

**Planning Committee – 4<sup>th</sup> August 2020**

**Item 1**

**Application Number:**

2020/0108/FUL

**Ward:**

Morrison - Area 1

**Location:**

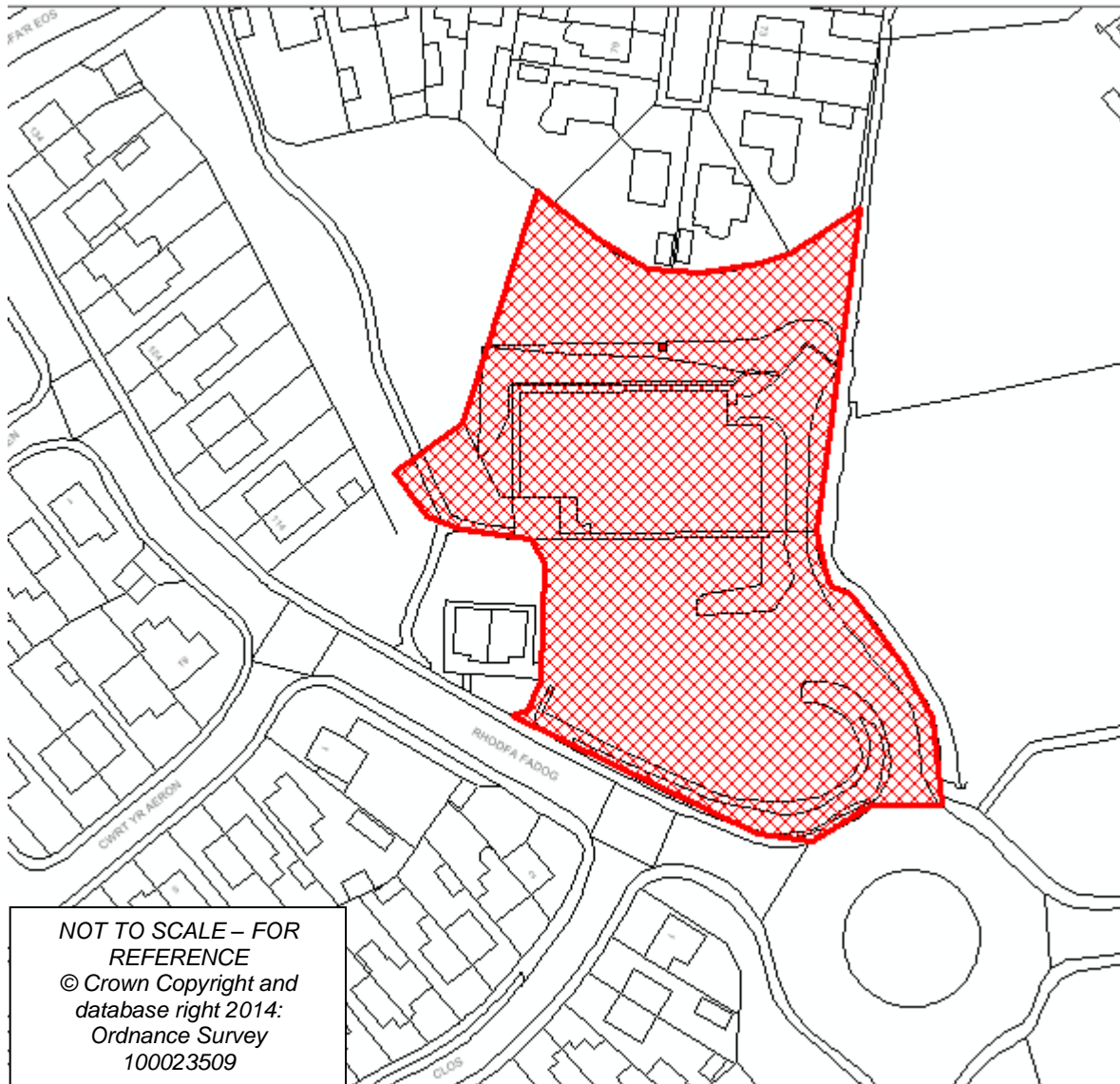
**Land North Of, Rhodfa Fadog, Cwmrhydyceirw, Swansea, SA6 6LQ**

**Proposal:**

**Demolition of the existing building on site and construction of residential development comprising 29 affordable units (comprising 7 houses and 22 apartments), 3 no. retail units, associated parking, landscaping and ancillary works**

**Applicant:**

**Ms E McGinley Morganstone Ltd**



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### Background Information

#### Site History

App Number	Proposal	Status	Decision Date
2018/1146/PRE	PRE APP for residential development comprising 40 affordable apartments, 1 retail unit, associated parking, landscaping and other works	POSP RE	22.10.2018
2018/2540/FUL	Demolition of the existing building on site and construction of residential development comprising 40 affordable apartments, 3 no. retail units, associated parking, landscaping and ancillary works	REF	11.03.2019
2020/0108/FUL	Demolition of the existing building on site and construction of residential development comprising 29 affordable units (comprising 7 houses and 22 apartments), 3 no. retail units, associated parking, landscaping and ancillary works	PDE	

#### Background

The application is being reported to Committee for determination as the scheme exceeds the 20 dwelling threshold.

Members may recall the previous application (reference 2018/2540/FUL) for the construction of 40 units in 2 blocks was refused contrary to Officer recommendation at Planning Committee in March 2019. The application was refused due to concerns of the visual impact of the proposal on the character and amenity of the area and insufficient amenity space for future residents. The appeal was subsequently dismissed on both grounds.

This revised submission seeks to overcome those concerns and the appeal statement is referenced below where relevant.

#### Site Location

The site currently houses a single retail unit to the rear of the site, which will be demolished to make way for the proposed development. To the west of the site lies 2 no. existing retail units namely a hairdresser and a fish and chip shop.

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There are currently 45 parking spaces provided to the front of the site. To the north and west of the site, there are residential properties in Rhodfa Fadog and Rhodfa'r Eos. To the east, are a number of mature trees and a stream, to the south lies the highway of Rhodfa Fadog and the existing roundabout, where the site access is currently located.

### **Description of Development**

The current application proposes a 3 storey, mixed commercial (ground floor retail) and residential block (block 1) to the front of the site. 13 units would be located at the rear of the site.

In total, the scheme proposes 29 affordable dwellings which comprises 16no. 2 person 1 bedroom flats, 6no. 3 person 2 bedroom flats, 3no. 5 person 3 bedroom houses and 4no. 4 person 2 bedroom houses. Block 1 would house 16 mixed 1 and 2 bedroomed flats with the remaining three blocks of two storey mixed residential units to the rear of the site.

Block 1 would measure approximately 39.9m in total width with a main central section and sections either side with varying widths and varying depths of between 11.6m, 14.6m and 17.6m and have eaves ranging from 8.7m to 9.6m and overall heights of 10.6m to 13.2m 14.6m, and 17.6m at its maximum. External materials would include grey concrete roof tiles, white upvc fascia and soffits, black rainwater goods, bath stone cills and headers, light buff facing brickwork to main walls, dark red facing brickwork to main walls, grey upvc windows and doors, lightweight cladding, thru coloured render system, grey aluminium shopfronts and glass canopy.

Plots 17-18, 24-25 and 28-29 would measure approximately 6.2m in total width, with a depth of 11.3m, an eaves height of 5.04m and an overall height of 9.3m.

Plots 19, 20, 21, 22, 23, 26 and 27 would measure between 4.6m and 4.9m in width, 10.1m in depth, an eaves height of 5.04m and an overall height of 8.5m.

Plots 17-20 and plots 21-23 will be orientated east to west and sited to the west of plots 24-29 which will be orientated north to south.

External materials include grey concrete roofing tiles, a mixture of render and multi red brickwork walls, grp porch canopies, grey upvc windows, coloured composite upvc doors, white upvc fascias, soffits and bargeboards with black rainwater goods. Coloured cladding board system also added to part of the front elevation of each plot.

### **Planning Policy**

#### **Planning Policy Wales (10th Edition – December 2018)**

#### **Chapter 1: Introduction:**

Planning Policy Wales (PPW) sets out the land use planning policies of the Welsh Government. It is supplemented by a series of Technical Advice Notes (TANs), Welsh Government Circulars, and policy clarification letters, which together with PPW provide the national planning policy framework for Wales.

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Paragraph 1.2 explains that the primary objective of PPW is to ensure that the planning system contributes towards the delivery of sustainable development and improves the social, economic, environmental and cultural well-being of Wales, as required by the Planning (Wales) Act 2015, the Well-being of Future Generations (Wales) Act 2015 and other key legislation. A well-functioning planning system is fundamental for sustainable development and achieving sustainable places.

Paragraph 1.11 states that the Well-being of Future Generations Act places a duty on public bodies to carry out sustainable development. The concept has been expanded under the Well-being Act and it requires an improvement in the delivery of all four aspects of well-being: social, economic, environmental and cultural. The Well-being Act has established seven well-being goals which are intended to shape the work of all public bodies in Wales (1.13).

A plan-led approach is the most effective way to secure sustainable development through the planning system and it is essential that plans are adopted and kept under review (1.17).

## **Chapter 2: People and Places: Achieving Well-being Through Placemaking**

Paragraph 2.3 states that the planning system should create sustainable places which are attractive, sociable, accessible, active, secure, welcoming, healthy and friendly. Development proposals should create the conditions to bring people together, making them want to live, work and play in areas with a sense of place and well-being, creating prosperity for all.

Placemaking in development decisions happens at all levels and involves considerations at a global scale, including climate change, down to the very local level, such as considering the amenity impact on neighbouring properties and people (2.7). Planning policies, proposals and decisions must seek to promote sustainable development and support the well-being of people and communities across Wales. This can be done through maximising their contribution to the achievement of the seven well-being goals and by using the five Ways of Working, as required by the Well-being of Future Generations Act. This will include seeking to maximise the social, economic, environmental and cultural benefits, while considering potential impacts when assessing proposals and policies in line with the Act's Sustainable Development Principle (2.8).

Paragraph 2.9 states that the most appropriate way to implement these requirements through the planning system is to adopt a placemaking approach to plan making, planning policy and decision making. Good placemaking is therefore essential to the delivery of sustainable development and achieving improvements in the well-being of communities (2.10).

## **Chapter 3: Strategic and Spatial Choices**

Paragraphs 3.1 and 3.2 state that effective strategic placemaking requires early collective consideration of placemaking issues at the outset, in the formulation of a development plan, or when developing specific proposals. The policy issues should not be considered in isolation from one another. This includes considering the design of a development and its impacts upon everyday lives as well as thinking holistically about where people might live and work and which areas should be protected. These crucial, early decisions will have the greatest impact on the type of development which is ultimately delivered and its contribution to sustainable development and the environmental, social, cultural and economic well-being of Wales.

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The choices made at this stage should be shaped by appropriate engagement with the public and other stakeholders using the 5 Ways of Working to enhance proposals and ideas and to maximise their contribution to the well-being goals. Getting these aspects right, or in place, at an early stage, will enable more effective and justifiable decisions to be made further on in the development of plans and projects.

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 (3.3).

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 (3.6).

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 (3.8).

Paragraph 3.9 states that 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.

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 (3.12).

Paragraph 3.20 states that disadvantaged and deprived communities tend to be disproportionately affected by health problems. There are links between the built and natural environment and health throughout a person's lifetime and an understanding of the wider determinants of health should be a key component of development plan preparation.

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The planning system should identify proactive and preventative measures to reduce health inequalities. This will include enabling opportunities for outdoor activity and recreation, reducing exposure of populations to air and noise pollution, promoting active travel options and seeking environmental and physical improvements, particularly in the built environment. Planning authorities should develop and maintain places that support healthy, active lifestyles across all age and socio-economic groups, recognising that investment in walking and cycling infrastructure can be an effective preventative measure which reduces financial pressures on public services in the longer term. The way a development is laid out and arranged can influence people's behaviours and decisions and can provide effective mitigation against air and noise pollution. Effective planning can provide calming, tranquil surroundings as well as stimulating and sensory environments, both of these make an important contribution to successful places (3.22).

Paragraph 3.23 states that green infrastructure can be an effective means of enhancing health and well-being, through linking dwellings, workplaces and community facilities and providing high quality, accessible green spaces. In all development and in public spaces especially, there should be sensitive management of light, and exposure to airborne pollution should be kept as low as reasonably practicable. The compatibility of land uses will be a key factor in addressing air quality and creating appropriate soundscapes which are conducive to, and reflective of, particular social and cultural activities and experiences, particularly in busy central areas of towns and cities. Equally, the provision of quiet, tranquil areas which provide peaceful sanctuaries in otherwise noisy environments can help to reduce general levels of pollution and promote both mental and physical well-being.

#### **Chapter 4: Active and Social Places**

This theme supports and enables the provision of a range of well-designed and located homes which are well connected to existing retail and commercial centres situated at the heart of our communities and job opportunities. It acknowledges the significance of community facilities and recreational spaces for our health, well-being and quality of life and specifically protects and promotes these uses in line with the overarching national sustainable placemaking outcomes (4.0.2).

To create streets that are social places, the public realm needs to be safe and attractive and the street designed for low speeds (4.1.19). Well integrated green infrastructure, such as SUDS, street trees and verges, not only create a pleasant environment but can also achieve a range of other benefits, including pollutant filtering, urban cooling, water management and habitat creation. Such features should be included as part of a well-designed street layout (4.1.20).

Paragraph 4.1.21 states that the Welsh Government policy, Manual for Streets and its companion guide Manual for Streets 2, requires that street design should not follow the conventional engineering-led approach. The design of new or enhanced streets should respond to urban design principles, including those in Manual for Streets and the Active Travel Design Guidance, and not adhere to ridged standards. Design Bulletin 32: Residential Roads and Footpaths has been superseded by Manual for Streets.

The Active Travel (Wales) Act 2013 makes walking and cycling the preferred option for shorter journeys, particularly everyday journeys, such as to and from a workplace or education establishment, or in order to access health, leisure or other services or facilities. (4.1.26).

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New development should be integrated with active travel networks and contribute to their expansion and improvement, through the inclusion of well-designed routes and facilities as part of the schemes and financial contributions to pay for off-site connections. Planning authorities should also seek to assist in the completion of the national cycle network and key links to and from the network. These measures should, where appropriate, be aligned with approaches to secure green infrastructure. Planning authorities should seek opportunities to increase habitat connectivity, mitigate habitat fragmentation, and secure wider green infrastructure benefits along transport networks (4.1.33).

Transport Assessments are an important mechanism for setting out the scale of anticipated impacts a proposed development, or redevelopment, is likely to have. They assist in helping to anticipate the impacts of development so that they can be understood and catered for appropriately (4.1.56).

Paragraph 4.2.1 states that new housing development in both urban and rural areas should incorporate a mix of market and affordable house types, tenures and sizes to cater for the range of identified housing needs and contribute to the development of sustainable and cohesive communities. Planning authorities must clearly set out the housing requirement in their development plan. These requirements must be based on evidence and clearly express the number of market and affordable homes the planning authority considers will be required in their area over the plan period.

Paragraph 4.2.21 states that where up-to-date development plan policies have set out the community benefits expected from development, planning applications which comply with them should be assumed to be viable and it should not be necessary for viability issues to be considered further. It is for either the applicant or the planning authority to demonstrate that particular exceptional circumstances justify the need for a viability assessment at the application stage. The weight to be given to a viability assessment is a matter for the decision-maker, having regard to all the circumstances in the case, including whether the development plan and the viability evidence underpinning it are up-to-date, and any change in circumstances since the plan was adopted. Such circumstances could include, for example, where further information on infrastructure or site costs is required or where a recession or similar significant economic changes have occurred since the plan was adopted. Where negotiation is necessary, the planning authority and developer should operate in an open and transparent manner with all information provided on an 'open book' basis.

A community's need for affordable housing is a material planning consideration which must be taken into account in formulating development plan policies and determining relevant planning applications. Affordable housing for the purposes of the land use planning system is housing where there are secure mechanisms in place to ensure that it is accessible to those who cannot afford market housing, both on first occupation and for subsequent occupiers (4.2.25). Affordable housing includes social rented housing owned by local authorities and RSLs and intermediate housing where prices or rents are above those of social rent but below market housing prices or rents. All other types of housing are referred to as 'market housing', that is private housing for sale or rent where the price is set in the open market and occupation is not subject to control by the local authority. It is recognised that some schemes may provide for staircasing to full ownership and where this is the case there must be secure arrangements in place to ensure the recycling of capital receipts to provide replacement affordable housing (4.2.26).

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Recreational spaces are vital for our health, well-being, amenity and can contribute to an area's green infrastructure. They provide a place for play, sport, healthy physical activity and a place to relax often in the presence of nature, and they contribute to our quality of life. Networks of high quality, accessible green spaces and recreation spaces will also promote nature conservation, biodiversity and provide enjoyable opportunities for residents and visitors to participate in a wide range of physical activities. These activities are important for the well-being of children and adults and for the social, environmental, cultural and economic life of Wales (4.5.1).

### **Chapter 5: Productive and Enterprising Places**

The provision of sustainable transport infrastructure is essential in order to build prosperity, tackle climate change, reduce airborne pollution and to improve the social, economic, environmental and cultural well-being of Wales. The planning system should facilitate the delivery, decarbonisation and improvement of transport infrastructure in a way which reduces the need to travel, particularly by private vehicles, and facilitates and increases the use of active and sustainable transport (5.3.1).

### **Chapter 6: Distinctive and Natural Places**

Paragraph 6.0.2 states that the special and unique characteristics and intrinsic qualities of the natural and built environment must be protected in their own right, for historic, scenic, aesthetic and nature conservation reasons. These features give places their unique identity and distinctiveness and provide for cultural experiences and healthy lifestyles. As well as those characteristics regarded as special or unique there are other, environmental qualities of places which are ubiquitous. Environmental components of places, such as clean air, access to open spaces and water quality, are linked to the quality of the built and natural environment. The environmental components of places influence and shape health and wellbeing as well as playing a role in sustaining and creating places which are adaptable and resilient to change. Distinctive and Natural places must maintain or incorporate green infrastructure, recognising the wide ranging role it can play, as key components of their natural and built fabric. Doing so will maximise health and well-being of communities and the environment (6.0.3).

