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Cymru**

Dyddiad: 31/01/19

**Report to Swansea
Council**

by:

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**Inspectors appointed by the Welsh
Ministers**

Date: 31/01/19

PLANNING AND COMPULSORY PURCHASE ACT 2004 (AS AMENDED)

SECTION 64

**REPORT ON THE EXAMINATION INTO THE
SWANSEA LOCAL DEVELOPMENT PLAN
2010 – 2025**

Plan submitted for examination on 28 July 2017

Hearings held 6 February – 28 March 2018 and 10 – 11 September 2018

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Abbreviations used in this report

AA	Appropriate Assessment
AONB	Area of Outstanding Natural Beauty
AQMA	Air Quality Management Area
CBEEMS	Carmarthen Bay and Estuaries European Marine Site
DAMs	Development Advice Maps
DCWW	Dŵr Cymru Welsh Water
FCA	Flood Consequences Assessment
HRA	Habitats Regulations Assessment
IDP	Infrastructure Delivery Plan
IMAC	Inspectors’ Matters Arising Change
LDP	Local Development Plan
LHMA	Local Housing Market Assessment
LPA	Local Planning Authority
LSA	Local Search Area
MAC	Matters Arising Change
MoU	Memorandum of Understanding
NRW	Natural Resources Wales
PPW	Planning Policy Wales
RSL	Registered Social Landlord
SA	Sustainability Appraisal
SCARC	Swansea Central Area Retail Centre
SCARF	Swansea Central Area Regeneration Framework
SDA	Strategic Development Area
SEA	Strategic Environmental Assessment
SHPZ	Strategic Housing Policy Zone
SLA	Special Landscape Area
SoCG	Statement of Common Ground
SPG	Supplementary Planning Guidance
SSTM	Swansea Strategic Transport Model
TAN	Technical Advice Note
UDP	Unitary Development Plan
WFG Act	Well-being of Future Generations (Wales) Act 2015
WG	Welsh Government

Non-Technical Summary

This report concludes that, subject to the recommended Matters Arising Changes (MACs) and Inspectors’ Matter Arising Changes (IMACs) set out in Appendices A and B, the Swansea Local Development Plan 2010 – 2025 (LDP) provides an appropriate basis for the planning of the County up to 2025. The Council has sufficient evidence to support the strategy and has shown that it has a realistic prospect of being delivered. A number of changes are needed to make the Plan sound and meet statutory requirements. These do not alter the thrust of the overall strategy or undermine the Sustainability Appraisal.

The main changes are summarised as:

- Clarifying how and when the required housing will come forward,
- Providing further clarity in policies for mixed use strategic sites, including identifying the amount of employment land expected to come forward within the Plan period,
- Providing further information on the infrastructure necessary to support the Plan’s allocations,
- Clarifying the sequentially preferred locations for accommodating different types of employment and retail development,
- Amending on-site targets for Affordable Housing in certain zones,
- Amending the policy on Local Needs Housing to accord with national policy,
- Deleting the Gypsy and Traveller site allocation and amending the Gypsy and Traveller policy framework to better reflect national legislation and policy,
- Identifying a Management Area for Houses in Multiple Occupation (HMOs) and specifying thresholds and assessment criteria for new HMOs,
- Changing the Green Belt designation to a Green Wedge and adjusting its boundaries,
- Identifying a new Special Landscape Area at the Garngoch and Lower Afon Llan Valley,
- Identifying Local Search Areas for solar PV arrays and making changes to the renewable and low carbon energy policy framework to align with national policy,
- Amending minerals policies to accord with the national policy objective of Planning Policy Wales edition 10 to avoid the continued extraction and consumption of fossil fuels,
- Changing the wording of several policies, including in relation to the protection of European Protected Sites and air quality, in order to reflect national policy, statutory objectives and the outcomes of the Appropriate Assessment, and/or to ensure their effectiveness, and
- Replacing the Plan’s monitoring framework to include amended indicators, targets and trigger points.

Almost all of the recommended changes have been put forward by the Council in response to matters discussed during the examination. With the recommended changes the Plan satisfies the requirements of section 64(5) of the 2004 Act and meets the tests of soundness.

