

UDP - EV11 - Historic Parks, Gardens and Landscapes

Development will not be permitted that would harm the character or setting of a registered Historic Park or Garden or the character of an Historic Landscape. (City & County of Swansea Unitary Development Plan 2008)

UDP - EV33 - Sewage Disposal

Planning permission will normally only be granted where development can be served by the public mains sewer or, where this system is inadequate, satisfactory improvements can be provided prior to the development becoming operational. (City & County of Swansea Unitary Development Plan 2008)

UDP - EV34 - Protection of Controlled Waters

Development proposals that may impact upon the water environment will only be permitted where it can be demonstrated that they would not pose a significant risk to the quality and or quantity of controlled waters. (City & County of Swansea Unitary Development Plan 2008)

UDP - EV35 - Surface Water Run-Off

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. (City & County of Swansea Unitary Development Plan 2008)

UDP - HC3 - Affordable Housing

Provision of affordable housing in areas where a demonstrable lack of affordable housing exists. (City & County of Swansea Unitary Development Plan 2008)

UDP - HC17 - Planning Obligations

The Council will negotiate with developers to secure improvements to infrastructure, services, and community facilities; and to mitigate against deleterious effects of the development and to secure other social economic or environmental investment to meet identified needs, via Section 106 of the Act. (City & County of Swansea Unitary Development Plan 2008)

UDP - AS1 - New Development Proposals

Accessibility - Criteria for assessing location of new development. (City & County of Swansea Unitary Development Plan 2008).

UDP - AS2 - Design and Layout

Accessibility - Criteria for assessing design and layout of new development. (City & County of Swansea Unitary Development Plan 2008)

UDP - AS5 - Walking and Cycling

Accessibility - Assessment of pedestrian and cyclist access in new development. (City & County of Swansea Unitary Development Plan 2008)

UDP - AS6 - Parking/Accessibility

Provision of car parking in accordance with adopted standards. (City & County of Swansea Unitary Development Plan 2008)

UDP - EV20 - New Dwellings in the Countryside

In the countryside new dwellings will only be permitted where justification is proved in terms of

agriculture, forestry or the rural economy; there is no alternative existing dwelling in nearby settlements; and the proposed dwelling is located close to existing farm buildings etc. (City & County of Swansea Unitary Development Plan 2008)

UDP - EV22 - Countryside General Policy

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

- i) The control of development, and
 - ii) Practical management and improvement measures.
- (City & County of Swansea Unitary Development Plan 2008)

UDP - AS10 - Traffic Management and Highway Safety

Accessibility - Incorporation of appropriate traffic management measures in new developments. (City & County of Swansea Unitary Development Plan 2008)

UDP - EV6 - Ancient Monuments & Protection of Archaeological Sites

Scheduled ancient monuments, their setting and other sites within the County Sites and Monuments Record will be protected, preserved and enhanced. (City & County of Swansea Unitary Development Plan 2008)

UDP - EV40 - Air, Noise and Light Pollution

Development proposals will not be permitted that would cause or result in significant harm to health, local amenity, natural heritage, the historic environment or landscape character because of significant levels of air, noise or light pollution. (City & County of Swansea Unitary Development Plan 2008)

UDP - EV1 - Design

New development shall accord with a defined set of criteria of good design. (City & County of Swansea Unitary Development Plan 2008).

UDP - EV2 - Siting

The siting of new development shall give preference to the use of previously developed land and have regard to the physical character and topography of the site and its surroundings. (City & County of Swansea Unitary Development Plan 2008).