Green infrastructure is the network of natural and semi-natural features, green spaces, rivers and lakes that intersperse and connect places. Component elements of green infrastructure can function at different scales. At the landscape scale green infrastructure can comprise entire ecosystems such as wetlands, waterways and mountain ranges. At a local scale, it might comprise parks, fields, public rights of way, allotments, cemeteries and gardens. At smaller scales, individual urban interventions such as street trees, hedgerows, roadside verges, and green roofs/walls can all contribute to green infrastructure networks (6.2.1).

Biodiversity underpins the structure and functioning of ecosystems. It is the diversity of living organisms whether at the genetic, species or ecosystem level. An ecosystem is made up of living organisms, plants, animals and micro-organisms, in conjunction with their non-living environment, air, water, minerals and soil, and all the diverse and complex interactions that take place between them (6.4.1). 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 (6.4.5).



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Trees, woodlands, copses and hedgerows are of great importance for biodiversity. They are important connecting habitats for resilient ecological networks and make a valuable wider contribution to landscape character, sense of place, air quality, recreation and local climate moderation. They also play a vital role in tackling climate change by locking up carbon, and can provide shade and shelter, a sustainable energy source and building materials. The particular role, siting and design requirements of urban trees in providing health and well-being benefits to communities, now and in the future should be promoted as part of plan making and decision taking (6.4.24).

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 (6.25). 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 (6.6.27).

### **Adopted Swansea Local Development Plan (2010-2025)**

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

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.

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.

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.

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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 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.

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.

H 2 Affordable Housing Strategy - provision will be made to deliver a minimum 3,310 affordable homes over the Plan period.

### **Consultations Responses:**

#### **Dwr Cymru Welsh Water:**

We can confirm that Dwr Cymru Welsh Water have been previously informed of the proposed development and consulted, as a 'Specialist Consultee', in accordance with Schedule 1C Article 2D of the Town & Country Planning (Development Management Procedure) (Wales) (Amendment) Order 2016.

We note that our consultation response has been acknowledged within the accompanying Pre-Application Consultation (PAC) Report, prepared by Geraint John Planning, which highlights that foul flows can be accommodated within the public sewerage system albeit that the site is crossed by public sewers. Nonetheless, as part of this latest planning application, we acknowledge receipt of the same 'Site Layout' (Drawing No. LT1815.04.001) which appears to indicate that the proposed development would be situated outside the protection zone of the public sewers measured 3 metres either side of the centreline. In addition, the application is accompanied by the same 'Drainage Strategy Design Statement' and 'Preliminary Drainage Layout' (Drawing No. SK02 Rev R7), prepared by CD Gray, which indicates proposals to dispose surface water flows via an outfall to the watercourse. Accordingly, if you are minded to grant Planning Consent for the above development, we would request that the following Condition and Advisory Notes are included within the consent to ensure no detriment to existing residents or the environment and to Dwr Cymru Welsh Water's assets:

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Condition No building shall be occupied until the foul drainage system for the site has been completed in accordance with the approved details. Thereafter no surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage system.

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

### **Natural Resources Wales:**

We have reviewed the submitted application and offer no objection to the proposed development. However, we would wish to make the following comments.

#### European protected species

We welcome the proposals set out in Bat Mitigation Strategy (Appendix EDP 5) in the report: "Rhodfa Fadog, Swansea. Ecological Appraisal Report" by The Environmental Dimension Partnership Ltd.

We note that the bat report submitted in support of the above application has identified that bats are present at the application site.

On the basis of the above report, we do not consider that the development is likely to be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in its natural range.

Therefore, we do not object to the proposal but in accordance with the CPO letter issued by Welsh Government on 1st March 2018, we request that the following informative is attached to any planning permission granted by your Authority:

A European protected species (EPS) Licence is required for this development.

This planning permission does not provide consent to undertake works that require an EPS licence. It is an offence to deliberately capture, kill or disturb EPS or to recklessly damage or destroy their breeding sites or resting places. If found guilty of any offences, you could be sent to prison for up to 6 months and/or receive an unlimited fine.

Development should not be commenced until the Applicant has been granted a licence by Natural Resources Wales pursuant to Regulation 55 of the Conservation of Habitats and Species Regulations (2017) authorising the specified activity/development to go ahead.

Bats and their breeding sites and resting places are protected under the Conservation of Habitats and Species Regulations 2017 (as amended). Where bats are present, and a development proposal is likely to contravene the legal protection they are afforded, the development may only proceed under licence issued by Natural Resources Wales, having satisfied the three requirements set out in the legislation. A licence may only be authorised if:

- i. the development works to be authorised are for the purpose of preserving public health or safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment.

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- ii. There is no satisfactory alternative and
- iii. The action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in its natural range.

Paragraph 6.3.7 of Technical Advice Note 5: Nature Conservation and Planning (TAN5) states that your Authority should not grant planning permission without having satisfied itself that the proposed development either would not impact adversely on any bats on the site or that, in its opinion, all three conditions for the eventual grant of a licence are likely to be satisfied.

Please note that any changes to plans between planning consent and the licence application may affect the outcome of a licence application.

### **Education:**

There is no request for a Developer's Contribution towards Education in respect of any of the named catchment schools in question from this proposed development due to the current number of unfilled places in each and the low impact of this development on pupil numbers.

### **Drainage Officer:**

We understand from the Drainage Strategy that a SAB pre-application is imminent, therefore we will offer detailed comments and commuted sums calculations under that process as is the standard now. However we will highlight that DCWW has not been accepting adoptable sewers within or below SuDS features whether adopted or not, this would preclude the layout being presented here as actually viable and may require significant changes to be acceptable both in terms of layout and density.

We assume the pale blue lines are existing surface water drainage, it is unclear whether these are public or private lines however the SAB will in all probability not accept private surface water drainage pipes running through or under SuDS features due to the maintenance risks that poses, again this may impact on layout and density.

We suggest that the drainage design and layout of the site is looked at again in the light of these constraints to ascertain what is achievable.

### **Tree Officer:**

A group of oak trees present are protected by TPO299, these are categorised as a combination of U and C trees in the accompanying tree report. Other trees are present on site and an important area of woodland borders the eastern boundary.

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

An updated arboricultural impact assessment is not supplied with the new application, however it is assumed that the impacts will be similar to the refused layout. There is no objection to the TPO trees being removed as they are in poor condition. The area of young trees and scrub in the northern section of the site are categorised as C and therefore are not a significant constraint and there is no objection to their removal. The woodland to the east can be protected as before.

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The trees around the entrance are category B and their removal will affect the local visual amenity. This can be mitigated by suitable tree planting in the front of the site.

In the event of approval can you condition a tree protection plan in accordance with BS5837:2012 and a suitable landscape plan to include tree planting in mitigation of the loss of existing trees and in the creation of place that will also include SUDS elements.

### Updated Comments:

No objection.

In order to protect the retained trees and secure mitigation for those trees lost, in the event of approval, please could you condition a tree protection plan, arboricultural method statement (in accordance with BS5837:2012) and detailed landscape scheme.

### Ecology:

The Ecological Appraisal Report assesses the results of findings of surveys undertaken in 2018. However, best practise guidelines state that surveys are only valid for 2 years. Therefore fully updated protected species and a Phase 1 Habitat survey are now required to be undertaken in 2020. The results of these shall be provided to the LPA as an Updated Ecology Note prior to any determination, to inform any ecological constraints to the development.

Bats:

The 2018 bat emergence/re-entry surveys concluded that the building is a confirmed common pipistrelle day roost. The submitted Bat Mitigation Strategy (Appendix EDP 5) is noted. Therefore an EPS license and a method statement is required for the development. Please include the standard Bat informative and the following conditions:

Condition

Prior to any works being undertaken, a NRW European Protected Species bat licence is required and a copy of this shall be submitted to the LPA.

Please see guidelines here:

<https://naturalresources.wales/permits-and-permissions/protectedspecies-licensing/european-protected-species-licensing/bat-licensing/?lang=en>

Condition:

The details contained within the submitted Bat Mitigation Strategy (Appendix EDP 5) shall be fully provided and adhered to.

Condition

Prior to any clearance works, trees shall be inspected for the presence of Potential bat Roost Features. Where trees scheduled for works (including felling / pruning) have the potential for bats to be present, they shall be climbed and inspected no more than 24 hours in advance of any work commencing. Should bats be found to be present, a Natural Resources Wales licence shall be obtained, and a copy submitted to the LPA.

Condition:

Pre-construction/site clearance checks for bats and nesting birds in buildings due for demolition shall be undertaken. A licensed bat worker/Ecological Clerk of Works (ECoW) shall be employed to oversee the work and check for any evidence of nesting birds or roosting bats.

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The ECoW shall be in attendance when parts of the roof and other external features are dismantled. They shall supervise a 'soft strip' methodology to minimise the chance of bats being killed/injured and take appropriate measures should bats be located.

Condition:

As per recommendations contained within sections A5.20 to A5.22 and section A5.25 of the Bat Mitigation Strategy (Appendix EDP 5), 6 x Schwegler 2F bat boxes (or similar) shall be erected on suitable mature on-site trees. In addition, 2 x integrated Schwegler 1FR bat tubes (or similar) shall be incorporated into the new buildings.

The approved Bat mitigation measures shall be shown on an Architectural drawing to be submitted to the LPA for approval, and shall be fully provided prior to commencement of works and shall be retained as such in perpetuity.

Nesting birds

Condition:

No clearance of trees, shrubs, scrub (including gorse and bramble) or empty buildings shall be undertaken during the bird nesting season, March to September inclusive.

Please also include the standard nesting birds informative.

See also Ecological Enhancements section below.

Reptiles

Please include the following informative:

Note that all British reptiles are protected under Schedule 5 of the Wildlife and Countryside Act 1981 as amended. It makes it an offence to intentionally kill or injure adder, slow worm and common lizard. If the reptiles listed above are encountered, work must cease immediately and the advice of Natural Resources Wales sought before continuing with any work (01792 634 960).

Conditions:

Pre-construction checks for any reptile species shall be undertaken by a suitably qualified Ecologist. Any vegetation clearance shall be undertaken avoiding the main reptile hibernation period (October-March). The Reptile Method statement detailed in section 5.46 of the Ecological Appraisal Report shall be followed and adhered to.

Otters

Please include the following informative:

Otters may be present. Otters 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. It is also an offence to recklessly / intentionally to disturb such an animal.

If evidence of otter use is encountered (e.g. live otters, droppings or resting places) during the works, work must cease immediately and the advice of Natural Resources Wales sought before continuing with any work (01792 634960).

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### Hedgehog

There are multiple local records of European hedgehog which show that there is the potential for hedgehogs to be present within the application site. Hedgehogs are protected under Schedule 6 of the Wildlife and Countryside Act (WCA) 1981, which prohibits killing and trapping by certain methods. They are also a UK Priority species under the NERC Act (SEC.41) 2006. The species is therefore considered one of the UK's target species to avoid further population decline.

The submitted Boundary Treatments plan (LeTrucco Design) is acknowledged and it is noted that 1800mm high treated close boarded fencing is proposed. However, this does not consider continued habitat connectivity for hedgehogs and other wildlife. Further detail of the boundary treatment is required which incorporates this aspect. Therefore, see conditions below:

#### Condition:

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

#### 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 shall be left at strategic points.

See <https://www.hedgehogstreet.org/hedgehog-friendly-fencing/>

### Lighting strategy

#### Condition:

As per recommendations contained within section 5.39 of the Bat Mitigation Strategy, a sensitive lighting strategy, designed to ensure that the habitats adjacent to the site are not lit during the operation phases of the development shall be submitted to the LPA for approval. The strategy shall outline avoidance of impacts of lighting on bats and other nocturnal species, following current guidelines. The southern edge of the development site shall not be subject to any lighting, to ensure the woodland remains dark. The lighting plan shall reflect the Bat Conservation Trust's Bats and Lighting in the U.K. (2018) guidance (with light levels only between 2700-3000 kelvin).

Ecological enhancement Planning Policy Wales Edition 10 (2018): Biodiversity and Ecological Networks section 6.4 Paragraph 6.4.3, The Environment (Wales) Act 2016 enhanced biodiversity and resilience of ecosystems duty (Section 6 Duty) and TAN 5 Section 40(1) of the Natural Environment and Rural Communities Act (NERC) 2006 all encourage developments in Wales to provide a net benefit for biodiversity conservation with no significant loss of habitats or populations of species, locally or nationally.

Before development works commence on site (if the scheme is approved), it is advised that a scheme of Ecological Enhancement Measures shall be provided within or to the walls of the new dwellings.

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These shall incorporate:

- i. 2 x Swift A. apus nest boxes (eg. Schwegler 17A) provision shall be fitted/incorporated into the top of the new-buildings.
- ii. 2 x sparrow terraces eg. Schwegler 1SP or similar shall be incorporated on the outside of the new buildings.

The approved Ecological Enhancement Measures shall be shown on an Architectural drawing to be submitted to the LPA for approval, and shall be fully provided no later than 6 months within the completion of the development and shall be retained as such in perpetuity.

### SuDS

It is acknowledged that the submitted Drainage states that consideration will be given to the selection of appropriate planting within bio-retention / rain gardens and swales to enhance drainage features and promote amenity and biodiversity values. However, further detail is required of the proposed planting of these features and how the SuDS will help contribute to habitat connectivity and to the delivery of local biodiversity objectives. The features should be planted with native marginal and emergent aquatic species and native terrestrial vegetation of local provenance to provide wildlife habitat and visual interest.

### Condition:

Full details of enhancement planting of the proposed SuDS features for biodiversity gain and to aid ecosystem resilience shall be submitted to the LPA for approval.

### Invasive Non Native Species (INNS)

### Condition:

Pre-construction checks for any INNS shall be undertaken and approved methodology followed to remove any INNS found.

### Habitats/Trees/Landscaping

The Ecological Appraisal Report states that there will be loss of dense scrub habitat, scattered trees and amenity grassland. Therefore, mitigation planting of new shrubs and tree planting is proposed, together with shared residential gardens, as per section 5.22 of the Report.

Additionally, with regards to trees and as per recommendations in the Arboricultural Report, removal of the higher quality trees (B Category) shall be mitigated for through suitable compensatory tree planting. It is noted that the proposed development design has aimed to retain a high proportion of the higher value (B category) on-site trees.

### Condition:

A scheme of mitigative native tree, hedgerow and shrub planting and aftercare shall be submitted to the LPA for approval, due to the loss of trees on the site. The scheme shall incorporate a combination of diverse native tree and shrub species and varied nursery aged stock.



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#### Condition:

A mix of native species of local provenance, to include fruit and nectar bearing shrubs, trees and wildflowers shall be provided to increase biodiversity and to provide foraging resources for local birds, small mammals and invertebrates and to increase habitat connectivity. The fully detailed planting/landscaping scheme and aftercare shall be submitted to the LPA for approval.

#### Construction Environmental Management Plan (CEMP)

A detailed Construction Environmental Management Plan (CEMP) is required to be submitted to the LPA for approval and must outline all necessary pollution prevention measures (especially regarding any nearby water bodies), for the construction and operational phase of the development (and proportional to the size of the development).

#### Condition:

No development approved by this permission shall be commenced until a CEMP detailing all necessary pollution prevention measures for the construction and operational phase of the development is submitted to and approved in writing by the LPA. The details of the CEMP shall be implemented as approved. The CEMP shall include full details of an Ecological Construction Method Statement, as per recommendations in section 5.43 of the submitted report.

### Placemaking Officer:

#### Block 1

The elevations of the large block do not match one another. The front and rear elevations both show large gable features, however the side elevations both only show the front one of these. Similarly there are smaller gable features to either side of both of these large central gables which are also not shown on either of the side elevations. These points will need to be addressed/corrected before the application can be determined.

The block presents a good level of verticality to its front and rear elevations which is defined predominantly by the gable features, and these also help to break up the mass of these wide elevations by providing visual 'breaks' in the otherwise flat façade.

However some of the windows located on the main façade and in between the gable features appear to small and squat and these should be amended to provide greater vertical emphasis and a better solid-to-void ratio to these elevations.

The verticality and roof pitch of the gable elements conflicts with the depth of the block which present wide side elevations with much shallower roof pitches which visually conflict with the character and appearance of the front and rear elevations. The current approach therefore presents a conflicting character as a result of the differing roof pitches which is not considered appropriate and should be amended.

The west side of this block includes a smaller 'extension' type element which presents different size windows (and a door) with different approaches also (smaller ones have headers but larger windows do not) which results in a conflicting pattern of fenestration here. These windows should therefore be rationalised.

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Rear of the site

The rear of the site is dominated by a central hardstanding square surrounded on all sides by parking bays, as well as 2 no. smaller turning/parking areas with additional bays. This approach does not accord with the placemaking approach advocated in PPW and furthermore raises questions as to approach to biodiversity enhancement as set out in this national policy document.

The form, scale, character and appearance of the 2 storey dwellings are acceptable, however the layout of these appears to be somewhat fragmented and dictated by the need to accommodate all of the proposed parking bays.

The majority of the gardens appear to be below the minimum standards of being the same size as the footprint of the dwelling that they serve.

In summary the above points suggest that the current approach represents an overdevelopment of the site with the layout to the rear being completely dominated by parking and turning areas to the front of the dwellings and unacceptably small gardens to the rear of these. The current approach to this element of the scheme therefore fails to adequately create a good sense of place as well as other securing other benefits such as a good level of biodiversity enhancement, both of which are approaches advocated by PPW. Regarding the front block (block 1) this presents conflicting elements which will need to be addressed in order to make this acceptable.

Furthermore the discrepancies between the elevation drawings will need to be addressed also. Given the above it is considered that the scheme needs significant amendments to address the points in relation to the rear of the site, and as such unless meaningful amendments are made to address these then the scheme will be recommended for refusal for failing to meet the Placemaking objectives of PPW.