Contents

1	Introduction	3
2	Procedural Requirements	4
3	The Plan Strategy	7
4	Housing	14
5	Strategic Development Areas and Housing Allocations	18
6	Affordable Housing, Local Needs Housing and Exception Sites	32
7	Gypsy and Traveller Sites; Shared Accommodation	39
8	Employment and Retail	43
9	Transport, Infrastructure and Open Space	48
10	The Countryside, Tourism, Gower AONB and Landscape	52
11	Natural Environment; Human and Environmental Health	56
12	Energy, Minerals and Waste	59
13	Other Development Management Policies	62
14	Monitoring and Review	64
15	Overall Conclusions	65
	Appendix A: Council’s Matters Arising Changes recommended by the Inspectors	A1
	Appendix B: Inspectors’ Matters Arising Changes	A2

1 Introduction

- 1.1. Under the terms of Section 64(5) of the Planning & Compulsory Purchase Act 2004, the purpose of the independent examination of a Local Development Plan is to determine:
 - a) whether it satisfies the requirements of sections 62 and 63 of the Act and of regulations under section 77, and
 - b) whether it is sound.
- 1.2. This report contains the assessment of the Swansea Local Development Plan 2010 – 2025 (from here referred to as “the LDP” or “the Plan”) in terms of the above matters, along with recommendations and the reasons for them, as required by section 64(7) of the Act.
- 1.3. The submitted LDP has been prepared pursuant to the Act and the Town and Country Planning (Local Development Plan) (Wales) Regulations 2005 (as amended). Subject to the changes set out in the Appendices, we are satisfied that the LDP accords with national policy.
- 1.4. Since the purpose of the examination is to determine whether the Plan is sound we recommend changes in this report only where there is a clear need to amend the Plan in the light of the legal requirements and/or the tests of soundness. These binding changes are identified in **bold text** and detailed in Appendices A and B. We are satisfied that these changes are in line with the substance of the overall Plan and its policies, and do not undermine the Sustainability Appraisal (SA) and the participatory processes undertaken.
- 1.5. All duly made representations have been considered, including those made orally at the examination hearings. Given the focus of the examination on soundness, our report does not refer specifically to individual representations, other than where they raise substantive issues concerning the Plan’s soundness. Changes to the LDP sought by any representor are recommended only where we have found, on the basis of the evidence, that such a change is required to make the Plan sound.
- 1.6. A number of alternative site allocations were proposed by representors. What is required of Local Planning Authorities (LPAs) in preparing an LDP is that they produce a strategy, policies and allocations that are sound. There are likely to be a number of ways that the Council could meet the needs of its community, each of which may be sound in its own right. Some may consider that the allocations in the Plan do not present the best solution, but we may only recommend changes where they are necessary to make the Plan sound. We have therefore referred to specific alternative sites only where it has been necessary to conclude on the overall soundness of the Plan.

Post-Deposit ‘Non-Substantive’ Changes and Minor Changes

- 1.7. Prior to submitting the LDP for examination the Council considered the representations received and determined that some ‘Non-Substantive Changes’ to the deposit Plan were required. It submitted these in a schedule to the examination. We reviewed these changes and found some to be substantive in

nature. Changes that the Council considered necessary for soundness were discussed at the hearings and evolved into ‘Matters Arising Changes’. The schedule of Non-Substantive Changes is now superseded, with any factual changes or corrections to errors put into a separate schedule of ‘Minor Changes’, which we are satisfied are indeed minor in nature. It is for the Council to determine whether or not to incorporate these or any other changes (e.g. amended paragraph numbering, factual corrections or updated cross-referencing) into the final version of the Plan.

Recommended Changes

- 1.8. The Council has prepared a schedule of Matters Arising Changes (MACs) following the discussions at the hearings¹. The Council has updated the SA Report in light of these changes². The MACs were publicised on the Council’s website and subject to public consultation for a period of 6 weeks, after which the consultation responses were forwarded to us. In coming to our conclusions in this report we have taken into account all of the representations made.
- 1.9. MACs identified in **bold type** in this report and detailed in Appendix A are changes put forward by the Council that are required to make the Plan sound. A limited number of additional MACs included in the schedule, which are not emboldened, are not required to make the Plan sound. These are not the subject of a binding recommendation and are not identified in the main body of our report.
- 1.10. Appendix B sets out additional changes (Inspectors’ Matters Arising Changes, or IMACs) not proposed by the Council but which we have concluded are also needed to make the Plan sound. None of these changes undermine the SA, Strategic Environment Assessment (SEA) and Appropriate Assessment (AA) or the strategy and policies of the Plan.

