

Planning Committee - 4th February 2025

Item 1

Application Number:

2024/1655/FUL

Ward:

Landore - Area 1

Location:

Vivian And Musgrave Engine Houses , Hafod Morfa Copperworks , Swansea, SA1 2LE

Proposal:

Redevelopment of Vivian and Musgrave Engine Houses and Chimneys, including restoration and intervention works, a new link building, a flexible D1, A1, A2, A3 use as well as associated works including hard and soft landscaping, drainage and a new access road to the site

Applicant:

City and County of Swansea



APPRAISAL

Procedural Issue

This application for planning permission is reported to Committee for consideration in conjunction with the associated application for listed building consent - Application ref: 2024/1662/LBC.

Background

This application is for full planning permission for the restoration and redevelopment of the Vivian and Musgrave Engine Houses and associated chimneys at the former Hafod and Morfa Copperworks site, Swansea. The proposals include the restoration of the Vivian and Musgrave Engine Houses as well as the construction of a new link building which will connect the two engine houses. The Vivian Engine House will be redeveloped to a shell and core standard to maximise potential of the building for future tenants which could entail food and beverage use or shops. The Musgrave Engine Houses will solely be an area of exhibition and display for the original Musgrave Engine. As such, this planning application seeks permission for a flexible A1, A2, A3, D1 use.

The Vivian and Musgrave Engine Houses are surviving buildings of the former Hafod and Morfa Copperworks. The Vivian Engine House is a listed building, as is the Chimney west of Vivian engine house and the boundary wall of former Hafod Copperworks canal docks which are all Grade II listed buildings. In addition, the Musgrave Engine house and chimney is a Grade II* listed building and a Scheduled Monument.

It should be noted that the associated listed building consent application for these works (Ref:2024/1662/LBC) is also in this agenda with a resolution for approval at the subject to referral to the Welsh Ministers via CADW.

In addition, the Musgrave Engine House is a Scheduled Monument, and therefore an application for Scheduled Monument Consent has also been submitted to CADW for consideration.

The project is part of the UK government Levelling Up Fund for the regeneration of the Hafod Morfa Copperworks area, promoting connectivity between the copperworks and the city centre with the works now being referred to as the 'Lower Swansea Valley (LSV) Levelling Up Project'.

Site Location and Context

The Site forms part of the former Hafod Copperworks which was initially set up by John Vivian, of Cornwall, in 1808-9. As indicated, within the site boundary there are several statutory listed buildings and the Scheduled Monument. The copperworks formed a key part of the copper industry that was first established in Swansea in the early 19th Century and operated until 1980. During this time, the copperworks thrived and formed an intrinsic part of the industrial landscape that provided approximately 60% of the world's copper.

Since the closure of the Hafod Morfa copperworks, many of the buildings associated with the copperworks have been demolished. The Vivian and Musgrave Engine Houses are some of the last remaining structures linked to Swansea's copperworks heritage and therefore, are considered to be nationally important historic assets. The two engine houses have not been occupied since their closure and therefore have unfortunately been subject to deterioration over several years. Some restoration works have previously been undertaken to the roof of the Vivian Engine House to help preserve its structure.

Recognising that the engine houses form an integral part of Swansea's industrial heritage as part of the levelling-up proposals, the aspiration is to undertake restoration works to the Vivian and Musgrave Engine Houses to bring them back into use. The proposals aim to restore the buildings which are currently in a derelict/ unoccupied state and create an attraction for visitors whereby the space can be used for public enjoyment and provide educational opportunities for visitors where they can learn about Swansea's former copperworks. An overall intention of these proposals is to preserve the historic and architectural interest of the historic assets within the Site and ensure their longevity as surviving buildings of the Hafod Morfa Copperworks.

Development Proposals

The development involves the following:

Vivian Engine House

Works to the Vivian Engine House comprise the redevelopment of the building into a mixed-use space comprising a flexible A1 (Shops), A2, (Financial and Professional Services), A3(Food and Drink) and D1 (Non-residential Institutions) use. The submitted Design and Access Statement shows an indicative layouts for a café within the Vivian Engine House with a mezzanine floor providing a new first floor level in the building. The mezzanine would be accessed via stairs or an internal platform lift. Access to the Vivian Engine House will be obtained via the new glazed extension as well as the original stepped access point on the west elevation. The repair works would also be undertaken to the Vivian Chimney.

Musgrave Engine House

Works to the Musgrave Engine House involve restoration works to the building and the external rolls. The Musgrave Engine, which is one of the last remaining engines of its kind and therefore of national importance, remains in situ within the building. Once the Musgrave Engine House is restored and this proposed development is complete, the engine house will be opened to the public for viewing. During this time period, the Musgrave Engine will be worked on and restored by the Friends of the Hafod Copperworks group. The Musgrave Engine House will therefore have a Use Class D1 use (Non-Residential Institutional).

Externally, the rolls serving the Musgrave Engine will also be restored by the Friends of the Hafod Copperworks. A canopy to cover the external rolls is proposed to protect and preserve the asset from adverse weather conditions. Repair works will also be undertaken to the Musgrave Chimney.

Link Building

A new link building will be constructed to adjoin the Vivian and Musgrave Engine Houses. The new extension will provide an internal connection between the two engine houses and create a new flexible space and additional seating area (dependent on the future tenant). The design of the glazed extension has been thoroughly explored to ensure that it's massing, scale and form is subservient to the Vivian and Musgrave Engine Houses and its material and appearance compliment the industrial character of the area. The link building will be finished to a shell and core standard to ensure flexibility for future tenants.

The exterior of the extension will predominantly be glazed with corten steel cladding panels and a shallow pitched, sedum roof. The extension will be accessible from several points:

- Access on the north elevation is achieved via a raised walkway;
- Access on the east elevation is achieved via a platform lift, or stepped access;

- Access of the west elevation is achieved via stepped access. There is also potential for a platform lift to be included on the west elevation in future.

Use of the buildings

As indicated above, the engine house buildings are currently vacant. They were previously used for General Industrial purposes - Class B2 - associated with industrial processes of the former Hafod Morfa Copperworks. As such, a change of use is proposed.

Currently, the end user is unknown, and to enable flexibility a mixed-use class is proposed comprising of A1 - Shops, A2 - Financial and Professional Services, A3 - Food and Drink and D1 - Non-residential Institutions of the Vivian Engine House and the proposed link building. The Musgrave Engine House will be used to display the Musgrave Engine and therefore would benefit from the D1 use class.

Landscaping

Due to the extensive nationally significant archaeology found on site during the site and archaeological investigations, there are no proposals for inground planting on the site save for the planting associated with the proposed rain gardens associated with the SuDS strategy. All proposed tree replacement will be undertaken off-site in strategic locations.

Access to wider Site

Access to the overall site will be achieved via Love Rose Way. A shared surface road is proposed to extend from Love Rose Way to the Musgrave Engine House, where a turning area is located. With regard to vehicles, the shared surface road will only be utilised by service vehicles for deliveries, waste collection and emergency vehicles. Retractable bollards will be located at the northern end of the road to ensure that any other vehicles cannot access the site. The shared surface road will also provide access to the site for pedestrians and cyclists. At the northern end of the new road, 4 no. disabled parking spaces will be provided as well as 1 no. standard car parking space to ensure that all users can access the site.

The Site can also be accessed by pedestrians via a short path way to the north west of the Site that also derives from Love Rose Way. Additionally, the Hafod Copperworks Pontoon has recently been constructed adjacent to the site and once operational, it is intended that a water taxi will operate from the pontoon carrying passengers between the Hafod Morfa Copperworks site and the city centre.

Relevant Planning History

There have been a number of planning applications and listed building consent applications at Hafod and Morfa Copperworks. The regeneration of the wider site has been ongoing for a number of years. On 9th September 2022, Swansea Council granted planning permission and listed building consent for the construction of a new pontoon at River Tawe Quay of former Hafod Copperworks, Swansea (Application references. 2022/1699/FUL and 2022/1700/LBC).

Planning Policy

The National Development Framework: Future Wales - the National Plan 2040

Future Wales sets out the Welsh Government's land use priorities and provides a national land use framework for SDPs and LDPs. Future Wales concentrates on development and land use issues of national significance, indicating areas of major opportunities and change, highlighting areas that need protecting and enhancing and helping to co-ordinate the delivery of Welsh Government policies to maximise positive outcomes.

Policy 1 - Where Wales Will Grow

Policy 2 - Shaping urban growth and regeneration - Strategic placemaking

Policy 9 - Resilient ecological networks and Green infrastructure

Policy 28 - National Growth Area - Swansea Bay and Llanelli

Planning Policy Wales (12th Edition) - Feb. 2024

Good Design Making Better Places

3.3 Good design is fundamental to creating sustainable places where people want to live, work and socialise. Design is not just about the architecture of a building but the relationship between all elements of the natural and built environment and between people and places. To achieve sustainable development, design must go beyond aesthetics and include the social, economic, environmental, cultural aspects of the development, including how space is used, how buildings and the public realm support this use, as well as its construction, operation, management, and its relationship with the surroundings area.

3.4 Design is an inclusive process, which can raise public aspirations, reinforce civic pride and create a sense of place and help shape its future. For those proposing new development, early engagement can help to secure public acceptance of new development. Meeting the objectives of good design should be the aim of all those involved in the development process and applied to all development proposals, at all scales.

Access and Inclusivity

3.5 Good design is inclusive design. Development proposals should place people at the heart of the design process, acknowledge diversity and difference, offer choice where a single design solution cannot accommodate all users, provide for flexibility in use and provide buildings and environments that are convenient and enjoyable to use for everyone.

3.6 Development proposals must address the issues of inclusivity and accessibility for all. This includes making provision to meet the needs of people with sensory, memory, learning and mobility impairments, older people and people with young children. There will often be wider benefits to be gained through the sensitive consideration of such provision, for example, whilst the presence of visual cues will be invaluable in assisting those with hearing loss to engage in a noisy environment, a navigable environment will benefit all. Good design can also encourage people to meet and interact with each other, helping to address issues surrounding loneliness. Good design must also involve the provision of measures that help to reduce the inequality of access to essential services, education and employment experienced by people without access to a car. Design measures and features should enable easy access to services by walking, cycling and public transport.

Environmental Sustainability

3.7 Good design promotes environmental sustainability and contributes to the achievement of the well-being goals. Developments should seek to maximise energy efficiency and the efficient use of other resources (including land), maximise sustainable movement, minimise the use of non-renewable resources, encourage decarbonisation and prevent the generation of waste and pollution. An integrated and flexible approach to design, including early decisions regarding location, layout, built form, the choice of materials, the adaptability of buildings and site treatment will be an appropriate way of contributing to resilient development.

3.8 Good design can help to ensure high environmental quality. Landscape and green infrastructure considerations are an integral part of the design process. Integrating green infrastructure is not limited to focusing on landscape and ecology, rather, consideration should be given to all features of the natural environment and how these function together to contribute toward the quality of places. This embraces the principles of 'ecosystems services' and sustainable management of natural resources where multiple benefits solution become an integral part of good design. In a similar manner, addressing environmental risks can make a positive contribution to environmental protection and improvement, addressing land contamination, instability and flood risk and providing for biodiversity, climate protection, improved air quality, soundscape and water resources benefits.

Character

3.9 The special characteristics of an area should be central to the design of a development. The layout, form, scale and visual appearance of a proposed development and its relationship to its surroundings are important planning considerations. A clear rationale behind the design decisions made, based on site and context analysis, a strong vision, performance requirements and design principles, should be sought throughout the development process and expressed, when appropriate, in a design and access statement.

Community Safety

3.11 Local authorities are under a legal obligation to consider the need to prevent and reduce crime and disorder in all decisions that they take. Crime prevention and fear of crime are social considerations to which regard should be given in the preparation of development plans and taking planning decisions. The aim should be to produce safe environments that do not compromise on design quality in accordance with the cohesive communities well-being goal.

Movement

3.12 Good design is about avoiding the creation of car-based developments. It contributes to minimising the need to travel and reliance on the car, whilst maximising opportunities for people to make sustainable and healthy travel choices for their daily journeys. Achieving these objectives requires the selection of sites which can be made easily accessible by sustainable modes as well as incorporating appropriate, safe and sustainable links (including active travel networks) within and between developments using legal agreements where appropriate.

Conserving and Enhancing the Historic Environment and its Assets

6.1.4 - The Ancient Monuments and Archaeological Areas Act 1979, Planning (Listed Buildings and Conservation Areas) Act 1990 and Historic Environment (Wales) Act 2016 provide the legislative framework for the protection and sustainable management of the historic environment in Wales. PPW provides the national planning policy framework for the consideration of the historic environment and this is supplemented by guidance contained in Technical Advice Note 24: Distinctive & Natural Places.

6.1.7 - It is important that the planning system looks to protect, conserve and enhance the significance of historic assets. This will include consideration of the setting of an historic asset which might extend beyond its curtilage. Any change that impacts on an historic asset or its setting should be managed in a sensitive and sustainable way.

Listed Buildings

6.1.10 - There should be a general presumption in favour of the preservation or enhancement of a listed building and its setting, which might extend beyond its curtilage. For any development proposal affecting a listed building or its setting, the primary material consideration is the statutory requirement to have special regard to the desirability of preserving the building, its setting or any features of special architectural or historic interest which it possesses.

6.1.11 For listed buildings, the aim should be to find the best way to protect and enhance their special qualities, retaining them in sustainable use. The continuation or reinstatement of the original use should generally be the first option, but not all original uses will now be viable or appropriate. The application of planning and listed building controls should recognise the need for flexibility where new uses have to be considered in order to secure a building's survival or provide it with a sound economic future.

6.1.13 Applicants for listed building consent must be able to justify their proposals, show why the alteration or demolition of a listed building is desirable or necessary and consider the impact of any change upon its significance. This must be included in a heritage impact statement, which will be proportionate both to the significance of the building and to the degree of change proposed.

Adopted Swansea Local Development Plan (2010-2025)

The Swansea Council Local Development Plan (LDP) 2010-2025 provides the local planning policy framework for Swansea and sets out the vision, objectives, strategy, and policies for managing development. Planning policies of relevance from the LDP are listed below:

- PS 2 - Placemaking and Place Management;
- SD L - Tawe Riverside and Hafod Morfa Copperworks;
- HC 1 - Historic and Cultural Environment;
- HC 2 - Preservation or Enhancement of Buildings and Features;
- SI 1 - Health and Well-being;
- SI 2 - Providing and Safeguarding Community Facilities and Locally Important Uses
- SI 8 - Community Safety
- RC 8 - Commercial Development within Strategic Development Areas
- ER 1 - Climate Change;
- ER 6 - Designated Site of Ecological Importance;
- ER 8 - Habitats and Species;
- ER 9- Ecological Networks and Features of Importance for Biodiversity;
- ER 11 - Trees, Hedgerows and Development;
- TR 1 - Tourism, Recreation and Leisure Development
- T 1 - Transport Measures;
- T 2 - Active Travel;
- T 5 - Design Principles for Transport Measures and Infrastructure;
- T 6 - Parking
- RP 1 - Safeguarding Public Health and Natural Resources;
- RP2 - Noise Pollution;
- RP4 - Water Pollution and the Protection of Water Resources
- RP 5 - Avoidance of Flood Risk.
- RP6 Land Contamination.

Neighbour consultation:

The development was advertised on site with a notice dated 9TH September 2024. ONE LETTER OF SUPPORT has been received making the following comment:

- fantastic idea well done Swansea.

Consultations:

Dwr Cymru Welsh Water

We note that the developer has indicated that foul flows are to be disposed of via the public sewerage system and we offer no objection in principle to the foul flows discharging to the public sewer. Whereas the surface water is set to be drained to nearby watercourse. Therefore, to ensure there is no detriment to the public sewerage system we request that should you be minded to grant planning permission the following Condition and Advisory Notes are included.

Condition

No surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network.

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.

Natural Resources Wales -

We have concerns with the application as submitted. However, we are satisfied that these concerns can be overcome if conditions regarding contaminated land and protected sites are attached to any planning permission granted and the documents identified below are included in the approved plans and documents condition on the decision notice. Without the inclusion of these conditions and these documents, we would object to this planning application.

Contaminated Land

We have reviewed the following documents in relation to the risk to controlled waters:

- 'Phase I Geoenvironmental Desk Study Report, Lower Swansea Valley - Project 1D Engine Houses' by Wardell Armstrong, dated August 2024, report number: 018.
- 'Phase II Ground Investigation Report, Lower Swansea Valley - Project 1D Engine Houses' by Wardell Armstrong, dated August 2024, report number: 009.

Phase I Report

We note that the site is likely to contain contaminants associated with the historical use of the site, and that the site is in a moderate to high environmentally sensitive area given the aquifer classification of superficial/bedrock units (secondary A) and the presence of the River Tawe immediately adjacent to the south east site boundary.

We therefore agree with the conclusions to undertake further intrusive investigation to determine the extent and nature of any contaminants, and to inform a risk assessment should one be required. This investigation would look to assist in reducing the current uncertainties and will target potential high-risk areas of the site.

Phase II Report

Given the size of the site and the nature of the historical activities, an appropriately scoped investigation to collect representative samples across the site is required, in line with the relevant guidance. This also needs to be sufficient to deliver the objectives of the investigation. We note one groundwater sample was recovered from WS05; this borehole was installed within a trial pit and it noted that "due to the nature of the installation (located within a trial pit), and the purge method utilised, the full quantity of stagnant groundwater may not have been purged prior to sampling".

We note in Section 4.4, "a visual oil sheen was recorded at 0.65m within ROH-1F-01 on a groundwater seepage", hydrocarbon contamination was suspected in shallow archaeological excavations in the Made Ground of the Engine House and "free product was encountered within a tank/Rolls Foundation Structure". Section 4.5.6. provides further information, stating approximately 5cm of free product was recorded on groundwater.

Groundwater levels were recorded in WS05 on 3 occasions - we note continuous loggers were installed within the wheel pit, the Musgrave interior and the Vivian EH Room, however no justification was included for not installing these to monitoring groundwater fluctuations. In discussion of the free product identified, Section 6.4.6 states "The surrounding area requires further assessment (subject to archaeological approval) to ensure that any hydrocarbon contamination was contained".

TPH concentrations in groundwater have not been discussed in the body of the report, however the chemical analysis certificates report concentrations of TPH >C5-C44 in WS05 of 800 ug/l, predominantly comprising mid to heavier range aliphatics and aromatics.

Section 6.4.7 states "Following further testing and necessary remediation, it is advised that the base of the structure/tank is punctured (subject to archaeological approval) to prevent a build-up of groundwater within the structure". This should only be considered an option following remedial works which prove that any remaining residual water within the structures will not pose a risk to controlled waters receptors and will not cause pollution of these receptors.

Given the limited sample data (1 sample) from a borehole installed within a trial pit, we do not consider that the dataset is sufficient to enable an appropriate assessment of risk to controlled waters receptors. Given the history of the site, the high contamination potential of historical activities, the Secondary A aquifer classification, the adjacent river and the identification of contamination within soils and groundwater (including free phase product), we do not consider the investigation has been robust enough to adequately assess the risks. We therefore do not think a conclusion of low risks posed to controlled waters can be ascertained at this stage.

We do not consider one sample sufficient to conclude "Based on the contaminants identified, the water is considered to be representative of the wider industrial landscape rather than specifically sources from the site". (Section 12.5.2)

We do not consider the groundwater level measurements on three occasions in one borehole (WS05 within a former trial pit) to be sufficient to understand the dynamics of the groundwater at the site; this information is important to understand contaminant fate and transport and to inform any remedial designs / implementation works. This is also important when considering climate change.

We note that no climate change considerations have been included - the LCRM guidance does state that this should be considered in investigations of land with contamination.

We do agree with the conclusion in Section 12.10.6 that "a detailed remediation strategy should be produced to outline and support the cope of works for any remediation and management of materials movements as part of the development'. This does not specifically mention the management of the NAPL, however this was discussed as requiring further investigation earlier in the document. Given the identification of free product at the site, remedial activities will be required to address this and mitigate the risks to controlled water receptors.

We therefore consider further investigation works are required to appropriately assess the condition of the groundwater beneath the site and enable an appropriate assessment of risk to controlled waters.

We recommend the land contamination conditions are attached to the planning permission.
SuDS

We advise an informative is included on any decision notice informing the applicant to obtain the approval of the SuDS Approving Body (SAB) for their management of surface water.

We advise that infiltration of surface water drainage into the ground should only be permitted for parts of the site where it has been demonstrated there is no resultant unacceptable risk to controlled waters. This should be informed by the applicant's existing ground investigations and/or remediation strategy. If this is not properly controlled, the development may create pathways for pollution to controlled waters.

Flood Risk

The planning application proposes low vulnerability development (LVD), namely the redevelopment of Vivian and Musgrave Engine Houses and chimneys. Our Flood Risk Map confirms the site to be within Zone C2 of the Development Advice Map (DAM) contained in Technical Advice Note (TAN) 15: Development and Flood Risk (2004). The Flood Map for Planning identifies the application site to be at risk of flooding and falls partially into Flood Zone 2 and 3 Sea and Flood Zone 2 and 3 Rivers.

We have reviewed the Flood Consequences Assessment (FCA) produced by JBA Consulting ('Lower Swansea Valley: Vivian and Musgrave Engine Houses FCA - Final' by JBA Consulting, dated August 2024, Version 4, BIM reference: LDM-JBAU-XX-XX-HM-0001-D3-C03-Engine_Houses_FCA).

A small number of changes were made to the baseline of the model which informs the FCA, as described in Section 5.2.1. We have not reviewed these changes.

The FCA presents the following flood data (Section 5.3):

- Fluvial 1% Annual Exceedance Probability (AEP) plus climate change event: flooding is expected to site, but flood water is not predicted to enter the Vivian and Musgrave Engine Houses. External parts of the site may expect a flood level of 7.3m Above Ordnance Datum (AOD). This does not comply with TAN15 A1.14.
- Fluvial 0.1% AEP event: flooding is expected to site, but flood water is not predicted to enter the Vivian and Musgrave Engine Houses. External parts of the site may expect a flood level of 7.8m AOD.

The predicted level of flooding remains well below the ground floor finished floor levels (FFLs) of the Vivian and Musgrave Engine Houses, which are 9.33m AOD, however, the Vivian Engine House has a basement level with a minimum FFL of 5.94m AOD and is therefore vulnerable to flooding in both fluvial design events. It is proposed to design the basement to be as flood resilient as possible whilst remaining sensitive to the building's heritage and intended function.

- Tidal 0.5% AEP plus climate change: flooding is expected to the site, but flood water is not expected to enter the Vivian and Musgrave Engine Houses. External parts of the site may expect a flood level of 7.35m AOD. This does not comply with TAN15 A1.14.
- Tidal 0.1% AEP plus climate change: flooding expected to the site, but flood water is not expected to enter the Vivian and Musgrave Engine Houses. External parts of the site may expect a flood level of 7.62m AOD.

In both tidal events, the ground floors of the Engine Houses are not predicted to flood, however, the Vivian Engine House has a basement level with a minimum FFL of 5.94m AOD and is therefore vulnerable to flooding in both tidal events. It is proposed to design the basement to be as flood resilient as possible whilst remaining sensitive to the building's heritage and intended function.

Flooding was noted in the site in all TAN15 design events. The FCA recommends that the operators prepare a Flood Response Plan and sign up to the NRW Flood Warning Service. We would support these recommendations.

The FCA states that the canopy extension will be constructed to the south of the Musgrave Engine House and as an open sided structure this will not impact on the conveyance or storage with flood water. Comparison of pre and post development modelling has shown that the development will not impact on flood risk elsewhere.

In summary, the FCA confirms that the proposed development site does not comply with TAN 15. However, we acknowledge that the proposal is for a heritage redevelopment site and by virtue of its location and historic nature, cannot be relocated.

Ultimately, it is for your Authority to determine whether the risks and consequences of flooding can be managed in accordance with TAN15, we recommend you consider consulting other professional advisors on matters such as emergency plans, procedures and measures to address structural damage that may result from flooding. Please note, we do not normally comment on or grant the adequacy of flood emergency response plans and procedures accompanying development proposals, as we do not carry out these roles during a flood. Our involvement during a flood emergency would be limited to delivering flood warnings to occupants/users.

Protected Sites

The site is located approximately 100m away from the Six Pit, Swansea Vale and White Rock Site of Special Scientific Interest at its closest point from the red line boundary. There are no direct pathways to the protected site, although the River Tawe itself does connect the proposed application site to the land surrounding the SSSI.

We consider that the proposed development is not likely to damage the features for which the Six Pit, Swansea Vale and White Rock SSSI is of special interest, if a Construction Environmental Management Plan (CEMP) is conditioned.

Construction and demolition activities can give rise to pollution and so it is important that appropriate provisions are in place to manage dust, silt, surface water and the storage of waste, particularly during the construction phase. A construction environmental management plan should include site-specific measures which will be put in place before construction to prevent pollution to the surrounding land and water environments.

The planting proposed during the landscaping and tree replacement stage should be carried out with native species as there is the potential risk of non-native species spreading and encroaching into the SSSI in future due to its close proximity.

Construction Environmental Management Plan

No development or phase of development, including site clearance, shall commence until a site wide site-specific Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority.

The CEMP shall be implemented as approved during the site preparation and construction phases of the development.

Justification: A CEMP should be submitted to ensure necessary management measures are agreed prior to commencement of development and implemented for the protection of the environment during construction.

Prior to commencing any excavation, pollution protection methods should be installed to ensure there is no adverse impact from the works. A variety of silt mitigation measures should be implemented throughout the work site where appropriate, as they work more effectively in combination. Metal pins/rods should not be used to support silt fencing or sedi-mats as they do not provide sufficient support, resulting in the products sagging or collapsing. Wooden stakes should be used in accordance with the manufacturer's installation recommendations.

Water quality leaving the working area will need to be regularly monitored to avoid a pollution incident. It may be necessary to: adjust, replace, or augment the pollution control products deployed and/or adapt the work method further, as work recommences and progresses. As with all pollution mitigation measures, these will need to be reviewed regularly through the works and if found not to be sufficient, other options should be considered.

Wherever possible, clean or uncontaminated water should be intercepted and diverted around the working area. This should help minimise the volume of dirty water generated and therefore requiring treatment (if reasonably practicable).

The agreed method of working must be complied with at all times to avoid discolouration/sedimentation or pollution of the watercourse. Should any discolouration/sedimentation or pollution of the watercourse occur, work must stop immediately, and Natural Resources Wales should be notified on 0300 065 3000 to review work practices before work re-commences.

Foul Drainage

The site is located within a mains sewer area (Swansea Bay Catchment). We note from the application form that the intention is to connect to the mains network. We would advise that you consult with Dwr Cymru Welsh Water (DCWW) at your earliest convenience.

Protected Species

Bats

We note that the information submitted in support of the above application ('Bat Survey Report - Lower Swansea Valley - Project 1 and 2' by Wardell Armstrong, dated November 2023, report number: 001, version: V1.0) has identified that bats are present at the application site. From the information submitted, we consider that the proposed development represents a lower risk for bats, as defined in our guidance document 'Natural Resources Wales Approach to Bats and Planning (2015)' and advise you discuss the proposal with your Planning Ecologist.

We note that trees are to be lost as a result of the development, however, these are considered to be negligible for potential roost features.

Otters

From the Otter report ('Otter Report - Lower Swansea Valley - Project 1 and 2' by Wardell Armstrong, dated December 2023, report number: 004 version: V1.0) we note that otter spraint was found, however no holts were identified.

We note that the ecological report identified evidence of Barn owl (*Tyto alba*) within the application site. Barn owl are listed on Schedule 1 of the Wildlife and Countryside Act 1981 (as amended); the birds, their nests, eggs and young are fully protected at all times throughout the UK. It is also an offence to intentionally or recklessly disturb Barn owl at an active nest site with eggs or young or before eggs are laid, or to disturb the dependent young.

We are satisfied that the ecological survey ('Ecological Impact Assessment - Lower Swansea Valley - Project 1D' by Wardell Armstrong, dated August 2024, report number: 006, version: V1.0) has been carried out to an acceptable standard. The report states that "Barn owl was previously recorded as nesting in the Musgrave Engine Shed (B5), with old pellets, feathers, and nesting material still being present within the building". Therefore, the mitigation proposed within the report should be adhered to in order to avoid adverse impacts on Barn owl.

The report must be included in the 'approved list of plans / documents' condition within the decision notice should consent for the project be granted.

Coal Authority

We have reviewed the site location plan provided and can confirm that the site falls within the Coal Authority's defined Development Low Risk Area. On this basis we have no specific comments to make.

However, in the interest of public safety, it is requested that the Coal Authority's Standing Advice note is drawn to the applicant's attention, where relevant.

CCS Nature Conservation - The knotweed planning condition need to be placed on this application.

CCS Trees Officer - The tree losses proposed are justified to carry out the proposals. As discussed in the arboricultural report only category B trees are required to be replaced under the Swansea Tree Replacement standard.

However it also mentions PPW 3:1 replacement ratio, this is not dependent on tree quality. The Council is also bound by the Environment Wales Act and therefore has a higher bar when considering tree replacements. Tree replacement therefore should accord to PPW guidelines. As such more information is required on tree replacement locations and planting.

CCS Ecology

Relevant documents reviewed:

- Ecological Impact Assessment, Wardell Armstrong, August 2024;
- Green Infrastructure Statement, Wardell Armstrong, August 2024; and
- Method Statement for Bats, Wardell Armstrong, October 2024.

Protected Sites:

The application site is within the Tawe Corridor Site of Importance for Nature Conservation (SINC) and the development must therefore comply with Policy ER6.

In order to comply with Policy ER 6, a CEMP and Sensitive Lighting Strategy will be required (see sections below).

Protected Species Informative:

If the works have not been undertaken within 2 years of the survey date (regardless of the date of planning permission being granted), an updated ecological assessment/survey shall be undertaken to ensure that the situation in relation to protected and priority species remains the same and that the proposed mitigation is still appropriate.

Trees:

The council has now adopted a new Trees, Hedgerows and Woodlands SPG, which contains the Swansea Tree Replacement Standard. This should be used to calculate how many trees will need to be planted to replace those proposed.

Bats

Please include the bat species informative:

Condition:

No works shall commence on site (including site clearance) until a European Protected Species Licence for bats has been obtained from Natural Resources Wales (NRW) and a copy of the granted licence from NRW shall be submitted to the LPA.

Breeding/nesting birds:

Please include the Breeding/nesting birds informative:

Condition:

No clearance/pruning of trees, shrubs, scrub or buildings shall be undertaken during the bird nesting season (late February-early September). Where this is not possible, a check for active nests by a suitably qualified ecologist will be required prior to clearance. Any active nests will be left in situ until chicks have fledged or the nest is no longer active. If any nests of Schedule 1 species are found, additional measures to avoid disturbance will be required.

Condition

Due to the potential use of the Musgrave Engine House by nesting barn owl, no works shall commence within the bird nesting season (late February-early September) until a barn owl box has been erected in a suitable location (following the advice of an ecologist) and the building is confirmed by a suitably qualified ecologist to not be in current use by nesting barn owl. If barn owl are nesting, the active nests will be left in situ and undisturbed until the chicks have fledged or the nest is no longer active.

Badgers:

Please include the Badgers informative.

Condition:

All trenches and excavations shall be fenced off or covered overnight to prevent any animals from falling in and becoming trapped. If this is not possible an adequate means of escape shall be provided (i.e. a gently graded side wall or provision of gently sloped wooden plank or equivalent). Any exposed pipes and trenches shall be checked for trapped wildlife each morning before starting construction activities.

Hedgehog:

Please include the Hedgehog informative:

There is the potential for hedgehogs to be present in the area. Hedgehogs are protected under Schedule 6 of The Wildlife and Countryside Act 1981 (as amended), which prohibits killing and trapping by certain methods. They are also listed on Section 7 of The Environment (Wales) Act 2016. This is a list of the living organisms of principal importance for the purpose of maintaining and enhancing biodiversity in relation to Wales.

Condition:

In order to retain habitat connectivity for species of principal importance, such as hedgehogs, boundary treatments shall not be flush to the ground, or suitably sized gaps 13 x 13 cm should be left at strategic points.

Reptiles & Amphibians:

Please include the Reptiles & Amphibians informative.

Condition:

No vegetation clearance works or pond removal works shall commence until a reptile & amphibian mitigation strategy is submitted to and approved by the LPA. This shall detail precautionary measures of working to be followed in order to avoid harm to these species.

Otter:

Please include the Otter informative:

Lighting Strategy

Condition:

A sensitive lighting strategy for the site shall be submitted to the LPA for approval prior to the commencement of development on site. It should aim to protect bats and other nocturnal species. A plan showing location, light spill and specification for any proposed lights on the site (during construction & operation) must be submitted for approval. The lighting plan should reflect the Bat Conservation Trust and Institute of Lighting Professional's 'Bats and Artificial Lighting at Night' (2023) guidance.

Construction Environmental Management Plan (CEMP)

Condition:

A CEMP for the site shall be submitted to the LPA for approval prior to the commencement of development (including site clearance) on site. The document will need to include sufficient detail to demonstrate how construction will be managed to ensure pollution prevention and protection of habitats and species on and adjacent to the site.

Landscape and Ecological Management Plan (LEMP)

Condition:

A LEMP for the site shall be submitted to the LPA for approval prior to the commencement of development (including site clearance) on site. This site-specific document must outline processes and instructions to manage and monitor the site, and its operations, both during and after development, in such a way so as to protect and enhance the biodiversity and ecology of the site. In particular, the methods regarding the following species shall be detailed: bats, nesting birds, badger, hedgehog, otter, reptiles & amphibians. Toolbox talks should be given to all site operatives prior to commencement of the development, detailing the potential for protected species on site, the mitigation measures in place and the procedures to follow should any be discovered.

Invasive Non-Native Species (INNS):

Informative: It is an offence to plant or otherwise cause to grow in the wild any plant species listed on Schedule 9 of The Wildlife and Countryside Act 1981 (as amended) or Schedule 2 of The Invasive Alien Species (Enforcement and Permitting) Order 2019. These include species such as Japanese knotweed, Himalayan balsam, Rhododendron ponticum and Montbretia.

Condition:

As Japanese knotweed and Himalayan balsam were recorded, an Invasive Non-Native Species (INNS) Management Plan shall be submitted to the LPA for approval prior to the commencement of development (including site/vegetation clearance) on site. It should detail methods of avoidance, containment or removal in order to avoid the spread of INNS. If any other INNS are identified during development, works must cease until the management of these species is agreed.

Ecological Enhancements:

The Biodiversity Supplementary Planning Guidance (SPG) should be referred to for further information.

Condition:

A scheme to demonstrate that the development will conserve and enhance biodiversity and resilient ecosystems will need to be approved by the LPA prior to the commencement of development on site. This is in line with the Section 6 Duty of the Environment (Wales) Act 2016, the Resilient Wales Goal of the Well-being of Future Generations Act 2015, Planning Policy Wales Edition 12, Future Wales and Technical Advice Note 5.

The proposed specification and location of the enhancements shall be shown on an architectural drawing submitted to the LPA for approval. The approved enhancements shall be fully provided no later than 6 months within the completion of the development and shall be retained as such in perpetuity.

Sustainable Drainage (SuDS):

From 7 January 2019, all new developments of more than 1 house or where the construction area is of 100m² or more require sustainable drainage to manage on-site surface water. It is advised that reference is made to the Swansea Council LDP. SuDS work by making use of landscape and natural vegetation to control the flow of surface water and reduce the risk of flooding. Designs can include ponds, permeable paving and swales, which slow down the discharge of surface water more than conventional piped drainage.

Standard S5 addresses the design of SuDS to ensure, where possible, they create ecologically rich green and blue corridors in developments and enrich biodiversity value by linking networks of habitats and ecosystems together. Biodiversity should be considered at the early design stage of a development to ensure the potential benefits are maximised.

Reason: Conserving and enhancing biodiversity and ecosystem resilience.

Mid and West Wales Fire and Rescue Service

The site plan/s of the above proposal has been examined and the Fire and Rescue Authority would wish the following comments to be brought to the attention of the planning committee/applicant. It is important that these matters are dealt with early on in any proposed development:

- The Fire Authority has no comment to make on access for fire appliances or water supplies.
- The Fire Authority has no objection to the proposed development and refers the Local Planning Authority to any current standing advice by the Fire Authority about the consultation.

CCS Highways

Background:

There has been no recent history of planning activity on the site.

Site Location:

The application site is located to the east of Morfa Road and to the south of Loverose Way. Within the vicinity of the site, there is a shared footway / cycleway on the eastern side of Morfa Road. Morfa Road is a single carriageway road subject to a 30mph speed limit and has double yellow lines along its length.

Loverose Way is a single carriageway road subject to the Welsh national 20mph speed limit. There is a no entry for westbound traffic except buses and cycles from Loverose Way to Morfa Road.

Access:

The proposed vehicular access for the site is via Loverose Way opposite the Landore Park and Ride, converting the existing shared footway / cycleway to an access road. The proposed access road connects to an existing road junction that connects to Loverose Way. Removable bollards are proposed on the access road to ensure only planned delivery and servicing vehicles have access. A turning head is proposed at the end of the access road to be also used as a servicing area.

The Transport Statement indicates that the proposed access road will be 4m wide and a shared surface for pedestrian and cycle use. Due to the width of the access road, vehicles will not be able to pass each other and there is not sufficient space for vehicles to safely pass pedestrians or cyclists on this shared surface.

Therefore, a management strategy will need to be put into place that ensures that the two do not occur at the same time, management routes collections and deliveries outside of operational or opening hours.

Vehicle tracking has been provided in Figure 4.1 of the Transport Statement showing that an 11.2m refuse vehicle can use the access road and turning head. There is no clear stand alone plan found which shows this for audit. This will be required to be submitted, initial observations of the small inset drawing suggests that the turning head does not contain the vehicle movements. In addition to the turning head, vehicle tracking should be provided showing vehicles entering and exiting the proposed access road and turning at the Loverose Way priority junction. It is noted in the Transport Statement that delivery vehicles are expected to be LGVs instead of HGVs.

The existing footway to the north of the existing buildings is proposed to be retained. Footways should have a desirable minimum width of 2.0m which allows for two wheelchairs or double buggies to pass comfortably.

Parking:

Parking standards are set out in the Council's Supplementary Planning Guidance Parking Standards (2012). The area surrounding the site is classified as Zone 3 Urban in the context of the parking SPG. Due to the applicant requesting permission for multiple land uses on the site, the development is subject to several different parking standards. The Transport Statement highlights that the cafe and museum land uses are considered as the most suitable, however these are not confirmed. The trip generation estimates in Table 5.1 of the Transport Statement show that 120 people are expected to travel to and from the cafe and 16 people to and from the museum.

It is acknowledged that the applicant is relying on parking at the Landore Park and Ride and visitors / staff using public transport or active transport to travel to / from the site. The applicant should consider provision of further information or evidence that the development proposals will not have a negative impact on the operation of the Park and Ride site or that capacity does exist to serve this intended use.

The Proposed Site Plan shows that 5 car parking spaces are proposed near the site access with Loverose Way through the formalisation of the existing hardstanding area. The Transport Statement indicates that the proposed parking is only for disabled staff and visitors. The Council's Parking SPG states that disabled parking spaces should be located within 50m of the building they serve. It is likely that this has been exceeded within these proposals, therefore the application should set out the likely distance and the ease of transfer in terms of gradient and quality of surface to allow users to travel additional distance.

In addition to the above, the dimensions of the car parking spaces have not been provided. The applicant is required to confirm that the dimensions of the car parking spaces are in line with the dimensions set out in the Parking Standards SPG. Disabled car parking spaces should be set out as 2.4 metres by 4.8 metres with a 1.2m margin along 3 sides. Further information is required to show that all car parking spaces can be designed and laid out as accessible and a large car can enter and exit the parking area in forward gear. This can be done through vehicle tracking or providing dimensions of the parking area.

The Proposed Site Plan indicates that 5 Sheffield stands are proposed to be provided in the public realm area of the site, this is welcomed. In terms of the existing cycle parking provision on the hard standing adjacent Loverose Way, it appears that these would be lost to accommodate parking, this should be reviewed in conjunction with any redesign to see if it can be retained or relocated.

Recycling and Waste Storage:

The Proposed Site Plan shows that bin stores are proposed next to the access road allowing for easy access for refuse vehicles. The requirements of the swept path analysis have been outlined earlier in this response.

Highway Authority View:

The Highway Authority could generally be considered to be supportive of the principle of the development suggested at this location, and the regeneration of this area. However further information is required to enable the full audit of the proposals.

The applicant is required to provide more information on the car parking and access arrangements, as outlined above, and to commit to an operational management plan which controls the use of the access to ensure vehicles and pedestrians do not interact where it is unsafe to do so.

HENEB - GGAT - - to be reported verbally / update sheet.