### **Updated Comments:**

The latest set of amendments to this scheme present a new roof form to the large, mixed commercial/residential (flat) block at the front of the site as well as introducing Juliet balconies to some of the windows which are welcomed to give the flat units at least a sense of connection to the outdoors. The only changes to the rear are minor and include the provision of a very small semi-circular space with 2 benches which is highlighted on the plans as being 'plot 1-16 amenity space' as well as the introduction of a tree with a circular bench wrapping around the tree trunk. Whilst these spaces are an improvement on the previous layout which lacked any amenity space, they are considered very small for the use of 16 residential units and provide no other use than small seating areas. As such these changes appear relatively 'tokenistic' and seem to be dictated by what can be fit around the central scheme which is in effect a large courtyard parking and turning area. To reiterate my previous comments (11/6/20):

“ . . . the lack of any other changes means that the previous concerns regarding the dominance of parking bays and areas within this part of the site still stand. In order for this scheme to be considered acceptable there will need to be a greater emphasis on Placemaking for people rather than a design approach which seems to be dictated by the need to accommodate parking bays.”

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This is now the second time this point is being raised and as such the previous recommendation for refusal on design/placemaking grounds still stands as a result of the failure to meet the placemaking objectives of PPW (as set out in my previous comments). It should be noted that it is considered that this issue cannot be overcome with a few minor, iterative changes as have been proposed so far but will require a more fundamental overhaul of the layout and that part of the problem with the dominance of the parking may be as a result of the overdevelopment of this particular site.

### **Highways Officer:**

A previous application of the site was refused, this refusal was upheld at appeal, although following several layout iterations there were no Highway objections. Comments were made at the pre-application process and a consultation response has been provided as part of this application. The conclusions of the consultation was a recommendation for refusal, this was due to the detriment to highway safety resulting from lack of safe pedestrian access through the site, lack of adequate servicing provision and car parking levels and parking space layout below standards. This updated consultation has taken the time to review the current presented layout and also referred to the previous concerns.

The proposed level of car parking provision for the residential development has been proposed at 33 spaces for the 29 units. Previous comments raised did not agree with the findings of the sustainability assessment. It is however accepted that affordable housing typically has lower levels of car ownership than market housing, and therefore the proposed parking levels are acceptable.

There were previous concerns that the proposed parking spaces for both residential and retail elements were not designed to the required standard of 2.6 metres width and 4.8 metres length. Disabled parking bays will need to be provided to the dimensions of 2.4 metres width and 4.8 metres length with a 1.2 metre access margin on three side of the parking space. This will be secured by condition.

Parking bay layout is as per the SPG. The retail parking area causes some concern, there has been no demonstration on how the disabled parking spaces can be accessed and exited from without multiple tortuous manoeuvres, if the spaces are provided in line with the spec noted above this should provide the necessary space.

Cycle parking has been provided within the layout and appears to conform to standards and will be safe and secure. The previous concerns relating to the lack of formal pedestrian provision has been, in part, addressed through the provision of a single footway on the eastern side of the access road part way into the site. Another footway from the west provides access to the retail area. The outstanding concerns with the residential footway provision now lay with the quality of the route proposed. The footway has been proposed as 1.8 metre width and then narrowed at a pinch point to 1.0 metres. Given the small scale of the development, and the short length of the narrower footway, on balance this is acceptable.

The delivery area and access for delivery vehicles was a significant concern in the previous response. There were requests to separate the commercial and residential access points, although this was rebutted by the applicant team. A condition will be required to prevent deliveries during peak times.

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### Recommendation

I recommend no objections to the proposals subject to:

1. Alterations to the existing public highway will be constructed via a Section 278 agreement with the Local Highway Authority.
2. No development shall be commenced until details of the proposed arrangements for future management and maintenance of the proposed streets within the development have been submitted to and approved by the local planning authority. [The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as private management and Maintenance Company has been established.
3. Front boundary treatments being kept below 1m in height.
4. Prior to any works commencing on site a Construction Traffic Management Plan shall be submitted to and approved in writing by the LPA. The approved traffic management plan shall be adhered to at all times unless otherwise agreed by the LPA.
5. All parking spaces shall be laid out and have dimensions in accordance with the SPG, 2.6 metres width and 4.8 metres length. Disabled parking bays will need to be provided to the dimensions of 2.4 metres width and 4.8 metres length with a 1.2 metre access margin on three side of the parking space.
6. Deliveries to the retail unit shall not be made between 8 am and 9.30 am or between 15:30 and 17:30.

Note 1. All works on the existing highway are subject to an agreement under section 278 of the Highways Act 1980. All design and implementation will be at the expense of the developer.

Note 2. The applicant is advised that in order to discharge condition 2 the LPA requires a copy of the constitution and details of a Private Maintenance and Management Company confirming funding, management and maintenance regimes.

The applicant must contact the Highway Management Group, Swansea Council, Guildhall offices C/O Civic Centre, Swansea SA13SN before carrying out any work. Please email [networkmanagement@swansea.gov.uk](mailto:networkmanagement@swansea.gov.uk).

### Neighbour comments:

FORTY THREE LETTERS OF OBJECTION have been received, which are summarised as follows:

1. Not enough parking or disabled parking and will lead to illegal parking and conflict with children from nearby schools.
2. Schools are at capacity
3. Overdevelopment of site
4. Danger to public safety
5. Increase in traffic in area
6. Estate does not need more housing especially flats.
7. Local shop would benefit community
8. Parking should be provided for existing businesses or remove zebra crossing.
9. Object to block 1 being 3 storey
10. Local people work nights and will be disturbed by construction works.
11. Parc Gwernfadog is not urban it is suburban

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12. The site is not a local centre
13. The development is out of keeping with the character of the area.
14. No provision for a LAP
15. Removal of works not acceptable
16. Too many flats
17. Overdevelopment can lead to social problems
18. Can lead to more flooding issues.
19. Danger to bat roost and impact upon local wildlife.
20. Detrimental impact upon residential amenities.
21. Concerns over ground stability
22. No external drying areas provided.
23. Issues of access for refuse and emergency vehicles.
24. A community centre would benefit the community.
25. Doctor's surgeries are already full.
26. No gardens for residents so where are they going to relax?
27. No areas for children to play.
28. Three storey element will lead to overshadowing – reduce by one storey?
29. Units not affordable housing but social rented units.
30. Many of the residents of the estate were unaware of the development.
31. Developer has not taken on board the comments of the local residents.
32. The three storey will be overbearing on the street
33. No section through to show ground levels.
34. Bus service information provided is incorrect and is not such a sustainable location.
35. Lead to overlooking of our gardens.

### **APPRAISAL**

#### **Main Issues**

The main issues to consider in the determination of this application relate to the impact of the proposal on the visual and residential amenity of the area and highway safety 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**

It is recognised that in principle, the site is previously developed land and as such, an appropriate mixed use development is considered acceptable, subject to appropriate scale, layout, access and appearance. Planning Policy Wales states the use of previously developed should, wherever possible, be used in preference to greenfield sites where it is suitable for development. In settlements, such land should generally be considered suitable for appropriate development where its re-use will promote sustainability principles and any constraints can be overcome (3.51).

#### **Design/ Layout/ Visual Impact**

In terms of scale and in principle a three storey element to the front of the site with two storey development to the rear is considered acceptable. Indeed, with regards to the previously dismissed Appeal on the site (2018/1392/ful refers) the Appeal Inspector stated:

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“Whilst I acknowledge that the predominant scale of development in the area is either one or two storeys, I do not find that a development comprising an element of three storeys would necessarily be harmful to the character of the area given its particular context in relatively open surroundings”.

Whilst concerns were originally raised about the design of Block 1, amended plans were received providing further refinement to the elevation/ massing. This current proposal has sought to improve the design by breaking up the front building so it has a 3 storey central element and included accommodation in the roof space either side of this. In addition, instead of the previously refused second 3 storey block, there are now three areas of two storey housing to try and break up views through the site at the back and ensure there is no impact on properties to the north / rear of the site. The building now steps up from the fish and chip shop and is acceptable on balance. The previous proposal included a flat roof design and whilst the scale of the building at the front is similar to the previous proposals, it has a pitched roof which helps reduce the overall massing.

The Council's Placemaking Officer also does not offer an objection to the three storey element of Block 1 and considers that the overall design represents a good level of verticality with the gable features helping to break up the massing of the wide elevations and providing visual breaks. No concerns is raised either to the principle of the two storey elements at the rear of the site or the visual impact of the dwellings which are considered to be acceptable.

Lack of acceptable amenity space was an issues covered by the Appeal Inspector in the previous appeal decision:

“The location of the amenity space between a three storey building to the south and a rising bank to the north would be in shade for much of the day and would not offer an attractive or desirable place to sit or enjoy.....

.....I find the provision of private outdoor amenity space would be severely deficient and would provide unacceptable living conditions and amenity for future residents. This would not be in accord with policy PS 2 of the LDP or its associated SPG.”

The amendments also introduced Juliet balconies to some of the windows which is considered to give the flat units more of a sense of connection to the outdoors. Changes made to the rear of the site also includes the provision of a small semi-circular space with 2 benches which is highlighted on the plans as being 'plot 1-16 amenity space' as well as the introduction of a tree with a circular bench wrapping around the tree trunk. These spaces are an improvement on the previous layout which lacked any amenity space. This amenity space together with the addition of the Juliet balconies, does provide some outdoor space for residents. Whilst it would have been preferable to include balconies to all flats to provide them all with private outdoor space, this was not possible from a technical viewpoint.

With regards to amenity space, it should be noted that the previous appeal decision proposed one area for the two blocks of flats. In the current proposal, the dwellings/ flats at the rear would have their own amenity space and Block 1 would also have a small amenity area at the rear. This amenity area has been supplemented with the inclusion of Juliet balconies to provide some outdoor relief to the apartments themselves as stated above. In addition to these balconies, there are also nearby green spaces that can be enjoyed by future residents.

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Whilst each unit does not have its own private outdoor amenity space, the inclusion of Juliet balconies and a communal outdoor space, albeit north facing, that is not dominated by washing lines would provide an element of amenity space lacking in the originally refused scheme and as such, and on balance, is considered acceptable.

A more significant concern was raised by the Placemaking Officer with the layout of the two storey element to the rear of the site. The rear of the site is considered to be dominated by a central hardstanding square to accommodate the required amount of car parking which does not accord with the placemaking approach advocated in PPW. The gardens were also considered to be below adequate depth and were facing onto the very high retaining wall at the rear of the site.

It is acknowledged that the central area would be dominated by car parking and that the layout of the rear of the site is considered to be engineering led as a result of the need to accommodate the parking. In addition, the location of the car parking has pushed the units in the top right hand corner back giving them a 9m rear garden space and an outlook onto a retaining wall to eaves height. It was suggested that a reduction in units could help resolve some of these issues as it would reduce the car parking requirement (already reduced to minimum standards) and overcome the Placemaking Officer's concerns but the applicant has indicated that the proposals would not be viable if any units are lost and has requested that the scheme is considered on its merits.

In light of the above, concerns remain with regards to the layout of the rear element of the site which is dictated by ensuring adequate car parking provision for the residential element of the proposals. The concerns of the Placemaking and Heritage Officer are noted, and shared, but need to be considered in the planning balance along with other material considerations. The design/ layout of Building 1 and the car parking in front is considered to be acceptable in terms of its relationship to its surroundings.

### **Residential Amenity**

With regards to impact upon existing residents, it is acknowledged that the introduction of a 3 storey apartment blocks/retail unit is a departure to the previous more open nature of the site and the single storey building site to the rear but the two storey units to the rear are already in evidence in the area.

However, the distances involved to the nearest residential properties of approximately 23m to the south from Block 1 and 20m to the elevated dwellings to the north from the rear dwellings on the site dictates that the buildings would not result in overbearing physical impact for the occupiers of these dwellings. The dwellings to the south of Block 1 in Clos Crucywel are sited across an existing highway, are generally at the same ground level and the dwellings face sideways to the road with no habitable room windows in these facing elevations. Therefore the distance between Block 1 and the orientation of these dwellings ensures that there would be no undue impact in terms of loss of privacy or direct overlooking. In addition, the blocks are sited to the north of these dwellings in Clos Crucywel and as such would not result in loss of light or overshadowing.

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The dwellings to the rear of the site in Rhodfa'r Eos are elevated above the site as such, there would be no loss of privacy or direct overlooking caused to the occupiers. The relationship to these dwellings would also dictate that there would be no undue impact in terms of overshadowing or overbearing physical impact.

Within the site, the dwellings are considered to have an acceptable relationship to each other. Plots 17-23 have east facing gardens with no retaining walls to the rear of plots 17-20. Plots 21-23 have a retaining wall at the rear of their gardens at a distance of 9.3m minimum (height between 3m and 4.5m). Whilst the depth of the garden is marginally less than the depth of the dwelling as recommended in the Adopted Residential Design Guide SPG), the easterly facing nature of the garden would ensure there was sufficient light throughout the day and plot 23 has a wide garden ensuring. Within this context, the garden areas are considered acceptable to these plots.

Concerns remain about the orientation and size of the gardens for plots 24-29. 4 of these units would be flats with 8m to the base of the retaining wall whilst the mid terrace dwellings in between would have 9.3m to the base of the retaining wall. These garden areas are considered substandard and the retaining wall at the rear would be overbearing for these properties.

The proposals do not raise any concerns with regards to the impact of the development on existing residents nor for the majority of residents within the site. The main area of concern relates to the gardens and rear retaining wall at the rear of the site in terms of its impact on future residents. This issue needs to be weighed in the planning balance.

### **Access and Highways Issues**

The Local Highways Authority acknowledges that the amount of overall car parking provision i.e. 33 spaces for the 29 units is lower than normally required but agrees that that affordable housing typically has lower levels of car ownership and as such, on balance, the car parking provision is acceptable. Concern was also raised that the car parking spaces were below the standard car parking space size i.e. 2.6m x 4.8m and that the disabled parking spaces should have a 1.3m access margin on three sides of each space. However, these concerns could be overcome via a condition requiring an amended car parking layout. The scheme also provided spaces for cycle parking which is welcomed and a condition would be attached to ensure it is provided prior to first beneficial use.

A single footway has been provided on the eastern side of the access road, the length and width of which is considered acceptable. There were still some slight concerns in that the access for commercial vehicles was not to be separate from the residential access and parking areas. However, it is considered that a condition preventing deliveries during peak times would overcome this concern and could be controlled via condition. Whilst a condition has been requested with regards to a S278 agreement, this is a separate issue covered by separate legislation. The Local Highways Authority has not raised any issue with regards to the access in terms of highway safety design.

It is considered therefore that subject to the recommended highways conditions, and S106 agreement ensuring that the whole of the residential element is for affordable housing, the proposals are considered acceptable and would comply with Policies T1 and T6.



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### Drainage

The site is subject to separate SAB approval and as such, Drainage issues are not being dealt with as part of this application. Dwr Cymru Welsh Water has been consulted on the site and raised no issues subject to a condition requiring the foul drainage to be implemented in accordance with the submitted details.

### Ecology/ Trees

The Council's Ecologist has commented that the Ecology report is out of date but as the 2 year date had not expired when the application was submitted, then it is considered that they are still current and relevant. Notwithstanding this, given the current situation around Covid 19, NRW has advised that it will consider reports valid for 3 years which is considered reasonable.

The Ecologist has considered the information submitted and offers no objection to the proposal but does request that further information is submitted for approval via condition. It is noted that the Bat Mitigation Report shows that the existing building is a confirmed bat roost and as such an European Protected Species bat licence to disturb will need to be applied for and granted by Natural Resource Wales before any works are commenced. As this is covered by other legislation, it is not considered necessary to attach a condition requiring the license to be submitted to the Authority or the works to be undertaken in accordance with a soft strip methodology as this would be controlled via the license.

Conditions and informatives are also required with regards to the protection of other species on site during and after construction e.g. nesting birds, otters and hedgehogs as well as a Construction Management Plan and lighting condition. It should be noted that not all requests are considered to meet the statutory tests of a condition (including reasonableness or necessity) and would be included as informatives. Conditions would be attached regarding the bat mitigation strategy, reptile method statement and ecological enhancements.

To this end, it is considered with these conditions and informatives, the proposal would comply with the requirements of Policy ER8.

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### DEROGATIONS

i. Regulation 52(3) the development works to be authorised are for the purpose of preserving public health or safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment.

This site constitutes disused previously developed land. The proposed development would introduced a mixed use retail and residential development that would provide a range of retail units to serve the locality and create employment as well as providing a significant level of affordable housing that is much needed. The development would increase the County's housing stock with good quality housing. It is therefore considered that there are overriding social and economic considerations of overriding public interest.

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ii. There is no satisfactory alternative;

The existing building on site houses bats and it would not be possible to develop the site and retain this building. In addition, doing nothing would result in the existing building falling further into disrepair. The site would subsequently have a negative impact on the local environment and its surroundings and could be subject to anti-social behaviour. The proposed development would provide for a mixed use development on previously developed land. The applicant has confirmed that an alternate scale of development would not be viable.

iii. The action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in its natural range.

This planning application includes a Bat Mitigation Report which has been reviewed by the Council's Ecologist and NRW. NRW has confirmed in its opinion that the development is unlikely to be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in its natural range, providing that mitigation is provided. The Council's Ecologist has raised no objections in this regard subject to conditions. It is considered that this proposal together with the specified mitigation measures would not be detrimental to the favourable conservation status of the European Protected Species on this site.

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The Council's Tree Officer has raised no objection to the proposal as the protected trees to be removed are in poor condition. The trees being removed at the entrance to the site are considered to affect local amenity but it is considered that their loss can be mitigated against with an appropriate landscaping plan. The wooded area to the west of the site does not form part of the current proposal and will be protected. It is considered therefore that with these provisions in place, the proposal would comply with the overall requirements of Policy ER11.

It is acknowledged that the Council's Tree officer raises no objection to the removal of the TPO trees as they are in poor condition, although the Appeal Inspector, did not agree that their removal was acceptable in the previous refusal. However, the current proposal has provided for more room for meaningful landscaping around the site and, as the Tree Officer maintains the lack of objection to the proposal subject to a condition regarding a tree protection plan, arboricultural method statement and detailed a landscape scheme, it is considered that the Appeal Inspectors concerns have been addressed in this regard.

### Response to consultations

The issues raised by the objectors have been addressed above in the main body of the report. With regards to the lack of a LAP, on the previous application, none was requested by the Parks Officer and it is not considered that this situation has changed. The Education Officer has not requested a contribution as there is considered to be sufficient capacity in existing schools. The Local Highways Authority are satisfied that the proposal would not have a detrimental impact on highway safety and this issue was not a defining consideration of the previous appeal when more accommodation was proposed. The LDP is predicated on the requirement for windfall sites to come forward, and this proposal provides for a variety of unit types.