2 Procedural Requirements

- 2.1. The LDP has been prepared in accordance with the Delivery Agreement, as revised by agreement with the Welsh Government³. As evidenced in the Consultation Report⁴, we are satisfied that it has been produced in broad compliance with the Community Involvement Scheme (CIS). Whilst some have expressed concerns that the Council failed to fully consider and satisfactorily respond to objections submitted at the various Plan-making stages, the Council is not obliged to make changes to the Plan in response to representations.
- 2.2. It has been brought to our attention that the boundaries of some allocated sites changed during the Plan’s production. In this regard information has been provided of site notices containing differing information. Nonetheless, the location of most of the deposit Plan’s strategic allocations was sufficiently identified at the Preferred Strategy stage. Additional consultation on ‘draft Proposals Maps’, a stage of plan production which the Council was under no

¹ Matters Arising Changes Schedule (October 2018) [ED094]

² Updated SA Report reflecting MACs (November 2018) [ED096]

³ LDP Delivery Agreement approved by Welsh Government (July 2017) [LDP01]

⁴ Deposit LDP Consultation Report (July 2017) [LDP17]

statutory obligation to undertake, provided a further opportunity for stakeholders to comment on the boundaries of proposed allocations and settlement boundaries. Whilst we acknowledge that the altered boundaries, or indeed other aspects of LDP preparation, may have confused or concerned some residents, there is nothing untoward or contrary to national policy or guidance about Plans being refined prior to deposit. Furthermore, site notices for Plan allocations are not required either by statute or the Council’s CIS.

- 2.3. Overall, it is evident that the Council engaged with a wide range of organisations and the general public at key stages of Plan production. The substantial number of representations received at deposit stage points to an effective and well-publicised consultation process that has provided ample opportunity for residents and general and specific consultation bodies to put forward their views. The general thrust of the CIS has been complied with and participants have not been prejudiced by the processes undertaken. As the deposit Plan and all subsequent amendments to it have been advertised and consulted on, we are satisfied that it complies with the requirements of the Town and Country Planning (Local Development Plan) (Wales) Regulations 2005 (as amended) in this respect.
- 2.4. Prior to the examination the deposit Plan was subjected to SA incorporating SEA. The SA Report as originally submitted⁵ provides a summary of the strategic alternatives considered and outlines the reasons for selecting the deposit Plan’s strategy, site allocations and policies. Parts of the SA Report were updated during the examination to provide further clarity about the candidate site assessment process⁶. The report has been further updated to take account of changes to the Plan arising from the examination⁷.
- 2.5. Section 62 (6A) of the Planning and Compulsory Purchase Act 2004 states that the SA must include an assessment of the likely effects of the Plan on the use of the Welsh language. The SA included two objectives through which potential social and cultural linguistic impacts were assessed. Via this process the Council identified at an early stage that allocating large sites in the Greater North West Housing Zone could have potential cumulative effects on Welsh speaking communities. The Council assessed the potential impact of strategic allocations within the Greater North West Housing Zone on the Welsh language and consequently resolved to extend the proposed Welsh Language Sensitive Area, within which additional requirements are placed on larger schemes. Linguistic characteristics and effects on other parts of the County have also been evaluated as part of the Plan’s production⁸. We therefore consider that the SA process has adequately considered the impacts of the LDP on the Welsh language.
- 2.6. Some have questioned the robustness of the scoring matrices for individual site allocations. Nonetheless, in our view the degree of information has been sufficient to allow the Council to assess the likely significant effects of site allocations included in the Plan. The detail provided in the SA Report in relation to specific sites is proportionate and the reasons for selecting site allocations

⁵ SA/SEA Report of the deposit LDP (June 2016) [LDP08]

⁶ Updated SA/SEA Report of the deposit LDP (December 2017) [ED006.8]

⁷ Updated SA Report reflecting MACs (November 2018) [ED096]

⁸ Cultural and Built Heritage Topic Paper [EB032]

are sufficiently outlined. There is little evidence of other realistic site-specific alternatives being available. Consequently we are satisfied that the general approach to SA/SEA is robust and that the procedural and legal requirements have been met.

