

## **Planning Reference 2018/2634 Land @ Higher Lane**

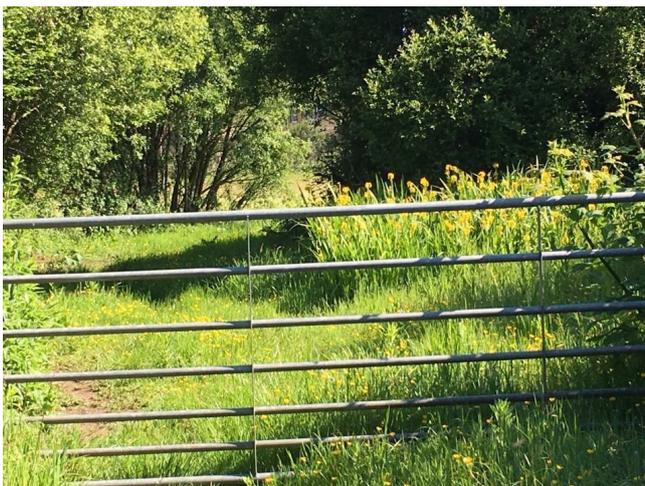
In preparation for the Planning Committee meeting on Thursday 3rd September 2020, please find attached the following documents in support of our objection to the above Planning Proposal;

- Photographs:
  - 1) Existing damage to SSSi at Langland, (Rotherslade), protected for its geological importance
  - 2) Site entrance from path that leads to Wales Coastal Path, before illegal clearance
  - 3) Site entrance as above after illegal clearance but prior to the Ecological Survey
  - 4) The site, taken from the gate on Higher Lane. A rare glimpse of the sea from the road and path.
  
- LDP extract for site @ Higher Lane, H5.6 - Please note the informative that apply to this site
  
- Statement of Common Concerns and Expectations, produced by and on behalf of the community and sent into the Planning Dept by many members of the public in May 2020.
  
- Copy of Lichfields report, commissioned by Mumbles Community Council (Sent as a PDF)

Photograph 1 - Existing erosion at SSSI, important for its Geological properties



Photograph 2 & 3 - Before & after photos of the site, cleared prior to the Ecological survey and during prohibited clearance time.



Photograph 4 - The site



<b>Site Ref &amp; Name</b>	<b>H 5.6 - Land at Higher Lane, Langland</b>	<b>SHPZ</b>
		West
<b>Education</b>	<b>Off-site financial contributions under S106 to existing Primary and Secondary Schools in the catchment area.</b> In accordance with <i>Policy SI 3 Education Facilities</i> .	
<b>Green Infrastructure Network</b>	<b>Provision of Open Space</b> in accordance with the FiT guidance set out in Six Acre Standard Document, <i>Policy SI 6 Provision of New Open Space</i> , Council's Open Space Assessment and Open Space Strategy.	
<b>Open Space</b>	Provide Green Infrastructure network throughout the site in accordance with <i>Policy ER 2 Strategic Green Infrastructure Network</i> .	
<b>Biodiversity Measures and Environmental Enhancements</b>	Biodiversity and environmental enhancements in accordance with relevant LDP policies, which may include the requirement to submit and agree ecological management plans. ( <i>Policies ER 9 Ecological Networks and Features of Importance for Biodiversity, RP 1 Safeguarding Public Health and Natural Resources, RP 2 Noise Pollution, RP 3 Air and Light Pollution, RP 4 Water Pollution and the Protection of Water Resources, RP 6 Land Contamination, RP 7 Land Instability</i> ).	
<b>Transport</b>	<b>PROW:</b> connections and improvements will be sought to the following PROWs which are onsite or adjacent to the site: MU5, MU4, MU2, MU6, MU10	
<b>DCWW WWTW</b>	<b>Swansea Bay WwTW:</b> no issues in the WwTW accommodating the foul flows from the allocation.	
	DCWW HMA Foul Water	No
	DCWW HMA Clean Water	No
	Compensatory Surface Water Removal	No
<b>Flood Risk</b>	No	
<b>Welsh Language Action Plan</b>	No	
<b>SINCS</b>	No	

