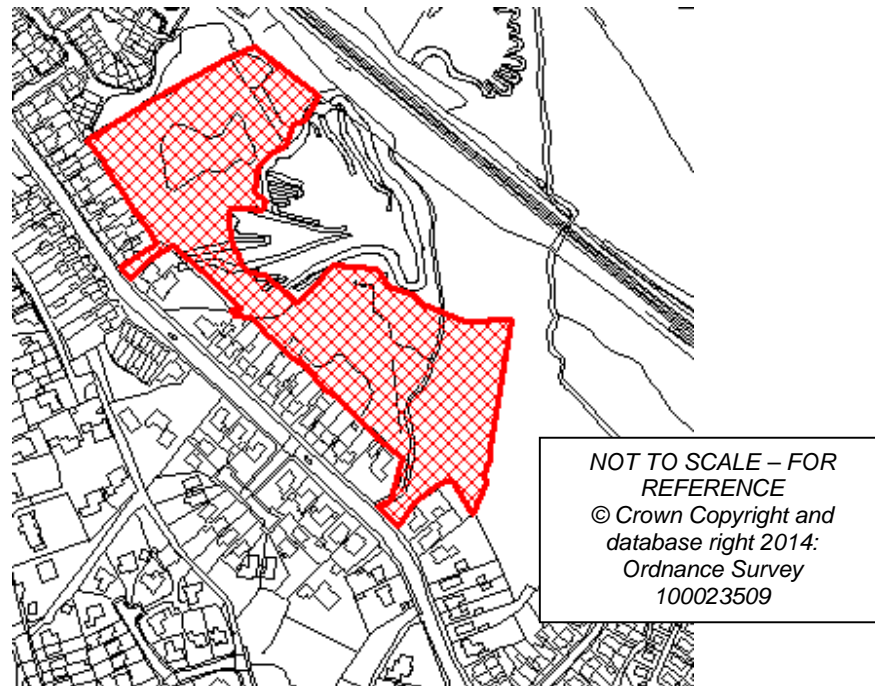


ITEM **APPLICATION NO:** 2017/1451/OUT
WARD: Gowerton - Area 2
Location: Former Cefn Gorwydd Colliery, Gorwydd Road, Gowerton, Swansea
Proposal: Residential development of up to 100 dwellings along with associated parking, access, landscaping and open space. (outline application - all matters reserved)
Applicant: Urbanstyle Land Ltd



BACKGROUND INFORMATION

POLICIES

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 - EV3 - Accessibility

Proposals for new development and alterations to and change of use of existing buildings will be required to meet defined standards of access. (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 - EV23 - Green Wedges

Within green wedges development will only be permitted if it maintains the openness and character of the green wedge and does not contribute to the coalescence of settlements or adversely affect the setting of the urban area. (City & County of Swansea Unitary Development Plan 2008)

UDP - EV24 - Greenspace System

Within the greenspace system, consisting of wildlife reservoirs, green corridors, pocket sites and riparian corridors, the natural heritage and historic environment will be conserved and enhanced. (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)

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 - 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 - 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 - HC24 - Play Areas/Public Open Space

Provision of public open space within new residential developments. (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 - 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 - EV38 - Contaminated Land

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. (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)

SITE HISTORY

App Number	Proposal	Status	Decision Date
2017/0918/SCR	Screen Opinion request for requirement for an Environmental Impact Assessment to accompany a proposed planning application in accordance with Regulation 5 of the above Regulations	EIANR Q	16.05.2017

2017/1451/OUT

Residential development of up to 100 dwellings along with associated parking, access, landscaping and open space. (outline application - all matters reserved)

PDE

RESPONSE TO CONSULTATIONS

Sixty local residents were directly consulted and the application has been advertised by way of a site notice and a press notice as a "departure" application.

TWO HUNDRED and THIRTY FIVE (235) OBJECTION LETTERS and TWO LETTERS OF SUPPORT have been received.

The concerns raised are summarised below:

- Increase in vehicular traffic on existing road will have highway safety implications and exacerbate existing congestion issues. Gowerton has become a bottle neck, the three schools situated in the village combined with the two schools in Waunarlwydd cause major traffic congestion in the morning and evening.
- Gowerton has become a through route for traffic to the Gower Peninsula, Dunvant and Killay, causing further congestion in the morning, evenings and summer months. At peak times traffic is regularly queuing from Days roundabout to Gowerton traffic lights and from the Waunarlwydd Gowerton boundary to the traffic lights.
- Gowerton railway station has become a very busy commuter start and end point for people travelling East and West to work which, in addition to adding to the congestion, means that it is virtually impossible for residents, including disabled residents, to get a parking bay at the station or Gowerton car park between 8am and 6pm on weekdays.
- Overdevelopment - this development is hugely detrimental to the village and it's future. There are currently many more accessible and larger sites proposed for development within the Swansea area meaning housing capacity in the area will not be an issue, sites such as the 750 homes in the Garden village area, Fforest Fach and Penlleger, all of which have better links to the M4 and scope for improving road networks, unlike Gowerton which is already full to bursting with the Elba development and the development on what was the old mart.
- Woodland habitat would be destroyed.
- Privacy of residents of Gorwydd Road would be compromised.
- The Comprehensive Schools is at full capacity, and the Junior and Infant School over capacity leading to adverse impacts on local school capacities.
- The Doctor's Surgery can't take any more patients and would have an adverse impact on local health services.
- The sewerage plant is under pressure to take foul waste and unable to take any surface water and is at capacity.
- The proposed entrance to the development is small for the number of houses proposed.
- In principle the application should be rejected until the site is approved by the Welsh Inspectorate via the Local Development Plan. If the Welsh Assembly wish to stab the residents in the back and reclassify this land then that is what needs to be done first before any planning applications can be made. Pre planning applications which have obviously had a lot of upfront investment put into them give the general public great cause for concern and create a lot of suspicion and mistrust

- The loss of trees from the T.P.O. woodland.
- Flooding will take place in the low laying gardens of properties 65 to 81 Gorwydd Road.
- This is now a woodland and a habitat for many species of birds and wild creatures, a site that has not been maintained for nearly fifty years by the owners, but left for nature to take over, the sort of site it is thought both the Welsh Assembly and Land Resources Wales want to maintain.
- Will development lead to an increase in community facilities, specifically Leisure?
- Loss of Green Wedge.
- Old mine workings on site may result in land instability / collapse and subsidence to existing houses.
- The development is not viable or deliverable due to significant highway infrastructure works and land stability works required.
- Increased air & noise pollution.
- SSSI, SINIC on part of the Site.
- Loss of open space.
- The loss of woodland, increased traffic, noise and air pollution, and pressure on health centre will have a detrimental on people's health and wellbeing.
- Cumulative impact of the numerous housing allocations on the Welsh language in a language sensitive area.
- More development would increase the risk of flooding and put more strain on the waste and drainage system.
- It is proposed to demolish a woodland of outstanding beauty and home to various animals and bird species - specifically bats which are seen on a regular basis. The woods in question are home to mice, shrews, fox, badger and squirrel that I have seen and also a wide range of birds, including nightingale, woodpecker, Jay and Owl.
- The river running through the site has burst its banks several times and the proposed diversion of the river can cause unseen flooding.
- The main train line from West Wales runs through the woodland which deflects train noises from us close neighbours but demolishing this could cause several noise issues.
- Irrespective of the conclusions of the application's specialist report in favour of the development, the views of those who know Gowerton best i.e. it's residents, have been summarily dismissed and overlooked.
- This is a small awkward little plot of land bordered by a rail line and established houses, access and facilities are limited, in all honesty I am not even sure it is safe to place these houses in the area
- There are 9 mineshafts and adits on the site. The whereabouts of the underground galleries is very uncertain. I have been told by the Coal Authority that plans of some of the workings are incomplete or missing. This making subsidence a danger. Due to the mining, the site is also contaminated with Arsenic, Beryllium and Lead at levels above normal accepted levels for health. I would have thought it unwise to build any buildings on the site on Health & Safety grounds.
- The sewerage works are struggling to cope with the houses currently in Gowerton. Several complaints have been made with regards to the smell that comes from there. Each time they have advised that there is an overflow which cannot be helped due to their intake. This also leaks out into the estuary. On hot days this is unbearable and windows and doors need to be closed and we are unable to sit outside in the garden.
- I am struggling to get a dentist.
- Children play in the wooded area building dens, tree swings etc. In society today we see this a safe place for our children. If this goes then children will end up with nowhere to go and/or hanging about on street corners.
- We do not have enough policing in the Area. More homes more crime.

- Parking is an absolute nightmare in Drovers Point which causes problems for emergency services.
- Proposal involves development on greenfield site. The Council should develop Brownfield sites not Greenfield.
- There is no justification for the development to meet the Council's need to provide further housing stock as this is being addressed through the LDP and this area of land has been removed from the LDP plans
- I have been objecting on this matter since 2011 and I am sure that as time elapses less people will object as they become bored and disillusioned by the whole prolonged process.
- The classification of this land was a strong contributory factor in my decision to buy my property back in 1997 as I knew that this land could not be developed. Who's going to pay for the devaluation of my property if this development goes ahead? As a Council tax payer I demand the Council step up to the plate on this matter and not just bow down to pressure from Westminster to build on our open protected spaces.
- The adjoining Pharmacy next to the Medical Practice currently has long waiting times for prescription pick ups.
- Currently, a mature tree can use in excess of 360 gallons of water per day. What will happen with the water when these trees are destroyed? What actions will be put in place to ensure my garden will not flood due to the excess water if suitable drainage is not provided?
- The Well being of Future Generations (Wales) Act 2015 - this law is "to give our children and grandchildren a good quality of life we need to think about how the decision we make now will impact them". The 8 goals mentioned will not meet any of the criteria if the proposed development is to go ahead.
- With these questions and points in mind, how can this piece of land be viable to build on?
- Residents already living in the Drover Point development which is already over developed with too narrow roads for the number of vehicles and houses, risk their lives on a daily basis trying to get out of the site onto the main Gorwydd Road. Any further housing development will put further strain on the road system and will cause huge safety issues to those travelling on it.
- The loss of mature trees will be detrimental to my health and the health of my children. These trees dissolve a lot of the emissions currently being omitted by standing traffic.
- This is wet woodland and acts as a soak away. The building of foundations on wet woodland will create a vast amount of surface water and will affect the estuary flow
- This development is also on a flood plain. How can this be built on?
- My objections are in the first instance based on the infrastructure of the village itself. The proposed development would swell the population of the village by considerable numbers.
- Gowerton residents would be disadvantaged in the ways outlined above in order to facilitate a monetary gain for the developer, unless the developer is developing the land as a not for profit company and intends to invest the profit from the sale of houses back into the community of Gowerton and pay for the mitigation for the loss of all wildlife species and not just those that require mitigation under environmental law
- With the additional traffic to Gowerton due to these new properties, it will scare off Tourists to Swansea's Wonderful Gower, as the frustration of getting through would send people to other areas.
- This land is currently identified as part of the Llan Valley Green Wedge, within the countryside which according to current development plan policies (EV22 & EV23) should be conserved and enhanced for the sake of natural heritage, natural resources, historical and cultural, environment and agricultural and recreational value. This proposal clearly flies in the face of national and local policies.