- 2.7. In accordance with the Habitats Directive⁹ a shadow Habitats Regulations Assessment (HRA) of the deposit Plan was undertaken. The corresponding report as originally submitted was updated to respond to representations made by Natural Resources Wales (NRW), including in relation to the Carmarthen Bay and Estuaries European Marine Site (CBEEMS)¹⁰. The HRA was again revised¹¹ during the examination to take account of likely future updates to the CBEEMS Memorandum of Understanding¹².
- 2.8. The European Court of Justice ruled in April 2018 that it is not permissible to take account of measures intended to avoid or reduce the harmful effects of a plan on a European site at the screening stage¹³. In response to this Court judgment the Council revisited the HRA. As certain elements of the Plan have the potential to result in likely significant effects on the CBEEMS and Crymlyn Bog Special Area of Conservation, the revised HRA Report incorporates an Appropriate Assessment (AA)¹⁴. The AA identifies that, subject to certain identified mitigation measures, the Plan would have no adverse effect on the integrity of European Protected Sites, either alone or in combination with other plans and projects. As the mitigation measures identified in the AA would be incorporated within the Plan via six MACs¹⁵, we are content that the Habitats Directive has been complied with.
- 2.9. The Public Sector Equality Duty requires Councils to have due regard to the need to eliminate discrimination, promote equality of opportunity and foster good relations between different communities. The Council has subjected the deposit LDP to a draft Equalities Impact Assessment¹⁶ to ensure that equality issues have been taken into account throughout the Plan preparation process. This aims to identify the Plan’s potential impacts on people with protected characteristics under the Equality Act 2010 and its contribution towards promoting equality in Swansea. In examining the Plan and making our recommendations we have had regard to the findings of this assessment.
- 2.10. The Well-Being of Future Generations (Wales) Act 2015 (WFG Act) places a duty on public bodies to improve the economic, social, environmental and cultural well-being of Wales in accordance with the sustainable development principle. The Council has completed an Integrated Impact Assessment to show how the LDP complies with the ‘well-being goals’ and ‘ways of working’ set out in the WFG Act¹⁷. The findings of this assessment are broadly consistent with the conclusions of other related appraisals produced during the production of the Plan, including SA/SEA and Equalities Impact Assessment. **MAC02** would

⁹ European Union Habitats Directive (92/43/EEC)

¹⁰ Revised Shadow Habitats Regulations Assessment, 2017 [LDP14]

¹¹ Updated Shadow Habitats Regulations Assessment, February 2018 [ED017]

¹² ‘Safeguarding the Environment of the CBEEMS’ Memorandum of Understanding 2011 [RD13]

¹³ *People over Wind, Peter Sweetman v Coillte Teoranta*

¹⁴ HRA Report incorporating AA (revised June 2018)

¹⁵ MAC149, MAC152, MAC172, MAC302, MAC323 and MAC362

¹⁶ Draft Equality Impact Assessment (June 2016) [PD04]

¹⁷ Council Statement arising from Action Point 1.2 [ED038]

amend the introductory section of the Plan to clarify the relationship between the Council’s Local Well-Being Plan and its vision and objectives, and is therefore recommended. On the basis of the evidence as a whole, we are satisfied that the Plan aligns with and supports the well-being goals and that the Plan production process has been consistent with the ways of working specified in the WFG Act.

- 2.11. Planning Policy Wales Edition 10 (PPW) was published on 5 Dec 2018 and took effect from that date, immediately superseding edition 9. Whilst the general thrust of much of its policy remains similar, PPW edition 10 has substantively amended national policy in some limited areas, in particular in relation to the extraction of fossil fuels. This has implications for a limited number of the Plan’s policies¹⁸ and related Matters Arising Changes consulted on by the Council, all of which were prepared in the context of PPW edition 9.
- 2.12. Where PPW edition 10 has had a material bearing on our recommendations these are referenced in this report. None of these recommended changes fundamentally alter the Plan strategy. The Council may wish to update cross-references within the Plan, but these would be minor factual changes and would not have soundness implications. As a consequence, whilst we sought the views of the Council and WG on the implications of PPW edition 10 for the Plan¹⁹, the submission of further evidence from other parties has not been necessary. Subject to our recommended changes to the Plan we are satisfied that it is in general conformity with PPW edition 10.