UDP - EV28 - Sites of Local Importance

Within locally designated areas the natural heritage will be preserved and enhanced wherever possible. (City & County of Swansea Unitary Development Plan 2008)

UDP - EV30 - Trees, Woodland and Hedgerow Protection

Protection and improved management of woodlands, trees and hedgerows which are important for their visual amenity, historic environment, natural heritage, and/or recreation value will be encouraged. (City & County of Swansea Unitary Development Plan 2008)

Site History

App Number	Proposal	Status	Decision Date
2017/0986/FUL	Construction of 80 no. residential units with associated access and landscaping	S106	30.05.2018

2018/1367/DOC	Discharge of condition 12 (trees) of planning permission 2017/0986/FUL granted 30th May 2018	APP	14.08.2018
2018/1460/DOC	Discharge of condition 14 (Japanese Knotweed Management Scheme) of planning permission 2017/0986/FUL granted 30th May 2018	APP	12.07.2018
2018/1479/DOC	Discharge of conditions 3 and 9 of planning permission 2017/0986/FUL granted 30th May 2018 (Construction Pollution Management Plan and European Protected Species Method Statement)	PDE	
2018/1579/DOC	Discharge of condition 5 (Surface water drainage details) of planning permission 2017/0986/FUL granted 30th May 2018	APP	21.12.2018
2018/1719/DOC	Discharge of conditions 10 (Written Scheme of Investigation) and 11(Confirmation of Archaeologist for Watching Brief) of planning permission 2017/0986/FUL granted 30th May 2018	APP	15.08.2018
2018/1883/DOC	Discharge of condition 8 (Landscaping details) of planning permission 2017/0986/FUL granted 1st May 2018	APP	07.11.2018
2018/2072/DOC	Discharge of condition 18 (Gifted Land Maintenance Specifications and Plan showing land donated to Penllergaer Trust) of planning permission 2017/0986/FUL granted 30th May 2018	APP	07.11.2018

2018/2191/DOC	Discharge of condition 4 of planning permission 2017/0986/FUL granted 30th May 2018 (Street Lighting Specifications Outdoor Lighting Report)	APP	14.01.2019
2018/2271/DOC	Discharge of condition 16 (details of the footpath link to the south of the site) of planning permission 2017/0986/FUL granted 1st May 2018	APP	21.11.2018
2018/2671/S73	Construction of 80 no. residential units with associated access and landscaping (removal of condition 9 (European Protected Species) of planning permission 2017/0986/FUL granted 30th May 2018)	PDE	
2019/0221/DOC	Discharge of condition 17 of planning permission 2017/0986/FUL granted 30th May 2018 (highways and footpaths)	PCO	
2016/1747	Demolition of former Civic Centre and ancillary buildings (application for the Prior Notification of Proposed Demolition)	PARE Q	30.09.2016

RESPONSE TO CONSULTATIONS

The application was advertised on site and in the Local Press. No response was received.

Natural Resources Wales - The following report has been submitted in support of the application to remove the condition for dormouse mitigation.

- o European Protected Species (Hazel Dormouse *Muscardinus avellanarius*) Survey Report S16.758 - Former Penllergaer Civic Centre, Swansea SA4 9GJ on behalf of Enzo's Homes' by Sazer Ecology dated October 2018.

We note the results of the dormouse survey and based on this information we have no objection to the removal of Condition 9.

APPRAISAL

Background

This application is being reported to Planning Committee as it is a major development that exceeds the development threshold.

This is an application to remove Condition 9 of planning permission 2017/0986/FUL granted 30th May 2018. The planning permission allowed for the construction of 80 no. residential units with associated access and landscaping works. Section 73a of the Town & Country Planning Act 1990 (as amended) provides for applications to be made for planning permission to develop land without complying with conditions previously imposed on a planning permission (i.e. to vary or remove a condition) where development has already been carried out. The local planning authority can grant such permission unconditionally or subject to different conditions, or they can refuse the application if they decide the original condition(s) should continue. The original planning permission will continue to subsist whatever the outcome of this application.

The site is allocated for residential development within the Emerging Local Development Plan and the development is currently being progressed under planning permission 2017/0986/FUL. This permission remains extant.

Condition 9 of planning permission 2017/0986/FUL reads as follows:

The development hereby permitted shall be undertaken in accordance with the measures outlined in Sections E, F, G and H of the European Protected Species (Hazel Dormouse *Muscardinus avellanarius*) Method Statement (Amended April 2018) prepared by Dr Deborah Sazer. Full details of the area of new habitat to be created (as indicated in E.2.3) shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development.