<b>Other Informatives</b>	<p><b>With Gower AONB and the Coastal Zone:</b> consult with NRW.</p> <p>Use the <i>Gower AONB Design Guide</i>, <i>Gower AONB Landscape Character Assessment</i> and <i>Carmarthen Bay, Gower</i></p> <p><i>and Swansea Bay Local Seascape Character Assessment</i> to guide the design and development of this site.</p> <p>A Landscape and Visual Impact Assessment will be required at planning application stage to ensure careful integration of site into landscape and consider wider seascape impact and impact on Wales Coast Path. Preferable ‘low lying’ buildings with suitable landscaping to ensure minimal adverse impact on landscape/seascape. <i>See Policy ER 4 Gower Area of Outstanding Natural Beauty (AONB).</i></p> <p><b>Probable Grade 3a agricultural land.</b> An agricultural land classification survey will be required.</p>
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## **Proposed Development at Higher Lane (H5.6)**

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### **Statement of Common Concerns and Expectations**

This statement summarises many of the common concerns and expectations of Swansea residents, tourists and stakeholder organisations, who have raised objections to the Council on the proposed development of the site in Higher Lane.

We understand that many people have asked the Council for feedback on their objections, as they are worried that their opinions aren't being listened to. With the very large number of objectors, we acknowledge responding individually to all might prove challenging for the Council, so it is hoped that this summary might assist in this regard.

We hope the Council view this statement as helpful, and will appreciate that it has been compiled in good faith, to improve engagement in a transparent manner.

### ***Scale of concern***

The Council will be aware that there are less than 25 properties directly adjacent to the proposed development, but there are over 1700 objections to the proposed development from residents in all wards of Swansea and from tourists across Wales, the UK, and from as far away as Canada. Objectors care deeply about protecting the Gower AONB, and conserving and enhancing the features that underpin its designation. The large number of objections contrasts starkly with representations supporting the development, which number less than ten in total.

Our expectation of the Council is to respectfully acknowledge the breadth and gravity of concerns, and the significance of the number of objectors.

We are sure the Council would agree that everyone should reasonably expect a public body and planning authority to represent fairly the views of its constituents, without any form of bias or misrepresentation.

### *LDP Allocation*

Objectors have been consistent in their expressed concerns over impacts to the AONB throughout the development of the LDP and the subsequent planning applications submitted. They have re-submitted their comments many times, but most feel they have never had any meaningful feedback on how their concerns have been addressed, or reasons why they can't be addressed. This has proved distressing to many.

It is acknowledged that the Higher Lane site has now been included in the LDP, as a "local needs" exception site. The need to provide local needs housing is fully appreciated, but all feel that this site was demonstrably the least sustainable option put forward in the LDP.

We would hope that a forward looking Authority, sensitive to the need to protect distinctive and natural places and biodiversity, would continue to seek alternatives for providing the required housing allocation, and would prioritise those to avoid a permanent loss of this designated and historic coastal landscape. This approach would align with National and LDP policy.

### *The Current Planning Application*

Notwithstanding any of the above, it is the overwhelming view of most objectors that any development proposed for this site must comply with relevant legal requirements and policy obligations (National and LDP policies). We would expect the Council to take the same view and would not approve a scheme that does not comply with such requirements and obligations, irrespective of policy H5, which cannot overrule or replace them.

Some of the most significant non-compliances are highlighted below – along with our expectations from the Council.

### **Conservation and Enhancement of the AONB**

The Council has a legal duty to conserve and enhance the AONB.

LDP Policy ER 4 (Gower AONB) states that development must have regard to the purpose of the designation and must conserve and enhance the natural beauty of the area. In assessing the likely impact of development proposals on the natural beauty of the AONB, cumulative impact needs to be taken into consideration. Development must:

- *Not have a significant adverse impact on the natural assets of the AONB or the resources and ecosystem services on which the local economy and well-being of the area depends;*
- *Contribute to the social and economic well-being of the local community;*

- *Be of a scale, form, design, density and intensity of use that is compatible with the character of the AONB;*
- *Be designed to an appropriately high standard in order to integrate with the existing landscape and where feasible enhance the landscape quality; and*
- *Demonstrate how it contributes to the conservation and enhancement of the natural beauty of the AONB.*

Policy ER4 and the LDP site specific requirements for H5.6 (Higher Lane) are also clear that the Gower AONB Design Guide, Gower AONB Landscape Character Assessment and Carmarthen Bay, Gower and Swansea Bay Local Seascape Character Assessment must be used to guide the design and development of this site. The LDP site specific requirements for Higher Lane are clear that a Landscape and Visual Impact Assessment (LVIA) is required and must demonstrate careful integration of the site into landscape and consider wider seascape impact and impact on the Wales Coast Path. In addition there is an expressed need for 'low lying' buildings

with suitable landscaping to ensure minimal adverse impact on landscape / seascape.