- I live in the Drover Point development which is already over developed with too narrow roads for the number of vehicles and houses in the development. Trying to get out of this site onto the main Gorwydd road is a huge hazard and any further housing development will put further strain on the road system and will cause huge safety issues to those travelling on it.
- Being a former colliery site this can't be considered a good site for housing as there's good reasons mortgage companies don't like to issue mortgages for houses in mining areas. The ground in this area has many springs and streams running through it as well as shafts beneath it.
- To lose the majority of the woodland and wildlife habitat that this area provides would be a terrible loss as once its gone its gone.
- To try and rectify the mistake of building so many extra homes and the extra school, the Council came up with the oxymoron of an 'inner bypass' to improve traffic flow. This is after taking away part of the Welsh school green fields to create a bus lane, and building on the athletics area of the English school to create more classroom space. Since then the Welsh school has also built a large extension on the green space at the rear of Heol y Gog, yet another green area gone forever. The inner relief road removed yet another green area in the heart of the village
- The recent new Primary School (whilst much needed) has been built on the Elba playing fields, taking away another green area.
- The clearances of this site would disturb the wildlife and be an offence under the Wildlife and Countryside Act 1981. We need these spaces for the present residents to live, work and enjoy a healthier lifestyle. The green land absorbs the rainfall and helps the environment.
- The Water Treatment Works in Gowerton is struggling to cope with the huge amount of effluent already going into it and the smell from the works is horrendous and can't be healthy for us. It also is affecting the Burry Inlet and the sea life is being affected with virtually no cockles left.
- We have lost 2 bus service routes recently leading to crammed passengers and trains at peak times from Swansea are already standing room only.
- Has there been a Traffic Impact Assessment (TIA) undertaken for this proposal, what are the results in respect of vehicles movements, model split and saturation levels for peak times and outside of peak times.
- The width of the existing carriageway together with the existing junction will not accommodate (substandard) such a access for this development and it would be contrary to recommendations within a Road Safety Audit should one be implemented.
- Possibility of HGV's, Buses, deliveries, and emergency services required to gain access to the area. I feel that the unclassified highway will not be sufficient enough to accommodate this without compromising highway safety.
- The noise generated for the amount of vehicle movements would have a significant impact upon the existing residents and would only seek to encourage conflict between residents and vehicle users.
- The Traffic Report's findings were inadequate because they only looked at the impact of the entrance to the site from the existing Gorwydd Road. No examination of the design of the roads within the proposed development had been made as regards the density, width of roads and corners on the development. No recommendations had been obtained from the Emergency Services or the Council Cleansing department as to whether their vehicles (Ambulances/Fire Engines/Bin Lorries) could safely navigate the roads on the site. In the aftermath of the disaster at the Grenfell Tower in London, the safety of the people is now paramount. The proposed plan also suggests an entrance into the site from the Drovers Point estate which is totally unacceptable because that estate has inadequate roads and problems with traffic and parking already.

- The Mining Report stated that no official record could be ascertained as to whether the 9 mine shafts or the 2 adits contained within the site had been capped. This means that the whole site is susceptible to subsidence. Any of these shafts or adits could collapse at any time (if they haven't done so already) leaving huge potholes in the ground.
- The Geology Survey also mentions the presence of Methane Gas in the sub-stratas which is combustible if disturbed. Added to that, the existence of a big natural aquifer lying directly under this site. The aquifer will not go away - it is a natural feature - exacerbated probably by the many mine shafts crossing the site
- We urge the members of the Planning Committee to make another visit and look at the site properly for themselves before making a decision on this application.
- A stream runs to the east of Fairwood Terrace from the land below the development and the increase in hard surfaces in the area will mean less land exposed to the rain and act as a reservoir to slowly release the rainwater. This will increase the risk of flash flooding as weather patterns change due to climate change.
- The site is a wetland woodland and is a Candidate Site of Importance for Nature Conservation (cSINC) and is currently identified as part of the Llan Valley Green Wedge and the majority of the trees have a Tree Protection Order (TPO) placed upon them. The loss of woodland should be considered with the woodlands affected by the development 'North of Gowerton Railway Station/Fairwood Terrace', Site Reference SD-H - North Waunarlyydd / Fforestfach, which are interlinked. The total loss of woodland would be approx. 7.00 hectare, which is grossly unacceptable.
- Planning Policy Wales and Welsh Government Guidance requires Local Planning Authorities to only allocate sites which are realistically capable of being developed and delivered within the plan period. It is now clear from the limited geotechnical investigations that have been undertaken by: Integral Geotechnique on behalf of the developer, that pose real concerns for the community.
- Why, are we not adhering to experts' warnings? Some studies have refuted Global Warming slow down, yet a recent study carried out by Tom Karl Director of NOAA's National Centre of Environmental Information and leading author of the study confirms that Global warming continues to increase! (Inside Climate News) 2015 by Kathrine Bagley.
- The report submitted by the developer is not fit for purpose in the development plan. In the Executive Summary the Arboriculture Impact Assessment (Section 4) based on the Parameter Plan has identified that 78 individual trees and 6 groups of trees fall wholly, or in part beneath, the footprint of the combined highway access arrangements and proposed residential development. This figure is grossly understated, there are 58 trees to be removed at the entrance to the development without assessing the total area of the development

Gowerton Community Council:

Gowerton Community Council strongly object to this application on the following grounds:

1. Site shouldn't have been included in original considerations as segregated by railway.
2. Trees shelter existing housing from railway noise and recycling works noise pollution for residents. This will immediately impact on residents quality of life.
3. Access extremely limited. The traffic plan itself doesn't sufficiently address access around the proposed site for emergency vehicles etc.
4. Area is long a standing recognized valuable wildlife habitat. Regular sightings of bats. The area is one of the few green areas in the village and these areas need to be protected for future generations.
5. Valuable historic site / historic stacks.

6. Infrastructure-sewerage system unsuitable added volume of proposed use. The current systems cannot deal with what is already in place, further proposals of development would be untenable.
7. Development takes away natural drainage exacerbating existing overloaded drains / sewers.
8. Area already experiencing overcrowding issues with schools, traffic and surgery facilities.
9. Area originally bought and used as public land, longstanding use regularly used by residents.
10. Mature trees removed to enable this site, Birch and Oak.

Natural Resources Wales (NRW)

(summerised)

Initial Response

Protected Species

We have significant concerns regarding the proposal as submitted and consider that there is currently insufficient information to assess the possible impact on bats, otter and dormice, which are all European protected species. We require this additional information before we can provide your Authority with further comments in relation to these matters.

Flood Risk

As previously confirmed in our pre-application response, the proposed development site is wholly in Zone A on the Development Advice Map (DAM) and within Zone 1 on our current flood map. Other land within the applicant's ownership, but which is not part of the current application lies within Zone B and borders Zone C2 on the DAM. In our statutory pre-application response (dated 12 June 2017), we accepted that the application site was not within a currently mapped flood zone, but raised a query regarding potential additional flood risk from the main river Gors Fawr Brook - if the culvert beneath the railway became blocked.

We have additional comments in relation to: land contamination, biodiversity, landscape, pollution prevention and waste management, which we would be happy to provide to your Authority, should you wish to determine the application in the absence of the above information.

Second NRW response

Following the agent liaising directly with NRW regarding the concerns raised regarding potential flooding from the Gors Fawr Brook, NRW provided the following comments.

Flood Risk

We queried whether the site would be at any risk from the Gors-Fawr Brook if the railway culvert was to become blocked causing a back-up of flood water adjacent to the site. This scenario does not form part of the currently mapped flood plain. We are unable to confirm this to be the case without evidence of the actual levels referred to. Therefore, to provide your Authority with greater confidence in relation to any flood risk at the site you may wish to request that basic survey information including; the existing level of the railway line, mapped flood plain boundary and any other relevant structures referred to in the FCA should be provided.

Third NRW response

Following the concerns raised regarding the potential flooding at Gors-Fawr Brook, the applicant submitted an amended document entitled; 'Flood Consequence Assessment: Updated Statement covering the impact of a potential blockage of the Gors Fawr Brock railway culvert', dated October 2017.

Flood Risk

We are now in receipt of additional detailed topographic survey information and an amended document entitled; 'Flood Consequence Assessment: Updated Statement covering the impact of a potential blockage of the Gors Fawr Brock railway culvert', dated October 2017, by Marsden Associates.

As stated previously, the proposed development site is not within any currently mapped flood plain and therefore the concern raised was based on an uncertainty as to whether blockage of the railway culvert, through which the Gors-Fawr Brook flows, could affect the site.

The additional survey information indicates that the site is unlikely to be affected in the event of culvert blockage and therefore there is no substantive evidence to suggest that the flood risk to the site from the Gors-Fawr Brook is different to that currently shown on the flood maps.

Final NRW Response

Following the concerns raised regarding the lack of information in relation to the possible impact on bats, otter and dormice, European protected species, the applicant submitted additional survey documents in relation to trees and bats, dormice and otters.

We recommend that you should only grant planning permission if you attach conditions, in relation to bats, otter and dormouse, which are all European protected species, along with conditions in relation to; land contamination, pollution prevention and waste management. The addition of these conditions would address significant concerns that we have identified with the proposed development and we would not object provided you attach them to any planning permission that your Authority may be minded to grant

Protected Species

Having reviewed the additional information and clarification provided in the three protected species surveys mentioned above, we are satisfied with the level of survey carried out and the conclusions drawn.

Biodiversity

The proposed development will involve the loss of a significant part of the Gowerton Mart Woods SINC. While we note that mitigation measures involving the management of the remaining woodland are proposed, the development (as currently outlined) will result in the loss of the vast-majority of the wet woodland and marshy grassland on the site. As the proposed mitigation, does not address the loss of these habitats, we recommend that you discuss this aspect with your Authority's Planning Ecologist as they may consider that some form of additional mitigation/compensation or biodiversity off-setting is required. It would be for your Authority to decide whether the habitat loss / mitigation / compensation for the losses within the SINC is acceptable. Nevertheless, we would advise that a suitable Woodland Management Plan is implemented and secured via an appropriate planning condition, to be agreed with your Authority's Planning Ecologist

Land Contamination

We have reviewed the document entitled; 'South Site, Land at Gorwydd Road, Gowerton Desk Study Report (10796/VA/11/SDS)', by Integral Geotechnique and note that the document was updated in April 2017 - to reflect the presence of the coking ovens on site.

However, the Site Investigation document (dated April 2015) has not been updated. As stated in our statutory pre-application response we agreed with the comments made by Integral Geotechnique that further investigation would be required to understand the risk to controlled waters. We would advise that further work, concentrating on Area A3 would be required as the south east of the site currently has limited coverage and this needs to be extended in order to provide a clearer characterisation of the site. In the absence of this information and further work we advise that your Authority attaches the following standard land contamination conditions to any future planning permission

Pollution Prevention

We consider there to be a particular risk of causing pollution to controlled waters during demolition and construction phases, unless appropriate pollution prevention measures are in place. As a result a detailed Construction Environmental Management Plan (CEMP) should be produced and submitted for the proposal. In particular, it should include measures are in place to reduce the risk of contaminated surface run-off and silt from entering and pollution controlled waters. The CEMP should be secured via a condition on any permission granted.

Waste Management

Given the nature and scale of this development, a Site Waste Management Plan (SWMP) should be produced. Completion of a SWMP will help the developer/contractor manage waste materials efficiently, reduce the amount of waste materials produced and potentially save money. We acknowledge that a SWMP may be something best undertaken by the contractor employed to undertake the project. Furthermore, we note that these documents are often 'live' and as such may be best undertaken post permission.

Landscape

We note that the site is a supported candidate site in the Swansea Deposit Local Development Plan (H1.23 Non-Strategic Housing Site), although there appears to be some conflict with other policies in the plan due to significant areas of trees lost on the site and overall net loss of trees/woodland.

Policy ER2 Strategic Green Infrastructure Network (iii) states that where loss of green infrastructure is unavoidable, provide mitigation & compensation for the lost assets and ER11 Trees & Development which provides (2.9.74) that where the need for a development outweighs tree loss, a scheme of replacement should be required.

A significant area of woodland is to be removed to accommodate development (including large numbers of 'B' Category Oak), along with the potential for further losses from drainage proposals through the woodland. The proximity of houses and hard surfaces to trees, could also have the potential to affect trees.

Although we note that mitigation for tree and woodland losses is proposed through management of the retained woodland block, along with a number of new street trees, these would not provide 'like for like' replacement value for mature Oaks and woodland.

We support the provision of a Woodland Management Plan, which should be agreed with your Authority's Planning Ecologist and implemented and secured via an appropriate planning condition.

In terms of landscape design and green infrastructure, we note that the houses in the main have front facades facing the woodland and open space, which is desirable. However, there are a few areas where side and back boundaries face the woodland/trees. This should be avoided, if possible. There are no plans showing how the site relates to strategic green infrastructure, although potential pedestrian links to the adjacent residential area to the west (and on to the railway station) are indicated and would be beneficial. We suggest that these links are included and further consideration is given to connectivity, both for people and wildlife in the future detailed site design.

Coal Authority

The Coal Authority has no objection to the proposed development subject to the imposition of a condition - details below.

The Coal Authority concurs with the recommendations of the Coal Mining Risk Assessment Report; that coal mining legacy potentially poses a risk to the proposed development and that intrusive site investigation works should be undertaken prior to development in order to establish the exact situation regarding coal mining legacy issues on the site.

The Coal Authority recommends that the LPA impose a Planning Condition should planning permission be granted for the proposed development requiring these site investigation works prior to commencement of development.

In the likely event that the site investigations confirm the need for remedial works to treat the mine entries and any areas of shallow mine workings to ensure the safety and stability of the proposed development, these should also be conditioned to be undertaken prior to commencement of the development.

