

Written presentation made on behalf of Penllergaer Community Council

To

Members of the Planning Committee of the City and Council of Swansea

In relation to

A Planning Applications under the Town & Country Planning Act 1990

For

Application reference 2018/2697/OUT

At

Land South Of The A4240, Parc Mawr, Penllergaer, Swansea

At

A Remote planning meeting held on the 17th July 2020

15th July 2020

Introduction

This written presentation is made to assist Members in, hopefully, the making of a properly judged decision in respect of their determination of planning application reference **2018/2697/OUT** .

Penllergaer Community Council readily recognises the plethora of information contained within the Officer's report which Members are being asked to consider in order to arrive at their decision .

Against this background, we realise that little is to be achieved in reproducing for Member's further consideration the copious and reasoned submissions that have already been made in opposing this development throughout the entire LDP and planning application process .

We therefore propose, due to the time constraints involved with all of this, to concentrate our efforts on four of the more significant and compelling matters that challenge and undermine the adequacy of this application .

The sheer volume of objections and matters raised by the public to this scheme, as largely summarised within the Officer's report, creates an almost unprecedented level of opposition, highlighting not only the failings of the scheme to comply with national planning guidelines in relation to strategic planning, but also the **dismissive approach** that has continually been adopted to such objections. This has unfortunately continued all the way through to this stage .

Nothing better identifies this dismissive approach than an email from a senior planning officer to Cllr Wendy Fitzgerald as far back as 2015 which said :

*The reality is that the strategic sites proposed to be built through the LDP will not happen overnight, they will take 20 years or more to build out – **ironically when many of the current opponents will no longer be around** . (emphasis added) Such objections don't wash with me and more importantly they don't wash with the Planning Inspectorate either.*

We hope that due cognizance will be given by Members to this written submission, rather than the dismissive approach previously adopted, and we would therefore simply focus on the following :

- **Highway congestion**
- **Agricultural loss**
- **Brynrhos Crescent access**
- **Safeguarding public interest.**

We trust this submission will be received and dealt with by Members in the same manner and sentiment it has been written and prepared .

Highway Congestion

Principal points of objection

Members need to be reminded that this development is **predicated on the delivery of a relief road and school** .

Members also need to be reminded that Welsh Government had, as far back as October 2013, expressed **significant concerns regarding the soundness** of Swansea's proposed LDP , citing **infrastructure and deliverability** as being one of its concerns .

As a result, a Transport Study was undertaken by Arup in December 2015 which concluded that:

- LDP developments will increase traffic movements across the County by 2025, on average, by nearly 30%, with the greatest congestion pressure on the road system being in the NW of the County .
- Network performance could only be acceptably managed if a range of road and public transport measures are put in place , but at the same time recognising that congestion will be worse and journey times longer than the 2014 base date .
- Without the road and public transport enhancements in place, LDP developments will have significant adverse impacts on **traffic delay, traffic congestion, air quality, noise, and economic disbenefits** .

In so far as this application is concerned, the Study further identified the importance of providing a *full north south link road* , ie between Gorseinon Road and the Llanelli Link, as opposed to the shorter link between Gorseinon Road and the A483 .

This alternative shorter link appears to have been considered at the request of the developer despite there being a total restriction imposed by the Council to junctions on the A483 *due to disruption to through flow on a major primary route* .

Important also to this application is the further condition, in accordance with national planning policy guidelines, that was imposed by the Council from the outset that :

*Where transport infrastructure is essential to support developments, **it will be necessary in most cases** for it to be provided in advance of the occupation of the development, **particularly in support of non-car modes of transport** in order to ensure sustainable travel habits are established and embedded from the outset ."*

Arup produced a supplementary report in 2018 that reaffirmed that :

In Northern areas (where significant development is located) mitigation measures should focus on provision of relief roads , as part of site development plans, improvements of junctions on principal corridors, and new junctions associated with

new developments . There should also be an objective to implement extensions to public transport / rapid travel routers to reach or travel through sites .

The proposed late delivery of relief road will, in turn, frustrate any suggested modal shift to non – car modes of transport . The highway situation is further worsened by the likely non - delivery of site SD B and the associated provision for signal enhancements to J47 . **Neither of these matters has been properly factored into this application .**

With all that said, **this application**, which appears to be endorsed by the Council, nevertheless **paints an improving situation to that identified by Arup .**

Remarkably, this is against the background where the Department of Transport in June 2019 released traffic growth figures for the M4 in Wales, and reported in the press that *Motorway congestion is by no means solely a Newport issue. West of Swansea has seen the biggest increase in M4 traffic - up 78% since 2000.*

This reported increase, amounting in total to 72378 vehicle trips per day, related specifically to J47 of the M4 motorway. In addition to this, the Arup Study has already concluded that this figure (vehicle trips per day) will rise further by more than 30% in the next 10 years .

