acceptable economic use for previously developed land or existing building(s) in accordance with Policy EC12, or
- (v) It is essential for communications, telecommunications, other forms of utility service provision, minerals or renewable energy generation.

Policy EV22 The countryside throughout the County will be conserved and enhanced for the sake of its natural heritage, natural resources, historic and cultural, environment and agricultural and recreational value.

Policy EV25 Development, alone or in combination with other plans or projects, which is likely to adversely affect the integrity of a European protected site (SAC, Marine SAC, SPA and Ramsar Sites) and is not directly connected with or necessary to the management of the site, will not be permitted unless:

- (i) There are imperative reasons of over-riding public interest, including those of a social or economic nature, which are sufficient to override the reasons for designation, and
- (ii) There is no alternative solution.

Where such development is permitted, planning conditions and/ or obligations will be used to secure all compensatory measures necessary to ensure that the overall coherence of the European Site is protected.

Policy EV35 Development that would have an adverse impact on the water environment due to:

- (i) Additional surface water run off leading to a significant risk of flooding on site or an increase in flood risk elsewhere, and/or
- (ii) A reduction in the quality of surface water run-off, will only be permitted where it can be demonstrated that appropriate alleviating measures can be implemented.

Sustainable drainage systems (SuDS) will be encouraged wherever they would be effective and practicable, so as to ensure that development does not increase run off, and potentially damage important landscape features and protected species and habitats. Where SuDS are not provided then any conventional drainage system utilised must improve the status quo.

Policy EV38 Development proposals on land where there is a risk from contamination or landfill gas will not be permitted unless it can be demonstrated to the satisfaction of the Council, that measures can be taken to satisfactorily overcome any danger to life, health, property, controlled waters, or the natural and historic environment.

Policy AS8 New park and ride facilities are proposed at the following locations:

- Carmarthen Road
- Swansea West

Extended parking facilities are proposed at the existing Landore park and ride site.

## **Supplementary Planning Guidance**

Non Statutory Development Policy adopted by the City and Council of Swansea on 6 November 1996

LAND TO THE NORTH-WEST OF JUNCTION 46 OF THE M4 MOTORWAY AT LLANGYFELACH, INCLUDING THE FORMER FELINDRE TINPLATE WORKS, WILL BE SAFEGUARD AND BROUGHT FORWARD FOR DEVELOPMENT AS A MAJOR INWARD INVESTMENT SITE.

### **Amplification:**

*The Council is satisfied that sufficient land is identified in Development Plan allocations elsewhere to meet general industrial development needs. However, a suitable site is needed to attract a large scale inward investment which will bring major employment benefits to the region.*

*The Felindre site provides a unique development opportunity for such use, potentially offering a developable area up to 118 ha, high quality access to the M4 and local rail network, and a mature landscape setting free from any major development constraints.*

*A high standard of design, layout and environmental quality will be expected, along with proposals to minimise visual intrusion and mitigate against any adverse impact upon important local flora and fauna.*

*Appropriate mitigation measures would need to be identified in an Environmental Impact Assessment to be submitted with any planning application.*

*The land will be treated as a contingency site, for development only by a large industrial land user of high employment potential.*

## **RELEVANT PLANNING HISTORY**

2006/0773 Strategic business park for B1 and B2 uses to accommodate emerging industries, high tech manufacturing, high level services, ancillary uses, associated car parking, landscaping and access roads (outline).  
Planning Permission Oct. 2006