A condition should therefore require prior to the submission of the reserved matters:

- * The submission of a scheme of intrusive site investigations for the mine entries for approval;
- * The submission of a scheme of intrusive site investigations for the shallow coal workings for approval; and
- * The undertaking of both of those schemes of intrusive site investigations

The condition should require as part of the reserved matters application:

- * The submission of a report of findings arising from both of the intrusive site investigations;
- * The submission of a layout plan which identifies appropriate zones of influence for the mine entries, and the definition of suitable 'no-build' zones;
- * The submission of a scheme of treatment for the mine entries for approval; and
- * The submission of a scheme of remedial works for the shallow coal workings for approval

The condition should also require prior to the commencement of development:

- * The implementation of those treatment/remedial works.

The Coal Authority considers that the content and conclusions of the Coal Mining Risk Assessment Report are sufficient for the purposes of the planning system and meet the

requirements of PPW in demonstrating that the application site is, or can be made, safe and stable for the proposed development.

Dwr Cymru / Welsh Water

In respect of the aforementioned and the accompanying Pre-Application Consultation (PAC) Report, prepared by Philippa Cole - Planning Consultant, we can confirm that the content of our consultation response (Ref: PPA0002199) has been acknowledged in the planning application submission. As advised in our response, this proposed development is located in an area which has the potential to discharge into national and international designated waters. The Loughor Estuary forms part of the Carmarthen Bay & Estuaries European Marine Site which is the collective name for three European 'Natura 2000' designated areas, namely Carmarthen Bay & Estuaries Special Area of Conservation, Carmarthen Bay Special Protection Area and Burry Inlet Special Protection Area. A key fundamental issue associated with any proposed development(s) located on both the Carmarthenshire and Swansea side of the Estuary is the potential impact of any revised or additional water discharges, either foul or surface water, will have on the local drainage systems and ultimately the designated waters. Dwr Cymru Welsh Water is contributing towards improving the water quality in the Estuary by undertaking key infrastructure improvements at its Northumberland Avenue and Llanant Waste Water Treatment Works which are designed to improve arrangements for dealing with surface water, provide ultra violet treatment and phosphate removal. Equally developers too, can also play a significant part in mitigation measures by incorporating sustainable drainage facilities within their proposals. It is essential therefore, that as a pre-requisite of any development being considered for approval that such matters are effectively controlled through planning conditions.

The PAC report refers to the accompanying Drainage Strategy (Ref: 1067), prepared by Jaylae Consulting LLP, and whilst this report includes reference to a historic Welsh Water letter as well as the Memorandum of Understanding, it confirms there is currently no position to implement compensatory surface water removal from the combined system. Furthermore, as part of our pre-application consultation response (Ref: PPA0002199), it was identified that the proposed development site is crossed by a 600mm surface water public sewer and a 150mm foul water public sewer with their approximate position being marked on the attached Statutory Public Sewer Record.

Accordingly, notwithstanding the submitted details, we seek your Authority's co-operation in imposing Conditions and Advisory Notes if minded to grant Planning Consent for the above development to ensure no detriment to existing residents or the environment and to Dwr Cymru Welsh Water's assets:

Network Rail

There is no objection in principle to this proposal.

Glamorgan Gwent Archaeological Trust (GGAT)

We have reviewed the detailed information contained on your website and can confirm that the proposal has an archaeological restraint. It is our recommendation that a condition requiring the applicant to submit a detailed written scheme of investigation for a programme of archaeological work to protect the archaeological resource should be attached to any consent granted by your Members.

Council's Head of Engineering and Transportation

No highway objection subject to conditions.

This proposal is for outline consent on a site that has been identified as a candidate site under the LDP. Due to the level of development of the site, a Transport Assessment was requested and this was provided by Vectos along with the rest of the supporting information. The scope of the document was agreed with Swansea Council officers. The proposed site is bounded to the north by a railway line, and the east, south and west by residential properties. The site proposes one combined vehicular/pedestrian access (as a priority junction) and one secondary pedestrian only link, both directly onto Gorwydd Road.

The site is well connected and accessible by foot with a number of local facilities including bus stops, primary school, post office and village hall located within a 5-10 minute walk of the site. Other facilities include food stores, medical facilities, bus and railway stations are located within a 10-35 minute walk to the site. The site is highly accessible by bicycle with a wide range of local facilities within a short ride. The site is in close proximity to the NCN Route 4. However the main road of Gorwydd Road is seen to be a barrier to the take up of these non-car modes and as such a toucan crossing (combined pedestrian/cycle access) will be required to be provided to gain access to these non-car modes including access to the cycle networks and walking routes to the local school. This feature would be in line with the requirements as laid out in the Active Travel Act policy which is included in the LDP deposit draft as an Appendix, therefore it forms part of the LDP Assessment. A shared use path will therefore be required to traverse through the site linking the two access points.

The application is for outline consent only with all matters reserved, although the access points have been indicated and an indicative internal layout supplied. It is considered that adequate visibility is provided at the point of the proposed vehicular access. The Transport Assessment used the national data base TRICS to quantify the level of movements that would be expected to be generated by the 100 houses. Baseline traffic data was provided by the City and County of Swansea based on a survey in 2011.

In 2011 this showed average levels of vehicles movements of:

* 447 (n/b) and 707 (s/b) total 1154 in the morning peak (0800-0900)

* 649 (n/b) and 252 (s/b) total 901 in the pm peak 1700-1800

(n/b = north bound; s/b = south bound)

Once factored up to 2017 levels (Tempro growth factor of 1.05) then trip figures increased to

* 1224 two way movements in the morning peak

* 960 two way movements with the p.m. peak.

(Tempro - is a base to factor up flows for future growth)

The survey showed average speeds of 33mph but maximum speeds of 60mph were recorded. Subsequently, speed indicator display signs were erected in positions either side of the proposed development site. The accident data showed a number of 'slight injuries' arising from collisions, all of which were car related and none of which related to pedestrians or cyclists.

The TRICS site selection comparisons have been validated (16 sites) and agreed in principle. The expected trip levels are 0.616 trips per dwelling in the a.m peak, 0.623 in the p/m peak with a total daily flow of 7.78. In terms of the proposed development of 100 houses this equates to total trips of 62 between 0800 and 0900hrs and 63 in the pm peak 1700 to 1800hrs, with total daily flows of 778.

Whilst extensive concern has been raised regarding the additional traffic movements, it can be seen that the trips arising are approximately one per minute. It is therefore considered that the development traffic can be accommodated within the existing infrastructure.

The PICADY runs show that the additional movements can be incorporated into the existing traffic flows without any infrastructure works being required, hence the proposed priority junction is satisfactory. Notwithstanding that the vehicular movements can be accommodated it is considered that improvements are required in terms of accessibility for pedestrians/cyclists as mentioned earlier. The PICADY results covered a variety of scenarios - splitting the traffic movements between north and south the queues were minimal (maximum 1) and that was assuming a 70/30 split of traffic going towards Gowerton (which would likely be the worst case scenario).

(PICADY is a software package that tests priority junctions)

The indicative layout shows a mixture of road to adopted standards plus elements of shared private drives/unadopted areas. Footways have been partly indicated and their full inclusion can be secured by condition. In addition a shared use path will be required to link through the site to tie into the proposed access points.

Parking provision varies across the site and in the main will be required to comply with the Council's parking standards. It is not clear if the sustainability matrix will be submitted to allow a justified reason for a parking reduction. A sustainability matrix will need to be submitted as part of any reserved matters planning application to demonstrate that two spaces per plot is an appropriate level for the 3, 4 and 5 bedroom units given the proximity to local amenities. The garages as indicated will have their permitted development rights removed in order to protect the parking levels.

Autotrack runs will also need to be submitted to show that the site can be adequately serviced by a refuse and emergency vehicles. The indicative plan does not clearly define if there would be any gradient issues or requirements for retaining walls to be included. These would need to be included at reserved matters stage.

The internal site layout is acceptable in safety terms but is otherwise not suitable for adoption as parts of the layout do not comply with this Council's standards, particularly with regard to pedestrian movements. The roads within the site therefore may need to remain privately maintained, which is an option open to developers as an alternative to having the roads adopted. A private management company would therefore be responsible for the estate in perpetuity if that is the chosen route.

I recommend no highway objection subject to conditions.

Council's Drainage Officer Observations

We have no objection in principle to the proposed development and recommend that drainage conditions are appended to any permissions given.

Council's Tree Officer Observations

Initial Comments

Objection - contrary to Policy EV30. A large proportion of the trees on the former colliery site are protected by TPO 419.

Section 197 of the Town and Country Planning Act 1990 it is the LPA's duty to ensure, whenever it is appropriate, that in granting planning permission for any development adequate provision is made, by the imposition of conditions, for the preservation of trees that contribute to amenity.

The arboricultural report has not identified all the impacts that the development will have on the trees. Most notably the removal of large areas of trees and scrub will expose the inner woodland to wind. This would be a problem on any site as edge trees in woodland deflect the wind which leads to the trees within the woodland being susceptible to wind damage. The inner trees tend to be taller, have fewer lower branches and have not developed roots and adaptive wood to resist the wind. These factors would lead to wind damage in the future. In addition to the above general problems which any woodland would experience, the trees in this woodland are rooted in either colliery waste or wet ground, both rooting environments increase the likelihood of wind throw with the edge trees removed. The proximity of several of the indicative building locations to trees will lead to pressure to remove them. Areas of concern are along the boundary with the former market site, properties to the south of the link road between the two 'halves' of the development and to the east of the entrance road. The drainage strategy shows the connection to the drain for the eastern side of the site to pass through the protected woodland which would lead to numerous tree losses and open up a potential wind funnel leading to more tree losses. It also shows a land drain ringing the retained woodland and affecting trees on the southern boundary of the site. There is little compensation offered or possible for the amount of tree removals required to facilitate the development.

Final Comments

Following the concerns raised by the Tree Officer in the initial response above, the applicant submitted an amended Arboricultural Addendum Statement which has been assessed.

No objection subject to conditions relating to tree protection measure and a landscaping plan.

A large proportion of the trees on the former colliery site are protected by TPO 419. Section 197 of the Town and Country Planning Act 1990 it is the LPA's duty to ensure, whenever it is appropriate, that in granting planning permission for any development adequate provision is made, by the imposition of conditions, for the preservation of trees that contribute to amenity.

The arboricultural report and addendum has now identified all the impacts that the development will have on the trees. The report identifies 6 groups, several category B (51) and C trees (32) that will need to be removed to facilitate the development. The most concentrated loss of trees is to link the western and eastern sides of the site.

The majority of the protected woodland will remain undeveloped with the trees being retained wherever possible, subject to an approved woodland management plan that may prescribe some tree removals to obtain management goals. The woodland management plan would aim to improve the woodlands poor vertical structure and lack of age diversity. The woodland management heads of terms document submitted by the applicant has no detail but has the required sections to flesh out to be an effective document.

Sections of the woodland are poor due to lack of management and ground conditions, the main areas of the proposed development are in the lower lying areas that are wet and support mainly willow. The central area of the western half of the site has only recently been colonised by these willow trees as can be seen from the historic aerial photographs. The woodland TPO generally excludes the wetter area and this is where the proposed development is centred.

The addendum details why the impacts of trees becoming exposed due to scrub removal will not be significant, this is due to the size of trees present and previous exposure - the scrub becoming widespread since 2008. The increased risk that a few retained trees will experience of being wind-thrown can be mitigated by suitable design, planting and tree surgery.

The indicative layout cleverly places residential roads adjacent to the retained trees - this will reduce the likelihood of future tree removals due to tree/neighbour conflicts.

The drainage strategy shows the connection to the drain for the eastern side of the site to pass through the protected woodland. The applicant has now indicated that any services going through the woodland will be inserted by moling - this will ensure the retained trees are not affected.

There are few opportunities for compensatory planting within the proposed development, but a landscaping scheme should be conditioned to ensure where there is space available it is used to plant trees.

Looking at the site (including blue line) as a whole, the majority of the trees will be retained (and be managed), and there will be little pressure on the retained trees from the development. For these reasons, the development, whilst reducing tree cover is a reasonable compromise between development and tree retention.

Council's Ecology Officer

The site is a predominantly wooded former colliery comprised of spoil tips and concealed mine entrances. Although the entire site has been allocated for housing under the deposit LDP, more than half of the site is established oak woodland under a block Tree Preservation Order and the entire site has been locally designated as a Site of Importance for Nature Conservation (SINC). The remainder of the site is predominantly wet woodland dominated by willow and alder, with two areas of grassland. Japanese knotweed is scattered throughout. The proposal involves fully developing the spoil-free areas and some of the spoil areas, resulting in a complete loss of the wet woodland and grassland habitats, and partial loss of the TPO oak woodland. Overall, around half of the 2.9ha SINC will be lost

Protected Species

In addition to the initial Ecological Appraisal (dated January 2017), individual surveys were conducted for bats, otters and dormice (dated September 2017).