The Landscape and Visual Impact Assessment (LVIA) produced by the developer has very significant shortcomings, including but not limited to the following:

- It uses incorrect baseline information, and does not use the appropriate Gower AONB Landscape Character

Assessment (policy requirement of the LDP and a specific Site Requirement for H5.6);

- It does not consider cumulative impacts of development, which should include neighbouring development and recently permitted development elsewhere in the AONB (policy requirement of the LDP);
- The baseline information on receptor groups is for the wrong location;
- The LVIA makes no consideration of seascape or coastal impacts in the AONB (including those related to the SSSI, and does not consider the “Carmarthen Bay, Gower and Swansea Bay Local Seascape Character Assessment”, despite the site being on the undeveloped coast in the coastal zone – (once again a specific requirements of the LDP);
- The LVIA dismisses the loss of a public right of way through the site (MU5), as a non significant impact, despite the fact that it is very well used and provides a significant amenity for residents and tourists alike. Views from the right of way offer outstanding views of the landscape and seascape;
- Visualisation of the development are not in line with best practice and they do not appropriately consider views from the Wales Coastal Path, the public right of way

through the site or immediately adjacent neighbours – who could suffer a significant loss of privacy and amenity (this has been pointed out many times by NRW in their consultation response – and the

impact from neighbouring properties must be assessed with visualisations from those specific properties);

- There is a significant inconsistency between stated impact assessment approach and the conclusions derived – e.g. where the approach suggests a significant impact, the conclusions state no significant impact;
- Within the planning policy section of the LVIA there is no reference to Policy ER4 (AONB), which is almost an unfathomable omission.

Specifically, with regard to the AONB, the LVIA states that:

- Within the application area and its environs, there is *“likely to be a large change in landscape character as development becomes a dominant, long-term feature within the AONB designation”*; and
- Within the AONB more generally the overall landscape qualities which define the AONB will *“not be completely eroded”*, noting that the fundamental requirement is to demonstrate conservation and enhancement, with no deterioration of the features that underpin the designation.

Despite these two points, the LVIA states that overall impacts on the AONB are predicted to be moderate to low, not significant and neutral. This is simply unjustifiable, and the the LVIA is not fit for purpose. We assume that the developer has been advised of the significant shortcomings on numerous occasions, and it appears to us that they have simply refused to provide what is required. This is very worrying to many people

Given the fundamental importance of Landscape and Visual Impacts in the AONB, we expect the Council not to support a planning application that relies on an LVIA and Visualisations that are not fit for purpose.

## **Nature and Quality of Development**

National Planning Policy requires that AONBs must both be afforded the highest status of protection from inappropriate development, and that any development must be afforded the highest level of design to carefully integrate it into the landscape in a manner that conserves and enhances the intrinsic qualities of the AONB.

LDP Policy PS 2 (Place Making and Place Management) states that development should enhance the quality of places and spaces, and respond positively to aspects of local context and character that contribute towards a sense of place. The design, layout and orientation of proposed buildings, and the spaces between them, should provide for an attractive, legible, healthy, accessible and safe environment. All proposals should ensure that no significant adverse impacts would be caused to

people's amenity. Depending on the nature, scale and siting of the proposal, development should also:

- Have regard to important elements of local heritage, culture, landscape, townscape, views and vistas;
- Integrate effectively with the County's network of multifunctional open spaces and enhance the County's Green Infrastructure network;
- Maximise opportunities for sustainable construction, resource efficiency and contributions towards increased renewable or low carbon energy generation;
- Avoid the loss of land and / or premises that should be retained for its existing use or as an area of open space;
- Ensure no significant adverse impact on natural heritage and built heritage assets;
- Ensure resilience is not undermined and does not result in significant risk to human health, well-being or quality of life.

As the proposed development is completely within the AONB, any development must also be in full accordance with the Gower AONB Design Guide.

The LDP Site Specific Requirements for the Higher Lane site, reinforce the need for sensitive and high quality design and

the required compliance with the Gower AONB design guide. It also specified that the development should be low lying to minimise impacts on the landscape and seascape.

