

## Planning Committee – 4<sup>th</sup> July 2023

Item 1

Application Number:

2023/1070/FUL

Ward:

Dunvant And Killay - Area 2

**Location:** Units 1 To 2 , Lime Grove, Killay, Swansea, SA2 7EG

**Proposal:** Change of use of 1st floor hair and beauty treatment rooms (Class D1) to residential flat (Class C3) with associated ground floor garage space

**Applicant:** Ms Nicola Furlong Revive and Rejuvenate Hair and Beauty Salon



### Background

This application is being presented to Planning Committee for determination as the applicant is a Councillor of the Local Authority.

### Site Location

The application building is a two storey building that forms part of a small cluster of commercial premises situated in a predominantly residential area.

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The ground floor of the premises is currently used as a hair salon and beauty treatment rooms. The site is located within the urban area and situated within the Dunvant and Killay ward.

## Description of Development

This application seeks full planning permission for the change of use of the first floor of the building from the existing hair and beauty treatment rooms (Class D1) to a residential flat (Class C3) with associated ground floor garage space.

## Relevant Planning History

2006/0995 - Change of use from retail (Class A1) to a fish and chip shop (Class A3) - Refused 2006.

2007/0379 - Retention of first floor level to provide living accommodation with 3 dormers on front elevation, 3 dormers on rear elevation and provision of internal garage on ground floor (amendment to planning permission 2005/0068 granted on 28th June 2005) Approved 2007.

2013/1171 - Change of use of first floor from residential (Class C3) to beauty treatment rooms (Class D1) and change of use of garage to treatment room and bin store Approved 2013.

## Planning Policy

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

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

Policy 1 - Where Wales Will Grow

Policy 2 - Shaping urban growth and regeneration - Strategic placemaking

Policy 9 - Resilient ecological networks and Green infrastructure

### Planning Policy Wales (11th Edition) 2021

#### Good Design Making Better Places

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

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

### Access and Inclusivity

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

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

### Environmental Sustainability

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

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

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## Character

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

## Community Safety

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

## Movement

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

## Car Parking

4.1.49 Car parking provision is a major influence on how people choose to travel and the pattern of development. Where and how cars are parked can in turn be a major factor in the quality of a place.

4.1.50 A design-led approach to the provision of car parking should be taken, which ensures an appropriate level of car parking is integrated in a way which does not dominate the development. Parking provision should be informed by the local context, including public transport accessibility, urban design principles and the objective of reducing reliance on the private car and supporting a modal shift to walking, cycling and public transport. Planning authorities must support schemes which keep parking levels down, especially off-street parking, when well designed. The needs of disabled people must be recognised and adequate parking provided for them.

4.1.51 Planning authorities must require good standards of car parking design, which do not allow vehicles to dominate the street or inconvenience people walking and cycling. Car parking should be overlooked by surrounding properties, to provide natural surveillance.

Integrating Green Infrastructure and Development

6.2.4 Green infrastructure plays a fundamental role in shaping places and our sense of well-being, 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.

Swansea Local Development Plan (2010-2025)

The following LDP policies are of relevance to the determination of this application.

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

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.

T1 - Transport Measures and Infrastructure - Development must be supported by appropriate transport measures and infrastructure and dependant the nature, scale and siting of the proposal, meet specified requirements. Development that would have an unacceptable impact on the safe and efficient operation of the transport network will not be permitted.

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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.

EU4 - Public Utilities and New Development - development will be permitted where the utility infrastructure is adequate to meet the needs of the development.

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.

### Supplementary Planning Guidance

The supplementary planning guidance (SPG) documents entitled 'City and County of Swansea Parking Standards' and 'Development and Biodiversity' are also relevant to the determination of this application.

### **Consultation**

Local Highways Authority - No objection.

Drainage Officer - No comments on this application.

Welsh Water -

The application appears to rely on existing sewer connections and no new connections are to be made with the public sewerage system. Nonetheless, for the avoidance of doubt we would be grateful if you could provide the developer with the following advisory note:

The planning permission hereby granted does not extend any rights to carry out any works to the public sewerage or water supply systems without first having obtained the necessary permissions required by the Water industries Act 1991. This means that any alterations to existing premises that result in the creation of additional premises or merging of existing premises must be constructed so that each of the premises is separately connected to the Company's water main and can be separately metered. Please contact our new connections team on 0800 917 2652 for further information.

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Pollution Control -

Condition in relation to sound proofing to be attached and informatives relating to construction noise, smoke/burning materials, dust control and lighting.

## **Publicity**

The application was publicised by means of displaying a Site Notice within the vicinity of the application site and neighbouring properties were also individually consulted.

No representations have been received to date.

## **APPRAISAL**

### **Main Issues**

The main issues to consider in the determination of this application relate to the principle of the development, the impacts of the development upon the character and appearance of the area, the impacts upon the living conditions of neighbours, the impacts upon highway safety, pollution control and the impacts upon ecology, having regard to the prevailing provisions of the relevant Local Development Plan Policies and National Policy guidance.

### **Principle of Development**

The application site is located within the urban area of Killay and as such there are no specific Policies within the Local Development Plan that would seek to resist the principle of providing a flat within this site. Therefore in principle; the proposed introduction of a first floor flat to the building would not fundamentally conflict with LDP Policies providing it meets the relevant criteria of placemaking and other specific policies.

### **Placemaking/ Visual Impact**

There are no external alterations proposed. The proposals will not therefore have an impact upon the visual appearance of the application building or the wider surrounding street scene.

### **Residential Impact**

The neighbouring properties are a mixture of commercial buildings and residential dwellings. Therefore it is important to consider whether the proposed flat would have an adverse impact on the occupiers of any neighbouring residential properties.

In terms of overlooking, there is a first floor window within the side elevation of the residential property to the rear of the site (22 Broadmead)). It is noted that the rear windows of the proposed flat will look towards this first floor side window of No 22. However, this neighbouring window appears to be obscurely glazed. In addition it is situated approximately 19m from the nearest rear window of the proposed flat, which is considered a sufficient separation distance in this instance, given that the rear first floor windows within the application building are already in situ, so an element of mutual overlooking already potentially occurs.

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In addition, there is a first floor side window in the northern elevation of the application building which will serve the proposed flat. However, this side window primarily overlooks the roof of the neighbouring dwelling (3 Lime Grove) to the north. It is noted that 3 Lime Grove features two ground floor windows within its elevation facing the application building and its first floor side window. Whilst, there is the possibility of some mutual overlooking occurring between the opposing windows, given that this first side window is already in situ, the existing situation is unlikely to be made any worse.

The layout of the proposed flat is such that the future occupiers of the flat will benefit from adequate room sizes and sufficient natural light and outlook.

The Council's Pollution Control Team have recommended that an appropriate sound proofing condition is imposed on any planning permission granted, in order to prohibit the transfer of noise between the ground floor commercial use and proposed first floor flat. Such a condition has consequently been included in the recommended made below.

### **Highway Safety/Active Travel**

There is less car parking and traffic associated with the use of the upper floor as a flat than its current use. In addition, a ground floor garage is provided for parking purposes. On that basis there are not considered to be any highway safety issues arising. Therefore, it is recommend that no highway objections are raised to the proposal.

### **Ecology**

Policy 9 of Future Wales states that in all cases, action towards securing the maintenance and enhancement of biodiversity (to provide a net benefit), the resilience of ecosystems and green infrastructure assets must be demonstrated. Policy ER 9 of the LDP supports this and states that proposals will be expected to maintain, protect and enhance ecological networks and features of importance for biodiversity.

The applicant has not indicated any measures as part of the application. Given the nature of the proposal it is not considered necessary to impose a condition that requires the provision of a scheme of ecological enhancement.

### **Conclusion**

In conclusion it is considered that the proposal represents an acceptable form of development. The proposal will not give rise to any visual or residential amenity impacts, nor adversely impact highway safety or ecology. Approval is recommended.

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



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### 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:  
  
Location Plan and Site Plan received 22nd May 2023. Existing and Proposed Floor Plans (Rev R4), received 20th June 2023.  
  
Reason: For the avoidance of doubt and to ensure compliance with the approved plans.
- 3 Prior to the beneficial occupation of the flat hereby approved, a sound proofing scheme shall be submitted to and approved in writing by the Local Planning Authority that adequately restricts the flow of sound energy through party walls and the floor between the commercial and residential units within the application building. The submitted scheme shall achieve a minimum DnT,w + (Ctr) of 50dB for the ceiling/floor between the commercial and residential units. The approved scheme shall be implemented in full prior to the occupation of the proposed flat and shall be retained as such at all times during the lifetime of the development.  
Reason: To protect the occupiers of the proposed flat against noise emanating from the commercial activity.

#### Informatives

- 1 The national development plan is Future Wales: The National Plan 2040. The following policies were relevant to the consideration of the application: Policies 1, 2 and 9  
  
The development plan covering the City and County of Swansea is the Swansea Local Development Plan. The following policies were relevant to the consideration of the application: Policies PS2, ER8, ER9, T1, T6, EU4 and RP4.
- 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 following restrictions should be applied to all works of demolition/ construction carried out on the development site:  
  
All works and ancillary operations which are audible at the site boundary shall be carried out only between the hours of 08.00 and 18.00 hours on Mondays to Fridays and between the hours of 08.00 and 13.00 hours on Saturdays and at no time on Sundays and Public Holidays and Bank Holidays unless otherwise agreed through the Local Planning Authority.

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The Local Authority has the power to impose the specified hours by service of an enforcement notice under Control of Pollution Act 1974, Section 60. Any breaches of the conditions attached to such a notice will lead to formal action against the person[s] named on said notice. If applying for Prior consent under Control of Pollution Act 1974, section 61, please contact [pollution@swansea.gov.uk](mailto:pollution@swansea.gov.uk) and ensure any application is submitted a minimum of 28 days prior to commencement of any works.

- 4 No burning of any materials to be undertaken on site. The Local Authority has the power to enforce this requirement by service of an abatement notice. Any breaches of the conditions attached to such a notice will lead to formal action against the person[s] named on said notice.
  - 5 During construction work the developer shall operate all best practice to minimise dust arisings or dust nuisance from the site. This includes dust and debris from vehicles leaving the site. The Local Authority has the power to enforce this requirement by service of an abatement notice. Any breaches of the conditions attached to such a notice will lead to formal action against the person[s] named on said notice.
  - 6 During construction work the developer shall operate all best practice to minimise nuisance to local residences from on site lighting.
  - 7 The planning permission hereby granted does not extend any rights to carry out any works to the public sewerage or water supply systems without first having obtained the necessary permissions required by the Water industries Act 1991. This means that any alterations to existing premises that result in the creation of additional premises or merging of existing premises must be constructed so that each of the premises is separately connected to the Company's water main and can be separately metered. Please contact Welsh Water's new connections team on 0800 917 2652 for further information.
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Item 2

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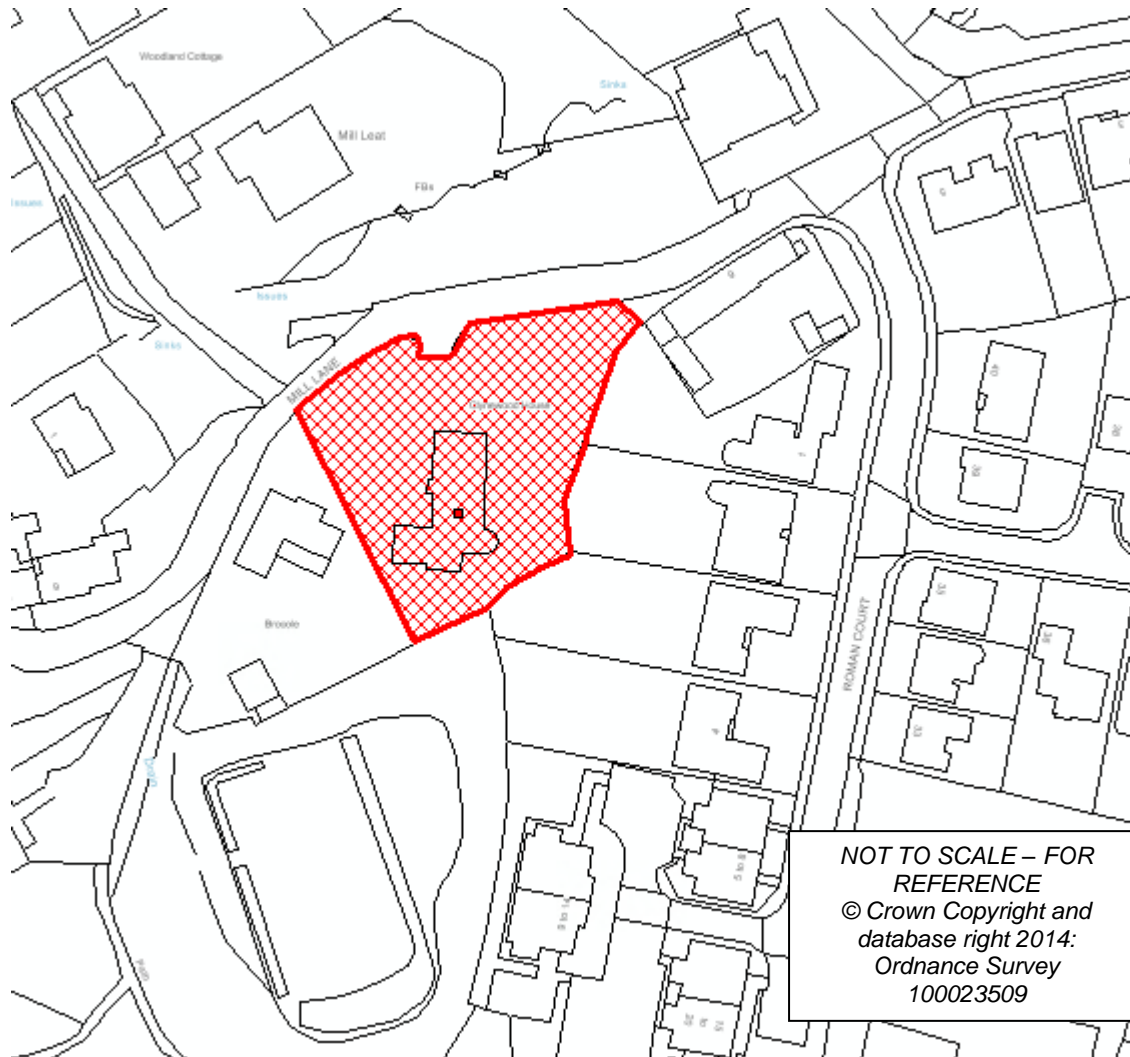
Ward:

Mayals - Bay Area

**Location:** Clynewood House , Mill Lane, Blackpill, Swansea, SA3 5BD

**Proposal:** Installation of flue, first floor rear Juliet balcony, replacement front porch, alterations to fenestration, addition of render to main house and timber cladding to garage

**Applicant:** Mr. And Mrs. Michael And Kayleigh Lazell



### Background

This application is being reported to Planning Committee for determination as one of the applicants is a member of staff within the Planning Department.

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## Site Location

The application relates to Clynewood House, a large detached dwelling located within a residential area of Blackpill and also lies within the Gower Area of Outstanding Natural Beauty (AONB). The property is located within a low risk development area as defined by the Coal Authority and is within the 500m buffer for the Scheduled Ancient Monument (SAM) Clyne Wood Arsenic and Copper Works and the Clyne Castle registered park and garden.

## Description of Development

Permission is sought for the installation of a flue, a first floor rear Juliet balcony, replacement front porch, alterations to fenestration, addition of render to the main house and timber cladding to the garage.

## Relevant Planning History

2014/0756 - Detached annexe. Approved.

2013/1758 - Detached two storey annexe. Refused.

## Planning Policy

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

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

Policies 1, 2 and 9 are of relevance in the determination of this application.

### Planning Policy Wales (11th Edition) 2021

#### Good Design Making Better Places

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

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

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

The following policies are of relevance in the determination of this application:

PS2 - Placemaking and Place Management

ER4 - Gower Area of Outstanding Natural Beauty (AONB)

ER9 - Ecological Networks and Features of Importance for Biodiversity

T6 - Parking

### Supplementary Planning Guidance

The supplementary planning guidance documents entitled Placemaking Guidance for Householder Development (2021), Placemaking Guidance for the Gower AONB (2021), Biodiversity and Development (2021) and Parking Standards are also relevant to the determination of this application.

### **Consultation**

CADW - commented to state the following:

*"Advice*

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

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

### *Assessment*

#### *Scheduled Monuments*

*GM475 Clyne Wood Arsenic & Copper Works*

#### *Registered Parks & Gardens*

*PGW(Gm)47(SWA) Clyne Castle*

*This planning application is for the installation of a flue, first floor rear Juliet balcony, replacement front porch, alterations to fenestration, addition of render to main house and timber cladding to garage, and detached outbuilding. Located at, Clynewood House, Mill Lane, Blackpill, Swansea, SA3 5BD.*

*The above designated historic assets are located inside 500m of the proposed development, but intervening topography, buildings and vegetation block all views between scheduled monument GM475 Clyne Wood Arsenic & Copper Works. Consequently, the proposed development will have no impact on the setting of GM475.*

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*The proposed development is located some 10m to the north of the boundary of registered park and garden PGW(Gm)47(SWA) Clyne Castle that comprises a large and attractive public park registered for its historic significance as the former private estate of the wealthy and locally prominent Vivian family. The park was developed from the early nineteenth century but mainly from the 1860s onwards by William Graham Vivian and Admiral Walker-Heneage Vivian. The public gardens contain an outstanding assemblage of choice and rare mature trees and shrubs, in particular rhododendrons, some of which are original introductions. Its importance is further enhanced by its group value with the listed Clyne Castle (LB: 14931) and Clyne Chapel (LB: 14932), various listed ornamental structures and several Scheduled Monuments [GM464 & GM475] and other archaeological sites.*

*Located in steep-sided Clyne Valley, the woodland park is bounded on the south by residential accommodation and Mill Lane, and on the north and west by farmland. The gardens remain intact though the grounds immediately around the Castle have been mostly developed for residential accommodation. Significant views are from the open areas of Clyne Gardens across Swansea Bay.*

*The proposed development will see a Juliet balcony proposed to the front elevation of a dwelling, a flu to the north side of the dwelling and a new garden room located in the north east corner of the garden. In views from the registered park and garden the balcony will be partially visible from above an existing front garage, the flu will only be seen where a small portion protrudes above the roof line. The garden room will be aligned northwest to southeast and measure 4m in length, 2.5m in width and be some 2.4m in height with a slightly inclined roof and be clad in timber boarding. This building will be peripherally visible beyond the dwelling across the full length of the garden. As immediately south of Clynewood House the registered park and garden is woodland these changes will only be visible only from the park and garden boundary. They will be seen in the context of a domestic dwelling set among other similar dwellings along Mill Lane. As such whilst there may be a very slight visual change in the view from the registered park and garden this will not have any effect on the way that it is experienced, understood, and appreciated. Consequently, the proposed development will have no impact on the setting of registered park and garden PGW(Gm)47(SWA) Clyne Castle."*

### Publicity

The application was advertised in accordance with the Town and Country Planning (Development Management Procedure) Order 2012 (as amended) by neighbour notification letters sent to adjacent neighbours on 25 May 2023 and by means of a Site Notice on 30 May 2023.

To date, no comments have been received from neighbours.

### APPRAISAL

#### Main Issues

The main issues to consider in the determination of this application relate to the impact of the proposals on the wider visual amenities, impact on neighbours and parking, having regard to the prevailing provisions of the relevant development plan policies and National Policy guidance.

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There are considered to be no additional issues arising from the provisions of the Human Rights Act.

### **Placemaking/Visual Impact**

The application initially sought consent for a detached outbuilding within the garden, along with the other works proposed. However, following Officer concerns relating to the detrimental impact this would have on the wider streetscene (due to the considerable levels difference between the site and the adjacent road and the prominent position of the outbuilding), this element was removed from the proposed scheme. The following assessment is made on the remainder of the proposals.

The existing property is constructed with red brick, with white UPVC windows and a white column porch. The proposal seeks to apply rough cast render to the main dwelling and the garage - albeit the front elevation of the garage would be clad with vertical cladding. Firstly, cladding is commonplace in residential settings and as such, the addition of cladding on the front elevation of the garage would not detrimentally harm the appearance of the property or wider streetscene. Notwithstanding this, the garage is generously set-back from the road and as such, the variation to materials would not have an appreciable impact. With regards to the rendering - many of the houses in the vicinity have been rendered and as such, this alteration to the property would not be out of context and is considered as an improvement on the relationship between the host dwelling and the neighbouring properties.

The proposed replacement porch, fenestration alterations and installation of a flue are considered modest in terms of their scale and as such, would not have an appreciable impact on the appearance of the property.

The alterations to the property would alter its appearance, however, given their modest scale and sympathetic design, it is considered that the proposals are considered acceptable and would comply with Policies PS2 and ER4 of the Swansea LDP.

### **Residential Impact**

Given the nature of the alteration to external materials, these would not detrimentally impact upon neighbouring amenities. The proposed porch is modestly scaled and positioned a sufficient distance from shared boundaries to ensure no harmful overbearing or overshadowing impacts.

Whilst the perceived level of overlooking would be increased from the larger scaled windows and Juliet balcony, given that existing windows are currently in situ and there are no alterations proposed internally that would alter the nature of overlooking, it is considered that such views would not be unreasonable.

Given the position of new windows on the ground floor, it is considered that they would not give rise to an unacceptable degree of overlooking.

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Whilst the proposed flue would create smoke emissions, given the residential nature of the property, it is considered that such impacts would not be unreasonable. In addition, such additions are commonplace in residential settings and some flues can even be added to properties without planning permission. It would therefore be unreasonable to refuse the proposal on this basis.

### **Highway Safety/ Active Travel**

The proposal would have no impact on existing parking provision or highway safety.

### **Ecology and Ecological Enhancement**

Policy 9 of Future Wales states that in all cases, action towards securing the maintenance and enhancement of biodiversity (to provide a net benefit), the resilience of ecosystems and green infrastructure assets must be demonstrated. Policy ER 9 of the LDP supports this and states that proposals will be expected to maintain, protect and enhance ecological networks and features of importance for biodiversity.

The applicant has indicated that an area of wildflower will be created within the site which would benefit pollinators. The species would be native and as such, it is considered that such an addition would be sufficient to address the needs of Policy ER9 of the LDP.

### **Other Issues**

The site lies within 500m of a Scheduled Ancient Monument (SAM) - Clyne Wood Arsenic and Copper Works and the Clyne Castle registered park and garden. Given the scale of the development, it is not considered that the development is likely to be visible from, or have any impact upon, the SAM.

### **Conclusion**

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

### **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.



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

Proposed Ground Floor Plan, Proposed First Floor Plan and Proposed Side Elevations, received 24th May 2023. Proposed Front and Rear Elevations, received 15th June 2023. Location Plan and Block Plan, received 21st June 2023.

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

- 3 The proposed native wildflower planting, shall be planted within the second quarter of 2024, in accordance with the details contained with the approved Block Plan and the applicant's e-mail dated the 14th June 2023. These Ecological Enhancement measures shall thereafter be retained for the lifetime of the development.

Reason: In the interests of biodiversity and to provide a net benefit to biodiversity in accordance with Policy 9 of Future Wales and Policy ER 9 of the Swansea Local Development Plan (2010-2025).

### Informatives

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

The development plan covering the City and County of Swansea is the Swansea Local Development Plan. The following policies were relevant to the consideration of the application: Policies PS2, ER4, ER9 and T6

- 2 This consent is issued without prejudice to any other consents or easements that may be required in connection with the proposed development.

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

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

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

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

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

- 5 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 is in use or being built
  - Take or destroy an egg of any wild bird

You are advised that any clearance of trees, shrubs, scrub (including gorse and bramble) or empty buildings should not be undertaken during the bird nesting season, 1st March - 31st August and that such action may result in an offence being committed.