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The construction phase would be temporary and a Construction Environment Management Plan would ensure that works are undertaken in an appropriate manner. The Drainage Officer has raised no concerns with regards to flooding and no evidence has been provided that ground stability is an issue on this site. It's not considered that the proposals would lead to overshadowing or increased overlooking of existing properties. Finally, sections have been provided with the application to show the relationship of the units to the adjoining buildings/ground.

### **Planning Balance**

Section 38(6) of the Planning and Compulsory Purchase Act (2004) states that if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.

Policy PS 2 states that development should enhance the quality of places and spaces, and respond positively to aspects of local context and character that contribute towards a sense of place. The design, layout and orientation of proposed buildings, and the spaces between them, should provide for an attractive, legible, healthy, accessible and safe environment. All proposals should ensure that no significant adverse impacts would be caused to people's amenity. The Placemaking and Heritage Officer has raised concerns with regards to the layout at the rear of the site and the poor relationship for the gardens of plots 24-29 and the retaining wall at the rear of the site. These concerns are shared by Officers.

The previous appeal decision is also a material consideration in the determination of this application.

The applicant has put forward justification for the scheme as it is a 100% affordable site and involves the redevelopment of previously developed land. Indeed the Appeal Inspector commented on these very points previously:

"The proposal was put forward on the basis that it would provide 100% affordable housing in an area of high need for such housing. It would utilise previously developed land in a sustainable location and provide local benefits as a result of the proposed retail units. The existing site is in a poor visual state, and I note the contention that its current condition encourages anti-social behaviour. I concur with the view that its re-development would be beneficial in principle.

23. .... whilst I give the above benefits considerable weight, I am not persuaded that the same benefits could not be obtained from an alternatively designed scheme. I do not find the benefits sufficient to outweigh the harm that I have identified would arise from the particular scheme before me."

As noted above, the proposal is considered acceptable in terms of its impact on residential amenity, trees, ecology, drainage and highways. The current scheme is an alternative scheme that has been submitted to address previous concerns.

The site is located in the North Strategic Policy Housing Zone where 10% provision would be required from a policy perspective (3 units). However, all 29 units are proposed to be affordable units which is considered to provide significant weight in the planning balance.

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Taking these comments into account, the current proposal overcomes many of the issues identified in the previous appeal.

The planning balance in this respect is therefore very finely balanced.

It is considered that the proposals do involve the redevelopment of previously developed land, on a site which is no longer being used and adds nothing to the locality. The Housing Officer was supportive of the previous scheme on the basis that it provided 100% affordable housing to DQR standard and this remains the same. The fact that the accommodation to be provided is 100% affordable housing when there is a significant need for affordable housing is given significant weight in the planning balance and the applicant has indicated that a reduced scheme would not be viable. It is considered that these considerations, together with the design changes proposed are sufficient to outweigh the placemaking concerns in terms of the layout of the rear of the site.

When assessing all of these issues, it is considered that the clear benefits of the development marginally outweigh the policy breach of PS 2 and the placemaking concerns referenced above providing that 100% affordable housing is secured through a S106 agreement.

### Conclusion

Consideration 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 section 3 of the Well-Being of Future Generations (Wales) Act 2015 ("the WBFG Act"). In reaching this recommendation due regard has been given to the ways of working set out at section 5 of the WBFG Act and it is considered that this recommendation is consistent with the sustainable development principle as required by section 8 of the WBFG Act.

In conclusion and having regard to all material planning considerations and on balance, the proposal is an acceptable form of development at this location that complies with the overall requirements of Policies PS2, T6,ER6, ER8, ER9, ER11,H2, RP4 and RP5 and approval is recommended.

### RECOMMENDATION

**APPROVE, subject to a Section 106 agreement requiring all residential units to be occupied as and remain as affordable housing only and 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: drainage strategy, transport statement, SK02R7 preliminary drainage layout received 20th January 2020, ecological appraisal report, site investigation report, geotechnical and geoenvironmental site investigation report received 27th January 2020, LT1815.04.001 site layout plan, LT1815.04.001 B site plan, LT1815.04.002 A site sections, LT1815.04.004 A boundary identification layout, LT1815.04.1000 D ground and first floor plans Block 1, LT1815.04.1001 C second floor and roof plan block 1,

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LT1815.04.1002 A sections block 1, LT1815.04.1003 F elevations Block 1, LT1815.04.2001 plans and elevations plots 17-20, LT1815.04.2002 A plans and elevations plots 21-23, LT1815.04.2003 plans and elevations plots 24-29 received 6th July 2020.

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

- 3 No building shall be occupied until the foul drainage system for the site has been completed in accordance with the approved details. Thereafter no surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage system.

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

- 4 Prior to the commencement of development, full details of the Bat Mitigation Measures, identifying the trees they are to be located on and architectural drawings for the buildings on which they would be located as well as an Implementation Timetable, as set out in sections A5.20 to A5.22 and section A5.25 of the Bat Mitigation Strategy (Appendix EDP 5) (comprising 6 x Schwegler 2F bat boxes or similar and 2 x integrated Schwegler 1FR bat tubes or similar) shall be submitted to and approved in writing by the Local Authority. The approved Bat Mitigation Measures shall thereafter be undertaken in accordance with the approved details and Implementation Timetable and shall be retained for the lifetime of the development.

Reason: To ensure no detrimental impact upon protected species.

- 5 Prior to the commencement of development, as per recommendations contained within section 5.39 of the Bat Mitigation Strategy, a sensitive External Lighting Strategy, designed to ensure that the habitats adjacent to the site 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, following current guidelines. The southern edge of the development site shall not be subject to any lighting, to ensure the woodland remains dark. The lighting plan shall reflect the Bat Conservation Trust's Bats and Lighting in the U.K. (2018) guidance (with light levels only between 2700-3000 kelvin). The development shall thereafter be undertaken in accordance with the approved External lighting Strategy.

Reason: To mitigate against any impact of the development upon protected species due to external lighting.

- 6 Prior to the commencement of development, full details of the Ecological Enhancement Measures shall be submitted to and approved in writing by the Local Planning Authority. These shall include 2 x Swift A. apus nest boxes (eg. Schwegler 17A) and 2 x sparrow terraces eg. Schwegler 1SP or similar as a minimum. The approved architectural measures shall be undertaken in accordance with the approved details within 6 months of the first beneficial occupation of the development hereby approved and shall be retained for the lifetime of the development.

Reasons: In the interests of ecology and protected species.

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- 7 Prior to the commencement of development, and notwithstanding the details submitted to date, an Invasive Non-Native Species (INNS) Survey and Remediation Strategy for the removal of any INNS found on site including an Implementation Timetable, shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be undertaken in accordance with the approved INNS Remediation Strategy and Implementation Timetable.  
Reason: In the interests of ecology and to ensure compliance with the Wildlife and Countryside Act 1981.
- 8 Prior to the commencement of development, and notwithstanding the details submitted to date, a Green Infrastructure Strategy of the site shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall provide an assessment of the existing Green Infrastructure on site and measures to enhance the green infrastructure post development. The development shall thereafter be undertaken in accordance with the approved measures.  
Reason: To ensure that the integrity of the green infrastructure is not compromised.
- 9 The approved boundary treatments (as shown on Drawing No. LT1815.04.004 Rev A.) shall be completed as approved before the dwelling that they serve is occupied and shall thereafter be retained as such.  
Reason: In the interest of maintaining a satisfactory scheme of landscaping and to protect the visual amenity of the area.
- 10 No development approved by this permission shall commenced until a Construction Environment Management Plan (CEMP) detailing all necessary pollution prevention measures for the construction and operational phase of the development and measures to reduce noise and disturbance to neighbours, is submitted to and approved in writing by the Local Planning Authority. The CEMP shall include full details of an Ecological Construction Method Statement, as per recommendations in section 5.43 of the submitted Ecological Appraisal Report. The development shall thereafter be undertaken in accordance with the approved CEMP.  
Reason: In the interests of ecology, to ensure compliance with the Wildlife and Countryside Act 1981 and in the interests of neighbouring amenity.
- 11 Prior to the commencement of development, and notwithstanding the details on the submitted plans, a Tree Protection Plan and Arboricultural Method Statement in accordance with BS5837:2012 shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be undertaking in accordance with the approved details.  
Reason: In the interests of the protection of the remaining trees on the site and for the creation of place.
- 12 The materials to be used in the construction of the external surfaces of the development shall be carried out in accordance with the details shown on the approved plans.  
Reason: To ensure a proper standard of development and appearance in the interests of conserving the amenities and architectural character of the area.

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- 13 No development or site clearance shall take place until there has been submitted to and approved in writing by the Local Planning Authority a fully detailed scheme of landscaping including species, spacings and height when planted of all new planting. The scheme shall include indications of all existing trees (including spread and species) and hedgerows on the land, identify those to be retained and set out measures for their protection throughout the course of development and the mitigation of any trees that are lost.

All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the first beneficial occupation of the building(s) or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

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

- 14 Prior to the first beneficial occupation of the development, full details of the proposed arrangements for future management and maintenance of the proposed streets within the development shall be submitted to and approved by the Local Planning Authority unless an agreement has been entered into under Section 38 of the Highways Act 1980. The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an agreement has been entered into under section 38 of the Highways Act 1980.

Reason: In the interest of highway safety to ensure the streets are managed and maintained appropriately.

- 15 Prior to the commencement of development, a Construction Traffic Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The construction phase of the development shall thereafter be undertaken in accordance with the approved plan.

Reason: In the interests of highway safety during the construction phase.

- 16 Prior to the commencement of development, and notwithstanding the details on the plans submitted to date, full details of the car parking arrangements for the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. Car parking spaces shall be 2.6 metres width and 4.8 metres length as a minimum and disabled parking bays shall be 2.4 metres width and 4.8 metres length with a 1.2 metre access margin on three side of the parking space. The approved parking spaces shall be clearly demarcated on the ground prior to the first beneficial occupation of the unit that they serve and be retained as such for the parking of vehicles.

Reason: In the interests of highway safety and for the avoidance of doubt.

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- 17 Notwithstanding the submitted details, deliveries to the retail unit(s) shall not be made between 8 am and 9.30 am or between 15:30 and 17:30 on any day.  
Reason: In the interests of highway safety and to prevent conflict with other road users at busy times.
- 18 The retail units hereby permitted shall not be open to customers/visitors outside the hours of 07.00 to 22.00hrs on any day of the week.  
Reason: To protect the amenities of the occupiers of nearby residential premises.
- 19 The retail units hereby approved shall be used for Class A1 purposes as defined in the Town and Country Planning (Use Classes) Order 1987 (or in any provision equivalent to that class in any statutory instrument revoking and re-enacting that order with or without modification) and for no other purpose.  
Reason: For the avoidance of doubt as to the nature of the units hereby approved.
- 20 Prior to the commencement of development, a Site Waste Management Plan (SWMP) shall be submitted to and approved in writing by the Local Planning Authority. The construction phase of the phase of development shall be undertaken in accordance with the approved SWMP at all times.  
Reason: To ensure waste at the site is managed in line with the Waste Hierarchy in a priority order of prevention, re-use, recycling before considering other recovery or disposal option.
- 21 The development shall be undertaken in accordance with the recommendations of Section 5.46 of the Ecological Appraisal Report received on 27th January 2020.  
Reason: To ensure the protection of reptiles during the course of the development.
- 22 Prior to the commencement of development, full details of the finishes of all retaining walls on site (including the gabion retaining walls) shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be undertaken in accordance with the approved details.  
Reason: In the interests of visual amenity.
- 23 Prior to the first beneficial use of Block 1 (retail units or residential units), the cycle parking shall be provided in accordance with the approved details and retained for the lifetime of the development.  
Reason: To ensure adequate cycle provision is made to support sustainable travel options.

### Informatives

- 1 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: PS2, T6, ER11, ER8, , RP5, RP4, H2, ER9.
- 2 This consent is issued without prejudice to any other consents or easements that may be required in connection with the proposed development.



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3 From 7 January 2019 the Welsh Government enacted Schedule 3 of the Flood and Water Management Act 2010; all new developments of more than 1 house or where the construction area is 100m<sup>2</sup> or more will require sustainable drainage to manage on-site surface water. Surface water drainage systems must be designed and built in accordance with the document 'Statutory Standards for Sustainable Drainage Systems' published by Welsh Ministers. If your development meets the above criteria then Sustainable Drainage Approval will be required before any construction work commences. Further details can be found on the Authority's website:- <https://www.swansea.gov.uk/sustainabledrainage> and the SuDS Approval Team can be contacted via [SAB.Applications@swansea.gov.uk](mailto:SAB.Applications@swansea.gov.uk) for further advice and guidance.

4 **Warning: An European protected species (EPS) Licence is required for this development.**

This planning permission does not provide consent to undertake works that require an EPS licence. It is an offence to deliberately capture, kill or disturb EPS or to recklessly damage or destroy their breeding sites or resting places. If found guilty of any offences, you could be sent to prison for up to 6 months and/or receive an unlimited fine. To undertake the works within the law, you can obtain further information on the need for a licence from Natural Resources Wales on 0300 065 3000 or at <https://naturalresources.wales/conservation-biodiversity-and-wildlife/europeanprotected-species/?lang=en>

5 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.

6 Prior to any clearance works, trees shall be inspected for the presence of Potential bat Roost Features. Where trees scheduled for works (including felling / pruning) have the potential for bats to be present, they shall be climbed and inspected no more than 24 hours in advance of any work commencing. Should bats be found to be present, a Natural Resources Wales licence shall be obtained, and a copy submitted to the LPA.

Pre-construction/site clearance checks for bats and nesting birds in buildings due for demolition shall be undertaken. A licensed bat worker/Ecological Clerk of Works (ECoW) shall be employed to oversee the work and check for any evidence of nesting birds or roosting bats. The ECoW shall be in attendance when parts of the roof and other external features are dismantled.

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They shall supervise a 'soft strip' methodology to minimise the chance of bats being killed/injured and take appropriate measures should bats be located.

- 7 Note that all British reptiles are protected under Schedule 5 of the Wildlife and Countryside Act 1981 as amended. It makes it an offence to intentionally kill or injure adder, slow worm and common lizard. If the reptiles listed above are encountered, work must cease immediately and the advice of Natural Resources Wales sought before continuing with any work (01792 634 960).
- 8 Pre-construction checks for any reptile species shall be undertaken by a suitably qualified Ecologist. Any vegetation clearance shall be undertaken avoiding the main reptile hibernation period (October-March). The Reptile Method statement detailed in section 5.46 of the Ecological Appraisal Report shall be followed and adhered to.
- 9 Otters may be present. Otters 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. It is also an offence to recklessly / intentionally to disturb such an animal.

If evidence of otter use is encountered (e.g. live otters, droppings or resting places) during the works, work must cease immediately and the advice of Natural Resources Wales sought before continuing with any work (01792 634960).

- 10 All trenches and excavations shall be fenced off or covered-over at night to prevent any animals (hedgehogs and other species) from falling in and becoming trapped. If this is not possible an adequate means of escape must be provided (i.e. a gently graded side wall or provision of gently sloped wooden plank or equivalent). Any exposed pipes and trenches must be checked for trapped wildlife each morning before starting construction activities.
- 11 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 shall be left at strategic points.  
See <https://www.hedgehogstreet.org/hedgehog-friendly-fencing/>
- 12 A scheme of mitigative native tree, hedgerow and shrub planting and aftercare shall be submitted to the LPA for approval, due to the loss of trees on the site. The scheme shall incorporate a combination of diverse native tree and shrub species and varied nursery aged stock.
- 13 A mix of native species of local provenance, to include fruit and nectar bearing shrubs, trees and wildflowers shall be provided to increase biodiversity and to provide foraging resources for local birds, small mammals and invertebrates and to increase habitat connectivity. The fully detailed planting/landscaping scheme and aftercare shall be submitted to the LPA for approval.

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- 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](http://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 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 Works taking place during October to March should be carefully undertaken to avoid injuring hibernating animals by undertaking works in suitable habitat slowly, being particular careful when using machinery within a foot of ground level or when removing brash/log piles.
- 16 The applicant must contact the Highway Management Group, Swansea Council, Guildhall offices C/O Civic Centre, Swansea SA13SN before carrying out any work. Please email [networkmanagement@swansea.gov.uk](mailto:networkmanagement@swansea.gov.uk).
- 17 All works on the existing highway are subject to an agreement under section 278 of the Highways Act 1980. All design and implementation will be at the expense of the developer.

The applicant is also advised that in order to discharge condition 14, the LPA requires a copy of the constitution and details of a Private Maintenance and Management Company confirming funding, management and maintenance regimes.

- 18 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, no surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network.
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Item 2 (Cont'd)

Application Number:

2020/0257/FUL

### Background

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

A request for a screening opinion and pre-application enquiry were submitted on the site firstly in 2014, ENQ2014/1092 and 2014/1478/pre respectively. It was concluded at that time that an Environmental Impact Assessment (EIA) was not required and a positive response was given to the pre-application enquiry. A new request for a screening opinion was submitted in November 2019, 2019/2592/SCR where it was again determined that an EIA would not be required. A subsequent pre-application for a 9MW solar park and associated works was submitted – 2019/2587/PRE refers, and a positive response was again given to the enquiry.

### Site Location

The proposed site lies approximately 1.9 km from Clydach, Pant-Iassau is approximately 650 m to the south with Felindre 2.4 km to the north west. There are a small number of scattered houses in the vicinity of the site. The closest of these is Felin-Wen-Court located approximately 60m to the south east, with Cefn Betingau farm complex 100m to the north, Pen-y-fedw about 250 m north east, Maes-eglwys Farm, approximately 330m south west and Llyn-Y-Fan approximately 500m to the north.

No public footpaths or bridleways cross the site or pass near to it. The site is not located within any national or international ecological or landscape designation and is predominantly open agricultural land with hedgerow / tree boundaries. The nearest ecological designated site is located approximately 2.3 km to the west. This is the Nant Y Crimp Site of Special Scientific Interest (SSSI).