Conclusion

- 2.13. For the foregoing reasons we conclude that the relevant procedural and legal requirements have been met.

3 The Plan Strategy

Vision and objectives

- 3.1. The LDP’s vision and objectives aim to secure Swansea’s role at the heart of a sustainable city region. The vision, which was developed in consultation with residents and stakeholders, responds to key issues of local importance. The objectives relate to the baseline evidence and collectively seek to improve the economic, environmental, cultural and social well-being of the County. Both the vision and objectives are locally specific and set an appropriate framework for the Plan’s strategy, policies and allocations. Objective 5 should, however, be amended to recognise the importance of safeguarding essential infrastructure (**MAC05**). Changes to the Plan Strategy Diagram as proposed in **MAC13** would reflect the up-to-date position in terms of the additional evidence gathered and the changes made to the Plan since it was placed on deposit. It is therefore recommended.

¹⁸ Principally policy RP 11 ‘Sustainable Development of Mineral Resources’, policy RP 12 ‘Safeguarding Minerals’ and policy RP 13 ‘Surface Coal Operations’

¹⁹ Inspectors’ Letter to Council/WG and responses (December 2018) [ED098, ED098a and ED098b]

Greenfield development and loss of agricultural land

- 3.2. In assessing the appropriate level of growth required to satisfy evidenced economic and social needs, the Council has considered the extent of development that could realistically be accommodated within Swansea. Opportunities to maximise the reuse of previously developed land have been sought and an assessment of the availability of brownfield land for residential development has been undertaken²⁰. This confirms that, although the majority of new dwellings could be accommodated on brownfield sites, to meet housing needs and deliver a meaningful range and choice of housing sites, the Plan would need to accommodate a release of greenfield land.
- 3.3. In assessing suitable alternative sites for development a number of factors were considered, including potential impacts on resources such as agricultural land. Initially, the Council sought to determine the extent of probable Best and Most Versatile (BMV) agricultural land on proposed Strategic Development Area (SDA) allocations in consultation with the Welsh Government. It also sought agricultural land surveys from those promoting the development of smaller sites. During the examination, a new Wales-wide Predictive Agricultural Land Classification Map was published. The Council used this to re-evaluate and quantify BMV land on allocated sites²¹. This found that allocated sites would incorporate nearly 90 hectares of BMV land, primarily in the east, northwest and southwestern parts of the County.
- 3.4. Allocating these sites will inevitably sterilise the BMV agricultural land resource, even if the land itself were not physically built on. A substantial loss of BMV agricultural land would occur at SDA I, and to a lesser extent at some other SDAs and non-strategic sites allocated under policy H 1. Sites allocated for local needs and affordable housing under policy H 5 would in themselves amount to a loss of nearly 7 hectares of BMV land. These losses, however, have to be weighed against the need to provide a range and choice of new homes and jobs to meet evidenced needs. The Council has adequately demonstrated that there is insufficient brownfield or lower grade agricultural land within the County to accommodate the necessary scale of development within the Plan period. In the case of the policy H 5 allocations, those sites are few and relatively limited in extent and would contribute to meeting needs arising in those specific localities.
- 3.5. Overall, we consider that the benefits of retaining the land in agricultural use would not outweigh the advantages of providing the required housing and employment development on the affected sites, for which there is an overriding need. Further, there is currently a limited supply of housing emanating from existing built up areas within the County. The allocation of SDAs and extensions to existing settlements is inevitable if sufficient housing is to be delivered and a 5-year supply of housing land sustained. We are satisfied that the Council has satisfactorily considered reasonable alternatives in terms of the level and location of growth to be accommodated by the Plan on greenfield land.