CADW -

Advice

Having carefully considered the information provided, we have no objection to the proposed development in regards to the scheduled monuments or registered historic parks and gardens listed in our assessment of the application below.

Assessment

Scheduled Monuments

GM177 Bon y Maen Standing Stone

GM315 Earthwork on Kilvey Hill

GM371 Morris Castle

GM392 Morfa Bridge and Quays

GM441 Original Swansea Castle

GM481 White Rock Copper Works

GM482 Foxhole River Staithes

GM483 Hafod Copper Works Musgrave Engine and Rolls

GM484 Landore New Quay

GM638 Tir Gwyllt Second World War Barrage Balloon Site (proposed scheduling)

Registered Parks and Gardens:

PGW(Gm)60(SWA) Cwmgelli Cemetery

PGW(Gm)75(SWA) Parc Llewelyn

This planning application is for the redevelopment of the Vivian and Musgrave Engine Houses and Chimneys, including restoration and intervention works, a new link building, a flexible D1 (Non-residential Institution), A1 (Shops), A2 (Financial and Professional Services), A3 (Food and Drink) use as well as associated works including hard and soft landscaping, drainage and a new access road to the site. The application is supported by detailed documentation included plans, drawings, Design and Access Statement and Heritage Impact Statement.

The proposed development will see works to bring the existing buildings into new use, a new single storey building linking the Vivian and Musgrave Engine houses, a new shelter over the Musgrave Engine Rolls, a public realm to connect the buildings and link to the surrounding landscape, associated servicing and access road for the Vivian and Musgrave and to the V&S Engine Shed to the west of the site. Works are located within and adjacent to the Hafod Copperworks Musgrave Engine and Rolls, GM483, and associated remains.

An application for scheduled monument consent has been submitted for the proposed works but has not yet been determined. As Planning Policy Wales 2021 section 6.1.23 indicates that the conservation of archaeological remains and their settings is a material consideration in the determination of planning application, you may wish to defer determination of the planning application until the scheduled monument consent has been determined. However, if you wish to proceed to determine the current planning application following the advice given by their internal expertise, you should not place conditions on any consent that is granted regarding archaeological works or conservation requirements, as these would duplicate any conditions which are attached to the scheduled monument consent. The duplication of conditions would be contrary to the advice given in section 3.6 of Welsh Government Circular WGC 016/2016 "The Use of Planning Conditions for Development Management". Conditions attached to the SMC will only apply to the designated area. It is for your specialist advisors to determine the planning conditions required to protect the archaeological resource across the remainder of the site.

The Vivian Engine House is a two-storey gabled structure, formerly with a slate roof. It is constructed partially in dressed sandstone, partially in snecked rubble, and partially in grey bricks (made at the copperworks). The oldest part of the building appears to be in the south corner, where there is much dressed stone. The building has been widened to the north and raised in height using grey brick; the raised band being given red brick oculi and eaves cornice. The west gable has a large doorway, over which is an ornate carved stone tablet with scrolls and flowers, reading 'Commenced August 1860; completed February 1862; V & S'. The north side has a chamfered corner and four segmentally arched windows to the main floor, with wooden frames. The east end has a tall opening for the former rope drive from the engine, and an oculus high in the gable. The south side has openings irregularly placed on three levels.

The tall, tapering chimney stack to the west of the Vivian Engine House is constructed of red brick. There is an octagonal plinth with a corbelled head and a circular shaft. The shaft has numerous iron bands, and a corbelled ring at its neck.

The Vivian Engine House and chimney are listed buildings, and the proposed works will require listed building consent that will be sought by a separate application.

This advice will be confined to the impact of the proposed development on the settings of scheduled monuments and registered historic parks and gardens.

The above scheduled monuments and registered historic parks and gardens are located inside 3km of the proposed development, but apart from scheduled monuments GM481 White Rock Copperworks and GM483 Hafod Copperworks Musgrave Engine and Rolls, intervening topography, buildings and vegetation block all views between them. Consequently, the proposed development will have no impact on the settings of these scheduled monuments and registered historic parks and gardens.

Scheduled monument GM481 White Rock Copperworks consists of a copper works established in AD1736, which was one of the most important copper smelting works in the Lower Swansea Valley. It was the third of Swansea's copper works to have been built. Remains include the river wall, the rear revetment wall of the 'Great Workhouse', former kilns, furnace and flue. The whole site is traversed by Smith's Canal of AD1783, one of the earliest in Wales, which passes under the works in a cut and cover tunnel, with underground wharves behind the 'Great Workhouse'. The works continued in use until AD1928, and the site abandoned until the 1970s when many of the buildings were demolished and the site landscaped.

Scheduled monument GM483 Hafod Copperworks Musgrave Engine and Rolls consists of a two-storey building with a hipped roof, a brick passage for the rope drive and a tall brick chimney at its south-west corner. It is constructed of grey brick (made at the copperworks) with red brick bands to the cills, lintols and eaves cornice. This building was constructed in AD1910 and house the remains of a Musgrave engine and rope drive to a series of rolling mills, used to manufacture copper bar and plate. It was part of the Hafod Copperworks established in AD1810 by John Vivian and continued to be owned by the Vivian family until AD1924 when it amalgamated with the adjacent Morfa Copperworks. It was subsequently operated by Yorkshire Imperial Metals until it closed in AD1980.

The Vivian Engine House and Chimney and Musgrave Engine House were constructed before the White Rocks Copperworks ceased production. These buildings and works were in contemporary use and part of the established industrial setting of the much larger Hafod Copperworks complex and views to and from it were not important. Most of the buildings of the Copperworks have now been removed but modern views to the monument along with the views between it and the surviving copperworks structures have become important.

Both engine houses are significant buildings in the current landscape of scheduled monuments and conservation work undertaken during 2018-2020 enhanced their physical remains and appearance. However, both buildings and the immediate area around them are disused, and the ground overgrown with natural regeneration.

The proposed new link building is a modern structure which, in conjunction with works to the existing buildings, will bring both buildings into use as a facility for amenity and interpretation. The proposed conversions and new building will have an impact on the settings of the scheduled monuments bringing new features and a modern structure into an area which is currently open space, although this area was part of a large building when the copperworks were in use/ However, the building is sympathetically designed to minimise negative impacts, and any adverse impact of the settings of the scheduled monuments due to the presence of the proposed building will be off-set by its use, enabling restoration works to be carried out and providing facilities for the monument to be understood and enjoyed. Consequently, it is our opinion that the proposed works will have a neutral or even a slight beneficial effect on the settings of scheduled monuments GM481 and GM483.

The proposed new shelter is a modern utilitarian structure which will provide some weather protection to historic machinery, a base for volunteers working on restoring the Musgrave Engine House and Rolls and serve as a meeting place for organised tours of the site. The proposed shelter will have an impact on the settings of the scheduled monuments bringing a modern structure into an area which is currently open space, although this area was part of a large building when the copperworks were in use.

However, any adverse impact of the settings of the scheduled monuments due to the presence of the proposed shelter will be offset by its use, enabling restoration works to be carried out and providing facilities for the monument to be understood. Consequently, it is our opinion that the proposed works will have a neutral or even a slight beneficial effect on the settings of scheduled monuments GM481 and GM483.

New services and drainage will be sub-surface and not impact upon the settings of the monuments. Physical impacts to the Musgrave Engine House and Rolls and associated remains will be addressed in the scheduled monument consent. It is for your specialist advisors to advise on potential impacts of drainage and determine the planning conditions required to protect the archaeological resource across the remainder of the site.

When the copperworks were in use there was no vegetation in the area and therefore the proposed hard and soft landscaping would be incongruous with the settings of the scheduled monuments when they were in use. However, since the closure of the copperworks the Lower Swansea Valley has seen considerable natural regeneration. Thus, whilst the proposed landscaping may alter the historic settings of the scheduled monuments it will not significantly change their contemporary settings. Consequently, it is our opinion that the proposed works will have a neutral or even a slight beneficial effect on the settings of scheduled monuments GM481 and GM483.

The proposed road will introduce a new addition to the settings of the monuments; however, the impact of this low-level feature will be negligible and is acceptable as it will be offset by enabling access to the Musgrave Engine House and Rolls and the facility created for its enjoyment and understanding.

To conclude, the above advice is restricted to an assessment of impacts on the settings of scheduled monuments and parks and gardens. In our opinion, overall, the proposed works will have a neutral or even a slight beneficial effect on the settings of scheduled monuments GM481 and GM483.

An application for scheduled monument consent has been submitted for the proposed works but has not yet been determined. Your Authority may wish to defer determination of the planning application until the scheduled monument consent has been determined. However, if you wish to proceed to determine the current planning application, you should follow the advice given by your internal expertise and your archaeological advisors, Heneb

Placemaking and Strategic Planning:

Introduction

These applications relate to multiple designed heritage assets within a regeneration area as defined in the Swansea Local Development Plan.

The Musgrave Engine House was grade II listed by Cadw in 1980 for its importance as a rare engine house with in situ Musgrave Uniflow stationary steam engine and for group value with the listed buildings of the former Hafod and Morfa copperworks.*

The Musgrave Engine House with unique in situ stationary steam engine, external reversing clutch, copper plate rolls and surrounding area was designated as a Scheduled Monument by Cadw in 1995 with the statement that this monument is of national importance for its potential to enhance and illustrate our knowledge and understanding of the development of the copper working industry in Wales.

It retains significant archaeological potential, with the strong possibility of the presence of associated archaeological features and deposits. A Musgrave engine and rolling mills may be part of a larger cluster of industrial monuments and their importance can further enhanced by their group value.

The Vivian Engine House was grade II listed by Cadw in 1987 for its rarity as a copper works engine house and for group value with the listed buildings of the former Hafod and Morfa copperworks. There is no in situ machinery within this engine house.

The Vivian Chimney was grade II listed by Cadw in 1987 as an impressive Victorian industrial chimney and for group value with the listed buildings of the former Hafod and Morfa copperworks. This chimney was part of a boiler house complex that was demolished when the works closed.

Adjacent to the application area outside the red line boundary is the River Tawe quay wall which was grade II listed by Cadw in 1996 as an early industrial river quay and for group value with the listed buildings of the Hafod and Morfa copperworks.

The copperworks area is designated in the Swansea LDP as an archaeologically sensitive area.

Section 96 of the Historic Environment (Wales) Act 2023 sets out the statutory requirement that in considering whether to grant listed building consent, a planning authority must have 'special regard to the desirability of preserving the listed building to which the application relates, the setting of the building, and any features of special architectural or historic interest the building possesses'. Paragraph 5.13 of TAN 24: The Historic Environment provides further explanation of the considerations including the importance of the building; its particular physical features; its setting; the impact of the proposed works on the significance for the building; and the potential community/ regeneration benefits. This is mirrored in Policy HC2 of the Swansea LDP.

Previously the roofs and upper structures of both engine houses were reconstructed. For Vivian Engine House see 2019/1536/LBC, the works to Musgrave Engine House was under Scheduled Monument control. This has safeguarded the structures, but both remain at risk with no current use.

The river quay wall has an edge railing for safety and floating pontoon for river boat use installed under 2022/1700/LBC and this included repairs to the masonry river wall structure.

The site includes a range of above and below ground features that meet the tests as contiguous elements joined to the main listed buildings or curtilage listed features. These are identified in the comments.

The Scheduled Monument status of the Musgrave Engine House takes precedence over the grade II listed status which means that the alterations to this engine house and immediate external area are controlled by Cadw with additional controls on external works via Local Planning Authority Planning.*

Proposals

The proposals are planning and listed building consent applications for a heritage led destination that activates the river frontage with commercial activity and allows for restoration of the Musgrave Uniflow stationary steam engine. The works include full restoration of the exterior of both engine houses, a new link building for commercial uses with associated ground works, public realm, shared access route, associated surface water drainage features. The placemaking and heritage aspects proposals are assessed in a structured manner in the following comments.

Comments on planning application 2024/1655/FUL

Masterplanning

The site lies within the Strategic Development Area L: Tawe Riverside and Hafod Morfa Copperworks which is allocated in the Swansea Local Development Plan (LDP). This area is allocated for mixed use heritage and culture led regeneration site consisting of up to 258 dwellings, employment uses, leisure and community uses, and contributing towards the preservation and enhancement of the area's unique historic and cultural heritage.

The LDP sets a requirement for development to be delivered in phased manner with key placemaking principles:

- Mixed use heritage led project on Hafod/Morfa Copperworks site to include restoration of historic buildings, and provision of heritage visitor centre, employment, residential, hotel, and restaurant/bar uses to create a destination place.*
- Development proposals should positively reflect the historic industrial riverside character.*
- Development proposals must bring the listed copperworks buildings and other unlisted buildings of local interest back into use for appropriate new functions. Adjacent development must preserve and enhance the setting of heritage assets.*
- Developments should face the river frontage and treat the river corridor as a key area of public realm and Green Infrastructure with appropriate environmental enhancements, including the provision of a riparian corridor and maximised accessibility to it.*
- Create a multi-functional Green Infrastructure network throughout the site, taking account of the need to create healthy communities, with a particular emphasis on facilitating Active Travel, and including appropriate landscaping, habitat creation and community led food growing opportunities.*
- The LDP Development principles for this area include:*
- On and off-site measures to provide good quality, attractive, legible, safe and accessible walking and cycling routes both to and within the new development area in accordance with Active Travel design*
- Provide appropriate measures to manage the risks of flooding from fluvial, pluvial or tidal sources.*
- Retention, enhancement and management of the Tawe Riverside SINC, along with the provision of opportunities for priority species and habitat creation.*

The LDP Concept Plan for this SDA site highlights the listed buildings as key points for heritage led regeneration, the riverfront is shown with outward facing active frontages, a public realm area is shown joining the engine houses to the river and the location for the potential active travel bridge over the Tawe to White Rock is shown with the north landing in proximity to the engine houses.

LDP Policy SD2: Masterplanning Principles is relevant to proposals within the Strategic Development Areas including the copperworks site with a requirement for comprehensively planned, sustainable neighbourhood with a distinct sense of place. This includes the provision of internal streets designed for low speeds, having regard to key pedestrian routes; attractive and resilient new buildings that reflect positive aspects of local context; Integration of key movement corridors, in particular to encourage Active Travel and use of public transport, including links to the wider area;

In order to address the Masterplanning and strategic placemaking requirements, a draft masterplan has been prepared by the Council's Shaping Swansea Joint Venture partners Urban Splash to set a strategic framework for emerging proposals at the copperworks regeneration area. This shows how the heritage led regeneration of the river front engine houses could be integrated into a wider masterplan with potential new build development on the vacant areas of the river frontage and how the strategic shared access could be reviewed to reduce the severance of the site.

The masterplan shows that the proposals relate clearly to the fixed relationships such as the retaining walls and chimney to the north and expansive river frontage to the south. The masterplan identifies development potential to the east and west with areas of flexibility to allow for level changes, public realm, drainage etc as integration to the main waterfront regeneration site for new build development. This shows that the section of shared access route north to the P+R access area could be amended in future for wider new build development. It also shows that the proposals do not preclude the potential future active travel bridge from the north to south bank of the River Tawe linking the Hafod/ Morfa site to the White Rock site.

Therefore the proposals are considered to be a heritage led destination designed as part of a robust masterplan context as required by the LDP.

Land Uses

The proposed link building and works to the Vivian Engine House are shell only including a new mezzanine first floor with no end use or fit out details. The planning application proposes a wide range of potential uses under the classifications A1 (Shops), A2 (Financial and professional services), A3 (Food and drink) and D1 (Non-residential institutions).

The preferred use is A3 food and drink potentially incorporating a copperworks visitor centre element. This has been tested in the supporting documents ranging from café to restaurant including covers within the trading area, kitchen space, servery, toilets to show that a viable operation could be accommodated that will be attractive when marketed to potential food and beverage operators with future fit out requiring further consents.

The Musgrave Engine house has the stationary steam engine in situ so this will be a heritage visitor centre. The restoration statement confirms that the current proposals include installation of windows and doors, bird netting to the open rope drive, installation of power, data and water supplies, internal lighting, cleaning and repair of internal masonry and floor repairs which are part of the Scheduled Monument consent application with Cadw. There are no proposals at this stage to work on any of the machinery and it is clarified that the current proposals will not preclude the future restoration and potential operation of the Musgrave stationary steam engine. This has been tested as an independent use separate from the link building and Vivian engine house for fire strategy with requirements to upgrade the windows between the different uses as addressed in the Musgrave Engine House proposals.

The uses proposed are considered appropriate to create a heritage-led destination on the river frontage allowing for the future restoration and operation of the Musgrave Engine. The internal fit out to accommodate the eventual end user will require further listed building consent application and possibly advertisement consent.

Flood risk

The site lies within zone site largely falls within Zone C2 which is defined in TAN15 as "areas without significant flood defence infrastructure".

The proposed uses including A1 (Shops), A2 (Financial and professional services), A3 (Food and drink) and D1 (Non-residential institutions) and restoration of the Musgrave stationary steam engine are defined as less vulnerable development in the flood risk classification of TAN15.

The site is brownfield land within an allocated strategic development area as defined in the Swansea LDP.

The submitted Flood Consequences Assessment confirms that the elevation of the ground floor of the link building circa 2m above ground level to relate to the engine floor levels at 9.3m AOD raises the new uses above the flood risk level. In the event of a flooding the engine house basements and the void under the link building will flood. The external public realm area and copper plate rolls will also be inundated.

The northern ramped access to the link building would provide an escape route for all abilities. The public realm will need to be designed to be robust during flood events and to be suitable for clean up operations.

Public realm

The area around the engine houses is currently fenced off to restrict public access. Outside the secure boundary there is a tarmac path providing access to the river frontage and the river path has stainless steel safety railings and a recently installed river bus pontoon.

The proposals include opening up the site area for new public realm space for activities and spill out. The nature of the copperworks means that historically the site was covered by buildings and functional yards with no public access or formal areas. Therefore there is no heritage precedent for the public realm proposed and instead the proposal is a contemporary regeneration feature for the site to create a destination.

The proposed public realm space includes details referencing the significant archaeological features that have been discovered including:

- *Vivian Sheet mill rope drive passage and inner and outer rolls*
- *Northern extent of Musgrave plate mill rolls trench*
- *Intriguing circular feature*
- *Base of lost chimney and hot gas flues*
- *Base of annealing furnaces*
- *Railway sleepers on west side of Engine Houses*

These physical representations will allow the storey of the site to be interpreted, and this can be supplemented by digital interpretation, social memories, events etc with the final interpretation strategy to be agreed via condition.

The proposed public realm materials are materials appropriate to the industrial heritage location including concrete, brick bands, pennant stone areas and grey resin gravel.

The requirement for Sustainable Urban Drainage (SUDs) is set by separate Legislation with an independent consenting regime. The SUDs proposal is for two networks; one for the new public realm area and the other for the shared access route both connecting to existing surface water outfalls into the River Tawe. Within the site, the presence of nationally significant archaeology means the drainage features must be above ground. This has presented some unique challenges that have been responded to positively to minimise works in the ground and to create features within the public realm. This includes raised planter rain gardens, use of archaeological voids of lower significance for localised below ground tanks and surface water conveyancing route with metal grill referencing historic channels exposed in archaeological excavation. There are some areas of localised pipes in the ground which will require localised cutting through areas of archaeology that is curtilage listed and an area of excavation in the south of the site. In terms of the curtilage listed archaeological features this approach is acceptable in principle to bring forward regeneration of the site and the archaeological implications for the areas outside the Scheduled Monument boundary can be agreed via condition plus with requirement for archaeological recording to professional standards.

To the south of the engine houses an existing natural pond is proposed to be formalised and expanded with archaeological supervision plus open water swales to create more surface water storage and ecological enhancement. The northern shared access route also has an open swale on the east side to collect and convey surface water. This performs a drainage function and becomes part of the public realm. The SUDs strategy is fully supported as an integral element of the public realm and full details can be agreed via condition.

The elevation of the proposed link building floor and external terrace circa 2.3m above the ground level to relate to the level of the existing engine floors which means that external steps and ramps are required to provide access for all. The link building includes an internal public lift providing access for all from the southern public realm level to the link building raised floor. To the north, a ramp to part M gradients is provided for visitors approaching from the blue badge parking and bus stop.

To the river frontage, new stainless steel railings and floating pontoon for boat use has recently been installed with new railings and lighting under consent 2022/1700/LBC. There are no proposals to alter these aspects and the public realm proposals including above ground rain gardens and stepped access have been amended to ensure 4m clear width is provided along the river front to allow future construction of the Tawe west bank shared use walking and cycling active travel route.

The public realm proposals includes a fence line with gates to keep the buildings secure and deter antisocial behaviour out of hours. The rolls cover is secured by mesh fixed to the open sides and gates for future restoration access related to the new turning head on the south west side of the Musgrave Engine House. The terrace is secured by gates at the base of the steps, the Musgrave entrance platform and existing Vivian steps are secured by railings and gates. There are no details of how these railing and gate posts are installed relative to archaeology or designated heritage assets so this will need to be controlled via condition.

The public realm proposals also include a shared access route primarily for walking and cycling with occasional controlled vehicle servicing for refuse, servicing and fire access. This starts from the existing blue badge parking area by the modern chimney art feature in the north, runs alongside the existing path to the engine houses, then runs directly past the engine houses on a historic alignment that was the works rail line and ends at a turning head on the south west side of the Musgrave Engine House. This turning head has been relocated further away from the Musgrave Engine House to allow the remains of an accumulator machine base to be kept as an above ground heritage feature. The final location of this turning head has also been carefully sited to avoid covering or damaging the hot and cold wells which were ground tanks associated with the operation of the Musgrave stationary steam engine that remains in situ within the engine house.

To the north of the Vivian engine house alongside the shared access route is a pull in area for deliveries and servicing with bin store and plant enclosure. This would be physically separate from the listed building and not in contact with the historic fabric but designed to resemble a lean-to structure clad in corrugated sheeting with the roof sloping down away from the listed building. This is appropriate and the details of this ancillary structure can be agreed via condition.

As part of the access strategy, the blue badge parking is located within an amended layout to the existing small car park off the P+R access road adjacent to the chimney art feature. This has been confirmed as acceptable with transportation colleagues and has had input from an Independent Access consultant.

The area further to the south of the Engine Houses is proposed to have the continuation of the shared access route to link with the existing river path with future proposals for Active Travel improvements. This area is a future regeneration zone for new development and is left in the current proposals for natural vegetation to regenerate.

Overall the public realm proposals are considered to be place-led providing a high quality setting to the designated heritage assets that is accessible to all and activates the River Tawe frontage with a range of opportunities for interpretation of the site and copperworking.

Rolls Cover

The external Musgrave reversing clutch and copper plate rolls would have been covered by a large shed that was demolished when the works closed. The survival of the full rolling equipment comprising stationary steam engine, reversing clutch and rolls is very significant. The steam engine is protected within the engine house with recently repaired roof. However, the reversing clutch and copper plate rolls are exposed to the elements and not secure. As a result they are deteriorating and have been subject to vandalism and metal theft. The current proposals are to cover this external equipment within a secure area. This provides protection and allows for future restoration. The proposed rolls cover is a simple industrial style structure with sheet roofing cladding and open sides secured by mesh fencing. The roof form presents repeating gables to the river front. This changes the roof orientation from the original rolling mill shed which covered a larger area.

This structure is largely located within the Scheduled Area of the Musgrave Engine house with consent from Cadw required. The southern portion of the rolls cover extends beyond the Scheduled Area so is within LPA planning control.

The relationship of the foundations for the rolls cover with the archaeology that has been uncovered and interface with the Musgrave Engine House are matters for Cadw to address via the Scheduled Monument Consent process.

The proposed rolls cover alters the setting of the Scheduled Musgrave Engine House in a positive manner. The Engine House is currently presented in isolation lacking context. The proposal reinstates a roof over the rolls and thereby enhances the setting to explain the relationship between the engine houses, copper rolling processes and extensive buildings that once covered the site. The river fronting gables set up an architectural language that could be continued in further regeneration on this site.

The rolls cover is open sided to allow views of the machinery and also to allow flood waters to wash through. The space is secure by mesh panels and the area has a restoration access via double gates off the proposed turning head to the southwest of the Musgrave Engine House.

The initial proposals are to rebury the archaeology exposed around the plate rolls under the roof for protection. This is an unresolved proposal with no clarity on the surfaces, the thickness of covering and how the upstand edges are finished around the machinery and associated ground voids. Whilst this will be addressed by Cadw via the SMC it also warrants resolution via LPA planning condition.

There are no large scale architectural details of the rolls cover such as sheet roof profile, colour, fixings, gable edges, rainwater, mesh sides, access gates and ground surfaces so these must all be covered by planning condition.

Planning conditions

- *Railings and gates including large scale details, fixings and ground works.*
- *Details of rolls cover materials and floor plus large scale details of*
 - *fixings,*
 - *roof edges,*
 - *ridges*
 - *rain water goods.*
 - *mesh sides*
 - *gates*
- *Details of all public realm details to open space and shared access route including SUDs features*
- *Interpretation strategy for heritage of the site and wider copperworks including implementation of the agreed actions.*
- *Details of how the link building plinth allows for future access to the steam pipe for the Musgrave engine*
- *Maintenance strategy for link building green roof*
- *Large scale details and materials for bin store*
- *Amendments to link building to allow future access for Musgrave Engine steam pipe*

APPRAISAL

Main Issues

The main issues to consider in the determination of this application relate to the principal of the development at this location and the impacts of the proposals on visual amenity, heritage, ecology, flood risk, and highway safety having regard to the prevailing provisions of the relevant development plan policies and National Policy guidance. There are considered to be no additional issues arising from the provisions of the Human Rights Act.

Principle of the Development

Following the closure of the Hafod Morfa Copperworks, the majority of the buildings associated with the copper industry have been demolished as part of regeneration of the Tawe Valley. There are few surviving buildings associated with the copperworks industry in Swansea. The Vivian and Musgrave Engine Houses were key components of the Hafod Morfa Copperworks and two of the surviving structures in the area. The history and architecture of both buildings has been recognised as being nationally important with the Vivian Engine House being Grade II listed and the Musgrave Engine House comprising a Scheduled Monument and also Grade II* listed. Both engine house buildings have been subject to deterioration since closure, and as such, the principle of the development is to restore and regenerate the Vivian and Musgrave Engine Houses, preserving their significance, and bringing them back into meaningful and economic use to help to preserve them, but also provide an appropriate and sensitively designed opportunity for public enjoyment and educational uses is to be welcomed.

The Site is allocated under Strategic Development Area Policy SD:L under the adopted Swansea Council LDP - Tawe Riverside and Hafod Morfa Copperworks. Land and buildings are allocated within Policy SDL for a mixed-use heritage and culture led regeneration site consisting of up to 258 dwellings, employment uses (B1), leisure and community uses, and contributing towards the preservation and enhancement of the area's unique historic and cultural heritage. The key Placemaking principle include:

- Mixed use heritage led project on Hafod/Morfa Copperworks site to include restoration of historic buildings, heritage visitor centre, employment, residential, hotel, restaurant/bar to create a destination place.
- Development proposals should positively reflect the historic industrial riverside character.
- Development proposals must bring the listed copperworks buildings and other unlisted buildings of local interest back into use for appropriate new functions. Adjacent development must preserve and enhance the setting of heritage assets.

LP Policy RC 8 references that the provision of retail, leisure and appropriate complementary commercial proposals will be supported within allocated Strategic Development Areas only where:

- i. It is specifically identified as an opportunity as part of a site specific proposal and included on the relevant SDA concept plan as an integral element of a planned new neighbourhood to reinforce a sense of place;
- ii. It is sited in an appropriate, central location within the community that it is to serve, and within close proximity to a public transport corridor;
- iii. It is of an appropriate scale to meet an identified evidenced need;
- iv. It would not negatively impact upon the vitality, viability and attractiveness of a designated Centre.

The restoration of these heritage buildings will help deliver a sense of place within the SDA and is of scale which would not threaten the vitality, viability and attractiveness of the City Centre or other designated Centre.

Additionally, the restoration of these key heritage assets would help deliver the mixed use heritage led project on Hafod/Morfa Copperworks which would contribute to the tourism, recreation and leisure development offer in accordance with LDP Policy TR 1 which supports the County's distinctive assets and helps create a year round destination proposals which contributes towards the revitalisation and regeneration of City Waterfront.

The heritage-led proposals subject of this planning application are designed to revive the industrial history of the site and create a destination for public enjoyment. The proposed development includes restoration works to the Musgrave Engine House, restoration of the Vivian Engine House and a new link building which will connect both buildings. The Vivian Engine House will have a flexible use-class and will be finished to a shell and core standard to ensure that it is suitable for a range of end tenants. External works include the construction of a new shared access road, rain gardens which form part of a SuDS strategy and features in the hard and soft landscaping that represent the archaeology of the site.

The proposals are considered to positively reflect the historic industrial riverside character of the area through the orientation of the principal elevations of the buildings being designed to face eastwards towards the River Tawe. The main area of public realm within the site is located between the proposed link building and the newly constructed Hafod Copperworks Pontoon creating an inviting environment from the river to the Site.

Archaeological investigations have been undertaken, and archaeology of national significance has been identified below the current surface of the site. The archaeology has been analysed by the archaeologists and heritage Consultants within the development team and has informed the design in respect of landscaping, drainage and structural proposals. There are several archaeological features that will be interpreted in the hard landscaping of the site, and further to this, the external rolls of the Musgrave Engine are to be covered by a new roof to ensure that they are protected from adverse weather conditions. The Musgrave external rolls will also be enclosed by fencing so they are protected from members of the public and potential anti-social behaviour in accordance with LDP Policy SI 8 - Community Safety - which requires development to be designed to promote safe and secure communities and minimise the opportunity for crime.

The proposals are considered to comply with the overarching principles of Policy SD:L, RC8 and TR1 of the Swansea LDP and therefore the principle of the proposal is considered to be acceptable. The aims of the proposals are to preserve the industrial heritage of the site and to bring the engine houses back into public use. As such the proposals also align with the principles set out in Chapter 6 of Planning Policy Wales Edition 12 and TAN 24: The Historic Environment. The proposals will protect and preserve the cultural and heritage value of the site and the wider local area of Lower Swansea Valley by bringing the Vivian and Musgrave Engine Houses back into use and providing the opportunity for the local community and visitors to learn about Swansea's industrial heritage.

Design

The development proposal has been design-led and various design explorations in respect of scale, massing, form and materiality are outlined in the Design and Access Statement. The designs are considered in detail in the Placemaking and Heritage comments above and also considered in detail within the LBC Application. Therefore, it is considered that the proposed development responds positively to the local context and character and improves the cultural identity of the Hafod area by restoring nationally important historic assets.

The proposed link building between the Vivian and Musgrave Engine Houses has been designed to be subservient to the historic assets on Site, ensuring that their setting, prominence and status can still be understood. The orientation of the new link building towards the river has purposefully been designed to encourage passengers using the active travel route and the water taxi to visit the site.

Further to this, the public realm between then the link building and the active travel route has been designed to create an inviting route towards the proposed development. In terms of design, layout and orientation the proposed development is considered to provide an attractive, legible, healthy accessible and safe environment and is compliant with the aspirations of Policy PS 2 - Placemaking and Place Management.

Amenity on Nearby Neighbours

A Noise Assessment Report has been undertaken to inform this development. The proposed development is expected to include some externally and internally mounted equipment, in addition to the engine operating within Musgrave Engine House, which could be audible outside of the development. External plant and equipment will probably be small scale, and the noise emissions are unlikely to be significant.

The noise report states that the Musgrave engine is expected to be operational approximately four times a year for short periods. As such, any noise impact would be transient and unlikely to cause a significant adverse impact on nearby Existing Sensitive Receptors (ESRs). Acceptable noise levels have been recommended based on the measured background sound level. Noise from the proposed development should not exceed 50dB(A) at ESR1 (residential properties facing B4603) and 58dB(A) at ESR2 (Residential properties on Phoebe Road facing River Tawe).

By observing the acceptable noise levels recommended in the Noise Assessment Report, the nearest residential properties will not experience unacceptable levels of noise as a result of the engine being restored and operated or the potential café use. The proposals are therefore in accordance with Policy RP1: Safeguarding Public Health and Natural Resources of Swansea LDP.

Heritage

The applications are supported by a Heritage Impact Statement (HIS) to support the proposed development. In respect of the impact on the setting of the two engine houses and chimneys, the HIS states that the proposed restoration and development would significantly improve the current setting and context of the two engine houses and chimneys within the Hafod Morfa Copperworks.

The proposals comprise the restoration of the engine houses to bring them back into meaningful use. Amongst other works, the restoration would include addressing areas of copper slag brickwork de-facing, the loss of masonry pointing, removal of vegetation impacting structures and the restoration of the windows. These works are considered to have a beneficial impact on the external character and appearance of the buildings, saving them from further deterioration.

The structure of the new link building is self-supporting and seeks to limit the impact on the existing fabric to a minimum. The link building has also been designed to be subservient and sympathetic to the engine house buildings. Details of design exploration of the link building are outlined in the Design and Access Statement (DAS) and justified in the HIS.

The HIS states that the proposed development's impact on the historic assets within the site would be positive as the heritage of the site would be better explained, interpreted and celebrated. The remaining historic fabric would be repaired, maintained and preserved for future generations. The site is currently inaccessible to members of the public. It is also an area subject to anti-social behaviour.

To bring the site and the buildings back into use and provide full public access to these heritage assets would provide a notable beneficial impact on their Communal Value. On top of this, providing daily use and much improved security to the site would reduce the anti-social behaviour and have a beneficial impact on the site's value to the community. As such, the proposals are considered to accord with Policy PS 2 - Placemaking and Place Management and Policies HC1 - Historic and Cultural Environment and HC2 - Preservation or Enhancement of Buildings and Features of the Swansea LDP.

Moreover, the impact on the heritage assets is considered in detail in the observations from Cadw above, who have assessed the information provided, and have no objection to the proposed development in regards to the scheduled monuments or registered historic parks and gardens listed in our assessment of the application below. Additionally, the Council's Heritage Team Leader has been involved in the discussions as this proposal has progressed and his comments are laid out in detail above.

Archaeology

The Hafod Morfa Copperworks has previously been subject to archaeological evaluations where remains of the former copperworks have been identified. As such, to inform this planning submission, an Archaeological Desk Based Assessment (ADBA) has been prepared. The ADBA outlines the designated and non-designated historic assets in close proximity to the site. Due to the industrial activity of the Hafod Morfa Copperworks site, the ADBA judges that there is high potential for archaeological remains dating to the 19th and 20th Centuries present within the Site. The Vivian and Musgrave Engine houses would have associated structures and services. The remains of structures, evidence of transportation systems and surfaces that survive below ground level between these assets have the potential to contain archaeological information concerning the function and chronology of the site and building techniques.

The ADBA outlines how the design of the proposed development has been heritage-led and has sought to minimise any potential impact to the archaeology within the Site. For instance, the foundations of the new link structure will comprise a raft foundation as this was considered the most appropriate method with the least direct impact on the archaeology. In addition to this, there has been several workshops to design the necessary SuDS strategy for the Site to ensure that the works have a minimal potential impact on the archaeology. The workshops resulted in the majority of the rain gardens being raised so any associated works would not cause harm the shallow archaeology on site. The SuDS strategy has also been presented to Cadw for review prior to this submission.

Whilst there would be some loss of below archaeological remains in the area of the new structures or services, but largely to facilitate the in-situ preservation of most of the archaeological resource. This would result in a moderate adverse impact. However, the scheme has been developed in such a way as to minimise disturbance to surviving remains, and the structures themselves are to be repaired and utilised for public benefit. This would result in a beneficial impact to the significance of the extant historic assets. It is considered that the current design scheme is such that the special architectural character and historic interest of the historic assets would be preserved.

Further archaeological evaluation would need to take place prior to the completion of development in areas that haven't yet been investigated. It would be appropriate to secure the further archaeological evaluation works via a suitably worded planning condition. The proposals are therefore considered to comply with the requirements of TAN 24:

The Historic Environment and Policies HC1 - Historic and Cultural Environment and HC2 - Preservation or Enhancement of Buildings and Features of the Swansea LDP.

Ecology

The Ecological Impact Assessment (EclA) submitted as part of this application identifies that the following Important Ecological Features (IEFs) may be affected by the proposed development:

- Statutory designations: Six Pit, Swansea Vale and White Rock Site of Special Scientific Interest (SSSI)
- Non-statutory designations: Tawe Corridor Site of Interest for Nature Conservation (SINC), Kilvey Hill SINC, Pentre Tip SINC, Main Swansea - Fishguard Railway Line SINC;
- Habitats of Principal Importance listed under Section 7 of the Environmental (Wales) Act 2016 (S.7): River; Pond.
- Habitats: Other Broad-leaved Woodland;
- Badger; Bats; European hedgehog; Otter; Common reptiles, common toad and palmate newt; Breeding birds; Invertebrates;
- Bluebell; and
- Invasive Non-native Species: Japanese knotweed.

Without mitigation, significant effects have been identified on the Tawe Corridor SINC, other broad-leaved woodland, river, pond and bluebells. This could be from direct habitat loss, the generation of dust and pollutants which may affect habitats and enter the watercourse during construction, the spread of invasive non-native species and possible recreational impacts from an increase in visitors within the area. The existing pond within the Site will be lost, however, a surface water attenuation pond being created to the south of the Musgrave Engine House will be provided. The new pond will provide a permanent and deeper water feature in the area. Other features of benefit for wildlife e.g. shallow shelves around the edge of the pond will be incorporated into the detailed design. Existing wetland vegetation will be translocated from the existing pond to the new pond. Rain gardens will also be provided as part of the drainage scheme. The features will be subject to management and maintenance.

Measures to minimise dust emissions and pollution prevention measures will be implemented during construction. These measures can be detailed in a Construction Environmental Management Plan which can be secured via a suitably worded planning condition. Further to this, all non-native species, Japanese Knotweed, will be eradicated from the Site prior to clearance by a specialist contractor.

Two low status common pipistrelle roosts in the Vivian Engine House and one low status common pipistrelle roost in the Musgrave Engine House were identified during the 2023 surveys. The two bat roosts at the Vivian Engine House will be retained. There is a need to replace or consolidate bricks on the western and southern aspects of the Musgrave Engine House which are damaged and worsening. This will result in the loss of the bat roost. Compensatory roosting features in the form of bat boxes will be provided in the adjacent off-site woodland located to the west of the application site. A derogation licence from Natural Resources Wales (NRW) will be required prior to the any disturbance to or the modification, destruction or isolation of the roosts at the Vivian Engine House and Musgrave Engine House.

The Natural Environment and Rural Communities Act 2006 requires that "Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity." Damage or destruction of a breeding site would be an offence under the Conservation of Habitats and Species Regulations 2017 (the 'Regulations') unless an European Protected Species (EPS) licence is issued prior to commencement of works or confirmation is received that the development would not require such a licence.

The Habitats Directive requires that member states establish a system of strict protection for EPS, setting out the offences that may be committed. Derogations from this strict protection are only allowed in certain limited circumstances. When determining whether or not to grant a licence, Natural Resources Wales must be satisfied that the following three tests have been met:

- (a) Preserving public health or public safety or other imperative reasons of overriding public interest;
- (b) There is no satisfactory alternative; and
- (c) The action will not be detrimental to maintaining the population of the species concerned at a favourable conservation status in its natural range.

The Directive requires the competent authority (the LPA) to assess the impact of the development that may have significant effects on EPS and cannot grant consent for a development they determine may have an "adverse effect on the integrity of a European site" following such an assessment. However, the directive provides a derogation under the Habitats Directive which allows such developments to be approved provided three tests are met:

- There are no feasible alternative solutions to the plan or project which are less damaging.
- There are "imperative reasons of overriding public interest" (IROPI) for the plan or project to proceed.
- Compensatory measures are secured to ensure that the overall coherence of the network of European sites is maintained.

In relation to the first test, the purpose of the alternative solutions test is to determine whether there are any other feasible ways to deliver the overall objective of the plan or project which will be less damaging to the integrity of the European site affected. The proposed development involves the retention and refurbishment of the existing listed buildings.

Having established there are no feasible alternative solutions, in so far as the second test is concerned, the competent authority must be able to identify "imperative reasons of overriding public interest" (IROPI) that justify the development despite the environmental damage it will cause. The public interest generated by the proposal can be of a social, environmental or economic interest. It is considered that the retention and refurbishment of these heritage buildings is clearly in the public interest.

With regards to the third test, the appellants have undertaken an Ecological Impact Assessment Report (Bats & Nesting Birds) for the site. The Council's Ecologist has commented on the proposed development and has advised that the mitigation and recommendations detailed in the reports.

They also note that a European Protected Species Licence will be required for this development. In relation to the third test, it can be concluded that the proposed development could be implemented in such a way as to ensure no harm would occur to the protected species.