Construction traffic accessing the site would approach from the M4, onto the Heol Maes Eglwys Road and along the Rhydypany Road, before turning off onto the existing farm access into the site. Within the main development site an access track will be placed to enable the installation and maintenance of the proposed inverter buildings. In total the new access tracks will be approximately 1.1 km in length and constructed from compacted stone or aggregate.

### Description of Development

Full planning permission is sought for the installation of a solar photovoltaic (PV) array on land at Felin Wen Farm, Rhydypany Road, Morriston, Swansea. The array would comprise up to 25,000 individual panels and associated works and structures over a site area of approximately 13.89 hectares and will have a total installed capacity of 9MW. Ancillary development would include a small number of inverters and a transformer station (9 in total) placed amongst the solar panels, a small substation building, security fencing up to 2.4 m in height and associated security features (including CCTV cameras), and a temporary construction compound.

The planning application is accompanied by a number of supporting documents.

A Landscape and Visual Impact Assessment (LVIA) has been submitted with the application including several photomontages of views of the site from a number of locations in the surrounding area, both nearby and from distance.

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Overall it concludes that the characteristics of the landscape mean that the proposed development would have a moderate localised effect, even when taken into account the nearby solar farm at Cefn Betingau. It is considered therefore that the effects on Landscape Character would be minimal when taking into account the scale of the proposed development relative to the wider context of the landscape.

A Traffic and Infrastructure plan has been submitted which sets out details of the anticipated construction programme, anticipated activity and site parking and manoeuvring arrangements and the proposed access route. Construction works will involve the delivery of equipment and material to and from the site. A worst case scenario of 4 months has been indicated for the construction works.

During the whole of the construction phases it is anticipated there will be up to 247 vehicle movements in total associated with these works. The most traffic movements are anticipated in the first month of construction at 145 - 152 vehicles over a four week period. HGVs and low loaders will be mostly used to deliver all equipment and materials to and from the application site. The potential number of HGVs in any one day will vary between the phases. It is expected that deliveries of materials to the site during the construction phase will be limited to 8am – 6pm Monday to Friday and 8am to 1pm on Saturday and not at all on Sundays or Bank Holidays. This works out at approximately 1 delivery (or 2 traffic movements) per working hour. An additional 50-60 construction staff traffic movements per day is also anticipated, although this may vary.

A Pre-Application Consultation (PAC) Report has been submitted as required by The Town and Country Planning (Development Management Procedure) (Wales) (Amendment) Order 2016. Dwr Cymru Welsh Water were not consulted originally as part of the PAC process, but this has now been resolved, they have been consulted and responded. The PAC has been updated to reflect this.

### **Planning Policy**

#### **Planning Policy Wales (10th Edition) 2018**

##### 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.

#### 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.

#### The Best and Most Versatile Agricultural Land

3.54 Agricultural land of grades 1, 2 and 3a of the Agricultural Land Classification system(ALC)15 is the best and most versatile, and should be conserved as a finite resource for the future.

3.55 When considering the search sequence and in development plan policies and development management decisions considerable weight should be given to protecting such land from development, because of its special importance. Land in grades 1, 2 and 3a should only be developed if there is an overriding need for the development, and either previously developed land or land in lower agricultural grades is unavailable, or available lower grade land has an environmental value recognised by a landscape, wildlife, historic or archaeological designation which outweighs the agricultural considerations. If land in grades 1, 2 or 3a does need to be developed, and there is a choice between sites of different grades, development should be directed to land of the lowest grade.

#### Energy

5.7.1 The planning system plays a key role in delivering clean growth and the decarbonisation of energy, as well as being crucial in building resilience to the impacts of climate change. The transition to a low carbon economy not only brings opportunities for clean growth and quality jobs, but also has wider benefits of enhanced places to live and work, with clean air and water and improved health outcomes.

5.7.2 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. The budgets will set limits on the total amount of greenhouse gas emissions emitted in Wales over a 5 year period to serve as stepping stones and ensure progress is made towards the 2050 target.



5.7.3 Climate change is a global challenge, with impacts felt at the local level presenting a significant risk to people, property, infrastructure and natural resources. We need to plan for these impacts, reducing the vulnerability of our natural resources and build an environment which can adapt to climate change. The planning system plays a significant role in managing this risk. Development allowed today will be around for decades to come. The most important decision the planning system makes is to ensure the right developments are built in the right places.

5.7.4 The Welsh Government is committed to delivering the outcomes set out in Energy Wales:

A Low Carbon Transition. Our priorities are:

- reducing the amount of energy we use in Wales;
- reducing our reliance on energy generated from fossil fuels; and
- actively managing the transition to a low carbon economy.

5.7.5 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 planning system should secure an appropriate mix of energy provision, which maximises benefits to our economy and communities whilst minimising potential environmental and social impacts. This forms part of the Welsh Government's aim to secure the strongest economic development policies, to underpin growth and prosperity in Wales, recognising the importance of decarbonisation and the sustainable use of natural resources, both as an economic driver and a commitment to sustainable development.

5.7.8 The benefits of renewable and low carbon energy, as part of the overall commitment to tackle climate change 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 district heating 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.

#### Renewable Energy Targets

5.7.16 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.

5.7.17 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.

5.7.19 Planning authorities should consider the renewable energy resource they have available in their areas when formulating their renewable energy target, informed by an appropriate evidence base, and use the full range of policy options available, including developing spatial policies in their development plans. Targets must not be seen as maximum limits, but rather used as a tool to maximise available resource, and where proposals exceed the target they should not be refused.

#### Renewable and Low Carbon Energy

5.9.1 Planning authorities should facilitate all forms of renewable and low carbon energy development. 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.

5.9.2 Planning authorities must develop an evidence base to inform the development of renewable and low carbon energy policies. Planning authorities should:

- take into account the contribution their area can make towards the reduction of carbon emission and increasing renewable and low carbon energy production;
- recognise that approaches for the deployment of renewable and low carbon energy technologies will vary;
- identify the accessible and deliverable renewable energy resource potential for their area, including heat, and consider the likely utilisation of this resource over the plan period;
- assess the social, economic, environmental and cultural impacts and opportunities arising from renewable and low carbon energy development;
- take into account the cumulative impact of renewable and low carbon energy development and their associated infrastructure, for example grid connections;
- identify criteria for determining applications for sites based on their installed capacity;
- engage with the renewable energy development industry and consider the deliverability of schemes;
- take into account issues associated with grid connection (see Grid Infrastructure section) and the transportation network; and
- consider local and strategic priorities for renewable energy.

Locational Policies for Renewable and Low Carbon Energy Development

5.9.9 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

5.9.16 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.

5.9.17 Planning authorities should give significant weight to the Welsh Government's targets to increase renewable and low carbon energy generation, as part of our overall approach to tackling climate change and increasing energy security. In circumstances where protected landscape, biodiversity and historical designations and buildings are considered in the decision making process, only the direct irreversible impacts on statutorily protected sites and buildings and their settings (where appropriate) should be considered. In all cases, considerable weight should be attached to the need to produce more energy from renewable and low carbon sources, in order for Wales to meet its carbon and renewable targets.

5.9.18 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.

5.9.19 Prior to an application being submitted, developers for renewable and low carbon energy developments should, wherever possible, consider how to avoid, or otherwise minimise, adverse impacts through careful consideration of location, scale, design and other measures.

### 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. The multiple benefits that resilient ecosystems and green infrastructure offer to society, including the economic and social contribution they make to local areas, should be taken into account when balancing and improving these needs.

6.2.5 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, green infrastructure can embed the benefits of biodiversity and ecosystem services into new development and places, helping to overcome the potential for conflicting objectives, and contributing towards health and well-being outcomes. There are multiple ways of incorporating green infrastructure, dependent on the needs and opportunities a site presents. Landscaping, green roofs, grass verges, sustainable urban drainage and gardens are examples of individual measures that can have wider cumulative benefits, particularly in relation to biodiversity and the resilience of ecosystems as well as in securing the other desired environmental qualities of places.

### 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

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- 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

#### 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;

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- 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.

#### Protection for Non-statutory Designations

6.4.20 Although non-statutory designations carry less weight than statutory designations, they can make a vital contribution to delivering an ecological network for biodiversity and resilient ecosystems, and they should be given adequate protection in development plans and the development management process. Before authorising development likely to damage a local wildlife designation, planning authorities should give notice of the proposed operation to the County Ecologist and third sector environmental organisations. Where a Green Infrastructure Assessment has identified that certain features or characteristics of the site need to be conserved or enhanced, planning authorities should state in their development plans what features or characteristics require this extra protection and why, and explain how the policies will achieve this protection. Assessments should similarly consider the presence of protected and priority species including those on the Section 7 list and appropriate weight attached to their protection. Policies for non-statutory sites should make it clear that such designations do not preclude appropriate developments, where there are no adverse impacts on the features for which a site is designated.

#### Protected Species

6.4.22 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

6.4.24 Trees, woodlands, copses and hedgerows are of great importance for biodiversity. They are important connecting habitats for resilient ecological networks and make a valuable wider contribution to landscape character, sense of place, air quality, recreation and local climate moderation. They also play a vital role in tackling climate change by locking up carbon, and can provide shade and shelter, a sustainable energy source and building materials. The particular role, siting and design requirements of urban trees in providing health and well-being benefits to communities, now and in the future should be promoted as part of plan making and decision taking.

6.4.25 Planning authorities should 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 and identified green infrastructure function. Planning authorities should consider the importance of native woodland and valued trees, and should have regard, where appropriate, to local authority tree strategies or SPG. Permanent removal of woodland should only be permitted where it would achieve significant and clearly defined public benefits. Where woodland or trees are removed as part of a proposed scheme, developers will be expected to provide compensatory planting.

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. In guiding new development the planning system should at the very least ensure the incorporation of measures at an individual site scale, particularly in urban areas, in order to secure cumulative benefits over a wider area. A concerted effort of this nature will bring benefits over a whole catchment. At a development plan level, however, there will be considerable advantages associated with developing collaborative approaches which, drawing on evidence obtained through green infrastructure assessments, integrate SuDS as part of growth strategies for particular areas.

6.6.19 Development proposals should incorporate design for surface water management, based on principles which work with nature to facilitate the natural functioning of the water cycle, providing issues such as land contamination would not result in the mobilisation of contaminants which may have an impact over a wider area. Design for multiple benefits and green infrastructure should be secured wherever possible and as part of Green Infrastructure Assessments suitable approaches towards the provision of SuDS should be identified. It may, in some circumstances, be necessary for 'hard' infrastructure solutions to be preferred because of practical or archaeological considerations, but taking into account the role of water services in contributing to the quality of place, nature based solutions should be the preference.

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**Development and Flood Risk**

6.6.22 Climate change 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.

6.6.25 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.

**Adopted Swansea Local Development Plan (2010-2025)**

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

HC 1 Historic and Cultural Environment - Proposals must preserve and enhance the County's distinctive historic and cultural environment in compliance with policy principles.

HC 2 Preservation or Enhancement of Buildings and Features - Proposals must preserve or enhance the County's buildings and features of historic importance in compliance with Policy principles.

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 multifunctional 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.

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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.

CV 2 Development in the Countryside - Development outside defined settlement boundaries will be required to ensure the integrity of the countryside is conserved and enhanced. There is a presumption against development in the countryside except where it meets a specific set of criteria. Countryside development must be of a sustainable form with prudent management of natural resources and respect for the cultural heritage of the area. Where possible, existing buildings should be reused and where this is not feasible new buildings should be positioned close to existing buildings.

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.



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T 7 Public Rights of Way and Recreational Routes - development that significantly adversely affects the character, safety, enjoyment and convenient use of a Public Right of Way (PROW) will only be permitted where an acceptable alternative route is identified and provided. Linkages, and where appropriate extensions, to the existing PROW network will be expected from all new developments, which must have regard to the existing character of the PROW and the aspiration to improve access for all.

EU 1 Renewable and Local Carbon Energy Developments - proposals for renewable or low carbon energy development will be permitted subject to compliance with specific criteria RP 1 Safeguarding and Public Health and Natural Resources - development that would result in significant risk to life; human health and wellbeing; property; controlled waters; or the historic and natural environment, especially European designated sites, will not be permitted, particularly in respect of the specified potential risks.

RP 2 Noise Pollution - Where development could lead to exposure to a source of noise 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. Noise sensitive development will not be permitted unless effective mitigation will prevent exposure to existing noise generating uses. Development that would lead to an increase in environmental noise at a NAPPAs or would have an unacceptable impact on a Quiet Area will not be permitted.

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 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.

RP6 Land Contamination - development proposals on land where there is a risk from actual or potential contamination or landfill gas will not be permitted unless it can be demonstrated that measures can be taken to satisfactorily overcome any significant risk to life, human health, property, controlled waters, or the natural and historic environment.

RP 7 Land Instability - Development which would create, affect or might be affected by unstable or potentially unstable land will not be permitted where there would be a significant direct risk to life, human health, property, buildings and structures, or the natural heritage on the site or in its vicinity. Development will only be permitted on unstable or potentially unstable land where it is in line with policy principles. Development is not permitted within Graig Trewyddfa Slip area.

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### Consultations:

#### **Glamorgan Gwent Archaeological Trust Limited:**

The proposal will require archaeological mitigation.

Information in the Historic Environment Record, curated by this Trust, shows that there are no recorded archaeological sites located within the proposed application area. However, the 1842 Tithe map of the Parish of Llangevelach depicts a north to south aligned rectangular structure (annotated as 'Penyvedw issa'), within the north eastern extent of the proposed application area. This structure is also depicted on the First and Second Ordnance Survey (OS) maps, dated 1877 and 1899, but is not shown on the Third Edition map (1918). The remaining application area however, is depicted as open fields on the First to Fourth Editions (dated 1877 to 1935).

We note the application's supporting documents, especially the Environmental Report (Wessex Solar Energy, February 2020). This reports details in Chapter 7 Cultural Heritage the results of an archaeological Desk Based Assessment (DBA) and geophysical survey, which indicate the likelihood of the survival of Post-medieval features associated with the structure, in the north eastern extent of the proposed development. We also note from the application's submitted plans that ground disturbing works are proposed within this area and therefore, archaeological mitigation is recommended.

As a result, we recommend that a condition requiring the applicant to submit a written scheme of investigation for a programme of archaeological work to protect the archaeological resource should be attached to any consent granted by your Members.

We envisage that this programme of work would take the form of a targeted archaeological watching brief during the associated 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.

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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), ([www.archaeologists.net/codes/ifa](http://www.archaeologists.net/codes/ifa)) and it is recommended that it is carried out either by a CIfA Registered Organisation ([www.archaeologists.net/ro](http://www.archaeologists.net/ro)) or a MCIfA level accredited Member.

### **Natural Resources Wales:**

We have significant concerns with the proposed development as submitted. We recommend you should only grant planning permission if you attach the following conditions to the permission. Otherwise, we would object to this planning application.

Condition: Prior to commencement of works on site, a Landscape and Ecological Management Plan, as laid down in this letter and in Section 6.10 of the Environmental Report Volume 1 – Main Text and Appendices', dated February 2020, shall be submitted to and agreed in writing by the Local Planning Authority.

Condition: Pollution prevention measures will be implemented as detailed in the document entitled: 'Afon Llan Solar Park: Code of Construction Practice (Part 1 – General Environmental Management Plan and Part 2 – Construction Environmental Management Plan), providing that these are to the satisfaction of the Local Planning Authority (LPA).

### Ecology and European Protected Species

We note that submission of the following documents:

- 'Afon Llan Solar Park: Environmental Report Volume 1 – Main Text and Appendices', dated February 2020, by Wessex Solar Energy Ltd,
- 'Afon Llan Solar Park: Environmental Report Volume 2 – Figures', dated February 2020, by Wessex Solar Energy,
- Arboricultural Report to BS 5837:2012 at Land off Rhydypany Road, Swansea, Dyfed (Ref: 15685/AJB)', dated December 2019, by JCA Ltd.
- 'Afon Llan Solar Park: Pre-Application Consultation Report', dated February 2020, by Wessex Solar Energy Ltd.

The documents indicate that the proposed Solar Park is comprised of seven fields, totalling 14.2 hectares and that an Extended Phase 1 Habitat Survey was carried out on the 24 June 2019.

Most of the site is described as being comprised of moderate quality neutral grassland, with sections of wetter meadows and poor quality / agriculturally improved grasslands. We note that the main habitats / features of value at the site are regarded as being the trees and hedgerows.

### Bats

The site is considered to provide foraging and commuting habitats for bats, with connectivity to the wider landscape. Section 6.5.2 of the Environmental Report (Volume 1), highlights that a number of trees (mainly located on field boundaries), contain features that could be used by bats for roosting.

Furthermore, the Arboricultural Report (dated December 2019), lists several trees which require removal (T16, T25, T28, T33 and G31), along with trees which require remedial works to be carried out (T3 and T19).

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The report also lists trees which require monitoring / further investigation (T6, T7, T10, T11, G13, G18, T26, G30, G31 and G32), as they were noted as having structural or physiological defects).

As part of our response to the statutory pre-application consultation (dated: 30 January 2020), we requested additional clarification be provided in relation to whether any of the trees (above) supported potential roosting features (PRF's), which could be used by bats.

We note that clarification regarding this matter has been provided in Table 1 of the Pre-Application Consultation Report and within Section 6.8.1 of the Environmental Report Volume 1. It is confirmed that these trees do not require removal to facilitate development and will not be removed prior to construction or operation of the proposed solar park.

We also welcome the confirmation that; 'the methodology and pre-works ecology surveys required in relation to the future removal/pruning of these trees and any other trees found to require works during the lifetime of the proposed solar park will be set out in a subsequent Landscape and Ecological Management Plan (LEMP).'

### Dormouse

Hedgerows and mature boundaries at the site are described as being 'generally intact' and 'reasonably well managed', with a diverse range of woody species (including hazel and honeysuckle). The report goes on to describe the quality of hedgerows at the site as mixed with a lack of dense scrub in boundary features. However, where there are species-rich areas, it is stated that these do contain features that may be attractive to dormice. However, the report goes on to state that it is considered unlikely that dormice would be resident within the site and the presence would likely be limited on commuting / foraging.

### Otter

The report indicates that no signs of holts or resting places were recorded during the site visit. The shallow, open and ephemeral nature of the ditches within the site boundary are regarded as being unlikely to support commuting otters. Despite the narrow and shallow nature of the Afon Llan (located to the south of the site), it is indicated that this watercourse may be used by otter, however we note that this lies outside the red-line boundary of the proposed development.