6 **Development Low Risk Area - Standing Advice**

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at:

[www.gov.uk/government/organisations/the-coal-authority](http://www.gov.uk/government/organisations/the-coal-authority)

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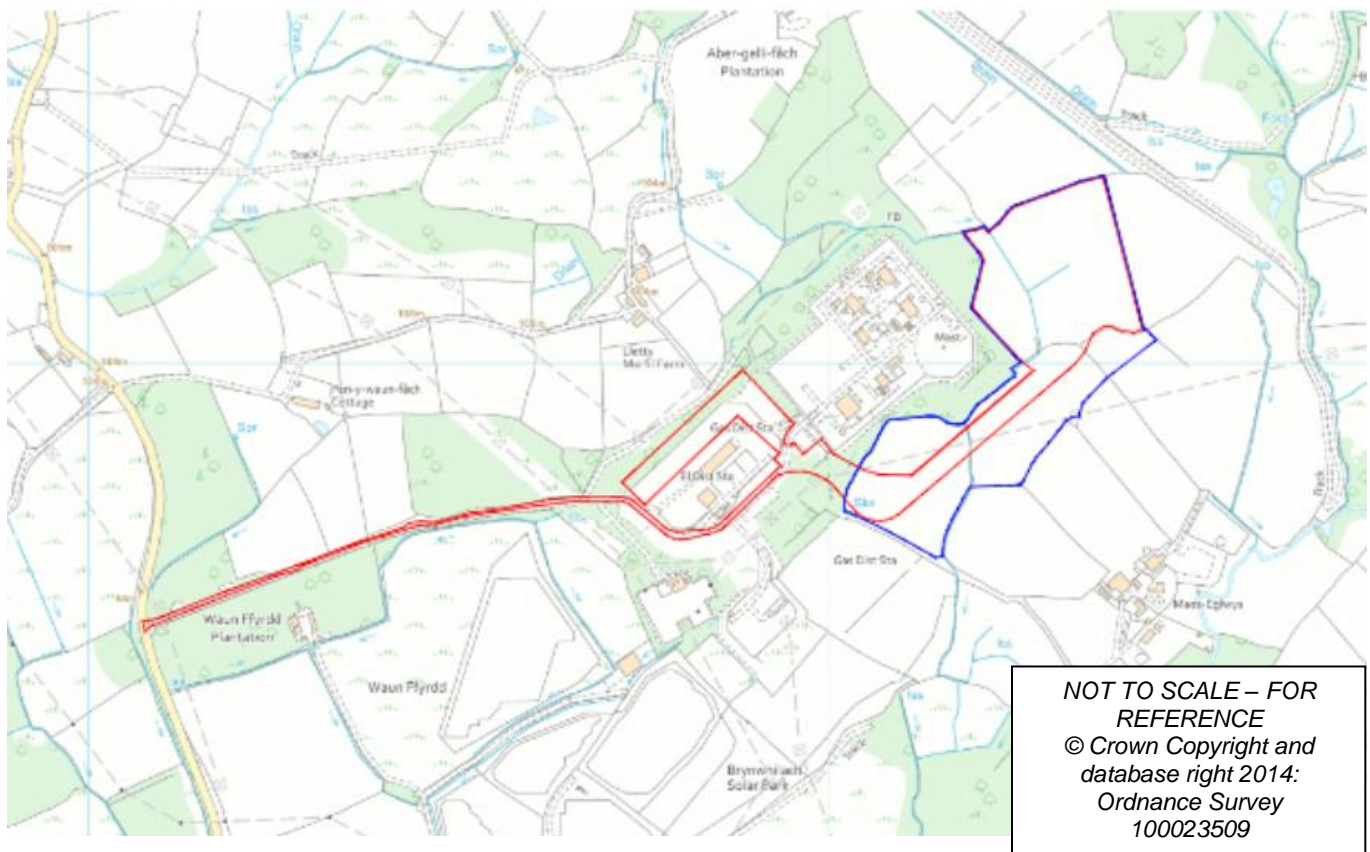
Ward:

Llangyfelach - Area 1

**Location:** Land West Of Rhydypany Road, Rhydypany Road, Morryston, Swansea

**Proposal:** Construction and operation of a Greener Grid Park Facility comprising synchronous compensators, transformers, generators and ancillary plant, underground electricity ducting and/or cabling to connect to the existing substation, hard and soft landscaping, access and associated works

**Applicant:** Mr Seb Woodward Swansea Grid Solutions Limited



### Background

The application is reported to Planning Committee as the site area exceeds the Committee threshold of 2 hectares or more, with the site area being some 7.39 hectares.

Members may recall that full planning permission was granted on 9th August 2021 for a similar development:

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"Construction of a Greener Grid Park comprising energy storage and grid balancing equipment, including change of use from agricultural grazing land, along with associated infrastructure, landscaping and access track".

This permission was subsequently varied via a Section 73 application (2022/2288/S73) that was reported to the Planning Committee and was approved on 17th May 2023. The Section 73 consent resulted in minor amendments to the approved layout and design of the development.

To the east of the site, and including part of the access to the proposed development, a Development Consent Order (DCO) has been granted by the Secretary of State for Business, Energy and Industrial Strategy in 2019 for a gas fired generating station known as the Abergelli Power Project (APP). Separately, two planning permissions were granted (2018/2020/FUL and 2018/2021/FUL) for gas and electric connections to the APP.

The proposal falls within Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2017, as the site area exceeds 0.5Ha. The proposals have previously been the subject of two environmental impact assessment (EIA) screening opinions (2019/2361/SCR and 2022/2847/SCR). Both opinions considered the proposals would not require an EIA. A further screening opinion has been undertaken in order to capture and assess the potential environmental impacts of the development now proposed. The screening opinion concludes that the proposed development would not require an EIA.

### Site Location

The application site has a total area of 7.39Ha and is located to the north east of the Felindre National Grid substation and gas compressor station. The main part of the site where the energy balancing facility would be located is within agricultural fields that border an agricultural access track associated with Abergelli Farm. The proposed access track to the development crosses further fields before linking up to the B4489 via the existing access road through the National grid substation. A further 'arm' of the red line area branches from the access route to wrap around the northern edge of the substation in order to provide a connection to the existing grid infrastructure.

### Description of Development

The original planning permission and subsequent Section 73 application were for the construction of a "Greener Grid Park" comprising an energy storage and grid balancing facility, with associated infrastructure, landscaping and access track.

In short, those proposals were for an electricity storage and distribution facility, designed to balance electricity demand and supply in order to prevent shortages and blackouts as a result of the intermittent nature of renewable energy sources that feed into the national grid.

The development now proposed under this application is similar in nature, providing an energy balancing facility, however, the key differences with the application now proposed are: the omission of a battery storage element; the introduction of further synchronous compensators; the provision of an underground cable connection to the substation and; an increase in the red line area to accommodate the cable elements and additional planting areas.

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Following further technical and electrical market analysis the applicant has decided to remove the battery storage from the site and increase the number of synchronous compensators to improve the efficiency of the development. The proposal is still described by the applicant as a 'Greener Grid Park' and, much like the previous proposals, will include the following elements: synchronous compensators, transformers, generators and ancillary plant; underground electricity cabling; an access road and; hard and soft landscaping.

The functional purpose of the proposal is to provide a critical balancing service and to strengthen and stabilise the electricity network and to facilitate the connection of more renewable energy generation into the grid.

For the avoidance of doubt, the proposals will not generate any additional electricity, nor will its operation result in any direct CO<sub>2</sub> emissions other than when the emergency diesel generators are operational.

While two planning permissions for similar developments currently exist on the site, it is considered that only one scheme could be implemented. As such, approval of this application would not result in more than one Greener Grid Park at the site.

The main development area comprises an enclosed compound measuring some 125m x 109m. The various elements within the compound are set out below.

Northern Half of the Compound:

In the northern part of the compound is the High Voltage yard which includes 6x generator circuit breakers, 3x transformers, other HV equipment and cabling, concrete plinths and bunds all contained within a gravel yard.

Southern Half of the Compound:

There would be 3x energy management system (EMS) buildings located centrally within the development compound that would contain the grid balancing equipment (synchronous compensators). Each building would have the following dimensions: 15m (w) x 25.5m (l) x 7m (h) to the pitched roof. The buildings would be constructed and faced in profiled metal sheeting finished in a moss green colour. The appearance of the buildings are similar to those within the adjacent gas compressor site in terms of their design, scale and colour.

Located between the EMS buildings are the cooler compounds. There are two in total each, one smaller compound containing a single bank of coolers and a larger compound containing two banks of coolers. Each compound would be enclosed by a 4m high brick noise attenuation wall.

To the south of the buildings would be 2x Genset containers which contain emergency diesel generators as back up if external grid supply is not available and 1x Comms house, which would house various electrical communication components and monitoring devices.

In the south western corner of the site are 2x storage buildings and 2x office buildings.

All buildings within the southern part of the site would be single storey flat roof modular or container style buildings finished in a moss green colour.

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Like the northern half of the compound, the southern half would be surfaced in gravel. The entire compound would be enclosed by a 3.4m high perimeter fence with 6x CCTV and lighting column located at various points around the perimeter.

Outside the compound near its south western corner an attenuation pond is proposed with a connection to the local watercourse to the west.

The access track for the development follows a similar alignment to that previously proposed along the southern boundary of the existing substation and gas compressor station before connecting to the existing access track to the established infrastructure off the B4489.

Unlike the previous 'Greener Grid' applications on the site, this current proposal includes a dedicated connection to the existing substation on its northern side.

### **Planning Policy**

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

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

Policy 1 - Where Wales Will Grow

Policy 2 - Shaping urban growth and regeneration - Strategic Placemaking

Policy 9 - Resilient ecological networks and Green Infrastructure

Policy 17 - Renewable and Low Carbon Energy and Associated Infrastructure

Policy 28 - National Growth Area - Swansea Bay and Llanelli

#### **Planning Policy Wales (11th Edition) 2021**

##### **Good Design Making Better Places**

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

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

### Environmental Sustainability

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

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

### Character

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

### Climate Change, Decarbonisation and the Sustainable Management of Natural Resources

3.30 In 2019 the Welsh Government declared a climate emergency in order to coordinate action nationally and locally to help combat the threats of climate change. The planning system plays a key role in tackling the climate emergency through the decarbonisation of the energy system and the sustainable management of natural resources. 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.

3.31 The Environment (Wales) Act 2016 sets a legal target of reducing greenhouse gas emissions in Wales by at least 80% in 2050. The Act also requires a series of interim targets (for 2020, 2030 and 2040) and carbon budgets. The budgets set a limit on the total amount of greenhouse gas emissions in Wales over a 5-year period to serve as stepping stones and ensure progress is made towards the decadal targets.

3.32 In May 2019 the Climate Change Committee published its recommendation for the UK to set a net zero target for 2050. It recommended Wales set a 95% target as our fair contribution to the UK effort. The Welsh Government accepted this recommendation, but is seeking to go beyond 95% to reach net zero.

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3.33 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.

### The Best and Most Versatile Agricultural Land

3.58 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.

3.59 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.

### Supporting Infrastructure

3.61 Adequate and efficient infrastructure, including services such as education and health facilities along with transport, water supply, sewers, sustainable waste management, electricity and gas (the utilities) and telecommunications, is crucial for economic, social and environmental sustainability. It underpins economic competitiveness and opportunities for households and businesses to achieve socially and environmentally desirable ways of living and working. Infrastructure which is poorly designed or badly located can exacerbate problems rather than solving them.

3.62 Planning authorities should, in conjunction with key providers, take a strategic and long term approach towards the provision of infrastructure as part of plan making. This may involve collaboration between planning authorities and key infrastructure providers to ensure infrastructure provision is sustainable, fit for purpose and can be co-ordinated and timed to support placemaking aspirations.

3.63 Development should be located so that it can be well serviced by existing or planned infrastructure. In general this will involve maximising the use of existing infrastructure or considering how the provision of infrastructure can be effectively co-ordinated to support development plans. Infrastructure choices should support decarbonisation, socially and economically connected places and the sustainable use of natural resources.



Energy

5.7.1 The Welsh Government's highest priority is to reduce demand wherever possible and affordable. Low carbon electricity must become the main source of energy in Wales. Renewable electricity will be used to provide both heating and transport in addition to power. The future energy supply mix will depend on a range of established and emerging low carbon technologies, including biomethane and green hydrogen.

5.7.2 Overall power demand is expected to increase as a result of growing electrification of transport and heat. In order to ensure future demand can be met, significant investment will be needed in energy generation, transmission and distribution infrastructure. The system will need to integrate renewable generation with storage and other flexibility services, in order to minimise the need for new generation and grid system reinforcement. Collectively we will need to concentrate on reducing emissions from fossil fuel sources, whilst driving further renewable generation which delivers value to Wales.

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

5.7.4 Future Wales - The National Plan 2040 sets out the national development plan context for energy and provides specific policies for heat network and renewable energy development.

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.

5.7.6 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.

5.7.7 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;

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- 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.

### Electricity Grid Network and Energy Storage

5.7.8 An effective electricity grid network is required to fulfil the Welsh Government's renewable and low carbon ambitions. An integrated approach should be adopted towards planning for energy developments and additional electricity grid network infrastructure. In certain circumstances, additional electricity grid network infrastructure will be needed to support the Pre-Assessed Areas in Future Wales, but also new energy generating developments more generally.

5.7.9 The Welsh Government's preferred position on new power lines is that, where possible, they should be laid underground. However, it is recognised that a balanced view must be taken against costs which could render otherwise acceptable projects unviable. Where undergrounding of lines is not possible or applicable, proactive engagement with energy companies and the public to mitigate the visual impact of any potential new transmission lines should take place.

5.7.10 Planning authorities should plan positively for grid infrastructure. Development plans should facilitate the grid infrastructure required to support the renewable and low carbon energy potential for the area, particularly areas identified for such development. Planning authorities should support appropriate grid developments, whether or not the developments to be connected are located within their authority.

5.7.11 Planning authorities and the energy industry, including National Grid and Distribution System Operators, should engage with each other to ensure development plans take grid infrastructure issues into account. This can also ensure investment plans for transmission and distribution align with the identified potential for renewable and low carbon energy as well as the future challenges of increasing electrification of transport and heat.

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

### Renewable Energy Targets

5.7.14 The Welsh Government has set targets for the generation of renewable energy:

- for Wales to generate 70% of its electricity consumption from renewable energy by 2030;
- for one Gigawatt of renewable electricity capacity in Wales to be locally owned by 2030; and
- for new renewable energy projects to have at least an element of local ownership by 2020.

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

### 5.9 Renewable and Low Carbon Energy

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

### Development Management and Renewable and Low Carbon Energy

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

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

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

- the need to minimise impacts on local communities, such as from noise and air pollution, to safeguard quality of life for existing and future generations;
- the impact on the natural and historic environment;
- cumulative impact;
- the capacity of, and effects on the transportation network;
- grid connection issues where renewable (electricity) energy developments are proposed; and
- the impacts of climate change on the location, design, build and operation of renewable and low carbon energy development. In doing so, consider whether measures to adapt to climate change impacts give rise to additional impacts.

5.9.21 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.

5.9.22 Whatever the size of a scheme, developers should take an active role in engaging with the local community on renewable energy proposals. This should include pre-application discussion and provision of background information on the renewable energy technology that is proposed.

### Re-powering, Life Extension, Decommissioning and Remediation

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

### Integrating Green Infrastructure and Development

6.2.4 Green infrastructure plays a fundamental role in shaping places and our sense of well-being, 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.

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

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

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

### Biodiversity and Ecological Networks

6.4.1 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.

6.4.2 The Environment (Wales) Act 2016 introduced an enhanced biodiversity and resilience of ecosystems duty (Section 6 Duty). This duty applies to public authorities in the exercise of their functions in relation to Wales and will help maximise contributions to achieving the well-being goals. The Nature Recovery Action Plan supports this legislative requirement to reverse the decline in biodiversity, address the underlying causes of biodiversity loss by putting nature at the heart of decision-making and increasing the resilience of ecosystems by taking specific action focused around the 6 objectives for habitats and species.

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:

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

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

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

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

- diversity between and within ecosystems;
- the connections between and within ecosystems;
- the scale of ecosystems;
- the condition of ecosystems including their structure and functioning; and
- the adaptability of ecosystems.

6.4.6 In fulfilling this duty, planning authorities must have regard to:

- the list of habitats and species of principal importance for Wales, published under Section 7 of the Environment (Wales) Act 2016;
- the SoNaRR, published by NRW; and
- any Area Statement that covers all or part of the area in which the authority exercises its functions.

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

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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.

#### Maintaining and Enhancing Biodiversity

6.4.21 Planning authorities must follow a stepwise approach to maintain and enhance biodiversity and build resilient ecological networks by ensuring that any adverse environmental effects are firstly avoided, then minimized, mitigated, and as a last resort compensated for; enhancement must be secured wherever possible.

1. The first priority for planning authorities is to avoid damage to biodiversity and ecosystem functioning. Where there may be harmful environmental effects, planning authorities will need to be satisfied that any reasonable alternative sites that would result in less harm, no harm or gain have been fully considered

2. Planning authorities should ensure that features and elements of biodiversity or green infrastructure value are retained on site, and enhanced or created where ever possible, by adopting best practice site design and green infrastructure principles. The provision of up to date ecological survey information will assist in this process. Where necessary, planning authorities should seek to modify the development proposal through discussion with the applicant at the earliest possible stage. Biodiversity and green infrastructure modifications should draw on the issues and opportunities identified through the Green Infrastructure Assessment.

3. In some circumstances, it will be appropriate to attach planning conditions, obligations or advisory notes to a permission, to secure biodiversity outcomes. Planning authorities should take care to ensure that any conditions necessary to implement this policy are, relevant to planning, relevant to the development to be permitted, enforceable, precise, and reasonable in all other respects.

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4. When all other options have been exhausted, and where modifications, alternative sites, conditions or obligations are not sufficient to secure biodiversity outcomes, offsite compensation for unavoidable damage must be sought:

a. This should normally take the form of habitat creation, or the provision of long-term management arrangements to enhance existing habitats and deliver a net benefit for biodiversity. It should also be informed by a full ecological assessment before habitat creation or restoration starts.

b. The Green Infrastructure Assessment should be used to identify suitable locations for securing offsite compensation. Where possible, a landscape-scale approach, focusing on promoting wider ecosystem resilience, should help guide locations for compensation. This exercise will determine whether locations for habitat compensation should be placed close to the development site, or whether new habitat or additional management located further away from the site would best support biodiversity and ecosystem resilience at a wider scale.

c. Where compensation for specific species is being sought, the focus should be on maintaining or enhancing the population of the species within its natural range. This approach might also identify locations for providing species-specific compensation further away from the site. Where they exist, Spatial Species Action Plans should be used to help identify suitable locations.

d. Any proposed compensation should take account of the Section 6 Duty (Biodiversity and Resilience of Ecosystems Duty), and the five key ecosystem resilience attributes that it outlines. It should also be accompanied by a long term management plan of agreed and appropriate mitigation and compensation measures.

5. Finally, where the adverse effect on the environment clearly outweighs other material considerations, the development should be refused.

### 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.



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They also play a vital role in tackling the climate emergency 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.

6.4.26 Ancient woodland and semi-natural woodlands and individual ancient, veteran and heritage trees are irreplaceable natural resources, and have significant landscape, biodiversity and cultural value. Such trees and woodlands should be afforded protection from development which would result in their loss or deterioration unless there are significant and clearly defined public benefits; this protection should prevent potentially damaging operations and their unnecessary loss. In the case of a site recorded on the Ancient Woodland Inventory, authorities should consider the advice of NRW. Planning authorities should also have regard to the Ancient Tree Inventory.

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

### Sustainable Drainage Systems (SuDS) and Development

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

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

#### Air Quality and Soundscape

6.7.3 Certain sounds, such as those created by trees, birds or water features, can contribute to a sense of tranquillity whilst others can be reassuring as a consequence of their association with the normality of everyday activities. Problematic forms of sound are generally experienced as noise pollution and can affect amenity and be prejudicial to health or a nuisance. Noise action plans drawn up by public bodies aim to prevent and reduce noise levels where necessary and preserve soundscape quality where it is good. Noise levels used to identify priority areas contained in noise action plans are usually set quite high in order to focus resources on the most polluted areas and noise must meet a number of tests before it qualifies as a statutory nuisance. Lower levels of noise, however, can still be annoying or disruptive and impact on amenity and as such should be protected through the planning process wherever necessary. The planning system must protect amenity and it is not acceptable to rely on statutory nuisance under the Environmental Protection Act 1990 to do so.

6.7.4 The planning system should maximise its contribution to achieving the well-being goals, and in particular a healthier Wales, by aiming to reduce average population exposure to air and noise pollution alongside action to tackle high pollution hotspots. In doing so, it should consider the long-term effects of current and predicted levels of air and noise pollution on individuals, society and the environment and identify and pursue any opportunities to reduce, or at least, minimise population exposure to air and noise pollution, and improve soundscapes, where it is practical and feasible to do so.

6.7.5 In taking forward these broad objectives the key planning policy principle is to consider the effects which proposed developments may have on air or soundscape quality and the effects which existing air or soundscape quality may have on proposed developments. Air Quality and soundscape influence choice of location and distribution of development and it will be important to consider the relationship of proposed development to existing development and its surrounding area and its potential to exacerbate or create poor air quality or inappropriate soundscapes. The agent of change principle says that a business or person responsible for introducing a change is responsible for managing that change. In practice, for example, this means a developer would have to ensure that solutions to address air quality or noise from nearby pre-existing infrastructure, businesses or venues can be found and implemented as part of ensuring development is acceptable.

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6.7.6 In proposing new development, planning authorities and developers must, therefore:

- address any implication arising as a result of its association with, or location within, air quality management areas, noise action planning priority areas or areas where there are sensitive receptors.
- not create areas of poor air quality or inappropriate soundscape; and
- seek to incorporate measures which reduce overall exposure to air and noise pollution and create appropriate soundscapes.

6.7.7 To assist decision making it will be important that the most appropriate level of information is provided and it may be necessary for a technical air quality and noise assessment to be undertaken by a suitably qualified and competent person on behalf of the developer.

### Understanding and Identifying the Sources of Airborne (Air and Noise) Pollution

6.7.11 Air and noise pollution are often, but not exclusively, emitted from the same sources, notably road transport, commercial and industrial activities. Consequently, areas of poor air quality often coincide or overlap with areas subject to high noise levels. Even where they do not, poor air quality at one location and high levels of noise at a neighbouring location may be related to one another, depending on the characteristics of the place in question, including the way in which people use and occupy places and the way in which traffic is managed in the wider area. Where air and noise pollution are generated from the same source they should be considered and addressed together and links should be made with active travel and other strategies for reducing vehicular use so as to reduce or minimise, pollution and to ensure an appropriate soundscape.

6.7.13 When developing strategies, proposing or assessing development proposals it will be essential to understand the implications of the transport demand associated with the proposal and the effect this may have now and in the foreseeable future. When proposing to introduce a development activity into an area the impacts which existing pollution sources (including roads, railways and industrial or commercial operations) have in terms of air and noise pollution should be carefully considered, particularly taking into account any increases in pollution levels which may be reasonably expected in the foreseeable future as a result of increased transport activity.

6.7.14 Proposed development should be designed wherever possible to prevent adverse effects to amenity, health and the environment but as a minimum to limit or constrain any effects that do occur. In circumstances where impacts are unacceptable, for example where adequate mitigation is unlikely to be sufficient to safeguard local amenity in terms of air quality and the acoustic environment it will be appropriate to refuse permission.

### Location of Commercial, Industrial and other Potentially Polluting Development

6.7.15 For the purposes of this section, potentially polluting development includes commercial, industrial, energy and agricultural or transport infrastructure. Such development should be located in areas where there is low potential for public exposure, or where its impact can be minimised. Novel or new development types may potentially cause pollution and should be carefully considered, and where appropriate, decisions should be based on the precautionary principle.

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6.7.16 Relevant considerations in making planning decisions for potentially polluting development are likely to include:

- location, including the reasons for selecting the chosen site itself;
- impact on health and amenity;
- effect of pollution on the natural and built environment and the enjoyment of areas of landscape and historic and cultural value;
- impact on groundwater and surface water quality;
- effect on biodiversity and ecosystem resilience, including where there may be cumulative impacts on air or water quality which may have adverse consequences for biodiversity and ecosystem resilience;
- the risk and impact of potential pollution from the development, insofar as this might lead to the creation of, or worsen the situation in, an air quality management area, a noise action planning priority area or an area where there are sensitive receptors; and
- impact on the road and other transport networks, and in particular on traffic generation, particularly where the proposed development is not transport infrastructure itself.