Reason: To ensure dormice mitigation is provided in accordance with best practice during the course of the works.

Dormice are a European Protected Species (EPS) and legally protected under The Conservation of Habitats and Species Regulations 2010 (as amended). Legal protection relates to the animals themselves and the places they use to rest and breed.

During the course of determination of application 2017/0986/FUL, a Dormouse Method Statement was submitted with the application and agreed with NRW, on the presumption that the presence of Dormice has been established on site without the need for further survey work. Full planning permission was granted for the scheme on 30th May 2018. Dormice Surveys were recommenced in May 2018. The surveys were undertaken at monthly intervals from May to October 2018 which accords with the Dormouse Conservation Handbook threshold for sufficient survey effort. The conclusions of the surveys found that as no Dormice or Dormouse signs were found at any time during the survey, it can be assumed that Dormice are likely to be absent from the application site.

Following these results, this application is now seeking the removal of Condition 9 on the grounds that it is no longer necessary. In support of the application, the following document has been submitted:

- o European Protected Species (Hazel Dormouse *Muscardinus avellanarius*) Survey Report by Sazer Ecology (October 2018).

Committee will be aware of the felling of trees covered by Tree Preservation Orders adjacent to this site. The trees in question are not on the application site and are subject of a separate

investigation by the Council. Consequently, the felling of these trees can have no bearing on the determination of the current application which must be treated on its own merits.

Main Issues

Section 73a of the Town and Country Planning Act 1990 (as amended) provides that application may be made for planning permission for development already carried out without complying with conditions applied to a previous permission. Local authorities may decide whether to grant permission subject to differing conditions, remove the conditions altogether or refuse to alter/remove conditions. Thus it is possible to apply for conditions to be struck out, or for their modification or relaxation. In considering such an application a local planning authority may only consider the "question of the conditions". However, in terms of decision making a S73a application should be treated just like any other application, and due regard paid to the development plan and other material considerations.

Any new planning permission should include all the previous conditions (where necessary) to avoid the possibility of the new permission being interpreted as having no conditions other than those applied to vary.

Emerging Local Development Plan

Planning Policy Wales (PPW) Edition 10 at para. 1.17 highlights that legislation states a presumption in favour of sustainable development in accordance with the extant, adopted development plan, unless material considerations indicate otherwise. The principles of sustainable development are defined in the Well-being of Future Generations Act. Paragraph 1.21 of PPW goes on to state that it is up-to-date development plans that form the basis of the planning system, since it is up to date Plans that set the context for rational and consistent decision making where they have been prepared in accordance with the latest national planning policies. A replacement LDP is what is anticipated by PPW and related guidance to be the appropriate review process for time expired Plans.

The Swansea UDP was 'time expired' on the 31st December 2016 and is soon to be replaced by the Swansea Local Development Plan (LDP). Adoption of the LDP is scheduled to be resolved by Members at a public meeting of Full Council on the 28th February. This follows the recent publication of the Inspectors' Final Report on the Examination into the LDP. The Inspectors' Report concludes that, subject to implementation of the binding changes set out within it, the Swansea LDP satisfies the requirements of the relevant legislation and meets the necessary tests of soundness. The Inspectors have confirmed that the Council has provided sufficient evidence to support the Plan, and that they consider the LDP policies and proposals will realistically be delivered.

The Swansea LDP is clearly at such an advanced stage in the process, and there is now certainty regarding the Plan's content. Therefore, notwithstanding that the statutory starting point for decisions is the extant UDP (having regard to PPW and Section 38(6) of the Planning Act), given the significant time period that has elapsed since the UDP was time expired and the very advanced stage of the LDP it is appropriate in this case to determine the application having regard to the replacement development plan and national guidance, as well as the prevailing UDP.