### Other Protected Species

#### Badger

Section 6.5.3 of the Environmental Report (Volume 1) states that field signs of badger, including tracks, snuffle holes and push throughs at fence lines were recorded throughout the site. The report states that no evidence of setts was noted within the hedgerows, tree-line or tree groups bounding the site. However, the presence of a well-used track into a dense area of scrub (which bounds the site), was noted. It is also stated that this area of scrub could not be accessed at the time of the survey.

Therefore, we welcome the proposal to carry out pre-commencement survey, as laid down in Table 1 of the Pre-application Consultation Report and the Environmental Report Volume 1. We also advise that you discuss this proposal, with your Authority's Planning Ecologist, to ensure that they are satisfied with this proposal.

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Badgers and their setts are protected under the Protection of Badgers Act 1992. It is an offence to kill, injure or take any badger or to disturb a badger whilst it occupies a sett. It is also an offence to damage, destroy or obstruct access to a badger sett.

If development is to take place within 30m of a badger sett then a licence may be required under Section 10 (d) of the Protection of Badgers Act 1992 before any development can proceed.

We do not intend to provide further detailed comments on this matter, as part of our statutory pre-application response. However, we welcome the intention to include 'badger gaps' in the fencing around the site, in order to allow continued access of the site for commuting and foraging.

Should any future survey identify the presence of badgers at or adjacent to the site, we would strongly advise that the applicant contacts the NRW Licencing Team, at the earliest opportunity, to discuss the proposal.

To undertake the works within the law, the applicant can obtain further information on the need for a licence from Natural Resources Wales on: 0300 065 3000, or via:

<https://naturalresources.wales/permits-and-permissions/protected-species-licensing/uk-protected-species-licensing/badger-licences-issued-by-natural-resources-wales-and-the-welsh-government/?lang=en>.

### Mitigation, Compensation and Enhancement Measures

We welcome the intention implement the development in line with the mitigation, compensation and enhancement measures, as laid down in Sections 6.7, 6.8 and 6.10 of the Environmental Report (Volume 1).

We advise that these measures should be delivered via an enforceable planning condition and should take the form of a: 'Landscape and Ecological Management Plan (LEMP)', to ensure the long-term success of the landscape scheme of mitigation and to ensure connectivity to the wider environment.

We note that the proposal will lead to the loss of a 5.5-metre section of hedgerow and welcome the proposal to mitigate of this loss with the planting of 38-metres of new native species-rich hedgerow, along with further enhanced through the infilling of: '75-metres of existing gaps, with species-rich hedgerows', as laid down in Section 6.8.1 (Habitats), of the Environmental Report Volume 1.

As part of our pre-application consultation response, we requested clarification in relation to the protection of the new hedgerow planting, given that the land at the site is to be managed by sheep grazing.

Table 1 of the Pre-Application Consultation Report, states that: 'the proposed deer fencing which surrounds the site will protect any new planting from livestock.'

Whilst we note these comments, our query was in relation to the protection of any 'internal' hedgerows and not the external or boundary 'deer fencing.' Therefore, we repeat our previous statement that any 'internal' hedgerows, which are subject to new planting or infilling, must be protected from grazing by fencing of an appropriate standard. If the existing fencing is not of the required standard, then new fencing should be put in place, as part of the LEMP.

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We also welcome the confirmation provided in Table 1 of the Pre-Application Consultation Report, that no permanent or temporary lighting will be needed as part of the development.

Finally, we recommend that you discuss the content of the Landscape and Ecological Management Plan (LEMP), with your Authority's Planning Ecologist, as they may wish to make additional comments in relation to habitats and species which lie within their remit.

Pollution Prevention

We also note the submission of the document entitled;

- 'Afon Llan Solar Park: Code of Construction Practice (Part 1 – General Environmental Management Plan and Part 2 – Construction Environmental Management Plan).'

As part of our response to the earlier statutory pre-application consultation, we advised that additional information should be provided in relation to how the watercourses (referred to as ditches) running across the site will be protected. Table 1 of the Pre-Application Consultation Report, dated February 2020, acknowledges these comments and states that:

'additional information has been added to the CoCP and CEMP which addresses the points raised by NRW. However, should the LPA feel necessary that this condition remains necessary then we have no objection.'

Having reviewed the amended document, we are satisfied with additional information which has been added in relation to the prevention of sediment run-off from the site.

Should your Authority be minded to grant planning permission, we would continue ask that the following condition is included, to ensure that the works are carried out in line with the measures laid down in the above CoCP and CEMP:

Condition: No development approved by this permission shall be commenced until a Construction Environmental Management Plan (CEMP) detailing all necessary pollution prevention measures for the construction phase of the development is submitted to and approved in writing by the Local Planning Authority. The details of the plan shall be implemented as approved and must be efficiently communicated to all contractors and sub-contractors (for example, via toolbox talks) and any deficiencies rectified immediately.

Reason: Prevent pollution of controlled waters and the wider environment.

As a minimum we would recommend that the plan include the following points.

- Identification of surrounding watercourses and potential pollution pathways from the construction site to those watercourses, along with direction of flow.
- How each of those watercourses and pathways will be protected from site run-off during construction (i.e. locations and widths of buffer strips / principles related to the placement and specific requirements of the silt fencing).
- How the water quality of the watercourses will be monitored and recorded.
- How surface water runoff from the site during construction will be managed/discharged. Please note that it is not acceptable for any pollution (e.g. sediment/silt/oils/chemicals/cement etc.) to enter the surrounding watercourses.
- storage facilities for all fuels, oils and chemicals.
- construction compounds, car parks, offices, etc.
- details of the nature, type and quantity of materials to be imported on to the site.

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- measures for dealing with any contaminated material (demolition waste or excavated waste).
- identification of any buried services, such as foul sewers, so that they are protected.
- daily check sheet and who will be responsible for this
- details of emergency contacts, for example Natural Resources Wales hotline.

The important aspect of the CEMP is that it should be a 'dynamic' document which can be easily followed and updated along with the changes on site. We would also advise the applicant that there appear to be several references to older versions of Guidance / Regulations, which may have now been superseded by more recent iterations. These should be updated.

#### Landscape

We note that submission of the following documents:

- 'Afon Llan Solar Park: Environmental Report Volume 1 – Main Text and Appendices', dated February 2020, by Wessex Solar Energy Ltd,
- 'Afon Llan Solar Park: Environmental Report Volume 2 – Figures', dated February 2020, by Wessex Solar Energy,

Section 5 of the Environmental Report (Volume 1), along with a number of the figures and photoviews within Volume 2 are relevant to the Landscape and Visual Impact Assessment for the above proposal. Our advice relates to potential impacts on the Gower AONB & Brecon Beacons National Park (BBNP).

The proposal lies approximately 12 km away from the Gower AONB boundary at Fairwood Common and 11 km away from the boundary at Clyne Valley Country Park. At these distances the development would have no effect on the AONB, even if visible.

Similarly, the proposal lies approximately 12 km from the Brecon Beacons National Park boundary at its closest point and again, we would consider that the development would have no effect on the National Park.

#### **Dwr Cymru Welsh Water:**

In respect of the aforementioned, we acknowledge that the application relates to a major development and therefore, in accordance with Schedule 1C Article 2D of the Town & Country Planning (Development Management Procedure) (Wales) (Amendment) Order 2016, there is a statutory requirement to undertake pre-application consultation with any 'Specialist Consultees' including the water and sewerage undertaker concerned. In this case, Dwr Cymru Welsh Water have not been informed of the proposed development and therefore the application should technically be deemed invalid as it fails to comply with statutory requirements.

Notwithstanding the opportunity to comment at pre-application consultation stage, having reviewed this planning application submission we would advise that the proposed development site is crossed by a strategic asset in the form of a 66" trunk watermain with the approximate position being marked on the attached plan. In accordance with the Water Industry Act 1991, Dwr Cymru Welsh Water requires access to its apparatus at all times in order to carry out maintenance and repairs. However, having regard to the accompanying 'Site Boundary and Indicative Layout' (Plan A) it appears the proposed development would be situated within the protection zone of the trunk watermain measured 15 metres either side of the centreline.

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Given the strategic nature of this asset, we recommend the proposed development is repositioned to accommodate for the required protection zone and request that the developer contact us to discuss the distance and relationship of the development to the watermain. As part of this process, it is recommended that a survey is carried out to ascertain the location of the watermain and establish its relationship to the proposed development.

In any event, if you are minded to grant Planning Consent for the above development, we would request that the following Condition and Advisory Notes are included within the consent to ensure no detriment to existing residents or the environment and to Dwr Cymru Welsh Water's assets:

### Condition

No development shall commence a scheme demonstrating the distance and relationship of the development, for the protection of the structural condition of the strategic water main crossing the site, has been submitted to and approved in writing by the Local Planning Authority. The approved protection measures shall be implemented in full before any other development hereby permitted has commenced, and shall be retained at all times for the duration of the approved operations including the restoration works.

Reason: To ensure that the proposed development does not affect the integrity of the public water supply system in the interests of public health and safety.

### Advisory Notes

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 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.

### **The Coal Authority:**

The Coal Authority has raised no objection to the proposed development, subject to the imposition of a standard potential hazards informative.

### **Drainage:**

Your development proposal has been identified as requiring SuDS Approval Body consent irrespective of any other permissions given. From 7 January 2019, all new developments more than 100m<sup>2</sup> will require sustainable drainage to manage on-site surface water. Surface water drainage systems must be designed and built in accordance with mandatory standards for sustainable drainage published by Welsh ministers.

### **Pollution Control:**

No comments on the application.

### **Ecology:**

OUTCOME OF ECOLOGICAL INVESTIGATION

Documents Received:

Afon Llan Solar Park: Environmental Report Volume 1 – Main Text and



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Appendices', February 2020, Wessex Solar Energy Ltd  
Afon Llan Solar Park: Code of Construction Practice (Part 1 – General  
Environmental Management Plan and Part 2 – Construction Environmental  
Management Plan)

Solar panels and invertebrates

Please include the following informative:

Large areas of solar panelling in sensitive areas, particularly near water bodies will attract and potentially kill large numbers of aquatic flying insects. In order to help prevent this, panel size should be limited and the panel surfaces broken up by adding non-polarizing patterns, areas or grids that block horizontal light e.g. white borders and white grid patterns to break up the polarised light and reduce the attractant affect.

Bats

The development site supports suitable foraging, commuting and roosting habitat within trees. It is noted that these trees will be retained during the development.

Please therefore note the lighting strategy and ensure a suitable no works buffer is implemented around any trees identified as supporting bat roost potential.

Please include the standard bat informative.

Condition:

If any works are proposed to any mature trees on-site, a bat tree roost assessment survey and any subsequent inspections or emergence/re-entry surveys shall be undertaken by a licensed ecologist prior to any works and submitted to the LPA for approval.

Nesting birds

Nesting birds are likely to utilise the site during the nesting season. We welcome the hedgerow compensation measures and proposed habitat management for the grassland within the site during the operational phase which will benefit nesting birds.

Please include the standard nesting bird informative and below condition.

Condition:

All clearance, conversion and demolition work in association with the approved scheme shall be carried out outside of the bird nesting season which runs from March to September inclusive.

Note: If it is necessary for work to commence in the nesting season then a pre-commencement inspection of the vegetation (trees, shrubs, scrubs including gorse and brambles) for active bird nests should be carried out by a suitably qualified ecologist. Only if there are no active nests present should work be allowed to commence.

Badger

Evidence of badger activity was noted within the site, however no setts were identified. The proposal to undertake an updated badger survey prior to commencing works is welcomed and should be attached as a condition to any consent granted.

Please also include the standard badger informative.

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#### Condition:

Prior to commencing works on site an updated badger survey will be undertaken by a suitably qualified ecologist. The results of which will be submitted to the LPA.

#### Condition:

All trenches and excavations must be fenced off or covered-over at night to prevent any animals (hedgehogs, badgers, otters, brown hare and other species) from falling in and becoming trapped. If this is not possible an adequate means of escape must be provided (i.e. a gently graded side wall or provision of gently sloped wooden plank or equivalent). Any exposed pipes must be capped to prevent access by protected and priority species. Any excavations will be inspected each morning to ensure no mammals have become trapped overnight.

#### Condition:

Boundary treatments will support 'badger gaps' every 50m to ensure that badgers (and other small mammals such as hedgehog/hare/polecat) have continued access across the whole of the proposed Solar Park for foraging and commuting.

#### Dormouse

The report states that the species rich hedgerows support features which may be attractive to dormice however, it is considered unlikely that dormouse would be resident within the site and therefore presence would be likely limited to commuting/foraging.

Please include the standard dormouse informative.

#### Reptiles

The report states 'the grassland habitats within the proposed Solar Park are considered to be sub-optimal for reptile species due to low foraging potential and a lack of resting and basking opportunities. Suitable hibernacula habitat is limited to the hedgerows and boundary tree groups with their associated features; the boundary tree lines/hedgerows have some potential to be used as commuting corridors as they provide connectivity to the wider landscape.'

Please therefore include the standard reptile informative.

#### Otter

The report states that the adjacent Afon Llan may be used by otter, although no signs of holts or resting places were identified during the survey.

Please include the standard otter informative.

#### Hedgehogs

The site supports suitable habitat for hedgehogs. Please therefore include the standard hedgehog informative.

#### Hedgerows

Native hedgerows provide many important habitat functions such as winter food sources for birds, nesting sites and safe commuting routes connecting otherwise isolated habitats. Hedgerows are a priority habitat.

It is welcomed that the majority of hedgerows within the site will be retained. The possibility of translocating the 5.5 m section of hedgerow should be explored. We welcome the commitment to compensate this loss with the planting of 38 m of new native species-rich hedgerow, along with further enhanced through the infilling of 75 m of existing gaps, with species-rich hedgerows.

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The protection of retained hedgerows through the implementation of a suitable buffer is welcomed.

#### Landscape and Ecological Management Plan (LEMP)

We welcome the outlined mitigation, compensation and enhancement measures within Section 6.10 of the report. We required the submission of a comprehensive LEMP providing further detail regarding these measures prior to the commencement of works. The LEMP should also provide details regarding the proposed monitoring schedule and targets, as well as proposed remedial measures should they be required.

#### Condition:

Prior to commencement of works on site, a Landscape and Ecological Management Plan (LEMP), shall be submitted to and agreed in writing by the Local Planning Authority. The development shall be implemented in adherence to the agreed LEMP.

#### Construction Environmental Management Plan (CEMP)

We welcome the details provided within the Afon Llan Solar Park: Code of Construction Practice document. The CEMP must be implemented as approved and must be efficiently communicated to all contractors and sub-contractors (for example, via toolbox talks) and any deficiencies rectified immediately. The adherence to the CEMP should be monitored by the onsite ECoW.

#### Condition:

Pollution prevention measures will be implemented as detailed in the document entitled: 'Afon Llan Solar Park: Code of Construction Practice (Part 1 – General Environmental Management Plan and Part 2 – Construction Environmental Management Plan).

#### Ecological On-site Supervision of Works

Due to the potential presence of a number of protected species within the site (i.e. badger, reptile, dormouse, nesting birds), pre-construction/site clearance checks will be required to be undertaken by a suitably qualified ecologist. Watching briefs will also be required for works within sensitive areas such as the hedgerow removal.

#### Condition:

Pre-construction/site clearance checks for protected species (i.e. bats, nesting birds, reptiles, badger, otter, dormouse etc.) shall be undertaken by a licensed ecologist/Ecological Clerk of Works (ECoW). The construction phase will also be monitored by the ECoW for compliance with legislation, planning conditions and relevant good practice guidelines.

#### Lighting strategy

The report states that additional lighting should not be required on site. Please note the following should lighting be identified as a requirement during either construction or operation of the site.

A sensitive lighting strategy, designed to ensure that the habitats adjacent to the site and the retained/proposed habitat areas are not lit during the construction, or operation phases of the development must be submitted. The strategy must outline avoidance of impacts of lighting on bats and other nocturnal species. This lighting strategy should be submitted to the LPA and agreed with the LPA Planning Ecologist.

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The lighting strategy must detail measures to ensure that protected species using the site for commuting and foraging purposes can continue to do so, without disturbance. The lighting strategy must be placed as a condition on any planning permission granted.

### Ecological enhancement

Planning Policy Wales Edition 10 (2018): Biodiversity and Ecological Networks section 6.4 Paragraph 6.4.3, The Environment (Wales) Act 2016 enhanced biodiversity and resilience of ecosystems duty (Section 6 Duty) and TAN 5 Section 40(1) of the Natural Environment and Rural Communities Act (NERC) 2006 all encourage developments in Wales to provide a net benefit for biodiversity conservation with no significant loss of habitats or populations of species, locally or nationally.

We welcome the measures outlined within 6.10.3 of the report. We require further details regarding these measures to be submitted within the LEMP. The addition of bird and bat boxes located on suitable trees within the development would also be welcomed.

### **Tree Officer:**

None of the trees present are protected by TPO or by virtue of being in the Conservation Area.

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

The northernmost field proposed to be covered in panels appears to have mature trees surrounding it. The impacts of the proposal on these trees requires assessment. The applicant should provide an arboricultural impact assessment in accordance with BS5837:2012 for the application to be suitable considered.

Further comments (following receipt of Arboricultural Assessment):

The assessment is acceptable. Please condition adherence to the TPP.

### **Highways:**

This proposal is for a solar farm on land at Felin Wen Farm, Rhydypany Road, Morryston.

The site is spread over fields located in Llangyfelach Ward, on a site totalling approximately 14 hectares. The Construction Traffic Management Plan submitted with the application indicate that the construction phase is estimated to last for 14 weeks. Hours of operation will be 0800 to 1800 Monday to Friday and 0800 to 1300 Saturdays.

A Construction Environmental Management Plan has been submitted and the content is such that it is adequate to enable formal comments on the Planning Application but will need to be upgraded to a full Construction Phase Traffic Management Plan prior to works commencing on site. This can be secured by condition. The indicated route for traffic accessing the site is J46, via Pant Lasau Road and Rhydypany Road towards Craig Cefn Park and finally off the adopted road towards Felin Wen Farm. Following completion of the construction phase, traffic movements will be minimal and relate to occasional maintenance visits only.