6.7.17 The location of potentially polluting development adjacent to sensitive receptors will be unacceptable where health and amenity impacts cannot be minimised through appropriate design and mitigation measures. It is the overall expectation that levels of pollution should be reduced as far as possible and for this reason the location of potentially polluting development should be taken into account as part of overall strategies in development plans to ensure it can be appropriately located and maximum environmental benefits can be gained through measures such as green infrastructure.

6.7.18 Early consideration is required to ascertain whether the location and design of proposed development is acceptable where air pollution or noise generating development is likely to affect a protected species, or is proposed in an area likely to affect a statutorily designated site (such as Natura 2000 sites or SSSIs) or a tranquil urban green space (including but not limited to formally designated 'quiet areas') valued for the restorative respite and contact with nature that they offer to residents of busy towns and cities.

### Managing Potential Environmental Risk Arising through Construction Phases

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

### Lighting

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

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### Technical Advice Notes (TANs)

Technical Advice Note 5: Nature Conservation and Planning (2009)

Technical Advice Note 10: Tree Preservation Orders (1990)

Technical Advice Note 11: Noise (1997)

Technical Advice Note 12: Design (2016)

Technical Advice Note 15: Development and Flood Risk (2004)

Technical Advice Note 18: Transport (2007)

Technical Advice Note 23: Economic Development (2014)

Technical Advice Note 24: The Historic Environment (2017)

### 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.

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.

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

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 2 Strategic Green Infrastructure Network - Green infrastructure will be provided through the protection and enhancement of existing green spaces that afford valuable ecosystem services. Development that compromises the integrity of such green spaces, and therefore that of the overall green infrastructure network, will not be permitted. Development will be required to take opportunities to maintain and enhance the extent, quality and connectivity of the County's multi-functional green infrastructure network in accordance with the green infrastructure principles set out in the policy.

ER 5 Landscape Protection - Development will not be permitted that would have a significant adverse effect on the character and quality of the landscape of the County.

Priority will be given to protecting, enhancing and managing the character and quality of the 4 Special Landscape Areas (SLAs) (shown on the Proposals Map).

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Within SLAs development will only be permitted where there is no significant adverse impact, including cumulative impact, on the character and quality of the landscape, a landscape assessment may be required. Permitted development should aim to protect and enhance the features for which the SLA has been designated. In exceptional circumstances, where development that will have a significant impact on the landscape is necessary, a landscaping scheme will be required with appropriate mitigation and enhancement measures.

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

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

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

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

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

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

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

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

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

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

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

EU 2 Renewable and Low Carbon Energy Technology in New Development - development will be required to maximise the contribution of renewable or low carbon energy technology to meet the energy demands of the proposal, particularly for Significant Energy Consuming Developments. Larger schemes, as specified in the policy, will be required to submit a comprehensive Energy Assessment to determine the feasibility of incorporating low carbon or renewable energy installations into the scheme and/or connect to renewable or low carbon energy technology and district heating networks.

EU4 Public Utilities and New Development - development will be permitted where the utility infrastructure is adequate to meet the needs of the development.

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 NAPPA 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.

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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.

### Supplementary Planning Guidance (SPG):

- The Protection of Trees on Development Sites (adopted 2016)
- City and County of Swansea Parking Standards (adopted 2012)
- Biodiversity and Development (adopted 2021)
- Planning Obligations (2010)

The above SPG provide information and guidance to clarify the policy aims of the relevant LDP Policies as set out above. These documents, where relevant, are referenced in the amplification text of these Policies. These SPG have been formally adopted by the Council following public consultation and stakeholder engagement that informed the content of the documents. Some of the SPG documents were adopted by the Council prior to the LDP being formally adopted, and in due course the SPG documents will be subject to an updated public consultation and a re-adoption process. Notwithstanding this, it is considered appropriate to have regard to the content of the SPG given: they are fundamentally aligned to (and referenced as a supporting document within) the relevant LDP Policies and are considered to be consistent with national guidance and the overarching principles of Placemaking set out within PPW and the relevant TANs. Ultimately the SPG documents provide useful guidance to confirm how the Council considers the relevant LDP Policy aims and objectives should be interpreted.

### Consultations:

The application was advertised on site, in the press, and 10 neighbouring properties were consulted by letter. The application has been advertised in accordance with the statutory requirements set out within the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 (as amended).

### Llangyfelach Community Council:

No response received to date.

### Local Highway Authority:

This application site has been granted consent under reference 2021/0163/FUL and more recently for an amended scheme content under reference 2022/2988/S73. The Highway Authority provided a consultation response on those applications, in addition to a formal Pre-Application Consultation (PAC) response. The Highway Authority Consultation response stated:



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Local Highway Authority:

*"The additional information provided by the applicant has been considered in conjunction with comments previously supplied. Initial comments were concerned with the interface between the already consented DCO held by Abergelli Power Ltd and this development, particularly as APL possess CPO powers. Although it is accepted that land ownership matters are not a consideration when determining the acceptability of a scheme in planning terms.*

*The proposals to share the access route (should construction periods overlap) is accepted but will require close coordination to prevent any dangerous situation arising on the public highway. APL are required to produce a CTMP as part of discharging the DCO conditions, and given that no other Highway Agreements would be required to access the site over and above permission from the landowners a condition will be required requiring the applicant to produce a Construction Management Plan to a similar level of detail, containing all elements of interface between contractors, which must be approved in writing by the LPA prior to commencement of any works on site.*

*This shall contain as a minimum:*

- *Routeing of demolition, excavation and construction vehicles.*
- *Access arrangements to the site inclusive, of the management of pedestrians and other road users as to cause minimal disruption to the highway network.*
- *Estimated number of vehicles per day/week inclusive of swept path analysis.*
- *Details of the vehicle holding area.*
- *Details of the vehicle call up procedure*
- *Estimates for the number and type of parking suspensions that will be required.*
- *Details of any diversion, disruption or other abnormal use of the public highway during demolition, excavation and construction works.*
- *Strategy for coordinating the connection / diversion of services on site with any programmed work to utilities upon adjacent land / highway.*
- *Work programme and/or timescale for each phase of the demolition, excavation and construction works.*
- *Where works cannot be contained wholly within the site a plan should be submitted showing the site layout on the highway including extent of hoarding, pedestrian routes, parking bay suspensions and remaining road width for vehicle movements.*
- *Proposed Chapter 8 proposals and durations.*
- *Quality (to scale) engineering drawings overlaid on the adopted highway network.*
- *Copy of Public Liability Insurance.*
- *Key personnel contact details and site organisation.*
- *Pre-commencement highway condition survey and annotated plan.*
- *Construction, specification, plans and details.*
- *Diversion of Statutory Undertaker apparatus inclusive of Street Lighting etc.*
- *Swept Path Analysis.*
- *Pre-commencement highway condition survey and annotated plan.*

*The Developer must contact the Highway Management Group , The City and County of Swansea , Guildhall Offices, c/o The Civic Centre , Swansea SA1 3SN before carrying out any work . Please e-mail [networkmanagement@swansea.gov.uk](mailto:networkmanagement@swansea.gov.uk)  
Subject to the above Highways has no objection to the proposals".*

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An appropriate planning condition, Condition 7 was applied to the grant of consent (2021/0163/FUL) which covered the content set out above. During the consultation period of this application, determination for application reference 2022/2988/S73 was also concluded. This resulted in a recommendation to grant planning consent and the Decision Notice also includes the previous appropriate planning condition (still recorded as Condition 7).

A Transport Statement (TS) 107203 (December 2022) that has been submitted alongside the S73 application. Within that report it was acknowledged that the Condition 7 relates to highways. In support of this application a Transport Statement & Construction Traffic Management Plan (April 2023) was submitted.

The changes that have been introduced have been determined to be: 2022/2988/S73 proposed four synchronous condensers over the two consented during 2021/0163/FUL. Application 2023/0889/FUL now proposes 6 synchronous condenser units over the 2, then more recently 4, which have been consented.

The construction activity for this application has been set out as an estimated 14 month duration, commencing in 2023. The peak construction activity is forecast to occur in month 6 of the programme with 75 HGV movements and 16 LGV movements per day, a total of 91 daily vehicle two way movements. It is stated that this would be an increase of some 17 HGV movements over that which was considered consented (2021/0163/FUL).

The original 2021/0163/FUL consent forecasted 58 HGV vehicle movements (with potential for some additional fuelling and cabling deliveries) and 80 LGV movements per day. A total of 138 daily vehicle two way movements.

The recent consent granted during 2022/2988/S73 was based upon a forecast of an increase in vehicular activity of a total of 92 HGV movements and 12 LGV movements over the full construction period. Whilst it was not precisely applied to any period it was suggested that this would result in an increase of around 2 vehicles per day, over the full construction period, although weighted with more HGVs than LGVs. Therefore, this could result in around 60 HGV movements and 80 LGV movements per day or A total of 140 daily vehicle two way movements.

As set out in the above comparisons, the total number of two way HGV movements has grown from 58, to 60 to 75. However, LGV totals have decreased from the initial forecast of 80, to 12 and then to 16. Resulting in less traffic overall. The proposed net increase of 15 HGVs per day is potentially equivalent to an additional HGV arriving and departing each hour. This, in consideration of the temporary nature of the construction activity does not give rise to additional concerns.

There is an increase in the number of abnormal loads expected from the original of two, to an amended and now consented four loads and it now seems the list presented suggests 10 are needed. The nature of these loads is such that they are carried outside of typical travelling hours and with mutli services consultation, therefore these can be managed and discussed in more detail at the appropriate time.

The Highway Authority has considered this information, and cross referenced this with that provided previously. It is concluded, that subject to the retention of the CTMP Condition 7, there would be no objection raised to the changes in the proposals.

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### **Pollution Control:**

No objection. Recommend a condition to limit noise levels at nearby properties: Abergelli Farm, Lletty'r Morfil Farm and Maes-eglwys.

Informatives recommended in relation to construction noise, burning of materials, dust control and lighting.

### **Landscaping (Trees):**

"No objection. In order to protect trees during construction please could you condition adherence to the supplied tree protection plans".

### **Ecology:**

"The revised application does not cause any material changes to ecology. Therefore, the comments for applications 2021/0163/FUL and 2022/2988/S73 and the associated conditions should be carried forward to this application. It should be noted however that the submitted PEA contains drawings with the previous site layout on. The conclusion of the HRA of no LSE carried out for application 2021/0163/FUL should still be considered relevant".

### **Drainage:**

"Your development proposal has been identified as requiring SuDS Approval Body consent irrespective of any other permissions given".

### **Countryside Access:**

No response received to date.

### **Natural Resources Wales (NRW):**

"We welcome the changes in the Preliminary Impact Assessment Report, Job number: ST19905 dated June 2023, prepared by Statkraft UK Ltd, regarding otters and tree removal and have no further comments".

### **National Grid (Electricity):**

"No objection in relation to this application that is in close proximity to our substation and associated assets.

The applicant is required to agree a cable easement via the Use of NGET land process"

### **National Grid (Gas):**

"Due to ongoing communication with NG Staff on the adjacent site, we are happy to provide a No Objection on the Condition that National Grid continue to be consulted throughout the development process. An earthing report must also be made available for review and agreed to prior to works commencing".

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### **Dwr Cymru Welsh Water (DCWW):**

Further to our response (Ref: PLA0056524) on a previous application for the same development proposals, comprising the construction of a Greener Grid Park, we acknowledge that our recommended conditions were included on the permission granted (Ref: 2021/0163/FUL). As part of this latest consultation (Ref: 2023/0889/FUL), we have had an opportunity to review as part of pre-application discussions with the applicants and acknowledge that the submitted plans indicate that the Greener Grid Park will utilise the existing access and therefore will comprise of no development proposals within the protection zone of the 225mm and 4" trunk watermains crossing the site.

### **Health and Safety Executive (HSE):**

"Do not advise against, consequently, HSE does not advise, on safety grounds, against the granting of planning permission in this case"

### **Cadw:**

No response received to date.

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

The proposal requires archaeological mitigation.

The site has known prehistoric and Post-medieval sites in the vicinity. These include a probable Iron Age enclosure to the northwest, several traditional farmsteads such as Abergelli Farm and Lletty Morfil Farm, as well as Industrial features such as Bryn Whilach Colliery and associated mineral railway. As such there is the possibility of encountering archaeological remains during the course of the proposal.

A condition is recommended requiring the applicant to submit a detailed written scheme of investigation for a programme of archaeological work to protect the archaeological resource.

### **Mid and West Wales Fire and Rescue Services:**

"The following concerns are identified, in relation to the proposed developments, together with suggestions as to how these can be addressed.

Access and facilities for the Fire and Rescue Service should be in accordance with Approved Document B(Wales) 2020

- Section 16 Fire mains and Hydrants
- Section 17 Vehicle Access for Fire appliances

The developer should consider the need to provide adequate water supplies and vehicle access for firefighting purposes on the site and general guidance on this matter is given in the attached Appendix and the following links:"

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## Neighbour comments:

No comments received to date.

## APPRAISAL

### Supporting Documents:

The application has been accompanied by the following supporting documents:

- Planning Design and Access Statement
- Biodiversity Impact Assessment
- Flood Consequences Assessment
- Pre-application Consultation Report
- Preliminary Ecological Appraisal
- Arboricultural Impact Assessment
- Landscape and Visual Appraisal
- Noise Assessment Report
- Scheme of Historic Environment Mitigation: Archaeological Watching Brief
- Transport Statement and Construction Traffic Management Plan

### Main Issues

The main issues to consider in the determination of this application relate to the principle of the proposed development in this location, the impacts upon visual amenity (including the wider landscape), residential amenity, highway safety, the environment having regard to the prevailing provisions of the relevant LDP Policies and National Policy guidance. There are considered to be no additional issues arising from the provisions of the Human Rights Act.

### Principle of Development

The national development plan 'Future Wales: The National Plan 2040' strongly supports the principle of developing renewable and low carbon energy to meet future energy needs as set out within Policy 17 - Renewable and Low Carbon Energy and Associated Infrastructure. The Policy states that decision makers must give significant weight to the need to meet Wales' international commitments and the target to generate 70% of consumed electricity by renewable means by 2030 in order to combat the climate emergency. Future Wales is therefore supportive of such proposals but notes that new strategic grid infrastructure for the transmission and distribution of energy should be designed to minimise visual impact on nearby communities. Future Wales also includes Policy 28 - National Growth Area - Swansea Bay, which highlights that this area will be the main focus for growth and investment.

National planning policy on renewable energy developments is set out in Planning Policy Wales, Edition 11 (PPW). PPW recognises the key role the planning system has in delivering clean growth and the decarbonisation of energy, as well as being crucial in building resilience to the impacts of climate change. The Environment Act sets a legal target of reducing greenhouse gas emissions by at least 80% by 2050. The Act also requires a series of interim targets (for 2020, 2030 and 2040) and associated carbon budgets for key sectors.

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In relation to this current proposal PPW (5.7.2), recognises that the shift towards the electrification of transport and heat will result in increased demands for power. In order to ensure future demand can be met, PPW notes significant investment will be needed in energy generation, transmission and distribution infrastructure. The system will need to integrate renewable generation with storage and other flexibility services, in order to minimise the need for new generation and grid system reinforcement.

PPW notes that planning authorities should support appropriate grid developments, whether or not the development is to be connected are located within their authority (5.7.10)

The increase in renewable energy will result in intermittent supply and PPW considers energy storage development can help balance supply and demand. Importantly PPW notes that proposals for new storage facilities should be supported wherever possible (5.7.12). In this respect, whilst it is noted that the energy storage element of the proposal has been removed, this is as a direct result of discussions with National Grid to ascertain what form of development would best address the grid balancing issues at the substation. As such it is considered the proposal would align with the thrust of PPW which seeks to support developments that would facilitate the shift towards renewable energy, including supporting infrastructure, such as that proposed within this application.

The national planning policies on renewables and essential infrastructure are reflected in the LDP's approach to the provision and consideration of renewable energy and associated developments. Under LDP Policy EU1 proposals for renewable and low carbon energy infrastructure are supported subject to the consideration of the application against the Policy criteria. Criterion i. relates to wind energy proposals and is not relevant to the consideration of this application.

It is important to note that the site is located within a solar Local Search Area (LSA) under criterion ii., which identifies land within the authority area that is potentially the least constrained for solar energy developments. There are a number of solar farms within a 2km radius of the application site and the proposed development would provide infrastructure that would support the shift to renewable energy in the region. Under criterion ii. proposals for non-solar renewable and low carbon energy development within LSAs must demonstrate that they would not prejudice the purpose of the LSA. In relation to this requirement the site would occupy over 7ha of land with some 4.8ha being located within the LSA. The total LSA area is approximately 522ha, as such the application site would occupy less than 1 percent of the overall LSA area. In light of the fact that the development is related to the renewable energy infrastructure, and having regard to the relatively small area that would be taken up by the development, it is considered that the development would not prejudice the development of further renewables in this area.

Criterion iii. a. & b. essentially relate to the consideration of visual amenity and general amenity impacts and will be considered further within the Landscape and Visual Impact and Residential Amenity sections within this report. In relation to iii. c., as the development would not exceed a height of 11m (the transformers are 10.9m in height), it is not considered the proposed development would adversely affect radar, aircraft operations or telecommunications. In relation to iii. d., which relates to the loss of carbon sinks, the application site does not lie within a peat area identified on the British Geological Survey Geoindex Map.

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The underlying soils are recorded as Glacial Till. Peat within the wider surrounding area is generally localised and would not be impacted by the development. Therefore, it is not considered the development would have an adverse effect on carbon sinks.

Criterion iv of Policy EU1 requires mitigation measures to be put in place and criterion v. requires compensatory benefits, where necessary. These matters will be considered further within the relevant sections of this report.

The development is designed to support the flexible operation of the National Grid and the decarbonisation of electricity supply, however, it will not generate any additional electricity nor have any on-site emissions of CO<sub>2</sub>, other than in emergency situations. The proposal is essentially for a facility designed to balance electricity demand and supply in order to prevent shortages and blackouts as a result of the intermittent nature of renewable energy sources, which, in the case of solar and wind energy, are dictated by weather conditions.

The site is located within the open countryside where there is a presumption against development except where it is for, inter alia, necessary infrastructure provision and enhancement of infrastructure networks (Policy CV 2, criterion vii.).

In relation to whether the development is necessary, PPW clearly highlights the need for power storage facilities and grid infrastructure and there is a presumption in favour of supporting such developments within PPW. The main question, therefore, in terms of the principle of the development, is whether the proposed development needs to be located in the countryside rather than within a nearby urban area.

The applicant has set out within their Planning Design and Access Statement the site selection process. At a higher level, National Grid has published information which indicates South Wales is an area with an unstable grid that would benefit from the stability service the proposed development would provide. This resulted in a site search within this area for a substation that could support the technology and the Swansea North substation has been identified as a location that would accommodate the proposed development. The close proximity of the proposed development in relation to the substation would reduce infrastructure connections and associated costs and disruption. The location has also been chosen having regard to separation distances from housing and to avoid any significant environmental constraints.

The requirement for the development to be located within close proximity to the substation is acknowledged and the developer has set out within their planning submission a persuasive argument which indicates that it is necessary for the development to be located in this area. The site comprises land that is indicated to be Grade 5 (very poor quality) within the Agricultural Land Classification system (ALC), while the proposed access track is predicted to be Grade 3b (moderate quality). PPW states that agricultural land of grades 1, 2 and 3a is the best and most versatile agricultural land and should be conserved as a finite resource for the future. Therefore, it is considered the development would not conflict with PPW in this respect.

In summary, the proposal would assist in addressing an identified need for grid balancing infrastructure within the region. The provision of facilities to support the shift to greater renewable energy production is recognised and supported within national planning policy. The development is considered to provide necessary infrastructure and the applicant has undertaken a considered site selection process. In principle therefore, it is considered that the development would not conflict with national planning policies nor would it conflict with the Policies within the LDP.

### **Landscape and Visual Impacts**

The main portion of the application site where the storage facility would be located is currently an agricultural field located to the east of the National Grid substation and gas compressor station, and to the west of the access track associated with Abergelli Farm. The consented APP would be located some 80m to the north east of the proposed development. The access to the development would utilise the existing access to the National Grid substation before diverting south of the substation to follow and share the alignment of the proposed access track for the APP.

The site is generally open with a mix of boundary treatments including agricultural fencing, ditches, embankments and scattered trees. The wider landscape is predominantly low lying countryside with notable man made features including overhead power lines. Further afield the topography rises to the south towards the urban areas of Morriston and Llangyfelach. There is a public right of way (PROW) (LC117) that passes to the west of the site that would be crossed by the proposed access track. Further to the west another public right of way (LC34) crosses the site along the existing access track leading to the substation and gas compressor station.

The main operation elements of the development would be located within a compound measuring some 125m x 109m enclosed by a 3.4m high weldmesh and electric fence with the HV Yard enclosed by a palisade and electric fence as per the S73 application. The site has a gentle slope as such relatively minor cutting and embankment works would be required around the compound in order to create a level development platform. The extent of the cutting and filling is indicated within the submission drawings and a condition is recommended to ensure the development would be implemented in accordance with the approved levels.

The proposed development will clearly have a utilitarian appearance derived from the sheer scale of the main buildings, together with the metal finishes of the structures and the industrial appearance of the transformer units. However, the immediate context of the site includes the National Grid substation and gas compressor station with its associated overhead power lines and the consented APP to the north east.

As part of the proposals landscaping would be provided around both the compound and along part of the access track. The landscaping would, in time, provide effective screening to the development through the provision of native woodland and hedge planting. Clearly the provision of this planting will take some time to provide effective mitigation and the applicant has provided digital images to demonstrate how the landscaping could evolve over the next 15 years to provide an effective screen to the development from wider viewpoints. Further details on the landscaping proposals are discussed within the 'Ecology, Green Infrastructure and Landscape Mitigation' section below.

In view of the scale of the development and its location within the countryside, the application has been accompanied by a Landscape and Visual Appraisal (LVA) which considers the impact of the development both alone and in combination with other developments including the APP.

The site is located within LANDMAP National Landscape Character Areas (NLCA) 37 (South Wales Valleys) and 38 (Swansea Bay). At a regional level the site falls within the 'Rhyd y Pandy' Visual and Sensory Aspect Area. The LVA considers there are some negative aspects of NCLA 37 and 38 which detract from the existing landscape quality within the vicinity of the site.



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These broadly include poor hedgerows, erosion of rural character through new infrastructure, visual detractors such as overhead power lines and predominantly pasture land with poor enclosures.

The LVA considers the site to be of medium landscape sensitivity due to the absence of formal landscape designations, degraded boundary features and landscape detractors such as the noise from the M4 and the man-made features in the local environment. The nearest landscape designation is the 'Mawr Uplands' Special Landscape Area (SLA) located some 1.7km to the east of the site. The LVA considers there may be some visibility from the SLA to the edge of the development, however, views would be limited by intervening vegetation. There are listed buildings and two scheduled ancient monuments within the 2km study area of the site, however, these sites are on the outer edge of the study area with limited or no intervisibility with the site.

A Zone of Theoretical Visibility (ZTV) exercise has been undertaken by the applicant which highlights the development may be visible from much of the surrounding area within a 500m radius and further away to the south and east. The ZTV exercise does not take into account a number of existing vertical features. To gain a more accurate impression of the visual impact the LVA assesses eleven representative viewpoints around the proposed site including views from Rhyd y Pandy Road and public footpaths LC117 and LC35B. The viewpoints were chosen to represent the extents of visibility likely to affect sensitive receptors from publically accessible areas. The viewpoints have been assessed through photographs taken from the viewpoints and digital images to represent the visual appearance of the development from several viewpoints.

Viewpoints 1 and 2 are taken from Rhyd y Pandy Road approximately 850m to the south east and 1km to east of the site respectively. The development would be highly screened from these viewpoint, mainly by the high hedgerow that borders the western side of the road and by a belt of trees to the east of the Abergelli Farm access track to the east of the application site. From this area the manmade infrastructure of the substation is visible, the consented APP would also be visible, when constructed, and notably includes an exhaust stack of between 35-45m. The dominant visual detractor from these views are considered to be the pylons and overhead cables.

Viewpoint 3 is taken some 920m to the north of the proposed compound from footpath LC35B. Due to the drop in levels from this viewpoint towards the site, the development would not be highly visible from this location and would be seen in the context of natural screening provided by trees and the solar farms in surrounding fields.