- 2007/1988 Application under Section 73 of the Act to carry out development permitted by the outline planning permission 2006/0773 dated 17th October 2006 without complying with condition 6 relating to the restriction of the minimum individual building footprint of 4,645 sq. m (50,000 sq. ft) as outlined in the Development Strategy in Section 4.2.6 of the Environmental Statement  
Planning Permission Nov. 2007
- 2007/2513 Formation of a park and ride facility for DVLA staff for a temporary period of 18 months with associated portable buildings, lighting and fencing works  
Temporary Planning Permission Jan. 2008
- 2009/0062 Renewal of temporary permission 2007/2513 granted on 14th January 2008 for park and ride facility for DVLA staff until September 2011  
Temporary Planning Permission April 2009
- 2009/1520 Variation of condition 3 of planning permission 2006/0773 granted 17th October 2006 in order to extend period time for the submission of the reserved matters by a further two years  
Planning Permission Jan. 2010
- 2009/1585 Extension of existing DVLA Park and Ride facility (to include Park and Share) for a temporary period until September 2011  
Temporary Planning Permission Dec. 2009
- 2011/0985 Application under Section 73 of the Act to vary condition 12 under the outline planning permission 2006/0773 dated 17th October 2006 with regard to the implementation of the off-site roadworks and signal junction installation in accordance with an approved phased programme  
Currently being considered
- 2011/1311 Notwithstanding the provisions of Section 91 of the Town and Country Planning Act 1990 and the Town and Country Planning (General Permitted Development) Order 1995, this permission is for a limited period expiring on 30 November, 2012 when the use shall cease and any works carried out under this permission shall be removed.  
Planning Permission June 2012
- 2011/1143 Application under Section 73 of the Act to vary conditions 1 and 3 of outline planning permission 2006/0773 (as previously varied by planning permission 2009/1520) to include the internal highway infrastructure as a reserved matter to be included in condition 1 and to vary condition 3 to allow for the phased submission of the reserved matters in accordance with the programme of phasing to be approved under condition 5 of the permission  
Planning Permission 7 Oct. 2011
- 2011/1527 Construction of 33KV electricity sub station compound to serve Felindre Strategic Employment Site  
Planning Permission January, 2012
- 2012/0884 Extension of existing DVLA Park and Ride facility (to include Park and Share) for a temporary period  
Temporary Planning Permission granted Nov. 2012 for a limited period expiring on 30 June, 2014.

2012/1035 Application for the submission of reserved matters (in part) in respect of the means of access including the internal spine access road together with associated infrastructure, plot layout and the strategic landscaping of the proposed Felindre Strategic Business Park in accordance with condition 1 pursuant to outline planning permission under the Section 73 application 2011/1143 and details of roads/footpath levels (condition 8), 10 (landscaping), 13 (Japanese Knotweed), 14 (Site Investigation), 18, 19 & 21 (drainage) & 23 (Shared Access)  
Planning Permission Nov. 2012

## **RESPONSE TO CONSULTATIONS**

The application was advertised as a development which does not accord with the provisions of the Development Plan. ONE LETTER OF OBJECTION has been received from the Glamorgan Badger Group making the following points:

1. The Ecology Report states that some evidence of badger activity was noted on the site, however, no setts were identified.
2. Badgers are a protected species and any interference to a sett is illegal.
3. A detailed badger survey of the proposed site is vital.

**Llangyfelach Community Council** – no response

**Natural Resources Wales** - We have no objection to the proposal, but would like to offer the following comments. Prior to this application, we have provided pre-application advice to your Authority. The comments below reflect this previous advice.

### Flood Risk

The site is situated within zone A on the development advice map (TAN15, July 2004) and zone 1 on our Flood Map. It is therefore not currently considered to be at risk of flooding. However the site is bounded to the north west by a Main River, the 'Afon Llan' and to the south and south east by the ordinary watercourse 'Nant y Gors'. There will be some flood or erosion risk adjacent to these watercourses. We would therefore recommend that no development takes place within any area adjacent to these watercourses or within areas identified as being at risk of flooding. As the Afon Llan is a designated Main River the prior written consent of NRW will be required for any works in, under, over or within 7m of the top of the river bank.

### Surface Water Drainage

We note that it is proposed to drain surface water to the main river Llan via an attenuation pond, which is to be constructed as part of the development.

We note from the micro drainage reports (produced 25/11/13), that the development has been designed for the 100 year standard. It is normal practice for developments of this lifespan to include storage of an additional 30% to account for climate change, not the 10% as stated within the document. We would recommend that you consult with your Authority's drainage engineers further in this matter to establish whether an additional 10% is sufficient. We can confirm however, that the discharge rate of 10.4 l/s/ha into the River Llan is suitable for use. If any new headwall/ discharge point into the River Llan is required, then these works (as identified above) will require our prior written consent.