No reasonable person could consider the proposed development as “low-lying” and it appears to most people that the proposed development is a standard housing estate, with no consideration of the sensitive environment or the Gower AONB design guide.

There is also no meaningful attempt to include renewable and low carbon technology in the proposed development, which is required by LDP Policy EU 2, which states that any development will be required to maximise the contribution of renewable or low carbon energy technology to meet the energy demands of the proposal.

Concerns from the public were so significant that an independent report was commissioned from Litchfield’s to provide an independent view on the design issues. This was submitted during the last round of consultation, and raised some significant issues. We have never received a response to this report, and as far as we can see this has simply been ignored by the developer. We find this very disappointing and concerning.

We expect the Council to reinforce its own policies on the required nature and quality of development and to reinforce the need for low lying development. Otherwise its own policies would not be complied with, and it would be in breach of National Policy Guidance. Given the importance of this aspect, we would like to see an independent review by the

Design Commission for Wales, for this development, or for any other proposed at this site.

### **Protection of the Langland Bay (Rotherslade) - Site of Special Scientific Interest (SSSI)**

The drainage from the proposed development (shown in the Shear Design – Drainage Strategy Report – March 2020) is intended to flow into an existing drain, which then outflows on the cliff above Lambswell cove. The cliff is wholly within the SSSI, which is designated on the basis of its geological value, which comprises a rare and important occurrence of exposed glacial materials in the coastal zone).

The Shear Design report does not acknowledge the presence of significance of the SSSI, nor does it provide any assessment of impact on the SSSI. This is a significant omission as the the existing drain, which takes surface water drainage from Beaufort Avenue, has caused significant erosion of the designated geological deposits, as pointed out by Swansea's own technical officers. See photographs below.



Additional volumes of water into this drain from the proposed development will be substantial and will clearly exacerbate this situation, leading to further erosion of the protected geology in the SSSI. This is both an environmental and safety issue that greatly concerns many members of the public.

This has been raised with the Council, but no response has been forthcoming. The response from the developer has been

to provide a drawing of some very superficial works to the drain discharge point, but this does nothing to protect the designated geology in the already unstable and deeply eroded ravine (which is used as a pathway to Lamswell).

It is a legal requirement to conserve and enhance SSSI's, which is reflected in LDP policy ER10 (geological and geomorphological sites of value). This policy states that development will not be permitted that would cause significant adverse effect to geological or geomorphological SSSIs.

This matter has not been looked at in any level of detail and impacts have certainly not been assessed in line with accepted best practice.

We would expect the Council, with the support of NRW, to fulfil their legal responsibilities to conserve and enhance the key features of the SSSI, and not to permit drainage as suggested.

It should also be noted that information contained in the Shear Design report indicates that the Wales Coastal Path would be subject to an additional risk of flooding from the proposed development. The impact of this has not been assessed, which is matter of concern given the importance of this route. Not assessing such impacts is not in line with National Policy.

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## **Protection of Important Hedgerows and Historic Landscapes**

The proposed development at Higher Lane forms part of the Gower Registered Historic Landscape (HLW ((WGI) 1), and is