Viewpoints 4 and 5 are taken from 330-350m to the north of the site near the Abergelli Farm buildings. The viewpoints reveal that the taller elements within the compound including the EMS buildings and the cable infrastructure within the HV yard would partially be visible through existing trees and hedgerows. It is unlikely the development would be prominent from these views and would be seen within the context of the pylons, cables and neighbouring gas compressor station and its associated buildings.

Viewpoint 6 is taken from footpath LC117 to the north west of the proposed compound, however, there is a strong tree screen in place to the north west of the site that would screen views of the development from this viewpoint.

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Viewpoints 7 and 8 are taken to the south west of the site in the vicinity of footpath LC117. These views are close up views of the site. From Viewpoint 7 the access track would be visible in the foreground but would be seen against the backdrop of mature trees along the northern field boundary which would partially screen the main infrastructure and compound from this Viewpoint. Viewpoint 8 would provide uninterrupted and close up views of the main compound. In time the proposed landscaping around the site would provide an element of screening from this viewpoint, but this would take a number of years to mature before providing an effective screen to soften the development.

Viewpoint 9 is some 150m to the northwest of the main compound. Views towards the site from this location would be filtered, to some extent, by semi-mature trees along field boundaries and particularly the established trees along the northern and western boundaries of the main compound. The development would be visible from this viewpoint and would likely be the dominant man made feature in the immediate context with the gas compressor site being well screened by established woodland along its eastern and northern boundaries.

Viewpoint 10 is taken approximately 180m to the south of the proposed access road and some 90m to the north of Maes eglwys. This view highlights the effectiveness of the existing vegetation in screening parts of the gas compressor station from this viewpoint. However, the lack of enclosure to the field boundaries and absence of any existing mature vegetation in the foreground would mean the proposed development would be highly visible, but would be set against the large pylon in the foreground. In time, the proposed mitigation planting would serve to reduce the cumulative visual impacts of the substation and the APP in this area. The access road would be visible in the foreground, but this already forms part of the consented APP and would be screened by a new hedgeline.

Viewpoint 11 is taken from the Brynwhilach solar farm to the south west of the site. The viewpoint is characterised by several large pylons and associated cables which are silhouetted in the background. The buildings and infrastructure of the substation and gas compressor are also visible above the semi-mature tree canopies. Solar arrays are present in the foreground. The main compound would be some 900m from this viewpoint and at this distance it is unlikely the proposed development would be discernible from the existing National Grid infrastructure to the west of the site. The proposed landscaping would, in time, provide greater screening to the development from this viewpoint.

In terms of visual impacts upon residential properties, those most affected would be properties along the western edge of Pantlasau, properties at Abergelli Farm, Cefn Betingau and Maes Eglwys, due to their proximity and potential for views of the development. These properties would also be affected during construction, but this would be for a temporary period of approximately 18 months.

The nearest residential properties at Maes Eglwys would be located over 300m to the south of the main compound. The other nearest properties at Abergelli Farm would be over 400m away. As such there would be no immediate or obvious significant change to the outlook from these properties. The development would be visible from these receptors and at these distances would likely be viewed as an extension to the existing substation. However, the proposed mitigation planting, together with the existing woodland and hedgerows would serve to mitigate any significant visual impacts upon these residential receptors.

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In relation to the cumulative impacts, the combination of proposed development, together with the consented Abergelli Power development and the infrastructure associated with the existing substation, would increase the man-made influence on this landscape. The LVA considers this would be largely limited to the localised area and the existing vegetation coverage in the area in the form of hedges and woodland would serve to mitigate any significant cumulative impacts. The visual impact would be further mitigated by the proposed landscaping scheme for the site, which would see the introduction of native hedges and woodland around the development site, as was the case with the previous application.

Taking into consideration the information presented within the LVA, and specifically having regard to the context of the site described above, which includes significant existing infrastructure as well as natural screening vegetation, while accepting that the site is currently open countryside and farmland, it is considered that the overall visual impact of the development would not be so significant as to recommend refusal of the application. The visual impact would be very similar to the previous planning permissions on the site and, it is considered, would not result in any significant additional visual impacts upon the landscape over and above those impacts previously considered acceptable under the extant planning permissions. The site is not located within a protected landscape area and is within a LSA for renewable solar development, as such this is not a highly sensitive landscape area and, amongst other things, the site selection process undertaken by the applicant has taken this into account. In accordance with Policy EU1, mitigation is proposed that, in time, would serve to ameliorate the visual impact of the development within the local landscape.

Overall, therefore, the landscape and visual impact of the proposal, including the cumulative impacts with other developments, are considered to be acceptable.

### **Ecology, Green Infrastructure and Landscape Mitigation**

In view of the scale of the development and its sensitive location in proximity to the Afon Llan, the original application 2021 application was accompanied by several ecological reports in order to fully assess the potential ecological impact of the development. NRW and the Council's Planning Ecologist were consulted on the original application and, subject to conditions in relation to ecological mitigation measures and enhancements, it was considered that the development would not result in any significant ecological impacts that could not be mitigated.

The site is located adjacent to the Llety Morfil SINC and a stream within the site along its western boundary connects to the Afon Llan which eventually drains to into the Carmarthen Bay and Estuaries Special Area of Conservation (SAC), Burry Inlet Special Protection Area (SPA) and Ramsar site. In view of the hydrological link there is a requirement to assess any potential impacts under the Conservation of Habitats and Species Regulations 2017. Regulation 63 of the Regulations requires the Local Authority, as the competent authority, to undertake a test of the likely significant effects of the proposal on the designated sites. The assessment was undertaken for the original application and concluded that the proposed development would be a sufficient distance from the site to ensure there would be no significant effect. The conclusions of the test of likely significant effects are still considered to be valid, as confirmed by the Council's planning ecologist, as such it is not considered necessary for a further test to be undertaken.

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The site does include an area where the new access track and cable connection are proposed, that is categorised as ancient woodland on NRW's Ancient Woodland Inventory. When the original application was considered it was accepted that the ancient woodland had previously been completely removed. The arboricultural report accompanying the original application confirmed that the tree groups that required partial removal to facilitate the access comprised of low value young to semi-mature natural vegetation. At the time the Council's Tree officer confirmed the trees to be removed were of low quality and offered no objection to their removal, subject to mitigation planting being provided.

In relation to the current proposals, a new Arboricultural Impact Assessment has been undertaken which confirms that the development would be undertaken without resulting in the removal of any trees or hedgerows at the site. Both NRW and the Council's Tree Officer have reviewed the application and have offered no objection.

The current application has been supported by a Preliminary Ecological Appraisal (PEA) together with a Biodiversity Impact Assessment. This information has been reviewed by both NRW and the Council's Planning Ecologist.

There are several SINC's located within 1km of the site with the closest being the Llety Morfil SINC adjacent to the site. The PEA report acknowledges the development has the potential to result in adverse impacts on nearby SINC's from construction activities such as noise and dust. In addition, given the large number of waterbodies leading off site, the PEA recommends that appropriate water pollution prevention measures should be implemented. These matters can be addressed through good construction management practices and it is recommended, in accordance with the advice of the planning ecologist, that a condition is imposed requiring the provision of a Construction Environmental Management Plan (CEMP).

In relation to protected species at the site, the PEA reports no evidence of badgers within the site, albeit there are records of badger within 2km of the site. Measures to mitigate potential impacts of badgers using the site would be addressed within the CEMP. Moreover an informative note would be included to address any residual risks relating to the potential presence of badger at the site.

As indicated above no trees are proposed to be removed to facilitate the development. The PEA acknowledges bats may potentially forage/commute along the line of trees, woodland, and scrub habitats within the application site. The proposed development has the potential to impact on foraging and commuting bats through artificial lighting. In order to address potential impacts upon species using tree corridors and the watercourse to the west, it is recommended that a condition is imposed in relation to the provision of a sensitive lighting strategy for the site.

The PEA notes that potential bird breeding and foraging habitat may be lost or disturbed by the proposed development. Any vegetation clearance would need to be undertaken outside of the birds nesting season or under the supervision of an ecologist. Again, such requirements would be included within the CEMP and within informative notes.

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There are no records of Great Crested Newts (GCNs) within 500m of the site. The site offers limited habitat for GCN as such the PEA considers GCN would not be a constraint to the proposed development and the PEA considers it unlikely that amphibians are utilising the habitats on site. Neither NRW nor the Council's planning ecologist have raised any concerns with this conclusion.

A population of common lizards was previously found at the site, as such reptiles have the potential to be negatively affected by the development in the absence of mitigation. As with the original application, a Reptile Method Statement has been submitted which includes mitigation measures. The Council's planning ecologist has previously reviewed these measures and considers they are appropriate to address the potential impacts on the local lizard population and include measures to be undertaken to avoid killing and injuring reptiles during construction together with habitat enhancement measures. The mitigation and enhancement measures can be secured by a condition and an informative note.

The PEA notes there are nearby watercourses that could support commuting otters. However, an otter survey has not been carried out as no evidence of otter activity was found during the habitat surveys of the ditches and adjacent habitats. The direct loss of streams/ditches within the site has the potential to harm otter if present at the time of works. The PEA recommends a 7m buffer along the stream/ditches and this is indicated on the proposed plans.

The PEA notes the woodlands and scrub on the boundaries have limited potential to support hazel dormouse, as such there is potential for the development to cause harm to this species if present. A No-Licensed Method Statement has previously been agreed under the original permission and it is recommended this Method Statement is again secured by a planning condition. NRW have raised no objection to this approach.

Potential impacts upon hedgehogs would be addressed through the CEMP and through informative notes.

When commenting on the previous applications, the Council's planning ecologist has raised several queries in relation to the provision of further information regarding mitigation and enhancement measures. These matters would be agreed through planning conditions in relation to lighting, a Landscape Ecological Management Plan, CEMP, landscaping details and mitigation measures as per the previous applications. The planning ecologist has also previously requested that updated ecological surveys should be submitted if work has not commenced within 12 months. This is not considered to be reasonable as planning decisions must be made on the basis of the information provided at the point of decision.

In terms of the provision of new green infrastructure at the site, the proposals would see significant new areas of native woodland and shrub planting around the periphery of the compound area. New native tree planting is proposed along the western edge of the compound in order to strengthen the existing green corridor in this location and a new hedge is proposed on the southern side of the compound. Existing retained grazing grassland at the site would also be managed to increase species richness and tussocky grassland for Marsh Fritillary butterfly.

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The applicant has submitted a Biodiversity Impact Assessment using Natural England's Biodiversity Metric. Whilst in Wales there is no Policy requirement to demonstrate a 10% biodiversity net gain, there is a requirement for new developments to achieve a net benefit for biodiversity. The assessment concludes the landscaping proposals would deliver a +9.30% and +23.54% total net increase in habitat and hedgerow units respectively at the site. Other proposed enhancements set out within the PEA would include bat and bird boxes, a hedgehog house, additional hibernaculum for common reptiles and amphibians, insect hotels and wood piles.

In order to secure satisfactory landscaping and ecological enhancements, as with the previous application, it is recommended that a condition is imposed requiring the submission of a Landscape and Ecological Management Plan (LEMP) to be produced in order to ensure there is a comprehensive and long term management plan in place to mitigate the landscape and ecological impacts of the proposed development.

Therefore, subject to the imposition of conditions in relation to ecology and landscaping, the proposed development is considered to be acceptable in terms of its impacts upon ecology and green infrastructure.

### **Residential Amenity**

It remains the case that the development would be sited a significant distance from existing residential properties such that the development would not result in any material overbearing, overshadowing or overlooking impacts upon nearby residential properties.

In terms of noise impacts the application has been accompanied by a Noise Assessment Report which identifies that the primary sources of sound from the development would come from the energy management modules, associated cooling plant and transformers. Through pre-application discussions with the Council's Pollution Control division, a noise assessment has been carried out based on the background levels and noise limits agreed under the original 2021 application. Given the potential for the APP to change the background noise characteristics in the area, it was agreed that a set of numerical noise limits would be applied, applicable to the closest noise-sensitive receptors. As such, these limits would remain fixed regardless of any subsequent increase in the background noise, therefore offering a stronger level of protection against excessive environmental noise.

Modelling has been undertaken to predict sound propagation emanating from the proposed development. on the basis of all plant being operational simultaneously, and running at full power. The noise assessment notes this is a "worst-case" scenario and considers actual noise levels are likely to be lower in practice for much of the time.

The information within the noise assessment demonstrates that the predicted noise levels of the development would be compliant with the noise levels agreed with the Council's Pollution Control division for both the day time and night time periods. Therefore, provided the development operates within the limits specified within the noise assessment it is considered the proposed development would not result in any significant noise impact upon any nearby residential properties. It is therefore recommended, as per the previous applications on the site, that a condition is imposed requiring that the rating level of noise from the development shall not exceed the specified levels at the nearest residential receptors.

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**Access and Highway Safety**

The proposed development would include an access along the same alignment as the corridor for the access road to the APP. Comments from the LHA during the original application expressed concerns regarding the interface between the already consented DCO held by Abergelli Power Ltd and the proposed development. Following the submission further information at the time, the LHA raised no objections to the proposed development subject to the submission of a detailed Construction Traffic Management Plan, which was secured via a condition.

This current application has been accompanied by a Transport Statement and Construction Traffic Management Plan which set out the traffic impacts resulting from the proposed development. The peak of construction activity is projected to occur in month 6 of the development construction programme with 75 HGV movements and 16 LGV movements per day at the peak of construction. The Transport Statement notes this would be an increase of some 17 HGV movements over and above the original 2021 scheme.

The LHA consider the recently approved S73 scheme would result in around 60 HGV movements and 80 LGV movements per day or a total of 140 daily vehicle two way movements.

The LHA note the total number of two way HGV movements has grown from 58, to 60 to 75. However, LGV totals have decreased from the initial forecast of 80, to 80 and then to 16. Resulting in less traffic overall. The proposed net increase of 15 HGVs per day is potentially equivalent to an additional HGV arriving and departing each hour.

In light of the temporary nature of the construction activity, the LHA consider this does not give rise to additional concerns over and above the traffic impacts of the previously consented proposals.

The Transport Statement indicates there is an increase in the number of abnormal loads expected from the original of two, to an amended and now consented four loads and the Transport Statement indicates that ten loads are now needed. The LHA consider the nature of these loads is such that they are carried outside of typical travelling hours and with mutli services consultation, therefore the LHA considers these can be managed and discussed in more detail at the appropriate time.

The LHA has reviewed the submission and has raised no objection to the proposed development. The proposed changes to the construction traffic are considered to be relatively minor within the context of the overall levels of construction traffic associated with the development. On this basis, having regard to the comments of the LHA, it is considered that subject to a condition for a comprehensive construction traffic management plan, the proposed development would not result in any significant highway safety impacts.

The existing access road to the National Grid substation is crossed by public right of way LC34. There are no changes proposed to this access road under the current proposals. The proposed access track for this development and the APP would cross public footpath LC117.

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The Transport Statement indicates access to this public right of way would be maintained throughout the construction and operational phases of the development with appropriate signage and any other pedestrian management measures considered necessary to maintain safe access during the construction and operation phase. It is considered necessary for further information in relation to how the public right of way would be managed would be required, however, it is considered that the provision of this information can be secured via a condition. It is noteworthy that within the DCO for the APP that there is a similar requirement in relation to the public right of way.

### **Drainage and Flooding**

The application has been accompanied by a Flooding Consequences Assessment, which confirms the findings of the report within the original application that the risk of flooding from fluvial, surface water, ground water and sewer sources is very low or low. Reference to TAN 15 Development and Flood Risk Development Advice Map shows that all the proposed new infrastructure at the Site is located in Flood Zone A, which is categorised as being the lowest flood risk and comprises land assessed as having a less than 1:1,000 (0.1 %) annual probability of river or sea flooding in any year.

NRW's Flood Map for Planning is the most up to date source of flood information available for planning purposes, however, the Chief Planning officer's letter of 15th December 2021 in respect of TAN 15 clarifies that the Flood Map for Planning holds no formal weight as it is not yet national policy, but may be regarded as a material consideration in decision making as it is the best available information.

Reference to the Flood Maps for Planning indicates that the site is within Zone 1 for fluvial flooding which means that there is less than a 1 in 1000 chance the site would flood in a given year. In relation to surface water flooding a small section of land at a low risk of surface water flooding extends partially into the site. This is within flood Zone 2 which means there is less than a 1 in 100 but greater than 1 in 1000 chance of flooding in a given year. The FCA notes that this area does not pose a risk of flooding to the wider site. A small part of the new site access would also potentially be affected by surface water flooding from a local watercourse within Zone 2 and Zone 3 (greater than 1 in 100 chance of flooding in a given year), however, given that the site would not be manned, it is considered the consequences of part of the site access flooding would not be significant and would be acceptable in flood risk terms recognising also that the access route would be as consented for the previous scheme and as consented for the APP.

As the proposed development will change the surface water drainage regime at the site the Council's drainage officer has advised that the proposals will require separate SuDS Approval Body (SAB) consent.

As with the original and S73 application, no foul water connection is proposed to the mains system, and this is considered to be acceptable on the basis that a mains connection is not available and it would not be reasonable to provide a connection given that the site would not be manned. A condition will be re-imposed requiring details of the proposed cess pit.



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### Land Contamination

In view of the potential hydrological connection to designated conservation sites it is considered, following a precautionary approach and in line with previous consents at the site, that a condition should be imposed in relation to the unsuspected contamination at the site.

### Impact upon Heritage Assets

The nearest listed buildings are the grade II listed Cefnforest Fawr farmhouse (1.8km to the south west) and the grade II\* listed Church of St David and St Cyfleach (1.8km to the south). The nearest SAM is Earthwork 1080m NNW of Fforest Newydd located approximately 1.4km to the west of the site.

In view of the prevailing topography, the existing screening and separation distances to the above heritage assets, it is not considered the development would result in any material adverse impacts upon these assets. As with the original application Cadw have not provided a consultation response on this application. It should be noted that in their Pre-application Consultation response to the developer, Cadw offered no comments on the proposals.

The Council's archaeological advisors GGAT have noted the proposed development is located in an area of archaeological potential, with both known prehistoric and post-medieval sites in the vicinity. These include a probable Iron Age enclosure to the northwest, several traditional farmsteads such as Abergelli Farm and Lletty Morfil Farm, as well as Industrial features such as Bryn Whilach Colliery and associated mineral railway. GGAT have therefore recommended a condition for a written scheme of investigation for a programme of archaeological works. This would likely take the form of a watching brief during groundworks. While the applicant has submitted a watching brief document, GGAT have indicated that further information is necessary to address the requirement for a watching brief. Subject a condition, therefore, it is considered that the proposed development would accord with LDP Policies HC1 and HC2.

### Interaction with Abergelli Power Project

APP was granted a DCO on 19th September 2019 and the order came into force on 10th October 2019. There is a requirement for the development to commence within 5 years.

The DCO includes powers of compulsory acquisition for Abergelli Power Limited (APL) to enable APL (where it does not have an agreement in place with the relevant land owner) to occupy the land set out within the order for construction and maintenance purposes, and to acquire the necessary rights to maintain and use the relevant part of APP. The Order also grants APL the power to survey and investigate any land which may be affected by the authorised development.

The key interaction between the two projects would be the shared use of the proposed access to the south of the existing sub-station and gas compressor station.

At the time the original application for the Greener Grid Park was considered, initial discussions had been held with APP and it was clear that the applicant was open to a collaborative approach that sought to deliver the proposed development without compromising Abergelli Power Limited's (APL) ability to deliver the APP.

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It would be the responsibility of the applicant to engage in dialogue with APL to work towards mutual agreements in relation to the construction of the proposed access and the potential for joint working arrangements. However, these are not planning matters.

Since the original application was determined, there have been no planning submissions to the LPA to discharge the requirements of the DCO.

In light of the above, it is not considered the approval of this application would compromise the delivery of the APP.

### **Other Matters**

The application site is within the consultation distance of several gas pipelines, accordingly the HSE have been consulted and have not advised against the granting of planning permission on safety grounds. Similarly, National Grid have offered no objection to the proposals in relation to their assets in proximity to, and within, the site.

The site is crossed by low voltage overhead powerlines which are indicated to be grounded as part of the development. Consent would be required separately from National Grid for these works.

The Fire Service have raised concerns regarding the provision of facilities to combat potential fires at the site. This is considered to be a building regulations issue rather than a planning matter. Should the development be approved, any proposed changes to the development as a result of compliance with building regulations may require amendments to the approved development. The developer has been advised of the comments.

The proposal is located within the open countryside and is justified on the basis that the development would provide necessary infrastructure to assist in the transition to renewable and low carbon forms of energy production. In time such facilities may not be necessary and it is important that when the facility is no longer required that the infrastructure is decommissioned to a satisfactory standard in the interests of the environment and the general amenity of the area. Should planning permission be granted a condition would be imposed to achieve this, in accordance with Policy EU1.

### **Conclusion**

The proposed development would support the shift towards a greater reliance on renewable energy. The need for such developments is recognised by Welsh Government and is supported within national planning policy. While the site is located within the open countryside, the development is considered to provide necessary infrastructure and the applicant has demonstrated through a site selection search that the development could not be reasonably located within a nearby settlement. The development will result in local landscape impacts both alone and in combination with other existing or consented developments. The applicant has provided mitigation proposals that will ameliorate the visual impacts of the development and have the potential to enhance the biodiversity of the area. Subject to conditions, it is not considered that the proposed development would result in any significant impacts upon any nearby residential properties.

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Moreover, it is considered the potential adverse highway safety impacts arising from construction traffic, both alone and in combination with the APP, can be appropriately managed by a condition. Overall it is considered that the proposed development would be acceptable and would not result in any significant impacts upon the environment over and above the two previously consented (and currently extant) Greener Grid Park proposals in this location.

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

### 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:

SD-01 REV 01 (Comms Hse)  
SD-02 REV 01 (Offices)  
SD-03 REV 01 (Energy Management Building)  
SD-04 REV 01 (Genset)  
SD-05 REV 01 (Cooler)  
SD-06 REV 01 (Stores)  
SD-07 REV 01 (Aux Transformers)  
SD-08 REV 01 (Palisade Fence and Security Gate)  
SD-10 REV 01 (CCTV Post)  
SP-01 REV 06 (Site Location Plan), received 18th April 2023

SD-09 REV 02 (HV Yard with GCB & Transformer)  
SD-11 REV 02 (Circuit Breaker Enclosures), received 24th April 2023

Figure 14 Rev E (Palisade Fence)  
SD12 -12 REV 01 (Weldmesh Fencing) , received 16th June 2023

EL-02 REV 03 (Proposed Site Elevations)  
PL-03 REV 07 (Proposed Site Layout Plan)  
PL-02 REV 10 (Proposed Site Layout Plan), received 20<sup>th</sup> June 2023

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

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3 No development including site clearance, shall commence until a site wide Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the local planning authority. The CEMP shall include:

- Construction methods: details of materials, how waste generated will be managed;
- General Site Management: details of the construction programme including timetable, details of site clearance; details of site construction drainage, containments areas, appropriately sized buffer zones between storage areas (of spoil, oils, fuels, concrete mixing and washing areas) and any watercourse or surface drain.
- Identify any surrounding watercourses, including intermittent drainage from highways, that could run across the site. Clarify what measures, if any, could be implemented to ensure that water could be prevented from running across the site, so that it could carry on its journey without becoming contaminated from the construction activities.
- Propose measures to ensure how any water that could not be prevented from running across the site, would be protected from becoming contaminated with sediment
- Propose how to manage water arising from the site, such as rainfall, in such a way that it does not become contaminated with sediment.
- Propose measures which ensure how any water contaminated with sediment will be prevented from leaving the site before it is clean.
- Propose how any drains that have been laid are going to be protected from sediment laden water entering them.
- Biodiversity Management: details of tree and hedgerow protection; species and habitats protection, avoidance and mitigation measures.
- Soil Management: details of topsoil strip, storage and amelioration for re-use.
- CEMP Masterplan: details of the extent and phasing of development; location of landscape and environmental resources; design proposals and objectives for integration and mitigation measures.
- Control of Nuisances: details of restrictions to be applied during construction including timing, duration and frequency of works; details of dust control measures.
- Resource Management: details of fuel and chemical storage and containment; details of waste generation and its management; details of water consumption, wastewater and energy use.
- Traffic Management: plant on site, wheel wash facilities.
- Pollution Prevention: demonstrate how relevant Guidelines for Pollution Prevention and best practice will be implemented, including details of emergency spill procedures and incident response plan.
- Details of the persons and bodies responsible for activities associated with the CEMP and emergency contact details.