The Ecological Impact Assessment Report (Bats & Nesting Birds) concludes that in the absence of mitigation, and depending in the exact works, there will be a negative impact on bat species as a result of the proposed development of the site. Therefore a European Protected Species licence (EPSL) for all species of bats roosting onsite will be obtained in order for the works to the building to be legally undertaken. The EPSL will require a detailed mitigation and compensation strategy to be devised in the form of a method statement. This will aim to ensure that the maintenance of the roosts and local bat populations are maintained at a favourable conservation status.

The method statement will also detail the appropriate timing for works This will be outside of the most vulnerable time periods for bats (maternity season as a precaution and the hibernation season), either in the autumn (October/November) or the spring (March/April). Retention of gaps used by the bats is advised, but if this is not possible, mounting exterior bat boxes on the rear (southern elevation of the structure) is advised. These will be at eaves (full height) and will not be directly illuminated by any additional lighting. We recommend the use of 2 x Greenwoods' single crevice bat boxes, or similar.

It is also recommended that prior to works to the roof area being carried out, an ecologist conducts an at height check of all areas to be worked upon, to best direct the need for any ecological support, or supervision. If at any time any species or numbers of bats are found that are not listed on the EPSL, an amendment will be submitted to NRW, with appropriate mitigation/compensation in place.

Adverse effects identified on breeding birds, including barn owl, which may nest in the buildings and vegetation will be avoided through sensitive timing of works or a check for nesting birds at the buildings and in adjacent trees by an ecologist being undertaken within 48 hours of works, with subsequent advice followed to avoid contravening legislation pertaining to birds. Loss of nesting habitat will be compensated through the provision of nest-boxes on suitable trees retained within adjacent woodland. A barn owl box will be provided attached to the inside of a window on the southern end of the Musgrave Engine House in the location where barn owl and other birds have been able to access the interior of the Engine House.

Biodiversity enhancements form part of the proposed development to deliver a net benefit for biodiversity. These are likely to include the following:

- Provision of three bat boxes, additional to those required for compensation for loss of roosts. Boxes on suitable trees within the adjacent woodland;
- Three bird nest boxes including one 25mm hole nest box, one 32mm hole nest box and one open fronted nest-box will be placed on suitable mature trees within the application site and in the adjacent woodland;
- Provision of an artificial hibernaculum which can be used by reptiles, common amphibians, hedgehog and invertebrates;
- Invasive non-native species will continue to be treated as necessary;
- Green roofs (sedum) on the proposed link building;
- Wet wildflower grassland seeded in a proposed swale;

- Wildflower grassland and groundcover planting as part of landscape scheme;
- Rain garden planting; and
- Wetland planting in the spring.

Providing the proposed ecological mitigation and enhancement outlined in the EclA are implemented, the proposed development is considered to comply with Policies ER 6 - Designated Site of Ecological Importance, Policy ER8 - Habitats and Species and ER 9 - Ecological Networks and Features of Importance for Biodiversity of the Swansea LDP.

Trees and Landscape

Implementation of the proposed development scheme will necessitate the removal of four category 'C' quality individual trees, three category 'C' quality tree groups and the removal of trees from approximately 50% of one category 'B2' quality woodland, as detailed in the Arboricultural Impact Assessment (AIA) report and shown on the Tree Protection Plan (TPP). Individually, the trees to be removed from within woodland W1 would be classed as lower quality category 'C' quality trees, due to their age class and form, however collectively these trees are graded as moderate category 'B2'. The removal of trees from the woodland area will have a low impact on the landscape value of the woodland due to an abundance of surrounding trees to the west that were not surveyed due to being located outside of the development survey area. Therefore, the woodland's functionality and thus its BS 5837 quality grading would not be significantly impacted.

The retained trees will be protected during the proposed construction and associated works for the proposed scheme using Tree Protection Fencing. The loss of trees to facilitate the proposed development will be compensated through replacement planting off-site on land owned by Swansea City Council. It is proposed that 45 trees are planted in compensation for the loss of trees to this scheme. This approach is fully compliant with the Swansea Council Trees, Hedgerows and Woodlands SPG, however, this would not meet the ratio outlined in paragraph 6.4.42 of PPW 12, which suggests that a minimum ratio of at least 3 trees of a similar type and compensatory size planted for every 1 lost. It is indicated that due to the high volume of archaeology associated with the Hafod Morfa Copperworks within the site and the surrounding land, it is not possible to plant any trees within the site or immediately adjacent. Additionally, there is limited space for replacement tree planting within Swansea Council's ownership. Therefore, rather than overcrowd the newly planted trees, it has been agreed to plant less trees to ensure they had the best chance of establishing. Planting of 45 trees would still offer a significant improvement to Green Infrastructure within the vicinity of the Site. The location for planting has been proposed in areas where there are existing gaps in woodland.

The necessary Arboricultural Impact Assessment and Tree Protection Plan have been submitted to support the proposals. The proposals to remove trees from the woodland area will have a low impact on the landscape value of the woodland and as such, the proposals do not conflict with the requirements of Policy ER11 - Trees, Hedgerows and Development as there will be no adverse effect as a result of the development.

The landscape proposals have been designed to complement the setting of the Vivian and Musgrave Engine Houses and the proposed link building. The proposals include 5 rain gardens and a green (sedum) roof to the link building as part of the drainage strategy. Rain garden species include low maintenance ornamentals to enhance the visual amenity of the area. A wetland area associated with an existing spring is proposed to the north of the Vivian engine house.

Species rich wildflower planting is proposed to key arrival spaces in the northern and central areas to provide visual amenity and biodiversity enhancements. The proposals for the soft landscape scheme have been prepared alongside the ecology and arboricultural teams to provide a coordinated approach and to ensure that any required mitigation or enhancements have been incorporated into the design.

Flood Risk and Drainage

A Flood Consequence Assessment (FCA) has been prepared and submitted with this application. The FCA identifies that the Site is with Zone C2 in accordance with NRW's Development Advice Map. The FCA has identified the primary sources of flood risk as tidal and fluvial, therefore, these sources of flood risk have been assessed using detailed hydraulic modelling. Analysis showed that flooding occurs at the site in the fluvial AEP 1% plus climate change and AEP 0.1% events, as well as the tidal AEP 0.5% and AEP 0.1% plus climate change events. External parts of the site may expect a flood level of 7.3m Above Ordnance Datum (AOD). This does not comply with TAN15 A1.14. Fluvial 0.1% AEP event: flooding is expected to site, but flood water is not predicted to enter the Vivian and Musgrave Engine Houses. External parts of the site may expect a flood level of 7.8m AOD. While areas around the site flood, it was found that the ground floor levels of Vivian and Musgrave engine houses are currently raised above the predicted flood levels in all TAN15 design events. However, the basement of the Vivian engine house is vulnerable to flooding.

The planning application proposes low vulnerability development (LVD), namely the redevelopment of Vivian and Musgrave Engine Houses and chimneys. The Flood Map for Planning identifies the application site to be at risk of flooding and falls partially into Flood Zone 2 and 3 Sea and Flood Zone 2 and 3 Rivers.

The predicted level of flooding remains well below the ground floor finished floor levels (FFLs) of the Vivian and Musgrave Engine Houses, which are 9.33m AOD, however, the Vivian Engine House has a basement level with a minimum FFL of 5.94m AOD and is therefore vulnerable to flooding in both fluvial design events. It is proposed to design the basement to be as flood resilient as possible whilst remaining sensitive to the building's heritage and intended function. Tidal 0.5% AEP plus climate change: flooding is expected to the site, but flood water is not expected to enter the Vivian and Musgrave Engine Houses. External parts of the site may expect a flood level of 7.35m AOD. This does not comply with TAN15 A1.14. Tidal 0.1% AEP plus climate change: flooding expected to the site, but flood water is not expected to enter the Vivian and Musgrave Engine Houses. External parts of the site may expect a flood level of 7.62m AOD.

In both tidal events, the ground floors of the Engine Houses are not predicted to flood, however, the Vivian Engine House has a basement level with a minimum FFL of 5.94m AOD and is therefore vulnerable to flooding in both tidal events. It is proposed to design the basement to be as flood resilient as possible whilst remaining sensitive to the building's heritage and intended function.

Flooding was noted in the site in all TAN15 design events. The FCA recommends that the operators prepare a Flood Response Plan and sign up to the NRW Flood Warning Service and NRW support these recommendations. The FCA states that the canopy extension will be constructed to the south of the Musgrave Engine House and as an open sided structure this will not impact on the conveyance or storage with flood water. Comparison of pre and post development modelling has shown that the development will not impact on flood risk elsewhere.

In summary, the FCA confirms that the proposed development site does not comply with TAN 15. However, NRW acknowledge that the proposal is for a heritage redevelopment site and by virtue of its location and historic nature, cannot be relocated and ultimately, indicate it is for the Local Planning Authority to determine whether the risks and consequences of flooding can be managed in accordance with TAN15. Significant weight is afforded to the fact that this development will secure the restoration of the heritage structures for current and future generations and this is considered to outweigh the relatively minor conflict with the requirements of TAN15 whereby the consequences posed by flooding can be reasonably mitigated and managed as far as possible.

The FCA demonstrates confirms that flood water is not expected to enter the Vivian and Musgrave Engine Houses nor the new link building will not be at risk of flooding and based on the above, and these specific aspects are considered to be compliant with the requirements of TAN 15: Development and Flood Risk as well as Policy RP1 - Safeguarding Public Health and Natural Resources and Policy RP 5: Avoidance of Floor Risk of Swansea LDP.

The proposed development exceeds the threshold of 100m² and therefore, an application to the SuDS Approving Body (SAB) is required. As such, a Sustainable Drainage System (SuDS) is proposed as part of this development to ensure that surface water is managed within the Site. Due to the identification of nationally important archaeology at a shallow depth within the Site, the proposed SuDS strategy has been heritage-led and designed to avoid impact to the archaeological remains.

For the proposed development a series of different SuDS features to treat and store the runoff from the proposed development at the Vivian and Musgrave engine houses is proposed. The design has been split into two networks, one serves the new building roofs and most of the related hardstanding and one serves the service road and the bin store.

Ground Conditions

The main source of contamination is considered to be the made ground materials encountered at shallow depths across the site that have resulted in exceedances in asbestos, heavy metals, and Dibenz(a,h)anthracene. The potential receptors identified include construction workers, future site users, controlled waters (River Tawe and Secondary-A aquifer) and the local flora and fauna. The findings of the ground investigation works have assessed the risk to potential receptors to be Moderate to Low. The risk will be reduced to Low to Very Low provided the implementation of the proposed mitigation measures that are detailed in the Phase 2 Ground Investigation Report.

NRW have assessed the submitted Site Investigation Reports and whilst raising no objection consider further investigation works are required to appropriately assess the condition of the groundwater beneath the site and enable an appropriate assessment of risk to controlled waters. They have therefore recommended the land contamination conditions are attached to the planning permission. As such, the proposals are considered to comply with Policy RP1 - Safeguarding Public Health and Natural Resources and Policy PS 2- Placemaking and Place Management of Swansea LDP.

Transport

A Transport Statement providing further details on these aspects of the development has been prepared and submitted with this application. The access strategy for the proposed development is that the majority of users currently access the site by walk and cycle, either from the proposed Hafod Copperworks to Swansea city centre active travel route, proposed as a separate project, or on foot via Landore Park and Ride, with onward journey by car or bus. Therefore, the only on-site parking is for disabled users, circa 120m from the building, achieved through formalisation of existing hardstanding close to the site access on Loverose Way.

The public areas of the proposed development are orientated towards the proposed active travel route and river Tawe, cycle parking is provided close to building entrances to encourage and enable journeys by cycle.

An access road is proposed, partially along an existing active travel route alignment. vehicular access will be controlled via drop-down bollards, to local fire service requirements, and will be reserved for the purposes of servicing (deliveries and refuse collection), upkeep of the engine by the Friends of Musgrave Engine, and emergency vehicles. A suitable turning head is provided to the south of the Musgrave Engine House, to allow turning of a refuse vehicle and emergency vehicle. It is also therefore suitable for delivery vehicles up the size of a standard refuse vehicle. Refuse collection and general deliveries will take place adjacent to the proposed bin store, where localised widening of the access road allows active travel users to pass.

Trip rate analysis sets out that expected use of the building will have no material impact on the operation of the local highways network. It is expected that a material proportion of trips will be undertaken by non-car modes and/or be linked trips with other leisure uses in the vicinity of the site.

The Highway Authority are supportive of the principle of the development at this location and the regeneration of this area, subject to the submission of further information to enable a full audit of the proposals, including car parking and access arrangements, and recommend that an operational management plan is prepared to ensure the use of the access is safe for vehicles and pedestrians.

In response a Highway Transport Note together with supporting highway drawings have been submitted to address the Highway Authority concerns. These include drawings which shows that swept path analysis (SPA) has been undertaken for the car park with a 7.5t box van, measuring 8.1metres in length. The SPA outlines that the disabled bays layout and dimensions provides sufficient space for additional vehicle manoeuvres. Detailed drawings of the proposed access road have also been submitted indicating the general arrangement and including Long Sections and Cross Sections respectively.

Cycle parking will be provided within the disabled parking area and also adjacent to the Musgrave Engine House to serve the proposed development.

As indicated a turning circle and hardstanding are identified adjacent to the Musgrave Engine House and a layby off the access road is proposed to service the Vivian Engine House. The Musgrave Engine House turning circle is proposed for refuse collection, and would also be used for delivery and fire tenders.

An Access Management Strategy is proposed to be agreed with Swansea Council as the Local Highway Authority, and the Strategy will be the responsibility of future site operators. The aims of the proposed Strategy are to maintain adequate access to the site for emergency vehicles, service vehicles and delivery vehicles, and to ensure safe access to the site for staff and visitors, including disabled people, pedestrians and cyclists. The Access Management Strategy will be secured through a planning condition.

With regard to the impact on the operation of the existing Landore Park and Ride site and car parking for the proposed development. Implementation of the wider regeneration strategy for the Copperworks site and surrounding area could have an impact on the capacity at the Landore Rd P&R site and the related overspill car parking area. Other regeneration schemes include Skyline, the Penderyn Distillery Visitor Centre, the Swansea Stadium and the wider masterplan uses of the Copperworks site. These are all major and long-term schemes which will have significant impacts on travel and accessibility of the Hafod area. The Engine Houses site and levels of use are by comparison relatively small. The submitted Transport Assessment estimates of the potential use as:

- 120 people per day using the Vivian Engine House café;
- 8 people visiting the Musgrave Engine House museum;

Given the complementary nature of these land uses, visitor journeys are likely to be linked and not additional. It is anticipated that 120 people per day is a maximum likely level of use, as whilst the scheme would provide substantial heritage regeneration of the Hafod Morfa Copperworks site in itself would not be a major trip generator. In the short-term car parking demand will be met by existing facilities, whilst future parking provision will depend on future regeneration redevelopment proposals at the Hafod Copperworks site.

Based on the above, the proposals are considered to comply with Policy T1 - Transport Measures and Infrastructure and Policy T5 - Design Principles for Transport Measures and Infrastructure and T6 - Parking - of the Swansea LDP.

Conclusion

The proposals include the redevelopment of Vivian and Musgrave Engine Houses including restoration works, a new link building, a flexible D1, A1, A2, A3 use as well as associated works including hard and soft landscaping, drainage and a new access road to the site. Following the closure of the Hafod Morfa Copperworks in 1980, the Vivian and Musgrave Engine houses comprise the last few of the remaining structures associated with Swansea's industrial heritage. The aims of the proposals are to bring the Vivian and Musgrave Engine Houses back into viable use for public enjoyment and education, and as such the proposals will preserve and enhance the industrial historic assets for future generations.

The principle of the development is acceptable at this location given that its aspirations are to reinstate historic feature of the landscape that contribute towards the locations character and context. The development proposals are deemed to be compliant with the overarching aims of the key placemaking planning and strategic site of the Swansea Council LDP Policy SDL.

Whilst there is the small risk of flooding at the site, significant weight is afforded to the fact that this development will secure the restoration of the heritage structures for current and future generations and this is considered to outweigh the relatively minor conflict with the requirements of TAN15 whereby the consequences posed by flooding can be reasonably mitigated and managed as far as possible.

The ecological impacts of the development are acceptable and would be adequately mitigated against securing enhanced ecological measures. As outlined, the transportation and car parking implications of the proposal have been carefully assessed and accounted for within the development.

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 decision, 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.

APPROVE, subject to the following conditions:

- 1 The development hereby permitted shall begin not later than five years from the date of this decision.
Reason: To comply with the provisions of Section 91 of the Town and Country Planning Act, 1990.
- 2 The development shall be carried out in accordance with the following approved plans and documents:

Architectural Drawings and Reports

(531)2319-GWP-01-00-DR-A-(PA)-0001_Site Location Plan-P01; (531)2319-GWP-01-00-DR-A-(PA)-0002_Site Topographical Survey-P01; (531)2319-GWP-01-00-DR-A-(PA)-0003_Existing Site Plan-P01; (531)2319-GWP-01-ZZ-DR-A-(PA)-0004_Existing Musgrave Engine House Plans-P01; (531)2319-GWP-01-ZZ-DR-A-(PA)-0005_Existing Vivian Engine House Plans-P01; (531)2319-GWP-01-XX-DR-A-(PA)-0006_Existing Elevations Musgrave Engine House-P01; (531)2319-GWP-01-XX-DR-A-(PA)-0007_Existing Elevations Vivian Engine House-P01; (531)2319-GWP-01-XX-DR-A-(PA)-0008_Existing Contextual North Elevation-P01; (531)2319-GWP-01-XX-DR-A-(PA)-0009_Existing Contextual East Elevation-P01; (531)2319-GWP-01-XX-DR-A-(PA)-0010_Existing Contextual South Elevation -P01; (531)2319-GWP-01-XX-DR-A-(PA)-0011_Existing Contextual West Elevation-P01; (531)2319-GWP-01-XX-DR-A-(PA)-0012_Existing Musgrave Engine House Sections-P01; (531)2319-GWP-01-XX-DR-A-(PA)-0013_Existing Vivian Engine House Sections-P01; (531)2319-GWP-01-XX-DR-A-(PA)-0014_Existing Musgrave Chimney Elevations-P01; (531)2319-GWP-01-XX-DR-A-(PA)-0015_Existing Vivian Chimney Elevation -P01 - plans received 2 Sept 2024.

(531)2319-GWP-01-00-DR-A-(PA)-0016_Proposed Site Plan- rev P04; (531)2319-GWP-01-LG-DR-A-(PA)-0017_Proposed Lower Ground Floor Plan- rev P04; - 18 Dec 2024;

(531)2319-GWP-01-UG-DR-A-(PA)-0018_Proposed Upper Ground Floor Plan- rev P06; (531)2319-GWP-01-M1-DR-A-(PA)-0019_Proposed Mezzanine Floor Plan- rev P06; - 20 Jan 2025.

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(531)2319-GWP-01-RL-DR-A-(PA)-0020_Proposed Roof Plan- rev P04; (531)2319-GWP-01-XX-DR-A-(PA)-0021_Proposed North Elevation- rev P03; (531)2319-GWP-01-XX-DR-A-(PA)-0022_Proposed East Elevation- rev P03; (531)2319-GWP-01-XX-DR-A-(PA)-0023_Proposed South Elevation- rev P03; (531)2319-GWP-01-XX-DR-A-(PA)-0024_Proposed West Elevation- rev P04 - 18 Dec 2024.

(531)2319-GWP-01-XX-DR-A-(PA)-0025_Proposed Section 1 - Musgrave Engine House- rev P06; (531)2319-GWP-01-XX-DR-A-(PA)-0026_Proposed Section 2 - Glazed Link Section- rev P04; (531)2319-GWP-01-XX-DR-A-(PA)-0027_Proposed Section 3 -Glazed Link through Vivian Section- rev P06; (531)2319-GWP-01-XX-DR-A-(PA)-0028_Proposed Section 4 -Vivian Engine House- rev P07 - 20 Jan 2025.

(531)2319-GWP-01-XX-DR-A-(PA)-0029_Musgrave Chimney Repairs- rev P02; (531)2319-GWP-01-XX-DR-A-(PA)-0030_Vivian Chimney Repairs- rev P03; (531)2319-GWP-01-XX-DR-A-(PA)-0031_Musgrave Engine House Condition & Repair- rev P04; (531)2319-GWP-01-XX-DR-A-(PA)-0032_Vivian Engine House Condition & Repair- rev P04; (531)2319-GWP-1D-XX-D-A-(PA)-0033_Proposed Hard Landscaping- rev P03; (531)2319-GWP-1D-XX-D-A-(PA)-0034_Proposed Hard Landscaping - Public Realm- rev P03; (531)2319-GWP-1D-XX-D-A-(PA)-0035_Proposed Hard Landscaping - Access Road and Footpath Interface- rev P03.

(531)2319-GWP-4A-XX-PP-A-V&M_DAS-P01_Design and Access Statement

(531)2319-GWP-4A-XX-PP-A-V&M_DAS_Addendum-P04

Musgrave and Vivian Engine Houses_Heritage Impact Statement_ rev P07

Structural Engineering Drawings and Reports

LSV-MWC-1D--01-DR-S-00.1300_D3_V&M Foundation GA - rev P5 to replace P1; LSV-MWC-1D-03-DR-S-00.1301_D3_V&M Upper Ground Floor GA - rev P4; LSV-MWC-1D-04-DR-S-00.1302_D3_V&M Mezzanine and Roof GA - rev P3; LSV-MWC-1D-XX-DR-S-05.0001-P1_Foul Drainage Layout; LSV-MWC-1D-XX-SK-S-910028-P2_Basement Opening Infills; LSV-MWC-1D-ZZ-DR-S-04.001-P2_V&M Detail Sheet 1; LSV-MWC-1D-ZZ-DR-S-04.001-P2_V&M Detail Sheet 2; LSV-MWC-1D-XX-SP-S-91.9000_D3_V&M Notes and Specification Sh. 1 of 2 - rev P2; LSV-MWC-1D-XX-SP-S-91.9001_D3_V&M Notes and Specification Sh. 2 of 2 - rev P2; LSV-MWC-1D-XX-R-S-910021-P2_Project 1 D RIBA 3 Report - rev P3; LSV-MWC-1D-XX-R-S-910022-P2_Project 1 D RIBA 3 Foundation Report - rev P6;

MEP Engineering Drawings and Reports

V&M Mechanical and Electrical Design Report

07241B-SDS-ZZ-ZZ-SY-ME-80851_Energy Strategy; 07241B-SDS-B1-00-DR-M-5550-01_Domestic Water Services Layout_Vivian Ground Floor - rev P04; 07241B-SDS-B1-00-DR-M-5550-02_Domestic Water Services Layout_Musgrave Ground Floor; 07241B-SDS-B1-00-DR-M-6040-03_Heating Services Layout_Vivian Ground Floor - rev P04; 07241B-SDS-B1-00-DR-M-6540-04_Ventilation Services Layout_Vivian Mezzanine Floor; 07241B-SDS-B1-00-DR-E-7080-16_Lighting Layout_Vivian Ground Floor; 07241B-SDS-B1-00-DR-E-7080-17_Lighting Layout_Musgrave Ground Floor; 07241B-SDS-B1-00-DR-E-7080-18_Lighting Layout_Vivian Mezzanine Floor; 07241B-SDS-B1-00-DR-E-7080-19_Lighting Layout_Musgrave Mezzanine Floor; 07241B-SDS-B1-00-DR-E-7080-20_Lighting Layout_Externals; 07241B-SDS-B1-00-DR-E-7030-01_Small Power Layout_Vivian Ground Floor - rev P03; 07241B-SDS-B1-00-DR-E-7030-02_Small Power Layout_Musgrave Ground Floor; 07241B-SDS-B1-00-DR-E-7030-03_Small Power Layout_Vivian Mezzanine Floor;

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07241B-SDS-B1-00-DR-E-7550-06_Fire Alarm Layout_Vivian Ground Floor; 07241B-SDS-B1-00-DR-E-7550-07_Fire Alarm Layout_Musgrave Ground Floor; 07241B-SDS-B1-00-DR-E-7550-08_Fire Alarm Layout_Vivian Mezzanine Floor; 07241B-SDS-B1-00-DR-E-7550-09_Fire Alarm Layout_Musgrave Mezzanine Floor; 07241B-SDS-B1-00-DR-M-6540-04_Ventilation Layout_Vivian
Soft Landscaping Drawings and Reports
CA12886 1D Vivian and Musgrave Engine Houses AIA_Arboricultural Impact Assessment
CA12886-008-C Tree Protection Plan (1D V&M Engine Houses) 2024-08-01
LSV-WAS-XX-XX-DR-L-00103- Vivian and Musgrave Engine Houses B_Landscape General Arrangement - rev E to replace application version
LSV-WAS-XX-XX-DR-L-00112- Tree Replacement 1D - rev C
Archaeological, Groundworks, Backfilling and Surface Water Drainage Drawings and Reports
323_2 MV SMR Interim Report_Archaeological Field Evaluation Strip Map Record
CA12875-0016 V0.1 - HIA Flue and Void tops - Final
CA12875-066-A - Indicative Design Sections
CA12875-068-A - Indicative Design Sections Plan
CA12879 LT-006 Site-Wide Backfilling Works Method Statement v2.0
CA12879 LT-007 Dewatering Method Statement Main Backfill Works
CA12879-009 - Void Mitigation Options Appraisal
CA12879-009 - Project 1D Phase 2 Ground Investigation Report v3.0 FINAL
CA12879-018 - 1D Geoenvironmental Desk Study Report v3.0 FINAL
CA12879-058 Main Backfill Works Dewatering Layout Plan
CA12879-059 Main Backfill Works Plan
CA12879-061-A Proposed Additional Site Investigation Works Arrangement Plan
CA12879-063 Project 1D Indicative Backfill Cross Section A-A
CA12881-010-F - Drainage Strategy Engineering Layout - rev F to replace rev D
CA12881-044-D - Simplified Drainage Strategy Engineering Layout - rev D to replace rev C
CA12881 Lower Swansea Valley Project 1D Drainage Strategy Tech Note - v3.0 to replace v1.0
Ecological Drawings and Reports
CA12826-PEAR - V1.0 FINAL_Preliminary Ecological Appraisal
CA12876-001 V1.0 - LSV - Project 1 & 2 - Bat Report - Nov 2023
CA12876-003 - V1.0 - LSV - Reptile Report - Nov 2023
CA12876 - 006 V2.0 - LSV - Project 1D Ecological Impact Assessment
Other Documents
LDM-JBAU-XX-XX-HM-0001-S3-P02-Engine_Houses_FCA_Flood Consequences Assessment
CA12874-003 Planning Statement Vivian and Musgrave Engine Houses
0001 CA12877 LSV Project 1D Noise (Feb 2024) FINAL
CA12881-045-A Highway and Drainage
Transport Statement
Updated Fire Strategy Report
LSV_Stakeholder Engagement Plan_V1.2
RIBA 3 Report_Stakeholder Engagement_1D_Update 25 07
SEP_Stakeholder Engagement_appendices

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

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- 3 Notwithstanding the submitted details, prior to the commencement (excluding any site preparation and enabling works) of the relevant part of the development, a detailed specification for, or samples of, the materials to be used in the construction of the external surfaces of the buildings hereby permitted shall be submitted to and agreed in writing by the Local Planning Authority. Development shall be carried out in accordance with the agreed details.

Reason: To ensure that the proposed materials of construction are appropriate for use on the development and to enhance and protect the visual amenity of the area in accordance with Swansea Local Development Plan 2010 - 2025 Policy PS2, HC1 and HC2.

- 4 Prior to the commencement of any external works to the Musgrave Rolls superstructure of the development, details at an appropriate scale of the following shall be submitted to and approved in writing by the Local Planning Authority:

- Details of railings and gates including mesh sides, fixings and ground works;
- Rolls cover materials and floor
- fixings;
- roof edges and ridges;
- rainwater goods

The development shall be carried out in accordance with the approved details.

Reason: In order to provide for an acceptable finish to the development in the interest of visual amenity in the surrounding area in accordance with Swansea Local Development Plan 2010-2025 Policy PS2, HC1 and HC2.

- 5 Prior to the beneficial occupation of any Class A3 unit within the development, a method of ventilation and fume extraction shall be submitted to and agreed in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details.

Reason: To prevent any nuisance from fumes and/or cooking odours to the occupiers of neighbouring premises and to assess the impact on the heritage asset in accordance with Swansea Local Development Plan 2010 - 2025 Policies PS1, HC1, HC2 and RP2.

Prior to the occupation of any part of the development, and notwithstanding the details indicated in the application, details of the refuse storage facility shall be submitted to and approved by the Local Planning Authority. The approved scheme shall be completed in accordance with the approved drawings and made available for its intended use prior to the occupation of any part of the development and shall thereafter be retained as approved in perpetuity.

Reason: In order to preserve the character and appearance of the building and to ensure that adequate refuse storage space is provided in accordance with Swansea Local Development Plan 2010 - 2025 Policies PS2, HC1, HC2 and RP10.

- 7 Notwithstanding the details in the application, and prior to their installation, further details of all public realm open space, shared access route and SUDs Features including finishes and specification shall be submitted to and approved in writing by the Local Planning Authority. The details shall be completed in accordance with the approved scheme.

Reason: In order to enhance the character and appearance of the area and listed structures in accordance with Swansea Local Development Plan Policies PS2, HC1 and HC2.

- 8 The development shall be accompanied by a scheme for display of permanent industrial heritage and archaeological interpretational at the site, in accordance with a research, materials, design and a long-term maintenance proposal. The scheme shall be submitted to and approved in writing by the Local Planning Authority and the approved scheme shall be displayed in the public realm of the site and should be integrated uniformly with the site's other public realm, design and landscape proposals and shall be installed within 6 months of practical completion of the development.
Reason: In order to raise public awareness and to allow interpretation of the industrial heritage and archaeological value of the site in accordance with Swansea Local Development Plan 2010 - 2025 Policies HC1 and HC2.
- 9 Notwithstanding the submitted details, prior to the commencement of any works to install the green roofs, a fully detailed scheme for the installation, including a planting schedule, management strategy and future maintenance and monitoring information of the green infrastructure shall be submitted to the Local Planning Authority for approval. The proposal shall include specification and full details of the implementation and maintenance of the green roof system including details of the support system, planting mix, window trims, edge trims, sensitive integration of base gutter depth of substrate, and any edge restraints/ systems for maintenance. Landscaping associated with the green roof shall thereafter be carried out prior to the first beneficial use of the development and maintained thereafter for the lifetime of the development in accordance with the approved strategy.
Reason: In order to conserve and enhance biodiversity and ecosystem resilience in accordance with Swansea Local Development Plan 2010 - 2025 Policies PS2, ER2, ER8 and ER9.
- 10 Notwithstanding the details in the application, prior to the construction of the link building, further details of how the link building plinth allows for future access to the steam pipe for the Musgrave engine shall be submitted to and approved in writing by the Local Planning Authority. The development shall be completed in accordance with the approved details.
Reason: In order to enhance the character and appearance of the area and listed structures in accordance with Swansea Local Development Plan Policies PS2, HC1 and HC2.
- 11 No surface water and / or land drainage shall be allowed to drain directly or indirectly to the public foul / combined 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 and in accordance with Swansea Local Development Plan Policy RP4.
- 12 No development shall commence until the following components of a scheme to deal with the risks associated with contamination at the site, has been submitted to and approved in writing by the Local Planning Authority.
1. A preliminary risk assessment which has identified:
 - all previous uses
 - potential contaminants associated with those uses
 - a conceptual model of the site indicating sources, pathways and receptors
 - potentially unacceptable risks arising from contamination at the site

2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

The remediation strategy and its relevant components shall be carried out in accordance with the approved details.

Reason: To ensure the risks associated with contamination at the site have been fully considered prior to commencement of development as controlled waters are of high environmental sensitivity; and where necessary remediation measures and long-term monitoring are implemented to prevent unacceptable risks from contamination in accordance with Swansea Local Development Policies RP4 & RP6.

- 13 Prior to the occupation of the development, a verification report, demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved in writing by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include a long-term monitoring and maintenance plan for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be carried out in accordance with the approved details.

Reason: To ensure the methods identified in the verification plan have been implemented and completed and the risk associated with the contamination at the site has been remediated prior to occupation or operation, to prevent both future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, and in accordance with Swansea Local Development Plan Policies RP4 & RP6.

- 14 Prior to commencement of the relevant part of the development, a Foundation Works Assessment detailing if any piling operations should be necessary, shall be submitted to and approved in writing by the Local Planning Authority. If any piling is required, plans of those piling operations or any other foundation designs using penetrative methods sufficient to demonstrate that there is no unacceptable risk to groundwater have been submitted to and approved in writing by the Local Planning Authority. The piling/foundation designs shall be implemented in accordance with the approved details.

Reason: To ensure that any piling/foundation works do not present an unacceptable risk to groundwater during construction and methods/design are agreed prior to the commencement of development in accordance with Swansea Local Development Plan Policies RP4 & RP6.

- 15 A flood management plan shall be submitted to and approved in writing by the Local Planning Authority prior to the beneficial occupation of any part of the development commencing. The plan shall include flood warning, emergency access/evacuation arrangements and clear responsibilities. The agreed plan shall be communicated to all occupiers of the proposed development, in accordance with details to be agreed by the Local Planning Authority prior to the beneficial occupation of any part of the development commencing.
Reason: To ensure safe evacuation in the event of a potential flood risk in accordance with Swansea Local Development Plan 2010- 2025 Policy RP5.
- 16 Prior to the commencement of any part of the development, including any excavation or site clearance works, other than trees and vegetation removal already agreed, a Construction Environmental Management Plan (CEMP) detailing all necessary pollution prevention measures for the construction phase of the development shall be submitted to and approved in writing by the Local Planning Authority. The approved statement shall be adhered to throughout the construction period. The CEMP shall include:
- Construction methods: details of materials, how waste generated will be managed;
 - General Site Management: details of the construction programme including timetable, details of site clearance; details of site construction drainage, containments areas, appropriately sized buffer zones between storage areas (of spoil, oils, fuels, concrete mixing and washing areas) and any watercourse or surface drain.
 - Biodiversity Management: details of tree and hedgerow protection; species and habitats protection, avoidance and mitigation measures.
 - Soil Management: details of topsoil strip, storage and amelioration for re-use.
 - CEMP Masterplan: details of the extent and phasing of development; location of landscape and environmental resources; design proposals and objectives for integration and mitigation measures.
 - Control of Nuisances: details of restrictions to be applied during construction including timing, duration and frequency of works; details of measures to minimise noise and vibration from piling activities, for example acoustic barriers; details of dust control measures; measures to control light spill and the conservation of dark skies.
 - Resource Management: details of fuel and chemical storage and containment; details of waste generation and its management; details of water consumption, wastewater and energy use
 - Traffic Management: details of site deliveries, plant on site, wheel wash facilities
 - Pollution Prevention: demonstrate how relevant Guidelines for Pollution Prevention and best practice will be implemented on site, including details of emergency spill procedures and incident response plan. Site specific pollution sensitive receptors should be identified and their risks, and the methods of mitigation should be identified, including all measures that will be put in place to prevent any pollution that may be caused, including but not limited to exposure of contaminated land and silt-contaminated rainwater leaving the site. A water quality monitoring plan for watercourses should be developed and implemented for the duration of the excavation/construction phase.
 - Details of the persons and bodies responsible for activities associated with the CEMP and emergency contact details

- Landscape/ecological clerk of works to ensure construction compliance with approved plans and environmental regulations.

Reason: In order to ensure management measures to prevent pollution of controlled waters and the wider environment are agreed prior to commencement of development and implemented for the protection of the environment during construction in accordance with Swansea Local Development Plan 2010-2025 Policies PS2 & RP4.

- 17 Prior to the occupation of any part of the development, a Landscape and Ecological Management Plan (LEMP) for the site shall be submitted to and approved in writing by the Local Planning Authority. This site-specific document must outline processes and instructions to manage and monitor the site, and its operations after development, in such a way so as to protect and enhance the biodiversity and ecology of the site. In particular, the methods regarding the following species shall be detailed: bats, nesting birds, badger, hedgehog, otter, reptiles & amphibians. Toolbox talks should be given to all site operatives prior to commencement of the development, detailing the potential for protected species on site, the mitigation measures in place and the procedures to follow should any be discovered.

Reason: In order to protect the biodiversity and ecology of the site in accordance with Swansea Local Development Plan Policies ER2, ER8 and ER9.

- 18 Prior to the commencement of development on any relevant part of the site, an Invasive Non-Native Species (INNS) Method Statement shall be submitted to and approved in writing by the Local Planning Authority. The statement shall specify the methods of avoidance, containment or removal in order to avoid the spread of INNS during construction works. The development shall thereafter be undertaken in accordance with the approved INNS Method Statement.

Reason: In the interests of the ecology and amenity of the area and in accordance with Swansea Local Development Plan 2010 - 2025 Policy ER9.

- 19 Due to the potential use of the Musgrave Engine House by nesting barn owl, no works to the Musgrave Engine House shall commence within the bird nesting season (late February-early September) unless the building is confirmed by a suitably qualified ecologist to not be in current use by nesting barn owl. If barn owl are nesting, the active nests will be left in situ and undisturbed until the chicks have fledged or the nest is no longer active.

Reason: In the interests of biodiversity to provide Ecological Enhancement Measures in line with Policy ER 9 of the Swansea Local Development Plan, Policy 9 of Future Wales The National Plan 2040 and Supplementary Planning Guidance document entitled 'Biodiversity and Development'.

- 20 The ecological enhancement features outlined in the Ecological Impact Assessment shall be fully provided no later than 6 months within the completion of the development and shall be retained as such in perpetuity.

Reason: In the interests of biodiversity to provide Ecological Enhancement Measures in line with Policy ER 9 of the Swansea Local Development Plan, Policy 9 of Future Wales The National Plan 2040 and Supplementary Planning Guidance document entitled 'Biodiversity and Development' and in line with the Section 6 Duty of the Environment (Wales) Act 2016, the Resilient Wales Goal of the Well-being of Future Generations Act 2015, Planning Policy Wales Edition 12, Future Wales and Technical Advice Note 5.

- 21 Prior to the beneficial occupation of any part of the development, a sensitive lighting strategy, designed to ensure that the habitats adjacent to the site/bat enhancement features are not lit during the operation phases of the development shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall outline avoidance of impacts of lighting on bats and other nocturnal species. The development shall be carried out in accordance with the approved details.
Reason: In the interests of biodiversity and to provide a net benefit to biodiversity in accordance with Policy 9 of Future Wales and ER 9 of the Swansea Local Development Plan (2010-2025).
- 22 Prior to the beneficial occupation of any part of the development, an Access Management Strategy shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with the approved Access Management Strategy for the lifetime of the development or equivalent approved document.
Reason: To ensure the management and movement of emergency vehicles, service vehicles and delivery vehicles related to the development to ensure safe access to the site for staff and visitors, including disabled people, pedestrians and cyclists in accordance with Swansea Local Development Plan Policies T1 and T5.

Informatives

- 1 The national development plan is Future Wales: The National Plan 2040. The following policies were relevant to the consideration of the application:

Policy 1 - Where Wales Will Grow

Policy 2 - Shaping urban growth and regeneration - Strategic placemaking

Policy 9 - Resilient ecological networks and Green infrastructure

Policy 28 - National Growth Area - Swansea Bay and Llanelli

The development plan covering the City and County of Swansea is the Swansea Local Development Plan. The following policies were relevant to the consideration of the application:

- PS 2 - Placemaking and Place Management;
- SD L - Tawe Riverside and Hafod Morfa Copperworks;
- HC 1 - Historic and Cultural Environment;
- HC 2 - Preservation or Enhancement of Buildings and Features;
- SI 1 - Health and Well-being;
- SI 2 - Providing and Safeguarding Community Facilities and Locally Important Uses
- SI 8 - Community Safety
- RC 8 - Commercial Development within Strategic Development Areas
- ER 1 - Climate Change;
- ER 6 - Designated Site of Ecological Importance;
- ER 8 - Habitats and Species;
- ER 9- Ecological Networks and Features of Importance for Biodiversity;
- ER 11 - Trees, Hedgerows and Development;
- TR 1 - Tourism, Recreation and Leisure Development
- T 1 - Transport Measures;
- T 2 - Active Travel;

- T 5 - Design Principles for Transport Measures and Infrastructure;
- T 6 - Parking
- RP 1 - Safeguarding Public Health and Natural Resources;
- RP2 - Noise Pollution;
- RP4 - Water Pollution and the Protection of Water Resources
- RP 5 - Avoidance of Flood Risk.
- RP6 Land Contamination.