Bats

Within the development boundary (red line area), a number of trees and a chimney were identified as having potential to provide suitable roosting habitat for bats, but none were confirmed as roosts. A licence will not be required for the development to proceed, but bats are confirmed to forage on-site, and their absence cannot be guaranteed. Appropriate mitigation measures are made in section 5.4 of the Trees and Bats Survey report.

Otters

Evidence of otters was found in a stream along the northern boundary within the site, but not within the development boundary. A licence will not be required for the development to proceed, but the presence of otters is confirmed adjacent to the development site, so their absence cannot be guaranteed. Appropriate mitigation measures are made in section 6.4 of the Otter Survey report.

Dormice

No evidence of dormice was found at the site; therefore no licence or mitigation measures will be required. However, a visual search prior to work commencing plus enhancement measures are proposed in section 6.4 of the Dormouse Survey report.

Reptiles

Some suitable habitat exists within the development boundary, likely indicating small populations only. Sensitive clearance of vegetation is required. Mitigation measures are listed under section 8.4.10 of the Ecological Appraisal.

Breeding Birds

A number of bird species were confirmed to be breeding on-site, and others probably or possibly present. Substantial loss of breeding habitat will occur. Mitigation measures are listed under section 8.3.10 of the Ecological Appraisal.

Badgers

No evidence of badgers was found on-site.

The mitigation measures listed for each species in the various reports relate to vegetation removal, the construction period, and future management. The various measures must be consolidated into the corresponding future documents, such as the Woodland Management Plan and the Construction Environmental Management Plan.

Habitats

Under the proposal, the wet woodland, marshy grassland and semi-improved grassland will be lost in their entirety, and the oak woodland will be reduced in size. Wet woodland is a habitat type listed under Swansea's Local Biodiversity Action Plan (LBAP) and section 7 of the Environment (Wales) Act 2016, for which "*A public authority must seek to maintain and enhance biodiversity in the exercise of functions in relation to Wales, and in so doing promote the resilience of ecosystems, so far as consistent with the proper exercise of those functions*". There are 629ha of wet woodland within the county; so a loss of circa 1ha represents circa 0.16% of the total.

Woodland Management Plan

A Woodland Management Plan (WMP) Heads of Terms document has been submitted for the remaining area. To guide the production of the WMP, this should be ecologically-based as opposed to arboriculturally-based, designed to maximise biodiversity for the site, targeting as many Swansea LBAP species as possible. There can be a tendency to over-manage public woodland for safety reasons, so to benefit wildlife such as woodpeckers, small birds and bats, standing deadwood should be retained unless adjacent to paths or property.

UDP/LDP SINC Policies

SINCs (Sites of Interest for Nature Conservation), along with other locally designated wildlife sites, are addressed under UDP policy EV28, which states that "Development that would significantly adversely affect SINCs or RIGs (Regionally Important Geological/Geomorphological

Sites), or which would not provide for appropriate compensatory or mitigation measures will not be permitted, unless it can be demonstrated to meet appropriate social or economic needs where the benefits in such terms would outweigh the harm to the feature concerned.

Where development is permitted which would damage the nature conservation value of the site, such damage will be kept to a minimum, and appropriate mitigation or compensatory measures sought."

S106

If designed well, the Woodland Management Plan can mitigate to a limited extent for the habitat loss, but not entirely. Due to the porous nature of the remaining spoil heaps, the wet woodland and marshy grassland habitats cannot be replicated effectively in the retained area. It is therefore appropriate to request a S106 contribution for the retention/management of compensatory similar habitat elsewhere. The site identified is Killay Marsh Local Nature Reserve, a 10ha site 2.9km away, currently in need of a number of management actions. It includes two of the habitat types to be lost during the development; the wet woodland and marshy grassland. Proposed management actions include coppicing/thinning of woodland, control of non-native invasive species (e.g. Japanese knotweed) and control of native scrub and invasive species, such as gorse, bramble and bracken. The management costs are circa £800-£1000 per annum, which amounts to £20,000 over 25 years.

Drainage

The decision to use moling as opposed to trenching for the eastern drainage pipe is welcomed and should be conditioned. Sufficient information must be submitted to satisfy a Habitats Regulations Assessment of any water to be discharged into a watercourse connected to the Burry Inlet SPA, Carmarthen Bay SPA and Carmarthen Bay and Estuaries SAC Natura 2000 sites. In addition, a SuDS scheme should be produced, designed to benefit biodiversity. Shallow pools with gentle gradients are optimum.

Site Preparation and Construction Period

A Construction Environmental Management Plan (CEMP) must be produced to protect ecological features during the construction period. This will include any mitigation measures identified in the ecological reports and any other site-specific information. A Construction Exclusion Zone (CEZ) fencing scheme will also have to be submitted at this time. This will cover a wider area than a conventional Tree Protection Plan, incorporating all features of ecological interest, such as watercourses. The CEZ will be installed prior to any groundworks commencing. All vegetation removal will need to be supervised by a suitably experienced Ecological Clerk of Works (ECoW) with site-specific knowledge, working to an agreed Vegetation Removal Method Statement. This statement can either be submitted separately, or included within the CEMP.

Lighting

To minimise impacts on the retained woodland, no artificial lighting should be directed toward the woodland.

Building Enhancement

The addition of boxes for wildlife such as bats, swifts, swallows/martins or house sparrows to buildings adjacent to the retained woodland should be explored. For the householder, these would have the advantage of reducing the numbers of flying insects from the vicinity. Some

designs can be incorporated into the structure of the buildings, making no visual impact. The use of hedgerows as opposed to close-board fencing should be explored for the benefit of wildlife such as hedgehogs. Failing that, CD-sized gaps should be incorporated into the fences at ground level to allow free movement.

Landscape Design Scheme

A Landscape Design Scheme must be submitted for approval. This should be designed to link and compliment the retained areas of trees using the species already present on-site. Any additional planting should be of native woodland species. Flowering species would benefit pollinating insects; common bluebell (*Hyacinthoides non-scripta*) is suggested. Open areas not intended for children should be seeded with an appropriate native wildflower meadow mix, to be left uncut during the growing season until all flowering has finished. Cuttings can then be used to create small animal hibernation piles in the woodland.

Council's Housing Enabling Officer

The provision of 30% Affordable Housing on-site with 70% social rent and 30% intermediate is required. The scheme is required to include a range of DQR complaint house types to include social and intermediate tenure. The highest demand for housing in the area is for 2/3 bedroom affordable units. The units should be dispersed across the phases on site in clusters, to be picked up by the Council/RSL. The design and specification of the affordable units should be of equivalent quality to those used in the Open Market Units.

Council's Pollution Control Officer

No objections subject to conditions relating to (i) detailing measures to be undertaken in order to investigate the presence of land contamination, including relevant gas, vapour and, where appropriate, radiation related risks; and (ii) noise in relation to the dwellings adjacent to the railway line which will need to be subjected to enhanced fenestration so as to protect from the effects of train pass-bys.

Council's Education Officer

Education request a full Developer's Contribution due to the lack of capacity in all the catchment schools (both English and Welsh medium) and especially when taking the condition of the demountables out of the equation for Gowerton Comp. School; the request being:

Primary: the full generated amount of £321,532 plus indexation, towards both Gowerton Primary and YGG Y Login Fach. The amount being split 84.8% English-medium and 15.2% Welsh - medium.

Secondary: the full generated amount of £348,656 plus indexation, towards both Gowerton Comp. and YG Gwyr. The amount being split 84.8% English-medium and 15.2% Welsh - medium.

Total £670,188

Council's Japanese Knotweed Officer

A planning condition must be placed upon this application stating that;

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 prior to the commencement of work on site.

Reason - In the interests of the ecology and amenity of the area

In order for the condition to be discharged, the developer must devise an appropriate and suitable method statement for the control of the plant.

APPRAISAL

This application is being reported to Planning Committee as it is a departure from the adopted Unitary Development Plan (2008)

Outline planning permission (all matters reserved) is sought for the development of part of the former Cefn Gorwydd Colliery site for up to 100 residential dwelling along with associated parking, access, landscaping and open space. All matters relating to access, appearance, landscaping, layout and scale would be considered at reserved matters stage.

The application site (along with adjoining land also within the applicant's ownership/control - blue land) forms part of the former Cefn Gowrydd Colliery site. The application site is located to the rear of residential dwellings Nos. 65 - 139 Gorwydd Road (odd), is bound to the north by the main railway line and the 'blue land', to the west by the 'blue land' and to the east by residential dwellings in Bryn Close and Laurel Drive.

The site is irregular in shape and measures approximately 2.9 hectares and is presently covered with woodland and scrubland. Two strips of land connect the site with Gorwydd Road - a proposed pedestrian route between Nos 81 and 83 Gorwydd Road, and a proposed vehicular access between 121 and 137 Gorwydd Road.

The application site is currently designated as 'Green Wedge within the Unitary Development Plan 2008.

The majority of the woodland within the application site and blue land is to be retained on site and would be managed and be opened up for public access.

Main Issues

The main issues for consideration with regard to this application relate to the principle of residential development on this site, impacts of the development on the character and appearance of the area, residential amenity impacts on neighbouring occupiers, the impact of the development on access, parking and highway safety, impacts on trees, ecology, drainage and environmental interests with regard to the provisions of policies EV1, EV2, EV3, EV20, EV22, EV23, EV24, EV28, EV30, EV33, EV34, EV35, EV38, EV40, HC3, HC17, HC24, AS1, AS2, AS5, AS6 and AS10 of the Unitary Development Plan 2008, and the following Supplementary Planning Guidance Notes (SPG) - Places to Live: Residential Design Guide, Planning Obligations, Parking Standards, Planning for Community Safety, and The Protection of Trees on Development Sites. There are no overriding issues for consideration under the provisions of the Human Rights Act.

Policy - Principle of Development

The City and County of Swansea UDP (adopted 2008) was 'time expired' on the 31st December 2016. The UDP however remains the extant development plan for the Council and, under the provisions of the Planning and Compulsory Purchase Act 2004 (as amended), planning decisions must be made in accordance with the UDP unless material considerations indicate otherwise. Given the time expired nature of the UDP, such material considerations include circumstances where new national planning guidance or policy is at variance with or contradicts UDP policy and, in certain cases, where new robust evidence and/or significant changes in circumstance undermine the basis upon which UDP policy was originally formulated. Therefore whilst the UDP must be the starting point for decision making, given the Plan's time expired status, in this instance it is appropriate to consider the unique circumstances that apply in the case of this application to resolve whether any departure from UDP policy can be considered justifiable.

Having regard to the above UDP planning framework it is clear that the proposal is contrary to the extant development plan, being located outside the defined settlement boundary and within the open countryside and a Green Wedge. **The application must therefore be considered as a departure to the UDP.** The following analysis considers the special circumstances that apply in this case relating to other Council approved and emerging policy.

The Council has approved a Developer Guidance document relating to Planning Applications For Non-householder Residential Development. The document sets out the Council's strategy for determining departure applications and provides for an approved mechanism to prioritise certain 'departure sites' above others in the interests of addressing the current shortfall in housing land and delivering affordable housing. The Council's latest (1st April 2016) Joint Housing Land Availability Study (JHLAS) confirms that there is a 3.2 year housing land supply, which evidently falls below the requirement set out in TAN1 (JHLAS) for every local authority to maintain a 5-year supply of readily developable housing land.

Paragraph 4.3 of the Developer Guidance document is clear that priority is focussed on *Strategic Sites recommended for allocation in the Deposit LDP and identified in the approved LDP Preferred Strategy.* Paragraph 4.7 states that "*less priority*" will be afforded to bringing forward smaller Non-Strategic sites which are located beyond UDP settlement boundaries. This is on the basis that such sites

** Are less likely to deliver associated wider community facilities and highway improvement*

** would deliver fewer units than larger strategic sites*

** could divert the attention and resources of a developer away from delivering units and infrastructure on Strategic Sites; and -*

** would require multiple releases to redress the shortfall."*

However, the guidance also notes that the Council will take an evidenced approach and consider the merits of any planning application with full regard to the particular circumstances and planning issues. It states there may be circumstances when a small scale site could provide a contribution to housing numbers that would not otherwise be secured by other strategic sites.