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

Reason: To ensure the site is developed in a sensitive manner that respects the surrounding environment with regards to pollution, contamination, water resources and ecology.

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- 4 Prior to the commencement of development a written scheme for the management and mitigation of artificial light emissions for both the construction phase and operational phase shall be submitted to and approved in writing by the local planning authority. The approved scheme for the management and mitigation of artificial light emissions shall be implemented at all times in accordance with the approved details for the respective construction and operational phases.

Reason: To ensure dark corridors and habitats are retained across the site to protect bats, badgers, and other nocturnal species and to protect nearby habitats.

- 5 Prior to the commencement of development a Landscape and Ecological Management Plan (LEMP) shall be submitted to and approved in writing by the local planning authority. The LEMP shall cover a minimum ten year period and shall include:

- 1) Measures for the establishment, enhancement and management of all habitats (existing and proposed) within the site, including planting schedules and details of ongoing management.
- 2) A programme and timetable for the implementation of the works and for subsequent management activities as well as a monitoring schedule for habitats and species, post completion. All measures and works shall be completed in accordance with the approved details and programme.
- 3) Full details of ecological enhancements including, but not limited to, bat and bird boxes, hedgehog friendly fencing and timings for their implementation.

The LEMP shall thereafter be implemented in strict accordance with the approved details and timetables.

Reason: In the interests of providing, managing and maintaining the landscape and ecological features of the site in an appropriate manner and providing ecological enhancements.

- 6 Notwithstanding the details indicated on the approved drawings, a full landscaping scheme for the development shall be submitted to and approved in writing by the local planning authority prior to the commencement of development. The approved scheme shall be implemented within the first planting season following the completion of the development or the first beneficial use of the development commencing, whichever is the sooner. The landscaping shall thereafter be managed and maintained in accordance with the approved Landscape and Ecological Management Plan under condition 5.

Reason: To ensure the satisfactory long term landscaping, screening and biodiversity benefits for the development.

- 7 Prior to the commencement of any development hereby approved, a construction traffic management plan shall be submitted to and approved in writing by the local planning authority. The construction traffic management plan shall include:

- Routeing of excavation and construction vehicles.
- Access arrangements to the site inclusive, of the management of pedestrians and other road users as to cause minimal disruption to the highway network.
- Estimated number and type of vehicles per day/week inclusive of swept path analysis.
- Details of the vehicle holding area.

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- Details of the vehicle call up procedure
- Estimates for the number and type of parking suspensions that will be required.
- Details of any diversion, disruption or other abnormal use of the public highway during excavation and construction works.
- Strategy for coordinating the connection / diversion of services on site with any programmed work to utilities upon adjacent land / highway.
- Work programme and/or timescale for each phase of the excavation and construction works.
- Where works cannot be contained wholly within the site a plan should be submitted showing the site layout on the highway including extent of hoarding, pedestrian routes, parking bay suspensions and remaining road width for vehicle movements.
- Traffic Signs Manual Chapter 8 traffic safety measures and signage proposals including durations.
- Scaled engineering drawings overlaid on the adopted highway network.
- Copy of Public Liability Insurance.
- Key personnel contact details and site organisation.
- Pre-commencement highway condition survey and annotated plan.
- Construction, specification, plans and details.
- Diversion of Statutory Undertaker apparatus inclusive of Street Lighting etc.
- Swept Path Analysis and any mitigation measures required.
- Pre-commencement highway condition survey and annotated plan.
- Proposals for management of any affected public rights of way during construction of the authorised development.

The construction traffic management plan shall be implemented as approved for the entire duration of the construction period for the development hereby approved.

Reason: In the interests of highway safety and pedestrian safety.

- 8 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 fully carried out in accordance with the requirements and standards of the written scheme. A detailed report on the archaeological work shall be submitted to and approved in writing by the local planning authority within six months of the completion of the archaeological fieldwork.

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.

- 9 No development shall commence until full details of the materials and colours to be used in the construction of the external surfaces of the development hereby approved have been submitted to and approved in writing by the local planning authority. The development shall thereafter be carried out in accordance with the approved details and shall be retained as such for the lifetime of the development.

Reason: To ensure a proper standard of development and appearance in the interests of ensuring appropriate materials and colours in this countryside location.

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- 10 By no later than 24 months from the development ceasing to be used for the purposes of the storage and distribution of electricity a decommissioning and site restoration scheme with a proposed implementation timetable shall be submitted to and approved in writing by the local planning authority. The scheme shall include:
- a) community liaison;
  - b) complaints procedures;
  - c) nuisance management (including measures to avoid or minimise the impacts of decommissioning works (covering dust, noise, vibration and lighting));
  - d) dust management measures;
  - e) site waste and materials management measures;
  - f) environmental protection and pollution control measures;
  - g) security measures and use of artificial lighting;
  - h) landscape restoration scheme; and,
  - i) a list of additional consents required for decommissioning activities and a programme for the intended submission of relevant consent applications.

The development shall be decommissioned in accordance with the approved scheme and timetable.

Reason: To ensure the development is removed after its lifetime in the interests of visual amenity and to ensure the decommissioning of the development would not result in any harmful environmental impacts and highway safety impacts.

- 11 The boundary treatments for the development shall be implemented in accordance with the details indicated on the approved plans save for any necessary modifications to the design required in order to provide hedgehog access under condition 5. The approved boundary treatments shall be provided prior to the first beneficial use of the development commencing and shall thereafter be retained as such for the lifetime of the development.  
Reason: To protect the visual amenity of the area and in the interests of protecting the ecology of the area.

- 12 The development shall be implemented in accordance with the levels details indicated on drawing no. EL-02 REV 03 (Proposed Site Elevations), received 20th June 2023 and shall be retained as such for the lifetime of the development.  
Reason: To ensure the final levels for the development would not result in any harmful landscape and visual impacts.

- 13 Prior to the commencement of development details shall be submitted to and approved in writing by the local planning authority for a scheme to provide a permanent crossing for public footpath LC117 where it crosses the proposed access route. The scheme shall be implemented as approved prior to the first beneficial use of the development commencing.  
Reason: In the interests of pedestrian safety and to encourage active travel.

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- 14 If, during the course of development, contamination not previously identified is found to be present at the site no further development, unless previously agreed in writing with the Local Planning Authority, shall be carried out until the developer has submitted and obtained written approval from the Local Planning Authority for, a detailed strategy for dealing with said contamination. The development shall thereafter be implemented in accordance with the approved strategy.

Reason: In the interests of health and safety and to protect the environment.

- 15 Prior to the installation of the welfare facilities at the site, full details of the proposed cesspit to be fitted with a level warning device shall be submitted to and approved in writing by the local planning authority. The details shall include:

- manufacturers details of the proposed system;
- its capacity;
- method of installation and;
- maintenance and management details.

The foul water drainage system shall be installed in accordance with the approved details prior to the first beneficial use of the development commencing and shall thereafter be retained, maintained and managed in accordance with the approved details for the lifetime of the development.

Reason: To ensure the foul water system would not result in any detrimental environmental impacts.

- 16 The development shall be implemented in accordance with the mitigation measures, methodologies, timings and details contained within the following documents:

- Hazel Dormouse Non-Licensed Method Statement dated January 2021.
- Reptile Method Statement dated January 2021

Reason: To ensure the development is implemented having regard to the potential presence of protected species on or near to the site.

- 17 When assessed in accordance with BS 4142:2014+A1:2019, the Rating level of noise due to the Development when measured in the amenity areas of nearby dwellings, shall not exceed the levels specified in the table below:

| Receptor Name         | Approximate grid reference | BS 4142 Rating Level, dB |                        |
|-----------------------|----------------------------|--------------------------|------------------------|
|                       |                            | Daytime (0700-2300)      | Night-time (2300-0700) |
| Abergelli Farm        | 265112, 201632             | 40                       | 37                     |
| Abergelli (new build) | 264949, 201486             | 42                       | 41                     |
| Lletty'r Morfil Farm  | 264754, 201074             | 43                       | 38                     |
| Maes-eglwys           | 265455, 200708             | 40                       | 40                     |

Reason: To protect the residential amenity of the occupiers of nearby properties in the interests of the health and well-being.



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- 18 The approved tree protection measures as specified and set out within the Arboricultural Impact Assessment shall be erected before any equipment, machinery or materials (for the purposes of the development) are brought onto the site, and shall thereafter be maintained as such until all equipment, machinery and surplus materials have been removed. No trees or hedgerows shall be removed within the tree protection area. Nothing shall be stored or placed within the tree protection area, and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the prior written consent of the local planning authority.

Reason: To prevent detrimental impact to trees, hedges and other landscape features which contribute to the amenity, landscape & biodiversity of the site and surrounding area in accordance with LDP Policy ER11.

### Informatives

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

Policy 1 - Where Wales Will Grow

Policy 2 - Shaping urban growth and regeneration - Strategic Placemaking

Policy 9 - Resilient ecological networks and Green Infrastructure

Policy 17 - Renewable and Low Carbon Energy and Associated Infrastructure

Policy 28 - National Growth Area - Swansea Bay and Llanelli

The development plan covering the City and County of Swansea is the Swansea Local Development Plan. The following policies were relevant to the consideration of the application: PS2, IO1, CV2, HC1, HC2, ER2, ER5, ER6, ER8, ER9, ER11, T1, T5, T6, T7, EU1, EU2, EU4, RP1, RP2, RP3, RP4, RP5 and RP6.

- 2 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 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 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 or 0300 065 3000 or contact the species team by email on: [trwyddedrhwyogaeth@cyfoethnaturiolcymru.gov.uk](mailto:trwyddedrhwyogaeth@cyfoethnaturiolcymru.gov.uk))

- 3 There is the potential for hedgehogs to be present in the area. 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.

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- 4 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 shall 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.
- 5 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).

- 6 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.

- 7 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 (01792 634960 or 0300 065 3000 or contact the species team by email on [trwyddedrhywogaeth@cyfoethnaturiolcymru.gov.uk](mailto:trwyddedrhywogaeth@cyfoethnaturiolcymru.gov.uk))
- 8 Reptiles may be present. 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, grass snake, 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 or 0300 065 3000 or contact the species team by email on [trwyddedrhywogaeth@cyfoethnaturiolcymru.gov.uk](mailto:trwyddedrhywogaeth@cyfoethnaturiolcymru.gov.uk)).

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- 9 Otters may be present. Otters are protected under Schedule 5 of the Wildlife and 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, spraints or resting places) during the work, work must cease immediately and the advice of Natural Resources Wales sought before continuing with any work (01792 634960 or 0300 065 3000 or contact the species team by email on [trwyddedrhywogaeth@cyfoethnaturiolcymru.gov.uk](mailto:trwyddedrhywogaeth@cyfoethnaturiolcymru.gov.uk)

- 10 Water voles may be present. Water voles are protected under Schedule 5 of the Wildlife & Countryside Act 1981 (as amended) making it an offence to damage or destroy the breeding site or resting place. It is also an offence to recklessly / intentionally to disturb such an animal. If evidence of water vole use is encountered (e.g. live water voles, droppings, holes or resting places) during the work, work must cease immediately and the advice of Natural Resources Wales sought before continuing with any work (01792 634960).
- 11 The Developer must contact the Highway Management Group , The City and County of Swansea, Guildhall Offices, c/o The Civic Centre , Swansea SA1 3SN before carrying out any work. Please e-mail [networkmanagement@swansea.gov.uk](mailto:networkmanagement@swansea.gov.uk)
- 12 Pre-construction checks for protected species including bats, badger and nesting birds shall be undertaken by a suitably qualified ecologist. Additionally, preconstruction checks of aquatic habitat within 10 metres of the development shall be undertaken for otter and water vole, by a suitably qualified ecologist. If evidence of any of these species is located, all works must stop and NRW contacted for advice.
- 13 Construction Noise

The following restrictions should be applied to all works of demolition/ construction carried out on the development site:

All works and ancillary operations which are audible at the site boundary shall be carried out only between the hours of 08.00 and 18.00 hours on Mondays to Fridays and between the hours of 08.00 and 13.00 hours on Saturdays and at no time on Sundays and Public Holidays and Bank Holidays unless otherwise agreed through the Local Planning Authority.

The Local Authority has the power to impose the specified hours by service of an enforcement notice under Control of Pollution Act 1974, Section 60. Any breaches of the conditions attached to such a notice will lead to formal action against the person[s] named on said notice.

If applying for Prior consent under Control of Pollution Act 1974, section 61, please contact [pollution@swansea.gov.uk](mailto:pollution@swansea.gov.uk) and ensure any application is submitted a minimum of 28 days prior to commencement of any works.

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### Smoke/ Burning of materials

No burning of any materials to be undertaken on site.

The Local Authority has the power to enforce this requirement by service of an abatement notice.

Any breaches of the conditions attached to such a notice will lead to formal action against the person[s] named on said notice.

### Dust Control

During construction work the developer shall operate all best practice to minimise dust arisings or dust nuisance from the site. This includes dust and debris from vehicles leaving the site.

The Local Authority has the power to enforce this requirement by service of an abatement notice.

Any breaches of the conditions attached to such a notice will lead to formal action against the person[s] named on said notice.

### Lighting

During construction work the developer shall operate all best practice to minimise nuisance to local residences from on site lighting.

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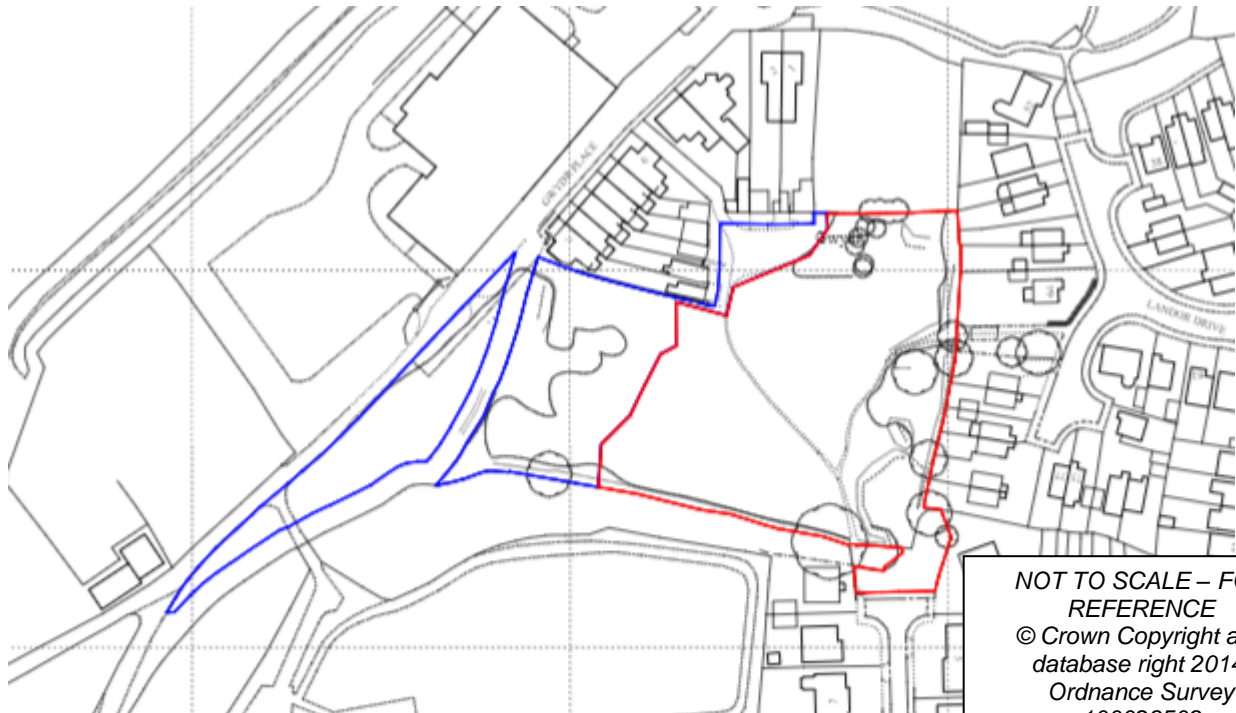
Ward:

Lower Loughor - Area 2

**Location:** Land Off The Croft, Castle Street, Loughor, Swansea

**Proposal:** Four detached dwellings with detached garages

**Applicant:** Mr John Kiley



### Background

This application is being reported to Planning Committee for decision because it has been called in by a previous Ward Councillor and has reached the threshold of objections within the appropriate timescale. It should be noted that the application is also subject to a non-determination appeal.

### Site Location

The site is located within the settlement boundary of Loughor. It comprises land to the north of the cul-de-sac known as The Croft, off Castle Street. The site is also bounded to the north by Gwydr Place and Gwydr Villas, which are located along a road that runs parallel with the Loughor Estuary and have garages to the rear which back onto the application site. The site has an irregular shape and has a maximum width of some 109m and a maximum length of 112m.

### Description of Development

The proposals relate to the development of the site for four detached dwellings and detached garages, with the main access gained off The Croft.

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There have been various amendments to the proposed scheme which primarily relate to changes to the layout of the development, changes to the design of some of the dwellings and alterations of the site boundary.

### Relevant Planning History

2009/1216 - Approved - 4 detached dwellings with detached garages (outline)

### Planning Policy

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

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

Policy 1 - Where Wales Will Grow

Policy 2 - Shaping Urban Growth and Regeneration - Strategic Placemaking

Policy 9 - Resilient Ecological Networks and Green Infrastructure

#### Planning Policy Wales (11th Edition) 2021

#### Good Design Making Better Places

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

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

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

The following LDP Policies are of relevance to the determination of this application.

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

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

T2 Active Travel - Development must enhance walking and cycling access either by incorporation within the site, and/or making financial contributions towards the delivery offsite of specific measures.

T5 Design Principles for Transport Measures and Infrastructure - provides design criteria that all transport measures/ infrastructure must adhere to.

T6 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 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.

T7 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.

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.

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.

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.

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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.

### Supplementary Planning Guidance

The supplementary planning guidance documents entitled 'Placemaking Guidance for Infill and Backland Developments (2021)', 'Development and Biodiversity (2021)', 'Trees, Hedgerows and Woodland (2021)' and 'City and County of Swansea Parking Standards (2012)' are also relevant to the determination of this application.

### **Consultation**

It should be noted that at the time of writing this report, response have not been received in relation to the latest set of amended plans from several consultees, including the Council's Drainage Officer, The Council's Japanese Knotweed Officer, Natural Resources Wales and CADW. Any responses received from these consultee in the interim period between the writing of this report and the Planning Committee meeting, will be brought to the attention of the Planning Committee via an 'Update Sheet'. The following set of comments listed below do however contain all of the comments recieved at the time of writing the report.

### Local Highways Authority

Original Comments -

This proposal is for the construction of 4 dwellings off the end of The Croft, Loughor. Outline consent has already been granted.

The proposed access to the development is indicated to be a 5.5m wide shared private drive and in the form of a loop access/roundabout thereby allowing access and egress in a forward gear. The proposed width is in excess of the recommended width of 4.5m. The dwelling plots are quite large with ample parking for at least 4 cars within each plot.



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I recommend no highway objection subject to the following;

1. The shared private drive access shall be completed prior to occupation of any dwelling within the site.
2. The construction of a vehicular crossing to Highway Authority Specification.

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

Further Comments -

Can swept paths analysis to demonstrate that the turning facility is adequate for both a refuse vehicle and also a fire tender be requested. In addition can a longitudinal section through the private drive to ensure that the gradients are within the 1:9 allowed be requested. Can boundary details for the PROW be requested as it goes through peoples private gardens and drives potentially impacting on visibility for drivers and users of the PROW.

Further Comments -

This application relates to the construction of 4 dwellings on land off The Croft in Loughor.

There have been several previous iterations of the proposals the last in March 2021, Highway comments were submitted requesting swept path analysis of the private drive to ensure refuse and emergency vehicles can enter and exit in a forward gear.

Analysis has been provided for an 8m fire tender, however the Highway Authority still requires swept path analysis for a 10.2m Phoenix 2 Duo refuse lorry. This must include details of the tracking speeds used, and track the vehicle along The Croft, the narrow nature of this road has been mentioned in a number of the public objections.

Whilst the Highway Authority has no objection in principle to the proposals for residential units, the applicant must demonstrate safe and satisfactory access to gain a positive recommendation. Currently we would wish to object on the grounds of insufficient information.

Further Comments -

Further to previously submitted comments, the applicant has provided swept path analysis for the required refuse lorry.

This shows the site can be serviced, however, the manoeuvre into and out of the access requires the full width of the existing highway to accommodate it.

It is thought that a Traffic Regulation Order should be provided on The Croft to protect the required space for access, this to be provided at the expense of the applicant.

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Subject to the acceptance of the above, Highways would have no objection to the proposals.

A highway agreement will be required to form the new access, and the required TRO could be included within the agreement, subject to the acceptance of the applicant.

Further Comments -

Access works, potential relocation of a lighting column and a TRO to prevent parking within the turning head are required.

It is understood that a grampian style conditions could be attached to achieve this that requires the access works to be approved by the LPA/LHA prior to the commencement of development. This should provide the LHA the ability to review and approve plans to ensure the requirements are included.

In addition to the above, at this early stage we cannot be certain how the potential removal and replacement of a lighting column may be actioned. Therefore we should include a typical informative which requires developers to contact the network management team prior to any works commencing on site.

Final Comments -

This application does have an extensive planning history and background, this has been reviewed and the relative information considered below.

The most recent consultation was revisited and this appeared to conclude that the applicant has submitted additional information, such as swept path analysis, confirming that it is possible to service the site. The swept paths considered the vehicles movements of a HGV of 10.2 metres in length, which is appropriate. The design of the access road and the local constraints are such that the refuse vehicle would require the full width of the access and the immediate existing highway approach.

The proposals comprise a share private drive for four dwellings taking access off a turning head within the existing highway. Further measures were concluded to be required to ensure that parking does not occur at the proposed access and that an existing lighting column was relocated.

It has been requested that the applicant is required to fund the cost of a Traffic Regulation order to protect the space required for access. In addition to this the detailed design process should include the removal and replacement of the existing street lighting column, to be including within the access works undertaken by the developer.

At the appropriate time, post grant of any consent, the applicant will be required to develop a construction detail level of design and seek technical approval and consent to work on the highway. At that stage we will direct the applicant to the relevant departments to assist in the TRO and Public Lighting changes which are required.

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Therefore, this concludes that the Highway Authority has no objections to raise subject, to the inclusion of a grampian style condition that requires the access construction works to be approved by the LPA/LHA prior to commencement of the development.

This will also be accompanied with a planning Informative which directs the applicant to the Section 278 application process under the Highways Act, without which permission cannot be gained to work on the highway.

The S278 process will ensure that a Construction Traffic Management Plan is approved and that all the necessary Council departments are engaged, prior to the commencement of any works. Should the applicant be successful in the receiving a planning consent, we would require that the following conditions are attached to the decision:

i. Prior to commencement of development details of the proposed access works to the highway shall be submitted and approved in writing by the Local Planning Authority the City and County of Swansea Development Management Team. This will include the details of a TRO scheme and the removal and replacement of highway infrastructure, such as public lighting.

All access works, relating to the highway The Croft, shall be completed prior to any of the works commencing on site to the satisfaction of the Local Highway Authority and as approved in writing by the Local Planning Authority.

Note: All off-site highway works are subject to an agreement under Section 278 of the Highways Act 1980. The design and detail required as part of a Section 278 Agreement will be prepared by the City and County of Swansea. In certain circumstances there may be an option for the developer to prepare the scheme design and detail, for approval by the City and County of Swansea. However, this will be the exception rather than the rule. All design and implementation will be at the expense of the developer.

Reason: In the interests of highway safety and general amenity

ii. No dwelling shall be occupied until the access and parking works have been completed and made ready for use, in accordance with the approved drawings hereby. The parking areas shall be made available for vehicular parking at all times thereafter.