²⁰ Housing Landbank and Previously Developed Land Capacity Study (Revised 2017) [EB010]

²¹ Review of LDP Housing Allocations and WG Predictive Agricultural Land Map 2017 [ED018]

Settlement hierarchy and boundaries

- 3.6. The settlement hierarchy within the Plan has only two tiers, comprising of a main ‘urban area’ plus a number of ‘Key Villages’. The spatial extent of these is defined via settlement boundaries on the Proposals Map. Policy PS 1 ‘Sustainable Places’ seeks to direct development to areas within designated settlement boundaries and away from the ‘countryside’. This approach, which is consistent with that advocated by national planning policy²², is generally soundly based. **MAC18** would, however, amend the reasoned justification to better explain the role of different parts of the County in accommodating growth. Further, criterion (iv) of the policy unreasonably limits development in the countryside and should be reworded to better reflect national policy (**MAC17**). **MAC24** would make a similar change to Policy PS 3 ‘Sustainable Housing Strategy’ and is also necessary for soundness.
- 3.7. The main urban area as defined on the Proposals Map consists not only of the Swansea built-up area but also other physically detached settlements including Pontarddulais, Gorseinon, Penllergaer, Penclawdd, Murton, Bishopston and Kittle. This is somewhat at variance with the Wales Spatial Plan, which identifies some of these peripheral towns and villages as separate settlements in their own right. The Council has, however, assessed the size, form and services present in these settlements and has concluded that, despite their physical detachment, they exhibit strong economic and social connections to the primary built-up area. Whilst there is nothing inappropriate with this approach *per se*, the expected scale of growth within distinct parts of the urban area is not quantified. **MAC23** would, however, sufficiently address this lack of clarity by identifying within the Plan the expected distribution of growth by Strategic Housing Policy Zone.
- 3.8. A detailed assessment of the County’s settlements has informed the designation of 19 Key Villages. These are coherent communities of between 25 and 1,000 dwellings which benefit from social infrastructure and are accessible by public transport²³. Identifying these as Key Villages, with their boundaries identified on the Proposals Map, would support sustainable rural development as sought by Technical Advice Note (TAN) 6 ‘Planning for Sustainable Rural Communities’.
- 3.9. The methodology for defining the Plan’s settlement boundaries is clear, logical and appropriate. Boundaries tend to follow defined physical features and reflect the specific characteristics of areas of land, taking into account the planning history of sites. The settlement boundary has been drawn to incorporate greenfield allocations, with appropriate account taken of site-specific characteristics and the need to achieve coherent urban/rural interfaces, particularly at the SDAs. Key Village boundaries have been positioned to allow for infill and rounding off where that would be consistent with the character of the village. An adjustment to the settlement boundary of Grovesend is, however, necessary to reflect the full extent of land required to be allocated under site reference H1.33 (**MAC324**). Similarly a modification to include Clyne car park within the settlement boundary is recommended as this would better reflect the site’s use and its adjacency to the main urban area (**MAC351**).

²² PPW edition 10 para 3.56 and Technical Advice Note 6 ‘Planning for Sustainable Communities’

²³ Settlement Boundary Review – Appendix 3 (Village Appraisal) [EB023B]