The Guidance states that such departure applications will need to demonstrate that the proposed development:

1. Is in-line with the emerging LDP

2. Will deliver a meaningful and early contribution to meeting housing supply before adoption of the LDP and will not divert the attention and resources of a developer away from delivering units and infrastructure on Strategic Sites

3. Is sustainable, viable and will deliver any necessary social/economic benefits such as community facilities and highways improvements to make the development acceptable

In this context it is therefore significant that the application site at Cefn Gowrydd Colliery is allocated as a Non-Strategic Housing Site under Policy H1 of the Deposit LDP (Site Ref H1:23) for approximately 90 dwellings. The allocation was made following a detailed assessment process and public consultation process undertaken for the LDP, which determined that the site was in principle acceptable for residential development. Furthermore, following a county wide review of all Green Belt / Wedge designations and settlement boundaries it was concluded that the settlement boundary be amended to include the allocation of SD H North of Waunarlwydd / Fforestfach and H1.23. The purpose of green wedges was refined to address those areas at risk of coalescence. As a result of the SD H allocation, the site is no longer adjacent to the wider open countryside. Therefore, the designation of the site as Green Wedge in the emerging LDP is no longer appropriate.

The site was subject to public consultation through the LDP process. It is important to note that the decision to allocate the site was made on the basis that that the site is developed in accordance with the following development principle set out in deposit LDP Policy H1, viz;
"Development should retain and enhance the agreed area of natural greenspace and public access to it. This should include the stabilisation of old mine workings to improve public safety."

The ability of the development to deliver these benefits to the local community are key principles which underpin the rationale for the allocation of the site. The long term management of the retained area, the provision of public footpaths from the development into appropriate sections of the retained area of woodland/greenspace, and the identification and stabilisation of mine workings to ensure safe public access, are therefore essential elements which will be secured as part of the planning permission

It is clear therefore that there is a Council approved mechanism in place to potentially allow a departure application at this location of this Non-Strategic Site allocation.

Notwithstanding this, the proposal must be appraised in its widest terms to determine whether it is appropriate having regard to all planning considerations. In this context, whilst the emerging LDP typically has very limited weight for determining planning applications, given the nature of the proposal it is considered that the allocation in Deposit LDP Site H1.23 should be a material consideration in considering the scheme.

The application has been appraised against the requirements of the Developer Guidance document with regard to the following:

* Scale of the development: The application is for 100 dwellings, and whilst this is not akin to the scale of the Strategic Development site allocations, it is important to note that the site is one of a handful of larger H1 allocations, the majority being under 50 dwellings. It is therefore considered that the site meets the requirements of the developer guidance document in terms of the ability to make a meaningful contribution to meeting housing supply.

* Development Principles of LDP Site H1.23: The Developer guidance document requires evidence of how the application is in line with the emerging LDP. The information provided by the applicant demonstrates how the community benefits required in the development principles upon which H1.23 is based (i.e. re Woodland Management and land stabilisation) will be delivered is welcomed. The information provides a clear timetable and programme of works to ensure that the creation of a managed retained woodland with appropriate public access, the

making safe of the mine workings on site and the making safe of the Colliery Chimney which will be delivered by the end of the development of the scheme.

* Conditions: The Planning Statement sets out the applicants proposal to agree to conditions requiring the undertaking of the necessary survey work and submission of Reserved Matters within a 12 month period. This is supported as a pragmatic solution to achieving the delivery of this complex site. Again the information provided and the timeline submitted provides a clear justification of this approach by setting out a clear timeline of the necessary survey processes and the implications for the progression of the full application and the subsequent phasing and delivery of units on the site. This provides clear evidence to demonstrate how the constraints of the site will be overcome to deliver a scheme in accordance with the principles of Site H1.23.

* Timeline and Phasing: Departure applications must be able to demonstrate that the site will deliver "a meaningful and early contribution to meeting housing supply before adoption of the LDP". Para 5.6 of the Developer Guidance document is clear that the Housing and Infrastructure Delivery Statement "should clearly identify a timeline for the development and the expected start date, the relevant phasing of infrastructure, the annual completion rate, and the expected completion date for the whole development." The timeline submitted shows that the reserved matters permission will be achieved by March 2019, with site works commencing April 2019, and first occupation September 2019. The adoption of the LDP is currently scheduled for summer 2018. Clearly, completion of the scheme is not feasible prior to adoption of the LDP. However, the timeline makes clear the complexity of progressing the development and the commitment to expedite the development in the most pragmatic timescale possible. The approval of the outline permission is therefore the first step in ensuring that this site is able to make a contribution to the housing supply at the earliest opportunity in the plan period post adoption.

* Impact of the application on the delivery of Strategic Site SD H: The ability to demonstrate that the Non-Strategic Site will not "divert the attention and resources of the developer away from the nearby Strategic Site SD H" is a key consideration in determining the extent to which the application satisfies the requirements of the Developer Guidance document. The applicant has provided information on the current position on Strategic Site SDH and has clarified that the progression of the application site will have a positive effect on the time and financial capacity of the landowner (applicant) to engage in the work with other landowners of the strategic site, to progress the ongoing work to ensure the development of the strategic site. In this respect, Committee should note that the developer has agreed 'Heads of Terms' with Pobl over the future sale of the site.

* Affordable Housing: The Developer Guidance document sets out the pressing need to deliver affordable housing to meet the identified shortfall and states that priority may be afforded to applications which are able to deliver housing to meet this need. The level of affordable housing to be provided is therefore an important consideration in providing justification of a departure from the UDP. The Planning Statement confirms that the applicants have agreed Heads of Terms with the Registered Social Landlord, Pobl. The applicant has confirmed their view that the site is in a very strong position to deliver on this requirement of meeting affordable housing need, and that it is considered that the site will achieve in excess of the current adopted policy requirement of 30% affordable housing, including providing a mix of sizes and tenures which have been successfully developed by Pobl elsewhere. This approach is welcomed and provides further evidence of how this departure scheme meets the requirements of the Developer Guidance document.

* Heads of Terms Woodland Management Plan: The management of the woodland is a key development principle which underpins the H1.23 LDP allocation. The applicants have

confirmed that a Woodlands Management Plan will be secured either through condition or through a s106 Agreement which will be agreed prior to the start of the development. This provides the necessary certainty that this important element of the scheme can be secured prior to commencement of works and that the scheme will be in compliance with the H1.23 allocation.

The proposal is a departure to the extant UDP, however the unique circumstances of the site and the Development Guidance document together with the new/emerging policy framework provides a mechanism to allow a departure to the extant development plan in this case. Having regard to the analysis in the paragraphs above, it is considered that the scheme is an acceptable departure scheme, which in particular, will deliver both market and a high proportion of affordable homes within reasonable timescales, which would justify a departure under the Council's approved Developer Guidance.

In this regard, the application is therefore considered to be acceptable.

Visual Amenity / Design Principles

With regard to the impact on the visual appearance of the area, it is noted that the application is in outline form only and as such full consideration of the design of the proposed dwellings and their impact upon the streetscene will be considered when the scale and appearance details are submitted as part of any future reserved matters application. It must be noted however, that the application site lies to the rear of existing residential dwellings in Gorwydd Road and would therefore not have a direct frontage to Gorwydd Road, and as such, would not be highly visible within the existing streetscene.

With regard to the proposed layout of the site, a masterplan approach has been applied to develop this parcel of land and this is highlighted by the submission of an indicative Masterplan, a Design Principles Plan and a series of Parameters Plans. In addition to this, the submitted Design and Access Statement sets out a vision and some principles to guide the development.

The submitted Design Principles Plan demonstrates how the key aspects of the adopted Residential Design Guide SPG can be applied to the site. For example the design principles/framework correctly requires development to face outwards with building frontages facing towards the retained woodland and shows an outward facing edge at the western end which will positively relate to the green space and community at Clos Tregwyr / Tir Y Farchnad and beyond. The submitted Parameters Plans demonstrate the movement through the site, public realm areas, open space and play areas, density, heights and frontages. It is considered that the Parameters and Design Principles Plans represent a robust set of placemaking principles that fix the main requirements for a development of up to 100 homes, whilst allowing sufficient flexibility for the detailed layout issues to be resolved at the reserved matters stage.

The indicative layout also indicates the potential for walking/ cycling links through the site to the west to eventually link to Gowerton Railway station.

On this basis the application is considered to be acceptable.

Residential Amenity

With regard to the impact upon the residential amenities of existing occupiers adjoining the site, it is considered that the use of the site for residential purposes would not cause an undue harmful impact on the amenities of the existing and future residents. As the application is in outline form only, no precise details of the layout (other than a Design Principles Plan, Indicative Masterplan and Parameters Plans) has been submitted. The indicative masterplan plan shows

that up to 100 dwellings can be accommodated on the site without harming the residential amenity of the surrounding residential dwellings. Full consideration of the impacts upon the amenities of surrounding houses with regard to overbearance, overshadowing and overlooking will be considered fully at the reserved matters stage.

As such the application is considered to be acceptable in that it is demonstrated that the site can be satisfactorily developed in accordance with the provisions of Policy EV1 of the Unitary Development Plan 2008 and the SPG - Places to Live: Residential Design Guide

Transportation and Highway Safety

The Head of Transportation and Engineering considers that the traffic impact of the development would not have a significant effect on highway conditions in Gorwydd Road, as detailed in the 'response to Consultation' section of this report. A Transport Assessment was submitted with the application which shows that the additional movements can be incorporated into the existing traffic flows without any infrastructure works being required, hence the proposed priority junction is satisfactory. The access points into the site have been indicated and an indicative internal layout has been submitted. It is considered that adequate visibility can be provided at the junction of the proposed vehicular access with Gorwydd Road.

Whilst extensive concern has been raised regarding the additional traffic movements that would be created by the development, it is considered that the trips arising from the development would be approximately one per minute. It is therefore considered that the development traffic can be accommodated within the existing infrastructure.

The indicative layout shows a mixture of road to adopted standards plus elements of shared private drives / un-adopted areas. Footways have been partly indicated and their full inclusion can be secured by condition. In addition a shared use path will be required to link through the site to tie into the proposed access points.

Parking provision varies across the site and in the main will be required to comply with the Council's parking standards.

The developer has agreed to pay a contribution of £35,000 to provide a Toucan Crossing for pedestrian / cycle use at the pedestrian point of access into the site (opposite 60/62 Gorwydd Road).

As such, no highway objections are raised subject to the imposition of appropriate conditions, and the application is considered to be acceptable in this regard.

Trees

The Arboricultural Officer has raised no objection to the application as detailed in the 'Final Comments' of the Tree Officer's observations (above).

The majority of the protected woodland (contained within the application site and the adjoining blue land) will remain undeveloped with the trees being retained wherever possible, subject to an approved woodland management plan that may prescribe some tree removals to obtain management goals. The woodland management plan would aim to improve the woodlands' poor vertical structure and lack of age diversity.

Sections of the woodland are poor due to lack of management and ground conditions. The main areas of the proposed development are in the lower lying areas that are wet and support mainly

willow. The central area of the western half of the site has only recently been colonised by these willow trees as can be seen from the historic aerial photographs. The woodland TPO generally excludes the wetter area and this is where the proposed development is centred.

The indicative layout places residential roads adjacent to the retained trees which will reduce the likelihood of future tree removals due to tree/ neighbour conflicts.

The drainage strategy shows the connection to the drain for the eastern side of the site to pass through the protected woodland. The applicant has now indicated that any services going through the woodland will be inserted by moling - this will ensure the retained trees are not affected.

There are few opportunities for compensatory planting within the proposed development, but a landscaping scheme will be required via a condition to ensure where there is space available it is used to plant trees.

The majority of the trees will be retained (and be managed), and there will be little pressure on the retained trees from the development. For these reasons, the development, whilst reducing tree cover is a reasonable compromise between development and tree retention and is considered to be acceptable in this regard.

As such the application is considered to be acceptable.

Ecology

The Ecology Officer and NRW have raised no objection to the application subject to conditions and a S106 for towards mitigating the loss of the wet woodland area, and conditions relating to habitat protection during construction, as detailed in the comments in the Ecology and NRW observations section of this report above.

No protected species would be detrimentally affected by the proposed development.

As such, the application is considered to be acceptable in this regard.

Mining Legacy

The Coal Authority has raised no objection to the application subject to conditions.

A Coal Mining Risk Assessment Report was submitted with the application which correctly identifies that the application site has been subject to past coal mining activity. The Coal Authority's records indicate that underground mining has taken place within four coal seams at shallow to 280m depths and that thick coal seams outcrop at or close to the surface of the site may have been subject to historic unrecorded mining. In addition, there are a total of eight recorded coal mine entries (seven shafts and an adit) located within the proposed development site or within 20m of its boundary. Due to potential plotting inaccuracies, the actual position of these features could deviate from their plotted positions by several metres. The Coal Authority hold no details of any treatment of these mine entries.