The Local Development Plan identifies that *High value and volume development can provide a means of delivering necessary new infrastructure to **alleviate existing capacity problems** whilst providing facilities and infrastructure to support new proposals.*

Parc Mawr Farm is intended to be such a development.

However, as already identified by Arup this ambition could never be realised.

More importantly, and of far more significance to this submission, the planning application totally disregards the importance played in respect of the deliverability of this infrastructure, and its resulting adverse impact upon the highway network. The application proposes that the completion of the relief road will be concurrent with the completion of the housing development. Based on housing trajectories included within the Plan, and taking on board delays that have already occurred, the earliest likely completion date for the relief road will be 2029-2030.

This is totally contrary to the undertakings given by both Bellway and the Council to the LDP Inspectors that key infrastructure such as the road and new school will be delivered as part of the initial phases .

As already stated, the Study identifies that:

*Without the road and public transport enhancements in place, LDP developments will have significant adverse impacts on **traffic delay, traffic congestion, air quality, noise, and economic disbenefits.***

These are the exact conditions that will result from this planning application.

Concerns have also been raised over the proposed design of the intended relief road, and its ability to encourage the required assignment of traffic from the J47. Jacobs, acting for Transport for Wales, have responded to this planning application by stating:

However, the Spine Road is shown on submitted masterplans following a rather torturous alignment, in the context of a residential distributor than a direct and viable alternative to existing routes. As such its attraction as an alternative to travelling via J47 is questionable.

Jacobs concluded their report by saying:

Concerns remain about the impact of the re-assignment of traffic away from J47 because of the Spine Road through the development being open to traffic. The impact of the development at J47 is directly impacted by the operation of this new road, and thus the assumptions made by the applicant in the TA for this reassignment of background traffic. There are no technical justifications used by the applicant for this reassignment of traffic beyond the use of their 'professional judgement' which in the absence of any additional information is not an accepted methodology.

The failure of this application to embrace the idea of traffic assignment away from J47 of the M4 motorway, together with greater problem posed by the additional 850 houses proposed by this application, will have far greater consequences on the highway network than even the traffic study would suggest.

Agriculture Loss

Principal points of objection .

The proposed built housing is entirely sited on agricultural land of grade 3a of the Agricultural Land Classification, which **PPW 10** says :

“ is the best and most versatile , and should be conserved as a finite resource for the future considerable weight should be given to protecting such land from development because of its special importance . “ and “ should only be developed if there is an overriding need for development , and either previously developed land or land in lower agricultural grades is unavailable”

This confirms earlier **PPW** directions that :

Previously developed (also referred to as brownfield) land should , wherever possible , be used in preference to greenfield sites where it is suitable for development .”

The Council is relying on a County wide statement made by the appointed LDP Inspectors that :

“ the benefits of retaining the land in agricultural use would not outweigh the advantages of providing the required housing and employment development on the affected sites ... “

The Inspectors also confirmed that :

“ ...our report does not refer specifically to individual representations ... “

THE WORLD , BUT IMPORTANTLY ALSO SWANSEA , HAS CHANGED IN THE 7 YEARS SINCE THE HOUSING REQUIREMENT WAS SET, AND THE TWO YEARS SINCE THE CONCLUSION OF THE LDP EXAMINATION .

The Council has failed to consider this as well as the specific characteristics that relate to this site. When this is done, the benefit of retaining the land in agricultural use far outweighs any advantage gained from its development for the following reasons :

Firstly, there is no question that the land in question is entirely of the best and most versatile agricultural quality .

Importantly, the loss of good quality agricultural land is not simply limited to the area contained within the development site, but includes all the land previously contained within the Bryn Dafydd farm holding, comprising of some **278 acres** . This equates to more than double the size of the development site , involving the loss of the last two working farms in Penllergaer .

This fact was never presented to the Inspector for consideration .

The development, however, relates only to housing . There is no employment use .

The housing requirement was dictated by (a) increased employment flowing from economic growth, and (b) immigration . With neither of these factors *coming into play*, there must real question marks over the LDP housing requirement .

Furthermore, the additional benefit of this site includes the role it plays in supporting national policy guidelines in managing urban forms by the means of green belts and green wedges , vehemently opposing its inclusion in 2007 in the UDP on the grounds the role it played in (a) preventing coalescence, (b) managing urban form, (c) safeguarding the countryside and (d) protecting the setting of the urban form .