2 Bats may be present. All British bat species are protected under Schedule 5 of the Wildlife & Countryside Act 1981 (as amended) and are listed in Schedule 2 of the Conservation of Habitats and Species Regulations 2017. This legislation implements the EC Habitats & Species Directive in the UK making it an offence to capture, kill or disturb a European Protected Species or to damage or destroy the breeding site or resting place of such an animal whether a bat is present at the time or not. It is also an offence to recklessly / intentionally to disturb such an animal.

If evidence of bats is encountered during site clearance e.g. live or dead animals or droppings, work should cease immediately and the advice of the Natural Resources Wales sought before continuing with any work (0300 065 3000).

3 Birds may be present in this building and grounds please note it is an offence under the Wildlife & Countryside Act 1981 (as amended) to intentionally (intentionally or recklessly for Schedule 1 birds) to:

- Kill, injure or take any wild bird
- Take, damage or destroy the nest of any wild bird while that nest in use or being built
- Take or destroy an egg of any wild bird

No works should be undertaken between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check for active birds' nests either in vegetation or buildings immediately before the vegetation is cleared and/or work commences on the building to ensure that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site.

4 Under the provisions of Schedule 3 of the Flood and Water Management Act 2010, your development may require Sustainable Drainage Approval before any construction work commences. Further details can be found on the Authority's website:- <https://www.swansea.gov.uk/sustainable Drainage> and the SuDS Approval Team can be contacted via SAB.Applications@swansea.gov.uk for further advice and guidance.

5 Any works in, under, over or within 8m from the River Tawe, which is designated as a main river at this location, will require a flood risk activity permit from Natural Resources Wales under the Environment Permitting Regulations (England and Wales) 2016. We suggest that you check whether you need a Flood Risk Activity Permit (FRAP) - Natural Resources Wales / Check if you need a flood risk activity permit (FRAP). You should be advised that, in addition to planning permission, it is your responsibility to ensure that you secure all other permits/consents relevant to the development.

- 6 Badgers and their setts are protected under The Protection of Badgers Act 1992. It is an offence to:
- Kill, injure or take a badger;
 - Damage, destroy or obstruct access to a badger sett; and
 - Disturb a badger when it is occupying a sett.
- If evidence of badgers is encountered during development, work must cease immediately and the advice of a suitably qualified ecologist or NRW sought before continuing with any work (0300 065 3000).
- 7 There is the potential for hedgehogs to be present in the area. Hedgehogs are protected under Schedule 6 of The Wildlife and Countryside Act 1981 (as amended), which prohibits killing and trapping by certain methods. They are also listed on Section 7 of The Environment (Wales) Act 2016. This is a list of the living organisms of principal importance for the purpose of maintaining and enhancing biodiversity in relation to Wales.
- 8 Reptiles & amphibians may be present. All British reptile & amphibian species are protected under Schedule 5 of the Wildlife and Countryside Act 1981 (as amended). It makes it an offence to intentionally kill or injure these species. If widespread reptile/amphibian species are encountered (common lizard, slow worm, adder, grass snake, common frog, common toad, smooth newt, palmate newt), they should be allowed to move away from the works on their own. An ecologist should be contacted if assistance is required to locate reptiles/amphibians to a suitable habitat.
- 9 Otters may be present. Otters are protected under Schedule 5 of the Wildlife & Countryside Act 1981 (as amended) and Schedule 2 of The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019. This legislation implements the EC Habitats & Species Directive in the UK making it an offence to capture, kill or disturb a European Protected Species or to damage or destroy the breeding site or resting place of such an animal. It is also an offence to recklessly / intentionally to disturb such an animal.
- 10 It is an offence to plant or otherwise cause to grow in the wild any plant species listed on Schedule 9 of The Wildlife and Countryside Act 1981 (as amended) or Schedule 2 of The Invasive Alien Species (Enforcement and Permitting) Order 2019. These include species such as Japanese knotweed, Himalayan balsam, Rhododendron ponticum and Montbretia.

Planning Committee - 4th February 2025

Item 2

Application Number:

2024/1662/LBC

Ward:

Landore - Area 1

Location: Vivian And Musgrave Engine Houses , Landore, Swansea

Proposal: Redevelopment of listed Vivian and Musgrave Engine Houses and Chimneys, including restoration and intervention works, a new link building, a flexible D1, A1, A2, A3 use as well as associated works including hard and soft landscaping, drainage and a new access road to the site (application for Listed Building Consent)

Applicant: Swansea Council



APPRAISAL

Procedural Issue

This application is being reported to Planning Committee for decision as the Planning and City Regeneration division is both the applicant and the regulatory body, and therefore the listed building application cannot therefore be determined via Delegated Powers.

This requirement to refer to Committee is due to Section 106 of the Historic Environment (Wales) Act 2023.

It should be highlighted that this application is for listed building consent only. An associated full planning application has been submitted and is currently being considered (Ref: 2024/1655/FUL).

Proposal

The proposals include the restoration of the Vivian and Musgrave Engine Houses as well as the construction of a new link building which will connect the two engine houses. The Vivian Engine House will be redeveloped to a shell and core standard to maximise potential of the building for future tenants which could entail food and beverage use or shops. The Musgrave Engine Houses will solely be an area of exhibition and display for the original Musgrave Engine. As such, this planning application seeks permission for a flexible A1, A2, A3, D1 use.

The Vivian and Musgrave Engine Houses are surviving buildings of the former Hafod and Morfa Copperworks. Due to the historic industrial character of the Hafod and Morfa Copperworks, within the Site, there are several statutory listed historic assets including Vivian Engine House (Cadw reference 11695), Chimney west of Vivian engine house (Cadw reference 11696) and the boundary wall of former Hafod Copperworks canal docks (Cadw reference 16881) which are all Grade II listed buildings. In addition, the Musgrave Engine house and chimney is a Grade II* listed building (Cadw reference 11697) and a Scheduled Monument (Cadw GM483). In addition, to this application for listed building consent, as the Musgrave Engine House is a Scheduled Monument, an application for Scheduled Monument Consent has also been submitted to Cadw for consideration.

Swansea Council has been awarded a UK government Levelling Up Fund to regenerate the Hafod Morfa Copperworks area, promote connectivity between the copperworks and the city centre. Together these works are referred to as the 'Lower Swansea Valley (LSV) Levelling Up Project'. As such, the proposals for the regeneration of the Vivian and Musgrave Engine Houses benefit from Levelling Up Funding.

The application is accompanied by a Heritage Impact Assessment (HIA) which sets out the heritage significance of the Vivian and Musgrave Engine Houses and Chimneys and sets it in context. It considers the current proposals and evaluates the heritage impact that these would have and where appropriate identifies potential mitigation.

Proposed Development

Vivian Engine House

Works to the Vivian Engine House comprise the redevelopment of the building into a mixed-use space comprising a flexible A1 (Shops), A2, (Financial and Professional Services), A3(Food and Drink) and D1 (Non-residential Institutions) use. Indicative layouts for a café within the Vivian Engine House have been submitted showing a mezzanine floor providing a new first floor level in the building.

The mezzanine would be accessed via stairs or an internal platform lift (however, the internal platform lift is not to be provided as part of the shell and core finish and may be installed by a future tenant). Access to the Vivian Engine House will be obtained via the new glazed extension as well as the original stepped access point on the west elevation. Repair works will also be undertaken to the Vivian Chimney.

Musgrave Engine House

Works to the Musgrave Engine House involve restoration works to the building and the external rolls. The Musgrave Engine, which is one of the last remaining engines of its kind and therefore of national importance, remains in situ within the building. Once the Musgrave Engine House is restored and this proposed development is complete, the engine house will be opened to the public for viewing. During this time period, the Musgrave Engine will be worked on and restored by the Friends of the Hafod Copperworks group. The Musgrave Engine House will therefore have a Use Class D1 use (Non-Residential Institutional).

Externally, the rolls serving the Musgrave Engine will also be restored by the Friends of the Hafod Copperworks. A canopy to cover the external rolls is proposed to protect and preserve the asset from adverse weather conditions. Repair works will also be undertaken to the Musgrave Chimney.

Link Building

A new link building will be constructed to adjoin the Vivian and Musgrave Engine Houses. The new extension will provide an internal connection between the two engine houses and create a new flexible space and additional seating area (dependent on the future tenant). The design of the glazed extension has been thoroughly explored to ensure that its massing, scale and form is subservient to the Vivian and Musgrave Engine Houses and its material and appearance compliment the industrial character of the area. The link building will be finished to a shell and core standard to ensure flexibility for future tenants.

The exterior of the extension will predominantly be glazed with corten steel cladding panels and a shallow pitched, sedum roof. The extension will be accessible from several points:

- Access on the north elevation is achieved via a raised walkway;
- Access on the east elevation is achieved via a platform lift, or stepped access;
- Access of the west elevation is achieved via stepped access. There is also potential for a platform lift to be included on the west elevation in future.

Response to Consultations

The application was advertised in accordance with the Planning (Listed Buildings and Conservation Areas) (Wales) Regulations 2012 by press notice and display of site notices. No response.

Historic Buildings and Places

Thank you for notifying Historic Buildings and Places of the above application. We have reviewed the submitted documentation and consulted our colleagues at the Association for Industrial Archaeology. HB&P do not wish make any comments on this occasion. We defer to the specialist advice of your Authority's Conservation Officers to determine the application in accordance with local and national policy.

Placemaking and Heritage Team Consultation

The Councils Placemaking and Heritage Team Lead officer has been involved throughout the pre-application process and has carefully assessed the final proposals and have provided the following detailed supportive comments.

Introduction

These applications relate to multiple designed heritage assets within a regeneration area as defined in the Swansea Local Development Plan.

The Musgrave Engine House was grade II listed by Cadw in 1980 for its importance as a rare engine house with in situ Musgrave Uniflow stationary steam engine and for group value with the listed buildings of the former Hafod and Morfa copperworks.*

The Musgrave Engine House with unique in situ stationary steam engine, external reversing clutch, copper plate rolls and surrounding area was designated as a Scheduled Monument by Cadw in 1995 with the statement that this monument is of national importance for its potential to enhance and illustrate our knowledge and understanding of the development of the copper working industry in Wales. It retains significant archaeological potential, with the strong possibility of the presence of associated archaeological features and deposits. A Musgrave engine and rolling mills may be part of a larger cluster of industrial monuments and their importance can further enhanced by their group value.

The Vivian Engine House was grade II listed by Cadw in 1987 for its rarity as a copper works engine house and for group value with the listed buildings of the former Hafod and Morfa copperworks. There is no in situ machinery within this engine house.

The Vivian Chimney was grade II listed by Cadw in 1987 as an impressive Victorian industrial chimney and for group value with the listed buildings of the former Hafod and Morfa copperworks. This chimney was part of a boiler house complex that was demolished when the works closed.

Adjacent to the application area outside the red line boundary is the River Tawe quay wall which was grade II listed by Cadw in 1996 as an early industrial river quay and for group value with the listed buildings of the Hafod and Morfa copperworks.

The copperworks area is designated in the Swansea LDP as an archaeologically sensitive area.

Section 96 of the Historic Environment (Wales) Act 2023 sets out the statutory requirement that in considering whether to grant listed building consent, a planning authority must have 'special regard to the desirability of preserving the listed building to which the application relates, the setting of the building, and any features of special architectural or historic interest the building possesses'. Paragraph 5.13 of TAN 24: The Historic Environment provides further explanation of the considerations including the importance of the building; its particular physical features; its setting; the impact of the proposed works on the significance for the building; and the potential community/regeneration benefits. This is mirrored in Policy HC2 of the Swansea LDP.

Previously the roofs and upper structures of both engine houses were reconstructed. For Vivian Engine House see 2019/1536/LBC, the works to Musgrave Engine House was under Scheduled Monument control. This has safeguarded the structures, but both remain at risk with no current use.

The river quay wall has an edge railing for safety and floating pontoon for river boat use installed under 2022/1700/LBC and this included repairs to the masonry river wall structure.

The site includes a range of above and below ground features that meet the tests as contiguous elements joined to the main listed buildings or curtilage listed features. These are identified in the comments.

The Scheduled Monument status of the Musgrave Engine House takes precedence over the grade II listed status which means that the alterations to this engine house and immediate external area are controlled by Cadw with additional controls on external works via Local Planning Authority Planning.*

Proposals

The proposals are planning and listed building consent applications for a heritage led destination that activates the river frontage with commercial activity and allows for restoration of the Musgrave Uniflow stationary steam engine. The works include full restoration of the exterior of both engine houses, a new link building for commercial uses with associated ground works, public realm, shared access route, associated surface water drainage features. The placemaking and heritage aspects proposals are assessed in a structured manner in the following comments.

Vivian Engine House works

The approved works under 2091/1536/LBC restored the Vivian Engine House roof structure including repair of metal trusses, reinstatement of the roof covering and the reconstruction of gables and upper walls including high level round windows. No repairs were undertaken to lower walls and the window openings with no frames are covered by security shutters. Internally there is no remaining machinery, and the engine floor is raised above external levels with metal floor grills covering deep basement voids. On the inner face of the west gable is the remains of a metal access ladder and at high level a pipe remains drops down in the southeast corner.

The previous works included installation of new timber window frames in the high-level round window openings. The proposal is now to install replacement windows in all remaining side openings which includes removing brick infills to one round window opening per side. It is also proposed to reopen the blocked west window above the original entrance doors and one of the lower south openings. This can be mitigated via recording and is acceptable to reinstate a positive original feature.

The proposed timber window frame designs are based on record information in relation to the large side windows, this comprises top hung casements split into 4 panes and a grid of 2 by 2 fixed panes below. The glazing is proposed to be slim profile double glazing and the frames painted to match the record colours when the works were last operational. Where the replacement timber windows become internal to the link building wrapping around the east and south elevations, these openings are proposed to be upgraded to 30 minutes fire protection by means of secondary internal glazing with fire rated glass and aluminium frames that are openable for maintenance and cleaning. This is acceptable in principle to facilitate the reuse and large scale details of these new windows can be agreed via condition. Similarly, the proposal is to replicate the missing west entrance doors which would be based on record photos. These were timber and are proposed to be replaced to match in steel for security. Again, this is acceptable in principle with detail agreed via condition.

The proposals are also to block one of the currently open mid-level window on the south elevation for the proposed link building roof to cut across. There is clearly a character of blocked openings to this building and this is acceptable with the detail agreed via condition.

The elevations show the existing roundel windows in the gables to be altered to high level vents for air circulation within the openings. This is acceptable for reuse as an industrial feature but there is no detail of the vents and whether the existing timber frames would be adapted. Therefore this aspect must be controlled via condition.

The proposals include full like for like repair of external masonry with a schedule of stone repairs, repointing and treatment/ removal of embedded metal items. This is acceptable and can be controlled via a method statement condition.

The south and east elevations would be covered by the proposed link building with approximately half the height of these elevations becoming internal to the new space. This is welcomed to provide a modern setting reference to the sheds that covered much of the copperworks site covering the rolling mill areas and acknowledges that the current setting and interpretation of the engine houses lacks context.

The abutment of the proposed link building roof will interface with the Vivian engine house. A sketch detail has been provided to confirm that there is no structural loading onto the historic masonry with the link building supported by new inner columns set away from the historic masonry. There is a glazed slot proposed at all roof and vertical interfaces. The detail shows a glazing gasket allowing for settlement of the link building. This would be covered by lead flashing cut into existing mortar joints and no new chase formed. The masonry is not coursed so the lead flashing will be stepped following existing mortar joints. At the vertical interfaces the flashing cover is suggested to be separate soakers for each horizontal joint. This is acceptable in principle with detail to be controlled via condition.

Externally a plinth is proposed to raise the link building up circa 2m to align with the engine floor level which would cover the lower areas of south and east elevation of the Vivian Engine House. There would be no direct contact between the plinth structure offset from the existing masonry to leave a movement and ventilation zone. The areas of existing stonework that would be covered do not hold features of high significance and can be fully recorded before works. The full height of the west and north elevations remain visible.

Internally the proposals in relation to the Vivian Engine House are for shell and core works includes a new mezzanine floor and internal stairs. The supporting information explains that the internal space has been tested to allow flexibility for future fit out for future use scenarios including café, visitor centre and full service restaurant including lift, toilets, kitchen etc which would be subject to a separate future listed building consent application.

The internal walls are a mixture of cement render and exposed stonework. The proposal is to remove remaining render, localised masonry repairs and repoint as necessary using lime mortar and leave the walls uncovered to aid drying out. This is acceptable to remove inappropriate finishes and to allow the walls to breathe. The detail of this work can be agreed via a method statement. Future wall finishes which may include internal insulation would require a further listed building consent application.

The proposed first floor mezzanine would be supported on new steel beams set into masonry pockets on pad stones which is acceptable subject to a structural method statement. This covers approximately three quarters of the internal plan leaving the east entrance end full height to underside of roof. The level of the mezzanine would allow high level views out of roundel windows and close proximity to the overhead crane track. The new stairs to access this area are shown indicatively and annotated to be free standing fixed to the floor and new steel beams not fixed into the historic fabric. The location for a potential future lift is annotated but not proposed as part of the current application. There are no details of the materials or character for the mezzanine, balustrade or new stairs, so these must be agreed via condition.

The existing internal ladder on the inner south west corner is proposed to be retained under current proposals but may be removed in future with further consents for the lift if installed. The existing pipe on the inner south east corner potentially associated with the use of the building for air compressors is confirmed to be retained, conserved and decorated.

The floor within the Vivian Engine House is a mixture of damaged terracotta tiles and concrete with significant deep voids covered by metal grills. The proposal is to retain the current floor structure and to lay a new slab over the entire internal space covering the voids. This is acceptable to facilitate new uses but will require details of new slab transitions at entrances which can be addressed via conditions. The basement void areas are known to fill with ground water that cannot be stopped so this area will require ventilation to address mould and condensation, plus access for inspection and maintenance. This is shown in the proposals utilising existing lower openings above the backfill level for ventilation and access hatches for inspection and maintenance are shown in the proposed new floor slab.

As part of the proposed filling of ground voids the proposal is to block the below ground openings to the Vivian Engine House using pre-cast concrete panels. These would be rested against the masonry and held in place by the external backfill. However it is not clear how the covering of the below ground openings, filling of voids and backfilling will affect how water collects and moves around the site including the basement. It may be necessary to design the ground works to not restrict the current water movements which will need to be resolved via condition.

The proposed foul drainage strategy for the Vivian Engine House is for the waste connections for the future toilets and kitchens to pass through the new floor slab into basement voids then run to an external pump located below the north access ramp. The foul water would then be pumped along the route of the new shared access route to an existing manhole connection in the vicinity of the P+R entrance road. This will require excavation of circa 150m within the archaeological sensitive area which will require a written scheme of investigation via condition and may require a change of route if significant features are uncovered.

The proposals include service connections for heating/ cooling, power, water and data all entering the Vivian Engine House at the west end of the north elevation to have meters etc below the proposed internal stairs. Internal lighting is also proposed. These details are unresolved and will require resolution including details of holes through the masonry via condition.

Overall the proposals for the Vivian Engine House are considered to be positive change to bring this vacant listed building at risk back into use. The restoration elements of work are heritage led and whilst the new internal elements do subdivide the space, they are considered to be both contemporary and sensitive. Much of the detail will need to be agreed via condition.

Ground works

The ground investigation archaeological strip, map and recording works undertaken during 2024 revealed significant features including rolling mill foundations, annealing furnace bases, hot gas flues, chimney bases, drive shafts, machine bases, ground tanks and other features. The extent of features was unexpected, and it appears that the works flooring was metal sheets which were removed for scrap when the works closed leaving sub floor features that have now been uncovered.

The nature of the copperworks archaeology that has been uncovered which is friable and heat damaged means that it will deteriorate if left exposed to the elements so must be recorded and reburied for protection. Furthermore, some of the features are deep and holding ground water that refills when pumped out. The recording, dewatering and reburying is acceptable on the basis that the digital recording and interpretation report to professional standards will be placed on the public record and will also inform the interpretation features on site.

Cadw have confirmed that the Scheduled Monument boundary covering the external area around the Musgrave Engine House will not be amended at the current time and that contiguous features of the Musgrave plate rolling mill outside the Scheduled Monument boundary come under Local Planning Authority control as via Listed Building Consent and Planning Consent within an Archaeologically Sensitive Area.

The archaeological features including the rope drive wheel pit, inner and outer sheet rolls trenches are directly connected via substantial masonry to the Vivian Engine House so have grade II listed status. Other features such as annealing furnace bases and hot gas flues are clearly ancillary to the rolling process so meet the legal tests set in Section 76 (5) of the Historic Environment (Wales) Act 2023 to be curtilage listed with the same grade II status.

The proposed link building and associated terrace would be located between the engine houses above this area of archaeological significance. The nature of the proposals to join the engine houses and activate the river frontage means that the link building cannot be located elsewhere on site to avoid the archaeology.

The supporting documentation explains the foundation options for the link building considered and discounted. Piled foundations are discounted due to the risk of damaging the archaeology and risk of puncturing the high water table that is present on site. Point loaded foundations spanning areas of archaeology are discounted due to risk of differential settlement affecting the new building and damaging archaeology. The reuse of existing foundations and ground features is discounted because these are not consistent and of unknown strength. Therefore, the only viable foundation proposal as explained in the supporting documentation is a raft slab over backfilled archaeology which places the link building and terrace on separate rigid bases to spread the loading which manages the risk of settlement. This is confirmed as the only viable foundation design and this requires the archaeology to be backfilled to a level plateau. The proposed link building is single storey and has been designed to have a ground loading over the raft slab similar the loadings of temporary buildings in order not to crush the archaeology.

The trial that is underway of localised engineered backfill consented approved under 2024/1981/LBC will not change the raft slab foundation design which is explained as the only viable option, instead this is to monitor the extent of settlement which informs the design parameters for movement joints at interfaces with the engine houses.

To prepare the archaeological area for the raft foundation of the link building, the proposal is to install a backfilled plateau. This follows the same approach agreed for the trial backfill area, starting by pumping out the areas of water, then archaeological recording, then covering the archaeological features with a geo synthetic membrane, then backfilling in a controlled manner with aggregate distributed from bags off a HIAB crane and compacted in stages with archaeological regular checks to ensure no damage to the archaeology to a level above the higher features. The backfilling is considered to be acceptable in principle as the only means to develop the site and will require archaeological monitoring and the contractor method statement to be agreed via condition.

The current listed building consent application has been amended to include bore holes within the area of curtilage listed features outside of the Scheduled Monument Boundary to allow investigation of underlying ground conditions to inform settlement allowances. This requires the backfill outside the Scheduled Monument Boundary to be in place to bring machinery to required location. The proposed bore holes are carefully located with archaeological advice in areas of lower archaeological significance. This is acceptable subject to archaeological recording and agreement of a contractor method statement via condition.

The backfilling requires localised removal of void tops to allow for consistent compaction of material and to reduce the risk of material collapsing or falling into voids. Some of the voids are within the Scheduled Monument area where consent rests with Cadw, the other voids located outside this area are covered by listed building consent and are addressed below.

The southern extent of the Vivian inner rolls is covered by structures creating voids in two areas - this feature is connected to the Vivian Engine House so meets the test to be part of the listed building.

- The north part of this rolls trench close to the Vivian Engine house has an intact linear base of a continuous furnace that was used to heat the copper sheets during the rolling process. This feature is of high significance and the proposal is to retain this in situ over the earlier roll trench, to vacuum excavate the debris from below and to fill the void using foamed concrete. The use of foamed concrete is not reversible and it is unclear if this will affect the way that ground water moves around the site. The supporting information for the ground works indicates that the measures to support this void will be reviewed further and this therefore must be agreed via LBC condition.*
- The south part of this rolls trench is spanned by a later concrete slab of unknown function that is of lower significance. This is proposed to be removed in full to allow this void to be filled which is acceptable subject to archaeological recording.*

The annealing furnace hot gas flues that have been uncovered meet the test to be curtilage listed. Many of these are open channels with the arched tops already missing. There are however a some areas where sections of the shallow arched flue tops remain in poor condition. The supporting information explains why these arched tops to the flues cannot be remained and cannot be infilled, resulting in the proposal to fully record and then remove the arch tops to create open channels for backfilling.

This is considered acceptable to regenerate the site and in addition to the recording, there is an opportunity to recreate profile of recorded shallow arch hot gas flue as interpretation feature possibly in public realm or brick retaining walls which can be agreed via condition.

Another area of voids proposed to be opened up includes lifting metal floor plates with unknown features below. This area lies just outside the Scheduled Monument boundary and will require further investigation and archaeological recording. The metal floor sheets are known to be a feature of the rolling mill sheds and this can be interpreted using surface features required via condition.

The elements of void covering features proposed to be removed does not harm the character and special interest of the main listed buildings and can be mitigated via recording to an agreed standard and referencing via on site interpretation to be agreed via condition. The removal of void covering features is not considered to be substantial demolition as referenced in the 2021 notification letter in respect to The Planning (Listed Buildings and Conservation Areas) (Wales) Amendment Regulations 2021 so does not trigger the requirement for this listed building consent application to be determined by Welsh Government Planning Division.

There is potential for further discoveries during the works to address the voids, these will require recording and may require a change of approach to the ground works depending on significance which can be addressed via condition. If there are changes to the above ground structures then this may require a new or amended application.

There is a cast iron spoked feature that has been uncovered in the east of the site which may be a drive wheel cast by the Neath Abbey Ironworks that has been reused laid flat as machinery base or pivot point. This was originally proposed to be lifted to be on display as a surface feature within public realm but would have been damaged in this process and would lack authenticity. Therefore' the proposal is now to leave this feature covered in situ with recording and to replicate as a new surface feature in the public realm with interpretation which is welcomed.

The SUDs proposals generally show the drainage elements above the level of archaeological features, however in the south of the public realm area adjacent to the river path, the drawings show an attenuation tank and hydrobreak chamber in the ground. This proposes the use of deep voids identified during the archaeological investigations and are suggested to be features of lower significance. They are predominantly located within the Scheduled Monument boundary with an element within the curtilage listed area. This is considered acceptable on balance from a listed building perspective subject to archaeological recording of excavations and agreement of method statements.

Link building

The single storey link building is proposed to join the Musgrave and Vivian Engine houses and activate the south facing space onto the River Tawe. It is proposed to be a free standing not supported by the engine houses and would be raised on a terrace approximately 2m above the existing ground level to match the engine floor levels within the existing buildings.

The link building will enclose sections of the engine house elevations. This references the original copperworks built form where the rolling mills and working areas were covered by wide span single storey steel frame structures clad in sheeting abutting the engine houses.

The sheds were demolished upon closure of the works leaving the engine houses incongruous setting. Therefore, the proposed link building between the engine houses and the proposed Musgrave rolls cover reinstates a traditional relationship in a clearly contemporary manner.

The link building has been designed to be a clearly contemporary addition that is subservient to the form and scale of the engine houses. The roof form slopes at different angles to work with the windows of the engine houses with a green roof covering. The roof interfaces with the engine houses have been carefully located to avoid cutting across all but one of the existing windows. The sections of the engine houses masonry and windows where the new structure abuts becomes an internal wall within the link building. The link building elevations are highly glazed allowing expansive views out, with good levels of natural lighting for the internal spaces and openable high-level windows for natural ventilation. There are various doors providing access to the link building and internally the space is flexible for the range of proposed uses such as visitor centre, café, restaurant within the use classes proposed. The structure of the link building is expressed internally with a steel frame industrial aesthetic. The exterior of the link building has feature soffit and mullions in corten steel which has a rusty oxide red/brown appearance drawing inspiration from the industrial features across the site. The proposed extensive sedum roof provides green infrastructure benefits and is offset from the masonry of the engine houses by a narrow glazed link.

The plinth raised circa 2m above existing ground level and is proposed to be faced in brickwork drawing inspiration from former structures on site. This is founded on the raft slab and built up using concealed columns and beams internally to give a void below the link building floor. This allows for ventilation of the covered basement masonry to the engine houses and incorporates space for a hidden drainage attenuation tank below the terrace. It is not clear how the terrace and void below allows for access to the steam pipe to the Musgrave Engine steam pipe for restoration operation and this must be agreed via condition. To the south, the plinth supports an external raised 2m above the public realm levels as spill out space for tables and chairs for the commercial use. This has a metal balustrade and offers expansive views over the river frontage.

The elevations of the link building includes details reflecting the copperworks features of the site discovered during the archaeological investigations. This includes a vertical panel on the south location marking the location of a former square chimney serving annealing furnaces with a similar surviving example on the south side of the Musgrave Engine House. To the east elevation facing the path to the river the plinth includes features referencing the Vivian outer sheet rolls and rope drive passage.

Whilst the link building is free standing from the engine houses, it does require a flashing detail. This is proposed as a bracket with flexible rubber gasket fixed to the engine houses and a glass panel to the roof and sides supported off the link structure. The bracket is proposed to be fixed into mortar joints of the engine houses with lead flashings also into mortar joints to ensure a connection that has minimal effect on historic fabric whilst allowing for the differential movement of the structures and for vibrations from the Musgrave engine during future restoration and potential operation. This is acceptable in principle and the detail can be controlled via LBC condition.

Overall, the proposed link building is welcomed as a sensitive contemporary addition that regenerates and activates the site. This enhances the setting of the engine houses by connecting the buildings thereby reinstating a contemporary reference to the sheds that covered the copperworks works area. The opportunities for ground and building features that aid heritage interpretation are significant. The connections to the engine houses, architectural details and interpretation features will need to be addressed via condition.

Musgrave Engine House and Chimney

Whilst the Musgrave Engine House with in-situ Uniflow stationary steam engine and external copper plate rolls is collectively designated as a grade II listed building, the Scheduled Monument designation takes precedence and works within this area are therefore controlled by Cadw. Although there is no Local Planning Authority Control over the works to the Musgrave engine house, the following section explains the works for completeness.*

The upper walls of the Musgrave Engine House were reconstructed with new brickwork in place of the spalling copper ash bricks and hipped roof reinstated with new timber trussed and natural slate covering via a previous Scheduled Monument Consent application. This also included restoration of the internal high level travelling crane by the Friends of the Hafod and Morfa Copperworks. A further Scheduled Monument Consent has been granted for the Friends Group to remove the small ancillary barring engine for full off-site restoration to operational condition with a requirement from Cadw that it is reinstated within an agreed timescale.

The previous consented works to the engine house included repair of the remaining timber windows to the side elevations and replication where these no longer existed. These timber windows are currently in storage and unglazed whilst the window openings are secured by ventilated metal screens. The current proposal is now to finish these window with slim profile double glazed units and to paint the frames to match the record colours when the works were last operational. This is supported from a planning character perspective and the detail can be agreed with Cadw via Scheduled Monument Consent conditions. It is also proposed to repair the existing small windows to the rope drive passage and to install bird netting to stop roosting within the building.

The works proposed as part of this project for the Scheduled Monument Consent application is further restoration of elevations, namely replacement of the spalling copper ash bricks which cannot be repaired and instead new bricks of matching size and appropriate appearance will be required. The previous replacement bricks used for the wall tops are no longer available so suitable replacement bricks will need to be agreed with Cadw via a Scheduled Monument Consent condition.

It is not proposed to reconstruct the missing projecting porch to the main entrance of the Musgrave Entrance house, because this was very small and would impact on visitor and restoration activities, plus as this porch had steps only it would not be accessible to all. Therefore, the proposal is to create a new entrance plateau area which allows access to the Musgrave Engine House from the new link building which has ramp and lift access and also via steps from the adjacent shared access route with provision for future external platform lift. Instead of replicating the porch, new steel double doors are proposed for security and designed to resemble the timber and glazing patterns referencing the porch. Above the proposed new doors, it is proposed to replicate the original high level timber window and pattern of glazing bars as shown in record photos painted Brunswick green with slim profile double glazed units. This is welcomed and with detail to be agreed with Cadw.

Internally, the red brickwork of the Musgrave Engine House is in good condition and the proposal is a light clean such as DOFF or TORC followed by like for like lime mortar repointing as required. The proposals also include reinstatement of lighting fixed to the walls based on record photos. The areas of suspended filler beam concrete floor over basement voids are proposed to be replaced with new concrete slab construction to support visitor groups and restoration activities. The open basement voids are also proposed to be covered with new removeable steel chequer plate and frames again to address access and restoration.

The basement fills with ground water and the proposal is to investigate this but it the supporting information clearly states that it is unlikely to stop the water entering the space so a pump is also suggested. It is not clear exactly what is proposed in this instance so the detail would need to be agreed with Cadw via SMC condition.

Internally the proposals include installation of lighting, 3 phase power, data and water for restoration and visitors. Whilst these are welcomed, some details are unresolved and will need to be agreed with Cadw via SMC condition.

Externally on the south west elevation, it is proposed to reinstate the stairs from the Musgrave engine level down to the rolling mill using the existing opening. This requires like for like replacement of heat damaged steel lintels above the door opening and a new steel security door matching the appearance of the original timber door from record images. The stairs would be a steel design which is welcomed for emergency escape and potential visitor tours. The detail will be agreed with Cadw via condition.

The fire strategy report addresses how the proposals allow for the future restoration of the insitu Musgrave Stationary Steam Engine and its potential operation. The restoration and operation may include heat, noise, odour and vibrations which will require agreed risk assessments and safe working. To ensure safe fire compartmentalisation between the Musgrave Engine House and the proposed external abutting link building, the proposal is to upgrade the windows that become internal to provide 30 minutes of fire protection via internal fire rated secondary glazing. This is clarified to be an aluminium secondary glazing system matching the external window designs and openable for maintenance. This is supported and agreement with Cadw via SMC condition will be required.

To the south west of the Musgrave Engine House is a square chimney. This is located within the Scheduled Monument area and is not connected to the engine house and instead served the hot gas flues of the annealing furnaces that formed part of the plate mills. This chimney is not in good condition and various repairs are proposed including crack stitching, repair of metal bracing, vegetation removal, lime mortar repointing and rebedding of top courses of brickwork. This supported to make this chimney safe as a heritage feature and to allow safe access at ground level and must all be agreed with Cadw via the SMC process.

Works to Vivian Chimney

The Vivian Chimney is separate from the Vivian Engine House located to the west on the opposite side of the former works railway line where the shared access route is now proposed. This chimney served a boiler house that was when the copperworks closed and is grade II listed in its own right.

The chimney is of red brick construction and is widely visible in the Lower Swansea Valley. The structural assessment is that chimney appears to be generally sound.

The proposals are removal of vegetation, DOFF cleaning, limited masonry repairs localised crack stitching, repointing using lime mortar, rebedding top courses, reinstating lightning protection and installation of a gill at base.

Much of this work is like for like addressing long standing maintenance issues. The proposed works are appropriate and the detail such as mortar and matching brickwork can be agreed via condition.

It is located within an external area proposed to be secured by fencing area so the base will not be publicly accessible. It will however be a widely visible iconic marker for the regeneration site and will be visible from the proposed water front public realm rising up behind the engine houses.

Summary

The application drawings and supporting documents have been carefully considered with the conclusion that the proposals accord with Section 96 of the Historic Environment Act (Wales) 2023, TAN 24 The Historic Environment and Policies PS2 and HC2 of the Swansea LDP. The proposals represent transformative change for redundant heritage assets and their settings as part of a heritage led regeneration area allocated in the Swansea LDP. The proposals allow the story of 'Copperopolis' to be told as part of a vibrant waterfront destination. The change to the designated heritage assets that are at risk is considerable and is carefully conceived with robust justification. Harm to the designated heritage assets and their settings has been avoided via proactive negotiations and amendments.

Approval is recommended subject to the requirement to notify Cadw as set out in Section 95 of the 2023 Act. There may be a requirement to amend or add conditions following notification to Cadw and there is provision to do this via Officer delegation from Planning Committee as currently set out in the Council Constitution.

Conditions to address the following are required with triggers generally worded to require discharge prior to the specified works rather than prior to any development.

LBC conditions

- *Prior to any work, Building Recording to Heritage Level 3 (analytical) to be undertaken with deposit in the West Glamorgan Archive and Historic Environment Record.*
- *Prior to any work, Archaeological Recording to agreed Written Scheme of Investigation as advised by Heneb with deposit in the West Glamorgan Archive and Historic Environment Record.*
- *If any other above or below ground features are uncovered of significance then this may require amendment of the approved plans. Plus build limited flexibility into the plans condition to allow for minor changes with contractor involvement etc.*
- *For the link building large scale details of*
 - *All interfaces - roof, side and floor*
 - *Roof structure and edges*
 - *Green roof*
 - *Mullions and glazing system*
 - *Entrance doors*
 - *Plinth*
 - *Interpretation features*
- *Method statement for external and internal masonry repairs to Vivian Engine House including cleaning and conservation of metal items.*

- *Method statement for reopening of blocked windows to the Vivian Engine House*
- *For the Vivian Engine House large scale details of:*
 - *Windows with all double glazing spacers to match the frame colour.*
 - *Internal secondary fire rated windows*
 - *Infilling window*
 - *Doors to match record images*
 - *High level vents in round openings*
 - *Stairs*
 - *Mezzanine floor and handrail*
 - *New floor slab and treatment at thresholds*
 - *Infilling basement voids for backfill retention*
 - *Service connections*
- *Structural report for installation of mezzanine floor within the Vivian Engine House*
- *Details of inspection and ventilation of Vivian Engine House basement*
- *Method statement for removal of void tops and details of void filling to Vivian rolls trench with retained furnace base including allowance for ground water.*
- *Method statement for masonry repairs to Vivian chimney including cleaning*
- *Method statement for backfill works and bore holes outside of Scheduled Monument Area*

Relevant Planning Policy and Guidance

The statutory protection, under the terms of the Planning (Listed Buildings and Conservation Areas) Act 1990, as amended by the Historic Environment (Wales) Act 2023, means that any works that may affect the character of the listed building, or any of its ancillary buildings, as one of special architectural or historic interest need listed building consent. There is a presumption in the Act that Welsh Ministers will have "special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses".

TAN 24 (Historic Environment) provides guidance on how the planning system considers the historic environment during development plan preparation and decision making on planning and Listed Building (LBC) applications. TAN 24 reiterates the duty under the Planning (Listed Buildings and Conservation Areas) Act 1990 that when considering any applications for listed building consent, the local planning authority must have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

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Policy HC 1 within the Historic and Cultural Environment section states that the County's distinctive historic and cultural environment will be preserved or enhanced by:

- i. Requiring high quality design standards in all development proposals to respond positively to local character and distinctiveness;
- ii. Identifying and safeguarding heritage assets, sites and their settings;
- iii. Supporting heritage and cultural led regeneration schemes;
- iv. Safeguarding and promoting use of the Welsh language.

It is important to understand the significance of heritage assets in order to assess the acceptability of change. Heritage Impact Assessments (HIA) are required by TAN 24 The Historic Environment (2014) for listed building consent and conservation area consent applications.

Policy HC 2 states that the buildings and features of historic importance will be preserved or enhanced through the following measures:

- i. Proposals for alteration and/or extension to a listed building or its curtilage must ensure that the special architectural character or historic interest is preserved;
- ii. The change of use of a listed building or its curtilage will only be permitted where this contributes towards the retention of a building or its sustainable re-use without having an adverse effect on its character, special interest or structural integrity;

Listed Buildings

National Planning Policy and Guidance contains a general presumption in favour of the preservation of listed buildings. Works (internal and external) that would affect the character or historic fabric of a listed building and its curtilage must not be implemented without authorisation of a listed building consent and should be fully justified by means of a Heritage Impact Assessment in accordance with National Planning Policy and Guidance. The policy seeks to ensure that where a development proposal affects a listed building or its setting, the primary material consideration is the statutory requirement to have special regard to the desirability of preserving or enhancing the building, or its setting, or any features of special architectural or historic interest which it possesses. Listed buildings will often present opportunity for the restoration and sustainable re-use of historic buildings, for the strengthening of local identity through respect for local characteristics of design, and for the interpretation of hidden heritage assets.

Assessment

The structures within the Site are of historic value and comprise the Musgrave Engine House (Grade II* listed building and Scheduled Monument), the Vivian Engine Houses (Grade II listed building) and the Vivian Chimney (Grade II listed building). A Heritage Impact Statement (HIS) has been prepared to support the proposed development.

In respect of the impact on the setting of the two engine houses and chimneys, the HIS states that the proposed restoration and development would significantly improve the current setting and context of the two engine houses and chimneys within the Hafod Morfa Copperworks. The proposals comprise the restoration of the engine houses to bring them back into beneficial use. Amongst other works, the restoration would include addressing areas of copper slag brickwork de-facing, the loss of masonry pointing, removal of vegetation impacting structures and the restoration of the windows. These works are considered to have a beneficial impact on the external character and appearance of the buildings, saving them from further deterioration. The structure of the new link building is self-supporting and seeks to limit the impact on the existing fabric to a minimum. The link building has also been designed to be subservient and sympathetic to the engine house buildings.

The HIS states that the proposed development's impact on the historic assets within the site would be positive. The remaining historic fabric would be repaired, maintained and preserved for future generations.