The Report identifies that the collapse of shallow coal mine workings and the presence of mine entries within and adjacent to the site pose a significant risk to the proposed development.

Accordingly, the Report makes appropriate recommendations for the carrying out of intrusive ground investigations prior to the commencement of development in order to establish the exact

situation regarding coal mining legacy and to inform appropriate remedial measures required to ensure the safety and stability of the proposed development. In the event that mine workings are encountered, the Coal Authority considers that due consideration should also be afforded to the potential risk posed by mine gas to the proposed development.

The Coal Authority considers that the content and conclusions of the Coal Mining Risk Assessment Report are sufficient for the purposes of the planning system and meet the requirements of PPW in demonstrating that the application site is, or can be made, safe and stable for the proposed development.

As such, the application is considered to be acceptable in this regard.

Contaminated Land

Pollution Control Officers and NRW raise no objection to the application subject to a conditions requiring detailed measures to be undertaken in order to investigate the presence of land contamination, including relevant gas, vapour and, where appropriate, radiation related risks.

A Geotechnical and Geoenvironmental Appraisal Desk Study Report was submitted with the application which sets out the site investigation proposals and states that more extensive investigation works are to be carried out.

As part of the condition, the applicant will be required to submit a phased scheme, comprising three progressively more detailed reports, detailing measures to be undertaken in order to investigate the presence of land contamination, including relevant gas, vapour and, where appropriate, radiation related risks, at the site.

Where the initial investigations indicate the presence of such contamination, including the presence of relevant gas/vapour and/or radioactivity, subsequent reports shall include:

- * a list of potential receptors
- * an assessment of the extent of the contamination
- * an assessment of the potential risks
- * an appraisal of remedial options, and proposal for the preferred remedial option(s).

The Phase 1 report: Desk Top Study shall:

- * Provide information as to site history, setting, current and proposed use.
- * Include a conceptual site model to establish any potentially significant pollutant linkages in the source-pathway-receptor human health and environmental risk assessment.
- * Identify if further investigation or remediation is required.

In the event that the Local Planning Authority is then of the opinion that further investigation / information is required the applicant shall submit a detailed site investigation [Phase 2] report to the Local Planning Authority, which shall provide detailed site-specific information on substances in or on the ground, geology, and surface/groundwater and provide for a more detailed investigation [Human Health Risk Assessment] of the site in order to confirm presence or absence of, and to quantify, those potentially significant source-pathway-receptor pollutant linkages identified in Phase 1.

Then, in the event that the need for remediation is identified the applicant shall submit a subsequent detailed [Phase 3] report to the Local Planning Authority, which shall:

- * Indicate all measures to be taken to reduce the environmental and human health risks identified in Phase 1 and Phase 2 to an acceptable level, in a managed and documented manner, to best practice and current technical guidance.

Finally, on completion of remediation works a validation/verification report will be submitted to the Local Planning Authority that will demonstrate that the remediation works have been carried out satisfactorily and remediation targets have been achieved.

As such, the application is considered to be acceptable in this regard.

Affordable Housing

The applicant has agreed to the requirement of the provision of 30% Affordable Housing on site (in accordance with UDP requirements) with 70% social rent and 30% intermediate. The scheme is required to include a range of DQR compliant house types to include both the social and intermediate tenure. The design and specification of the affordable units should be of equivalent quality to those used in the Open Market Units. The affordable housing will be secured via a Section 106 Agreement.

Education

The projected pupil numbers generated by the proposed development of 100 houses (having regard to the calculations contained within the Planning Obligations SPG) is as follows:

Primary - 31 pupils (26 English and 5 Welsh medium)

Secondary - 22 pupils (19 English and 3 Welsh medium)

The cost per pupil is £10,372 for primary and £15,848 for secondary

The Education Department have requested a total contribution of £670,188 as they consider that there is lack of capacity in all the catchment schools (both English and Welsh medium).

With regard to the Primary school provision (both English and Welsh), the agreed contribution is: £321,532 (plus indexation), towards both Gowerton Primary and YGG Y Login Fach. The amount being 26 pupils (84.8%) English-medium and 5 pupils (15.2%) Welsh-medium. This is based on lack of capacity projected for these primary schools.

With regard to the secondary school places, it is observed from the capacity figures provided by the Education Department, that the English medium school (Gowerton Comp) has sufficient unfilled places (183) to accommodate the new pupils from the development. The projected figure shows 88 available school places at September 2023. However, the Education Department have indicated that the capacity provided within the existing demountable class rooms (2 single and 3 double) should be excluded from the calculations which then shows the school to be over capacity. However, Circular 13/97 - Planning Obligations specifically states (para B12) that "*the extent of what is sought or offered is fairly and reasonably related in scale and kind to the proposed development*" and "*that developers should not be expected to pay for facilities which are needed solely in order to resolve existing deficiencies*". The existing demountable classrooms are considered to be 'existing deficiencies' in this regard, and cannot be excluded from the capacity calculations as it is not the developer's responsibility to provide an upgrade to existing demountable classrooms. That responsibility lies with the Council / school. S106 monies can only be requested for new capacity within schools, where the school does not have current or projected capacity to accommodate the new children from the development.

As such, it is considered that no contribution can be sought for Gowerton Comp.

Therefore the requested contribution for the secondary Welsh medium school equates to £47,544 for the projected 3 Welsh medium pupils generated by the proposed development.

As such, the total contribution requested is £321,532 (plus indexation), towards both Gowerton Primary and YGG Y Login Fach Primary and £47,544 (plus indexation) for Y Gwyr secondary, which is a total of £369,076.

The education contribution will be secured via a Section 106 Agreement.

Drainage

There are no objections raised to the application by statutory consultees on drainage grounds, providing conditions are added relating to discharge rates, the comprehensive and integrated drainage of the site with regard to surface water and land drainage and sustainable drainage (SUDS), surface water removal from the local catchment area, the removal of permitted development allowances and alterations to the onsite culvert.

Dwr Cymru / Welsh Water have confirmed that they raise no objection to the application subject to conditions relating to a drainage scheme for the disposal of foul, surface and land water and a 3m easement from the existing surface water public sewer and foul water public sewer which cross the site.

The City and County of Swansea as Local Planning Authority has followed the precautionary approach advised by its statutory advisor NRW towards all development that drains into CBEEMs, and carried out the following habitat assessment.

Burry Inlet Habitat Regulations Assessment

The City and County of Swansea, as the competent authority, is required under Regulation 61(1) of the Conservation and 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 a 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 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 the LPA 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 as discussed below.

Water Quality

With regard to the water quality issues in the Burry Inlet and Loughor Estuary, the City and County of Swansea, as part of the LDP process has undertaken a 'Shadow Habitats Regulations Assessment to inform the Habitats Regulations Assessment of the Local Development Plan. The application site (being an allocated residential site within the deposit LDP) was considered as part of this HRA.

As the proposed development has already been considered as part of this HRA (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 of the proposal.

In summary, the HRA concludes that the deposit LDP (which includes the application site as an allocated site) will not be likely to have a significant effect either alone or in combination on any of the European protected sites (Carmarthen Bay and Estuaries SAC, the Carmarthen Bay SPA, or the Burry Inlet SPA and Ramsar).

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.

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).

The former Countryside Council for Wales, as statutory advisor to the Council on the requirements of the Habitats Regulations, confirmed that they are content with the above approach.

The LPA has therefore satisfied its obligations as the 'competent authority' under the Habitats Directive and associated Habitats Regulations. This is in line with the requirements of National Planning Policy guidance and Policy EV25 of the Unitary Development Plan.

Flood Risk

Natural Resources Wales (NRW) have confirmed that the proposed development site is wholly in Zone A on the Development Advice Map (DAM) and within Zone 1 on their current flood map. Other land within the applicant's ownership, but which is not part of the current application, lies within Zone B and borders Zone C2 on the DAM. NRW have accepted that the application site is not within a currently mapped flood zone, but raised a query regarding potential additional flood risk from the main river Gors Fawr Brook - if the culvert beneath the railway became blocked.

The applicant therefore submitted additional information in the form of a Flood Consequences Assessment covering the impact of a potential blockage of the Gors Fawr Brock railway culvert'

NRW have confirmed that the additional survey information indicates that the site is unlikely to be affected in the event of culvert blockage and therefore there is no substantive evidence to suggest that the flood risk to the site from the Gors-Fawr Brook is different to that currently shown on the flood maps.

Archaeology

Gwent Glamorgan Archaeological Trust (GGAT) have assessed the submitted Archaeological Desk Based Assessment and advised that the majority of the remains within the site are of an industrial nature, and because the nature of the land use in the 19th and 20th century, there is a high potential for sub-surface archaeology to be present within the development area. Additionally, standing remains, including a stone and brick chimney stack, were observed during the field visit. The development of industrial sites in the wider area have encountered significant below ground remains associated with previous use. Therefore, it is possible that any ground

disturbance work associated with the proposal may encounter archaeological structures or deposits, as well as reveal further details of the standing remains.

As such it is recommended that a condition requiring the applicant to submit a detailed written scheme of investigation for a programme of archaeological work to protect the archaeological resource should be attached to any consent. The condition will require a programme of work in the form of a watching brief during the ground works with detailed contingency arrangements, including the provision of sufficient time and resources, to ensure that any archaeological features or finds that are located are properly investigated and recorded; it should include provision for any sampling that may prove necessary, post-excavation recording and assessment and reporting and possible publication of the results.

Japanese Knotweed

It has been confirmed that Japanese Knotweed is present on the site. Therefore a planning condition will be added requiring that a detailed scheme for the eradication of Japanese Knotweed shall be submitted to and approved in writing by the Local Planning Authority, which shall be implemented prior to the commencement of work on site, in the interests of the ecology and amenity of the area. In order for the condition to be discharged, the developer must then devise an appropriate and suitable method statement for the control of the plant.

Welsh Language

The Welsh Language Impact Assessment indicates that at the time of the 2011 Census, 13.2% of the residents of the Gowerton Ward could speak Welsh. At a County level, this figure is 11.4% (19% nationally). It is anticipated that the majority of the new occupiers of the development would be drawn from throughout the City & County of Swansea and therefore is it reasonable to adopt the Swansea wide proportion of Welsh speakers (11.4%) that may be introduced into the Ward as a result of the development. Based on the census figures of residents per household, it is anticipated that 350 new residents would reside within the development and the number of Welsh speakers would be approximately 40.

As a result, the development is unlikely to lead to a loss in Welsh speaking households. The mix of units, which has been based on a local market assessment would ensure that the dwellings do not favour/ discriminate against one particular age group. The housing mix would help cater for people of different ages and economic status, with different lifestyles and levels of independence. Due to the nature of the scheme (residential), it is not considered that the proposals would lead to greater economic diversity resulting in in-migration of non-Welsh speakers or increased competition for Welsh speaking businesses. It is considered unlikely that the development would force the local Welsh speaking community to leave the area.

The proposed development would generate 31 children of primary school age, 22 children of secondary school age. As a result of the number of pupils generated by the development, it is considered unlikely that the proposal would alter the balance between Welsh speaking and non-Welsh speaking pupils/students. The developer has agreed to provide a S106 contribution which will include both Welsh and English speaking schools.

Responses to Objections

Issues relating to the increase in traffic, parking, access, the existing road network, access for emergency vehicles, principle of development, the Local Development Plan (LDP) over-development, policy, loss of green wedge, impacts upon schools, privacy, sewerage, drainage, flooding, open space, the character of the area, ecology, impacts on habitats and the SINC,

TPO trees and woodland, children's play areas, pollution, old coal mine workings / land stability, contaminated land, Welsh language, noise, are addressed in the report above.

With regard to the documentation submitted with the application, the technical details have been fully assessed by the respective professionals within their field.

With regard to the other issues contained within the list of objection points including the parking situation at Gowerton Railway station, bus services, the loss of this private land as an informal play area for children, the capacity of the local doctors, pharmacies and dentist surgeries, policing and house values, these issues are not material planning considerations and so do not form a reason for the refusal of the application.

Conclusion

Having regard to all material planning considerations, including the provisions of the Human Rights Act, it is considered that the scheme is an acceptable departure to the Unitary Development Plan 2008, as it will deliver both market and a high proportion of affordable homes within reasonable timescales, and therefore justifies a departure under the Council's approved Developer Guidance.