It also argued the further role it played in **assisting urban regeneration**, a role which has even greater significance today if the **Council's ambition for stimulating city centre living flowing from the Indoor Arena development** is to be realised .

Councillor Francis Davis was reported to have said :

"It's getting more people to live back in the city," going on then to say "Swansea needs to reinvent itself, like all cities throughout the United Kingdom. Retailing has changed so therefore you've got to have the leisure attraction, people living and working in the city to make it a vibrant city."

There is also the added advantage gained by retaining the agricultural status of the site for the role it has to play in conserving the special landscape and biodiversity of the site in accordance with national planning policy guidelines .

PPW says :

*" The planning system has a key role to play in helping to reverse the decline in biodiversity and increasing the resilience of ecosystems, at various scales, by ensuring appropriate mechanisms are in place to both **protect against loss and secure enhancement***

The Council's own Well Being Plan endorses this by saying :

" A resilient Wales – A nation that keeps and enhances a biodiverse natural environment. We have healthy functioning ecosystems that support social, economic and ecological resilience. We have the ability to adapt to change (for example climate change)."

When all these factors are properly taken into consider, the balance changes .

Brynrhos Crescent Access

Principal points of objection . (Other than those concerns already raised by the public over safety concerns and the like)

Grounds for objection are now further reinforced by the failure of this proposal to comply with **Policy T5 vi** of the Council's adopted Local Development Plan, which states :

All proposals must ensure that the design of development, together with any supporting transport measures and infrastructure :

*vi **Does not encourage extraneous traffic** , unless there is a specific strategic need for access route through the area .*

The extraneous traffic is inevitable, not because of any identified strategic need to relieve congestion on J47 of the M4 motorway , but simply the need to access the site .

The planning report argues that the access was identified on the Masterplan drawing appended to the SoCG . (Statement of Common Ground)

This argument is pathetic .

The reduced A4 drawing from its AO original form is illegible, and was never discussed for the purposes of access to the site . (Drawing attached)

As for what the SoCG did say :

Para 2.14 *pre-application discussions included matters relating to the preferred means of access to the scheme from Gorseinon Road, which has now been resolved by Bellway acquiring an interest in the land concerned*

Para 2.19 *31 Gorseinon Road, which is under the ownership of Bellway Homes and will be demolished in order to provide the main vehicular access to the site from the north.* (**Land Registry identifies property owned by Rees Richards**)

Para 4.8 ... *It is proposed that there will be three main vehicle access points to the site with one to the north, one to the east and one to the south ...*

Para 5.31... *The current roundabout A48 / Swansea Road will be converted to a signalised junction, and be linked to the new junction to be formed at the 'gateway access' to the site from Gorseinon Road.*

Why has all of this changed ?

VIABILITY – the change avoids Bellway buying 31 Gorseinon Road, avoids creating roundabout access on Gorseinon Road, avoids construction of greater part of northern section of the relief road and the ability for Bellway to walk away after completion of the first 184 houses with little financial contribution being made in respect of the immediately needed physical and social infrastructure requirements .

Appendix B: Masterplan for SD C



- Development**
1. New 3 form entry primary school
 2. Polwhele road centre with comprehensive school with convenient connections to Gorseinon Road and Summer Road, at width higher density development
 3. Gateway building at the residential entrance
 4. Mixed use retail building at the entry of site
 5. Local density, no single more sensitive areas
 6. Refurbish Hotel units and new units with potential community use
 7. Commercial building with facility blocks of private space for potential commercial use
 8. Potential water cycle facility
- Access**
9. New access across primary street from A4249 Gorseinon Road
 10. New access to site from Gorseinon Road
 11. New 2.7m wide street with green screen character to the north (possibly 20m) at the end of the street to encourage pedestrian location
 12. New access to site from Gorseinon Road
 13. Footpath connection from Swansea Road
 14. Retained green lane stepped to provide foot/cycle connection to public right of way to the west
 15. Vehicular connection to Bayview Crescent (via the main junction)
 16. Pedestrian/cycle access from Swansea Road
 17. West to east foot/cycle routes within green corridor
 18. Tree and shade across primary street with new street lighting on the street (generally 30m)
 19. Pedestrian route from A484 to site
 20. Pedestrian route from A484 to site
 21. Cycle and pedestrian routes from site to the west and access to existing paths
 22. Potential future junction with the A484
- Landscape**
23. Retained trees of structural importance
 24. Retained woodland habitat
 25. Retained green water with retention wall structure as part of green corridor
 26. Affordable water storage (2000m³) located within the site
 27. Water green with new planting and a local Equipment Area for Play (EAP) with the water tank to west of the site
 28. New water tank to west of the site
 29. Green corridor across site from Gorseinon Road
 30. Green corridor connection to Swansea Road
 31. Green corridor space with LHM and potential water on the site
 32. Provision ponds surrounded by new and existing planting
 33. Mid to west east green corridor with new existing planting as a high biodiversity corridor area of 10m width, including new woodland areas, drainage features
 34. Foot/cycle route and boundary within retained green with west-east green corridor with views towards the Gorseinon Road
 35. Green corridor with new and retained planting on visible part of the site
 36. Enclosed foot/cycle space at junction of new highway that links to the water cycle facility
 37. New green with LHM for water cycle
 38. New hedgerow and woodland planting along the edge of site
 39. New planting to soften development edge
 40. New planting along the road