Reason: In the interests of highway safety and general amenity

iii No development shall commence, including any works of demolition and clearance, until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The approved statement shall be adhered to throughout the construction period. The statement shall provide for:

1. The parking of vehicles of site operatives and visitors.
2. Loading and unloading of plant and materials.
3. Storage of plant and materials used in constructing the development.
4. The erection and maintenance of security hoarding including decorative displays and facilities for public viewing where appropriate.
5. Wheel washing facilities.

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6. Measures to control the emission of dust and dirt during demolition and construction and
7. A scheme for recycling/disposing of waste resulting from demolition and construction works.

Reason: To reduce the likelihood of obstruction of the highway, danger to road users, to conserve public health and local amenity, to ensure satisfactory standard of sustainable development and in order to ensure a proper standard of development and appearance in the interests of conserving the amenities and architectural character of the area.

Note 1: The Developer must contact the Highway Management Group, The City and County of Swansea , Guildhall Offices, c/o The Civic Centre, Swansea SA1 3SN before carrying out any work please contact: [networkmanagement@swansea.gov.uk](mailto:networkmanagement@swansea.gov.uk)

### The Coal Authority

Original Comments -

The Coal Authority Response: Fundamental Concern

The application site falls within the defined Development High Risk Area; therefore within the application site and surrounding area there are coal mining features and hazards which need to be considered in relation to the determination of this planning application.

The Coal Authority records indicate the presence of two recorded mine entries (shafts) within, or within 20m of the planning boundary.

The Coal Authority notes the two submitted reports prepared by Quantum Geotechnical Ltd, both of which are over ten years old and fail to sufficiently consider the two recorded mine entries, which could be within the planning boundary. The accompanying CON29M Coal Report could also not be considered to constitute the required Coal Mining Risk Assessment.

On this occasion the layout is for approval. It is therefore necessary to consider the interrelationship between the mine entries and the proposed buildings. From the information supplied there appears to be no evidence of any intrusive site investigations having been undertaken, with built development most likely being proposed either directly over or within the zones of influence of these coal mining hazards.

Any form of development over or within the influencing distance of a mine entry can be dangerous and has the potential for significant risks if not undertaken appropriately. For more information with regards to this issue, the Coal Authority's adopted policy, Development and Mine Entries, can be found here:

<https://www.gov.uk/government/publications/building-on-or-within-the-influencing-distanceof-mine-entries>

The Coal Authority does not support in principle the provision of built development either over or within the zone of influence of a mine entry, even where this has been treated due to the public safety risks arising.

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The Coal Authority Recommendation to the LPA

The Coal Authority's information has revealed that there is a significant risk to the development from two recorded mine entries (shafts). The applicant should therefore be advised of the Coal Authority's view as technical expert in the field of coal mining legacy and land instability. Furthermore, they should be required to carry out intrusive site investigations to either prove or disprove the mine entries from being within the planning boundary. In the instance that one or both of the mine entries are disproven from being within the site, further work in the form of amended plans should then be submitted illustrating the conjectured (worst-case scenarios) locations of the mine entries and their respective zones of influence with the proposed development avoiding them. Any remedial measures and appropriate foundations should then be proposed as part of the revised report, as necessary, to address any issues of land instability.

The Coal Authority considers that this issue goes to the heart of whether planning permission should be granted; it is not an issue therefore that would be appropriate for the imposition of conditions in this case.

The Coal Authority would be very pleased to receive for further consultation and comment any additional information prepared and submitted by the applicant.

Further Comments -

The Coal Authority Response: Material Consideration

As you are aware, the application site falls partly within the defined Development High Risk Area. This is due to the potential zones of influence of off-site mine shafts 256198- 015 and 256198-020 extending into the eastern part of the site. Due to potential plotting inaccuracies, the actual positions of these former coal mining features could deviate/depart from their plotted positions by several metres and, as such, could be present within the application site itself. We hold no details of any past treatment of the shafts.

You will recall that we last commented on this application in a letter to the LPA dated 16 March 2021. In this letter we raised concerns that the proposed layout of development would result in the construction of buildings within the zones of influence of the mine shafts or potentially over the shafts, if present within the site. We advised that this scenario would conflict with our adopted policy regarding development and mine entries.

We recommended that the applicant should be required to carry out intrusive site investigations to either prove or disprove the mine entries from being within the application site boundary and to establish the worst case zones of influence for the shafts. We advised that, based on the results of this further work, the layout of development should be revised to avoid these coal mining hazards. We also advised that any remedial measures and appropriate foundations should then be proposed in order to address any issues of land instability.

Following receipt of your re-consultation letter, we have reviewed the recently submitted information published on the LPA website.

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Whilst it does not appear that any intrusive works have been carried out to prove / disprove the presence of the shafts from the site, we are pleased to note that the proposed layout of development (Proposed Block Plan, 210402-P12 Rev.A) has been revised in a manner which has resulted in all buildings being repositioned such that they are now located entirely in the Development Low Risk Area.

We note that the potential zones of influence of the shafts will be accommodated in an open area to the east of Plot 4 and will extend across the northern part of the proposed turning circle. The proposed use of the open area is unclear and no information is shown on the Proposed Block Plan to indicate that there will be no public accessibility over this part of the site.

In light of the above, whilst the Coal Authority's Planning & Development Team is able to withdraw its objection to the proposed layout of development, in the interests of public safety we remain of the view that intrusive site investigations, designed and carried out by competent persons, are required to prove / disprove the presence of the shafts from the site and to enable the calculation of the extent of their associated zones of influence.

The results of these works should then be used to inform any necessary remedial treatment works (grouting, capping) to the shafts if located and any necessary mitigatory measures (such as geotextile reinforcement) to be incorporated into those parts of the site at possible risk of instability in the event of an off-site shaft collapse, in order to ensure the safety and stability of the proposed development as a whole.

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

### Mine Gas

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

### SuDS

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

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The Coal Authority Recommendation to the LPA

The Coal Authority considers that coal mining legacy potentially poses a risk to the proposed development and that investigations are required, along with possible remedial or measures, in order to ensure the safety and stability of the proposed development. As such, should planning permission be granted for the proposed development, we would recommend that the following conditions are included on the Decision Notice:

1. No development shall commence until;

a) a scheme of intrusive investigations has been carried out on site to establish whether recorded mine entries 256198-015 and 256198-020 are present within the application site, and to define the likely extent of the zones of influence of these former coal mining features in the event of a collapse; and

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

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

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

The Coal Authority therefore wishes to withdraw its objection to the proposed development subject to the imposition of the above conditions. This is our recommendation for condition wording. Whilst we appreciate that you may wish to make some amendment to the choice of words, we would respectfully request that the specific parameters to be satisfied are not altered by any changes that may be made.

Further Comments -

The Coal Authority Response: Further information required

As you are aware, the application site falls partly within the defined Development High Risk Area. This is due to the potential zones of influence of off-site mine shafts 256198-015 and 256198-020 extending into the eastern part of the site. Due to potential plotting inaccuracies, the actual positions of these former coal mining features could deviate/depart from their plotted positions by several metres and, as such, could be present within the application site itself. We hold no details of any past treatment of the shafts.

We last commented on this application in a letter to the LPA dated 21 April 2022. In this letter we noted that the proposed layout of development had been revised in a manner which resulted in all buildings being repositioned entirely in the Development Low Risk Area.

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We noted that the potential zones influence of the shafts will be accommodated in an open area to the east of Plot 4 and will extend across the northern part of the proposed vehicle turning circle. We indicated that the proposed use of the open area is unclear and no information is shown on the Proposed Block Plan to indicate that there will be no public accessibility over this part of the site.

As such, we withdrew our objection to the proposed layout of development, but in the interests of public safety we remained of the view that intrusive site investigations, designed and carried out by competent persons, are required to prove / disprove the presence of the shafts from the site and to enable the calculation of the extent of their associated zones of influence.

We advised that the results of these works should then be used to inform any necessary remedial treatment works (grouting, capping) to the shafts if located and any necessary mitigatory measures (such as geotextile reinforcement) to be incorporated into those parts of the site at possible risk of instability in the event of an off-site shaft collapse, in order to ensure the safety and stability of the proposed development as a whole.

We note from your reconsultation email that the planning agent has highlighted that a Site Investigation Report (24 May 2021, prepared by Blandford Consulting) had been submitted in support of the planning application and was registered on the LPA website on 29 June 2021. Unfortunately, the report, which was submitted to the LPA nine months prior to your reconsultation, was not reviewed prior to providing our previous consultation response. We apologise for this error.

Having reviewed the aforementioned report, we note that a trial trench was excavated close to the site boundary to ascertain whether the shafts were present within the application site. It also indicates that a single borehole was drilled within the site in order to establish the depth to rock head in order to calculate the hypothetical collapse zone for the shafts.

The report indicates that the no evidence of the shafts was encountered in the trial trench. Based on the information obtained from the borehole, it advises that a hypothetical collapse zone (radius) of 23m has been calculated - as shown on Drawing No. BC/MB/04.21.02.04 appended to the report. It goes on to advise that no dwellings should be constructed within the hypothetical collapse zone and any hard structures constructed within this part of the site include features to mitigate the risk of a collapse from either shaft.

The Coal Authority welcomes the intrusive investigation investigations which have been carried out, however, we must highlight that the trial trenches do not appear to have covered the entire allotted departure distance for the shafts (radius of 8-10m from plotted positions). Nevertheless, we are pleased to note that layout of the proposed buildings has been revised to avoid the hypothetical collapse zone of the shafts.

In order to enable us to provide a definitive recommendation regarding the application, we would welcome clarification regarding the following:

A large proportion of the open area to the east of Plot 4 will fall within the hypothetical collapse zone for the shafts. What is the intended use of this part of the site and will there be any public accessibility over this area?



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In addition to the open area to the east of Plot 4, part of the vehicular turning circle falls within the hypothetical collapse zone for the shafts. What measures are to be incorporated into these parts of the site in order to address the potential risk of instability in the event of a shaft collapse?

We would be pleased to receive for further consultation and comment any additional information submitted by the applicant.

Further Comments -

The Coal Authority Response: Material Consideration

We last commented on this application in a letter to the LPA dated 6 May 2022. In this letter we welcomed the revisions to the proposed site layout to avoid the hypothetical collapse zones associated with the two off-site recorded mine entries. However, we questioned the proposed use of land within these zones and queried what measures are to be incorporated into these parts of the site in order to address the potential risk of instability in the event of a shaft collapse.

We note from your email that the planning agent, has now indicated that the open area to the east of Plot 4 will be "Garden area fenced off from public access." The Agent has also confirmed that a geotextile reinforcement will be incorporated in the construction of the Turning Circle/Road vehicular turning circle falls in order to address the potential risk of instability in the event of a shaft collapse.

The Coal Authority acknowledges that whilst the area of land accommodating the zones of influence of the shafts appears to be separated by some form of boundary treatment from Plot 4, the information provided by the agent appears to suggest that the land is to be used as a domestic garden area.

The Coal Authority welcomes the Agent's proposals for the use of an appropriately designed geotextile reinforcement in the vehicular turning circle. However, should the LPA be considering the land to the east of plot 4 as domestic curtilage / garden space, in the interests of public safety, the Coal Authority would expect due to consideration to be given to the incorporation of geotextile reinforcement across the entirety of the hypothetical collapse zones.

The Coal Authority would also expect the LPA to give due consideration to the inclusion on any permission of an appropriately worded condition to remove Permitted Development rights for the erection of any extensions or curtilage buildings within the hypothetical shaft collapse zones defined in the Site Investigation Report. This will enable the safety and stability implications of coal mining legacy to be considered by the LPA in the event of future householder development proposals at the site.

Based on the information submitted and professional opinions contained therein, the Coal Authority's Planning & Development Team wishes to raise no objection to this planning application. This is subject to the imposition of conditions to secure the incorporation of appropriate mitigatory measures in the development to address the potential risk of instability in the event of a shaft collapse and to remove permitted development rights, as outlined above.

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General Information for the Applicant

Under the Coal Industry Act 1994 any intrusive activities, including initial site investigation boreholes, and/or any subsequent treatment of coal mine workings/coal mine entries for ground stability purposes require the prior written permission of The Coal Authority, since such activities can have serious public health and safety implications. Failure to obtain permission will result in trespass, with the potential for court action. Application forms for Coal Authority permission and further guidance can be obtained from The Coal Authority's website at:

[www.gov.uk/get-a-permit-to-deal-with-a-coal-mine-on-your-property](http://www.gov.uk/get-a-permit-to-deal-with-a-coal-mine-on-your-property)

Disclaimer

The above consultation response is provided by The Coal Authority as a Statutory Consultee and is based upon the latest available data on the date of the response, and electronic consultation records held by The Coal Authority since 1 April 2013. The comments made are also based upon only the information provided to The Coal Authority by the Local Planning Authority and/or has been published on the Council's website for consultation purposes in relation to this specific planning application. The views and conclusions contained in this response may be subject to review and amendment by The Coal Authority if additional or new data/information (such as a revised Coal Mining Risk Assessment) is provided by the Local Planning Authority or the Applicant for consultation purposes.

In formulating this response The Coal Authority has taken full account of the professional conclusions reached by the competent person who has prepared the Coal Mining Risk Assessment or other similar report. In the event that any future claim for liability arises in relation to this development The Coal Authority will take full account of the views, conclusions and mitigation previously expressed by the professional advisers for this development in relation to ground conditions and the acceptability of development.

Final Comments -

The Coal Authority Response: Material Consideration

We last commented on this application in a letter to the LPA dated 23 May 2022. In this letter, we withdrew our objection to the application subject to the imposition of relevant conditions on any planning permission granted.

Your reconsultation letter indicates that you have consulted with us on the basis that the LPA has received amended plans relating to the proposed development. We note that these include an amended proposed site plan which indicates that the building plots will remain outside the potential zones of influence of the mine shafts, whilst the northern part of the proposed vehicle turning circle and a formalised footpath will extend into these zones.

The Coal Authority's Planning & Development Team wishes to raise no further comments regarding the application. We do, however, consider that the comments and recommendation (for the incorporation of appropriate mitigatory measures in the development) contained in our previous consultation response letter of 23 May 2022 remain valid and relevant to the decision making process.

## Planning Committee – 4<sup>th</sup> July 2023

Item 4 (Cont'd)

Application Number:

2015/0453

Dwr Cymru/Welsh Water

Original Comments -

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

### SEWERAGE

#### Conditions

Foul water and surface water discharges shall be drained separately from the site.

Reason: To protect the integrity of the public sewerage system.

No surface water shall be allowed to connect, either directly or indirectly, to the public sewerage system unless otherwise approved in writing by the Local Planning Authority.

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

Land drainage run-off shall not be permitted to discharge, either directly or indirectly, into the public sewerage system.

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

#### Advisory Notes

If a connection is required to the public sewerage system, the developer is advised to contact Dwr Cymru Welsh Water's Developer Services on 0800 917 2652.

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 we request the applicant contacts our Operations Contact Centre on 0800 085 3968 to establish the location and status of the sewer. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

The Welsh Government have introduced new legislation that will make it mandatory for all developers who wish to communicate with the public sewerage system to obtain an adoption agreement for their sewerage with Dwr Cymru Welsh Water (DCWW). The Welsh Ministers Standards for the construction of sewerage apparatus and an agreement under Section 104 of the Water Industry Act (WIA) 1991 will need to be completed in advance of any authorisation to communicate with the public sewerage system under Section 106 WIA 1991 being granted by DCWW.

## Planning Committee – 4<sup>th</sup> July 2023

Item 4 (Cont'd)

Application Number:

2015/0453

On the 1st October 2012 the Welsh Government introduced the Welsh Ministers Standards and we would welcome your support in informing applicants who wish to communicate with the public sewerage system to engage with us at the earliest opportunity. Further information on the Welsh Ministers Standards is available for viewing on the Developer Services Section of our website - [www.dwrcymru.com](http://www.dwrcymru.com) Further information on the Welsh Ministers Standards can be found on the Welsh Government website - [www.wales.gov.uk](http://www.wales.gov.uk)

### WATER SUPPLY

The proposed development is crossed by a trunk/distribution watermain, the approximate position being shown on the attached plan. Dwr Cymru Welsh Water as Statutory Undertaker has statutory powers to access our apparatus at all times. I enclose our Conditions for Development near Watermain(s). It may be possible for this watermain to be diverted under Section 185 of the Water Industry Act 1991, the cost of which will be re-charged to the developer. The developer must consult Dwr Cymru Welsh Water before any development commences on site.

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

### Further Comments -

Dwr Cymru Welsh Water were previously consulted on this planning application and by response (Ref: PLA0012191) offered no objection subject to recommended condition and advisory notes with reference to the watermain crossing the site. As part of this latest consultation we acknowledge receipt of an amended 'Site Layout Plan' (1:200) which refers to the location and route of the watermain and would suggest the development will be set back by a minimum of 3 metres. However, this would appear to conflict with the location and route of the watermain as shown on the attached Statutory Watermains Record and therefore, in the first instance, it is recommended that the developer carry out a survey to ascertain the location of this watermain and establish its relationship to the proposed development. Alternatively, it may be possible to divert the watermain if the developer applies under Section 185 of the Water Industry Act and we request that they contact us to discuss and consider possible solutions.

Accordingly, if you are minded to grant Planning Consent for the above development, we would request that the following Conditions 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:

### Conditions

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. 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.

## Planning Committee – 4<sup>th</sup> July 2023

**Item 4 (Cont'd)**

**Application Number:**

2015/0453

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.

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

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

### Advisory Notes

As of 7th January 2019, this proposed development may be subject to Schedule 3 of the Flood and Water Management Act 2010. The development therefore may require approval of Sustainable Drainage Systems (SuDS) features, in accordance with the 'Statutory standards for sustainable drainage systems - designing, constructing, operating and maintaining surface water drainage systems'. It would therefore be recommended that the developer engage in consultation with the City & County of Swansea Council, as the determining SuDS Approval Body (SAB), in relation to their proposals for SuDS features. Please note, Dwr Cymru Welsh Water is a statutory consultee to the SAB application process and will provide comments to any SuDS proposals by response to SAB consultation.

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.

Our response is based on the information provided by your application. Should the proposal alter during the course of the application process we kindly request that we are re-consulted and reserve the right to make new representation. If you have any queries please contact the undersigned on 0800 917 2652 or via email at [developer.services@dwrcymru.com](mailto:developer.services@dwrcymru.com). Please quote our reference number in all communications and correspondence.

### Further Comments -

Dwr Cymru Welsh Water were previously consulted on this planning application and by response (Ref: PLA0012191 & PLA0055506) offered no objection subject to recommended conditions and advisory notes with reference to the watermain crossing the site.

## Planning Committee – 4<sup>th</sup> July 2023

**Item 4 (Cont'd)**

**Application Number:**

2015/0453

As part of this latest consultation we acknowledge receipt of a 'Proposed Block Plan' (Drawing No. 210402-P12). However, it still appears to indicate that the proposed development will be positioned directly above and within the route of the watermain, as shown on the attached Statutory Watermains Record. Therefore, as previous, it is recommended that the developer carry out a survey to ascertain the location of this watermain and establish its relationship to the proposed development. Alternatively, it may be possible to divert the watermain if the developer applies under Section 185 of the Water Industry Act and we request that they contact us to discuss and consider possible solutions.

Accordingly, if you are minded to grant Planning Consent for the above development, we would request that the following Conditions 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:

### Conditions

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. 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.

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

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

### Advisory Notes

As of 7th January 2019, this proposed development may be subject to Schedule 3 of the Flood and Water Management Act 2010. The development therefore may require approval of Sustainable Drainage Systems (SuDS) features, in accordance with the 'Statutory standards for sustainable drainage systems - designing, constructing, operating and maintaining surface water drainage systems'. It would therefore be recommended that the developer engage in consultation with the City & County of Swansea Council, as the determining SuDS Approval Body (SAB), in relation to their proposals for SuDS features. Please note, Dwr Cymru Welsh Water is a statutory consultee to the SAB application process and will provide comments to any SuDS proposals by response to SAB consultation.

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.

## Planning Committee – 4<sup>th</sup> July 2023

Item 4 (Cont'd)

Application Number:

2015/0453

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.

Our response is based on the information provided by your application. Should the proposal alter during the course of the application process we kindly request that we are re-consulted and reserve the right to make new representation. If you have any queries please contact the undersigned on 0800 917 2652 or via email at [developer.services@dwrcymru.com](mailto:developer.services@dwrcymru.com).

Final Comments -

Further to our previous responses (Ref: PLA0012191, PLA0055506, PLA0064693 & PLA0065576) on this planning application, we remind that the proposed development site is crossed by a distribution watermain. As part of previous responses, it was recommended that the developer carry out a survey to ascertain the location of this watermain, in order to establish its relationship to the proposed development, and it may be possible to divert the watermain if the developer applies under Section 185 of the Water Industry Act. However, to date, we are unaware of any survey work undertaken to ascertain the location of this watermain.

As part of this latest consultation, we acknowledge receipt of a 'Proposed Site Plan' (Drawing No. 210402-P33) which indicates that the proposed development will still be positioned directly above and within the route of the watermain, as shown on the attached Statutory Watermains Record. Therefore, in the absence of any survey work or amended plan to indicate a repositioned development or alternatively route for diverted watermain, we would request that the following Conditions and Advisory Notes are included, if minded to grant planning consent, to ensure no detriment to existing residents or the environment and to Dwr Cymru Welsh Water's assets:

Conditions

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

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

## Planning Committee – 4<sup>th</sup> July 2023

Item 4 (Cont'd)

Application Number:

2015/0453

No development shall take place until details of a scheme to either protect the structural condition or divert the water mains crossing the site have been submitted to and approved in writing by the local planning authority. The scheme shall include a detailed design, construction method statement and risk assessment outlining the measures taken to secure and protect the structural condition and ongoing access of the strategic water mains. No other development pursuant to this permission shall be carried out until the approved protection measures or diversion scheme have been implemented and completed. The approved scheme shall be adhered to throughout the lifetime of the development and the protection measures shall be retained in perpetuity.

Reason: To protect the integrity of the public watermain and avoid damage thereto.

### Advisory Notes

As of 7th January 2019, this proposed development may be subject to Schedule 3 of the Flood and Water Management Act 2010. The development therefore may require approval of Sustainable Drainage Systems (SuDS) features, in accordance with the 'Statutory standards for sustainable drainage systems - designing, constructing, operating and maintaining surface water drainage systems'. It would therefore be recommended that the developer engage in consultation with the City & County of Swansea Council, as the determining SuDS Approval Body (SAB), in relation to their proposals for SuDS features. Please note, Dwr Cymru Welsh Water is a statutory consultee to the SAB application process and will provide comments to any SuDS proposals by response to SAB consultation.

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.

In accordance with Planning Policy Wales (Edition 11) and Technical Advice Note 12 (Design), the applicant is advised to take a sustainable approach in considering water supply in new development proposals, including utilising approaches that improve water efficiency and reduce water consumption. We would recommend that the applicant liaises with the relevant Local Authority Building Control department to discuss their water efficiency requirements.



## Planning Committee – 4<sup>th</sup> July 2023

**Item 4 (Cont'd)**

**Application Number:**

2015/0453

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

### Natural Resources Wales (NRW)

Original comments -

We object to the application pending the submission of a site level survey as detailed below. Please note that the site level survey may show that further work is required with regard to flood risk.

The site is located at the edge of zone C2, as defined by the development advice maps referred to under Technical Advice Note (TAN) 15 Development and Flood Risk (July 2004). Our Flood Map information, which is updated on a quarterly basis, indicates the edge of site to be at risk of flooding in the 1% flood event.

The proposal is for four residential dwellings which can be classed as highly vulnerable development according to TAN 15.

As the main flood risk to the site is from tidal inundation, climate change for a 100 year lifetime of development will need to be taken into consideration. Please note our flood maps do not include an allowance for climate change. In order to establish the potential depths and frequency of flooding and whether the proposed development complies with Tables A1.14 and A1.15 of TAN 15, we would request that a level survey to Ordnance Datum, of the existing and proposed site be produced. The survey should be to a minimum 5 metre grid and preferably be based on LIDAR or GPS data. Once we have a better understanding of the potential depth and frequency of flood risk to the site, this will guide the scope of any future flood consequences assessment required.

We would also advise of the letter from Welsh Government to the Chief Planning Officers in January 2014, which states that climate change should now also be considered in the 0.1% scenario.