The principle of the development of this site for up to 100 residential units is therefore considered to be acceptable subject to conditions and an S106 Agreement. As the application is in outline form only with all matters reserved, further consideration will be given to the access, appearance, landscaping, layout and scale at the reserved matters stage.

It is considered however, that the application demonstrates that the site can be satisfactorily developed in terms of impacts upon the character and appearance of the area, residential amenity impacts on neighbouring occupiers, the impact of the development on access, parking and highway safety, impacts on trees, ecology, drainage and environmental interests with regard to the provisions of Policies EV1, EV2, EV3, EV20, EV22, EV23, EV24, EV28, EV30, EV33, EV34, EV35, EV38, EV40, HC3, HC17, HC24, AS1, AS2, AS5, AS6 and AS10 of the Unitary Development Plan 2008, and the following Supplementary Planning Guidance Notes (SPG) - Places to Live: Residential Design Guide, Planning Obligations, Parking Standards, Planning for Community Safety and The Protection of Trees on Development Sites

Regard has been given to the duty to improve the economic, social, environmental and cultural well-being of Wales, in accordance with the sustainable development principle, under Part 2, Section 3 of the Well-Being of Future Generations (Wales) Act 2015 ("the WBFG Act"). In reaching this recommendation, the Local Planning Authority has taken account of the ways of working set out at Part 2, Section 5 of the WBFG Act and consider that this recommendation is in accordance with the sustainable development principle through its contribution towards one or more of the public bodies' well-being objectives set out as required by Part 2, Section 9 of the WBFG Act.

RECOMMENDATION

APPROVE subject to the following conditions and the applicant entering into a S106 Planning Obligation to provide::

*** 30% of Affordable Housing (AH) on the site;; comprising 70% social rent and 30% intermediate, provided at 42% ACG and DQR compliant. The AH shall comprise a 50/50 mix of 2 and 3 bedroom properties. The design and specification of the AH should be of**

equivalent quality to those used in the Open Market Units. The AH shall be dispersed across the site in clusters.

* A Highways Contribution of £35,000 for the provision of a Toucan Crossing for pedestrian /cycle use (suggested location is at a point of secondary pedestrian access opposite 60/62 Gorwydd Road).

* Education Contribution of £369,076 to increase school capacity at local schools (plus indexation) - Primary: £321,532 (plus indexation), to be split 84.8/15.2 towards Gowerton Primary and YGG Y Login Fach, respectively. Secondary: £47,544 (plus indexation), towards YG Gwyr.

* Management plans for the future maintenance of the retained woodland, and proposed Open Spaces, Leaps and Laps.

* An Ecology Contribution of £20,000 towards the on-going management, maintenance and enhancement of Killay Marsh Local Nature Reserve, to mitigate the loss of the wet woodland area.

* A Management and Monitoring fee of £8481 (based on 2% of the monetary value of the obligation contained within this S106 agreement)

* The Council's legal fees of £1000 relating to the preparation of the S106 agreement

CONDITIONS

- 1 Details of the access, appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.
Reason: The application, in outline form, does not give sufficient detail for consideration of these matters at this time.
- 2 Any application for approval of the reserved matters shall be made to the Local Planning Authority not later than one year from the date of this permission.
Reason: Required to be imposed pursuant to Section 92 (2) of the Town and Country Planning Act 1990.
- 3 The development shall begin either before the expiration of one year from the date of this permission or before the expiration of one year from the date of approval of the last of the reserved matters to be approved, whichever is the later.
Reason: Required to be imposed pursuant to Section 92 (2) of the Town and Country Planning Act 1990.
- 4 The development shall be carried out in accordance with the following approved plans and documents: G1325-P01 - Site Location Plan received on 30 June 2017.
Reason: For the avoidance of doubt and to ensure compliance with the approved plans.
- 5 The proposed development shall be designed in accordance with the urban design concepts contained within the Design Principles Plan received on the 22nd September 2017.

Reason: To ensure that the site is comprehensively developed to a high standard of sustainable urban design in accordance with National and Local Planning Policy advice and guidance.

- 6 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 prior to the commencement of work on site.

Reason: In the interests of the ecology and amenity of the area.

- 7 No development shall commence until a drainage scheme for the site has been submitted to and approved in writing by the local planning authority. The scheme shall provide for the disposal of foul, surface and land water, and include an assessment of the potential to dispose of surface and land water by sustainable means. Thereafter the scheme shall be implemented in accordance with the approved details prior to the occupation of the development and no further foul water, surface water and land drainage shall be allowed to connect directly or indirectly with the public sewerage system.

Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment.

- 8 The development shall not discharge to the watercourse network at any rate greater than the following:-

- o 1 in 1 year rainfall event - 7.96l/s/developed hectare
- o 1 in 2 year rainfall event - 8.42l/s/developed hectare
- o Qbar rainfall event - 9.06l/s/developed hectare
- o 1 in 30 year rainfall event - 15.98l/s/developed hectare
- o 1 in 100 year rainfall event - 19.76l/s/developed hectare

As indicated in the runoff calculations within the Drainage Strategy Report Dated April 2017, Job No 1067.

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.

- 9 No development shall commence, until a surface water removal strategy delivering sufficient compensation for the foul flows from the proposed development site, is submitted to and approved in writing by the Local Planning Authority. The approved surface water removal strategy shall be implemented in full, prior to the occupation of any of the dwellings hereby approved and written confirmation of this must be sent to the Local Planning Authority.

Reason: To prevent hydraulic overloading of the public sewerage system and pollution of the water environment.

- 10 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (or any order revoking or amending that order), Classes A, D and E of Part 1 of Schedule 2, shall not apply.

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

- 11 Prior to the commencement of development a scheme detailing any proposed alterations or modifications to any existing on-site culverts shall be submitted to and agreed in

writing by the Local Planning Authority. Only the agreed culvert works shall then be implemented in accordance with the details thereby approved.

Reason: To ensure that any alterations to the onsite watercourses do not create or exacerbate existing flood risk to the development and surrounding third parties.

- 12 Any reserved matters application relating to layout shall include full details of an 'Autotrack run' that demonstrate that refuse vehicles/emergency vehicles can enter, turn and leave all parts of the proposed development in a forward gear.

Reason: To ensure full access can be gained by refuse and emergency vehicles in the interests of highway safety.

- 13 Prior to the submission of any reserved matters application, a scheme of intrusive site investigations for the mine entries and a scheme of intrusive site investigations for the shallow coal workings, shall be submitted to and approved in writing by the Local Planning Authority (in consultation with the Coal Authority). Both schemes of intrusive site investigations shall be undertaken in accordance with the approved details thereby approved, prior to the submission of any reserved matters application.

Reason: To ensure the safety and stability of the proposed development.

- 14 The reserved matters application shall be accompanied by the following reports:

(i) The report of findings arising from both of the intrusive site investigations required by Condition 13 (above)

(ii) The submission of a layout plan which identifies appropriate zones of influence for the mine entries, and the definition of suitable 'no-build' zones;

(iii) The submission of a scheme of treatment for the mine entries for approval; and

(iv) The submission of a scheme of remedial works for the shallow coal workings for approval

Prior to the commencement of development, those treatment/remedial works shall be implemented in accordance with the details thereby approved.

Reason: To ensure the safety and stability of the proposed development.

- 15 No development shall take place until the applicant, or their agents or successors in title, has secured agreement for a written scheme of historic environment mitigation which shall be submitted to and approved in writing by the local planning authority. Thereafter, the programme of work shall be fully carried out in accordance with the requirements and standards of the written scheme.

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.

- 16 Prior to the commencement of development on site, details of the following phased scheme shall be submitted to and approved in writing by the Local Planning Authority: the phased scheme shall comprise of three progressively more detailed reports, detailing measures to be undertaken in order to investigate the presence of land contamination, including relevant gas, vapour and, where appropriate, radiation related risks, at the proposed site. Where the initial investigations indicate the presence of such contamination, including the presence of relevant gas/vapour and/or radioactivity, subsequent reports shall include:

(i) a list of potential receptors

- (ii) an assessment of the extent of the contamination
- (iii) an assessment of the potential risks
- (iv) an appraisal of remedial options, and proposal for the preferred remedial option(s).

The reports shall be submitted individually.

The provision of Phase 2 and Phase 3 reports will be required only where the contents of the previous report indicate to the Local Planning Authority that the next phase of investigation/ remediation is required.

Phase 1 report: Desk Top Study - this shall:

- (i) Provide information as to site history, setting, current and proposed use.
- (ii) Include a conceptual site model to establish any potentially significant pollutant linkages in the source-pathway-receptor human health and environmental risk assessment.
- (iii) Identify if further investigation or remediation is required.

In the event that the Local Planning Authority is then of the opinion that further investigation/ information is required the applicant shall submit a detailed site investigation [Phase 2] report to the Local Planning Authority, viz:

Phase 2: Detailed Investigation - this shall:

- (i) Provide detailed site-specific information on substances in or on the ground, geology, and surface/groundwater. Provide for a more detailed investigation [Human Health Risk Assessment] of the site in order to confirm presence or absence of, and to quantify, those potentially significant source-pathway-receptor pollutant linkages identified in Phase 1.

In the event that the need for remediation is identified the applicant shall submit a subsequent detailed [Phase 3] report to the Local Planning Authority, viz:

Phase 3: Remediation Strategy Options Appraisal - this shall:

- (i) Indicate all measures to be taken to reduce the environmental and human health risks identified in Phase 1 and Phase 2 to an acceptable level, in a managed and documented manner, to best practice and current technical guidance.

Phase 3: Validation/verification Report

On completion of remediation works a validation/verification report will be submitted to the Local Planning Authority that will demonstrate that the remediation works have been carried out satisfactorily and remediation targets have been achieved.

Reason: To ensure that the safety of future occupiers of the dwellings is not prejudiced.

- 17 Reports on monitoring, maintenance and any contingency action relating to land contamination shall be carried out in accordance with a long-term monitoring and maintenance plan to be submitted to and approved by the Local Planning Authority prior to the occupation of any of the dwellings. On completion of the monitoring programme a final report demonstrating that all long-term site remediation criteria have been met and documenting the decision to cease monitoring shall be submitted to and approved in writing by the Local Planning Authority.

Reasons: To ensure that longer term remediation criteria relating to controlled waters have been met. This will ensure that there are no longer remaining unacceptable risks to controlled waters following remediation of the site.

- 18 If, during development, contamination not previously identified is found to be present at the site then no further development 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.
Reasons: Given the size/complexity of the site it is considered possible that there may be unidentified areas of contamination at the site that could pose a risk to controlled waters if they are not remediated.
- 19 No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details.
Reason: There is an increased potential for pollution from inappropriately located infiltration systems such as soakaways, unsealed porous pavement systems or infiltration basins.
- 20 Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater.
Reason: There is an increased potential for pollution of controlled waters from inappropriate methods of piling.
- 21 Prior to commencement of the development on site, a scheme shall be submitted to and approved in writing by the Local Planning Authority which shall make provision for the following:

All habitable rooms adjacent to the railway line be subject to sound insulation measures. These measures should ensure that all such rooms achieve an internal noise level of 37dBA Leq 16 hour during the day and 30dBA Leq 8 hour at night. The submitted scheme shall ensure that the habitable rooms subject to sound insulation measures shall be provided with acoustically treated ventilation units. The scheme shall then be implemented in accordance with the details thereby approved and retained as such thereafter.

Reason: To minimise future residential exposure to train pass-by noise.
- 22 Prior to the commencement of development on site, full details of the proposed arrangements for future management and maintenance of the proposed streets within the development shall be submitted to and approved in writing by the local planning authority. The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an agreement has been entered into under section 38 of the Highways Act 1980 or a private management and maintenance company has been established.
Reason: To ensure that the development is provided with satisfactory vehicular access in the interests of public safety.
- 23 All garages shall be retained for the parking of vehicles and purposes incidental to that use and shall not be used as or converted to domestic living accommodation.
Reason: To ensure adequate on site car parking provision in the interests of highway safety, and residential and visual amenity.