### Foul Drainage

We note that a septic tank is proposed to provide some welfare facilities at the site. As there is no main public sewer available at this location, then a septic tank is considered acceptable providing ground conditions for the ancillary soakaway are suitable. The discharge from the septic tank will need to be registered with NRW. Depending on the volume of treated effluent discharged a permit may be required.

### Contaminated Land

We note that a Ground Investigation Report has been submitted in support of the application which has identified sources of contamination on site. We would agree with the conclusions of the report that prior to works commencing on site, contractors should submit appropriate working methodologies and mitigation measures. Furthermore, we would agree that if during the development, any contamination is encountered, then the development should stop until a remediation strategy has been agreed and implemented.

### Ecology and Protected Species

We welcome the submission of the Ecology Report dated November 2013 produced by Parsons Brinckerhoff. We note from the report that Wildwood Ecology Limited was commissioned by Parsons Brinckerhoff to undertake a Preliminary Ecological Appraisal (PEA) in relation to the above proposal and that the habitat survey of the site was carried out on the 12 August 2013.

Sections 5.12 – 5.15 of the report state that a significant number of semi-mature trees are found on site and that there are good links with the wider environment. Wildwood Ecology go on to state that there are significant opportunities across the site for bat activity, including roosting, foraging and commuting. Records for a number of different bat species are identified within 1km of the site and 'a suite of bat surveys are recommended to fully determine the impacts. However, we acknowledge that following consultation with the county ecologist the requirement to undertake bat activity surveys was ruled out.

We also note the findings and conclusions relation to dormice, which are laid out in sections 5.23 – 5.25 of the report.

We would ask that all recommendations made in Section 3 of the Ecology Report are translated into, and implemented as enforceable conditions on any planning permission your Authority is minded to grant.

The areas to be covered by planning obligation / agreement and/or conditions are as follows:

- The submission and implementation of a lighting scheme to ensure lighting measures do not conflict with potential bat use of the site, to be agreed with the LPA, prior to the start of any works on site. The scheme shall include low level lighting and, appropriate siting of lights (to ensure that vegetation along the site boundaries and any flight-paths are not illuminated). The scheme should address construction activities and the operational phase. To be implemented as agreed.
- The submission and implementation of a planting/landscaping plan to be submitted to, and agreed in writing with the LPA, prior to the start of works. This must include details of the compensation planting around the boundary of the site to ensure connectivity. To be implemented as agreed.

- The submission of pre-commencement checks of the vegetation buffer for protected species, between the site and the Afon Llan and any other vegetation buffer along the boundary; prior to the start of any works on site. These checks should be carried out by a suitably qualified ecologist. The results of the checks should be submitted to the LPA and NRW. To be implemented as agreed.

In summary, we would have no objection to the proposed development providing appropriately worded conditions are included on any planning permission your Authority are minded to grant.

**Head of Pollution Control** - I have no objection regarding the application for the park and share site. However I have the following observations and condition to attach please: -

*If during development, contamination not previously identified is found to be present at the site, then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted and obtained written approval from the Local Planning Authority for, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.*

*Reason: To ensure that the safety of future users is not prejudiced.*

I agree with the comments made with regard to the design of minor structures on the site in that an element of gas protection should be incorporated.

**Highway Observations** – Construction of park and ride / share car park (approx 480 spaces) with new vehicular access, security office, toilet, engineering and associated works, including lighting, fencing, drainage attenuation and landscaping (Council Development Regulation 3)

Land to east of Felindre Business Park Felindre Swansea SA4

This application has come about as a result of the development of Felindre Business park which is taking over the area currently used as the Park and Share facility, which is a popular parking resource. The proposed site links to the M4 Junction 46 via B4489 and is approximately 0.6km from the existing site.