Parc Mawr, Penllegae: Concept Masterplan

Safeguarding public interest

Principal points of objection .

This submission intends to deal with specific matters where safeguarding the public interest is compromised either by way of the Officer's recommendation of approval for the application and / or the proposed conditions of the approval .

There is real public concern that the ambitions of Bellway, for viability reasons, go no further than the 184 houses included in the first phase . In so doing, Bellway would largely realise their original **LDP** ambition for house building numbers on the site, the same ambition they had previously for their failed attempt under the **UDP** .

The proposed phasing which Members are now being asked to support would enable Bellway to maximise their profit return on the first phase and walk away from the financial contributions required from them for existing deficiencies in physical and social infrastructure, enhancement of which was a prerequisite to development .

For Officers to respond to this concern by saying another developer will come in, is not only another example of the dismissive approach adopted throughout, but a total lack of appreciation of the problem . Viability challenges will be the same for any developer, but worse for anybody stepping in where the profit has already been *creamed off* .

The proposed phasing now in front of Members is a material deviation to that presented by both Bellway and the City and County of Swansea to the LDP Inspectors, and upon which the Plan was approved .

Members should be reminded that the Inspectors were unequivocally told by Bellway and the Council that :

'The site is expected to carry some significant development costs – for example the delivery of highway works/improvements and a new 3 form entry primary school. The LDP policy for SD C also sets out a relatively comprehensive list of other necessary developer requirements and placemaking principles.

*Notwithstanding this, the IFVA shows that the delivery of these requirements (including key infrastructure such as the road and new school as part of **initial phases**)*

This undertaking supposedly addressed the concerns raised by the Inspectors over the specific problems experienced elsewhere in Wales over infrastructure and its delivery .

We, as we would hope Members will , have translated **initial** to mean the first phases, unlike Bellway and Officers who believe completion of 75% of the housing in the case of the relief road and 60% housing completion in respect of the new school , are deemed to fall within the definition of **initial** .

Not only does this inexplicable approach contradict everything that has gone before, but it also festers a situation where the principals of *timely incorporation* of needed infrastructure *goes out of the window* . To put this all in to context , the school will optimistically be provided in 6 to 7 years time , with the delivery of the relief road in 8 to 9 years time . (This is contrary to the intended timescale suggested in the report by the Head of Highways)

Furthermore, Bellway would have embarked on this project with the clear understanding of both Council's requirements and national planning guidelines that needed to be met, in that :

*Where transport infrastructure is essential to support developments, **it will be necessary in most cases** for it to be provided in advance of the occupation of the development, **particularly in support of non-car modes of transport** in order to ensure sustainable travel habits are established and embedded from the outset .“*

Accepting the recommendation in its current form provides no safeguard in relation to the public's concerns and interest, where the destiny of the public, in particular those from Penllergaer, are dictated by, and totally in the hands of, Bellway .

Whilst the Officer's report sets out the conditions that need to be satisfied to comply with CIL Regulation 122, there is no attempt to demonstrate in its reasoning how those conditions have been met . This is a common theme and failing throughout the Officer's report, where reference has been made to the requirements of national planning policy and guidelines, as well as further reference to Well Being of Future Generations Act , but no attempt has been made to say how this application complies with both .

At this point, and for the sake of brevity, we believe we have also already highlighted examples in our written submission in both the cases of the **Brynrhos Crescent access** and **Highway congestion**, where safeguarding the public interest will be compromised by approval of this application .

We are also concerned that Officers have failed to place a positive obligation on the developer , and obviously landowner, and dictate a requirement to enter into the necessary Section 38 and 278 Highway Agreements . It is clearly in the public interest that dedication of these works is undertaken, which in turn will demonstrate the developer's intentions .

Finally, there is a further continuing and worrying theme where the developer, in the case of a raft of pre-commencement conditions, is excluded from providing this information in relation to the first phase of the works, with notable exceptions relating to the undertaking of a mining survey and bat survey .