- 24 All integral garages shall have minimum internal dimensions of 3m width by 6m length.
Reason: To ensure adequate on site car parking provision in the interests of highway safety.
- 25 Notwithstanding the provision of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification) no fences, gates or walls shall be erected within the curtilage of any dwelling house forward of any wall of that dwelling house which fronts onto a road.
Reason: To ensure that the overall open plan housing layout is not prejudiced by uncontrolled development.
- 26 Prior to the occupation of any of the approved dwellings, a Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall include provision for encouraging and incentivising use of public transport and cycling. The approved Travel Plan shall be implemented upon the first occupation of any of the dwellings hereby approved.
Reason: In the interests of highway safety.
- 27 No development including site clearance, demolition, ground preparation, temporary access construction/widening, material storage or construction works shall commence until a scheme for tree protection has been submitted to and approved in writing by the Local Planning Authority. No development or other operations shall take place other than in complete accordance with the approved tree protection scheme, unless otherwise agreed in writing by the Local Planning Authority. The tree protection scheme shall include the following information:
- (a) A tree protection plan comprising of a drawing at a scale of not less than 1:500 showing, with a solid line, all trees and other landscape features that are to be retained and, with a dashed or dotted line, those that are to be removed. This drawing shall also show the position of protection zones, fencing and ground protection measures to be established for retained trees. Where applicable, two lines shall be shown demonstrating the lines of temporary tree protective fencing during the demolition phase and during the construction phase.
 - (b) A British Standard 5837 Tree Survey schedule with tree reference numbers corresponding with trees on the plan required by section a) of this condition.
 - (c) The specification for protective fencing and a timetable to show when fencing will be erected and dismantled in relation to the different phases of the development;
 - (d) Details of mitigation proposals to reduce negative impacts on trees including specifications and method statements for any special engineering solutions required and the provisions to be made for isolating such precautionary areas from general construction activities;
 - (e) Details of any levels changes within or adjacent to protection zones;
 - (f) Details of the surface treatment to be applied within protection zones, including a full specification and method statement;
 - (g) The routing of overhead and underground services and the location of any wayleaves along with provisions for reducing their impact on trees to an acceptable level;
 - (h) A specification and schedule of works for any vegetation management required, including pruning of trees and details of timing in relation to the construction programme;
 - (i) Provision for the prevention of soil compaction within planting areas;
 - (j) Provision for the prevention of damage to trees from soft landscape operations including details of the application of any herbicides;
 - (k) Provision for briefing construction personnel on compliance with the plan;

- (l) Provision for signage of protection zones and precautionary areas;
- (m) Details of contractor access during any demolition or building operations including haulage routes where soil is to be removed.
- (n) A tree protection mitigation plan detailing emergency tree protection and remediation measures which shall be implemented in the event that the tree protection measures are contravened.

Reason: To ensure that reasonable measures are taken to safeguard trees in the interests of local amenity.

- 28 Prior to the construction of the first dwellinghouse hereby approved, a plan indicating the positions, heights, design, materials and type of all boundary treatments to be erected within the site shall be submitted to and approved in writing by the Local Planning Authority. 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 agreed details.

Reason: In the interest of maintaining a satisfactory scheme of landscaping and to protect the visual amenity of the area.

- 29 No development shall take place until a Wildlife and Habitat Protection Plan has been submitted to and approved in writing by the Local Planning Authority. The Wildlife and Habitat protection plan shall include:

- i) A plan showing the Construction Exclusion Zone (CEZ) fencing scheme designed to protect all features of ecological interest throughout the construction period.
- ii) Details of any proposed activities within the CEZ and measures to be taken to minimise the impact of any works.
- iii) Details of phasing of construction.
- iv) Vegetation Removal Method Statement.

All vegetation removal will need to be supervised by a suitably experienced Ecological Clerk of Works (ECoW) with site-specific knowledge, working to the agreed Vegetation Removal Method Statement. The Protection Plan shall then be implemented prior to any ground works commencing and in accordance with the timings approved by the Local Planning Authority.

Reason: In the interests of protecting retained habitats and wildlife on the site during the construction process.

- 30 No part of the development hereby permitted shall be occupied until street lighting has been installed in accordance with a detailed scheme to be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of how the lighting will avoid excess light falling on site features that may be used for foraging bats.

Reason: To ensure a convenient and safe form of development and in the interests of protecting the ecology of the area.

- 31 The proposed development shall be carried out in strict accordance with the Mitigation Measures detailed within Sections 6.4 of the Otter and the Dormouse surveys and Section 5.4 of the Trees & Bats survey received on 29th September 2017. If any roosts, dens or nests are found then work must stop immediately, and Natural Resources Wales must be contacted for further advice.

Reason: In the interests of protecting European Protected Species on the site.

- 32 No development shall be commenced until a Construction Environmental Management Plan (CEMP) detailing all necessary pollution prevention measures for the construction phase of the development is submitted to and agreed in writing by the Local Planning Authority.

The Method Statement shall identify as a minimum;

- (i) Identification of surrounding watercourses and potential pollution pathways from the construction site to those watercourses.
- (ii) How each of those watercourses and pathways will actually be protected from site runoff.
- (iii) How the water quality of the watercourses will be monitored and recorded.
- (iv) What the construction company intends to do with surface water runoff from the site during the construction phase. Please note that it is not acceptable for ANY pollution (e.g. sediment/silt/oils/chemicals/cement etc.) to enter the surrounding watercourses.
- (v) Storage facilities for all fuels, oils and chemicals
- (vi) Construction compounds, car parks, offices, etc.
- (vii) Measures for dealing with dust
- (viii) Measures for dealing with any contaminated material (demolition waste or excavated waste)
- (ix) Identification of any buried services, such as foul sewers, so that they are protected
- (x) Details of emergency contacts, for example Natural Resources Wales' Pollution hotline 0800 807 060

The construction phase of the development shall be implemented in accordance with the agreed CEMP at all times.

Reason: Prevention of pollution to controlled waters and the wider environment.

- 33 No development approved by this permission shall be commenced until a Site Waste Management Plan (SWMP) has been produced and submitted in writing for approval by the Local Planning Authority. The construction phase of the development shall be implemented in accordance with the agreed SWMP at all times.
Reason: To ensure waste at the site is managed in line with the Waste Hierarchy in a priority order of prevention, re-use, recycling before considering other recovery or disposal option.

INFORMATIVES

- 1 The developer is advised to note that the "reserved matters" plans are required to be in accordance with the scale parameters shown at section 6.4 of the Design and Access statement (received on 4th July 2017).
- 2 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, EV3, EV20, EV22, EV23, EV24, EV28, EV30, EV33, EV34, EV35, EV38, EV40, HC3, HC17, HC24, AS1, AS2, AS5, AS6 and AS10
- 3 This consent is issued without prejudice to any other consents or easements that may be required in connection with the proposed development.

- 4 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.
- 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.
- 6 Network Rail - You are advised to note the following
- Fencing:
If not already in place, the Developer/applicant must provide at their expense a suitable trespass proof fence (of at least 1.8m in height) adjacent to Network Rail's boundary and make provision for its future maintenance and renewal without encroachment upon Network Rail land. Network Rail's existing fencing / wall must not be removed or damaged and at no point either during construction or after works are completed on site should the foundations of the fencing or wall or any embankment therein be damaged, undermined or compromised in any way. Any vegetation on Network Rail land and within Network Rail's boundary must also not be disturbed.
- Foundations:
Network Rail offers no right of support to the development. Where foundation works penetrate Network Rail's support zone or ground displacement techniques are used the works will require specific approval and careful monitoring by Network Rail. There should be no additional loading placed on the cutting and no deep continuous excavations parallel to the boundary without prior approval.
- Drainage:
All surface water drainage should be directed away from Network Rail's land to the public mains system. Soakaways are not acceptable where the following apply:
Where excavations which could undermine Network Rail's structural support zone or adversely affect the bearing capacity of the ground; Where there is any risk of accidents or other acts leading to potential pollution of Network Rail's property/infrastructure; Where the works could adversely affect the water table in the vicinity of Network Rail's structures or earthworks.
- Ground disturbance:
The works involve disturbing the ground on or adjacent to Network Rail's land it is likely/possible that the Network Rail and the utility companies have buried services in the area in which there is a need to excavate. Network Rail's ground disturbance regulations applies. The developer should seek specific advice from Network Rail on any significant raising or lowering of the levels of the site.
- Access points:
Where Network Rail has defined access points, these must be maintained to Network Rail's satisfaction.
- Site layout:
It is recommended that all buildings be situated at least 2 metres from the boundary fence, to allow construction and any future maintenance work to be carried out without

involving entry onto Network Rail's infrastructure. Where trees exist on Network Rail land the design of foundations close to the boundary must take into account the effects of root penetration in accordance with the Building Research Establishment's guidelines.

Piling:

Where vibro-compaction/displacement piling plant is to be used in development, details of the use of such machinery and a method statement should be submitted for the approval of Network Rail's Asset Protection Engineer prior to the commencement of works and the works shall only be carried out in accordance with the approved method statement.

Excavations/earthworks:

All excavations / earthworks carried out in the vicinity of Network Rails property / structures must be designed and executed such that no interference with the integrity of that property / structure can occur. If temporary compounds are to be located adjacent to the operational railway, these should be included in a method statement for approval by Network Rail. Prior to commencement of works, full details of excavations and earthworks to be carried out near the railway undertaker's boundary fence should be submitted for approval of the Local Planning Authority acting in consultation with the railway undertaker and the works shall only be carried out in accordance with the approved details. Where development may affect the railway, consultation with the Asset Protection Engineer should be undertaken.

Signalling:

The proposal must not interfere with or obscure any signals that may be in the area.

Environmental issues:

The design and siting of buildings should take into account the possible effects of noise and vibration and the generation of airborne dust resulting from the operation of the railway.

Landscaping:

It is recommended no trees are planted closer than 1.5 times their mature height to the boundary fence. The developer should adhere to Network Rail's advice guide on acceptable tree/plant species. Any tree felling works where there is a risk of the trees or branches falling across the boundary fence will require railway supervision.

Plant, scaffolding and cranes:

Any scaffold which is to be constructed adjacent to the railway must be erected in such a manner that, at no time will any poles or cranes over-sail or fall onto the railway. All plant and scaffolding must be positioned, that in the event of failure, it will not fall on to Network Rail land.

Lighting:

Any lighting associated with the development (including vehicle lights) must not interfere with the sighting of signalling apparatus and/or train drivers vision on approaching trains. The location and colour of lights must not give rise to the potential for confusion with the signalling arrangements on the railway.

Safety barrier:

Where new roads, turning spaces or parking areas are to be situated adjacent to the railway; which is at or below the level of the development, suitable crash barriers or high kerbs should be provided to prevent vehicles accidentally driving or rolling onto the railway or damaging the lineside fencing.

- 7 With regard to condition 15 The archaeological work must be undertaken to the appropriate Standard and Guidance set by Chartered Institute for Archaeologists (CIfA), (www.archaeologists.net/codes/ifa) and it is recommended that it is carried out either by a CIfA Registered Organisation (www.archaeologists.net/ro) or an accredited Member.

8 Natural Resources Wales (NRW) advise that as the Gors-Fawr Brook is a designated main river, a Flood Risk Activity Permit may be required for activities in, under or over the channel as well as within 8m of the banks or within the flood plain. Further details of which can be found at: <https://naturalresources.wales/permits-and-permissions/flood-risk-activities/?lang=en>

9 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

10 Highway Informatives:

Note 1 - Management and Maintenance of Streets.

The applicant is advised that to discharge condition 18, that the local planning authority requires a copy of a completed agreement between the applicant and the local highway authority under Section 38 of the Highways Act 1980 or the constitution and details of a Private Management and Maintenance Company confirming funding, management and maintenance regimes.

Note 2: The Developer must contact the Highway Management Group , The City and County of Swansea , Guildhall Offices, c/o The Civic Centre , Swansea SA1 3SN before carrying out any work . Please contact the Team Leader (Development), e-mails to mark.jones@swansea.gov.uk , tel. no. 01792 636091

Note 3 - 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.

- 11 Natural Resources Wales recommends that developers should:
 1. Follow the risk management framework provided in CLR11, Model Procedures for the Management of Land Contamination, when dealing with land affected by contamination.
 2. Refer to Environment Agency document; 'Guiding Principles for Land Contamination' for the type of information that we require in order to assess risks to controlled waters from the site. The Local Authority can advise on risk to other receptors, such as human health.
 3. Refer to: Groundwater protection: Principles and practice (GP3).

 - 12 The treatment and disposal of contaminated soils and groundwater is regulated by waste legislation and requires an environmental permit. Excavated materials that are recovered via a treatment operation can be re-used on-site under the: CL:AIRE Definition of Waste: Development Industry Code of Practice.
This voluntary Code of Practice provides a framework for determining whether or not excavated material arising from site during remediation and/or land development works are waste.

 - 13 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

 - 14 The proposed development site is crossed by a 600mm surface water public sewer and a 150mm foul water public sewer with their approximate position being marked 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.
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