To ensure that the risk of flooding elsewhere is not increased, adequate consideration will also need to be given to the management of surface water from the site. We note that the application form indicates that soakaways will be utilised in the management of surface water from the site in line with guidance in Section 8 of TAN 15. If it is found that soakaways cannot be implemented on the site, developers must give a good reason as to why SUDS (Sustainable drainage systems) cannot be utilised on a site and a conventional drainage system must improve upon the existing status quo.

Ultimately the drainage system design is a matter for the local authority engineers. However, we would advise that any surface water drainage system must be designed to ensure no increased run-off from the site during and post development, in all events up to the 1:100 year storm with an allowance for climate change.

## Planning Committee – 4<sup>th</sup> July 2023

Item 4 (Cont'd)

Application Number:

2015/0453

Further Comments -

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

Requirement: A Flood Consequences Assessment (FCA) is required to demonstrate the risks and consequences of flooding can be managed to an acceptable level.

Flood Risk

The planning application proposes the highly vulnerable development of four detached dwellings with detached garages. The site is shown to lie within zone A of the Development Advice Map (DAM), however, it borders zone C2.

It is important to understand that the Flood Risk Map provides a snapshot of flood risk in the current day. It does not reflect the effects of climate change in the future. TAN 15 advises that a proposed development must provide a safe and secure living and/or working environment throughout its life and an assessment should include a flood event which has a 0.1% probability of occurrence in any year. The Chief Planning Officer letter from Welsh Government, dated 9 January 2014, affirms this point.

The CPO letter also advises that the lifetime of development for residential development is 100 years and that it is necessary to take account of the potential impact of climate change over the lifetime of development including a flood event which has a 0.1% probability of occurrence.

When this is assessed the development may be shown to be at risk of flooding, especially as the site levels shown within the supporting topographical survey are not significantly elevated from the adjacent areas currently within the flood map. On this basis we advise that the applicant prepares an FCA to demonstrate that the consequences of flooding can be acceptably managed over the lifetime of development. The criteria for the FCA, which should normally be undertaken by a suitably qualified person carrying an appropriate professional indemnity, are given in Section 7 and Appendix 1 of TAN15.

Other Matters

Our comments above only relate specifically to matters included on our checklist, Development Planning Advisory Service: Consultation Topics (September 2018), which is published on our website. We have not considered potential effects on other matters and do not rule out the potential for the proposed development to affect other interests.

We advise the applicant that, in addition to planning permission, it is their responsibility to ensure they secure all other permits/consents/licences relevant to their development. Please refer to our website for further details.

## Planning Committee – 4<sup>th</sup> July 2023

**Item 4 (Cont'd)**

**Application Number:**

2015/0453

Further Comments -

We continue to have concerns with the application as submitted because inadequate information has been provided in support of the proposal. To overcome these concerns, you should seek further information from the applicant regarding flood risk. If this information is not provided, we would object to this planning application. Further details are provided below.

Flood Risk

Further to our previous comments in our letter dated 24th March 2021 (CAS-140546-Y4R4) a Flood Consequence Assessment (FCA), ref - R/WWG/D/2053, has been submitted in support of the application.

The FCA confirms that parts of the proposed development site will be at risk of significant depths of flooding from tidal inundation when the appropriate allowance for sea level rise due to climate change, over the lifetime of the development, is applied. The FCA states that the existing site levels range from 6 to 9.5m AOD and that the predicted tidal flood levels over a 100 year lifetime are:

- o T200 + climate change: 7.239m AOD (7.419 precautionary)
- o T1000 + climate change: 7.439m AOD (7.839 precautionary)

The FCA subsequently recommends that finished floor levels of the proposed houses be set at 7.419m AOD to comply with the flood free threshold requirement in Table A1.14 and acceptable flood depths in Table A1.15 of TAN15. However, simply raising the finished floor levels of the dwellings would still leave other parts of the residential curtilages and application site at risk of flooding in events not compliant with Table A1.14. It is also noted that, on the basis of the existing site levels, the finished floor levels may need to be raised by up to 1.419m. Whilst this is a recommendation within the FCA there is no indication on the drawings submitted as part of the planning application that this will be implemented or if so the effect on the overall design and layout of the proposed development.

With regard to the loss of flood storage and potential effect on flooding elsewhere the FCA claims that as the flood risk is tidal then the effect will be 'negligible' and that 'raising the land is unlikely to have an impact on third parties'. However, the FCA does not provide any evidence to support these assertions. Whilst it is agreed that the flood risk is likely to be predominantly tidal in nature; the site location is within an inland flood cell rather than an open coastal location and is also immediately adjacent to existing properties. Therefore, we would advise that raising of levels on the site will result in a loss of flood storage or conveyance that could affect flooding elsewhere.

In conclusion we would advise that, whilst the FCA accepts that parts of the application site will be at risk of significant depths of flooding over the lifetime of the proposed development, it is not clear whether the application has been amended in line with the recommendations within the FCA. In addition, it is not clear whether it is intended to just raise the finished floor levels of the proposed dwellings or the whole site to a level compliant with TAN15 requirements. The FCA also provides no evidence to support its claims that there will be no impact on flooding elsewhere if the site levels are raised.

## Planning Committee – 4<sup>th</sup> July 2023

Item 4 (Cont'd)

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### Other Matters

Our comments above only relate specifically to matters included on our checklist, Development Planning Advisory Service: Consultation Topics (September 2018), which is published on our website. We have not considered potential effects on other matters and do not rule out the potential for the proposed development to affect other interests.

We advise the applicant that, in addition to planning permission, it is their responsibility to ensure they secure all other permits/consents/licences relevant to their development. Please refer to our website for further details.

### Further Comments -

We continue to have concerns with the application as submitted because inadequate information has been provided in support of the proposal. To overcome these concerns, you should seek further information from the applicant regarding flood risk. If this information is not provided, we would object to this planning application. Further details are provided below.

The planning application proposes highly vulnerable development, namely four detached dwellings with detached garages. Our Flood Risk Map confirms the site to border Zone C2 of the Development Advice Map (DAM) contained in TAN15 and the FMfP identifies part of the application site to be at risk of flooding and falls into Flood Zone 3 Sea.

We refer you to Section 6 of TAN15 and the Chief Planning Officer letter from Welsh Government, dated 9 January 2014, which affirms that highly vulnerable development should not be permitted in Zone C2 (paragraph 6.2 of TAN15). The justification tests in paragraph 6.2 of TAN15 do not apply to highly vulnerable development in Zone C2.

We have reviewed the most recent information submitted in support of this application and consider that our flood risk concerns have not been addressed.

- The response from Francis Sant (Ref. C/WWG/D/2053) readvises that the main risk of flooding to the site is likely to come from tidal source. It states that 'considering the vastness of the sea, the loss of flood volume... can be considered to be negligible', this statement is an assumption rather than based on any data or evidence. Francis Sant advise that they are in the process of building a TUFLOW model however they are questioning the justification to complete and resolve current issues with the model considering the value of the proposed scheme/development. Our concerns regarding the third party impact have not been adequately addressed and therefore we are unable to comment on the impact of flooding elsewhere, however it is for your Authority to consider if the TUFLOW model needs to be completed in order to fully assess flood risk to third parties, a valid concern considering the close proximity of the proposed development to other residential properties.
- The response from Francis Sant, (Ref. C/WWG/D/2053), states that in order to mitigate against the risk of tidal flooding the Flood Consequences Assessment (FCA) recommends raising the ground levels over part of the site. We require clarification on what parts of the site, what buildings and or land is to be raised (if any), as no revised drawings or documentation has been submitted to confirm that this will be implemented. We appreciate that only part of the site is at risk of flooding however raising any part of the site level will affect other parts of the proposed residential curtilages and this needs to be assessed.

## Planning Committee – 4<sup>th</sup> July 2023

Item 4 (Cont'd)

Application Number:

2015/0453

- The FCA recommends that finished floor levels of the proposed houses be set at 7.419m AOD to comply with the flood free threshold requirement in Table A1.14 and acceptable flood depths in Table A1.15 of TAN15 but no revised drawings have been submitted, or documentation to confirm that this will be implemented. Therefore, we require clarification on this matter.

### Protected species

We have reviewed the Preliminary Ecological Appraisal (ref. 134 PEA report FINAL.docx dated November 2021) submitted in support of this application and have no further comments.

### Other Matters

Our comments above only relate specifically to matters included on our checklist, Development Planning Advisory Service: Consultation Topics (September 2018), which is published on our website. We have not considered potential effects on other matters and do not rule out the potential for the proposed development to affect other interests.

We advise the applicant that, in addition to planning permission, it is their responsibility to ensure they secure all other permits/consents/licences relevant to their development. Please refer to our website for further details.

### Final Comments -

We note the additional information from the applicant which answers one of our concerns, however the other concerns detailed in our letter (CAS-185754-L6H4 dated 6th May 2022) remain. We are satisfied to be advised that the finished floor levels of the proposed houses will be set at 7.419m AOD to comply with the flood free threshold requirement in Table A1.14 and acceptable flood depths in Table A1.15 of TAN15. We recommend that revised drawings are submitted and/or documentation to confirm that this will be implemented.

These remaining flood risk concerns have not yet been addressed,

The response from Francis Sant, Ref. C/WWG/D/2053, advises that the main risk of flooding to the site is likely to come from tidal source. It states that 'considering the vastness of the sea, the loss of flood volume can be considered to be negligible', this statement is an assumption rather than based on any data or evidence. They advise that they are in the process of building a TUFLOW model however they are questioning the justification to complete and resolve current issues with the model considering the value of the proposed scheme/development. It is for the LPA to consider if the TUFLOW model needs to be completed in order to fully assess flood risk to third parties. Our concerns regarding impact on third parties has not been addressed and we cannot advise the LPA on impact of flooding elsewhere, a valid concern considering the close proximity of the proposed development to other residential properties.

The response from Francis Sant, Ref. C/WWG/D/2053, states that in order to mitigate against the risk of tidal flooding the FCA recommends raising the ground levels over part of the site.

## Planning Committee – 4<sup>th</sup> July 2023

**Item 4 (Cont'd)**

**Application Number:**

2015/0453

We require clarification on what parts of the site, what buildings and or land is to be raised (if any), as no revised drawings or documentation has been submitted to confirm that this will be implemented. We appreciate that only part of the site is at risk of flooding however raising any part of the site level will affect other parts of the proposed residential curtilages and this needs to be assessed.

### Drainage Officer

Original Comments -

The application has been reviewed and based on the details submitted have no objection and recommend that an appropriately worded surface water condition is appended to any permission given.

Further Comments -

It is recommended that NRW are consulted with respect to the complex flood risk matters. In regards to surface water management no plans or strategy have been submitted for consideration, while the development will not need to go through the separate SAB process as the planning application is from 2015 it will still need to consider how SuDS features can be incorporated in line with the requirements of LDP Policy RP4 and a detailed strategy submitted for consideration before this application can be considered any further.

Further Comments -

Surface water condition to be attached requiring drainage details to be submitted.

Final Comments -

With regards to the comments NRW have made with regards to flood risk, it is likely a TUFLOW model is required if NRW do not have information regarding flood levels which could be used for such an assessment which their comments appear to indicate.

### Ecology Officer

Original Comments -

The site appears to be of relatively low ecological value. The site, however, looks suitable for reptiles but rather than requesting a survey it is considered to be more practical to assume reptile presence and request a reptile mitigation strategy, this could form a condition of any permission given but it would need to be approved before work on the site commenced.

Please include the informative below

Birds

Birds may be present. Please note it is an offence under the Wildlife & Countryside Act 1981 (as amended) to intentionally (intentionally or recklessly for Schedule 1 birds) to: -

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

Care should be taken when working on buildings, trees and clearing bushes particularly during the bird nesting season, March to August

Further Comments -

Requires a Preliminary Ecological Appraisal, the whole site is comprised of semi-natural habitats, there are lots of trees on site, INNS onsite, there are records of protected species in the area and it is in very close proximity to the Loughor Estuary, which is SSI, SAC, SPA and Ramsar site.

Further Comments -

The AIA states: Tree Loss fifty-eight trees are recommended to be removed with a large percentage of these being Ash trees with Ash Die Back.

However, the PEA states: Whilst there may be some potential for roosting bats in semi-mature and mature trees on the site, none of the trees will be lost as result of the development.

Therefore confirmation is required as to whether or not trees need to be removed to enable the development and therefore whether or not further bat surveys are required prior to determination.

Final Comments -

Relevant documents reviewed:

- Preliminary Ecological Appraisal, Koru Ecology Associates, November 2021; and
- Technical Note - Tree Inspection, Koru Ecology Associates, June 2022.

Protected Sites

The Carmarthen Bay and Estuaries Special Area of Conservation (SAC) and Burry Inlet and Loughor Estuary Site of Special Scientific Interest (SSSI) are located in close proximity to the application site and the development must therefore comply with Policy ER6.

Policy ER 6: Designated Sites of Ecological Importance of the LDP states the following: Development that would adversely affect locally designated sites of nature conservation importance should maintain and enhance the nature conservation interest of the site.

Where this cannot be achieved development will only be permitted where it can be demonstrated that:

- i. The need for the development outweighs the need to protect the site for nature conservation purposes;

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- ii. There is no satisfactory alternative location for the development that avoids nature conservation impacts; and
- iii. Any unacceptable harm is kept to a minimum by effective avoidance measures and mitigation, or where this is not feasible, compensatory measures must be put in place to ensure that there is no overall reduction in the nature conservation value of the area.

In assessing the potential harm the Council will consider:

- The individual and cumulative effects which will include impacts during construction;
- The role of the site in the ecological connectivity network; and
- Whether effective mitigation and/or compensation measures have been provided.

In order to comply with Policy ER6, a CEMP and Sensitive Lighting Plan will be required (see section below).

### Trees

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

<https://www.swansea.gov.uk/treespg>

### Bats

Please include the following informative:

All UK bat species are protected under Schedule 5 of The Wildlife & Countryside Act 1981 (as amended) and Schedule 2 of The Conservation of Habitats and Species Regulations 2017. This legislation implements the EC Habitats & Species Directive in the UK making it an offence to:

- Deliberately take, injure or kill a bat;
- Intentionally or recklessly disturb a bat in its roost;
- Damage or destroy the breeding site or resting place of a bat (even if it is not occupied at the time);
- Intentionally or recklessly obstruct access to a bat roost.

If evidence of bats is encountered during development, work must cease immediately and the advice of a suitably qualified ecologist or Natural Resources Wales (NRW) sought before continuing with any work (0300 065 3000).

### Condition:

As per the recommendation in the submitted tree inspection report, with regards to the alder tree T640: An inspection shall be carried out immediately prior to limb removal (i.e. on the same day) by an appropriately competent bat ecologist, using a torch and endoscope. If any evidence of bats is found, works to this limb shall not proceed until a mitigation licence from Natural Resources Wales (NRW) is in place. If no evidence of bats is found, this limb should then be carefully removed under the direct supervision of the bat ecologist, on the same day as the inspection.



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### Breeding/Nesting Birds

Please include the following informative:

It is an offence under The Wildlife & Countryside Act 1981 (as amended) to intentionally:

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

Additionally, bird species listed on Schedule 1 of the Act are also protected from intentional or reckless:

- Disturbance while it is building a nest or is in, on or near a nest containing eggs or young; and
- Disturbance to dependent young of such a bird.

Condition:

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

### Badgers

Please include the following informative:

Badgers and their setts are protected under The Protection of Badgers Act 1992. It is an offence to:

- Kill, injure or take a badger;
- Damage, destroy or obstruct access to a badger sett; and
- Disturb a badger when it is occupying a sett.

If evidence of badgers is encountered during development, work must cease immediately and the advice of a suitably qualified ecologist or NRW sought before continuing with any work (0300 065 3000).

Condition:

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

Condition:

No development (including site and vegetation clearance) shall commence until a preworks check for badgers has been undertaken by an appropriately qualified and experienced ecologist. Should any signs of badgers be discovered, appropriate precautions as advised by the ecologist should be carried out. This may include a requirement to undertake works under a licence from NRW.

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Hedgehog

Please include the following informative:

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

Condition:

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

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

Reptiles & Amphibians

Please include the following informative:

Reptiles & amphibians may be present. All British reptile & amphibian species are protected under Schedule 5 of the Wildlife and Countryside Act 1981 (as amended). It makes it an offence to intentionally kill or injure these species. If widespread reptile/amphibian species are encountered (common lizard, slow worm, adder, grass snake, common frog, common toad, smooth newt, palmate newt), they should be allowed to move away from the works on their own. An ecologist should be contacted if assistance is required to locate reptiles/amphibians to a suitable habitat.

Condition:

No development (including site and vegetation clearance) shall commence until a reptile mitigation strategy has been submitted and agreed with the LPA and the recommendations within the approved document have been implemented. The strategy shall include details of sensitive vegetation clearance methods, the presence of an ecological clerk of works, the process to follow should any reptiles be found on site and the retention/improvement of habitat on site for reptiles.

Lighting Strategy

Condition:

A sensitive lighting strategy for the site shall be submitted to the LPA for approval prior to the commencement of development on site. It should aim to protect bats and other nocturnal species. A plan showing location, light spill and specification for any proposed lights on the site (during construction & operation) must be submitted for approval. The lighting plan should reflect the Bat Conservation Trust's Bats and Artificial Lighting in the U.K. (2018) guidance: <https://www.bats.org.uk/our-work/buildings-planning-anddevelopment/lighting>

Construction Environmental Management Plan (CEMP)

Condition:

A CEMP for the site shall be submitted to the LPA for approval prior to the commencement of development (including site clearance) on site.

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The document will need to include sufficient detail to demonstrate how construction will be managed to ensure pollution prevention and protection of designated sites, habitats and species on and adjacent to the site.

### Invasive Non-native species (INNS)

It is an offence to plant or otherwise cause to grow in the wild any plant species listed on Schedule 9 of The Wildlife and Countryside Act 1981 (as amended) or Schedule 2 of The Invasive Alien Species (Enforcement and Permitting) Order 2019.

#### Condition:

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

### Ecological Enhancements

The Biodiversity Supplementary Planning Guidance (SPG) should be referred to for further information: <https://www.swansea.gov.uk/biodiversityspg>

#### Condition:

A scheme to demonstrate that the development will conserve and enhance biodiversity and resilient ecosystems will need to be approved by the LPA prior to the commencement of development on site. This is in line with the Section 6 Duty of the Environment (Wales) Act 2016, the Resilient Wales Goal of the Well-being of Future Generations Act 2015, Planning Policy Wales Edition 11, Future Wales and Technical Advice Note 5.

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

### Sustainable Drainage (SuDS)

From 7 January 2019, all new developments of more than 1 house or where the construction area is of 100m<sup>2</sup> or more require sustainable drainage to manage on-site surface water. It is advised that reference is made to the Swansea Council LDP. SuDS work by making use of landscape and natural vegetation to control the flow of surface water and reduce the risk of flooding. Designs can include ponds, permeable paving and swales, which slow down the discharge of surface water more than conventional piped drainage.

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

Reason: Conserving and enhancing biodiversity and ecosystem resilience.

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Glamorgan Gwent Archaeological Society

Original Comments -

You will recall that an archaeological evaluation was undertaken by Cambrian Archaeological Projects at the above site in relation to 2009/1216 as the site lies outside the defences of the Roman fort and alongside the route of the Roman road and to the south of the former Loughor Glassworks. The fieldwork was undertaken in February 2010 and a total of six trenches were opened for archaeological evaluation. The results of the work demonstrated that no features of Roman date were present within the evaluated areas; however to the northern end of the application area the evaluation identified substantial remains believed to be part of the glassworks, along with demolition debris and industrial debris.

There has been no material change to our understanding of the archaeological resource since we made our earlier response. Consequently whilst we do not object to the positive determination of the current application; there is a need for any further archaeological features to be fully investigated and recorded before the site is developed, particularly those relating to the Loughor Glassworks; dating from at least 1879 it appears on the first edition OS map. As such we recommend that a condition be attached to any consent granted by your Members to ensure that the required works are undertaken to mitigate the impact of the development on the archaeological resource. We recommend that the condition should be worded in a manner similar to the model given in Welsh Office Circular 60/96, Section 22:

The developer shall ensure that a suitably qualified archaeologist is present during the undertaking of any ground disturbing works in the development area, so that an archaeological watching brief can be conducted. The archaeological watching brief shall be undertaken to the standards of the Chartered Institute of Field Archaeologists. The Local Planning Authority shall be informed, in writing, at least two weeks prior to the commencement of the development of the name of the said archaeologist and no work shall begin until the Local Planning Authority has confirmed, in writing, that the proposed archaeologist is suitable. A copy of the watching brief report shall be submitted to the Local Planning Authority within two months of the fieldwork being completed by the archaeologist.

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.

Further Comments -

You will recall from our previous correspondence that an archaeological evaluation was undertaken by Cambrian Archaeological Projects at the above site in relation to 2009/1216, as the site lies outside the defences of the Roman fort and alongside the route of the Roman road and to the south of the former Loughor Glassworks. The fieldwork was undertaken in February 2010 and a total of six trenches were opened for archaeological evaluation. The results of the work demonstrated that no features of Roman date were present within the evaluated areas; however to the northern end of the application area the evaluation identified substantial remains believed to be part of the glassworks, along with demolition debris and industrial debris.

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There has been no material change to our understanding of the archaeological resource since we made our earlier response. Consequently whilst we do not object to the positive determination of the current application; there is a need for any further archaeological features to be fully investigated and recorded before the site is developed, particularly those relating to the Loughor Glassworks. Glassworking in the immediate area dates from the mid 18th century and resumed in the mid 19th century, the works appears on the First Edition OS map.

As such we again recommend that a condition be attached to any consent granted by your Members to ensure that the required works are undertaken to mitigate the impact of the development on the archaeological resource. Planning conditions have been updated since our last letter and therefore we recommend that the condition should be worded in a manner similar to the model given in Welsh Office Circular 2014/016, section 24:

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 application and approved by the local planning authority. Thereafter, the programme of work will be fully carried out in accordance with the requirements and standards of the written scheme.

Reason: To identify and record any features of archaeological interest discovered during the works, in order to mitigate the impact of the works on the archaeological resource.

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

The archaeological work must be undertaken to the appropriate Standard and Guidance set by Chartered Institute for Archaeologists (CIfA), ([www.archaeologists.net/codes/cifa](http://www.archaeologists.net/codes/cifa)) and it is our Policy to recommend that it is carried out either by a CIfA Registered Organisation (<https://www.archaeologists.net/civicrm-contact-distance-search>) or a MCIfA level accredited Member.

Final Comments -

Thank you for consulting us about this application; consequently we have reviewed the detailed information contained on your website and can confirm that the proposal requires archaeological mitigation.

You will recall from our previous letter dated May 2022, where we stated that an archaeological evaluation was undertaken by Cambrian Archaeological Projects at the above site in relation to 2009/1216, as the site lies outside the defences of the Roman fort and alongside the route of the Roman road and to the south of the former Loughor Glassworks. The fieldwork was undertaken in February 2010 and a total of six trenches were opened for archaeological evaluation. The results of the work demonstrated that no features of Roman date were present within the evaluated areas; however to the northern end of the application area the evaluation identified substantial remains believed to be part of the glassworks, along with demolition debris and industrial debris.

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There has been no material change to our understanding of the archaeological resource since we made our earlier response. Consequently whilst we do not object to the positive determination of the current application; there is a need for any further archaeological features to be fully investigated and recorded before the site is developed, particularly those relating to the Loughor Glassworks. Glassworking in the immediate area dates from the mid 18th century and resumed in the mid 19th century, the works appears on the First Edition OS map.

As such we again recommend that a condition be attached to any consent granted by your Members to ensure that the required works are undertaken to mitigate the impact of the development on the archaeological resource. We recommend that the condition should be worded in a manner similar to the model given in Welsh Office Circular 2014/016, section 24:

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

Reason: To identify and record any features of archaeological interest discovered during the works, in order to mitigate the impact of the works on the archaeological resource.

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

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

### Japanese Knotweed Officer

Original Comments -

Various knotweed on site, some evidence of treatment and photos taken.

Planning condition CL12 must be placed upon this application -

A detailed scheme for the eradication of Japanese Knotweed shall be submitted to and approved in writing by the Local Planning Authority, and shall be implemented prior to the commencement of work on site.