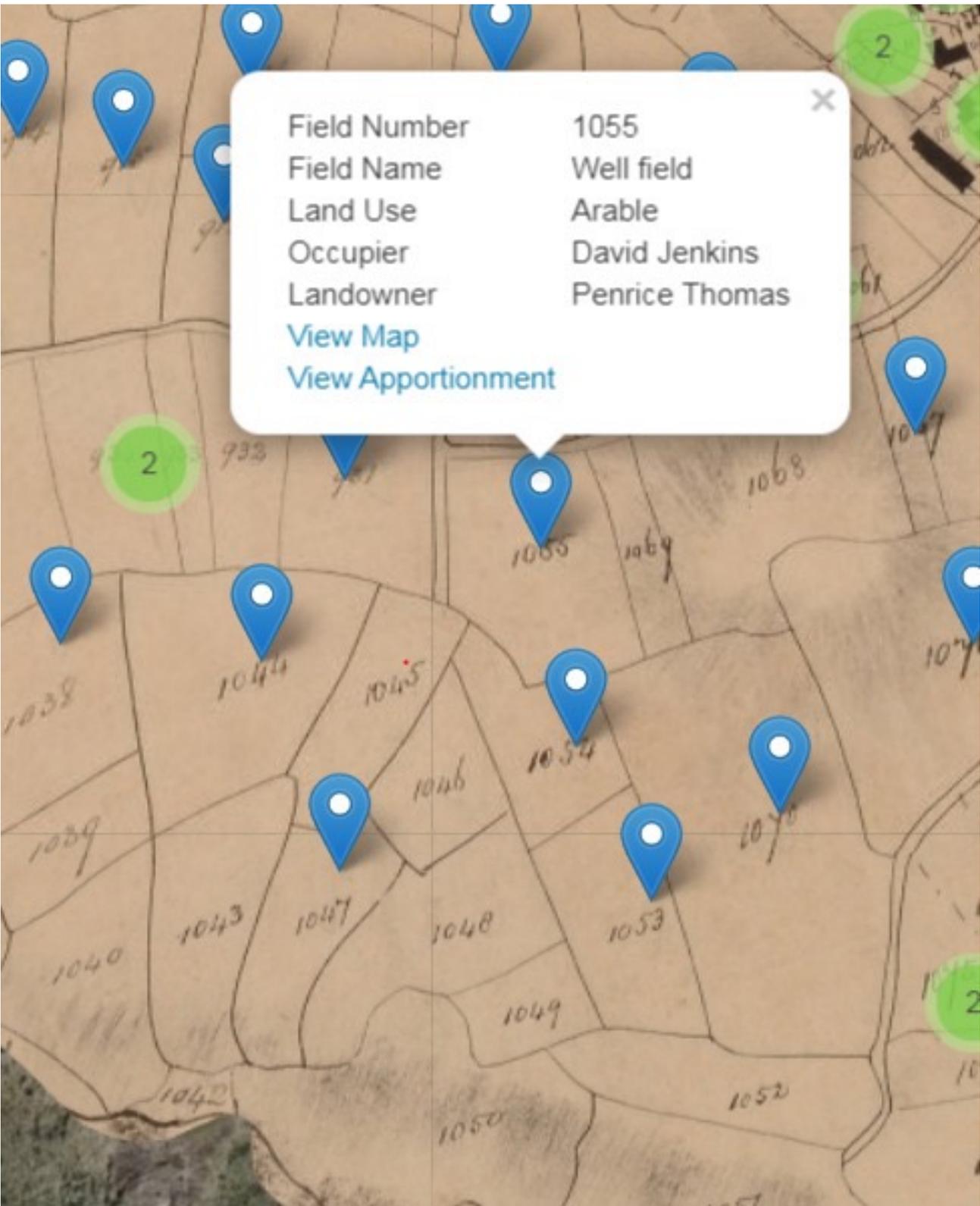
specifically a core part of the Thistleboon Fieldscape Character Area - HLCA024 – as defined within the Register of Landscapes Of Outstanding Historic Interest in Wales.

The field boundaries also represent one of the last remnants of a wider mediaeval agricultural landscape, and have remained unchanged for centuries. They are included in the original Tithe maps for Oystermouth (see below) and a survey of Important Hedgerows on Gower undertaken by GGAT in 2014, stated that these hedgerows are of considerable significance - as is the medieval sunken lane to the immediate west of the proposed development site.

*Tithe Maps for the proposed development site at higher Lane*

*(Exact layout as for the present day – underlining historic importance)*

Planning Policy Wales 10 (PPW10) is clear that local planning authorities have a duty to protect and enhance assets included on the Register of Historic Landscapes in Wales. PPW 10 also states that sharing and use of evidence and assessments undertaken for wider reasons, such as Green Infrastructure Assessments (not completed), should be used to identify and better understand historic landscapes and ensure their qualities are protected and enhanced. The



Field Number	1055
Field Name	Well field
Land Use	Arable
Occupier	David Jenkins
Landowner	Penrice Thomas
<a href="#">View Map</a>	
<a href="#">View Apportionment</a>	

Field Number

1055

Field Name

Well field

Land Use

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David Jenkins

Landowner

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[View Map](#)

[View Apportionment](#)