In the case of this particular proposal, the following LDP policies are particularly relevant: PS2 - Placemaking and Place Management, H1 - Non Strategic Housing Sites, ER2 - Strategic Green

Infrastructure, ER8 - Habitats and Species and ER11 - Trees Hedgerows and Development. The site is allocated in the Emerging LDP as a Non-Strategic Housing Site (Policy H1.26).

Given that the principle of development has previously been established and approved under City and County of Swansea Unitary Development Plan and emerging Local Development Plan Policies, the main issue for consideration is whether the removal of Condition 9 is acceptable. In this respect, NRW has been consulted on the proposed removal of this condition and based on the results of the dormouse survey, which found no evidence of the presence of dormice, no objection has been raised to the removal of Condition 9. It is considered therefore that the condition is no longer necessary and should therefore be removed.

As this is a new permission, it is considered expedient to update the previous conditions (where relevant), taking into account those that have already been discharged.

Where details have previously been discharged and capable of implementation, the proposed conditions require compliance with those details. Where further details are necessary, conditions are recommended requiring the submission of such details. In addition a deed of variation would be required for the S106 agreement as this was attached to the previous planning permission. The terms of the S106 agreement are set out below but are not being amended.

- * Provision of 16 affordable housing units on site (25% of which at social rent and 75% at intermediate rent);
- * £253,568 contribution towards Pontarddulais Secondary School;
- * £3,000 contribution towards Toucan Crossing upgrade;
- * £65,000 contribution towards mitigation for loss of SINC;
- * £4,400 contribution towards ongoing management and monitoring fees (20% of application fee).

In 2010 the Community Infrastructure Levy Regulations (2010) came into effect. Reg 122 of these regulations set out limitations on the use of planning obligations. It sets out three tests that planning obligations need to meet. It states that planning obligations may only constitute a reason for granting planning permission if the obligation is:

- a) Necessary to make the development acceptable in planning terms; (the obligations of the Section 106 Agreement are necessary to ensure that an adequate sum is provided towards Education, provide affordable housing on site and to improve accessibility for pedestrians to/from the development.)
- b) Directly related to the development: (the obligations of the Section 106 Agreement are directly related to the development. and
- c) Fairly and reasonably related in scale and kind to the development; (the obligations as set out in the Section 106 Agreement, both in terms of scale and kind of obligations being required, are fair and reasonable to ensure a contribution towards education, upgrade of the existing pedestrian crossing and the provision of affordable housing, SINC.)

The above contributions are still considered necessary, directly related and fairly and reasonably related in scale and kind to the development.

Conclusion

The proposal to remove the aforementioned Condition No. 9 regarding dormice, a European Protected Species, is considered acceptable when considering all material considerations. It is

therefore concluded that the application should be approved subject to the following conditions and a deed of variation of the S106 agreement.

RECOMMENDATION

That the application be APPROVED subject to the conditions indicated below and the applicant entering into a Deed of Variation to the Section 106 Planning Obligation in respect of the contributions listed above.

- 1 The development shall be carried out in accordance with the following approved plans and documents:

09 House Type 7 proposed plans & elevations
12 House Type 10 proposed plans & elevations
Received on the 4th May 2017

11 Rev A House Type 9 proposed plans & elevations
Received 17th May 2017

10 Rev B House Type 8 proposed plans & elevations
Received 23rd May 2017

03 Rev A House Type 1 proposed plans & elevations
15 House Type 13 proposed plans & elevations
LP-01 Rev A Site location plan
Received on 8th December 2017.

Material Specification Rev B

04 Rev D House Type 2 proposed plans & elevations
05 Rev D House Type 3 proposed plans & elevations
06 Rev C House Type 4 proposed plans & elevations
07 Rev B House Type 5 proposed plans & elevations
08 Rev C House Type 6 proposed plans & elevations
13 Rev A House Type 11 proposed plans & elevations
14 Rev B House Type 12 proposed plans & elevations
received on 21st March 2018

01 Rev D proposed site layout and boundary treatment plan
Received on 19th April 2018

Reason: For the avoidance of doubt and to ensure compliance with the approved plans.