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Traffic movements during this phase for the contractors has not been estimated but given that there will be 50 staff maximum at any one time, and that they are intended to be brought in by minibus then the level of traffic movements is expected to be low. In terms of deliveries for month 1 ( the busiest in terms of the delivery of equipment and materials there will be an average of 6 daily HGV movements spread over the month. Overall, the total predicted movements are not considered to be of a high volume.

A site delivery and transportation manager will be appointed to effectively manage and coordinate delivery. A temporary car parking area for contractors vehicles will be made available during the construction phase. The document also makes reference to an appropriate scheme of signage and a condition survey being undertaken to chart and repair if required, any deterioration in the road construction. There will also be wheel washing facilities to ensure that the highway is kept clear of dirt and this can be secured by condition.

Given the limited traffic movements associated with the development I recommend no highway objection, subject to:

1. The submission of a Construction Traffic Management Plan prior to commencement of any work at the site. All works shall be completed in accordance with the approved management plan.
2. No development approved by this permission shall take place until details of the methodology for the scope and nature of the dilapidation surveys on the adopted highway have been submitted to and approved in writing by the Local Planning Authority. The dilapidation surveys shall be undertaken in accordance with the approved details and the results together with any remediation works proposed shall be submitted to and approved in writing by the Local Planning Authority within two months of completion of the dilapidation surveys. Any remediation works shall be undertaken in accordance with the approved details within 6 months of the date of approval of such details.
3. Wheel washing facilities in accordance with details to be submitted for approval shall be available at all times to ensure that the highway is kept clear of dirt and debris.

### **Neighbour comments:**

The application was advertised on site. THIRTEEN LETTERS OF OBJECTION and a 49 SIGNATURE PETITION OF OBJECTION has been received which are summarised as follows:

1. I can't believe another solar park is being considered for Felindre. Our beautiful countryside is being put under glass.
2. We own fields on Rhydypany Road and we don't want our livestock subject to noise, especially when mares are foaling.
3. The roads can hardly keep up with the traffic now never mind all the lorries that will be needed for this project.
4. Planning Committee really needs to consider if this is a good idea!
5. The solar panels already on Rhydypany Road makes this an overdevelopment of a relatively small area and is an unfair and overpowering incursion on the small hamlet of Rhydypany.
6. The rural area around Pantlasau and Felindre has already been exploited with the wind farm and two large solar farms, extension to Morryston Hospital and the approved gas powered electricity generating station at Abergelli farm.

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7. Solar farms are not as efficient as expected.
8. Impact on the area's wildlife.
9. Blight the countryside and impact on those living adjacent to the site.
10. Area is swamped and we will end up with no green spaces.
11. The solar farm is on good agricultural land which is better used for farming and food production.
12. The amount of electricity produced does not justify destroying our treasured countryside.
13. Site is located next to road so glare is inevitable here.
14. The development will affect habitat of important flora and fauna.
15. No community gain package offered.
16. Conflicts with UDP Policy R11.
17. The nine cabins and control building will be invasive in the landscape.
18. Tidal energy should be used instead.
19. Arboricultural Impact Assessment looks as if it's a desktop exercise and states that the site is in Dyfed.
20. None of the supporters are local.
21. The LVIA does not properly assess the development and makes no mention of the "blue wash" effect.

FOUR LETTERS OF SUPPORT have been received and are summarised as below:

1. I fully support the plans for solar panels to be installed on this land. Clean renewable energy is far more important than meat production or overpriced housing. As to the subject of aesthetics of the land, it's completely irrelevant as the land cannot be accessed by the public and this land cannot be seen very easily except from a very great height.
2. Think it's great that we are taking the need for renewable energy seriously.
3. I support this green initiative.
4. A great idea. We need to be looking to alternative energy as there will be an increase in demand for electricity with the increase of electric vehicles and the future banning of diesel and hybrid vehicles. Well done for giving up the land to allow this to happen.

### **The Gower Society:**

"The Society have examined this application in great depth. We feel that should this application be allowed to progress, that due to the amount of solar panels in existence in the immediate vicinity, that this would be an over development. We note the comments submitted by NRW and fully support them in their recommendation."

### **APPLICANT'S RESPONSE TO OBJECTIONS:**

I am writing in relation to a number of resident objections and a petition submitted in relation to the above application. We do not consider that any of these objections have raised valid or substantial planning reasons for refusal of the application. Please see below our response to the objections raised. We have not addressed each individual letter, but have addressed topic areas as appropriate:

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### Swansea Council Policy UDP R11

The Unitary Development Plan referred to is no longer current planning policy having been replaced by the Swansea Local Development Plan 2010-2025, which was adopted on 28th February 2019. Therefore, any objection based upon UDP Policy R11 is invalid. However, having read through the policy appended to the objection we can confirm that by complying with all current planning policies contained within the LDP, the proposed development is not in contravention of the outdated UDP Policy.

Full consideration of all current planning policies is provided within the policy section of the planning submission. This section demonstrates that we are not in contravention of any existing planning policies and that the proposed development actively supports a huge range of policies aimed at protecting and improving the local area and surrounding environment.

### Capacity

Projects of all shapes and sizes, including down to rooftop scale, are required to address the climate emergency. The proposed project size is more or less average for solar farm developments.

### Coal Mine Workings

The Coal Authority has fully considered the proposed development at pre-application stage, formal pre-submission consultation stage and upon final submission, and have confirmed that there is no reason why the development should not proceed.

### Consultation

As detailed within my previous response to the Council, I can confirm that we did fully consult all necessary consultees including Welsh Water prior to the submission of the application, but that due to a communication issue one department at Welsh Water was not aware that we had spoken to another.

### Agricultural Land

The objection states that the proposed development is located on 'good agricultural land'. This is not the case, as defined by the Agricultural Land Classification criteria, with the site comprising a mix of Grade 3 and Grade 4 land.

### Cumulative Impacts (solar and wind)

As you are aware the presence of other development (existing or proposed) in an area does not automatically result in unacceptable cumulative impacts. As demonstrated by the technical assessments undertaken in accordance with current best practice guidance, including a detailed landscape and visual impact assessment, no significant cumulative impacts have been identified as a result of the proposed development.

### Renewable Energy

The comments made by objectors in this regard relate to the need for renewable energy. As specified in the NPPF the need for renewable energy is not something which needs to be demonstrated as part of the planning process, especially in light of the recent declaration of a 'climate emergency'.

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However, as detailed within our Environmental Report, all renewable energy development has an important role to play in reducing our reliance on non-renewable sources and also in contributing to the diversity of the UK electricity generation sector.

Renewable energy also has advantages relating to slowing the depletion of finite fossil fuel reserves. North Sea oil and gas supplies had historically made the UK self-sufficient in energy. But this cannot be maintained, leaving the country potentially vulnerable to price fluctuations and interruptions to supply caused by regulatory failures, political instability or conflict in other parts of the world. The Solar Park will also help to reduce the transmission losses associated with the transfer of electricity along long lengths of transmission lines from conventional power stations. As the proposed project will be “embedded generation” (i.e. generating electricity directly into the local Western Power Distribution network) it reduces the distance the electricity travels and reduces these small losses of power. By contrast, energy from large power stations has to be transmitted on high voltage power lines and travels long distances before point of use. The Solar Park will therefore contribute towards the efficiency of the UK distribution system and further reduce the harmful emissions generated by thermal power plant.

**Glint and Glare**

A detailed glint and glare assessment has been completed using modelling techniques and assessing the potential for glint at specific representative receptors taking into account the location of the receptors in relation to the site, their topography and potential vegetative screening. No potentially significant glint effects have been identified.

**Habitats and Species**

A technical assessment of the potential impacts upon habitats and species was completed as part of the planning application as was a detailed flood risk and drainage assessment. Following the results of these assessments and subsequent comments from Natural Resources Wales commitments and measures have been put in place to prevent any significant impacts upon habitats and species across the site and off site including the River and ditches.

**Solar to the west**

The potential or otherwise for additional development to the west is not a consideration for this planning application and we therefore have no comments to make in this regard.

**Community Gain**

Wessex Solar Energy always makes available a community fund for our projects' host communities. This is usually awarded to the community/parish council for distribution to local schemes. As with other developments which Wessex Solar Energy has completed, we will make a sum of £1,000/MW available should the community wish to take up this offer.

**Landscape**

As demonstrated by the extensive landscape and visual impact assessment, the scale and location of the development means that it will have a limited adverse landscape and visual impacts.



## APPRAISAL

### Main Issues

The main issues to consider in the determination of this application relate to the impact of the proposal on the visual and residential amenity of the area and highway safety 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 site lies within an area that is identified as being within a Local Search Area for renewable and low carbon developments under Policy EU1. In terms of national guidance, national planning policy on renewable energy developments is set out in Planning Policy Wales, Edition 10 (PPW) and the associated Technical Advice Note (TAN) 8: Renewable Energy.

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.

PPW states that the benefits of renewable and low carbon energy, as part of the overall commitment to tackle climate change and increase energy security, is of paramount importance. Importantly, PPW recognises that the planning system should, amongst other things, maximise renewable and low carbon energy generation; minimise the carbon impact of other energy generation; and move away from the extraction of energy minerals, the burning of which is carbon intensive.

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.

PPW recognises 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. PPW states that Planning authorities should facilitate all forms of renewable and low carbon energy development. 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.

Importantly PPW states that planning authorities should give significant weight to the Welsh Government's targets to increase renewable and low carbon energy generation, as part of the overall approach to tackling climate change and increasing energy security. In circumstances where protected landscape, biodiversity and historical designations and buildings are considered in the decision making process, only the direct irreversible impacts on statutorily protected sites and buildings and their settings (where appropriate) should be considered. In all cases, considerable weight should be attached to the need to produce more energy from renewable and low carbon sources, in order for Wales to meet its carbon and renewable targets.

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Policy EU1 The Policy states:

“ii. Local Search Areas (LSAs) - Within the LSAs, proposals for solar PV between 5 – 50 MW 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 and Planning Obligations.”

These matters will be considered further within this report, however, in terms of the principle of the development, there is clear support for the provision of renewable energy projects at both the national and local level. Within PPW, Welsh Government have made it clear that significant weight should be given to achieving targets to increase renewable and low carbon energy generation and this proposal, being 9MW, would make an important local contribution to achieving such national targets.

However, given the scale of the development, its potential impacts on the landscape, and the temporary nature of the equipment, if acceptable, it will be necessary to include a condition for the site to be restored to its original state within a reasonable timescale. In this case 35 years is considered to be a reasonable timescale, in order to safeguard the landscape and its visual amenity. Thereafter all above ground infrastructure associated with the development would need to be removed.

Therefore, in the absence of any planning policies that would fundamentally conflict with the principle of a renewable energy development in this area, it is considered, in principle, that the proposal would not conflict with national planning policies or the policies within the LDP.

### **Decommissioning**

When the panels reach the end of their lifetime (approximately 40 years), the solar farm would be decommissioned, all equipment would be dismantled and removed from the site and the site restored to its previous use. A condition would be attached to any grant of consent to require this to be undertaken along with details of any decommissioning works.

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### **Glint and Glare**

A Glint and Glare Assessment has been included in the Planning Statement and covers the potential effects on potential visual receptors within the vicinity of the site. It states that the duration of any potential glint effects at the majority of the receptor locations analysed is limited to less than 10 minutes per day. Any glint effects would be experienced for a relatively short period of time for only part of the year, during the early evening or early morning and would be largely screened by vegetation. Therefore it is considered that no potentially significant glint effects are predicted.

### **Amount, Scale and Layout**

The proposed development comprises the construction of photovoltaic (PV) solar panels in a series of arrays running west-east across the application site. The panels will be angled so as to maximise the capture of solar energy, facing south, with the top edge up to a maximum of 3.5m above ground. The panels will measure 1.6m x 1m x 50mm. The solar panels will be bolt anchored to a metal frame mounted on steel posts driven or screwed into the ground for a depth of approximately 1.8m.

The panels will be connected by cable via 9 inverters to a small on-site substation, that will subsequently connect with the electricity grid. Each inverter cabin will measure 8.7m x 2.4m with a flat roof height of 3.18m. The control cabin would measure 4.9m x 4.9m, with a sloping roof of between 3.63m and 4.45m.

The application site will be secured using a 2.5m high deer proof fence that will protect the equipment from theft, vandalism or damage. A new aggregate site track will be built within the site approximately – 3m wide and 1.1km in total length to allow easy access for construction traffic.

The ground surface below the PV panels will remain vegetated and allow the ground below to be used for the grazing of sheep. Construction of the proposed Solar Park is expected to take approximately 4 months and the operational life of the solar farm will be approximately 40 years. Once operational there will be only limited requirements for staff to visit the site, with the project being monitored remotely. Typically the installation would be inspected by a member of staff twice a month to ensure that equipment was working correctly and to allow for any activities such as grass cutting/strimming etc.

### **Visual Amenity:**

The proposed development site stretches from the RhydyPandy Road in a westerly direction over seven small fields to meet a ditch / small stream and tributary of the Afon Llan. To the north a wooded stream valley separates this farm from Cefn Betingau. To the south part of two fields slope gently to the Afon Llan (River Llan). The site boundary is placed to preserve a 30m riverine corridor from the Afon Llan.

In terms of the impact of the scheme upon the character and appearance of the open countryside, the LVIA has investigated a number of viewpoints to analyse the existing baseline conditions and assess the likelihood for potential visual effects caused by the proposed development.

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The assessment in the LVIA has indicated that there are no “critically damaging” visual impacts on listed buildings, scheduled ancient monuments or vistas from Conservation Areas as a result of these proposals.

The applicant has provided photographic images showing where the site will be visible from 7 separate locations. Each one is referred to in turn below:

Photoview 1 –Elevated view from B4486 feeder road to Junction 46, M4

- Momentary open view with contrasting views from highwasy clutter, pylons and wind turbines. Considered to have a negligible visual impact.

Photoview 2 – View from drive to Dorglwyd Cottage, Rhyd-y-Pandy Road, Pant-lasau - open view through gap in hedgerow. A contrast from garden area to medium long scale view. Visually similar to flooded fields. Considered visual negligible impact.

Photoview 3 – Right angled view from Rhyd-y-Pandy Road to south of site  
brief unglimped views – will allow oblique lateral views of panel rows. Considerd to have low visual impact.

Photoview 4 – View from Rhyd-y-Pandy Road, approaching the site from the north – strong landscape character moderate visual impact.

Photoview 5 – View from Bungalow at Cefn Bettingau Farm

– elevated view over fields, partial view in middle distance, largely screened by existing trees. Negligible visual impact.

Photoview 6 – View from perimeter footpath on Common Land at Myndd Gelliwastad

– Wide open view, abundant pylon lines emphasis wider horizon and recent solar farms fit within existing field patterns. Considered as low visual impact.

Photoview 7 – View from footpath A'-B 200m NE of Abergelli Farm – Moderate view over fields and spaces between woodland. Considered to have a nil/negligible visual impact.

The site is enclosed by hedges, hedgebanks and riparian woodland with the individual fields enclosed with further hedges and occasional trees. Boundary hedges plus any internal ones needed to ensure visual screening will be grown on to 3.5m high. A new entrance gate, similar to that at the entrance to Cefn Bettingau Solar Park, around 100m further north along Rhydypany Road, will replace the existing field gate at the northeast corner of the site. New native hedgerows will be planted to deflect and in due course block views into the site from this entrance. All existing hedges will be gapped up as necessary. It is acknowledged that there will be some landscape change, it is considered that this will be very little in the overall landscape layout. Similarly the strong landscape structure of the Afon Llan valley and the relatively sparse population, means there are few views from sensitive receptors and there are none from highly sensitive receptors. Those of medium sensitivity comprise views from non-living accommodation from a handful of dwellings and optional views within a deep, wide panorama from nearby Common Land at Gelliwastad and will be partially visible from valley woodlands vantage points from Geliwasted. The landscape design proposals for the site are considered to fit into the landscape character assessment for the locality, while maintaining screening of the operational area.

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The strategy also enhances the value of the site for wildlife. Alongside this, ditches and swales will be maintained to diversify wet and aquatic habitats. The interior of the operational site will continue to be grazed or will be mown. At the end of the 40 year period the site will be cleared of all unwanted structures and returned to agriculture.

The LVIA therefore demonstrates that the proposal would have an overall low or negligible impact upon the visual qualities of this open countryside area. To this end the proposal complies with Policies PS1, PS2 and EU1.

### **Residential Amenity**

There are no immediate residential properties close to the site as the nearest property Felin Wen is approximately 60m to the south east of the site. The other nearest properties are between 100m and 500m from the site.

The LVIA considers the visual impact of the proposed development from these surrounding residential properties, and concludes that whilst it may be visible to some extent from these properties, existing screening provided by hedgerows and proposed additional hedgerow planting will mitigate these impacts. The impact of the proposed development on a localised level is therefore not considered to be of such significance that would warrant a recommendation of refusal in this instance.

Furthermore the retention and addition of hedgerows within the site is considered to minimise the extent of the perceived change to the site when viewed from both private and public vantage points. The planting of additional hedgerow would serve to enhance the landscape character which would also provide greater value for wildlife.

In terms of the potential for glint and glare, particularly from private amenity spaces in properties in the wider surrounding area, a glint and glare assessment has been submitted and it has been concluded that this would not result in any undue impact upon the nearest residential properties.

With regards to potential noise and disturbance, again there are significant distances involved in terms of the application site and neighbouring residential properties. Whilst it is accepted that there would be a certain level of noise and disturbance during construction, particularly from deliveries and site works, given that the construction period is anticipated to be completed within four months and is not a continuous construction process, these impacts would be temporary. It is therefore considered that the proposed development would not create significant levels of noise and dust and any noise/dust created during operation would be short in duration.

### **Public Rights Of Way**

There are no public rights of way across the application site.

### **Ecology / Trees**

The applicant has undertaken an ecological impact assessment of the proposed Solar Park has been undertaken comprising a detailed desk study, consultation and field survey. There are no statutory designated sites within 2km of the proposed Solar Park and there are twenty-two non-statutory designated sites within 2km of the proposed Solar Park.