The heritage impact has been given detailed assessment by the Council's Heritage Team Leader outlined above, As such, the proposals are considered to accord with PS 2 - Placemaking and Place Management and Policies HC1 - Historic and Cultural Environment and HC2 - Preservation or Enhancement of Buildings and Features of the Swansea LDP.

Recommendation

In accordance with the Section 106 of the Historic Environment (Wales) Act 2023 it is recommended that the application be approved subject to the following conditions and any direction from Cadw:

- 1 The works permitted shall be begun before the expiration of five years from the date of this consent.
Reason: To comply with the provisions of Section 95 of the Historic Environment (Wales) Act 2023.
- 2 The development shall be carried out in accordance with the following approved plans and documents, subject to any minor deviation being agreed by the Local Planning Authority. If during the works hidden features of historic fabric are uncovered, then the Local Planning Authority Conservation Officer shall be afforded access to inspect and assess the significance. Any necessary amendments to the consented scheme shall be agreed if the features of significance are worthy of retention.

Architectural Drawings and Reports

(531)2319-GWP-01-00-DR-A-(PA)-0001_Site Location Plan-P01; (531)2319-GWP-01-00-DR-A-(PA)-0002_Site Topographical Survey-P01; (531)2319-GWP-01-00-DR-A-(PA)-0003_Existing Site Plan-P01; (531)2319-GWP-01-ZZ-DR-A-(PA)-0004_Existing Musgrave Engine House Plans-P01; (531)2319-GWP-01-ZZ-DR-A-(PA)-0005_Existing Vivian Engine House Plans-P01; (531)2319-GWP-01-XX-DR-A-(PA)-0006_Existing Elevations Musgrave Engine House-P01; (531)2319-GWP-01-XX-DR-A-(PA)-0007_Existing Elevations Vivian Engine House-P01; (531)2319-GWP-01-XX-DR-A-(PA)-0008_Existing Contextual North Elevation-P01; (531)2319-GWP-01-XX-DR-A-(PA)-0009_Existing Contextual East Elevation-P01; (531)2319-GWP-01-XX-DR-A-(PA)-0010_Existing Contextual South Elevation -P01; (531)2319-GWP-01-XX-DR-A-(PA)-0011_Existing Contextual West Elevation-P01; (531)2319-GWP-01-XX-DR-A-(PA)-0012_Existing Musgrave Engine House Sections-P01; (531)2319-GWP-01-XX-DR-A-(PA)-0013_Existing Vivian Engine House Sections-P01; (531)2319-GWP-01-XX-DR-A-(PA)-0014_Existing Musgrave Chimney Elevations-P01; (531)2319-GWP-01-XX-DR-A-(PA)-0015_Existing Vivian Chimney Elevation -P01 - plans received 2 Sept 2024.

(531)2319-GWP-01-00-DR-A-(PA)-0016_Proposed Site Plan- rev P04; (531)2319-GWP-01-LG-DR-A-(PA)-0017_Proposed Lower Ground Floor Plan- rev P04; - 18 Dec 2024;

(531)2319-GWP-01-UG-DR-A-(PA)-0018_Proposed Upper Ground Floor Plan- rev P06; (531)2319-GWP-01-M1-DR-A-(PA)-0019_Proposed Mezzanine Floor Plan- rev P06; - 20 Jan 2025.

(531)2319-GWP-01-RL-DR-A-(PA)-0020_Proposed Roof Plan- rev P04; (531)2319-GWP-01-XX-DR-A-(PA)-0021_Proposed North Elevation- rev P03; (531)2319-GWP-01-XX-DR-A-(PA)-0022_Proposed East Elevation- rev P03; (531)2319-GWP-01-XX-DR-A-(PA)-0023_Proposed South Elevation- rev P03; (531)2319-GWP-01-XX-DR-A-(PA)-0024_Proposed West Elevation- rev P04 - 18 Dec 2024.

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(531)2319-GWP-01-XX-DR-A-(PA)-0025_Proposed Section 1 - Musgrave Engine House- rev P06; (531)2319-GWP-01-XX-DR-A-(PA)-0026_Proposed Section 2 - Glazed Link Section- rev P04; (531)2319-GWP-01-XX-DR-A-(PA)-0027_Proposed Section 3 -Glazed Link through Vivian Section- rev P06; (531)2319-GWP-01-XX-DR-A-(PA)-0028_Proposed Section 4 -Vivian Engine House- rev P07 - 20 Jan 2025.

(531)2319-GWP-01-XX-DR-A-(PA)-0029_Musgrave Chimney Repairs- rev P02; (531)2319-GWP-01-XX-DR-A-(PA)-0030_Vivian Chimney Repairs- rev P03; (531)2319-GWP-01-XX-DR-A-(PA)-0031_Musgrave Engine House Condition & Repair- rev P04; (531)2319-GWP-01-XX-DR-A-(PA)-0032_Vivian Engine House Condition & Repair- rev P04;

(531)2319-GWP-1D-XX-D-A-(PA)-0033_Proposed Hard Landscaping- rev P03; (531)2319-GWP-1D-XX-D-A-(PA)-0034_Proposed Hard Landscaping - Public Realm- rev P03; (531)2319-GWP-1D-XX-D-A-(PA)-0035_Proposed Hard Landscaping - Access Road and Footpath Interface- rev P03.

(531)2319-GWP-4A-XX-PP-A-V&M_DAS-P01_Design and Access Statement

(531)2319-GWP-4A-XX-PP-A-V&M_DAS_Addendum-P04

Musgrave and Vivian Engine Houses_Heritage Impact Statement_ rev P07

Structural Engineering Drawings and Reports

LSV-MWC-1D--01-DR-S-00.1300_D3_V&M Foundation GA - rev P5 to replace P1; LSV-MWC-1D-03-DR-S-00.1301_D3_V&M Upper Ground Floor GA - rev P4; LSV-MWC-1D-04-DR-S-00.1302_D3_V&M Mezzanine and Roof GA - rev P3; LSV-MWC-1D-XX-DR-S-05.0001-P1_Foul Drainage Layout; LSV-MWC-1D-XX-SK-S-910028-P2_Basement Opening Infills; LSV-MWC-1D-ZZ-DR-S-04.001-P2_V&M Detail Sheet 1; LSV-MWC-1D-ZZ-DR-S-04.001-P2_V&M Detail Sheet 2; LSV-MWC-1D-XX-SP-S-91.9000_D3_V&M Notes and Specification Sh. 1 of 2 - rev P2; LSV-MWC-1D-XX-SP-S-91.9001_D3_V&M Notes and Specification Sh. 2 of 2 - rev P2; LSV-MWC-1D-XX-R-S-910021-P2_Project 1 D RIBA 3 Report - rev P3; LSV-MWC-1D-XX-R-S-910022-P2_Project 1 D RIBA 3 Foundation Report - rev P6;

MEP Engineering Drawings and Reports

V&M Mechanical and Electrical Design Report

07241B-SDS-ZZ-ZZ-SY-ME-80851_Energy Strategy; 07241B-SDS-B1-00-DR-M-5550-01_Domestic Water Services Layout_Vivian Ground Floor - rev P04; 07241B-SDS-B1-00-DR-M-5550-02_Domestic Water Services Layout_Musgrave Ground Floor; 07241B-SDS-B1-00-DR-M-6040-03_Heating Services Layout_Vivian Ground Floor - rev P04; 07241B-SDS-B1-00-DR-M-6540-04_Ventilation Services Layout_Vivian Mezzanine Floor; 07241B-SDS-B1-00-DR-E-7080-16_Lighting Layout_Vivian Ground Floor; 07241B-SDS-B1-00-DR-E-7080-17_Lighting Layout_Musgrave Ground Floor; 07241B-SDS-B1-00-DR-E-7080-18_Lighting Layout_Vivian Mezzanine Floor; 07241B-SDS-B1-00-DR-E-7080-19_Lighting Layout_Musgrave Mezzanine Floor; 07241B-SDS-B1-00-DR-E-7080-20_Lighting Layout_Externals; 07241B-SDS-B1-00-DR-E-7030-01_Small Power Layout_Vivian Ground Floor - rev P03; 07241B-SDS-B1-00-DR-E-7030-02_Small Power Layout_Musgrave Ground Floor; 07241B-SDS-B1-00-DR-E-7030-03_Small Power Layout_Vivian Mezzanine Floor; 07241B-SDS-B1-00-DR-E-7550-06_Fire Alarm Layout_Vivian Ground Floor; 07241B-SDS-B1-00-DR-E-7550-07_Fire Alarm Layout_Musgrave Ground Floor; 07241B-SDS-B1-00-DR-E-7550-08_Fire Alarm Layout_Vivian Mezzanine Floor; 07241B-SDS-B1-00-DR-E-7550-09_Fire Alarm Layout_Musgrave Mezzanine Floor; 07241B-SDS-B1-00-DR-M-6540-04_Ventilation Layout_Vivian

Soft Landscaping Drawings and Reports

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CA12886 1D Vivian and Musgrave Engine Houses AIA_Arboricultural Impact Assessment
CA12886-008-C Tree Protection Plan (1D V&M Engine Houses) 2024-08-01
LSV-WAS-XX-XX-DR-L-00103- Vivian and Musgrave Engine Houses B_Landscape General Arrangement - rev E to replace application version
LSV-WAS-XX-XX-DR-L-00112- Tree Replacement 1D - rev C
Archaeological, Groundworks, Backfilling and Surface Water Drainage Drawings and Reports
323_2 MV SMR Interim Report_Archaeological Field Evaluation Strip Map Record
CA12875-0016 V0.1 - HIA Flue and Void tops - Final
CA12875-066-A - Indicative Design Sections
CA12875-068-A - Indicative Design Sections Plan
CA12879 LT-006 Site-Wide Backfilling Works Method Statement v2.0
CA12879 LT-007 Dewatering Method Statement Main Backfill Works
CA12879-009 - Void Mitigation Options Appraisal
CA12879-009 - Project 1D Phase 2 Ground Investigation Report v3.0 FINAL
CA12879-018 - 1D Geoenvironmental Desk Study Report v3.0 FINAL
CA12879-058 Main Backfill Works Dewatering Layout Plan
CA12879-059 Main Backfill Works Plan
CA12879-061-A Proposed Additional Site Investigation Works Arrangement Plan
CA12879-063 Project 1D Indicative Backfill Cross Section A-A
CA12881-010-F - Drainage Strategy Engineering Layout - rev F to replace rev D
CA12881-044-D - Simplified Drainage Strategy Engineering Layout - rev D to replace rev C
CA12881 Lower Swansea Valley Project 1D Drainage Strategy Tech Note - v3.0 to replace v1.0
Ecological Drawings and Reports
CA12826-PEAR - V1.0 FINAL_Preliminary Ecological Appraisal
CA12876-001 V1.0 - LSV - Project 1 & 2 - Bat Report - Nov 2023
CA12876-003 - V1.0 - LSV - Reptile Report - Nov 2023
CA12876 - 006 V2.0 - LSV - Project 1D Ecological Impact Assessment
Other Documents
LDM-JBAU-XX-XX-HM-0001-S3-P02-Engine_Houses_FCA_Flood Consequences Assessment
CA12874-003 Planning Statement Vivian and Musgrave Engine Houses
0001 CA12877 LSV Project 1D Noise (Feb 2024) FINAL
CA12881-045-A Highway and Drainage
Transport Statement
Updated Fire Strategy Report
LSV_Stakeholder Engagement Plan_V1.2
RIBA 3 Report_Stakeholder Engagement_1D_Update 25 07
SEP_Stakeholder Engagement_appendices

Reason: For the avoidance of doubt to ensure compliance with the approved plans and in order to provide an element of flexibility to consider amendments to the historic fabric.

- 3 Prior to the commencement of works, details of a scheme of Historic, Archaeological and Building Recording and Analysis to English Heritage level 3 (analytical) shall be submitted to and approved in writing by the Local Planning Authority.

Item 2 (Cont'd)

Application Number:

2024/1662/LBC

Planning Committee - 4th February 2025

The scheme shall include details of recording to be undertaken before work starts, as work progresses and upon completion. A copy of the Programme and findings shall be deposited with the West Glamorgan Archive Service and GGAT Historic Environment Record upon completion of all works. The works shall be carried out in accordance with the approved details.

Reason: In order so that features of historic interest may be recorded having regard to the special character and architectural interest and integrity of the listed building in accordance with Section 97 of the Historic Environment (Wales) Act 2023 and in accordance with Swansea Local Development Plan 2010-2025 Policies HC1 and HC2.

- 4 Prior to the commencement of works to the link building, details at an appropriate scale of the following shall be submitted to and approved in writing by the Local Planning Authority:

- All interfaces with historic fabric including roof, side and floor;
- Roof structure and edges;
- Green roof;
- Mullions and glazing system;
- Entrance doors;
- Plinth;
- Interpretation features.

The development shall be carried out in accordance with the approved details and the infrastructure shall be provided prior to the first beneficial use of the development.

Reason: To ensure that special regard is paid to the interests of protecting the special character and architectural interest and integrity of the listed wall in accordance with Section 97 of the Historic Environment (Wales) Act 2023 and in accordance with Swansea Local Development Plan 2010-2025 Policies HC1 and HC2.

- 5 Prior to the commencement of masonry works relating to the Vivian Engine House, a Method Statement for external and internal masonry repairs including cleaning and conservation of metal items and for the re-opening of the blocked windows shall be submitted to and agreed in writing by the Local Planning Authority. The site shall be developed in accordance with the approved scheme.

Reason: In order to assess such details to ensure the character of the listed structure is retained in accordance with Section 97 of the Historic Environment (Wales) Act 2023 and in accordance with Swansea Local Development Plan 2010-2025 Policies HC1 and HC2.

- 6 Prior to the commencement of works to the Vivian Engine House, details at an appropriate scale of the following shall be submitted to and approved in writing by the Local Planning Authority:

- Windows with all double glazing spacers to match the frame colour;
- Internal secondary fire rated windows;
- Infilling window;
- Doors to match record images;
- High level vents in round openings;
- Stairs;
- Mezzanine floor and handrail;

- New floor slab and treatment at thresholds;
- Infilling basement voids for backfill retention
- Service connections

The development shall be carried out in accordance with the approved details and the infrastructure shall be provided prior to the first beneficial use of the development.

Reason: To ensure that special regard is paid to the interests of protecting the special character and architectural interest and integrity of the listed wall in accordance with Section 97 of the Historic Environment (Wales) Act 2023 and in accordance with Swansea Local Development Plan 2010-2025 Policies HC1 and HC2.

- 7 Prior to any structural works for the installation of the mezzanine floor within the Vivian Engine House being undertaken, a structural engineers report (including recommendations and detailed drawings) shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and any recommendations made in the report.

Reason: In order to assess such details to ensure the character of the listed structure is retained in accordance with Section 97 of the Historic Environment (Wales) Act 2023 and in accordance with Swansea Local Development Plan 2010-2025 Policies HC1 and HC2.

- 8 Prior to the commencement of works to the Vivian Engine House basement, details of inspection and ventilation of the basement shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: In order to assess such details to ensure the character of the listed structure is retained in accordance with Section 97 of the Historic Environment (Wales) Act 2023 and in accordance with Swansea Local Development Plan 2010-2025 Policies HC1 and HC2.

- 9 Prior to the commencement of ground works within the curtilage listed area, a Method Statement for the removal of void tops, details of void filling to the Vivian rolls trench with retained furnace base and engineered backfill including an allowance for ground water shall be submitted to and agreed in writing by the Local Planning Authority. The site shall be developed in accordance with the approved details.

Reason: In order to assess such details to ensure the character of the listed structure is retained in accordance with Section 97 of the Historic Environment (Wales) Act 2023 and in accordance with Swansea Local Development Plan 2010-2025 Policies HC1 and HC2.

- 10 Prior to the commencement of works to the Vivian chimney, a Method Statement for masonry repairs to the chimney including cleaning shall be submitted to and agreed in writing by the Local Planning Authority. The site shall be developed in accordance with the approved details.

Reason: In order to assess such details to ensure the character of the listed structure is retained in accordance with Section 97 of the Historic Environment (Wales) Act 2023 and in accordance with Swansea Local Development Plan 2010-2025 Policies HC1 and HC2.

- 11 Prior to the commencement of ground investigation works, a contractors Method Statement for the backfilling access works and bore holes outside of Scheduled Monument Area shall be submitted to and agreed in writing by the Local Planning Authority. The site shall be developed in accordance with the approved details.
Reason: In order to assess such details to ensure the character of the listed structure is retained in accordance with Section 97 of the Historic Environment (Wales) Act 2023 and in accordance with Swansea Local Development Plan 2010-2025 Policies HC1 and HC2. and in accordance with Swansea Local Development Plan 2010-2025 Policies HC1 and HC2.
- 12 Prior to the beneficial occupation of any Class A3 unit within Vivian Engine House, a method of ventilation and fume extraction shall be submitted to and agreed in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details.
Reason: To ensure that special regard is paid to the interests of protecting the special character and architectural interest and integrity of the listed wall in accordance with Section 97 of the Historic Environment (Wales) Act 2023 and in accordance with Swansea Local Development Plan 2010-2025 Policies HC1 and HC2.

Informatives

- 1 The national development plan is Future Wales: The National Plan 2040. The following policies were relevant to the consideration of the application: Policy 1, Policy 2 and Policy 9.

The development plan covering the City and County of Swansea is the Swansea Local Development Plan. The following policies were relevant to the consideration of the application: HC1 & HC2.

Planning Committee - 4th February 2025

Item 3

Application Number:

2024/2217/LBC

Ward:

Landore - Area 1

Location: Vivian And Musgrave Engine House, Hafod Morfa Copperworks, Swansea, SA1 2LE

Proposal: Removal of vegetation growth and instatement of temporary covers to protect the archaeological remains (application for Listed Building Consent)

Applicant: City And County Of Swansea



APPRAISAL

Procedural Issue

This application is being reported to Planning Committee for decision as the Planning and City Regeneration division is both the applicant and the regulatory body, and therefore the listed building application cannot therefore be determined via Delegated Powers.

This requirement to refer to Committee is due to the Historic Environment (Wales) Act 2023.

Proposal

The application seeks Listed Building Consent for the removal of vegetation growth and instatement of temporary covers to protect the archaeological remains within the curtilage of the Vivian and Musgrave Engine Houses.

Between January and March 2024, a comprehensive evaluation was conducted at the Vivian and Musgrave Engine Houses. The purpose of this evaluation was to assess the archaeological significance of the site and to inform the foundation design for the restoration and re-development of the Musgrave and Vivian Engine Houses (linked to applications 2024/1662/LBC & 2024/1655/FUL) - currently being considered - which seek permission for the redevelopment of the Vivian and Musgrave Engine Houses and Chimneys, including restoration and intervention works, a new link building, a flexible D1, A1, A2, A3 use as well as associated works including hard and soft landscaping, drainage and a new access road to the site.

The evaluation revealed nationally-significant archaeological features, and to proceed with the project and ensure the stability of the foundations of the proposed link building, it is necessary to backfill the site. This application seeks permission for a trial backfill of a section of archaeology within the curtilage of the Vivian Engine House. This trial has been designed to ensure that the complex and sensitive archaeological remains within the curtilage of the Grade II Listed Vivian Engine House (Cadw 11695) are protected while enabling future construction activities on the site.

The backfilling trial is located within Project 1D of the Lower Swansea Valley project, which encompasses the Vivian and Musgrave Engine Houses, their chimneys, and associated industrial features, all of which historically formed part of the Hafod-Morfa Copper Works. The Vivian Engine House (Grade II, listing no. 11695) and the Musgrave Engine House (Grade II*, listing no. 11697) are both listed buildings. Additionally, the Musgrave Engine House, its engine, and the rolling mills are designated as a scheduled monument (Cadw ref GM483).

The application is accompanied by a Heritage Impact Assessment (HIA) outlines the framework for conducting a backfilling trial at the Hafod Copperworks site, which forms part of the broader Lower Swansea Valley project. This report identifies and assesses potential direct impacts of a proposed backfill trial to the significance of archaeological features identified during a recent archaeological evaluation. The archaeological evaluations have revealed a dense concentration of features within the curtilage of the Grade II Listed Vivian Engine House (Cadw 11695).

The proposal forms part of the recently awarded UK government Levelling Up Fund for the regeneration of the Hafod Morfa Copperworks area, promoting connectivity between the copperworks and the city centre and referred to as the 'Lower Swansea Valley (LSV) Levelling Up Project'.

Proposed Development

The proposed backfilling trial will take place within the curtilage of the Grade II-listed Vivian Engine House. The site has been subject to an extensive archaeological evaluation (Scheduled Monument Consent dated 20/12/2023) which has resulted in an irregular surface being created due to the exposure of archaeological features that vary in age, depth, construction and condition.

In order to firstly protect the exposed archaeology and secondly to provide a potentially suitable load-bearing platform for the proposed redevelopment of the site, backfilling of the archaeological evaluation needs to be progressed. The proposed redevelopment includes hardstanding, public open space and a link building between the two Engine Houses. To deliver the redevelopment works, it is proposed that a trial backfill is to be completed to develop and inform the Earthworks Strategy for the site-wide backfilling.

The primary aim of this trial is to protect the archaeological features from potential adverse impacts while ensuring that future construction activities can proceed. This document describes the backfilling process, justifies the selected methodology, and highlights the necessary conservation measures to safeguard the site's archaeological integrity. It also addresses the significance of the archaeological features within the backfilling trial area and the need to balance development with heritage preservation.

The effect of the proposed backfill trial within the setting of nearby designated historic assets is judged to be neutral and can be implemented without causing any adverse impact to the special interest of the Vivian and Musgrave Engine Houses and associated archaeology.

Response to Consultations

The application was advertised in accordance with the Planning (Listed Buildings and Conservation Areas) (Wales) Regulations 2012 by press notice and display of site notices. No response.

Statutory Consultations

HENEB

Thank you for notifying us of this application; consequently, we have reviewed the detailed information contained on your website.

As noted previously in our responses concerning applications in this area, the information in the Historic Environment Record shows the area surrounds both the Vivian and Musgrave Engine Houses, and forms part of the extensive site of the Morfa Hafod Copper Works, and is directly associated with the working areas of the copper works. Part of the area includes the Scheduled Monument GM483 Hafod Copper Works Musgrave Engine and Rolls, and the area is within the curtilage of both the Listed Buildings, the Vivian Engine House Listed Grade II (Cadw reference 11695) and the Musgrave Engine House Listed Grade II* (Cadw reference 11697).

As detailed in the supporting documentation, the area has been subject archaeological strip, map and record, in compliance with Scheduled Monument Consent granted by Cadw, and as detailed in the methodology described in the agreed Written Schemes of Investigation.

We are aware that the temporary covering has already been installed under archaeological supervision. The necessity was due to deteriorating weather conditions adversely impacting the nationally significant archaeological remains.

CADW - 8 January 2025

Advice

We consider that the application is inadequately documented and we recommend that additional information is required to enable a balanced decision to be taken against Planning Policy Wales, Technical Advice Note 24 Historic Environment and associated guidance.

Full details of the additional information that is required are explained in the below assessment.

The national policy and Cadw's role in planning are set out in Annex A.

Assessment

Scheduled Monuments

GM012 Swansea Castle

GM177 Bon y Maen Standing Stone

GM315 Earthwork on Kilvey Hill

GM371 Morris Castle

GM392 Morfa Bridge and Quays

GM441 Original Swansea Castle

GM481 White Rock Copper Works

GM482 Foxhole River Staithes

GM483 Hafod Copper Works Musgrave Engine and Rolls

GM484 Landore New Quay

GM638 Tir Gwyllt Second World War Barrage Balloon Site (proposed scheduling)

This consultation has been received from Swansea City Council regarding proposed removal of vegetation growth and installation of temporary covers to protect archaeological remains at the Vivian Engine House, a listed building.

Further information is required to enable Cadw to comment on this application, as set out below.

Archaeological remains of national importance within the scheduled area, beyond the scheduled area, and within the curtilage of the listed building were exposed during evaluations undertaken to inform proposals to construct a foundation for a new building and development, subject to separate applications for LBC (Vivian Engine House) and SMC (Hafod Copper Works Musgrave Engine and Rolls).

Except for GM483 Hafod Copper Works Musgrave Engine and Rolls, the proposed trial will not impact on the physical remains or settings of the scheduled monuments identified above.

The location of the area to be worked upon lies immediately adjacent to the scheduled area of Hafod Copper Works Musgrave Engine and Rolls. Therefore, the proposed works have potential to harm nationally important archaeological remains within the scheduled area.

Works to be implemented across the scheduled monument and within the curtilage of listed buildings were developed in consultation with Swansea City Council's Placemaking and Strategic Planning officer, Cadw's Historic Building Officer and Inspector of Ancient Monuments, and Heneb's planning officers.

Removal of vegetation growth and installation of temporary covers to protect archaeological remains exposed during the evaluation within the scheduled area required scheduled monument consent, which was granted on 22/11/2024.

Cadw inspected the temporary covers on 10th December 2024. Concrete blocks had been used to hold down the covers, rather than Heras foot blocks, and Cadw requested that these were replaced. Cadw also required regular monitoring and de-watering.

A revised Written Scheme of Investigation for Interim Backfill Works was submitted to Cadw on 18th December. This failed to address Cadw's concerns and revisions were required by Cadw, including:

- Refer to the works as temporary protection, as they do not constitute 'backfill'.
- Heras foot blocks to replace concrete blocks to weigh down covers.
- Details for de-watering.
- Inspections fortnightly and in advance / following severe weather events.

The revised WSI has not to date been received by Cadw.

The application submitted to Swansea City Council for this application for LBC includes an earlier version of the WSI, which should be replaced by a revised WSI including the changes required by Cadw in relation to the related scheduled monument consent.

Placemaking and Heritage Team Consultation

The Councils Placemaking and Heritage Team Lead officer has been involved throughout the pre-application process and has carefully assessed the final proposals and have provided the following detailed supportive comments.

The recent excavations adjacent to the Scheduled Monument Musgrave Engine House and Grade II listed Vivian Engine House have revealed nationally significant archaeological features that vary in terms of age, construction, depth and condition. This includes substantially constructed rolling mill trenches, masonry chimney bases, annealing furnace bases, brick lined associated flues and other unidentified features. Approximately half the area of the exposed archaeological features is within the Scheduled Monument boundary of the Musgrave Engine House. The remainder of the archaeological features are physically and functionally linked to the Vivian Engine House and therefore have the same grade II listed status as the listed building. The entire copperworks area is also identified as an Archaeologically Sensitive Area.

Section 96 of the Historic Environment (Wales) Act 2023 sets out the statutory requirement that in considering whether to grant listed building consent, a planning authority must have 'special regard to the desirability of preserving the listed building to which the application relates, the setting of the building, and any features of special architectural or historic interest the building possesses'. Paragraph 5.13 of TAN 24: The Historic Environment provides further explanation of the considerations including the importance of the building; its particular physical features; its setting; the impact of the proposed works on the significance for the building; and the potential community/ regeneration benefits.

The nature of the archaeology exposed across the site is fragmentary and fragile. Much of the areas are partial remains of heat damaged flues that were not designed as external structures. Experience of previous exposed archaeological features elsewhere on the copperworks site has confirmed that they will deteriorate with frost damage. It is expected that these features will be fully recorded and carefully reburied in the main project for protection in situ, but in the meantime, they are vulnerable to deterioration. They are not robust and cannot be left exposed.

The supporting information explains the options considered and discounted for this interim protection. This includes leaving water in the ground voids on the basis that this keeps the temperature higher below the sheeting. Plus, the use of black waterproof sheeting warms up quicker in sunlight to remove any surface frosts.

The proposal is to install temporary interim protection for the archaeology starting with a layer of Terram T1500 Standard Non-Woven Geotextile, which is then covered by Triplast Blankets for thermal insulation, followed by a top waterproof layer of Visqueen 1500 Damp Proof Membrane. The heavy-duty sheeting is laid with 30cm overlaps between sheets and weighted down by a combination of rubber herras fencing feet and concrete blocks. Cadw have raised concerns at the use of the concrete blocks due to the risk that the rough edges may puncture the waterproof sheeting and that the blocks may leach contamination into the archaeology. This has been addressed by the applicant's heritage team confirming the heavy-duty nature of the water proof sheeting and robustness of the concrete blocks plus the relatively short period of circa 6 months that they will be insitu pending the commencement of the main project. Therefore, on this basis the interim protection including use of concrete blocks is considered appropriate.

Voids in the archaeology have been bridged using mesh herras fencing panels with triplast blankets below to cushion contact with areas of archaeology to stop water ponding in the waterproof sheeting. However, there is some sagging and water pooling which has been highlighted as a concern by Cadw on the basis that the water on top may freeze, plus the weight may strain the covering and damage the archaeology. This is addressed in the supporting documentation by the proposal to puncture the ponding areas to allow drainage or to use a small portable pump and this could be addressed by agreement of a suitable method statement for removing the ponding water via condition.

The interim approach to protecting the archaeology as outlined above is being agreed with Cadw for the area of archaeology covered within the Scheduled Monument Boundary of the Musgrave Engine House and listed building consent is also required for the same interim protection for the archaeology associated with the Vivian Engine House.

Due to the onset of winter with lower temperatures and the risk to archaeology, the interim frost and weather protection has been carefully assessed by Officers and has been allowed to proceed prior to the determination of this Listed Building Consent.

There is no harm to curtilage listed archaeological features and there is no harm to the Vivian Engine House or Musgrave Engine House. Furthermore, the proposal does not harm the settings of these designated heritage assets.

On the basis that Swansea Council are the applicant, the requirement is for this Listed Building Consent application to be determined by Planning Committee followed by referral to Cadw with the following condition.

- To monitor the works in accordance with the submitted archaeological Written Scheme of Investigation, specifically to Inspect the archaeology and coverings on a fortnightly basis plus prior to and following severe weather, and to submit a method statement for the removal of pooling water from the waterproof sheeting.*

Relevant Planning Policy and Guidance

The statutory protection, under the terms of the Historic Environment (Wales) Act 2023 means that any works that may affect the character of the listed building, or any of its ancillary buildings, as one of special architectural or historic interest need listed building consent. There is a presumption in the Act that Welsh Ministers will have "special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses".

TAN 24 (Historic Environment) provides guidance on how the planning system considers the historic environment during development plan preparation and decision making on planning and Listed Building (LBC) applications. TAN 24 reiterates the duty that when considering any applications for listed building consent, the local planning authority must have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Swansea Local Development Plan - Adopted Feb. 2018

Policy HC 1 within the Historic and Cultural Environment section states that the County's distinctive historic and cultural environment will be preserved or enhanced by:

- i. Requiring high quality design standards in all development proposals to respond positively to local character and distinctiveness;
- ii. Identifying and safeguarding heritage assets, sites and their settings;
- iii. Supporting heritage and cultural led regeneration schemes;
- iv. Safeguarding and promoting use of the Welsh language.

It is important to understand the significance of heritage assets in order to assess the acceptability of change. Heritage Impact Assessments (HIA) are required by TAN 24 The Historic Environment (2014) for listed building consent and conservation area consent applications.

Policy HC 2 states that the buildings and features of historic importance will be preserved or enhanced through the following measures:

- i. Proposals for alteration and/or extension to a listed building or its curtilage must ensure that the special architectural character or historic interest is preserved;
- ii. The change of use of a listed building or its curtilage will only be permitted where this contributes towards the retention of a building or its sustainable re-use without having an adverse effect on its character, special interest or structural integrity;

Listed Buildings

National Planning Policy and Guidance contains a general presumption in favour of the preservation of listed buildings. Works (internal and external) that would affect the character or historic fabric of a listed building and its curtilage must not be implemented without authorisation of a listed building consent and should be fully justified by means of a Heritage Impact Assessment in accordance with National Planning Policy and Guidance. The policy seeks to ensure that where a development proposal affects a listed building or its setting, the primary material consideration is the statutory requirement to have special regard to the desirability of preserving or enhancing the building, or its setting, or any features of special architectural or historic interest which it possesses. Listed buildings will often present opportunity for the restoration and sustainable re-use of historic buildings, for the strengthening of local identity through respect for local characteristics of design, and for the interpretation of hidden heritage assets.

Assessment

The detailed considerations are laid out within the Placemaking and Heritage consultation above which provide full support to the development subject to the refinement of the outlined details being controlled through the planning conditions.

It is highlighted that in their consultation response - dated 8th Jan - Cadw consider that the application is inadequately documented and recommend that additional information is required to enable a balanced decision to be taken against Planning Policy Wales, Technical Advice Note 24 Historic Environment and associated guidance. Since then a revised Written Scheme of Investigation has now been received and this is addressed in the Placemaking and Heritage response above. Further response from Cadw will be reported to Committee.

It is concluded that the proposals are in accordance with the Development Plan and National Planning Guidance and other material considerations. It is therefore recommended that CADW be advised that the Local Planning Authority propose to grant Listed Building Consent subject to any directions from that body.

Recommendation

In accordance with the Section 95 of the Historic Environment (Wales) Act 2023 it is recommended that the application be approved subject to the following condition and any direction from CADW:

1 The works permitted shall be begun before the expiration of five years from the date of this consent.
Reason: To comply with the provisions of Section 95 of the Historic Environment (Wales) Act 2023.

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

CA12875-019 rev A Site Location Plan; CA12875-061 Rev A Location of Interim Backfill Area; CA12875-062 rev A Location of Herras Panel Coverage; CA12875-063 rev A Location of Interim Backfill Covering Layers; Archaeological Field Evaluation; Herbicide Method Statement; Interim Backfill Works Investigation; Risk Assessment Method Statement -received on 22 Nov. 2024.

Heritage Impact Statement - amended document received 19 Dec 2024

CA12875 - 0014 V1.0 FINAL WSI for Archaeological Monitoring of Temporary Protection - amended document received 24 Jan 2025

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

3 The development shall be undertaken in accordance with the submitted archaeological Written Scheme of Investigation, inclusive of:
i) the monitoring of works,
ii) the inspection of archaeology and coverings on a fortnightly basis and prior to and following severe weather
iii) the submission of a method statement for the removal of pooling water from the waterproof sheeting within four weeks from the date of this permission

Reason: In order so that features of historic interest may be recorded having regard to the special character and architectural interest and integrity of the listed building in accordance with Section 97 of the Historic Environment (Wales) Act 2023 and in accordance with Swansea Local Development Plan 2010-2025 Policies HC1 and HC2.

Informatives

- 1 The national development plan is Future Wales: The National Plan 2040. The following policies were relevant to the consideration of the application: Policy 2 - Shaping Urban Growth and Regeneration; Policy 6 - Town Centres First; and Policy 9 - Resilient Ecological Networks and Green Infrastructure.

The development plan covering the City and County of Swansea is the Swansea Local Development Plan. The following policies were relevant to the consideration of the application: HC1 & HC2

Planning Committee - 4th February 2025

Item 4

Application Number:

2024/1634/FUL

Ward:

Llangyfelach - Area 1

Location: Land Off Bryntywod , Llangyfelach, Swansea, SA5 7LF

Proposal: Erection of battery energy storage system (BESS), associated infrastructure and engineering works

Applicant: FRV Powertek



NOT TO SCALE - FOR
REFERENCE
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Ordnance Survey
AC0000822618

Background and Planning History

The application is being reported to Planning Committee as it exceeds the site area threshold of 2 hectares.

The proposal falls within Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2017, as the site area exceeds 0.5 hectares. A Screening Opinion was carried out in accordance with the above regulations in April 2024 (ref: 2024/0360/SCR). It was considered that this proposal, by virtue of its nature and location, would not have a significant environmental impact. It was therefore determined that an Environmental Impact Assessment was not required to be submitted with this application.

There is no relevant planning history within the main portion of the site where the proposed energy storage facility would be located.

As a major development, the application has necessitated a Pre Application Consultation (PAC), with the resultant PAC report summarising the findings submitted with this application.

Site Description

The application site comprises approximately 6.75 Ha of agricultural land (currently grazed by ponies) accessed via Bryntywod (at the north western corner of the site). To the west lies Tinmasters, with the proposed access running parallel to the northern boundary of Tinmasters, with a waste management company to the north of said access.

The Afon Llan runs along the northern boundary of the application site, with Common Land located to the east. The M4 runs parallel to the site beyond the southern boundary, segregating the application site from the Bryntywod Housing Estate.

The current access to the site is via an unmade track used solely by farm vehicles, which is proposed to be upgraded to provide a priority junction with Bryntywod.

The site is within the settlement limits on the relevant Local Development Plan Proposals Map. However, the application site does include part of two Sites of Interest for Nature Conservation (SINCs) – Penllergaer to Llangyfelach Tunnel Railway Line and Llangyfelach Common (see Figure 1 for extent of SINCs in yellow). Common Land abuts the application site along its eastern extent.

Figure 1



The site is also located within a Coal Authority Development High Risk area.

Whilst the application site lies outside of Strategic Development Area SD G, the access to the site forms part of the link between Bryntywod and the Strategic Development Area.

The western boundary of the site is located within Flood Zone B, which includes areas that have flooded in the past (see Figure 2 below). However, a portion of Flood Zone C2 incurs into the site in the Northwest corner, which relates to areas without significant flood defence infrastructure.

Figure 2



In terms of topography, the lowest part of the site is towards the northwestern corner, where the proposed access branches out into the main body of the site, with the land rising eastward to its highest point (adjacent to Llangyfelach Common). The application site itself lies within a valley, running along the Afon Llan, with the land beyond the application site rising to the south (towards Llangyfelach) and to the north (towards Mynydd Gelli Wastad and Mynydd Pysgodlyn).

Description of Development

Formal planning consent is sought for the installation of a battery energy storage system (BESS), associated infrastructure and engineering works at land off Bryntywod, Llangyfelach.

The proposal is essentially for an electricity storage and distribution facility which is designed to balance electricity demand and supply in order to prevent shortages and blackouts as a result of the intermittent nature of renewable energy sources located nearby. The development is designed to support the flexible operation of the National Grid and the decarbonisation of electricity supply. The development will import and export electricity, however, it will not generate any additional electricity.

The proposal primarily includes the following:

- i) 80 BESS units (6m in length x2.5m wide x2.9m high) and associated transformers and switches
- ii) A 275KV substation compound, including a mast at 9.3m in height and a transformer at 6m in height
- iii) 1 Storage Container 12m long, 2.44m wide and 2.7 high
- iv) Welfare/Office unit measuring 12m long, 2.44m wide and 2.7m high
- v) Customer Substation container 10m in length, 3.5m wide and 3.5m high

The battery containers and transformers are proposed to be sited on raised 300mm platforms, as will the Welfare Office, storage containers and substation.

Fencing of 2.4m in height is proposed to surround each compound and CCTV cameras on 4m high posts located at strategic positions to provide full site coverage.

The application supporting documentation highlights that the development would have a life expectancy of approximately 40 years and, following decommissioning, the land would be returned to its current state.

Relevant Planning Policy

The National Development Framework: Future Wales - the National Plan 2040

Future Wales sets out the Welsh Government's land use priorities and provides a national land use framework for SDPs and LDPs. Future Wales concentrates on development and land use issues of national significance, indicating areas of major opportunities and change, highlighting areas that need protecting and enhancing and helping to co-ordinate the delivery of Welsh Government policies to maximise positive outcomes.

Policy 1 - Where Wales Will Grow

Policy 2 - Shaping Urban Growth and Regeneration - Strategic Placemaking

Policy 9 - Resilient Ecological Networks and Green Infrastructure

Policy 17 – Renewable and Low Carbon Energy and Associated Infrastructure

Policy 28 – National Growth Area – Swansea Bay and Llanelli

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Good Design Making Better Places

3.3 - Good design is fundamental to creating sustainable places where people want to live, work and socialise.

3.4 - Meeting the objectives of good design should be the aim of all those involved in the development process and should be applied to all development proposals, at all scales.

Environmental Sustainability

3.7 Good design promotes environmental sustainability and contributes to the achievement of the well-being goals. Developments should seek to maximise energy efficiency and the efficient use of other resources (including land), maximise sustainable movement, minimise the use of non-renewable resources, encourage decarbonisation and prevent the generation of waste and pollution. An integrated and flexible approach to design, including early decisions regarding location, density, layout, built form, the choice of materials, the adaptability of buildings and site treatment will be an appropriate way of contributing to resilient development.

3.8 Good design can help to ensure high environmental quality. Landscape and green infrastructure considerations are an integral part of the design process. Integrating green infrastructure is not limited to focusing on landscape and ecology, rather, consideration should be given to all features of the natural environment and how these function together to contribute toward the quality of places. This embraces the principles of 'ecosystems services' and sustainable management of natural resources where multiple benefits solution become an integral part of good design. In a similar manner, addressing environmental risks can make a positive contribution to environmental protection and improvement, addressing land contamination, instability and flood risk and providing for biodiversity, climate protection, improved air quality, soundscape and water resources benefits.