- 2 The development hereby permitted shall be undertaken in accordance with the Construction Pollution Management Plan, received 14th August 2018, submitted to discharge Condition 3 of planning permission 2017/0986/FUL, approved by the City & County of Swansea on 17th December 2018 (Ref: 2018/1479/DOC).

Reason: To protect residential amenity and the environment during the construction phase.

- 3 The external lighting for the development shall be completed in accordance with the details submitted to discharge condition 4 of planning permission 2017/0986/FUL,

approved by the City & County of Swansea on 10th January 2019 (Ref: 2018/1479/DOC).

Reason: In the interests of pedestrian and highway safety and to minimise disturbance to wildlife.

- 4 The drainage details for the scheme shall be undertaken and completed in accordance with the details submitted to discharge condition 5 of planning permission 2017/0986/FUL that were approved by the City and County of Swansea on the 21st December 2018 (Ref: 2018/1579/DOC).

Reason: To ensure that a satisfactory comprehensive means of drainage is achieved and that no adverse impact occurs to the environment, trees and to minimise surface water run-off.

- 5 The development shall not discharge to the watercourse network at any rate greater than 103l/s as detailed in the Drainage Strategy Report Version 2, dated October 2017.

Reason: To ensure that a satisfactory comprehensive means of drainage is achieved and that no adverse impact occurs to the environment and to minimise surface water run-off.

- 6 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended for Wales), (or any order revoking or amending that order), Classes A, B, D, E and F of Schedule 2, part 1 shall not apply.

Reason: To protect the integrity of the chosen surface water management system from additional impermeable areas that the SW system is not designed to accommodate.

- 7 Notwithstanding the details submitted to date (including the plan previously discharged under 2018/1883/DOC) within one month of the date of this permission a fully detailed scheme of landscaping including species, spacings and height when planted of all new planting, and a Landscape Management Plan shall be submitted to the local planning authority. The scheme shall include indications of all existing trees (including spread and species) and hedgerows on the land, identify those to be retained and set out measures for their protection throughout the course of development. The Landscape Management Plan shall detail all the measures for the long-term conservation and management of all retained trees, new trees and hedgerows on the site. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the first beneficial occupation of the first house or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: In the interests of maintaining a suitable scheme of landscaping to protect the visual amenity of the area, to maintain the special qualities of the landscape and habitats through the protection, creation and enhancement of links between sites and their protection for amenity, landscape and biodiversity value.

- 8 The development hereby permitted shall be undertaken in accordance with the Written Scheme of Investigation (ref FS18-013 dated 2018) , prepared by Dyfed Archaeological Trust submitted to discharge conditions 10 and 11 of planning permission 2017/0986/FUL that was partially discharged by the City and County of Swansea on 14th August 2018 (Ref 2018/1719/DOC). A copy of the Final Report shall be submitted to the Local Planning Authority within two month of all of the archaeological fieldwork and recording work being completed.