The provision of this parking facility for DVLA staff is of considerable benefit as it helps to address parking difficulties in the vicinity of the DVLA offices. Its continued operation will be of benefit locally, particularly as current parking provision at the DVLA has undergone alteration and alternative provision is required. The current level of use of this existing car park is significant. The car park is also open to casual non DVLA staff and has helped reduce on street parking demand within the residential areas at Penllergaer.

The proposed scheme has increased parking provision compared to the existing one but as there is a planned relocation back to the DVLA of a significant number of staff then the parking provision is of an appropriate level.

The scheme has been designed in house by City and County of Swansea staff. The layout in the main is adequate and allows for safe vehicular access/egress as well as pedestrian movements and access to the near-by bus stop. The car parking spaces however have been incorrectly detailed at 2.4m by 4.8m and the correct sizes should be 2.6m width by 4.8m length. This will result in a loss of a small number of spaces but can be secured by condition.

There is a new bus lay-by, bus stop, footways, and bellmouth access included within the application site and these works will need to be undertaken by a section 278 agreement with the Highway Authority.

With the proposed 24/7 opening hours the arrivals/departures are spread out. Currently the maximum trip generation in any one hour is 74 vehicles (pm peak) and the proposed use will generate 102 vehicles as a maximum. I do not consider that the proposal will result in any detriment to highway safety.

I recommend that no highway objections are raised to the proposal subject to:

1. The car park spaces being laid out to 2.6m width by 4.8m length.
2. The Highway works to be undertaken to Highways Authority Standards and Specification under a section 278 Agreement.

Note: The developer should contact the Network Management team on (01792) 636091 before starting any works.

## **APPRAISAL**

### **Introduction**

The proposed park and ride / share facility will be located to the north-west of Junction 46 of the M4 and to the east of the proposed Felindre Strategic Business Park on the site of the former Felindre Tinplate Works. The infrastructure / road layout works to the Felindre Strategic Business Park have recently been constructed (Ref:2012/1035 relates) for which outline planning permission has been granted (Refs: 2006/0773 & 2011/143) for a strategic business park for B1 and B2 uses to accommodate emerging industries, high tech manufacturing, high level services, ancillary uses, associated car parking, landscaping and access roads. The application master plan for the proposed Business Park indicates the development area to be limited to 60.9 hectares and is focussed on the main brownfield area of the site formerly occupied by the Felindre tinplate works and the total floor space was to be limited to 80,065 sq. m / 861,900 sq. ft of employment floor space for specific B1 and B2 use classes.

A temporary park and ride facility for DVLA staff has operated at the Felindre Strategic Business Park since 2008 and has been expanded to incorporate the Council's 'park and share' initiative in a bid to discourage car shares parking in the residential areas around Penllergaer, Llangyfelach and Birchgrove. The p & r facility has also been used as match day park and ride for the Liberty Stadium as part of their travel plan strategy. The existing park and ride operation granted under ref:2012/0884 has capacity for 664 spaces and has a limited temporary permission expiring on 30 June, 2014 to ensure it will not prejudice the long term aspirations of UDP Policy EC1 and the vision for the Felindre Strategic employment site. The park and ride / share facility eases traffic congestion and parking pressures in and around the main DVLA site and also within the surrounding residential areas. The proposed replacement park and ride / share facility on this alternative scheme is therefore required as a permanent site and to allow the Felindre Strategic Business Park to be developed.

### **Description**

The proposed alternative site is located approx. 0.6km to the west of the current site, and would be accessed from the B4489 to Junction 46 of the M4.



The 480 space facility would be accessed by a 7.30m wide vehicular carriageway but will be provided with off carriageway bus layby, with bus shelter, to be constructed to the east of the vehicular access which will have a segregated pedestrian access / crossing point from the car park. The buses will then be required to proceed to the Felindre Business Park roundabout for the return journey. A security gatehouse / toilet block provision will be provided and the car parking area would be enclosed with a 2.40 metre high security fence. A landscaping strip along the frontage to the B4489 is proposed and it is proposed to illuminate the car park with 11 x 8m high columns with the design specification intended to minimise light pollution. A 765m<sup>3</sup> capacity surface water attenuation pond is proposed in the south western corner of the site. It is proposed to provide a septic tank for the proposed welfare facilities at the site. The site is traversed by high voltage electricity lines and there is also an electricity pylon within the site, and appropriate safeguarding measures are proposed within the car parking area.