Character

3.9 The special characteristics of an area should be central to the design of a development. The layout, form, scale and visual appearance of a proposed development and its relationship to its surroundings are important planning considerations. A clear rationale behind the design decisions made, based on site and context analysis, a strong vision, performance requirements and design principles, should be sought throughout the development process and expressed, when appropriate, in a design and access statement.

Energy

5.7.1 The Welsh Government's highest priority is to reduce demand wherever possible and affordable. Low carbon electricity must become the main source of energy in Wales.

5.7.2 Overall power demand is expected to increase as a result of growing electrification of transport and heat. In order to ensure future demand can be met, significant investment will be needed in energy generation, transmission and distribution infrastructure. The system will need to integrate renewable generation with storage and other flexibility services, in order to minimise the need for new generation and grid system reinforcement.

5.7.3 These priorities contribute to reducing carbon emissions, as part of our approach to decarbonisation, whilst enhancing the economic, social, environmental and cultural well-being of the people and communities of Wales, in order to achieve a better quality of life for our own and future generations. This means taking precautionary action to prevent Wales being 'locked in' to further fossil fuel extraction and high carbon development. The planning system should facilitate delivery of both this and Welsh, UK and European targets on renewable energy.

5.7.7 The benefits of renewable and low carbon energy, as part of the overall commitment to tackle the climate emergency and increase energy security, is of paramount importance. The continued extraction of fossil fuels will hinder progress towards achieving overall commitments to tackling climate change. The planning system should:

- integrate development with the provision of additional electricity grid network infrastructure;
- optimise energy storage;
- facilitate the integration of sustainable building design principles in new development;
- optimise the location of new developments to allow for efficient use of resources;
- maximise renewable and low carbon energy generation;
- maximise the use of local energy sources, such as heat networks;
- minimise the carbon impact of other energy generation; and
- move away from the extraction of energy minerals, the burning of which is carbon intensive.

Electricity Grid Network and Energy Storage

5.7.12 Energy storage has an important part to play in managing the transition to a low carbon economy. The growth in energy generation from renewable sources requires the management of the resultant intermittency in supply, and energy storage can help balance supply and demand. Proposals for new storage facilities should be supported wherever possible.

Renewable Energy Targets

5.7.14 The Welsh Government has set targets for the generation of renewable energy: -for Wales to generate 70% of its electricity consumption from renewable energy by 2030; - for one Gigawatt of renewable electricity capacity in Wales to be locally owned by 2030; and - for new renewable energy projects to have at least an element of local ownership by 2020.

5.7.15 The planning system has an active role to help ensure the delivery of these targets, in terms of new renewable energy generating capacity and the promotion of energy efficiency measures in buildings.

5.7.18 To assist in the achievement of these targets, local authorities must take an active, leadership approach at the local or regional level, by identifying challenging, but achievable targets for renewable energy in development plans. In order to identify a measurable target, which can be assessed and monitored, it should be expressed as an absolute energy installed capacity figure. This should be calculated from the resource potential of the area and should not relate to a local need for energy.

Renewable and Low Carbon Energy

5.9.1 Local authorities should facilitate all forms of renewable and low carbon energy development and should seek cross-department co-operation to achieve this. In doing so, planning authorities should seek to ensure their area's full potential for renewable and low carbon energy generation is maximised and renewable energy targets are achieved. Planning authorities should seek to maximise the potential of renewable energy by linking the development plan with other local authority strategies, including Local Well-being plans and Economic/ Regeneration strategies.

Locational Policies for Renewable and Low Carbon Energy Development

5.9.15 Outside identified areas, planning applications for renewable and low carbon energy developments should be determined based on the merits of the individual proposal. The local need for a particular scheme is not a material consideration, as energy generation is of national significance and there is a recognised need to optimise renewable and low carbon energy generation. Planning authorities should seek to ensure their area's renewable and low carbon energy potential is achieved and have policies with the criteria against which planning applications outside of identified areas will be determined.

Development Management and Renewable and Low Carbon Energy

5.9.19 In determining applications for the range of renewable and low carbon energy technologies, planning authorities should take into account:

- the contribution a proposal will make to meeting identified Welsh, UK and European targets;
- the contribution to cutting greenhouse gas emissions; and
- the wider environmental, social and economic benefits and opportunities from renewable and low carbon energy development.

5.9.20 Planning authorities should also identify and require suitable ways to avoid, mitigate or compensate adverse impacts of renewable and low carbon energy development. The construction, operation, decommissioning, remediation and aftercare of proposals should take into account:

- the need to minimise impacts on local communities, such as from noise and air pollution, to safeguard quality of life for existing and future generations;
- the impact on the natural and historic environment;

- cumulative impact;
- the capacity of, and effects on the transportation network;
- grid connection issues where renewable (electricity) energy developments are proposed; and
- the impacts of climate change on the location, design, build and operation of renewable and low carbon energy development. In doing so, consider whether measures to adapt to climate change impacts give rise to additional impacts.

Re-powering, Life Extension, Decommissioning and Remediation

5.9.29 The extension and re-powering of existing renewable energy infrastructure is important in meeting renewable energy and decarbonisation targets. Planning authorities should support such schemes and take into account changes in renewable energy technology and viability, which may mean, for example, that the format of a repowered wind farm will be different from an existing scheme. Planning authorities should set out broad criteria for the determination of life extension and re-powering applications, based on the additional impact of the new scheme.

5.9.30 Energy-related developments should be decommissioned and sites remediated as soon as their use ceases. Planning authorities should use planning conditions or legal agreements to secure the decommissioning of developments and associated infrastructure, and remediation of the site. Planning authorities should consider including appropriate conditions for the decommissioning of energy generating developments and site restoration when they reach the end of their design life, taking into account any proposed after-use of the site. In addition, operators should ensure that sufficient finance is set aside to enable them to meet restoration obligations. An authority may require financial guarantees by way of a Section 106 planning obligation/ agreement, as part of the approval of planning permission to ensure that restoration will be fully achieved.

Integrating Green Infrastructure and Development

6.2.4 Green infrastructure plays a fundamental role in shaping places and our sense of wellbeing, and are intrinsic to the quality of the spaces we live, work and play in. The planning system should protect and enhance green infrastructure assets and networks because of these multi-functional roles. The protection and enhancement of biodiversity must be carefully considered as part of green infrastructure provision alongside the need to meet society's wider social and economic objectives and the needs of local communities. Taking a proactive and spatial approach, which links to wider activity being taken by local authorities to protect and provide green infrastructure, will help provide clarity around the contribution which the planning system can make.

6.2.11 The quality of the built environment should be enhanced by integrating green infrastructure into development through appropriate site selection and use of creative design. With careful planning and design, informed by an appropriate level of assessment, green infrastructure can embed the benefits of biodiversity and ecosystem services into new development and places, help to overcome the potential for conflicting objectives, and contribute to health and well-being outcomes.

6.2.12 A green infrastructure statement should be submitted with all planning applications. This will be proportionate to the scale and nature of the development proposed and will describe how green infrastructure has been incorporated into the proposal. In the case of minor development this will be a short description and should not be an onerous requirement for applicants.

The green infrastructure statement will be an effective way of demonstrating positive multi-functional outcomes which are appropriate to the site in question and must be used for demonstrating how the step-wise approach (Paragraph 6.4.15) has been applied.

6.3 Landscape

6.3.1 Landscape is an area, as perceived by people, whose character is the result of the action and interaction of natural and/or human factors. Landscape policy is guided by the European Landscape Convention.

6.3.2 The landscapes of Wales are rich and varied. Many Welsh landscapes are iconic, and a quarter of the land area of Wales is designated as either a National Park or Area of National Outstanding Beauty (AONB). The character and special qualities of all our places and landscapes, both urban and rural, can provide a strong sense of place, inspiration and belonging, and contribute to the distinctive cultural identity of Wales.

6.3.3 All the landscapes of Wales are valued for their intrinsic contribution to a sense of place, and local authorities should protect and enhance their special characteristics, whilst paying due regard to the social, economic, environmental and cultural benefits they provide, and to their role in creating valued places. Considering landscape at the outset of formulating strategies and policies in development plans and when proposing development is key to sustaining and enhancing their special qualities, and delivering the maximum well-being benefits for present and future generations as well as helping to deliver an effective and integrated approach to natural resource management over the long term. Collaboration and engagement with adjacent planning authorities, Natural Resources Wales (NRW), Cadw and the third sector will be necessary to draw on a wide range of expertise and evidence. This means:

- ensuring Wales contributes to meeting international responsibilities and obligations for landscapes;
- ensuring statutorily designated sites are properly protected and managed;
- ensuring that the value of all landscapes for their distinctive character and special qualities is protected; and
- ensuring the opportunities landscapes provide for tourism, outdoor recreation, local employment, renewable energy and physical and mental health and well-being are taken into account and multiple well-being benefits for people and communities secured.

6.3.4 Where adverse effects on landscape character cannot be avoided, it will be necessary to refuse planning permission.

Common Land

6.3.18 Common land is a finite resource and should not be developed unnecessarily. It is important in agricultural terms and valued for its leisure and environmental interests, particularly its significant role in habitat conservation. Access to it should not be prevented or impeded unnecessarily to ensure its proper management. The role and wider value of common land should be explored through Green Infrastructure Assessments.

Biodiversity and Ecological Networks

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

Addressing the consequences of climate change should be a central part of any measures to conserve biodiversity and the resilience of ecosystems. Information contained in SoNaRR, Area Statements and species records from Local Environmental Record Centres should be taken into account. Development plan strategies, policies and development proposals must consider the need to:

- support the conservation of biodiversity, in particular the conservation of wildlife and habitats;
- ensure action in Wales contributes to meeting international responsibilities and obligations for biodiversity and habitats;
- ensure statutorily and non-statutorily designated sites are properly protected and managed;
- safeguard protected and priority species and existing biodiversity assets from impacts which directly affect their nature conservation interests and compromise the resilience of ecological networks and the components which underpin them, such as water and soil, including peat; and
- secure enhancement of and improvements to ecosystem resilience by improving diversity, condition, extent and connectivity of ecological networks.

6.4.4 It is important that biodiversity and resilience considerations are taken into account at an early stage in both development plan preparation and when proposing or considering development proposals. Since these considerations are not confined by administrative boundaries they must be addressed strategically through consultation and collaboration with adjoining planning authorities and other bodies such as NRW and the third sector. All reasonable steps must be taken to maintain and enhance biodiversity and promote the resilience of ecosystems and these should be balanced with the wider economic and social needs of business and local communities. Where adverse effects on the environment cannot be avoided or mitigated, it will be necessary to refuse planning permission.

Biodiversity and Resilience of Ecosystems Duty (Section 6 Duty).

6.4.5 Planning authorities must seek to maintain and enhance biodiversity in the exercise of their functions. This means development should not cause any significant loss of habitats or populations of species, locally or nationally and must provide a net benefit for biodiversity. In doing so planning authorities must also take account of and promote the resilience of ecosystems, in particular the following aspects: - diversity between and within ecosystems; - the connections between and within ecosystems; - the scale of ecosystems; - the condition of ecosystems including their structure and functioning; and - the adaptability of ecosystems.

6.4.6 In fulfilling this duty, planning authorities must have regard to: - the list of habitats and species of principal importance for Wales, published under Section 7 of the Environment (Wales) Act 2016; - the SoNaRR, published by NRW; and - any Area Statement that covers all or part of the area in which the authority exercises its functions.

6.4.7 Planning Authorities should also refer to up to date ecological survey information (where appropriate).

6.4.8 A proactive approach towards facilitating the delivery of biodiversity and resilience outcomes should be taken by all those participating in the planning process. In particular, planning authorities must demonstrate that they have sought to fulfil the duties and requirements of Section 6 of the Environment Act by taking all reasonable steps to maintain and enhance biodiversity in the exercise of their functions.

Maintaining and Enhancing Biodiversity

6.4.11 Planning authorities must follow a step-wise approach to maintain and enhance biodiversity, build resilient ecological networks and deliver net benefits for biodiversity by ensuring that any adverse environmental effects are firstly avoided, then minimized, mitigated, and as a last resort compensated for. Enhancement must be secured by delivering a biodiversity benefit primarily on site or immediately adjacent to the site, over and above that required to mitigate or compensate for any negative impact.

6.4.14 Planning authorities can ensure biodiversity enhancement is undertaken at each stage of the step-wise approach below through attaching planning conditions and/or other obligations to a planning permission. Planning authorities should take care to ensure that any conditions necessary to implement this policy are relevant to planning and the development to be permitted, and are enforceable, precise, and reasonable in all other respects.

Protection for Non-statutory Designations

6.4.31 Although non-statutory designations do not have a statutory process for their protection, Sites of Importance for Nature Conservation, Local Wildlife Sites, Local Nature Reserves, and Regionally Importance Geodiversity Sites make a vital contribution to delivering an ecological network for biodiversity and resilient ecosystems, and they should be given protection in development plans and the development management process. Non-statutory sites can form the core of a vital network of threatened habitats, play an essential role in protecting, maintaining, connecting and restoring biodiversity and contribute to nature recovery and a net benefit for biodiversity. Before authorising development likely to damage a local wildlife designation, planning authorities should give notice of the proposed operation to the local authority Ecologist and third sector environmental organisations. In all cases a written opinion must be secured from the local authority Ecologist. Where a Green Infrastructure Assessment has identified that certain features or characteristics of the site need to be maintained or enhanced, planning authorities should state in their development plans what features or characteristics require protection and why, and explain how the policies will achieve this protection. Assessments should similarly consider the presence of protected and priority habitats and species including those on the Section 7 list and appropriate weight attached to their protection.

Protected Species

6.4.35 The presence of a species protected under European or UK legislation, or under Section 7 of the Environment (Wales) Act 2016 is a material consideration when a planning authority is considering a development proposal which, if carried out, would be likely to result in disturbance or harm to the species or its habitat and to ensure that the range and population of the species is sustained. Planning authorities should advise anyone submitting a planning application that they must conform with any statutory species protection provisions affecting the site, and potentially the surrounding area, concerned. An ecological survey to confirm whether a protected species is present and an assessment of the likely impact of the development on a protected species may be required in order to inform the development management process. It is considered best practice that screening to determine the presence of protected species should be carried out by a competent ecologist on the basis of data provided by the relevant Local Environmental Record Centre.

Trees, Woodlands and Hedgerows

6.4.37 Trees, hedgerows, groups of trees and areas of woodland are of great importance for biodiversity. They are important connecting habitats for resilient ecological networks and make an essential wider contribution to landscape character, culture, heritage and sense of place, air quality, recreation and local climate moderation.

They also play a vital role in tackling the climate emergency by locking up carbon, and can provide shade, shelter and foraging opportunities, wider landscape benefits such as air and diffuse pollution interception, natural flood management, and building materials. The importance of trees, in particular urban trees, in creating distinctive and natural places which deliver health and well-being benefits to communities, now and in the future should be promoted as part of plan making and decision taking. Planning authorities must promote the planting of new trees, hedgerows, groups of trees and areas of woodland as part of new development.

6.4.39 Planning authorities must protect trees, hedgerows, groups of trees and areas of woodland where they have ecological value, contribute to the character or amenity of a particular locality, or perform a beneficial green infrastructure function.

6.4.40 Where trees, woodland and hedgerows are present, their retention, protection and integration should be identified within planning applications. Where surveys identify trees, hedgerows, groups of trees and areas of woodland capable of making a significant contribution to the area, these trees should be retained and protected. The provision of services and utilities infrastructure to the application site should also avoid the loss of trees, woodlands or hedges and must be considered as part of the development proposal; where such trees are lost, they will be subject to the replacement planting ratios set out below.

6.4.41 Whilst most focus within the planning system is targeted at urban trees, planning authorities should recognise the importance of trees within the countryside, either as woodlands, within hedgerows and hedgebanks, or free-standing trees in fields, or as wood pasture. This is particularly important as the effects of climate change are leading towards pests and diseases that are damaging many of our native species in the rural landscape. Positive mechanisms of rural tree retention should be considered, and measures taken to replace them in an effective and economic manner, either with new planting or by allowing them to grow to their full potential.

6.4.42 Permanent removal of trees, woodland and hedgerows will only be permitted where it would achieve significant and clearly defined public benefits. Where individual or groups of trees and hedgerows are removed as part of a proposed scheme, planning authorities must first follow the step-wise approach as set out in paragraph 6.4.15. Where loss is unavoidable developers will be required to provide compensatory planting (which is proportionate to the proposed loss as identified through an assessment of green infrastructure value including biodiversity, landscape value and carbon capture). Replacement planting shall be at a ratio equivalent to the quality, environmental and ecological importance of the tree(s) lost and this must be preferably onsite, or immediately adjacent to the site, and at a minimum ratio of at least 3 trees of a similar type and compensatory size planted for every 1 lost.

6.4.44 The protection and planting of trees and hedgerows should be delivered, where appropriate, through locally-specific strategies and policies, through imposing conditions when granting planning permission, and/or by making Tree Preservation Orders (TPOs). They should also be incorporated into Green Infrastructure Assessments and plans.

Sustainable Drainage Systems (SuDS) and Development

6.6.17 New developments of more than one dwelling or where the area covered by construction work equals or exceeds 100 square metres also require approval from the SuDS Approval Body (SAB) before construction can commence. Adoption and management arrangements, including a funding mechanism for maintenance of SuDS infrastructure and all drainage elements are to be agreed by the SAB as part of this approval.

This will ensure that SuDS infrastructure is properly maintained and functions effectively for its design life.

6.6.18 The provision of SuDS must be considered as an integral part of the design of new development and considered at the earliest possible stage when formulating proposals for new development.

Development and Flood Risk

6.6.22 The climate emergency is likely to increase the risk of flooding as a result of sea-level rises, increased storminess and more intense rainfall. Flooding as a hazard involves the consideration of the potential consequences of flooding, as well as the likelihood of an event occurring. Planning authorities should adopt a precautionary approach of positive avoidance of development in areas of flooding from the sea or from rivers. Surface water flooding will affect choice of location and the layout and design of schemes and these factors should be considered at an early stage in formulating development proposals.

6.6.24 Development Advice Maps enable planning authorities to take a strategic approach to flood risk and consider the catchment as a whole by providing a preliminary representation of flood risks, which inform decisions on the location of new development and the requirements necessary to support any applications which may be proposed. Together with flood consequences assessments they should assist understanding of how natural and man-made defences work as integral components of places and provide a means by which the cumulative effects of development can begin to be understood.

6.6.25 Development should reduce, and must not increase, flood risk arising from river and/or coastal flooding on and off the development site itself. The priority should be to protect the undeveloped or unobstructed floodplain from development and to prevent the cumulative effects of incremental development.

6.6.27 Planning authorities should be aware of the risk of surface water flooding, usually caused by heavy rainfall, and ensure developments are designed and planned to minimise potential impacts. Development should not cause additional run-off, which can be achieved by controlling surface water as near to the source as possible by the use of SuDS.

Managing Potential Environmental Risk Arising through Construction Phases

6.7.26 Planning authorities must consider the potential for temporary environmental risks, including airborne pollution and surface and subsurface risks, arising during the construction phases of development. Where appropriate planning authorities should require a construction management plan, covering pollution prevention, noisy plant, hours of operation, dust mitigation and details for keeping residents informed about temporary risks.

6.8 Lighting

6.8.1 There is a need to balance the provision of lighting to enhance safety and security to help in the prevention of crime and to allow activities like sport and recreation to take place with the need to:

- protect the natural and historic environment including wildlife and features of the natural environment such as tranquillity;
- retain dark skies where appropriate;
- prevent glare and respect the amenity of neighbouring land uses; and
- reduce the carbon emissions associated with lighting.

6.8.4 Planning authorities can attach conditions to planning permissions for new developments that include the design and operation of lighting systems, for example, requiring energy-efficient design and to prevent light pollution.

Physical Ground Conditions and Land Instability

6.9.22 The development of greenfield sites or the intensification of development in areas already developed can result in instability which may affect both the development itself and the land surrounding it.

6.9.23 When considering development proposals planning authorities should take into account the nature, scale and extent of ground instability which may pose direct risks to life and health, buildings and structures, or present indirect hazards associated with ground movement, including mine entry collapse, which provide potential pathways for the migration to the surface of landfill or mine gases. Slopes, embankments, cuttings and underground cavities can themselves be put at risk from inappropriate neighbouring development and, where relevant, land stability should be addressed and appropriate mitigation measures secured to protect both existing assets and proposed development itself.

6.9.24 Made ground, the presence of tips and shallow coal workings are extensive in some parts of Wales and their proximity to the surface could present potential instability risk to future development.

6.9.25 Planning decisions will need to take into account:

- the potential hazard that instability could create to the development itself, to its occupants and to the local environment; and
- the results of a specialist investigation and assessment by the developer to determine the stability of the ground and to identify any remedial measures required to deal with any instability.

6.9.26 Any planning application in coal mining consultation areas may need to be accompanied by a coal mining risk assessment report, or equivalent. Any works which may intersect coal mine workings, mine entries or coal seams may have implications for mine gas, spontaneous combustion and surface collapse and liaison with the Coal Authority must take place.

6.9.27 Where acceptable measures can overcome instability, planning permission may be granted subject to conditions specifying the necessary measures. If instability cannot be overcome satisfactorily, the authority may refuse planning permission.

Swansea Local Development Plan (LDP) (2010-2025)

EU 1: Renewable and Low Carbon Energy Proposals

Proposals for renewable or low carbon energy development will be permitted subject to the following criteria:

- i. Strategic Search Area (SSA) –
Within or adjacent to the SSA, proposals for wind energy development greater than 25MW will be permitted subject to criteria iii to v; all other proposals for renewable and low carbon energy development will only be permitted where they can demonstrate they would not prejudice the purpose of the SSA.

- ii. Local Search Areas (LSAs) –
Within the LSAs, proposals for solar PV between 5 – 50MW will be permitted subject to criteria iii to v. All other proposals for renewable and low carbon energy development will only be permitted where they can demonstrate they would not prejudice the purpose of the LSA.
- iii. Proposals for all types of renewable and low carbon energy development and associated infrastructure, either on their own, cumulatively or in combination with existing, approved or proposed development, should comply with all other relevant policies in the Plan and should not have a significant adverse effect on:
 - a. The characteristics and features of the proposed location as a result of the siting, design, layout, type of installation and materials used;
 - b. Public amenity or public accessibility to the area;
 - c. Radar, Aircraft Operations or Telecommunications;
 - d. Carbon sinks, unless it can be demonstrated that on-site loss can be adequately mitigated;
- iv. Satisfactory mitigation should be in place to reduce the impact of the proposal and its associated infrastructure; and in the case of solar proposals must mitigate against any impacts of glint and glare. Proposals shall make provision for the restoration and after-care of the land for its beneficial re-use. This will be agreed with the LPA prior to the development being carried out.
- v. Where necessary, additional compensatory benefits will be sought in accordance with Policy IO 1 Supporting Infrastructure.

RP 4 Water Pollution and the Protection of Water Resources - development that compromises the quality of the water environment, or does not comply with good water resource management, will not be permitted. Development proposals must make efficient use of water resources and, where appropriate, contribute towards improvements to water quality. Sustainable drainage systems (SuDS) must be implemented wherever they would be effective and practicable. Water courses will be safeguarded through green corridors/riparian buffers. Development proposals that would have a significant adverse impact on biodiversity, fisheries, public access or water related recreation use of water resources, will not be permitted.

RP 5 Avoidance of Flood Risk – In order to avoid the risk of flooding, development will only be permitted in line with Policy principles.

PS 1 Sustainable Places – the delivery of new homes, jobs, infrastructure and community facilities must comply with the plan's sustainable settlement strategy which; directs development to the most sustainable locations within defined settlement boundaries of the urban area and Key villages; requires compliance with Sustainable Housing Strategy (PS 3) and Sustainable Employment Strategy (PS 4); safeguards Green Wedges; and resists development in the open Countryside.

PS 2 Placemaking and Place Management – development should enhance the quality of places and spaces and should accord with relevant placemaking principles.

IO 1 Supporting Infrastructure - development must be supported by appropriate infrastructure, facilities and other requirements considered necessary as part of the proposal.

ER 1 Climate Change – To mitigate against the effects of climate change, adapt to its impacts, and to ensure resilience, development proposals should take into account the climate change principles specified in the policy.

ER 2 Strategic Green Infrastructure Network – Green infrastructure will be provided through the protection and enhancement of existing green spaces that afford valuable ecosystem services. Development that compromises the integrity of such green spaces, and therefore that of the overall green infrastructure network, will not be permitted.

Development will be required to take opportunities to maintain and enhance the extent, quality and connectivity of the County's multi-functional green infrastructure network in accordance with the green infrastructure principles set out in the policy.

ER 5 Landscape Protection - Development will not be permitted that would have a significant adverse effect on the character and quality of the landscape of the County. Priority will be given to protecting, enhancing and managing the character and quality of the 4 Special Landscape Areas (SLAs) (shown on the Proposals Map). Within SLAs development will only be permitted where there is no significant adverse impact, including cumulative impact, on the character and quality of the landscape, a landscape assessment may be required. Permitted development should aim to protect and enhance the features for which the SLA has been designated. In exceptional circumstances, where development that will have a significant impact on the landscape is necessary, a landscaping scheme will be required with appropriate mitigation and enhancement measures.

ER 6 Designated Sites of Ecological Importance - Development will not be permitted that would result in a likely significant adverse effect on the integrity of international and national designated sites, except in the circumstances specified in relevant legislation.

Development that would adversely affect locally designated sites should maintain and enhance the nature conservation interest of the site. Where this cannot be achieved development will only be permitted where it can be demonstrated that specified policy criteria are met.

ER 8 Habitats and Species - Development proposals that would have a significant adverse effect on the resilience of protected habitats and species will only be permitted where they meet specific criteria.

ER 9 Ecological Networks and Features of Importance for Biodiversity – Development proposals will be expected to maintain, protect and enhance ecological networks and features of importance for biodiversity. Particular importance will be given to maintaining and enhancing the connectivity of ecological network. Development that could have an adverse effect on such networks and features will only be permitted where meet specific criteria are met.

ER 11 Trees, Hedgerows and Development - Development that would adversely affect trees, woodlands and hedgerows of public amenity, natural/cultural heritage value, or that provide important ecosystem services will not normally be permitted. Ancient Woodland, Ancient Woodland Sites, Ancient and Veteran trees merit specific protection and development that would result in specified outcomes will not normally be permitted.

Where necessary a tree survey; arboricultural impact assessment; an arboricultural method statement; tree protection plan and/or scheme for tree replacement, including details of planting and aftercare will be required in support of a planning application.

T 1 Transport Measures and Infrastructure - Development must be supported by appropriate transport measures and infrastructure and dependant the nature, scale and siting of the proposal, meet specified requirements. Development that would have an unacceptable impact on the safe and efficient operation of the transport network will not be permitted.

T 5 Design Principles for Transport Measures and Infrastructure – provides design criteria that the design of the new development, including supporting transport measures/infrastructure must adhere to.

T 6 Parking - proposals must be served by appropriate parking provision, in accordance with maximum parking standards, and consider the requirements for cycles, cars, motorcycles and service vehicles. In those instances where adequate parking cannot be provided on site, or is judged not to be appropriate, the developer will be required to provide a financial contribution towards alternative transport measures where appropriate.

The provision of secure cycle parking and associated facilities will be sought in all major development schemes.

Proposals on existing car parks that would reduce parking provision will not be permitted where the loss of the parking facility would result in outcomes specified in the policy.

RP 3 Air and Light Pollution - Where development could lead to exposure to a source of air or light pollution it must be demonstrated that appropriate mitigation measures will be implemented, and incorporated into the design of the development to minimise the effects on existing and future occupants.

RP 13 Safeguarding Minerals - Development within mineral safeguarding areas that would permanently sterilise identified resources of aggregates will only be permitted where it can be demonstrated compliance with specific criteria. Development of a temporary nature will only be permitted where the site can be restored within a timescale that the mineral is likely to be needed.

Supplementary Planning Guidance

The Council's Biodiversity and Development (Feb 2021) SPG and Trees, Hedgerows and Woodlands (Oct 2021) SPG provide guidance to augment Policies ER 2, ER6, ER8, ER9 and ER 11 of the LDP, and provides clarity on the interpretation of those policies, in order to ensure development within Swansea maintains and enhances the County's biodiversity and delivers long term ecosystem resilience. The document sets out the requirement to follow the stepwise approach in relation to the consideration of developments including, where necessary, the requirement for ecological mitigation and enhancement measures. This aligns with the Council's duties under s.6 of the Environment (Wales) Act 2016 and the Resilient Wales Goal of the Well Being of Future Generations Act 2015 and is consistent with National Development Plan (Future Wales) Policy.

Consultations

The application was advertised in the local press; by site notices; and by neighbour letters. The application has been advertised in accordance with the statutory requirements set out within the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 (as amended).

No public representations have been made.

Consultation Responses

Strategic Planning and Placemaking

Overview

This full application relates to Land Off Bryntywod in Llangyfelach, Swansea, and proposes the erection of a 200MW battery energy storage system (BESS), associated infrastructure and engineering works. The purpose of this development is to complement existing energy related development nearby, including the existing Swansea substation and the nearby Brynwhilach solar farm development, by providing additional resilience to the grid. The planning statement identifies the proposal provides essential energy infrastructure to support the growth of renewable energy generation in Wales by increasing the capacity that is available to store energy.

The site lies to the south of the Felindre Strategic Development Area SD G accessed off Bryntywod which is identified as a key spine street serving the Strategic site. The proposal would be accessed off this route. Given the proximity of the site to the proposed strategic development area, it will be important that the proposal does not hinder the future planning strategy for the Felindre Strategic Development Area. As such, Paragraph 8.5 within the submitted Planning Statement notes that "*the proposed development is within the settlement boundary and will not impact the proposed Strategic Development site 'SD G' to the north of the site*". The planning note, for example, refers to a high-level landscape and visual appraisal being submitted to assess visual impact. This concludes that the proposed development is unlikely to adversely affect the existing or future character of the site.

It is noted there would appear potential for the incorporation of renewable and low carbon energy as part of the development of the SDA, with the infrastructure requirements including '*opportunities for district energy scheme should be fully explored and if appropriate integrated into the site*'. The proposed battery storage offers the opportunity to enable energy from renewables to be stored and then released when power is needed most. The facility could serve nearby solar farms, future renewable proposals in the area and any future renewable energy strategy from the SDA.

Development Principle – Policies & Analysis

Facilitating Renewable and Low Carbon Energy

Future Wales Policy 17 states that the Welsh Government strongly supports the principle of developing renewable and low carbon energy from all technologies and at all scales to meet future energy needs. In determining applications for renewable and low carbon energy development decision makers must give significant weight to the need to meet Wales international commitments and our target to generate 70% of consumed electricity by renewable means by 2030 in order to combat the climate emergency.

The policy requires that new strategic grid infrastructure for the transmission and distribution of energy should be designed to minimise visual impact on nearby communities.

Whilst the proposed development is not strictly a renewable energy generation scheme, BESS is linked to the further deployment of renewable energy schemes by providing storage capacity.

Planning Policy Wales Chapter 5 Energy – Relevant paras 5.27, 5.7.10, 5.7.12, 5.7.15
5.7.12 - Energy storage has an important part to play in managing the transition to a low carbon economy. The growth in energy generation from renewable sources requires the management of the resultant intermittency in supply, and energy storage can help balance supply and demand. Proposals for new storage facilities should be supported wherever possible.

Policy PS1 sets out that the delivery of new infrastructure must comply with the plans sustainable development strategy that directs development to the most sustainable location within defined settlement boundaries. The site is unallocated land within the settlement boundaries as defined by PS1.

Policy EU1 sets out the criteria against which all proposals for renewable and low carbon energy development will be assessed and seeks to ensure the proposal in combination with existing, approved or proposed development complies with other policies of the plan. Specifically proposals should demonstrate no significant adverse effect against the range of set criteria. Of particular relevance to this proposal are criterion i, ii and iv and the Case Officer will need to be satisfied the proposals is acceptable against the range of criteria

- i Effect on character and features of the site as a result of siting, design, layout and type of installation
- ii Effect on public amenity or public accessibility
- iii Satisfactory mitigation should be in place to reduce the impact of the proposal and associated infrastructure and proposals should make provision for restoration and aftercare of the land for its beneficial reuse.

Policy ER 1 seeks that development mitigates the effects of climate change, adapts to its impacts and ensure resilience and should take into account...*'promoting energy and resource efficiency and increasing the supply of renewable and low carbon energy'*

Flood Risk

PPW and TAN15 (2004) remain the extant policy documents for flood risk with the general thrust being that development should avoid areas at a high risk of flooding. TAN15 is consistent with this approach stating that new development should be directed away from Zone C and towards suitable land in Zone A, otherwise to Zone B where flooding would be less of an issue. An analysis of the NRW Development Advice Map shows that the western boundary of the site is located within Flood Zone B, which includes areas that have flooded in the past. However, a portion of Flood Zone C2 incurs into the site in the Northwest corner, which relates to areas without significant flood defence infrastructure. This is echoed within NRW's Flood Map for Planning, which shows that the western boundary is subject to Flood Zones 2 and 3 from Surface Water and Small Watercourses, with the Northwest corner part of the site also included in Flood Zones 2 and 3, but from Rivers and Sea. To address the issue of Flood Risk, the applicant has submitted a Flood Consequence and Drainage Appraisal.

The proposal is considered to fall under the category of less vulnerable development in TAN15 with the battery storage facility considered as utilities infrastructure. The FCA indicates that all built development will be outside of the floodplain. However part of the access road is shown to be within the fluvial floodplain. The FCA concludes the flood risk and proposed mitigation to be acceptable. It also assesses that as the development is unmanned with one or two maintenance visits per month the personnel will delay their visit in the event of a flooding event. The planning statement indicates the access road is proposed to be raised above the flood level to provide a dry means of accessing and existing the site; *'meaning in pragmatic terms the risk of flooding to the development is nil'*.

Given the policy approach that new development be directed away from areas at the highest risk of flooding, development in Zone C2 (in this case part of the access route) has to be justified in that location in line with para 6.2, with development only being justified if it satisfies either criterion I or ii and iii and iv. In this case, given the nature of the development it cannot be assessed as (i) *part of a local regeneration initiative* or (ii) *necessary to contribute to key employment objectives to sustain an existing settlement* or (iii) *meeting the definition of previously developed land*. Therefore whilst it is clear that the nature of the proposal would not satisfy the above criteria regard has to be had to criteria iv of the justification test also in terms of being satisfied the particular consequences of a flooding event are found to be acceptable. It is noted the FCA has assessed floodrisk and proposed mitigation and found these to be acceptable. The Case Officer will consider the technical experts assessment of the robustness of the FCA conclusion.

The nature of LDP policies RP1 and RP5 seeks to avoid development that would result in a *significant risk to life, human health and well being and property and that can be justified in line with national policy and where a technical assessment verifies the development is designed to alleviate the threat and consequences of flooding*. Aside from the technical conflict with para 6.2 of TAN15 otherwise the proposal would comply with the requirements of LDP policy.

Therefore, whilst the area for battery storage would be policy compliant in terms of flood risk; the flood risk associated with the access route (although not substantial) means that the proposals overall does not meet the TAN15 justification test. Notwithstanding, the development area for the battery storage is flood free, flood risk covers only a small part of the access route which is able to be mitigated and given the nature of the development it is not permanently occupied with only two monthly maintenance visits that could reasonably be rescheduled if required.

Therefore, considering the above the Case Officer may consider it reasonable to conclude that a pragmatic approach should be taken considering the level of flood risk involved recognising the benefits of the development in providing essential supporting infrastructure to facilitate the renewable energy industry.

Placemaking Requirements – Policies & Analysis

The Development Plan at national and local level places significant emphasis on the importance of placemaking and the following identifies the key policies and principles in this regard that all proposals must to adhere to:

Future Wales Policy 2 requires that:

- all development should adhere to the defined placemaking principles in order that it positively contributes towards building sustainable places that support well-being objectives, and

- opportunities should be taken to ensure that multifunctional (Green Infrastructure) GI is fully integrated into development schemes at a range of scales wherever possible.

Swansea LDP Policies PS 2 and ER 2 require that:

- all proposals should adhere to the defined placemaking principles and development criteria, to ensure that proposals make a positive contribution to the experience and enjoyment of places
- development should enhance the quality of places and spaces, and respond positively to aspects of local context and character
- the design, layout and orientation of proposed buildings, and the spaces between them, should provide for an attractive, legible, healthy, accessible and safe environment, and must not cause unacceptable impacts on people's amenity, and that
- development must take opportunities to maintain and enhance the County's GI network, having regard to the extent, quality and connectivity of the GI resource
- maximise opportunities for contributions towards increased renewable or low carbon energy generation

Swansea Council is a signatory to the Wales Placemaking Charter which defines the placemaking principles and range of considerations that should be applied to all developments, in the interests of maintaining and creating good places.

In tandem with placemaking requirements, the Development Plan and national policy also requires that all applications must enhance biodiversity and ecosystem resilience, and that nature-based solutions to the design process should be integrated wherever possible, which is in line with the Council's duty under Section 6 of the Environment (Wales) Act 2016. In particular:

Future Wales Policy 9 requires that:

- in all cases, action towards securing the maintenance and enhancement of biodiversity (to provide a net benefit), the resilience of ecosystems and green infrastructure assets must be demonstrated as part of development proposals through innovative, nature-based approaches to site planning and the design of the built environment action

PPW requires that:

- all applications must submit a GI Statement that is proportionate to the scale of development
- applicants should identify the actions and approach taken to maintain and enhance biodiversity and ecosystem resilience as part of the proposed development, following a 'stepwise approach' (Para 6.4.21)

Swansea LDP Policy ER9 highlights that:

- all development should maintain, protect and enhance ecological networks and features of importance for biodiversity

The adopted Biodiversity and Development SPG sets out how the requirement for biodiversity can be addressed using the step wise approach, as well as details of specific measures that could be provided to enhance biodiversity and ecosystem resilience.

The applicant has submitted a Green Infrastructure Statement which follows the stepwise approach. This concludes subject to the implementation measures the scheme is capable of maintaining and integrating GI within the development design, whilst delivering benefits to biodiversity as well as connectivity and ecosystem resilience. The Councils Landscape and Green Infrastructure team should be consulted as to the assessment of the GI Statement.

A site of importance for nature conservation (Penlleger to Llangyfelach Tunnel railway line) extends partially into the site at the Northwest boundary. The proposals would need to be assessed against Policy ER 6: Designated Sites of Ecological Importance. The proposals have been informed by an Ecological Appraisal alongside the Green Infrastructure Statement. This sets out the mitigation and enhancement strategy to deliver net benefits for biodiversity. The Councils ecologist will provide an assessment of this report and the mitigation and enhancement measures proposed.

Other Key Issues

Trees and Woodlands – It is noted an Arboricultural Implications Assessment has been submitted to determine the impact of the proposal on existing trees and the Councils tree officer has been consulted. Any Category A or B trees lost will need to be compensated for in line with the Trees, Woodlands and Hedgerows SPG.

SUDS – The flood risk appraisal sets out that surface water runoff will be managed through a SuDs scheme to ensure the proposed development has no adverse impact on the local drainage regime.

Trees and Woodlands – Aerial photography appears to show trees across the site. It is not clear whether these are scrub trees or higher category trees. Any future planning application should be informed by an Arboricultural Assessment to determine the impact of the proposals on existing trees at the site. Any Category A or B trees will need to be compensated for in line with the Trees, Woodlands and Hedgerows SPG.

Heritage – The submitted planning statement indicates the presence of a Grade II Listed tower circa 400 to the west of the site and, as a result, the application has been accompanied by a Historic Environment Desk-Based Assessment to address matters regarding setting. As such, the proposals will be assessed against Policies HC 1: Historic and Cultural Environment and HC 2: Preservation or Enhancement of Buildings and Features.

Highways – A Transport Statement has been submitted by the applicant which aims to demonstrate safe and efficient access to the transport network accordance with LDP Policies T 1, T 5, PS 2 viii and PS 2 ix. The Councils highways team will comment as to the acceptability of highways access. Appropriate car parking should be provided in compliance with T 6.

Landscaping

The Landscape & Green Infrastructure Team have reviewed the issued LVIA, LVA, G.I. Statement and Landscape Master Plan.

LVIA,LVA- We support the methodology, the chosen receptors and the conclusions reached. We are happy with the Landscape Master Plan issued and look forward to reviewing the applicant's detailed, soft landscaping proposals and subsequent management of species.

Commons Registration

I have checked our records and can confirm that part of the land to the East of the application site does abut common land but does not form part of CL:049 Llangyfelach Common.

Any works carried out at the application site should not extend onto the common as consent of the Welsh Ministers may be required under Section 38 of the Commons Act 2006.