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

- 9 Notwithstanding the details submitted to date (including the plan previously discharged under Condition 12 of planning permission 2017/0986/FUL, Ref: 2018/1367/DOC) within one month of the date of this permission a scheme for tree protection shall be submitted to the Local Planning Authority. No development or other operations shall take place other than in complete accordance with the approved tree protection plan.
Reason: To ensure that reasonable measures are taken to safeguard trees in the interests of local amenity and to ensure no detriment to potential bat roosts.
- 10 Before each dwelling hereby approved is occupied, the means of enclosing the boundaries of the individual curtilage of that dwelling shall be completed in accordance with the approved details.
Reason: In the interest of maintaining a satisfactory scheme of landscaping and to protect the visual amenity of the area.
- 11 All works relating to the eradication of Japanese knotweed shall be undertaken in accordance with the details submitted to discharge Condition 14 of planning permission 2017/0986/FUL, approved by the City and County of Swansea on 10th July 2018 (Ref: 2018/1460/DOC).
Reason : In the interests of the ecology and amenity of the area
- 12 The future management and maintenance of the proposed residential streets shall be undertaken in accordance with the approved management plan submitted to discharge condition 15 of planning permission 2017/0986/FUL, approved by the City and County of Swansea on 8th November 2018 (Ref: 2018/1852/DOC).
Reason: To ensure the roads are maintained to a satisfactory standard in the interests of highway safety.
- 13 The details of the footpath link to the south of the site shall be undertaken in accordance with the details submitted to discharge condition 16 of planning permission 2017/0986/FUL, approved by the City and County of Swansea on 21st November 2018 (Ref: 2018/2271/DOC).
Reason: To ensure access and connectivity to the surrounding area is improved.
- 14 Prior to the first beneficial occupation of any dwelling hereby permitted, the highways and footpaths located within the residential development serving that dwelling shall be constructed to base course level and prior to the occupation of the final dwelling shall be laid out to an adoptable standard, in accordance with full engineering details which shall first be submitted to and approved in writing by the Local Planning Authority. The submitted details shall include details of the phasing of the highways and footpath construction. The development shall thereafter be completed in accordance with the approved details.
Reason: In the interests of highway safety.
- 15 The arrangements for the future management and maintenance of the footpath link to the south of the site, the area of open space around the observatory, area of open space linking the observatory to the adjacent Penllergaer Valley Woods and the foot/cycle paths located within these areas of open space shall be undertaken in accordance with the details submitted to discharge condition 18 of planning permission 2017/0986/FUL, approved by the City and County of Swansea on 1st November 2018 (Ref.

2018/2072/DOC). The footpaths and open space shall thereafter be maintained in accordance with the approved management and maintenance details for the lifetime of the development.

Reason: To ensure that the foot/cycle paths and areas of open space are maintained to a satisfactory standard to ensure the active travel links are available for the lifetime of the development and ensure the open space is maintained to an adequate standard.

Informatives

- 1 The development plan covering the City and County of Swansea is the City and County of Swansea Unitary Development Plan. The following policies were relevant to the consideration of the application: EV1, EV2, EV28, EV30).
- 2 This consent is issued without prejudice to any other consents or easements that may be required in connection with the proposed development.
- 3 Please be aware that under the Flood and Water Management Act 2010 the City and County of Swansea is now classified as the Lead Local Flood Authority (LLFA) and as part of this role is responsible for the regulation of works affecting ordinary watercourses. Our prior written consent for any works affecting any watercourse may be required irrespective of any other permissions given and we encourage early engagement with us to avoid any issues.
- 4 The Drainage Officer has advised that where the diverted culvert route will run through back gardens/private land those owners will become the riparian owner/s of the system and responsible for the management and monitoring of the structure in perpetuity. An easement must be clearly marked showing where no development can take place i.e. extensions, sheds, decking, planting etc. to allow for future access/maintenance/replacement. This must be included in the deeds of those properties.
- 5 The applicant may need to apply to Dwr Cymru / Welsh Water for any connection to the public sewer under S106 of the Water industry Act 1991. If the connection to the public sewer network is either via a lateral drain (i.e. a drain which extends beyond the connecting property boundary) or via a new sewer (i.e. serves more than one property), it is now a mandatory requirement to first enter into a Section 104 Adoption Agreement (Water Industry Act 1991). The design of the sewers and lateral drains must also conform to the Welsh Ministers Standards for Gravity Foul Sewers and Lateral Drains, and conform with the publication Sewers for Adoption 7th Edition. Further information can be obtained via the Developer Services pages of www.dwrcymru.com.

The applicant is also advised that some public sewers and lateral drains may not be recorded on our maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. The presence of such assets may affect the proposal. In order to assist us in dealing with the proposal the applicant may contact Dwr Cymru Welsh Water. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times. No habitable buildings should be constructed within a 15 m vicinity of the pumping station as to minimise any effects of noise and odour nuisance.