### **Main Issues**

The main issues for considerations relate to the acceptability of the proposal in land use terms having regard to its location of the development in the open countryside and the provisions of the Development Plan, the impact on highway safety, and the constraints of the site in terms of land contamination, surface water drainage and ecology. There are in this instance no additional overriding issues for consideration under the provisions of the Human Rights Act.

### **Policy Issues**

UDP Policies EV21 and EV22 seek to preserve the open countryside and restrict rural development generally to where it can be demonstrated that it is beneficial for the rural economy or rural employment, or it meets the overriding social or economic needs of the local community. The site is not allocated as part of the Felindre Strategic Business Park under Policy EC1 and therefore constitutes development within the open countryside and therefore technically is a departure from Development Plan Policy. However, the proposed park and ride facility is within the redline boundary under the outline planning permission ref:2006/0773 granted for the development of the Felindre Strategic Business Park as it was part of the former Tinplate site and therefore part of the brownfield area.

However, the application site has been excluded as part of the developable area within the Felindre Business Park Masterplan and the recently constructed infrastructure / road layout works. Notwithstanding this, having regard to the historic use of the site and also its relationship to the existing infrastructure provision within the area, namely the proposed Felindre Business Park, the B4489 and the Swansea North Electricity Sub-Station, the proposed development of the site as a park and ride / share facility is considered to be visually acceptable at this location. Additionally, as indicated the proposed replacement park and ride / share facility on this alternative scheme is required as a permanent site to allow the Felindre Strategic Business Park to be developed and therefore is considered to be a justifiable departure to the Development Plan.

### **Access and Highway Safety**

The park and ride was first established in 2008 by the DVLA in order to alleviate on street parking issues in and around the DVLA Headquarters in Clase. Since then the park and ride facility has been extended in partnership with the Council, to incorporate a park and share facility in order to address localised problems caused by informal park and share which occurs along the M4 corridor. The current level of use is significant and helps to address parking difficulties in the vicinity of the DVLA offices and also reduce on street parking demand within the residential areas at Penllergaer and Llangyfelach. As indicated the development of the existing park and ride / share facility for the Felindre Strategic Business Park necessitates the development of an alternative site.

The scheme has been submitted and designed by the Council's Transportation Dept. and is intended to serve both as a park and ride for the DVLA and also as a park and share for use by the general public.

The proposed alternative site is located approx. 0.6km to the west of the current site, and is similarly accessed from the B4489 to Junction 46 of the M4. The scheme has been designed in house by City and County of Swansea staff. The 480 space facility would be accessed by a 7.30m wide vehicular carriageway off the B4489 and would provide adequate visibility for the 40 mph highway. The facility will be provided with off carriageway bus layby, with bus shelter, will be constructed to the east of the vehicular access which will have a segregated pedestrian access / crossing point from the car park. The buses will then be required to proceed to the Felindre Business Park roundabout for the return journey. The Council's Transportation team (as consultees) confirm that the layout is adequate and will allow for safe vehicular access/egress as well as pedestrian movements and access to the near-by bus stop. The car parking spaces however have been incorrectly detailed at 2.4m by 4.8m and not 2.6m width by 4.8m length as required under the Council's adopted parking guidelines. The required larger parking spaces may be secured by a planning condition and may result in a loss of a small number of spaces.

The application is accompanied by a Transport Statement to quantify the traffic impact along the highway network. The proposed relocation of the park and ride / share has been designed to accommodate an increase in the capacity of the car park (480 spaces as opposed to 360 spaces) but is required to serve an increase in regional staff being accommodated in the DVLA headquarters in Clase. Whilst the park and ride facility is open 24 hours a day with arrivals/departures spread out, the traffic survey accompanying the Transport Statement indicates that the maximum trip generation is during the evening peak (1600hrs – 1700hrs) and is 74 vehicles. Based on the larger car park capacity this pm peak is predicted to increase to 102 vehicles as a maximum. This relatively small increase in traffic generation may be accommodated on the existing road network without detriment to highway safety and the Council's Transportation team raise no highway objections to the proposal. Additionally, the nearest residential dwellings in Bryntywod and isolated properties in the area are located approx. 300 – 400 metres away. The traffic generation related to the park and ride facility already access the site predominantly from M4 Junction 46 and therefore would not exacerbate the existing level of activity within the area.