We have no further comments to make.

Heneb (formerly Glamorgan and Gwent Archaeological Trust)

The proposal will require archaeological mitigation.

The information in the Historic Environment Record (HER) shows that there are no Listed Buildings, Scheduled Monuments, Registered Parks and Gardens, Registered Battlefields, Conservation Areas or World Heritage Sites within the Site. The parish of Llangyfelach was included within the medieval lordship of Gower, which by the 16th century had divided into two distinct regions based on geographical and tenurial differences. The Site lay within Gower Wallicana, which occupied the upland areas, and within a further sub-division referred to as 'Supraboscus', meaning 'above the wood'. For the duration of the medieval and post-medieval periods, the Site and its immediate environs are likely to have been of predominantly rural character, with no indication of any significant development having occurred at this time. The earliest map of the Site is George Yate's 1799 Map of Glamorgan, which depicts the Site in limited detail, and indicates the Site lay in an area of open space. The 1876 Ordnance Survey map depicts the Site before the construction of the railway line to the north of the Site, which would later form the northern boundary. There is some limited evidence for later prehistoric activity within wider surroundings of the Site, as attested by the single piece of worked flint to the north of the Site, while no further sites or findspots are recorded within the study area, the potential for encountering prehistoric or Roman remains cannot be entirely excluded, particularly in view of the limited number and scope of previous archaeological investigations in the locality.

The proposed development involves the erection of a battery energy storage system (BESS), with associated infrastructure and engineering works. Whilst we note the application is in an area of seemingly low archaeological potential, the site has been subject to very limited archaeological investigation in the past. Therefore, the possibility that buried archaeological remains could be encountered during the groundworks cannot be ruled out.

Therefore, in order to mitigate the impact of the development on the archaeological resource we recommend that a condition, for a programme of archaeological work, taking the form of an archaeological watching brief during the groundworks required for the development, should be attached to any consent granted.

We envisage that this programme of work would take the form of a watching brief during the groundworks required for the development, 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.

To ensure adherence to the recommendations we recommend that the condition should be worded in a manner similar to model condition 24 given in Welsh Government Circular 016/2014

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 has been submitted by the applicant and approved by the local planning authority. Thereafter, the programme of work will 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.

We also recommend that a note should be attached to the planning consent explaining that:

The archaeological work must be undertaken to the appropriate Standard and Guidance set by Chartered Institute for Archaeologists (CIfA), CIfA regulations, standards and guidance | Chartered Institute for Archaeologists and it is recommended that it is carried out either by a CIfA Registered Organisation or a MCIfA level accredited Member.

Japanese Knotweed/INNS Officer

The invasive non-native species (INNS) condition for Himalayan balsam needs to be placed on this application.

Coal Authority

The Coal Authority is a non-departmental public body sponsored by the Department for Energy Security and Net Zero. As a statutory consultee, the Coal Authority has a duty to respond to planning applications and development plans in order to protect the public and the environment in mining areas.

The Coal Authority response: Material Consideration

I have reviewed the proposals and confirm that the application site falls within the Coal Authority's defined Development High Risk Area. Therefore, within the application site and surrounding area there are recorded coal mining features present at surface or shallow depths. The risk these features may pose should be considered as part of the planning process.

The Coal Authority records indicate the presence of a recorded on-site mine entry (CA adit ref: 264199-008). The Coal Authority hold no treatment details for this mine entry and therefore should be considered as an untreated adit and due to the historic source plans used to record its current position, could vary by several metres. In addition to the above, there are two coal seams of workable thickness recorded to outcrop at or close to the surface of the site that may have been historically worked (from the surface to shallow depths) beneath parts of the site. These coal mining features could affect the safety and stability of the proposed development.

The planning application is accompanied by a Phase 1 Ground Condition Desk Study Report, Issue P2 (9 July 2024) prepared for the proposed development by Hydrock Consultants Limited. We note that one of its objectives is to assess the ground conditions relative to former coal mining activity. The Report has been informed by an appropriate range of sources of information (Section 2.1).

Having carried out a review of the relevant historical, geological and coal mining information, Section 2.8 concurs with our records and considers that site could be at risk of subsidence from the recorded features and recommendations have been made that these should be investigated further (delineate the extent of the mine adit and the coal seams it may have worked). The findings should inform the extent of any remedial and / or mitigation measures required to ensure the proposed development will be safe and stable (PPW paras. 6.9.23 – 28).

The intrusive site investigations should be designed and undertaken by competent persons to ensure that these are appropriate to assess the ground conditions on the site to establish the coal-mining legacy present and the risks it may pose to the development and inform any mitigation measures that may be necessary.

We are pleased to note that the current position of the adit has been illustrated on Drawing PL.001d (Site Layout Plan - Mining Adit) and the applicant has designed the scheme to ensure no structures are over this specific feature.

The applicant should be aware that Permission is required from the Coal Authority Permit and Licensing Team before undertaking any activity, such as ground investigation and ground works, which may disturb coal property. Please note that any comments that the Coal Authority may have made in a Planning context are without prejudice to the outcomes of a Permit application.

Mine Gas

Wherever coal resources or coal mine features exist at shallow depth or at the surface, there is the potential for mine gases to exist. These risks should always be considered by the LPA. The Planning & Development team at the Coal Authority, in its role of statutory consultee in the planning process, only comments on gas issues if our data indicates that gas emissions have been recorded on the site. However, the absence of such a comment should not be interpreted to imply that there are no gas risks present. Whether or not specific emissions have been noted by the Coal Authority, local planning authorities should seek their own technical advice on the gas hazards that may exist, and appropriate measures to be implemented, from technically competent personnel.

Sustainable Drainage

It should be noted that where SUDs are proposed as part of the development scheme consideration will need to be given to the implications of this in relation to the stability and public safety risks posed by coal mining legacy. The developer should seek their own advice from a technically competent person to ensure that a proper assessment has been made of the potential interaction between hydrology, the proposed drainage system and ground stability, including the implications this may have for any mine workings which may be present beneath the site.

The Coal Authority Recommendation to the LPA

In light of the above, the Coal Authority recommends the imposition of the following conditions:

1. No development shall commence until;
 - a) a scheme of intrusive site investigations has been carried out on site to establish the risks posed to the development by past coal mining activity, and;

b) any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, have been implemented on site in full in order to ensure that the site is made safe and stable for the development proposed.

The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance.

2. Prior to the occupation of the development, or it being taken into beneficial use, a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development shall be submitted to the Local Planning Authority for approval in writing. This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.

This is our recommendation for condition wording. Whilst we appreciate that you may wish to make some amendment to the choice of words, we would respectfully request that the specific parameters to be satisfied are not altered by any changes that may be made.

The Coal Authority has no objection to the proposed development subject to the imposition of the conditions to secure the above.

It is also requested that the following Informative Notes are included on any planning permission granted:

1 - Ground Investigations

Under the Coal Industry Act 1994 any intrusive activities, including initial site investigation boreholes, and/or any subsequent treatment of coal mine workings/coal mine entries for ground stability purposes require the prior written permission of The Coal Authority, since such activities can have serious public health and safety implications. Failure to obtain permission to enter or disturb our property may result in the potential for court action. In the event that you are proposing to undertake such work in the Forest of Dean local authority area our permission may not be required; it is recommended that you check with us prior to commencing any works. Application forms for Coal Authority permission and further guidance can be obtained from The Coal Authority's website at: www.gov.uk/get-a-permit-to-deal-with-a-coal-mine-on-your-property

2 - Shallow coal seams

In areas where shallow coal seams are present caution should be taken when carrying out any on site burning or heat focused activities.

Trees/Hedgerows

No objection to the limited tree loss.

Details of tree planting are required to ensure that removals are adequately mitigated.

Please condition a detailed landscape scheme.

Dwr Cymru Welsh Water

The proposed development site is crossed by a public sewer with the approximate position being marked on the attached Statutory Public Sewer Record. The 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 sewer.

It appears the application does not require to connect to the public sewer, and therefore Dwr Cymru Welsh Water has no further comments. However, should circumstances change and a connection to the public sewerage system/public sewage treatment works is preferred we must be re-consulted on this application.

We would request that if you are minded to grant Planning Consent for the above development that the Advisory Notes provided below are included within the consent to ensure no detriment to existing residents or the environment and to Dwr Cymru Welsh Water's assets.

Advisory Notes

The applicant may need to apply to Dwr Cymru / Welsh Water for any connection to the public sewer under S106 of the Water Industry Act 1991. If the connection to the public sewer network is either via a lateral drain (i.e. a drain which extends beyond the connecting property boundary) or via a new sewer (i.e. serves more than one property), it is now a mandatory requirement to first enter into a Section 104 Adoption Agreement (Water Industry Act 1991). The design of the sewers and lateral drains must also conform to the Welsh Ministers Standards for Gravity Foul Sewers and Lateral Drains, and conform with the publication "Sewers for Adoption"- 7th Edition. Further information can be obtained via the Developer Services pages of www.dwrcymru.com

The applicant is also advised that some public sewers and lateral drains may not be recorded on our maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. The presence of such assets may affect the proposal. In order to assist us in dealing with the proposal the applicant may contact Dwr Cymru Welsh Water on 0800 085 3968 to establish the location and status of the apparatus. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

Our response is based on the information provided by your application. Should the proposal alter during the course of the application process we kindly request that we are re-consulted and reserve the right to make new representation.

Drainage (Final comments)

We can remove our objection on this one. The SAB pre-app is identified as 2024/0041/SPA which my colleague dealt with and provided detailed design commentary on what was needed to support a full application. Can the standard SAB informative be put on please.

Highway Authority (Final comments)

Background:

There is no planning history for this site.

A Pre-Application Consultation (PAC) was carried out although it does not appear that notification was received at the appropriate point of contact in order for the Highway Authority to be formally consulted.

This consultation response has been updated following the submission of additional information, in the interest of the Highway Authority, these include a Transport Response Note V2 30th October 2024 and a Framework Construction Traffic Management Plan V1 30th October 2024.

Site Location:

The application site is located to the northwest of Junction 46 of the M4, in Llangyfelach, Swansea.

Within the vicinity of the site, Bryntywod is a 30mph single carriageway road with footways provided on both sides of the carriageway. Bryntywod has a 7.5t vehicle restriction in place over the railway line to the north of the site.

Access:

The proposed access for the site is in the form of a priority junction with Bryntywod Road. The access road is proposed to be 7.3m wide with a 2m footway on the southern side.

Visibility splays of 2.4m x 43m (in line with Manual for Streets guidance) have been shown in each direction from the proposed site access, based on the posted speed limit of 30mph on Bryntywod. It is acknowledged that the visibility splays show that acceptable visibility can be achieved at the proposed site access junction.

Swept path analysis has been provided for a 16m low loader vehicle and a 100t crane using the proposed access junction in Appendix E of the Transport Statement. The swept path analysis shows that these vehicle types can enter and exit the junction whilst staying within the highway. When the large vehicles are entering and exiting the access road at the priority junction, if there are other vehicles present, they may be required to stop and wait for the construction vehicles to finish their manoeuvre. This is considered acceptable given the intentions that this will be guided by marshals or banks persons during the temporary construction period. It was previously requested that demonstration was provided that proposed access is capable of accommodating two-way movement for standard cars or panel vans.

The original submission set out swept paths in one direction and it is confirmed that this was based on the assumption that all vehicles will access or egress the site from the south via the A48 as there are no suitable routes from the north of the site. This was confirmed to be appropriate for the construction period together with a strict routing strategy. However, it was suggested in the Highway Authority response that in the future the northern routes may offer connections. It was requested that the junction should be demonstrated to be capable to accommodate all approaches for operational use, using a suitable sized vehicle. The alternative option was noted to be the restriction of movements and the redesign of the layout to prevent left turns in / right turns out.

The submitted Transport Response Note has provided swept path analysis of all turning movements at the junction, using both private and panel van vehicle types. This satisfies any queries in the design and layout of the access for accommodating vehicle turns.

The previous consultation response confirmed that the abnormal indivisible loads (AIL) that may be required would need to be set out in a Construction Traffic Management Plan (CTMP). The Framework CTMP which has been submitted includes an indication of the vehicle as a worst case scale to transport two indivisible transformer units.

The route for AIL has been set out and commitment to provision of additional detail at the final submission of the CTMP. This information does satisfy the queries at this stage of application.

The applicant has provided a Stage 1 Road Safety Audit for the proposed site access junction in Appendix F of the Transport Statement. This set out two issues or problems and these related to clearance of vegetation with the visibility splays and the inclusion of dropped kerbs and tactile paving across the access junction. The designer has accepted the implementation of these measures.

The proposed routing of the construction vehicles should be presented within the CTMP which ideally should be submitted as a framework or draft as part of the planning submission agreement of the Local Highway Authority. This could be expanded upon following consent and the appointment of a contractor, with the principles already agreed and in place.

Traffic Impact Assessment:

A Transport Statement has been submitted by the applicant for this application.

Table 5.2 indicates that construction month 3 of 9 will be the peak month for construction traffic. During month 3, there is forecast to be 27 daily two-way LGV trips and 3.3 daily two-way HGV trips. This equates to 31 daily two-way trips when rounded up, this does not include trips associated with construction staff. The applicant has assumed a 10 hour period for delivery trips to be made which results in approximately 3 two-way vehicle trips per hour if they are distributed evenly across the day.

Paragraph 5.11 states that 30 construction staff are anticipated daily during the construction period. This would result in 60 two-way trips for staff vehicles.

The applicant has committed to the preparation of a Construction Worker Travel Plan to be submitted to the Highway Authority prior to any works commencing on the site. This should include a list of measures and initiatives to encourage construction workers to travel sustainably and a target mode share.

Workers are stated to arrive and depart outside of the traditional highway peak hours. The applicant suggests that a car occupancy assumption of 2 per vehicle is more realistic than 1. It was requested that the applicant provided evidence to support this assumption. This was suggested that this may be in the form of information from similar sites nearby, this does not appear to have been expanded upon within the recent submission.

It was also suggested that construction traffic parking should be set out in line with the findings from the above. This has been set out in the Transport Note as 15 spaces. The provision is based upon the 2 occupants per vehicle ratio and is reported to be used to assist with car sharing and limiting parking use. There are further areas for parking, if found to be required, therefore there are no issues to raise with this additional information.

Paragraph 5.16 in the Transport Statement indicates that the development proposals are anticipated to generate trips for general maintenance and safety checks every couple of months. The applicant has provided a list of other BESS applications in the UK that all confirm that BESS facilities generate minimal vehicular trips during the operational phase.

The Highway Authority is accepting of the fact that the temporary construction traffic phase will create more site activity than the permanent operational phase, the applicant has confirmed the operational attendance forecast as one or two per month traveling in light goods vehicles.

The applicant has now included additional information on the decommissioning phase. The lifespan is anticipated to 40 years' service life before decommissioning would begin. The decommissioning process has been anticipated to follow the principles of construction and would have a similar traffic impact. It has been confirmed that the details of the decommissioning can be secured prior to the 40 year expiration via an appropriately worded planning condition.

Parking:

In Chapter 4 of the Transport Statement (paragraphs 4.21 to 4.24), the applicant has set out the council's car parking standards for an office use <1000m² and concludes that the proposed development required 2 car parking spaces based on a 29.29m² welfare unit on site. However, in the start of the chapter and on the masterplan layout 8 parking spaces are provided across three areas. This was set out as needing clarification and explained following the additional information requested on operational traffic movements. It has been confirmed that one to two maintenance visits per month are anticipated to take place and the number of spaces at three separate locations around the site allows for movements and emergency attendance, if required.

It was requested that the applicant provide a drawing of the construction compound, including car parking provision for construction workers and an area for deliveries. This has been provided with appropriate detail, there are no further queries to raise.

Highway Authority View:

As confirmed previously, the Highway Authority could be considered to be supportive of the principle of the development suggested at this location. This was followed with a holding statement that requested that approval was not granted until further information has been provided.

The applicant has fully addressed the requests for additional information within the recent submission and there are no further queries or issues to raise.

It was recommended that if consent is granted, that the applicant be required to submit a Construction Worker Travel Plan for approval before any construction work on the site commences. The applicant has submitted a framework CTMP in the interim, which does contain the typical and relevant information.

The Highway Authority has no objections to the proposals and can recommend that the application is approved, subject to the inclusion of an appropriate worded planning condition.

The condition would ensure that, prior to any works commencing on the site, the Framework CTMP would be progress into a full and final CTMP, which shall be submitted to and approved in writing by the Local Planning Authority. The approved traffic management plan shall be implemented and adhered to at all times unless otherwise agreed by the Local Planning Authority.

Network Rail

Network Rail has no objection in principle to the above proposal but due to the proposal being next to Network Rail land and our infrastructure and to ensure that no part of the development adversely impacts the safety, operation and integrity of the operational railway we have included asset protection comments which the applicant is strongly recommended to action should the proposal be granted planning permission.

This development is within the NR GeoRimn Mining Referral Layer. The developer should follow the NR mining standard CIV 191 Mod 5 for this development. The project will also be required to undertake a ground investigation to determine the extent of the mining in this area.

This will require consultation with local NR Aspro in order to ensure that these activities are completed in a manner that does not affect the existing NR infrastructure.

Any works on this land will need to be undertaken following engagement with Asset Protection to determine the interface with Network Rail assets, buried or otherwise and by entering into a Basic Asset Protection Agreement, if required, with a minimum of 3months notice before works start. Initially the outside party should contact assetprotectionwales@networkrail.co.uk.

The applicant is also advised to contact Network Rail Property Services to discuss the planned works that are to be carried out to the aqueduct over the railway land here. The project will need to allow measures regarding access for NR and its contractors to undertake examinations, renewal and minor maintenance to the structure both during construction and operation.

There is an Overline Bridge located at SDI2 548.5. The applicant will need to confirm load limits and abide by them to ensure the safe operation of the railway below.

Below I have included standard comments which are to be included on the decision notice as informatives:

Drainage

Soakaways / attenuation ponds / septic tanks etc, as a means of storm/surface water disposal must not be constructed near/within 5 metres of Network Rail's boundary or at any point which could adversely affect the stability of Network Rail's property/infrastructure. Storm/surface water must not be discharged onto Network Rail's property or into Network Rail's culverts or drains. Network Rail's drainage system(s) are not to be compromised by any work(s). Suitable drainage or other works must be provided and maintained by the Developer to prevent surface water flows or run-off onto Network Rail's property / infrastructure. Ground levels – if altered, to be such that water flows away from the railway. Drainage does not show up on Buried service checks.

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 Rail's 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 Asset Protection.

Pollution Control

No objection to the above application.

Natural Resources Wales (initial response)

We have concerns with the application as submitted because inadequate information has been provided in support of the proposal. To overcome these concerns, you should seek further information from the applicant regarding protected species. If this information is not provided, we would object to this planning application. Further details are provided below.

We also advise that based on the information submitted to date, a condition regarding pollution prevention should be attached to any planning permission granted. Without the inclusion of this condition, we would object to this planning application.

Protected Species

Dormice

The ecological assessment ("Ecological Appraisal – Maes Melin, Llangyfelach" by The Environmental Dimension Partnership Ltd, dated July 2024, report reference: edp8489_r001c), advises that dormouse surveys are ongoing. The results of these surveys will need to be submitted. From Table EDP 2.1, we note that the results for August – November 2024 inclusive are still pending.

Bats

We note that it is proposed that 13 trees will be removed in the course of the development. From the 'Ground Level Tree Assessment Results' plan ('Ground Level Tree Assessment Results – Maes Melin, Llangyfelach' by The Environmental Dimension Partnership, dated 8th July 2024, drawing number: edp8489_d004c), we note that there are multiple trees with PRFs, and that 2 trees require further assessment (T5 and T9).

Otter

From Section 3.47 of the Ecological Appraisal, we note that “a survey identified two otter spraints c.15m downstream of the Site at the other side of a road bridge (Plan EDP 6), confirming presence of this species along this section of watercourse. No holts or resting places were identified, although survey of the River Llan adjacent to the Site was limited by dense vegetation with the majority of the section located off-site within adjacent land ownership”.

Section 3.45 notes that “Riparian scrub vegetation adjacent to either bank across the southern extent of this channel [of the unnamed watercourse] provides suitable cover and resting places for otter, although no evidence of the latter was identified during a survey on 07 June 2024”.

Water Vole

We note that no evidence of water vole was identified during a survey of the unnamed watercourse, however, “a single burrow was identified c.15m downstream of the Site, although there was no evidence of what species may occupy it, if any, with no other signs of water vole recorded here (Plan EDP 6)” on the River Llan.

Great Crested Newt

From Section A5.11 of the Ecological Appraisal, we note that “no evidence of Great Crested Newt (GCN) was recorded within either waterbody following eDNA sampling”.

Summary

We note and welcome the information provided within the Ecological Appraisal and its appendices, including the proposed mitigation measures. We advise you discuss the proposal with your Planning Ecologist. We look forward to receiving the survey results as detailed above to enable us to provide further comments.

Foul Drainage

From the site layout plan (‘Site Layout Plan – Mining Adit’ by GreenEnco, dated 21/08/24, revision: R0, drawing number: PL.001d), we note that there is a welfare container on site. The ‘Welfare / Officer Container’ Plan (‘Welfare / Office Container’ by GreenEnco, dated 07.06.24, revision: R2, drawing number: PL.019), notes that the toilet has been removed, however, a sink still remains. More information would be required regarding the sewage provisions for the sink.

Protected Sites

We note the presence of an un-named watercourse on site which discharges into the River Llan, then into the Carmarthen Bay and Estuaries Special Area of Conservation (SAC), Burry Inlet Special Protection Area (SPA) and Ramsar site, therefore providing a direct hydrological pathway to the protected sites.

We have concerns that harm from the proposed development on the SAC/SPA/Ramsar sites cannot be ruled out.

To secure appropriate mitigation measures, we advise that the condition set out below should be attached to any planning permission for this development. Provided the development is carried out in accordance with those conditions, we do not consider that it will adversely affect the integrity of the SAC/SPA/ Ramsar sites.

As the competent authority under the Conservation of Habitats and Species Regulations 2017 (as amended), the local planning authority must, before deciding to give consent for a project which is likely to have a significant effect on a SAC/SPA/Ramsar site, either alone or in combination with other plans or projects, make an appropriate assessment of the implications of the project for that site in view of its conservation objectives. They must for the purposes of the assessment consult NRW and have regard to any representations we make within such reasonable time as they specify. In the absence of that assessment, NRW cannot advise that the proposals would not result in an adverse effect upon the SAC/SPA/Ramsar site.

Pollution Prevention

Construction and demolition activities can give rise to pollution and so it is important that appropriate provisions are in place to manage dust, silt, surface water and the storage of waste, particularly during the construction phase. A construction environmental management plan should include site-specific measures which will be put in place before construction to prevent pollution to the surrounding land and water environments.

Condition 1 - CEMP

No development or phase of development, including site clearance, shall commence until a site wide Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority.

The CEMP should include:

- i. Construction methods: details of materials, how waste generated will be managed.
- ii. General Site Management: details of the construction programme including timetable, details of site clearance; details of site construction drainage, containments areas, appropriately sized buffer zones between storage areas (of spoil, oils, fuels, concrete mixing and washing areas) and any watercourse or surface drain. All fuel, oil and chemicals used on Site must be stored away in a locked store which is bunded to 110% capacity of the total volume stored.
- iii. Biodiversity Management: details of tree and hedgerow protection; invasive species management; species and habitats protection, avoidance, and mitigation measures.
- iv. Soil Management: details of topsoil strip, storage, and amelioration for re-use. The early establishment of buffer strips during surface restoration work can filter runoff and reduce soil erosion – such measures are particularly important on steep slopes and bare soil vulnerable to runoff.
- v. Control of Nuisances: details of restrictions to be applied during construction including timing, duration, and frequency of works; details of measures to minimise noise and vibration from piling activities, for example acoustic barriers; details of dust control measures; measures to control light spill and the conservation of dark skies.
- vi. Resource Management: details of fuel and chemical storage and containment; details of waste generation and its management; details of water consumption, wastewater (including details of sewage disposal from any welfare facilities on site), and energy use
- vii. Traffic Management: details of site deliveries, plant on site, wheel wash facilities

- viii. Pollution Prevention: demonstrate how relevant Guidelines for Pollution Prevention and best practice will be implemented, including details of emergency spill procedures and incident response plan, following the Pollution Control Hierarchy. Site specific pollution sensitive receptors should be identified and their risks, and the methods of mitigation should be identified. A monitoring plan for watercourses should be developed.
- ix. Details of the persons and bodies responsible for activities associated with the CEMP and emergency contact details.

The CEMP shall be implemented as approved during the site preparation and construction phases of the development.

Justification:

A CEMP should be submitted to ensure necessary management measures are agreed prior to commencement of development or phase of development and implemented for the protection of the environment during construction.

Prior to commencing any excavation, pollution protection methods should be installed to ensure there is no adverse impact from the works. A variety of silt mitigation measures should be implemented throughout the work site where appropriate, as they work more effectively in combination. Metal pins/rods should not be used to support silt fencing or sedi-mats as they do not provide sufficient support, resulting in the products sagging or collapsing. Wooden stakes should be used in accordance with the manufacturer's installation recommendations.

Water quality leaving the working area will need to be regularly monitored to avoid a pollution incident. It may be necessary to: adjust, replace, or augment the pollution control products deployed and/or adapt the work method further, as work recommences and progresses. As with all pollution mitigation measures, these will need to be reviewed by yourselves regularly through the works and if found not to be sufficient, other options should be considered.

Wherever possible, clean or uncontaminated water should be intercepted and diverted around the working area. This should help minimise the volume of dirty water generated and therefore requiring treatment (if reasonably practicable).

The agreed method of working must be complied with at all times to avoid discolouration/sedimentation or pollution of the watercourse. Should any discolouration/sedimentation or pollution of the watercourse occur, work must stop immediately, and Natural Resources Wales should be notified on 0300 065 3000 to review work practices before work re-commences.

Flood Risk

Our Flood Risk Map confirms the site includes a small area of Zone C2 of the Development Advice Map (DAM) contained in Technical Advice Note (TAN) 15: Development and Flood Risk (2004). The Flood Map for Planning identifies the application site to be partially at risk of flooding and falls into Flood Zone 2 and (Rivers).

Given the limited extent of flood risk shown to be affecting the application site we consider the proposals could be acceptable, however, please be aware of the potential flood risks to these areas.

Land Contamination

We have reviewed the following reports submitted with this application:

- “Maes Melin BESS – Phase 1 Ground Conditions Desk Study” by Hydrock Consultants Limited, dated 9 July 2024, Doc ref: 32309-HYD-XX-XX-RP-GE-1000, issue number: P2
- “Flood Consequences Assessment and SuDS Strategy – Maes Melin, Swansea” by SLR Consulting Limited, dated 4 July 2024, SLR Ref.: 407.064511.00001, revision: 02.

We consider that the controlled waters at this site are not of the highest environmental sensitivity with respect to controlled waters, therefore we will not be providing detailed site-specific advice or comments with regards to land contamination issues for this site.

It is recommended that the requirements of Planning Policy Wales and the Land Contamination Risk Management (LCRM) guidance should be followed.

These comments are based on our assumption that gross contamination is not present at this location. If, during development, gross contamination is found to be present at the site, you may wish to re-consult us.

Other Matters

Our comments above only relate specifically to matters included on our checklist, *Development Planning Advisory Service: Consultation Topics* (September 2018), which is published on our website. We have not considered potential effects on other matters and do not rule out the potential for the proposed development to affect other interests.

We advise the applicant that, in addition to planning permission, it is their responsibility to ensure they secure all other permits/consents/licences relevant to their development. Please refer to our website for further details.

Advice for the Developer

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.

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically, and that the permitting status of any proposed on site operations are clear. If in doubt, Natural Resources Wales should be contacted for advice at an early stage to avoid any delays.

Environmental Permits

Environmental Permits may be required during construction and operation, and we recommend early consultation with the relevant permitting teams to ensure all permits are in place prior to commencement of development.

Natural Resources Wales (additional comment)

We have reviewed the HRA document ("Record of Assessment of Likely Significant Effect on a European Site for Land off Bryntywod, Llangyfelach, Swansea, SA5 7LF", dated 06/12/2024, by Kathryn Mach, Planning Ecologist) and agree with the conclusions. We would recommend the following conditions, as suggested in the document:

1. The completion of a CEMP which includes protection of water courses during construction.
2. The use of SUDS of site.

Ecology (Final Comments)

OUTCOME OF ECOLOGICAL INVESTIGATION

Relevant documents reviewed:

Dormouse survey results (by email), EDP, November 2024;
Ecological Technical Note: Bat Tree Assessment, EDP, November 2024;
Green Infrastructure Statement, EDP, July 2024; and
Ecological Appraisal, EDP, August 2024.

Please add the above reports as approved plans.

Protected Sites:

The Penlleger to Llangyfelach Tunnel Railway Line Site of Importance for Nature Conservation (SINC) and Llangyfelach Common SINC are located within the application site and the development must therefore comply with Policy ER6.

Policy ER 6: Designated Sites of Ecological Importance of the LDP states the following:

Development that would adversely affect locally designated sites of nature conservation importance should maintain and enhance the nature conservation interest of the site. Where this cannot be achieved development will only be permitted where it can be demonstrated that:

- i. The need for the development outweighs the need to protect the site for nature conservation purposes;
- ii. There is no satisfactory alternative location for the development that avoids nature conservation impacts; and
- iii. Any unacceptable harm is kept to a minimum by effective avoidance measures and mitigation, or where this is not feasible, compensatory measures must be put in place to ensure that there is no overall reduction in the nature conservation value of the area.

In assessing the potential harm the Council will consider:

- The individual and cumulative effects which will include impacts during construction;
- The role of the site in the ecological connectivity network; and
- Whether effective mitigation and/or compensation measures have been provided.

In order to comply with Policy ER 6, a SINC mitigation strategy, CEMP and Sensitive Lighting Strategy will be required (see sections below). A watercourse on site is hydrologically connected to the Carmarthen Bay and Estuaries European Marine Site (EMS). As competent authority under the Habitats Regulations, a Habitats Regulations Screening Assessment has been undertaken and concluded no likely significant effects.

Condition:

No works shall commence until a mitigation strategy for the loss of/damage to Sites of Importance for Nature Conservation (SINC) habitats is submitted to and agreed in writing by the Local Planning Authority. The strategy should build upon the principles detailed within the submitted ecology reports and landscape masterplan.

Protected Species:

Informative:

If the works have not been undertaken within 2 years of the survey dates (regardless of the date of planning permission being granted), an updated ecological assessment/survey shall be undertaken to ensure that the situation in relation to protected and priority species remains the same and that the proposed mitigation is still appropriate.

Trees:

The council has now adopted a new Trees, Hedgerows and Woodlands SPG, which contains the Swansea Tree Replacement Standard. This should be used to calculate how many trees will need to be planted to replace those proposed for removal:

<https://www.swansea.gov.uk/treespg>

Bats:

Please include the following informative:

All UK bat species are protected under Schedule 5 of The Wildlife & Countryside Act 1981 (as amended) and Schedule 2 of The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019. This legislation implements the EC Habitats & Species Directive in the UK making it an offence to:

- i) Deliberately take, injure or kill a bat;
- ii) Intentionally or recklessly disturb a bat in its roost;
- iii) Damage or destroy the breeding site or resting place of a bat (even if it is not occupied at the time);
- iv) Intentionally or recklessly obstruct access to a bat roost.

If evidence of bats is encountered during development, work must cease immediately and the advice of a suitably qualified ecologist or Natural Resources Wales (NRW) sought before continuing with any work (0300 065 3000).

Condition:

Tree T10 with PRF-M suitability is to be retained. Should this change so that any pruning or felling works are required then further emergence surveys must be undertaken prior to any works to ascertain presence or likely absence of roosting bats. If a roost is present, then a licence from NRW will be required prior to any works to the tree.

Breeding/nesting birds:

Please include the following informative:

It is an offence under The Wildlife & Countryside Act 1981 (as amended) to intentionally:

- i) Kill, injure or take any wild bird;
- ii) Take, damage or destroy the nest of any wild bird while that nest is in use or being built; and
- iii) Take or destroy an egg of any wild bird.
- iv) Additionally, bird species listed on Schedule 1 of the Act are also protected from intentional or reckless:

- v) Disturbance while it is building a nest or is in, on or near a nest containing eggs or young; and
- vi) Disturbance to dependent young of such a bird.

Condition:

No clearance/pruning of trees, shrubs, scrub or buildings shall be undertaken during the bird nesting season (late February-early September). Where this is not possible, a check for active nests by a suitably qualified ecologist will be required prior to clearance. Any active nests will be left in situ until chicks have fledged or the nest is no longer active. If any nests of Schedule 1 species are found, additional measures to avoid disturbance will be required.

Badgers:

Please include the following informative:

Badgers and their setts are protected under The Protection of Badgers Act 1992. It is an offence to:

- i) Kill, injure or take a badger;
- ii) Damage, destroy or obstruct access to a badger sett; and
- iii) Disturb a badger when it is occupying a sett.

If evidence of badgers is encountered during development, work must cease immediately and the advice of a suitably qualified ecologist or NRW sought before continuing with any work (0300 065 3000).

Condition:

All trenches and excavations shall be fenced off or covered overnight to prevent any animals from falling in and becoming trapped. If this is not possible an adequate means of escape shall be provided (i.e. a gently graded side wall or provision of gently sloped wooden plank or equivalent). Any exposed pipes and trenches shall be checked for trapped wildlife each morning before starting construction activities.

Hedgehog:

Please include the following informative:

There is the potential for hedgehogs to be present in the area. Hedgehogs are protected under Schedule 6 of The Wildlife and Countryside Act 1981 (as amended), which prohibits killing and trapping by certain methods. They are also listed on Section 7 of The Environment (Wales) Act 2016. This is a list of the living organisms of principal importance for the purpose of maintaining and enhancing biodiversity in relation to Wales.

Condition:

In order to retain habitat connectivity for species of principal importance, such as hedgehogs, boundary treatments shall not be flush to the ground, or suitably sized gaps 13 x 13 cm should be left at strategic points. See: <https://www.hedgehogstreet.org/hedgehog-friendly-fencing/>

Reptiles & Amphibians:

Please include the following informative:

Reptiles & amphibians may be present. All British reptile & amphibian species are protected under Schedule 5 of the Wildlife and Countryside Act 1981 (as amended). It makes it an offence to intentionally kill or injure these species.

If widespread reptile/amphibian species are encountered (common lizard, slow worm, adder, grass snake, common frog, common toad, smooth newt, palmate newt), they should be allowed to move away from the works on their own. An ecologist should be contacted if assistance is required to locate reptiles/amphibians to a suitable habitat.

Dormouse:

Please include the following informative:

Dormice may be present. Dormice are protected under Schedule 5 of the Wildlife & Countryside Act 1981 (as amended) and Schedule 2 of The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019. This legislation implements the EC Habitats & Species Directive in the UK making it an offence to capture, kill or disturb a European Protected Species or to damage or destroy the breeding site or resting place of such an animal. It is also an offence to recklessly / intentionally to disturb such an animal.

If evidence of dormice is encountered during any works on site, e.g. live or dead animals or nests, work must cease immediately and the advice of a suitably qualified ecologist or Natural Resources Wales sought before continuing with any work (0300 065 3000).

Otter:

Please include the following informative:

Otters may be present. Otters are protected under Schedule 5 of the Wildlife & Countryside Act 1981 (as amended) and Schedule 2 of The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019. This legislation implements the EC Habitats & Species Directive in the UK making it an offence to capture, kill or disturb a European Protected Species or to damage or destroy the breeding site or resting place of such an animal. It is also an offence to recklessly / intentionally to disturb such an animal.

If evidence of otter use is encountered during any works on site, e.g. live or dead animals, droppings or resting places, work must cease immediately and the advice of a suitably qualified ecologist or Natural Resources Wales sought before continuing with any work (0300 065 3000).

Water Vole:

Please include the following informative:

Water voles may be present. Water voles are protected under Schedule 5 of the Wildlife & Countryside Act 1981 (as amended) making it an offence to damage or destroy the breeding site or resting place. It is also an offence to recklessly / intentionally to disturb such an animal.

If evidence of water vole is encountered during any site works, e.g. live or dead animals, droppings or burrows during the work, work must cease immediately and the advice of Natural Resources Wales sought before continuing with any work (0300 065 3000).

Lighting Strategy

Condition:

A sensitive lighting strategy for the site shall be submitted to the LPA for approval prior to the commencement of development on site. It should aim to protect bats and other nocturnal species. A plan showing location, light spill and specification for any proposed lights on the site (during construction & operation) must be submitted for approval.

The lighting plan should reflect the Bat Conservation Trust and Institute of Lighting Professional's 'Bats and Artificial Lighting at Night' (2023) guidance: <https://theilp.org.uk/publication/guidance-note-8-bats-and-artificial-lighting/>

Construction Environmental Management Plan (CEMP)

Condition:

A CEMP for the site shall be submitted to the Local Planning Authority for approval prior to the commencement of development (including site clearance) on site. The document will need to include sufficient detail to demonstrate how construction will be managed to ensure pollution prevention and protection of habitats and species on and adjacent to the site.

Landscape and Ecological Management Plan (LEMP)

Condition:

A LEMP for the site shall be submitted to the Local Planning Authority for approval prior to the commencement of development (including site clearance) on site. This site-specific document must outline processes and instructions to manage and monitor the site, and its operations, both during and after development, in such a way so as to protect and enhance the biodiversity and ecology of the site. In particular, the methods regarding the following species shall be detailed: bats, nesting birds, badger, otter & water vole, hedgehog, reptiles & amphibians. Toolbox talks should be given to all site operatives prior to commencement of the development, detailing the potential for protected species on site, the mitigation measures in place and the procedures to follow should any be discovered.

Invasive Non-Native Species (INNS):

Informative:

It is an offence to plant or otherwise cause to grow in the wild any plant species listed on Schedule 9 of The Wildlife and Countryside Act 1981 (as amended) or Schedule 2 of The Invasive Alien Species (Enforcement and Permitting) Order 2019. These include species such as Japanese knotweed, Himalayan balsam, Rhododendron ponticum and Montbretia.

Condition:

As Himalayan balsam was recorded, an Invasive Non-Native Species (INNS) Management Plan shall be submitted to the Local Planning Authority for approval prior to the commencement of development (including site/vegetation clearance) on site. It should detail methods of avoidance, containment or removal in order to avoid the spread of INNS. If any other INNS are identified during development, works must cease until the management of these species is agreed.

Ecological Enhancements:

The Biodiversity Supplementary Planning Guidance (SPG) should be referred to for further information: <https://www.swansea.gov.uk/biodiversityspg>

Condition:

A scheme to demonstrate that the development will conserve and enhance biodiversity and resilient ecosystems will need to be approved by the LPA prior to the commencement of development on site. This is in line with the Section 6 Duty of the Environment (Wales) Act 2016, the Resilient Wales Goal of the Well-being of Future Generations Act 2015, Planning Policy Wales Edition 12, Future Wales and Technical Advice Note 5.

The proposed specification and location of the enhancements shall be shown on an architectural drawing submitted to the Local Planning Authority for approval. The approved enhancements shall be fully provided no later than 6 months within the completion of the development and shall be retained as such in perpetuity.

Sustainable Drainage (SuDS):

From 7 January 2019, all new developments of more than 1 house or where the construction area is of 100m² or more require sustainable drainage to manage on-site surface water. It is advised that reference is made to the Swansea Council LDP.

SuDS work by making use of landscape and natural vegetation to control the flow of surface water and reduce the risk of flooding. Designs can include ponds, permeable paving and swales, which slow down the discharge of surface water more than conventional piped drainage.

Standard S5 addresses the design of SuDS to ensure, where possible, they create ecologically rich green and blue corridors in developments and enrich biodiversity value by linking networks of habitats and ecosystems together. Biodiversity should be considered at the early design stage of a development to ensure the potential benefits are maximised.

Reason: Conserving and enhancing biodiversity and ecosystem resilience.

APPRAISAL

Supporting Documents

The application has been accompanied by the following supporting documents:

- Planning Statement
- Design and Access Statement
- Landscape and Visual Impact Assessment
- Ecological Appraisal (and Survey Results)
- Green Infrastructure Statement
- Noise Impact Assessment
- Flood Consequences Assessment and Drainage Statement
- Heritage Desk Based Assessment
- Phase 1 Ground Conditions and Coal Mining Risk Assessment
- Transport Statement and Stage 1 Road Safety Audit
- Framework Construction Traffic Management Plan
- Arboricultural Implications Assessment
- Ecological Technical Note: Bat Tree Assessment
- Design Fire Safety Strategy
- Pre-Application Consultation Report

Main Issues

The main issues to consider in the determination of this application relate to the principle of the proposed development in this location, the impacts upon visual amenity (including the wider landscape), residential and general amenity, highway safety and the environment having regard to the prevailing provisions of the relevant LDP Policies and National Policy guidance. There are considered to be no additional issues arising from the provisions of the Human Rights Act.