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

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

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### Rights of Way Officer

Original Comments -

The developer will have to divert both public footpaths under s257 if the layout is to be retained.

It should also be noted that both paths must have a surface width of 2 metres.

Further Comments -

Please note the locations of footpaths Lluchwr 43 (LC43) and Lluchwr 124 (LC124) which potentially affect the development.

Further Comments -

Please note the location of public footpaths Lluchwr 43 (LC43) and Lluchwr 124 (LC124).

These would need to be protected at all times and would need to be consulted on any changes particularly to the surfaces of these paths.

Final Comments -

Our previous comments on this development stand.

The proposed layout will mean that the developer will have to divert both public footpaths under s257 and should be aware that this process takes time plus is open to objection from the public.

It should also be noted that both paths must have a surface width of 2 metres.

### Tree Officer

Original Comments -

An arboricultural impact assessment (AIA) in accordance with BS5837:2012 is required. This will inform a tree protection plan and arboricultural method statement. Any tree loss should be mitigated in a landscape plan.

Further Comments -

The tree survey is not displayed on a plan of suitable scale with the proposed layout therefore the impacts of the development cannot be accurately assessed. The applicant needs to supply an arboricultural impact assessment in accordance with BS5837:2012.

Further Comments -

The additional information in relation to the AIA does not appear to have been received.

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Final Comments -

Objection - more information required.

The tree information supplied with this application has not been in accordance with the British Standard.

The arboricultural impact assessment identifies the tree removals required to which there is no objection. However, the assessment does not identify the other impacts. It is assumed there are impacts as tree protection measures are recommended.

It is not confirmed if the author of the report in question has a professional accreditation. The report in question also appears to refer to another site.

The previous comments have mentioned the inadequate tree plan and tree protection plan. An alternative plan has now been supplied that shows the positions of the trees, however, this is not superimposed on the proposed layout plan, therefore, the impacts cannot be deduced. Comments were previously provided stating that this plan now needed to show the trees with the proposals, however, this has not been forthcoming.

This plan is also labelled as a tree protection plan, however, the fencing needs its positions dimensioned and the plan does not show the ground protection that is mentioned in the report. As this plan does not show the interface with the proposed layout it cannot be used as a tree protection plan.

### **Publicity**

The application was advertised by means of Site Notices and the properties directly adjoining the application site were consulted individually by letter on four occasions. The letters of objection, support and comments are summarised below.

#### Initial Publicity Exercise

In relation to the initial publicity exercise undertaken, nine letters of objection, a petition of objection and one letter of comment was received, the comments of which are as follows:

Letters of Objection -

Traffic issues are already a problem.

There appears to be no proposal to widen the road which can cause problems if planning was to be accepted as site vehicles will inevitably drive onto the footpath to avoid parked cars which will be a danger to pedestrians.

HGV's and emergency vehicles already have problems driving up the street.

Concern regarding the public right of way that runs behind the gardens of Gwydr Place and across the proposed site to the end of The Croft.



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Concerns that the 2m high fence will create an intimidating and enclosed path that people will be reluctant to use. While the land in its current state might be rather wild, it is open and affords a clear view of the path ahead.

A proposed fence, hedge and bank across the northern edge of the site encloses the new development from Gwydr Villas and Gwydr Place. There is then further planting and landscaping extending north from plot 3. The landscaping and trees, if planted, would cover an area of ground that is currently used as a 'turning-circle' for the council's refuse collection, recycling and garden waste lorries and lorries delivering coal, logs, gas to many of the properties. Due to the position of fuel tanks, coal stores and other storage areas that all residents have at the rear of their properties, lorries have to be able to unload in this space. However, access is via the narrow lane between two of the houses on Gwydr Place. This lane is not only narrow but also bends sharply, preventing the larger lorries from reversing up it. These lorries have to enter and exit the lane facing forwards and the planting of trees behind Gwydr Villas would make this impossible. Not only that, but the line of trees behind Gwydr Villas creates a rather sinister and enclosed area at the rear access to neighbouring properties. This is considered to pose a threat as it makes a dark, enclosed hiding spot.

The land where the proposal shows plots 1 and 2 floods in winter and the ground remains wet for many weeks after heavy rain. It is assumed that the bank is to protect against some of the excess surface water. However, this water has to go somewhere and in order to keep plots 1 and 2 dryer, Gwydr Place will probably suffer. At the moment, the ground remains fairly firm and along the route taken by the right of way, but again, rain water running off the bank may cause the ground to become wet. Council refuse lorries collecting our rubbish during the wet winter months will undoubtedly churn the soft ground and the prospect of going out in the winter becomes quite daunting. There is a concern that elderly neighbours could potentially slip and fall should the ground become wet and broken is quite alarming.

The Council have not made ample parking to accommodate residents and it gets very dangerous on neighbouring roads given there is a supermarket and car sales court.

A new alternative road should be provided to access the site via Loughor Boating Club and not The Croft.

It is not considered that the development will end at 4 houses.

The existing hedgerow are home to many wild birds including hedgehogs, woodpeckers and jays.

The proposals could be considered to impinge upon vehicular access to neighbouring properties.

There are concerns in respect of access for refuse lorries and lorries which deliver gas to a neighbouring property.

The proposals include proposed landscaping, fencing and so on which falls outside the development site itself. There are concerns that this will impinge upon an access at the rear of a neighbours property and may also interfere with visibility which could in turn be dangerous for pedestrians in general and children in particular.

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There is concern regarding the positioning of the right of way.

It is queried whether there will be a retaining wall constructed at the boundary line as because previously stated there is a drop currently which would give anyone using the 'new' right of way a platform to gain access to the rear gardens in Landor Drive.

A Petition of Objection with sixty signatures opposing the proposals for the following reasons -

The residents of Gwydr Place have had access to the rear of their properties for the delivery of coal or LPG gas for a period of over 50 years. Vehicles arrive and depart in a forward gear as reversing would be dangerous. The residents have maintained this surface. As an access road The Croft is too narrow. Cars are forced on the pavement which leads to problems for pedestrians particularly the elderly and parents with pushchairs.

Letter of Comment -

Concerns about loss of access to the footpath.

Requests that existing boundaries to be respected and assurance that they will not be encroached upon.

In reference to the plans provided it is not clear where the vehicle access will be during the building process, there is concern that the plant machinery will be crossing the footpath and causing danger to the many pedestrians that use it daily.

It is requested that the footpath is sited in such a way that it does not compromise the privacy of neighbouring properties.

Llwchwr Town Council -

Objection due to highways grounds and the risk to road safety due to the additional volume of traffic.

### Second Publicity Exercise

Following the receipt of amended plans, another Site Notice was displayed and neighbours were re-consulted. Eight letters of objection, a petition of objection and three letters of support have been received, making the following points:

Letters of Support -

The development of the site will help with the problems with antisocial behaviour currently on it.

The development of the plot will make it safer and cleaner to get across to the Estuary and make the area much more pleasant.

There will probably be objections regarding the width of the Croft but if a parking restriction could be put in place that would solve that.

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It is not considered that four houses are going to make any difference to The Croft.

The public footpath remains open on both sides and this will be far more welcoming entrance to the beautiful walks around the Loughor Estuary.

Letters of Objection -

The surrounding neighbours have maintained the area behind their property for 50 years. Allowing adequate access to garages, access for deliveries of coal, oil and gas. This area needs to be of a sufficient size, however, looking at the proposed plans the access will not be wholly or easily available.

The mains water pipe was damaged in 2015 when the area was first cleared and it appeared that it is still not marked correctly on the planning application.

The properties along Gwydr Place have a legal right of way to access the rear of their properties. It would be expected any re-development to have regard to this.

The area is full of historic coal mining, it is not believed that sufficient coal mining investigation work has been undertaken to demonstrate the site is capable of being developed in a suitable manner without compromising land stability in the area. The report submitted in support of the application is a generic report and is not detailed or specific to the site. Therefore it is considered that there is insufficient information for the Council to consider this application.

The application site is partially located in a Flood Zone and the site acts as a natural soakaway for the surrounding landscape which is a heavily developed area. The re-development of this greenfield site must make adequate provision for surface water run off and any subsequent flooding on adjacent land. It would be expected that a fully comprehensive drainage strategy to be submitted in support of this application which clearly demonstrates the site can be developed in a way which does not result in additional flooding. Currently the information provided is very light and does not adequately address this issue.

There is concern regarding the pitched roof of the garage for Plot 4 backing onto the rear of a neighbouring garden.

It is not understood the reasoning behind the planting of trees across the centre of the space used for access to the rear of the properties that have been there for well over 130 years.

Concern over access to the garages and deliveries of fuel to the rear of the properties on Gwydr Place and at Gwydr Villas.

Surface water run-off from the raised bank around the perimeter of the development site.

Fencing along the gardens of plots 2 and 3 that would enclose the public right of way. There is also some ambiguity as to what is happening to the right of way as it crosses the proposed driveway of Plot 2.

There are concerns about the access to the rear.

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There are concerns about surface water issues.

It is queried whether any research has been done regarding mine workings.

A Petition of Objection was also received with fifty-three signatures, opposing the proposals.

Llwchwr Town Council -

Residents of Gwydr Place have pointed out that the plans will prevent access by large vehicles to the rear of their homes. They rely on deliveries of coal, gas and oil.

Two rights of way should be kept in place for the duration of the development. One from The Croft to Gwydr Place and one from The Croft to Landor Drive.

The Croft is narrow and access may be a problem.

The Coal Authority Report is interesting regarding their statement that there are workings in the area.

Footpaths through the field - there are concerns these will be re-routed once the application has been determined. The footpaths are extensively used now. It is believed that the Applicant will have up to 5 years to complete the works and the local Councillor would wish to see that footpaths will be made available during the construction period.

The residents of Gwydr Place rely on deliveries to the back of their houses, there is concern the existing plans come very close to the existing properties and would not allow enough space for fuel deliveries.

### Third Publicity Exercise

Following the receipt of amended plans, a Site Notice was displayed and neighbours were re-consulted. One letter of support was received, making the following points:

Letter of Support -

The development of the site will improve the area and residents and visitors to the foreshore, users of the shop, school and bus stop will still have access across the land.

### Final Publicity Exercise

Following receipt of amended plans, a Site Notice was displayed and neighbours were re-consulted. One letter of support was received but no comments were made within this correspondence.

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## **APPRAISAL**

### **Main Issues**

The main issues to consider in the determination of this application relate to the impact of the proposal on the visual amenities of the area, the impact on the residential amenity of neighbours and other local residents, land stability, flooding, public rights of way, highway safety, ecology, trees and drainage having regard to the prevailing provisions of the relevant development plan policies and National Policy guidance. There are considered to be no additional issues arising from the provisions of the Human Rights Act.

### **Principle of Development**

The LDP Proposals Maps indicates that the site is 'white land' within the settlement boundary although it is very close to the boundary with the open countryside. There are no specific LDP Policies that would seek to resist the principle of providing housing on this site. In principle, the proposal would not fundamentally conflict with LDP Policies.

### **Placemaking/ Visual Impact**

The built form within the surrounding context is varied, with traditional terraces located along Gwydr Place/Gwydr Villas and relatively modern dwellings located along the Croft.

It is not considered that the siting, scale and design of the proposed dwellings would be out of keeping with the character and appearance of the existing dwellings within The Croft. The proposed dwellings are of a relatively modern design, all with bay front windows and modest sized single dormers located within their front and rear roof planes. Whilst the dwellings would be larger than dwellings located within the immediate surrounding area, their general appearance would dictate that they would neither appear discordant or visually incongruous within the streetscene or surrounding area. The proposed garages are also considered to be acceptable given their sympathetic size and scale.

The site area is considered to be ample to support this residential development within this urban area. There does not appear to be any materials specified on the submitted drawings - if a recommendation of approval was being made, an appropriate condition would be used to request details of external materials.

The proposed dwellings would be sited centrally within their respective plots, with parking and turning facilities provided within each plot and relatively reasonable sized gardens at the rear. The properties are proportionately scaled in relation to their respective plot size, with none appearing cramped. The garages for Plots 2-4 are located to the side of the respective properties. However, there is a garage located to the front of Plot 1. However, given the orientation of the site and the relatively concealed location of the garage in relation to the surrounding area, the siting of this garage forward of the dwelling on Plot 1 is not considered to be unacceptable.

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### **Residential Impact**

In terms of overlooking issues, there will be an element of mutual overlooking between the bay windows serving the dwellings. However, views from opposing bay windows would be oblique and do not give rise to significant concerns. There are single first floor windows located within one side of each dwelling which only serve bathrooms, which are classed as non-habitable rooms and hence do not present overlooking concerns.

The dwellings appear to be positioned in such a way as to not cause any issues in terms of adverse overbearance or overshadowing impacts. It is noted that the dwelling on Plot 2 is positioned further back than the dwelling on Plot 3. However, this is not considered to give rise to any adverse physical impact on Plot 3, given the sympathetic siting of the respective dwellings. The garages given their sympathetic scale and siting are also not considered to give rise to any adverse impacts.

There are proposed alterations to the site levels, however, these appear to be relatively minor and will not cause any major issues in terms of impacts on residential amenities. In addition patios are proposed to the rear of the dwellings which appear to be slightly raised. However, given their siting in relation to existing and proposed properties and their relatively minimal elevation off the ground they are not as such considered to raise an issue in this instance.

The siting and design of the proposals would dictate that ample separation distances between the proposed dwellings would be achieved. Furthermore, there are sufficient separation distances between each new dwelling and the existing properties neighbouring the site. Therefore, it is considered that the proposed development would not result in unacceptable impact upon the residential amenities of future occupiers or the occupiers of existing neighbouring properties by virtue of overbearing, overshadowing or overlooking impacts.

### **Highway Safety/Active Travel**

Submitted swept path analysis drawings show that the development can be serviced by vehicles, however, the manoeuvre into and out of the access road requires the full width of the existing highway to accommodate it.

The Local Highway Authority has indicated that a Traffic Regulation Order will be required on The Croft, in order to protect the required space for access; this would need to be provided at the expense of the applicant/developer. In addition, the associated detailed design process should include the removal and replacement of an existing lighting column, to be included within the access works undertaken by the developer.

It is noted that the Local Highway Authority has raised no objection to the proposed development subject to conditions.

Consequently, given that a suitable means of vehicular and pedestrian access is being provided into the site, together with the provision of adequate parking and turning facilities within each plot, the proposal is considered to be acceptable in highway and pedestrian safety terms. It is also considered that the local highway network is capable of accommodating the additional traffic flows associated with the additional proposed dwellings.

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### Land Stability

The application site falls partly within the a Development High Risk Area, as defined by the Coal Authority. This is due to the potential zones of influence of off-site mine shafts 256198-015 and 256198-020 extending into the eastern part of the site. The Coal Authority have advised that due to potential plotting inaccuracies, the actual positions of these former coal mining features could deviate/depart from their plotted positions by several metres and, as such, could be present within the application site itself.

It should be noted that various documents have been submitted in relation to this issue over the period of the course of this application.

The Coal Authority have stated that should the Local Planning Authority (LPA) consider the land to the east of Plot 4 as domestic curtilage/garden space, in the interests of public safety, the Coal Authority would expect due consideration to be given to the incorporation of a geotextile reinforcement across the entirety of the hypothetical collapse zones.

The applicant's agent had suggested that a geotextile reinforcement will be incorporated into the turning circle/road vehicular turning circle, in order to address the potential risk of land instability in the event of shaft collapse. The Coal Authority has welcomed this suggestion.

The Coal Authority have also required the imposition of a condition to remove 'permitted development rights' for the erection of extensions or curtilage buildings within the hypothetical shaft collapse zones defined in the applicant's Site Investigations Report. This will enable the safety and stability implications of coal mining legacy to be considered by the LPA in the event of future householder development proposals at the site.

The Coal Authority has therefore raised no objection to the proposals, subject to the imposition of conditions to secure the incorporation of appropriate mitigation measures within the development in order to address the potential risk of instability in the event of shaft collapse and to remove permitted development rights.

The Coal Authority have also made various comments regarding Mine Gas and SUDs. In terms of Mine Gas, the Coal Authority have advised that wherever coal resources or coal mine features exist at shallow depth or at the surface, there is the potential for mine gases to exist. The Coal Authority have also advised that they only comment on gas issues their data indicates that gas emissions have been recorded on the site. On the basis that they have not fully commented on this issue, it is assumed that they have no records of Mine Gas being present. The Coal Authority have however advised that the absence of such a comment from them should not be interpreted to imply that there are no gas risks present, and that Local Planning Authorities should seek their own technical advice on the gas hazards that may exist from technically competent personnel.

Section 6.9.26 of PPW advises that the Local Planning Authority should liaise with the Coal Authority in coal mining consultation areas where a development may have implications for Mine Gas. PPW does not advise that there is a requirement to liaise with any other bodies or consultees. Consequently, as the Local Planning Authority has already consulted the Coal Authority who do not appear to have any records of Mine Gas at the site, and PPW do not suggest any further consultation be carried out, then no further advice will be sought.

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This matter would of however been brought to the attention of the applicant by means of an informative if a recommendation of approval was being made.

### **Drainage**

No specific drainage concerns have been raised by the relevant consultees - Drainage Officer or Welsh Water. Consequently, in the event that the application was being recommended for approval, the use of appropriate drainage conditions would be used, which combined with the SAB Approval that would also be needed, would adequately ensure that appropriate drainage details were provided.

### **Ecology**

A Preliminary Ecological Appraisal and Technical Note have been submitted as part of the planning application to address ecological issues.

The Council's Ecologist has assessed this document and has raised no objection to the proposals.

The Ecologist has advised that the Carmarthen Bay and Estuaries Special Area of Conservation (SAC) and Burry Inlet and Loughor Estuary Site of Special Scientific Interest (SSSI) are located in close proximity to the application site and the development must therefore comply with Policy ER6 of the Local Development Plan. In order to comply with Policy ER6, the Ecologist has advised that a CEMP condition and a Sensitive Lighting Plan condition will be required. In addition conditions and informatives are recommended to be attached relating to bats, trees, birds, clearance of the site, badgers, hedgehogs, reptiles and amphibians, lighting, CEMP, INNS, ecological enhancements and SUDS.

Consequently, given the comments of the Ecologist, no concerns are raised with the impacts of the proposals on ecological interests subject to the use of conditions.

### **Flooding**

The planning application proposes highly vulnerable development, namely four detached dwellings with detached garages. The site lies within Zone A as designated by the Development Advice Map (DAM) referred to in TAN15, although it borders a C2 Zone. The Flood Maps for Planning (FMfP) identifies part of the application site to be at risk of flooding and falls into Flood Zone 3 Sea.

NRW have referenced Section 6 of TAN15 and the Chief Planning Officer letter from Welsh Government, dated 9 January 2014, which affirms that highly vulnerable development should not be permitted in Zone C2 (paragraph 6.2 of TAN15). They have confirmed that the justification tests in paragraph 6.2 of TAN15 do not apply to highly vulnerable development in Zone C2.

It should be noted that various documents have been submitted in relation to this issue over the period of the course of the application.



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The applicant's Flood Consequences Assessment (FCA) suggested that in order to mitigate against the risk of tidal flooding, the ground levels over part of the site should be raised. The initial set of application drawings did not however reflect this recommendation.

NRW consequently previously raised an issue with regards to the finished floor levels of the proposed dwellings not being shown as being raised (even though this was recommended in the FCA). However, NRW did confirm that if they were set at 7.419 AOD in order to comply with the flood free threshold requirement in Table A1.14 and acceptable flood depths in Table A1.15 of TAN 15, these dwellings would be acceptable.

However, amended drawings have been received, which clearly show that site levels will be increased across part of the site and that the dwellings will feature finished floor levels that are at 7.443 AOD. NRW have been re-consulted on tis revised drawings, but at the time of writing this report have not commented on these revisions. However, at this juncture, it is assumed that the revised site levels and finished floor levels are to the satisfaction of NRW and adequately minimise flood risks.

NRW have however consistently requested that a TUFLOW model be carried out and submitted as part of the application, in order to fully assess the flood risk posed by the proposed development to third parties (neighbouring properties etc). It should be noted that TUFLOW is a type of hydraulic and hydrodynamic modelling system.

NRW have advised that it is for the LPA to decide if TUFLOW modelling is required. The advice of the Council's Drainage Officer was therefore sought. In summary, the Drainage Officer advised that a TUFLOW model is required if NRW do not have information regarding flood levels which could be used for such an assessment (which their comments appear to indicate is the case).

Consequently, given the advice received from NRW and the Drainage Officer, it is considered that the applicant has failed to demonstrate that the proposed development will not give rise to third party flooding (as the proposal has not been subject to TUFLOW modelling). Consequently, this forms a reason for the refusal of the application.

### **Rights of Way**

The two existing public footpaths running through the site are noted as Llwhwr 43 (LC43) and Llwhwr 124 (LC124). These would need to be protected at all times and the relevant Council Officers would need to be consulted on any changes particularly to the surfaces of the paths. The proposed layout will result in the developer having to divert both public footpaths. This is a separate process that would need to be addressed outside of the planning process.

### **Trees**

The applicant's Arboricultural Impact Assessment (AIA) identifies that tree removals are required, to which the Tree Officer has not raised an objection to. However, the Tree Officer has commented that the AIA does not identify the other impacts on trees associated with the development (it is assumed that there are impacts as tree protection measures are recommended within the AIA).

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Consequently, due to the paucity of information contained within the submitted AIA, the applicant has failed to demonstrate the full impact of the proposal on trees. The Tree Officer has also raised other concerns with the submitted AIA and has suggested that it does not follow industry standards and has not been compiled by a suitably qualified person. The absence of a suitable AIA also forms another reason for refusal.

### **Responses to Consultations**

With regards to the issues raised within the letters of objection, the following issues have been addressed within the context of the report: highway issues, public rights of way, surface water issues, ecology issues, land stability issues, flooding, drainage issues and residential amenity issues.

There has been a concern regarding the use of a piece of land to the rear of the properties along Gwydr Place and Gwydr Villas. The amended plans do not now indicate specific proposals for this area, as they did on the original plans which included amongst other proposals landscaping on this area. However, it should be acknowledged that this piece of land is outside of the application site.

It should be noted that some of the queries raised have been addressed via the amended details contained within the latest set of drawings.

In terms of the issues raised within the letters of support, whilst it is acknowledged that the proposals would help with issues surrounding anti-social behaviour and the general appearance of the area, this is not considered sufficient to overcome the concerns with the proposals.

### **Conclusion**

In conclusion, it is recommended that the application be refused for the reasons given below.

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

### **RECOMMENDATION**

#### **REFUSE for the following reasons;**

- 1 The applicant has failed to demonstrate that the proposed development will not give rise to an increase in the risk of third party flooding, as the proposal has not been subject to TUFLOW modelling, contrary to Policy RP5 of the Swansea Local Development Plan (2010-2025).

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- 2 The applicant has failed to provide an adequate Arboricultural Impact Assessment which assesses the impacts of the proposals in relation to trees and associated foliage. It has therefore not been demonstrated that the proposal would not have a detrimental impact on the health and longevity of the trees located within or adjacent to the site and other foliage, contrary to Policy ER11 of the Swansea Local Development Plan (2010-2025).

### Informatives

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

The development plan covering the City and County of Swansea is the Swansea Local Development Plan. The following policies were relevant to the consideration of the application: Policies PS 2, T1, T2, T5, T6, T7, RP4, RP5, RP7, ER6, ER8, ER9 and ER11.

- 2 PLANS  
East and West Elevations Plot 1 and 2, East and West Elevations Plots 3 and 4, Garage Details, Plots 3 and 4 Floorplans, Plot 1 and 2 Floorplans, South and North Elevations Plot 1 and 2, South and North Elevations Plots 3 and 4, received 8th February 2022.

210402-P21 Rev A Existing Site Location Plan, 210402-P22 Rev A Existing Block Plan, 210402-P31 Rev A Proposed Site Location Plan  
210402-P32 Rev A Proposed Block Plan, received 21st November 2022.

210402-P23 Rev B Existing Site Plan, 210402-P24 Rev A Existing Site Sections, 210402-P33 Rev B Proposed Site Plan and Swept Path Analysis, 210402-P35 Rev A Proposed Site Sections, received 27th February 2023.

Vehicle Swept Path for Refuse Vehicle Departing and Vehicle Swept Path for Refuse Vehicle Arriving, received 21st April 2023.

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