## **Other Constraints**

### Flood Risk

Natural Resources Wales (NRW) confirm that the site is situated within zone A on the development advice map (TAN15, July 2004) and zone 1 on their Flood Map. It is therefore not currently considered to be at risk of flooding. However the site is bounded to the north west by the Main River 'Afon Llan' and to the south and south east by the ordinary watercourse 'Nant y Gors' and NRW indicate that there will be some flood or erosion risk adjacent to these watercourses and advise that no development takes place within any area identified as being at risk of flooding.

### Contaminated Land

UDP Policy EV38 states that development proposals on land where there is a risk from contamination or landfill gas will not be permitted unless it can be demonstrated to the satisfaction of the Council, that measures can be taken to satisfactorily overcome any danger to life, health, property, controlled waters, or the natural and historic environment.

The application is accompanied by a Ground Investigation Report which indicates that the made ground appears to have been derived from general construction arisings associated with the development of the adjacent Tin Plate works as opposed to waste / by-products from the industrial processes at the works. The Report states that laboratory testing of the made ground identified no contaminants of concern with respect to human health and the wider environment including controlled waters. The Report recommends a reactive strategy is adopted during any future construction works in order to identify and manage any previously unidentified contamination. This approach is endorsed by NRW and the Head of Pollution Control and an appropriately worded planning condition is recommended.

### Ecology

UDP Policy EV2 requires the siting of new development to avoid locations that would have a significant adverse impact upon the landscape, taking into account existing site features and should undertake an assessment of species and habitats on the site and implement any necessary mitigation measures. An Ecology Report has been submitted with the application which incorporates the results of the Phase 1 Habitat Survey undertaken on the site. Additionally, specific otter and reptile surveys were undertaken.

The Report identifies the site to comprise of open scrub and grassland which is bordered by a belt of trees, with the Afon Llan and Nant-y-Gors bordering the site's western and southern boundaries respectively. The Reptile Survey identifies minimal reptile activity on the site but recommends that all clearance works should be undertaken under a watching brief by a suitably trained ecologist. The otter surveys identifies otter activity along the Afon Llan and the Report recommends that no work including the storage of materials should be undertaken within 20 metres of the Afon Llan and recommends that re-commencement checks are undertaken under supervision of an Ecological Clerk of Works along this buffer.

The development will result in the loss of areas of habitat and in order to mitigate potential impacts recommends compensatory woodland planting should be undertaken along the boundaries of the site. The Report also recommends that any lighting is utilised with baffles / filters in order to minimise light spill. There are strands of Himalayan Balsam and Japanese Knotweed along the banks of the Afon Llan which are invasive species and appropriate worded planning conditions are recommended.

The Ecological Report highlights the site as having potential foraging opportunity for badgers, but states there were limited signs of activity and no setts were observed. The Glamorgan Badger Group has submitted a representation suggesting that a detailed badger survey of the proposed site should be undertaken. The Council's Ecologist has responded to indicate that he has reviewed the survey and has previously met the ecologist who did the survey work on the site. Whilst there is some evidence of badger activity on the site (a small number of badger runs) there is no evidence of a sett and endorses the conclusion of the Report that there is no sett on the site.

### **Burry Inlet Habitat Regulations Assessment**

#### Introduction

The City and County of Swansea, as the competent authority, is required under Regulation 61(1) of the Conservation of Habitats and Species Regulations 2010 (known as the 'Habitat Regulations') to undertake a Habitat Regulations Assessment of any project likely to have an effect on an European Site, or candidate/proposed European Site, either alone or in combination with other plans or projects, that is not necessary to the management of the site for management of the site for nature conservation.