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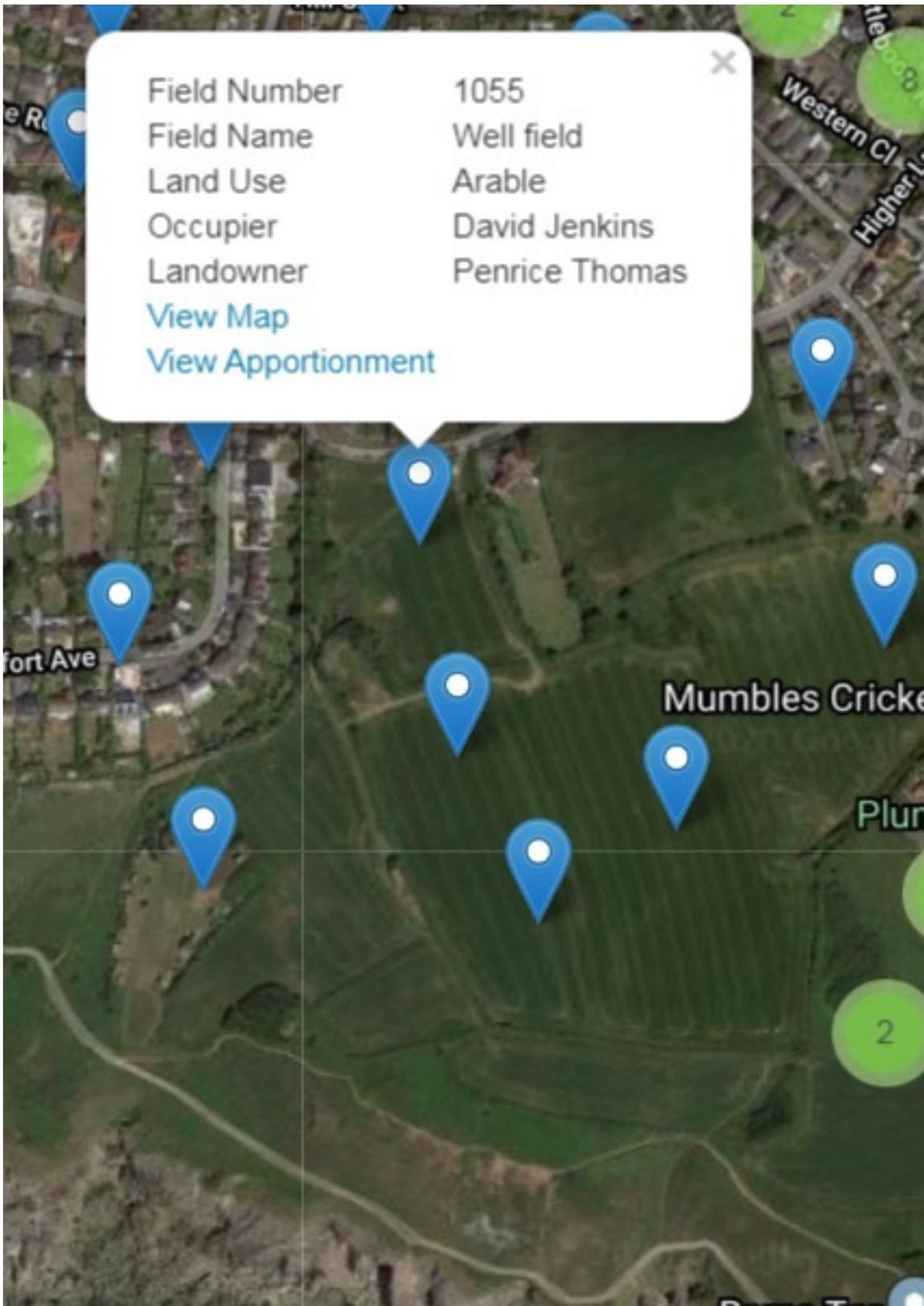
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register should be taken into account in decision making when considering the implications of developments, which meet the criteria for Environmental Impact Assessment. This was not considered in the screening opinion by the Council and should have been.

The Council's LDP Policy HC 1 (Historic and Cultural Environment) is also clear that the County's distinctive historic and cultural environment will be preserved or enhanced by:

- Requiring high quality design standards in all development proposals to respond positively to local character and distinctiveness ;
- Identifying and safeguarding heritage assets, sites and their settings;

The Council's LDP Policy ER 11 (Trees and Hedgerows) also states that development that would adversely affect hedgerows of public amenity or natural / cultural heritage value, or that provide important ecosystem services, will not normally be permitted.

The proposals for the development would not protect or enhance the historic landscape and would include removal of the "Important" hedgerow at the front of the site alongside higher lane. These are significant issues to many people and are unacceptable and are not compliant with national and LDP Policy.