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An Extended Phase 1 Habitat Survey and desk study was undertaken in June 2019 to determine the potential for notable and protected species and habitats within the site and the surrounding area. In built mitigation has been incorporated into the proposed development to ensure all species are safeguarded as far as possible during the proposed development and to provide biodiversity net gains through habitat creation and enhancement.

No significant impact upon protected species is anticipated and the applicant has included the following mitigation measures as part of the scheme:

- Retain and safeguard all but 5.5m of hedgerow habitat within the site, with a minimum 2m stand-off from works;
- Retain and safeguard all trees on site;
- Retain and safeguard all ditches and watercourses;
- Undertake a pre-construction badger survey across the proposed site;
- Ensure there is no habitat fragmentation by installing 'badger gaps' at the base of the perimeter deer fencing. These gaps can be used by badgers and other species to maintain full access across the site post development;
- Safeguard badgers and small mammals such as hedgehogs/hares/polecats during the construction phase by ensuring excavations are fenced/covered overnight (or an egress point such as a ramp is provided). Excavations will be inspected each morning to ensure no animals have become trapped; and
- Prepare a Construction Environmental Management Plan (CEMP) to ensure that best practice methods are adhered to in order to limit the generation of litter, dust, noise, vibration and pollution prevention. The CEMP will also include details of briefings and instruction to contractors regarding the biodiversity present on the site as appropriate.

The applicant has also proposed the following compensation measures:

38m of new species rich, native hedgerow planting will be undertaken to off-set the loss of 5.5m of existing hedgerow as a result of the development; and

where the 5.5m of hedgerow is removed the retained ends of the hedgebank will be repaired and planted by local craftsmen to maintain the local character of the proposed Solar Park site.

The Council's Ecologist has reviewed the information within the submitted documents and raises no objection to the proposal but requests that additional information is submitted for further approval via condition e.g. a Landscape and Management Plan. Several other specific informatives relating to bats, badgers, otters, nesting bird etc are also required. Natural Resources Wales have requested conditions regarding a Construction Environmental Management Plan and Landscape and Ecological Management Plan (LEMP) to ensure the long-term success of the landscape scheme of mitigation and to ensure connectivity to the wider environment. These will be attached to any grant of consent.

The Council's Tree Officer has confirmed that the Arboricultural Impact Assessment is acceptable, subject to compliance with the submitted Tree Protection Plan. A condition is therefore recommended.

In light of the above it is considered the proposed development, subject to conditions, would not result in any significant impacts upon the ecology in the wider area surrounding the site. The development is therefore considered to be acceptable having regard to LDP Policies EU1,ER2, ER6, ER8, ER9, ER11.

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### Access and Highway Safety

Access to the site would be obtained from RhydyPandy Road via an enlarged field access, similar to the access to the adjacent Cefn Betingau solar farm. The principal activities for the 4 month construction of the proposed Solar Park would be undertaken in the following order:

- 1) Constructing the onsite access tracks and a Temporary Site Compound / Laydown Area.
- 2) Excavating and constructing the skid mounts and foundations for the PV Panels (if needed) and the Inverter / Transformer Cabins and Control Building.
- 3) Installing / constructing the PV Panel support structures and the Inverter /Transformer Cabins and Control Buildings.
- 4) Assembling the PV Panel mounting systems.
- 5) Mounting the PV Panels.
- 6) Installing the underground electrical system.
- 7) Commissioning and energising the Solar Park.
- 8) Site reinstatement, including undertaking any enhancement measures.

HGV's and low loaders would be mostly used to deliver all equipment and materials to and from the site. The potential number of delivery vehicles in any one day would vary between the phases of the construction works. It is anticipated that deliveries of materials to the site during the construction phase would be between 8-10 two-way movements per day. As previously indicated the majority of the deliveries to site would be made in month 1 (145-152), approximately 48 in month 2, 35 in month 3 and 9 in month 4. Wheel washing facilities would be installed at the site access point if necessary to prevent the transfer of spill onto nearby public roads. This will also be imposed as condition.

The Local Highways Authority raises no highway objection subject to the submission of a Construction Traffic Management Plan prior to commencement of any work at the site. It is noted that the site is accessed from Rhydypany Road and details submitted with the application indicate that the construction phase is estimated to last for 4 months. Traffic movements during this phase are predicted to be up to 50-60 daily movements by light vehicles (staff by car etc.) and 8 - 10 daily HGV movements. Overall, the predicted movements are not considered to be of a high volume. The indicated route for traffic accessing the site is J46, via Pant Lasau Road and Rhydypany Road towards Craig Cefn Park and finally off the adopted road towards Felin Wen Farm. Following completion of the construction phase, traffic movements would be minimal and relate to occasional maintenance visits only. The aforementioned condition requiring the applicant to provide a construction management plan is recommended.

In addition a temporary car parking area for contractor's vehicles would be made available during the construction phase. An appropriate scheme of signage and a condition survey would also be undertaken to chart and repair if required, any deterioration in the road construction.

### Drainage:

The Council's Drainage Officer has commented that the site is subject to SAB approval. This is a separate permission required for the development and an informative is recommended to remind the applicant of this.

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## **Heritage**

The 1842 Tithe map of the Parish of Llangevelach depicts a north to south aligned rectangular structure (annotated as 'Penyvedw issa'), within the north eastern extent of the proposed application area. This structure is also depicted on the First and Second Ordnance Survey (OS) maps, dated 1877 and 1899, but is not shown on the Third Edition map (1918). Works are proposed in this area and the Glamorgan Gwent Archaeological Trust have reviewed the Heritage Assessment and have requested a condition regarding mitigation is imposed. This is considered reasonable and necessary and no objections are raised subject to the imposition of a condition.

## **Land stability**

The site lies within a Coal Development High Risk Area. However, the Coal Authority have stated that when considering this particular proposal (solar park and associated infrastructure / non-permanent structures) the nature of this development falls within their Exemption List: Part B – Nature of Development, Guidance for Local Planning Authorities Version 5 (2019). Accordingly, there is no requirement for the applicant to submit a Coal Mining Risk Assessment as identified within Section 9.4.3 of the Environmental Report, Volume 1 - Main Text and Appendices, February 2020, which accompanies this planning application. The Coal authority are therefore satisfied with the proposal but requests that a standard mining informative be added to any planning permission given.

## **Response to consultations**

The issues raised by the objectors in terms of visual amenity, residential amenity, highways issues and ecology are noted and understood and have been addressed above in the main body of the report.

With regards to the comment made in respect of the Agricultural Land Classification issue, it is recognised that Planning Policy Wales states we shouldn't lose Best and Most Versatile Agricultural Land. However, in this case, according to <http://lle.gov.wales/map>, it appears that it is Subgrade 3B or 4 and as such, there are lesser issues raised over its loss as it is not considered to be the Best and Most Versatile agricultural land.

Another objector comments that no community gain package is offered as part of this application. However, it should be noted that any community gain benefits arising from the construction of the solar farm would not be secured as part of the planning application. The issue of community gain is not considered to be a material planning consideration in the determination of the current application.

## **Conclusion**

Solar Farms present an opportunity for the provision of renewable energy in the UK. There is wide scale commitment to expand the deployment of renewable energy to secure the future energy demand within the UK and protect the end users of the sector from the instability of fossil fuels.



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In essence, the scheme assessment and decision outcome is essentially a balance between the national and international will for a future with renewable energy, supported by regional and local policy in principle, against the impact of such schemes on the landscape and environment in which they are sited. In accordance with PPW, significant positive weight must be given to the contribution the development would make towards achieving national renewable energy targets which seek for Wales to generate 70% of its electricity consumption from renewable energy by 2030.

On balance, this application is considered appropriate in terms of its scale and design and would not cause unacceptable loss of amenity to neighbouring properties or surrounding land. There would not be significantly adverse visual impact on landscapes and the general locality from the site, and there would be no significantly adverse or detrimental impact on the ecology, habitats or highway safety in the area. On balance therefore the scheme is considered acceptable and is in accordance with the criteria laid out in Policies PS1, PS2, CV2, ER1, ER5, ER6, ER8, ER9, EU1 and RP4 of Swansea's Local Development Plan 2010 - 2025. Approval is recommended.

Consideration 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 section 3 of the Well-Being of Future Generations (Wales) Act 2015 ("the WBFG Act"). In reaching this recommendation due regard has been given to the ways of working set out at section 5 of the WBFG Act and it is considered that this recommendation is consistent with the sustainable development principle as required by section 8 of the WBFG Act.

### **RECOMMENDATION:**

#### **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: arboricultural report, COMP AND CEMP, Environmental report volume 1, environmental report volume 2, site location drawing, LVIA and Construction traffic management plan, plan b existing and proposed elevations, plan c site topographical survey, plan d land ownership boundary received 8th February 2020, arboricultural impact assessment, arboricultural method statement, site boundary and indicative layout received 2nd April 2020  
Reason: For the avoidance of doubt and to ensure compliance with the approved plans.
- 3 No development shall take place until a written scheme of Historic Environment Mitigation has been submitted to, and approved in writing, by the Local Planning Authority. Thereafter, the programme of work shall be undertaken in accordance with the requirements and standards of the approved 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.

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4 Prior to the commencement of development, and notwithstanding the details submitted to date, a Landscape and Ecological Management Plan (LEMP), incorporating the measures outlined in Sections 6.7, 6.8 and 6.10 of the Environmental Report (Volume 1) dated February 2020, shall be submitted to and approved in writing by the Local Planning Authority. The LEMP shall also provide details regarding the proposed monitoring schedule and targets, as well as proposed remedial measures should they be required. Thereafter, the development shall be undertaken in accordance with the approved LEMP. Reason: In the interest of ecology.

5 Prior to the commencement of development, and notwithstanding the details submitted to date, a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The CEMP shall include all pollution prevention measures as detailed in the document entitled: 'Afon Llan Solar Park: Code of Construction Practice (Part 1 - General Environmental Management Plan and Part 2 - Construction Environmental Management Plan) and shall also include, as a minimum:

- Identification of surrounding watercourses and potential pollution pathways from the construction site to those watercourses, along with direction of flow.
- How each of those watercourses and pathways will be protected from site run-off during construction (i.e. locations and widths of buffer strips / principles related to the placement and specific requirements of the silt fencing).
- How the water quality of the watercourses will be monitored and recorded.
- How surface water runoff from the site during construction will be managed/discharged.
- Please note that it is not acceptable for any pollution (e.g. sediment/silt/oils/chemicals/cement etc.) to enter the surrounding watercourses.
- storage facilities for all fuels, oils and chemicals.
- construction compounds, car parks, offices, etc.
- details of the nature, type and quantity of materials to be imported on to the site.
- measures for dealing with any contaminated material (demolition waste or excavated waste).
- identification of any buried services, such as foul sewers, so that they are protected.
- daily check sheet and who will be responsible for this
- details of emergency contacts, for example Natural Resources Wales hotline.

The development shall thereafter be undertaken in accordance with the approved CEMP, and shall be communicated to all contractors and sub-contractors on site.

Reason: To prevent pollution of controlled waters and the wider environment during the construction phase.

6 Prior to the commencement of development, full details of a scheme for the structural protection of the water main to include the precise location of the water main in relation to the development, shall be submitted to and approved in writing by the Local Planning Authority. Any physical protection measures shall be implemented in accordance with the approved details prior to the commencement of development.

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All temporary physical protection measures shall be retained thereafter for the duration of the construction works and any permanent physical protection measures shall be retained for the lifetime of the development.

Reason: To ensure that the proposed development does not affect the integrity of the public water supply system in the interests of public health and safety.

- 7 Prior to the commencement of the development hereby approved, a Construction Traffic Management Plan (CTMP) shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall thereafter be implemented in accordance with the approved CTMP for the entire construction period.

Reason: In the interests of highway safety.

- 8 No development approved by this permission shall take place until details of the methodology for the scope and nature of the dilapidation surveys on the adopted highway, and the implementation timetable has been submitted to and approved in writing by the Local Planning Authority. The dilapidation surveys shall thereafter be undertaken in accordance with the approved details and implementation timetable be undertaken and the results together with any remediation works proposed shall be submitted for the written approval of the Local Planning Authority within two months of completion of the dilapidation surveys. Any remediation works shall be undertaken in accordance with the approved details within 6 months of the date of approval of such details.

Reason: In the interests of highway safety.

- 9 Prior to the commencement of development, a Site Waste Management Plan shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, development shall be implemented in accordance with the approved details.

Reason: To ensure waste at the site is managed in line with the Waste Hierarchy in a priority order of prevention, re-use, recycling before considering other recovery or disposal option.

- 10 No later than 12 months from the first generation of electricity, the following schemes shall be submitted to and approved in writing by the Local Planning Authority:

- (i) a scheme detailing the removal of all surface elements of the photovoltaic solar farm and any foundations or anchor systems to a depth of 300 mm below ground level;
- (ii) a scheme detailing the restoration and aftercare of the land; and
- (iii) a timetable for completion of the removal and restoration works.

The schemes shall be implemented within 12 months of the date of the last electricity generation and shall be completed in accordance with the approved timetable.

Reason: To safeguard the landscape and its visual amenity in accordance with LDP Policies EU1 and PS2.

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- 11 The planning permission hereby granted is for a period of 40 years electricity generation, after which electricity generation is to cease, the solar panels and all ancillary infrastructure are to be removed from the site and the land is to be restored to its former condition in accordance with the details approved under condition 10 of this permission. Written confirmation of the date of commissioning of the development (defined as the date on which the solar farm is put into active operation for the generation of electricity) shall be submitted to the local planning authority within one month of that date.  
Reason: To safeguard the landscape and its visual amenity.
- 12 The development hereby approved shall be undertaken in accordance with the mitigation, compensation and enhancement listed in Section 6 of the Afon Llan Solar Park: Environmental Report Volume 1 - Main Text and Appendices', February 2020, Wessex Solar Energy Ltd received 8th February 2020 which shall be implemented prior to the first electricity generation.  
Reason: To ensure the proposal has no impact upon protected species.
- 13 The construction phase of the development hereby approved shall be undertaken in compliance with the Tree Protection Plan Ref: 15685-B/AJB as shown in Appendix 5 of the Arboricultural Method Statement received on 2nd April 2020.  
Reason: In the interests of visual amenity and to ensure trees are protected during the construction phase of the works.
- 14 Notwithstanding the details indicated on the approved plans and prior to the installation of any external lighting, a scheme of external lighting for the construction and operational phases of the development shall be submitted to and approved in writing by the Local Planning Authority. The external lighting scheme shall be implemented in accordance with the approved details and shall be retained as approved for the duration of the development.  
Reason: To mitigate detrimental impacts to local wildlife within and surrounding the site in accordance
- 15 The boundary enclosures, as indicated on the approved plans, shall be constructed prior to the commissioning date and shall thereafter be retained for the lifetime of the development.  
Reason: In the interests of security, community safety and visual amenity
- 16 Prior to the commencement of development, details of the external colour and facing materials of the buildings hereby permitted shall be submitted to, and approved in writing, by the Local Planning Authority. The development shall thereafter be undertaken in accordance with the approved details.  
Reason: To ensure the finishes of the development have regard to its location within the countryside.

### Informatives

- 1 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: PS1, PS2, CV2, ER1, ER5, ER6, ER8, ER9, EU1, RP4.

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- 2 This consent is issued without prejudice to any other consents or easements that may be required in connection with the proposed development.
- 3 The proposed development lies within an area that has been defined by the Coal Authority as containing potential hazards arising from former coal mining activity. These hazards can include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and previous surface mining sites. Although such hazards are seldom readily visible, they can often be present and problems can occur in the future, particularly as a result of development taking place.

If any of the coal mining features are unexpectedly encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is available on the Coal Authority website at: [www.gov.uk/coalauthority](http://www.gov.uk/coalauthority)

- 4 From 7 January 2019 the Welsh Government enacted Schedule 3 of the Flood and Water Management Act 2010; all new developments of more than 1 house or where the construction area is 100m<sup>2</sup> or more will require sustainable drainage to manage on-site surface water. Surface water drainage systems must be designed and built in accordance with the document 'Statutory Standards for Sustainable Drainage Systems' published by Welsh Ministers. If your development meets the above criteria then Sustainable Drainage Approval will be required 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](mailto:SAB.Applications@swansea.gov.uk) for further advice and guidance.
- 5 The archaeological work must be undertaken to the appropriate Standard and Guidance set by Chartered Institute for Archaeologists (CIfA), ([www.archaeologists.net/codes/ifa](http://www.archaeologists.net/codes/ifa)) and it is recommended that it is carried out either by a CIfA Registered Organisation ([www.archaeologists.net/ro](http://www.archaeologists.net/ro)) or a MCIfA level accredited Member.
- 6 No development shall take place until the developer has notified the Local Planning Authority of the initiation of the development. Such notification shall be in accordance with the form set out in Schedule 5A of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 or any order revoking or re-enacting that Order.

No development shall take place until the developer has displayed a site notice in accordance with the form set out in Schedule 5B of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 or any order revoking or re-enacting that order. The site notice shall be displayed at all times when development is carried out.

- 7 Dormice may be present. Dormice 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 2010. 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.

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If evidence of dormice is encountered e.g. live or dead animals or nests, work must cease immediately and the advice of Natural Resources Wales sought (01792 634960).

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

9 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).

10 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.

11 Badgers are protected under the Protection of Badgers Act 1992. It is an offence to wilfully kill, injure or take a badger; to interfere with a sett by damaging or obstructing it or by disturbing a badger when it is occupying a badger sett, with intent or recklessly. If any evidence of badger use is encountered e.g. possible setts (these can be a single hole) work must stop immediately and the advice of Natural Resources Wales sought before continuing with any work.

12 All British reptiles are protected under Schedule 5 of the Wildlife and Countryside Act 1981 as amended. This makes it an offence to intentionally kill or injure adder, slow worm and common lizard. If the reptiles listed above are encountered, work must cease immediately and the advice of Natural Resources Wales sought before continuing with any work.

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- 13 The Great Crested Newt (GCN) is a European Protected Species (EPS). It is against the law to damage or destroy a GCN breeding site or resting place (pond or terrestrial habitat), or intentionally/recklessly to capture, kill, injure or disturb a GCN. If evidence of GCN is encountered during site clearance, work must cease immediately and the advice of Natural Resources Wales sought before continuing with any work.
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