In this instance, the European sites potentially affected are the Carmarthen Bay and Estuaries European Marine Site (CBEEMS), the Carmarthen Bay Special Protection Area (SPA) and the Burry Inlet SPA and RAMSAR site. Before deciding to give permission we must therefore first consider whether this development is likely to have a significant effect on the CBEEMS either alone or in combination with other plans or projects in the same catchment area.

Following an investigation of likely significant effects on the CBEEMS features water quality was identified as the only factor that might have an effect this is discussed below.

### Water Quality

With regard to the water quality issues in the Burry inlet and Loughor Estuary, the City and County of Swansea has followed the advice of their statutory advisor, and has commissioned a preliminary assessment under the above Regulations which is limited to the assessment of potential wastewater effects only.

This assessment notes that as part of their review of consents (RoC) under regulation 63 the Environment Agency (EA) undertook a detailed Habitats Regulations assessment in relation to the effects of their consented activities. Consent modifications were identified to enable the Environment Agency to conclude no adverse effect on the integrity of the CBEEMS in respect of their consents operating at their maximum consented limits.

As the consents in question have already been subject to a full assessment (alone and in-combination) under the provisions of the Habitat Regulations, there is no need for the City and County of Swansea to undertake a further assessment where development can be accommodated within the post RoC discharge consent limits.

It is the opinion of the authority that this development can be accommodated within the post RoC discharge consent limits, and will not be likely to have a significant effect either alone or in-combination on the Carmarthen Bay and Estuaries SAC, the Carmarthen Bay SPA, or the Burry Inlet SPA and RAMSAR. Such effects can be excluded on the basis of the objective information available through the Environment Agency review.

### Other Possible Effects on CBEEMS features

In addition, it is considered that there are no other potential adverse effects from this development proposal, either alone or in combination with other plans or projects on the above protected European sites.

### Conclusion

On this basis there is no requirement to make an appropriate assessment of the implications of the proposed development in accordance with regulation 61(1).

### **Conclusions**

The proposed development would have an acceptable impact on highway safety, and the constraints of the site in terms of land contamination, surface water drainage and ecology. Development Plan Policy seeks to preserve the open countryside and restrict rural development generally to where it can be demonstrated that it is beneficial for the rural economy or rural employment, or it meets the overriding social or economic needs of the local community. Whilst the site is not allocated as part of the Felindre Strategic Business Park under Policy EC1 having regard to the historic use of the site and its relationship to the proposed Business Park and the associated infrastructure in the area, the development of this site as a park and ride / share facility is considered to be a justifiable departure to the Development Plan. Approval is therefore recommended as a Departure to the adopted Development Plan Policy.

## RECOMMENDATION

**That for the purposes of Regulation 3 of the Town and Country Planning Regulations 1992, the application be referred to the DEVELOPMENT MANAGEMENT AND CONTROL COMMITTEE with a recommendation that the Council resolves to grant planning permission, subject to the conditions indicated below:**

- 1 The development hereby permitted shall begin not later than five years from the date of this decision and shall be completed in accordance with the said application, plans and conditions prior to any part thereof being brought into beneficial use, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To comply with the provisions of Section 91 of the Town and Country Planning Act, 1990 and to ensure that the development is completed in accordance with the plans approved by the City and County of Swansea, and so avoid any detriment to amenity or public safety by works remaining uncompleted.
- 2 If during development, contamination not previously identified is found to be present at the site, then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted and obtained written approval from the Local Planning Authority for how this unsuspected contamination shall be dealt with.

Reason: To ensure that the safety of future users of the site is not prejudiced.
- 3 Prior to the commencement of development (or unless otherwise agreed with the Local Planning Authority) a method statement shall be submitted to and approved in writing by the Local Planning Authority detailing how invasive plants including Himalayan Balsam will be treated so as to control their spread during construction. The development shall be undertaken in accordance with the approved method statement.