#### ***Loss of the Public Right of Way (MU5)***

The loss of the Public Right of Way (Mumbles 5) and the associated area of Open Green Space would be a significant loss of Amenity to residents, the wider community and to tourists, and would impact their well-being. This has not been assessed appropriately.

The Public Right of Way is well-used by residents and tourists, including regular walkers, who value the

outstanding landscape and seascape vistas and the direct connection to the Wales Coastal Path.

The footpath also facilitates an accessible and healthy environment for older and less mobile members of the community, who take advantage of the fact that parking on the roadway is readily available next to the entrance of the field. This field and the access and vistas it provides is therefore important to many people's physical and mental well-being, not only because of its aesthetic quality, but because of the cultural, spiritual or historical qualities of the area, allied to the level of accessibility for all and the clear sense of place it provides.

Allowing access through the proposed development, to the footpath to the southwest, cannot be viewed as a viable means of "retaining" the existing footpath, as there would be a significant loss of this amenity, blight of the existing landscape vistas and the loss of Public Open Space - for residents, the community and tourists.

We agree with the Council's PROW technical officer, who stated early on in the consultation process, that the loss of this Public Right of Way represents a significant impact amenity (for the community, tourists, and those who are older and less mobile). This is in conflict with National Policy, LDP policy T2 (Active Travel), and T7 (Public Rights of Way and recreational Routes).

The LDP specific Site Requirement for Higher lane also stated that any development is required to make connections and improvements to on site and off site PROW's including MU5, MU4, MU2, MU6, MU10. Clearly this is not achieved in

the current proposals. MU5 “on site” is permanently removed, and the other improvements are not provided.

We would expect any proposal to align with National and LDP policy, including the site specific LDP requirements.

We see no reason for instance, why the public right of way through the site couldn't be maintained and sympathetically incorporated into any proposed development, to prevent loss of this important amenity.

### *Land Instability*

As identified in a site survey undertaken on behalf of the developer, there are “sink holes” within the development site and in neighbouring areas. Construction works and associated drainage could therefore give rise to land instability and collapses, which could lead to property damage, and potential safety concern to neighbouring residents in Higher Lane and Beaufort Avenue.

The Council will be aware that this area of Gower has one of the highest incidences of collapses from Natural Cavities in the UK. Sink holes and ground collapses have occurred on this site in the past and there is a recorded fault running directly through the middle of the field, which suggests a high potential for additional collapses.

There are several cases of sink holes being activated due to recent house construction works on Beaufort Avenue and Higher lane. These have caused significant damage to property and have necessitated cessation of works, and costly mitigation works (with large insurance claims).

LDP Policy RP 7 (Land Instability) states that any development which would create, affect or might be affected by unstable or potentially unstable land will not be permitted where there would be a significant direct risk to life, human health, property, buildings and structures, or the natural heritage on the site or in its vicinity.

Development will only be permitted on unstable or potentially unstable land where it can be satisfactorily demonstrated that proposals to make the land capable of supporting the development are adequate. This has not been done.

We expect the Council to respond to residents on this matter, and to enforce policy obligations in this regard.

### *Other Policy Non Compliances*

There are a number of other policy non-compliances, which amplify the above concerns, including:

- ER 2: Strategic Green Infrastructure Network
- ER 7: Undeveloped Coast
- ER 9: Ecological Networks and Features of Importance for Biodiversity
- T 1: Transport Measures and Infrastructure

- RP 1: safeguarding Public Health and Natural Resources
  - RP 3 Air and Light Pollution,
  - RP 4 Water Pollution and the Protection of Water Resources
  - ER 9 Ecological Networks and Features of Importance for Biodiversity
- Previous objections have covered all of these policy issues, and we expect that the Council would not approve any proposal that does not comply with these requirements.

### *Summary*

We hope this document clearly explains the common concerns and expectations of the 1700+ objectors to this development, who come from all over Swansea and beyond.

There are clearly some very significant concerns that have been highlighted, which demonstrate that the current proposals do not comply with National and LDP policies – and could not possibly represent a solution that would conserve and enhance the AONB.

The developer has had many opportunities to respond positively to these concerns, but has instead continually tried to defend an inappropriate scheme. We would expect that the Council would support this opinion, and reject this application.

**21<sup>st</sup> May 2020**