Principle of Development

The national development plan 'Future Wales: The National Plan 2040' strongly supports the principle of developing renewable and low carbon energy to meet future energy needs as set out within Policy 17 - Renewable and Low Carbon Energy and Associated Infrastructure. The Policy states that decision makers must give significant weight to the need to meet Wales' international commitments and the target to generate 70% of consumed electricity by renewable means by 2030 in order to combat the climate emergency. Future Wales is therefore supportive of such proposals but notes that new strategic grid infrastructure for the transmission and distribution of energy should be designed to minimise visual impact on nearby communities. Future Wales also includes Policy 28 - National Growth Area - Swansea Bay, which highlights that this area will be the main focus for growth and investment.

National planning policy on renewable energy developments is set out in Planning Policy Wales, Edition 12 (PPW). PPW recognises the key role the planning system has in delivering clean growth and the decarbonisation of energy, as well as being crucial in building resilience to the impacts of climate change. The Environment Act sets a legal target of reducing greenhouse gas emissions by at least 80% by 2050. The Act also requires a series of interim targets (for 2020, 2030 and 2040) and associated carbon budgets for key sectors. In relation to this current proposal PPW (5.7.2), recognises that the shift towards the electrification of transport and heat will result in increased demands for power. In order to ensure future demand can be met, PPW notes significant investment will be needed in energy generation, transmission and distribution infrastructure. The system will need to integrate renewable generation with storage and other flexibility services, in order to minimise the need for new generation and grid system reinforcement.

PPW (5.7.7) notes the planning system should, amongst other things, optimise energy storage and recognises that energy storage has an important part to play in managing the transition to a low carbon economy. The increase in renewable energy will result in intermittent supply and PPW considers energy storage development, such as that proposed, can help balance supply and demand. Importantly PPW notes that proposals for new storage facilities should be supported wherever possible (5.7.12).

The national planning policies on renewables are reflected in the LDP's approach to the provision and consideration of renewable energy and associated developments. Under LDP Policy EU1 proposals for renewable and low carbon energy infrastructure are supported subject to the consideration of the application against the Policy criteria. Criterion i. relates to wind energy proposals and is not relevant to the consideration of this application. It is important to note that the site is located outside of the solar Local Search Area (LSA) under criterion ii., which identifies land within the authority area that is potentially the least constrained for solar energy developments. There are a number of solar farms within a 4km radius of the application site and the proposed development would provide infrastructure that would support the shift to renewable energy in the region.

Under criterion ii, proposals for non-solar renewable and low carbon energy development outside of the LSAs must demonstrate that they would not prejudice the purpose of the LSA. In relation to this requirement the site would occupy over 6ha of land 1.2km south west of the LSA although only approximately 2.2ha would be physically developed. The total LSA area is approximately 522ha, as such the application site would occupy less than 1 percent of the overall LSA area.

In light of the fact that the development is related to the provision of infrastructure associated with renewable energy and needs to be close to existing renewable sources, together with the relatively small area that would be taken up by the development in comparison to the overall area of the SLA, it is considered that the development would not prejudice the development of further renewables within the LSA in this area.

Criterion iii. a. & b. essentially relate to the consideration of visual amenity and general amenity impacts and will be considered further within the Landscape and Visual Impact and Residential and General Amenity sections within this report. In relation to iii. c., as the development would not exceed a height of 11m (the tallest element is a 9.3m high mast), it is not considered the proposed development would adversely affect radar, aircraft operations or telecommunications. In relation to iii. d., which relates to the loss of carbon sinks, the application site does not lie within a peat area identified on the British Geological Survey Geoindex Map. Peat within the wider surrounding area is generally localised and would not be impacted by the development. Therefore, it is not considered the development would have an adverse effect on carbon sinks.

Criterion iv of Policy EU1 requires mitigation measures to be put in place to alleviate the impact of the development and criterion v. requires compensatory benefits, where necessary in relation to any supporting infrastructure and planning obligations. These matters will be considered further within the relevant sections of this report although there will be no requirement for planning obligations by this application.

The development is designed to support the flexible operation of the National Grid and the decarbonisation of electricity supply. The development will import and export electricity, however, it will not generate any additional electricity nor have any on-site emissions of CO₂, according to the developer. The proposal is essentially for an electricity storage and distribution facility which is designed to balance electricity demand and supply in order to prevent shortages and blackouts as a result of the intermittent nature of renewable energy sources, which, in the case of solar and wind energy, are dictated by weather conditions.

The application site is located within the urban boundary where there is scope for tolerances in landscape change given the urban setting. At a higher level, National Grid has published information which indicates South Wales is an area with an unstable grid that would benefit from the stability service the proposed development would provide. This resulted in a site search within this area for a substation that could support the technology and the Swansea North substation has been identified as a location that would accommodate the proposed development. The close proximity of the proposed development in relation to the substation would reduce infrastructure connections and associated costs and disruption. The location has also been chosen having regard to separation distances from housing and to avoid any significant environmental constraints. The requirement for the development to be located within close proximity to the substation is acknowledged and the developer has set out within their planning submission a persuasive argument which indicates that it is necessary for the development to be located in this area.

The entire application site comprises land that is indicated to be Grade 5 (very poor quality) of the Agricultural Land Classification system (ALC). PPW states that agricultural land of grades 1, 2 and 3a is the best and most versatile agricultural land and should be conserved as a finite resource for the future. Therefore, it is considered the development would not conflict with PPW in this respect.

The western boundary of the site is located within Flood Zone B, which includes areas that have flooded in the past. However, a portion of Flood Zone C2 incurs into the site in the Northwest corner, which relates to areas without significant flood defence infrastructure. To address the issue of Flood Risk, the applicant has submitted a Flood Consequences Assessment (FCA) and Drainage Appraisal. The Planning Statement identifies that the layout plan has been designed to avoid any built development within the floodplain area and has taken into account the areas of fluvial and surface water flood risk. Furthermore, NRW have confirmed that the development would be classified as less vulnerable development, as such, Policy RP5 does not preclude the development, subject to meeting the justification criteria set out in TAN 15 (and addressed later in the report).

In summary, the proposal would address an identified need for an energy storage facility within the region. The provision of such facilities is recognised and supported within national planning policy. The development is considered to provide necessary infrastructure and the applicant has undertaken a considered site selection process. It is therefore considered that the development, in principle, would not conflict with national planning policies, nor would it conflict with LDP Policies.

Landscape and Visual Assessment

Whilst it is noted that the site is within the urban settlement limits, its current appearance is semi-rural, in that it is predominantly open land used for grazing ponies. That being said, it is noted that there are commercial/industrial enterprises to the west, a railway to the north and the M4 to the south, albeit buffered from the site by trees and hedgerows. The site comprises a cluster of parcels of land segregated by established hedge and tree boundaries and sporadic access points within the boundaries. The application has been accompanied by a robust Landscape and Visual Impact Assessment (LVIA) which concludes that the site can accommodate the development without a significant adverse visual impact given its proximity to existing employment/industrial sites, subject to the scheme retaining the valued trees and hedgerows (taken in tandem with suitable landscaping mitigation). Whilst it is appreciated that the development would alter the site's character from urban fringe grazing land, it is noted that the majority of the important landscape features, including the boundary trees, hedgerows and hedge banks crossing the site would be retained, and in some cases, reinforced. This, together with the additional hedgerow planting, native trees, scrub planting and reseedling the development area with improved grassland, would mitigate for the visual loss of fringe grazing land. Ultimately, the existing field pattern would remain legible, albeit with a limited alteration to facilitate access.

Considering the wider effect on National Landscape Character Area 38: Swansea Bay (NLCA), with the LANDMAP identifying the application site to reside within. There are elements of the application site that contains moderate and high landscape value, such as the East of Penllergaer Landscape Habitat Aspect Area and the proximity to SSSI land, however, the LVIA assesses the impact on the wider NLCA to be low. Furthermore, the proposal would not have a notable effect upon the sensitive receptors highlighted within NLCA, given how small the application site is in comparison to the wider NLCA and limited reduction in the overall amount of grazing land within the NLCA (a feature common to the character area). The LVIA concludes that the proposed development would have a negligible effect upon NLCA38: Swansea Bay, with the key characteristics remaining largely unaffected.

Six representative views were undertaken of the application site to inform the LVIA, setting out a range of visual effects and receptors affected, with the LVIA concluding that the impact of the proposal would be localised, with a low to negligible impact on all 6 receptors, including the nearby historic asset of the Church of St David & St. Cyfelach as a result of the intervening trees, vegetation and wider context of the M4, Tinmasters, combined with the retention of existing field boundaries and addition of mitigation planting.

The LVIA highlights that the development's visual effects would be limited due to the existing screening and filtering of views by existing vegetation and landform and the scheme has incorporated additional mitigation where possible to address any potential adverse effects. The LVIA concludes that the proposed scheme is acceptable in landscape and visual terms and complies with the relevant planning policy context.

The Council's Landscaping Officer has carefully reviewed the application and no objections have been raised subject to a condition to secure a more detailed landscaping scheme. This is supported by the Council's Tree Officer, Environment Officer and the Ecologist raising no objections to the proposal subject to conditions. A condition will also be required for the agreement of all external finishes, to ensure suitable control over the visual impact of the development.

Having regard to the information presented within the LVA, including the site context containing significant amounts of existing infrastructure and urban features, as well as natural screening vegetation, while accepting that the site is located within the urban boundary, it is considered that the overall visual impact of the development would not be so significant as to recommend refusal of the application. Weight is also afforded to Planning Policy Wales's stance on decarbonisation and that proposals for new storage facilities should be supported wherever possible (Paragraph 5.7.12 refers). The site is not located within a protected landscape area but is in close proximity to the LSA for renewable solar development, and is such that it is not deemed to be a highly sensitive landscape area and, amongst other things, the site selection process undertaken by the applicant has taken this into account. In accordance with Policy EU1 of the LDP, mitigation is proposed that, in time, would serve to reduce the visual impact of the development within the local landscape. Overall, therefore, the landscape and visual impact of the proposal, including the cumulative impacts with other developments, are considered to be acceptable.

Residential and General Amenity

The proposed development would be sited a significant distance from existing residential properties such that the development would not result in any material overbearing, overshadowing or overlooking impacts upon nearby residential properties. In terms of noise impacts the application has been accompanied by a Noise Impact Assessment which identifies that the proposed development would give rise to rating sound levels that would not exceed the measured background sound level in the area, both during the day and during the night. It is also noted that the Council's Pollution Control Section have raised no objection to the scheme. It is acknowledged that there may be a degree of disruption during the construction phase of the development, however, the most harmful impacts of this can be mitigated via a Construction Management Plan. When operational, it is considered that the facility would not generate any significant impact upon residential properties or the general amenity of the area. The proposal is therefore considered to have an acceptable impact on residential amenity, in accordance with Policy PS 2 of the LDP.

Access and Highway Safety

The proposed access to the site is via a priority junction with Bryntywod, upgrading an existing informal access to be able to accommodate construction traffic. The applicant has provided a transport statement and this was subsequently followed by an updated transport note, as well as an outline construction traffic management plan and further swept path analysis, following a request by the Local Highway Authority. The information details that the proposed access can accommodate the relevant vehicles during the construction phase, showing vehicle access during the construction phase to be solely from the south. Highways have queried whether additional information is to be sought in providing an access from the north but the applicant has confirmed that all construction traffic will be via the southern route as the northern route is unsuitable for the larger construction vehicles and delivery of equipment. This can be appropriately controlled and managed via a condition requiring the submission of a construction traffic management plan.

Whilst the Highway Authority initially raised concerns about the level of data provided in relation to abnormal indivisible loads (AIL), the framework Construction Traffic Management Plan (CTMP) subsequently provided by the applicant indicates of the vehicle type as a worst case scale to transport two indivisible transformer units. It also indicates the route for AIL and a commitment to provide additional detail within a final CTMP (which would be secured via condition), which has satisfied the Highway Authority in their final comments. Whilst noting further clarity is needed on the construction phase such as construction parking and the location of the construction compound, the Highway Authority is supportive of the principle of the development and the level of detail provided in the application at this stage. Furthermore, the issues raised by the Highway Authority in their initial comments have subsequently been reasonably addressed by the additional information that has been submitted and confirmed as acceptable in the Highway Authority's final comments.

Suitably worded conditions will be required to address the details that remain to be finalised such as a detailed construction traffic management plan and construction worker travel plan.

The applicant has confirmed that the development is limited to a lifespan of approximately 40 years and the decommissioning of the site would commence shortly after. Again, these details can be secured via condition, as is common practice for developments associated with renewable energy. The existing road network currently supports industrial and commercial uses, including heavy goods vehicles, and access from the south is considered suitable for construction and operational vehicles associated with the development.

Subject to the aforementioned conditions, the proposal would not generate any unreasonable access or highway/pedestrian safety concerns and as such, is considered to accord with Policies T1, T5, T6 and PS2 of the LDP.

Ecology, Biodiversity and Green Infrastructure

The application site does not contain any ecological designations of International, National or Regional Importance. Similarly, the majority of the site does not contain any locally designated sites, with the exception of two small parcels that form part of two Sites of Importance for Nature Conservation (being Penllergaer to Llangyfelach Tunnel Railway Line SINC and the Llangyfelach Common SINC), which has informed the placement of equipment to be outside of the two parcels of SINC.

A variety of surveys and assessment reports have been submitted in respect of ecology, biodiversity and other matters relating to the natural environment. These have been carefully considered by the Local Planning Authority in conjunction with consultation responses from NRW and the Council's Ecologist, Tree Officer and Environment Officer.

The proposal falls within Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2017, as the site area exceeds 0.5Ha. A Screening Opinion was carried out in accordance with the above regulations (2024/0360/SCR refers). It was considered that this proposal, by virtue of its nature and location, would not have a significant environmental impact. It was therefore determined that an Environmental Impact Assessment was not required to be submitted with this application.

Similarly, given the proximity of the site to a Protected European Site (Carmarthen Bay and Estuaries Marine Site (EMS)) which would be hydrologically connected to the application site given its proximity to the Afon Llan, a Habitat Regulations Assessment has also been carried out, which has concluded that there would not be a negative impact on the EMS, subject to the imposition of a Construction Environmental Management Plan (CEMP), to be secured via condition. NRW have confirmed they accept the findings of the HRA and agree with the conclusion.

Policy 9 of Future Wales states that in all cases, action towards securing the maintenance and enhancement of biodiversity (to provide a net benefit), the resilience of ecosystems and green infrastructure assets must be demonstrated. Policy ER 9 of the LDP supports this and states that proposals will be expected to maintain, protect and enhance ecological networks and features of importance for biodiversity. The application site includes part of two Sites of Interest for Nature Conservation (SINCs) – Penllergaer to Llangyfelach Tunnel Railway Line and Llangyfelach Common, the Council's Ecologist has requested several conditions to ensure no adverse impact on ecology would occur during the construction phase, such as a construction environmental management plan and lighting strategy.

Whilst NRW initially raised concerns over the lack of additional survey results, these have since been provided and NRW have not raised any objections. It is also noted that the Council's Tree Officer and Planning Ecologist have offered no objections to the proposed landscaping strategy and biodiversity enhancements, subject to conditions to mitigate and manage the effect of the development of both GI and ecology/biodiversity. The AIA has confirmed that no category A trees are present on site, and all category B trees will be retained. 13 trees of lower category are to be removed; however, 39 trees are proposed to be planted, in line with PPW's 3:1 compensation ratio. The Ecological Appraisal sets out how the development has incorporated the stepwise approach in relation to biodiversity, with the Council's Ecologist highlighting a number of conditions that are required to ensure suitable mitigation, compensation and future management such as a LEMP and compliance with the ecological management scheme. Himalayan Balsam, which is an invasive non-native species (INNS), has been found on site, requiring the submission of an INNS management plan, which should be imposed via condition.

The survey results have highlighted that, whilst no protected species have been found on site, there is suitable habitat for dormice, with their presence assumed and compensated for as part of the development in the form of suitable planting and appropriate site management during the lifetime of the development. Dormouse boxes, bat boxes, bird boxes and reptile hibernacula are proposed.

Having regard to the enhancement proposals for the development it is considered that the proposed development would have the potential to enhance the green infrastructure, ecology and biodiversity interests of area. The development is therefore considered to be acceptable in terms of its impacts upon ecology, biodiversity, green infrastructure and the natural environment.

Land Stability

The application site is located within a Coal Mining: Development High Risk Area. As such, the application has been supported by a Coal Mining Risk Assessment and consultation undertaken with the Coal Authority, who do not object to the scheme, subject to the imposition of conditions pertaining to intrusive site investigations and that the site being made safe prior to occupation.

The site layout has been designed to ensure that all structures are sited sufficiently from any identified coal features.

Flooding and Drainage

A small section of the site is at risk of flooding, limited mostly to the access road into the site, being both Zone B (areas known to have flooded in the past) and Zone C2 (within the floodplain without significant flood defence infrastructure). As such, a Flood Consequences Assessment and Drainage Strategy has been provided and consultation with NRW and the Council's Drainage officer has been undertaken.

NRW have confirmed that the proposal would be considered Less Vulnerable Development. Furthermore, as the flood zones are limited to the access only (equating approximately 1% of the site area), with none of the battery storage and associated structures within either flood zone, NRW does not consider that the site overall would be adversely affected by flooding or increase the risk of flooding as a result of the development.

The purpose of Policy RP 5 and TAN 15 are to manage and mitigate the flood risk of new development. The nature of LDP policies RP1 and RP5 seeks to avoid development that would result in a significant risk to life, human health and well-being and property and that can be justified in line with national policy and where a technical assessment verifies the development is designed to alleviate the threat and consequences of flooding.

It is noted that there would be a conflict with the justification test set out in TAN 15, if applied rigidly, in that; its location in Zone C2 is not considered necessary to assist or be part of a local authority regeneration initiative or a local authority strategy required to sustain an existing settlement (criterion i); neither is its location in Zone C is not considered necessary to contribute to key employment objectives supported by the local authority, and other key partners, to sustain an existing settlement or region (criterion ii); and the site is not considered previously developed land (criterion iii).

However, aside for this technical conflict, the Local Planning Authority considers that the overall risk associated with flooding is acceptable and can be appropriately managed. This is primarily due to the proposal comprising less vulnerable development, the battery storage facilities and associated structures being flood free, and that the flood risk relates only to a small part of the access route which is able to be mitigated with the improved access intended to be set above the level of the 1% fluvial event and the main access road to the south being outside of the flood zone, as set out in the proposed levels plan.

Furthermore, given the nature of the proposed development, the site would have limited operational attendance by workers, which significantly reduces the risk to persons. Additionally, the nature of the proposal is such that it needs to be in close proximity to existing energy sources in order to appropriately and efficiently function and this is considered to be part of the justification in support of the development.

Significant weight is also afforded to the national and local plan policy support for renewable energy infrastructure such as this. In this context, Future Wales Policy 17 states that the Welsh Government strongly supports the principle of developing renewable and low carbon energy from all technologies and at all scales to meet future energy needs. In determining applications for renewable and low carbon energy development decision makers must give significant weight to the need to meet Wales international commitments and our target to generate 70% of consumed electricity by renewable means by 2030 in order to combat the climate emergency. Planning Policy Wales also explains that energy storage has an important part to play in managing the transition to a low carbon economy. The growth in energy generation from renewable sources requires the management of the resultant intermittency in supply, and energy storage can help balance supply and demand. Proposals for new storage facilities should be supported wherever possible.

Having regard to the above it is considered that the need for the development outweighs the technical conflict with the requirements of TAN15, particularly as the actual risk and consequences associated with flooding is low and can be reasonably managed and mitigated.

In terms of drainage, the applicant has obtained SAB pre-application advice to inform the Sustainable Drainage Strategy and the Drainage Section have offered no objection to the proposed SuDS features, such that it is considered the proposed development would have no adverse impact on surface water drainage. The welfare office plans have been amended to remove any toilet and sink facilities and as such, foul connection is not necessary, either to mains or cesspit.

Other Issues

In relation to the site being contained within the Welsh Language Sensitive Area set out in Policy HC 3, the nature and scale of the development is not considered to have any impact on the Welsh Language in the area.

There are several historic assets within 500m of the application site in the form of a grade II listed building (Church of St David and St Cyfelach >325m SE of site), a listed tower (Tower of Church of St David/St Cyfelach >370m SE) and ancient monument (Llangyfelach Cross Base >378m SE). However, given the existing screening between the application site and historic assets, including the M4 embankments and established greenery along the southern boundary of the application site, as well as the existing context of the large industrial structure adjacent to the application site and minimal views of the application site from the historic assets, it is not considered that the character and setting of any of the historic assets would be adversely impacted by the proposal.

It is understood that this type of development has a limited lifespan. As such, it is important that when the facility is no longer required that the infrastructure is decommissioned to a satisfactory standard in the interests of the environment and the general amenity of the area. Should planning permission be granted a condition would be imposed to achieve this, in accordance with Policy EU1.

The application has been supported by a fire safety strategy, informed by pre-application discussions and consultation with the Mid and West Wales Fire and Rescue Service. The strategy sets-out relevant safety measures, testing and good industry practice standards, requirements of legislation and guidelines that have and will be implemented as part of the design, construction, operation and maintenance of the proposed development to ensure the reliable and long-term operation of the BESS. It must be noted that one of the key components of the scheme consists of on-site fire water storage tanks.

Whilst it appears that the applicant has undertaken pre-submission consultation with the Fire Service, the Local Planning Authority is required to undertake their own consultation with the Fire and Rescue Authority. At the time of writing, comments have not yet been received however it is acknowledged that the statutory time period for this consultation has not yet expired. Plenary powers are therefore requested to approve this application subject to no adverse comments being received from the Fire and Rescue Authority.

Conclusion

The proposed development would support the shift towards a greater reliance on renewable energy and decarbonisation. The need for such developments is recognised by Welsh Government and is supported within national planning policy, which would outweigh any perceived conflict with policy in terms of flooding risk, particularly when the key components of the development itself is not contained within a flood zone.

The development will result in some local landscape impacts, although these are not considered to affect either the wider landscape or the nearest historic assets, and it is acknowledged that the site is included within the settlement boundary. Furthermore, the applicant has provided mitigation planting that will reduce the visual impacts of the development thereby supporting green infrastructure, and subject to conditions, safeguard biodiversity and ecology interests in the area.

The development, particularly when operational, is not considered to result in any significant impacts upon any nearby residential properties or the general amenity of the area. Moreover, it is considered the proposal would not be unduly harmful to highway/pedestrian safety, particularly with the greatest impacts arising from construction traffic can be appropriately managed by conditions.

It is also considered that the proposal would not result in any significant impacts on land stability, drainage infrastructure, heritage assets, common land or archaeology interests.

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 WCFG Act"). In reaching this decision, the Local Planning Authority has taken account of the ways of working set out at Part 2, Section 5 of the WCFG 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 WCFG Act. For the above reasons the development is accordingly recommended for approval.

Recommendation

Subject to no adverse comments being received from the Fire and Rescue Authority, plenary powers is request to:

Approve, subject to the following conditions;

1 The development hereby permitted shall begin not later than five years from the date of this decision.
Reason: To comply with the provisions of Section 91 of the Town and Country Planning Act, 1990.

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

064511-SLR-XXX-XXX-DR-CE-0050 REV P06 Proposed Levels
24-007 Tree Retention/Loss/Protection Plan Maes Melin
407.064511.00001_PDL_01 REV P03 Preliminary Surface Water Drainage Layout
P8001 REV P06 Landscape Masterplan
PD03 REV B Proposed Site Access General Arrangement
PL.000 R1 275K V Substation
PL.003 R6 Site Location Plan
PL.007 R1 Storage Container
PL.008 Gate, Fence, Construction Road, CCTV Camera and Satellite Dish Details
PL.009 R1 BESS Units
PL.010A R1 BESS Transformer
PL.021 R1 Fire Water Tanks
Received 28th August 2024.

PL.001D Site Layout Plan
PL.004 R4 Site Elevation Plan
PL.006 R1 Customer Substation
Received 3rd September 2024.

PL.019 R3 Welfare Officer Container
Received 28th October 2024.

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

3 No development or phase of development, including site clearance, shall commence until a site wide Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority.

The CEMP shall include:

i) Construction methods: details of materials, how waste generated will be managed.

- ii) General Site Management: details of the construction programme including timetable, details of site clearance; details of site construction drainage, containments areas, appropriately sized buffer zones between storage areas (of spoil, oils, fuels, concrete mixing and washing areas) and any watercourse or surface drain. All fuel, oil and chemicals used on Site must be stored away in a locked store which is bunded to 110% capacity of the total volume stored.
- iii) Biodiversity Management: details of tree and hedgerow protection; invasive species management; species and habitats protection, avoidance, and mitigation measures.
- iv) Soil Management: details of topsoil strip, storage, and amelioration for re-use. The early establishment of buffer strips during surface restoration work can filter runoff and reduce soil erosion - such measures are particularly important on steep slopes and bare soil vulnerable to runoff.
- v) Control of Nuisances: details of restrictions to be applied during construction including timing, duration, and frequency of works; details of measures to minimise noise and vibration from piling activities, for example acoustic barriers; details of dust control measures; measures to control light spill and the conservation of dark skies.
- vi) Resource Management: details of fuel and chemical storage and containment; details of waste generation and its management; details of water consumption, wastewater (including details of sewage disposal from any welfare facilities on site), and energy use
- vii) Traffic Management: details of site deliveries, plant on site, wheel wash facilities
- viii) Pollution Prevention: demonstrate how relevant Guidelines for Pollution Prevention and best practice will be implemented, including details of emergency spill procedures and incident response plan, following the Pollution Control Hierarchy. Site specific pollution sensitive receptors should be identified and their risks, and the methods of mitigation should be identified. A monitoring plan for watercourses should be developed.
- ix) Details of the persons and bodies responsible for activities associated with the CEMP and emergency contact details.

The CEMP shall be implemented as approved during the site preparation and construction phases of the development.

Reason: To ensure the site is developed in a sensitive manner that respects the surrounding environment with regards to pollution, contamination, water resources and ecology.

- 4 Prior to the commencement of development, a mitigation strategy for the loss of/damage to Sites of Importance for Nature Conservation (SINC) habitats shall be submitted to and agreed in writing by the Local Planning Authority. The strategy should build upon the principles detailed within the approved documents specified under Condition 8 and drawing P8001 REV P06 Landscape Masterplan.

Reason: To ensure the preservation of a locally designated site, in the interest of biodiversity and ecology.

- 5 Prior to the commencement of development a Landscape and Ecological Management Plan (LEMP) shall be submitted to and approved in writing by the local planning authority.

The LEMP shall cover a minimum ten-year period and shall include:

- 1) Measures for the establishment, enhancement and management of all habitats (existing and proposed) within the site, including planting schedules and details of ongoing management.
- 2) A programme and timetable for the implementation of the works and for subsequent management activities as well as a monitoring schedule for habitats and species, post completion. All measures and works shall be completed in accordance with the approved details and programme.
- 3) Full details of ecological enhancements and a timetable for their implementation.

The LEMP shall thereafter be implemented in strict accordance with the approved details and timetables.

Reason: In the interests of visual amenity, green infrastructure and ecology and biodiversity.

- 6 Notwithstanding the details indicated on the approved drawings, a full landscaping scheme for the development shall be submitted to and approved in writing by the local planning authority prior to the commencement of development. The approved scheme shall be implemented within the first planting season following the completion of the development or the first beneficial use of the development commencing, whichever is the sooner. The landscaping shall thereafter be managed and maintained in accordance with the approved Landscape and Ecological Management Plan under Condition 5.

Reason: To ensure satisfactory long-term landscaping, in the interests of visual amenity, ecology and biodiversity.

- 7 The boundary treatments for the development shall be implemented in accordance with the details indicated on the approved plans save for any necessary modifications to the design required by Condition 5. The approved boundary treatments shall be provided prior to the first beneficial use of the development commencing and shall thereafter be retained as such for the lifetime of the development.

Reason: To protect the visual amenity of the area and in the interests of ecology and biodiversity.

- 8 The development shall be implemented in accordance with the mitigation measures, methodologies, timetables and details contained within the following documents:

Dormouse survey results (by email), EDP, November 2024;
Ecological Technical Note: Bat Tree Assessment, EDP, November 2024;
Green Infrastructure Statement, EDP, July 2024; and
Ecological Appraisal, EDP, August 2024.

Reason: In the interests of ecology and biodiversity.

- 9 The works hereby approved shall be undertaken in complete accordance with the Arboricultural Implications Assessment dated 21st June 2024 prepared by Steve Ambler and Sons and the accompanying plan 24-007 Tree Retention/Loss/Protection Plan Maes Melin.

Reason: To protect important landscape features, in the interests of visual amenity and ecology and biodiversity.

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- 10 No development shall commence on site (including site/vegetation clearance) until an Invasive Non-Native Species (INNS) Management Plan and a timetable for its implementation has been submitted to and approved in writing by the Local Planning Authority. The Management Plan shall detail methods of avoidance, containment or removal in order to avoid the spread of INNS. The site shall be development and managed in accordance with the approved Plan and timetable.
Reason: In the interests of the ecology and biodiversity.
- 11 Prior to the commencement of development a written scheme for the management and mitigation of artificial light emissions for both the construction phase and operational phase shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented at all times for the respective construction and operational phases.
Reason: In the interests of ecology, biodiversity and general amenity.
- 12 Notwithstanding the submitted details, 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, to contain an archaeological watching brief that will be conducted during the groundworks required for the development, which has been submitted by the applicant and approved by the Local Planning Authority. Thereafter, the programme of work shall be fully carried out in accordance with the requirements and standards of the approved 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.
- 13 No development shall commence until;
a) a scheme of intrusive site investigations has been carried out on site to establish the risks posed to the development by past coal mining activity, and;
b) any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, have been implemented on site in full in order to ensure that the site is made safe and stable for the development proposed.
- The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance.
- Reason: To minimise the risk posed by past mining operations in the interest of land stability and ensuring the site has been made safe for development.
- 14 Prior to the operation of the development, or it being taken into beneficial use, a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development shall be submitted to the Local Planning Authority for approval in writing. This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.
Reason: To minimise the risk posed by past mining operations in the interest of land stability and ensuring the site has been made safe for development.

- 15 By no later than 24 months from the development ceasing to be used for the purposes of the storage and distribution of electricity a decommissioning and site restoration scheme with a proposed implementation timetable shall be submitted to and approved in writing by the Local Planning Authority.

The scheme shall include:

- a) community liaison;
- b) complaints procedures;
- c) nuisance management (including measures to avoid or minimise the impacts of decommissioning works (covering dust, noise, vibration and lighting));
- d) dust management measures;
- e) site waste and materials management measures;
- f) environmental protection and pollution control measures;
- g) security measures and use of artificial lighting;
- h) landscape restoration scheme
- i) site decommissioning and site restoration transportation management plan; and
- j) a list of additional consents required for decommissioning activities and a programme for the intended submission of relevant consent applications.

The development shall be decommissioned in accordance with the approved scheme and timetable.

Reason: To ensure the development is removed after its lifetime in the interests of visual amenity and to ensure the decommissioning of the development would not result in any harmful environmental and amenity impacts and in the interests of highway safety.

- 16 Prior to the commencement of development, a Construction Worker Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The site shall be developed in accordance with the approved Travel Plan.

Reason: In the interest of access and highway safety and to ensure sufficient parking is accommodated within the site during the construction phase.

- 17 Prior to the commencement of development, a Construction Traffic Management Plan (to expand upon the Framework Construction Traffic Management Plan) shall be submitted to and approved in writing by the Local Planning Authority. Details shall include (but not limited to):

- i) site access movements;
- ii) routes to be used by construction, delivery and staff vehicles
- iii) construction car parking and site compound details

The development shall then be carried out in accordance with the approved management plan for the duration of construction.

Reason: In the interest of highway safety and to protect residential and general amenity.

- 18 The site shall not be brought into beneficial use until the access, roads and parking spaces have been constructed and completed in accordance with the approved plans.

Reason: In the interests of highway safety and to reduce the consequences of flood risk.

- 19 No development shall commence until full details of the materials and colours to be used in the construction of the external surfaces of the development hereby approved have been submitted to and approved in writing by the local planning authority. The development shall thereafter be carried out in accordance with the approved details and shall be retained as such for the lifetime of the development.
Reason: To ensure a proper standard of development and appearance in the interests of visual amenity.

Informatives

- 1 The national development plan is Future Wales: The National Plan 2040. The following policies were relevant to the consideration of the application:

Policy 1 - Where Wales Will Grow

Policy 2 - Shaping urban growth and regeneration - Strategic Placemaking

Policy 9 - Resilient ecological networks and Green Infrastructure

Policy 17 - Renewable and Low Carbon Energy and Associated Infrastructure

Policy 28 - National Growth Area - Swansea Bay and Llanelli

The development plan covering the City and County of Swansea is the Swansea Local Development Plan. The following policies were relevant to the consideration of the application: EU 1, RP 4, RP 5, PS 2, IO 1, ER 1, ER 2, ER 5, ER 6, ER 8, ER 9, ER 11, T 1, T 5, T 6, RP 3, RP 13

- 2 This consent is issued without prejudice to any other consents or easements that may be required in connection with the proposed development.

- 3 Bats may be present. All British bat species are protected under Schedule 5 of the Wildlife & Countryside Act 1981 (as amended) and are listed in Schedule 2 of the Conservation of Habitats and Species Regulations 2017. This legislation implements the EC Habitats & Species Directive in the UK making it an offence to capture, kill or disturb a European Protected Species or to damage or destroy the breeding site or resting place of such an animal whether a bat is present at the time or not. It is also an offence to recklessly / intentionally to disturb such an animal.

If evidence of bats is encountered during site clearance e.g. live or dead animals or droppings, work should cease immediately and the advice of the Natural Resources Wales sought before continuing with any work (0300 065 3000).

- 4 Birds may be present in this building and grounds please note it is an offence under the Wildlife & Countryside Act 1981 (as amended) to intentionally (intentionally or recklessly for Schedule 1 birds) to:

- Kill, injure or take any wild bird
- Take, damage or destroy the nest of any wild bird while that nest in use or being built
- Take or destroy an egg of any wild bird

No works should be undertaken between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check for active birds' nests either in vegetation or buildings immediately before the vegetation is cleared and/or work commences on the building to ensure that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site.

- 5 Reptiles & amphibians may be present. All British reptile & amphibian species are protected under Schedule 5 of the Wildlife and Countryside Act 1981 (as amended). It makes it an offence to intentionally kill or injure these species. If widespread reptile/amphibian species are encountered (common lizard, slow worm, adder, grass snake, common frog, common toad, smooth newt, palmate newt), they should be allowed to move away from the works on their own. An ecologist should be contacted if assistance is required to locate reptiles/amphibians to a suitable habitat.
- 6 Dormice may be present. Dormice are protected under Schedule 5 of the Wildlife & Countryside Act 1981 (as amended) and Schedule 2 of The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019. This legislation implements the EC Habitats & Species Directive in the UK making it an offence to capture, kill or disturb a European Protected Species or to damage or destroy the breeding site or resting place of such an animal. It is also an offence to recklessly / intentionally to disturb such an animal.
If evidence of dormice is encountered during any works on site, e.g. live or dead animals or nests, work must cease immediately and the advice of a suitably qualified ecologist or Natural Resources Wales sought before continuing with any work (0300 065 3000).
- 7 Otters may be present. Otters are protected under Schedule 5 of the Wildlife & Countryside Act 1981 (as amended) and Schedule 2 of The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019. This legislation implements the EC Habitats & Species Directive in the UK making it an offence to capture, kill or disturb a European Protected Species or to damage or destroy the breeding site or resting place of such an animal. It is also an offence to recklessly / intentionally to disturb such an animal.

If evidence of otter use is encountered during any works on site, e.g. live or dead animals, droppings or resting places, work must cease immediately and the advice of a suitably qualified ecologist or Natural Resources Wales sought before continuing with any work (0300 065 3000).
- 8 Water voles may be present. Water voles are protected under Schedule 5 of the Wildlife & Countryside Act 1981 (as amended) making it an offence to damage or destroy the breeding site or resting place. It is also an offence to recklessly / intentionally to disturb such an animal.

If evidence of water vole is encountered during any site works, e.g. live or dead animals, droppings or burrows during the work, work must cease immediately and the advice of Natural Resources Wales sought before continuing with any work (0300 065 3000).
- 9 From 7 January 2019, all new developments of more than 1 house or where the construction area is of 100m² or more require sustainable drainage to manage on-site surface water. It is advised that reference is made to the Swansea Council LDP.

SuDS work by making use of landscape and natural vegetation to control the flow of surface water and reduce the risk of flooding. Designs can include ponds, permeable paving and swales, which slow down the discharge of surface water more than conventional piped drainage.

Standard S5 addresses the design of SuDS to ensure, where possible, they create ecologically rich green and blue corridors in developments and enrich biodiversity value by linking networks of habitats and ecosystems together. Biodiversity should be considered at the early design stage of a development to ensure the potential benefits are maximised.

- 10 The Council's Ecologist advises the developer of the following:

If the approved works have not been undertaken within 2 years of the survey dates (regardless of the date of planning permission being granted), an updated ecological assessment/survey shall be undertaken to ensure that the situation in relation to protected and priority species remains the same and that the proposed mitigation is still appropriate.

- 11 NRW Advice for the Developer

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.

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically, and that the permitting status of any proposed on site operations are clear. If in doubt, Natural Resources Wales should be contacted for advice at an early stage to avoid any delays.

Environmental Permits

Environmental Permits may be required during construction and operation, and we recommend early consultation with the relevant permitting teams to ensure all permits are in place prior to commencement of development.

- 12 The archaeological work must be undertaken to the appropriate Standard and Guidance set by Chartered Institute for Archaeologists (CIfA), CIfA regulations, standards and guidance | Chartered Institute for Archaeologists and it is recommended that it is carried out either by a CIfA Registered Organisation or a MCIfA level accredited Member.

- 13 Ground Investigations

Under the Coal Industry Act 1994 any intrusive activities, including initial site investigation boreholes, and/or any subsequent treatment of coal mine workings/coal mine entries for ground stability purposes require the prior written permission of The Coal Authority, since such activities can have serious public health and safety implications. Failure to obtain permission to enter or disturb our property may result in the potential for court action. In the event that you are proposing to undertake such work in the Forest of Dean local authority area our permission may not be required; it is recommended that you check with us prior to commencing any works.

Application forms for Coal Authority permission and further guidance can be obtained from The Coal Authority's website at: www.gov.uk/get-a-permit-to-deal-with-a-coal-mine-on-your-property

Shallow coal seams

In areas where shallow coal seams are present caution should be taken when carrying out any on site burning or heat focused activities.

- 14 The applicant may need to apply to Dwr Cymru / Welsh Water for any connection to the public sewer under S106 of the Water industry Act 1991. If the connection to the public sewer network is either via a lateral drain (i.e. a drain which extends beyond the connecting property boundary) or via a new sewer (i.e. serves more than one property), it is now a mandatory requirement to first enter into a Section 104 Adoption Agreement (Water Industry Act 1991). The design of the sewers and lateral drains must also conform to the Welsh Ministers Standards for Gravity Foul Sewers and Lateral Drains, and conform with the publication "Sewers for Adoption"- 7th Edition. Further information can be obtained via the Developer Services pages of www.dwrcymru.com

The applicant is also advised that some public sewers and lateral drains may not be recorded on our maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. The presence of such assets may affect the proposal. In order to assist us in dealing with the proposal the applicant may contact Dwr Cymru Welsh Water on 0800 085 3968 to establish the location and status of the apparatus. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

- 15 Under the provisions of Schedule 3 of the Flood and Water Management Act 2010, your development may require Sustainable Drainage Approval before any construction work commences. Further details can be found on the Authority's website:- <https://www.swansea.gov.uk/sustainable Drainage> and the SuDS Approval Team can be contacted via SAB.Applications@swansea.gov.uk for further advice and guidance.

- 16 Network Rail advises the Developer of the following:

Drainage

Soakaways / attenuation ponds / septic tanks etc, as a means of storm/surface water disposal must not be constructed near/within 5 metres of Network Rail's boundary or at any point which could adversely affect the stability of Network Rail's property/infrastructure. Storm/surface water must not be discharged onto Network Rail's property or into Network Rail's culverts or drains. Network Rail's drainage system(s) are not to be compromised by any work(s). Suitable drainage or other works must be provided and maintained by the Developer to prevent surface water flows or run-off onto Network Rail's property / infrastructure. Ground levels - if altered, to be such that water flows away from the railway. Drainage does not show up on Buried service checks.

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 Rail's 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 Asset Protection.