Reason: It is an offence under Section 14(2) of the Wildlife and Countryside Act 1981 to plant or otherwise cause to grow in the wild any plant listed in Schedule 9 Part II.
- 4 A detailed scheme for the eradication of Japanese Knotweed shall be submitted to and approved in writing by the Local Planning Authority, and shall be implemented in accordance with the approved scheme.

Reason: In the interests of the ecology and amenity of the area.
- 5 Notwithstanding the details indicated in the application, the dimensions of the proposed car parking spaces shall be laid out as 4.80m by 2.60m.

Reason: In order to accommodate adequate car parking width in accordance with the Council's adopted Parking Standards (March 2012).
- 6 No development approved by this permission shall be commenced until a Construction Method Statement detailing all necessary pollution prevention measures for the construction phase of the development is submitted to and approved in writing by the Local Planning Authority.

Reason: To prevent pollution to controlled waters.

- 7 No development shall commence until the developer has prepared a scheme for the comprehensive and integrated drainage of the site showing how foul water, surface water, and land drainage will be dealt with and this has been approved in writing by the Local Planning Authority. This scheme shall include details of a sustainable drainage system (SUDS) for surface water drainage and/or details of any connections to a surface water drainage network. The development shall not be brought into beneficial use until the works have been completed in accordance with the approved drainage scheme, and this scheme shall be retained and maintained as approved unless otherwise agreed in writing by the Local Planning Authority.
- Reason: To ensure that a satisfactory comprehensive means of drainage is achieved and that no adverse impact occurs to the environment or the existing public sewerage system and to minimise surface water run-off.
- 8 Unless otherwise agreed in writing with the Local Planning Authority, foul water and surface water discharges must be drained separately from the site and no surface water or land drainage shall be allowed to connect (either directly or indirectly) to the public foul sewerage system.
- Reason: To prevent hydraulic overloading of the public sewerage system and pollution of the environment.
- 9 A landscaping scheme for the development shall be submitted for the written approval of the Local Planning Authority. The scheme shall be carried out within 12 months from the completion of the development, unless otherwise agreed with the Local Planning Authority. The landscaping scheme shall include compensatory planting around the site boundary. Any trees or shrubs planted in accordance with this condition which are removed, die, become seriously diseased within two years of planting shall be replaced by trees or shrubs of similar size and species to those originally required to be planted.
- Reason: To ensure that the site is satisfactorily landscaped having regard to its location and the nature of the proposed development, and to accord with Section 197 of the Town and Country Planning Act 1990.
- 10 Notwithstanding the details indicated in the application the proposed means of enclosing the boundaries of the site shall be completed in accordance with details to be submitted to and approved in writing by the Local Planning Authority.
- Reason: In the interests of visual amenity and general amenity.
- 11 Notwithstanding the details indicated in the application, the detailed design of all proposed lighting / floodlighting shall be submitted to and approved by the Local Planning Authority and thereafter implemented in accordance with the approved details. The proposed lighting scheme shall be designed in order to minimise conflict with potential bat use of the site.
- Reason: In the interests of public safety, amenity and ecology.
- 12 Prior to the commencement of development, the initial clearance of the site shall be undertaken under a watching brief of a suitably qualified ecologist. A vegetation buffer of 20 metres to the Afon Llan shall be retained unless otherwise agreed by the Local Planning Authority.
- Reason: In the interests of environmental protection, biodiversity and the minimisation of likely significant environmental effects.

## **INFORMATIVES**

- 1 The development plan covering the City and County of Swansea is the City and County of Swansea Unitary Development Plan. The following policies were relevant to the consideration of the application: (UDP Policies EC1, EV21, EV22, EV25, EV36, EV38, & AS8)
- 2 The Highway works will need to be undertaken to Highways Authority Standards and Specification under Agreement. The developer should contact the Network Management team on (01792) 636091 before starting any works.

## **PLANS**

G257-201 site location plan, LS21305 horizontal illuminance levels, G257-202 general arrangement, G257-203 drainage layout, G257-204 section AA, G257-206 cross sections, G257-207 cross sections 1-3, G257-208 fencing details, G257-209 tree detailG257-210 cabin details, G257-211 existing site layout, dated 16th December 2013