- 6 The applicant is advised to note the following:

1 Construction Noise

The following restrictions should be applied to all works of demolition/ construction carried out on the development site :

All works and ancillary operations which are audible at the site boundary shall be carried out only between the hours of 08.00 and 18.00 hours on Mondays to Fridays and between the hours of 08.00 and 13.00 hours on Saturdays and at no time on Sundays and Public Holidays and Bank Holidays. The Local Authority has the power to impose the specified hours by service of an enforcement notice. Any breaches of the conditions attached to such a notice will lead to formal action against the person[s] named on said notice.

2 Smoke/ Burning of materials

No burning of any material to be undertaken on site. The Local Authority has the power to enforce this requirement by service of an abatement notice. Any breaches of the conditions attached to such a notice will lead to formal action against the person[s] named on said notice.

3 Dust Control:

During construction work the developer shall operate all best practice to minimise dust arisings or dust nuisance from the site. This includes dust and debris from vehicles leaving the site. The Local Authority has the power to enforce this requirement by service of an abatement notice. Any breaches of the conditions attached to such a notice will lead to formal action against the person[s] named on said notice.

4 Lighting

During construction work the developer shall operate all best practice to minimise nuisance to local residences from on site lighting. Due consideration should be taken of the Institute of Lighting [www.ile.org.uk] recommendations

7 Highway Informatives:

Note1 : Section 278 Works

All off-site highway works are subject to an agreement under Section 278 of the Highways Act 1980. The design and detail required as part of a Section 278 Agreement will be prepared by the City and County of Swansea. In certain circumstances there may be an option for the developer to prepare the scheme design and detail, for approval by the City and County of Swansea. However, this will be the exception rather than the rule. All design and implementation will be at the expense of the developer.

The Developer must contact the Highway Management Group , The City and County of Swansea, c/o The Guildhall , Swansea SA1 3SN before carrying out any work . Please contact the Team Leader, e-mails to mark.jones@swansea.gov.uk, tel. no. 01792 636091

Note 2: Retaining Wall Informative

Under the provision of the Highways Act 1980, the approval of the Highway Authority must be obtained for the construction of any retaining wall that is both within 4 yards of a

highway and over 4ft 6ins (1.37m) in height. Under the provision of the West Glamorgan Act 1987, the approval of the Highway Authority must be obtained for the construction of any retaining wall that exceeds 1.5m in height.

- 8 Any waste materials that are generated on site (either resulting from construction or demolition) must be stored and treated in line with relevant environmental legislation. If it is proposed to treat waste on site (i.e. production of aggregates), a relevant waste permit/exemption must be registered with NRW. More information on relevant waste exemptions can be found on our website at: www.naturalresourceswales.gov.uk
- 9 Dwr Cymru Welsh Water have advised that the proposed development is crossed by a 20 inch and a 160mm trunk watermain, the approximate position being shown on the Statutory Public Sewer Record. Their position shall be accurately located and marked out on site before works commence and no operational development shall be carried out within 3 metres either side of the centreline of the public sewers. It may be possible for this watermain to be diverted under Section 185 of the Water Industry Act 1991, the cost of which will be re-charged to the developer. The developer must consult Dwr Cymru Welsh Water before any development commences on site.
- 10 The applicant is advised to prepare and implement a Site Waste Management Plan to ensure waste at the site is managed in line with the Waste Hierarchy in a priority order of prevention, reuse, recycling before considering other recovery or disposal option.
- 11 The Council's Highways Officer has recommended the implementation of a Construction Method Statement to be adhered to throughout the construction period. The statement should provide for:
 - i) the parking of vehicles of site operatives and visitors;
 - ii) loading and unloading of plant and materials;
 - iii) storage of plant and materials used in constructing the development;
 - iv) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - v) wheel washing facilities;
 - vi) measures to control the emission of dust and dirt during demolition and construction; and
 - vii) a scheme for recycling/disposing of waste resulting from demolition and construction works.