- 3.10. The Council has proposed to extend the deposit Plan’s settlement boundary to incorporate the Mumbles Pier development site, which has been granted outline planning permission. Whilst we are informed that the permitted development is tourism-related, little information has been submitted about its nature or scale. Other than the connecting roadway and quayside, the main part of the Mumbles Pier site is somewhat isolated from the main urban area, being located beyond the Knab in a visually sensitive location. As the site is already shown as a commitment on the Proposals Map the location of the settlement boundary would have little effect on the permitted development being delivered. For the avoidance of doubt, given the limited evidence to justify MAC350 we do not recommend it.
- 3.11. Sites allocated as ‘rural exception sites’ under policy H 5 lie outwith the settlement boundary. During the examination the Council accepted that policy H 5 was not consistent with national policy and proposed various amendments in response. **MAC332, MAC333, MAC334, MAC335, MAC336** and **MAC337** amend the defined settlement boundary to incorporate these six allocated sites, thereby ensuring that settlement limits are designated in a consistent manner. The settlement boundary changes also reflect refinements to the boundaries of site allocations H5.1 and H5.2 made by **MAC332** and **MAC333**. These changes are recommended on the basis that they accurately reflect the extent of land proposed to be developed.
- 3.12. An inconsistency between the settlement boundary and a parcel of land located immediately to the north of Morriston Hospital was discussed at the relevant hearing session. Specifically, the settlement boundary is drawn tighter than the area identified under policy SI 4 as being safeguarded for healthcare-related uses. The land subject to the safeguarding designation is intended to facilitate the future expansion to the delivery of ‘A Regional Collaboration for Health’ (ARCH), a healthcare project of strategic importance.
- 3.13. The Council acknowledges that the allocation of the subject land is not justified as the certainty of the project’s delivery within the Plan period is not possible to establish²⁴. Nonetheless, Abertawe Bro Morgannwg University Health Board, which owns much of the land subject to the proposed designation, contends that physical works associated with this project could commence within the Plan period²⁵. As over five years of the Plan period remain, we have no reason to come to a different view. Whilst the Health Board acknowledges itself that the development programme is ‘ambitious’, not least as it would require a new access road and grant funding from other bodies such as the Welsh Government, we are satisfied that a safeguarding designation is justified in this location for the remainder of the Plan period due to the important contribution of ARCH to the delivery of the Plan’s strategic economic and social objectives.
- 3.14. The wording of policy SI 4 is justified by the strategic importance of accommodating the hospital’s expansion at this location. **MAC327** would amend the Proposals Map to safeguard all land necessary for the delivery of the project²⁶. Amendments to the reasoned justification taken forward via **MAC205** would be consistent with the thrust of policy SI 4 and would further clarify the

²⁴ Council’s response to Action Point 11.6 [ED057]

²⁵ ABMU’s written statement to hearing session 11 [ED007.11 HS11-0001]

²⁶ ABMU’s response to Action Point 11.5 [ED051]

objectives of the designation in relation to ARCH, and the manner in which proposals should be brought forward. However, no amendment to the settlement boundary is necessary for soundness.

Green Belt and Green Wedges

- 3.15. PPW sets the framework within which Green Belts should be designated, specifically stating that the most important attributes are their permanence and openness. It also identifies five ‘purposes’ of a Green Belt²⁷.
- 3.16. In light of the planned level of growth, in particular the extensive greenfield allocations in the northwest of the city, the submitted version of policy ER 3 designates a parcel of land as Green Belt. This was originally considered necessary to avoid the coalescence of two distinct sets of settlements separated by the Mynydd Garngoch Common and Lower Llan Valley. Together with the designated Green Wedges, the Council contended that this Green Belt would manage the future built form of Swansea’s urban area and protect the setting of the city.
- 3.17. PPW states that when considering Green Belt designations a sufficient range of development land which is suitably located in relation to the existing urban edge should be made available, having regard to the longer term need for development land, the effects of development pressures in areas beyond the Green Belt and the need to minimise demand for travel²⁸. In this case, there is little evidence that the longer-term impacts of designating a Green Belt in northwest Swansea have been fully explored, particularly in terms of its effects on neighbouring authorities and on accommodating development needs which may arise well beyond the Plan period.
- 3.18. Moreover, PPW edition 10 confirms that, due to their strategic nature and significance, Green Belts should only be proposed as part of a Joint LDP, Strategic Development Plan or National Development Framework²⁹. There is little evidence of cross-boundary support for the designation of a Green Belt in Swansea or of any joint discussions about the potential implications and function of a Green Belt in the City Region that might justify a departure from national policy.
- 3.19. The proposed Green Belt is thus contrary to national policy and not justified by evidence. Nonetheless, incremental incursions into the Mynydd Garngoch Common and Lower Llan Valley could cause cumulative harm to the setting of the two distinct sets of communities to the north and south. The additional protection that would be provided by the presumption against inappropriate development in a Green Belt would therefore serve a useful planning purpose. Specifically, it would serve to maintain the openness of the area, providing a level of protection beyond that of other LDP policies.
- 3.20. We therefore endorse the Council’s proposal to replace the Green Belt with a Green Wedge (**MAC233**, **MAC234** and **MAC329**) and make consequential changes to other parts of the Plan (**MAC16**). The area to be incorporated within

²⁷ PPW edition 10 paragraph 3.63

²⁸ PPW edition 10 paragraph 3.68

²⁹ PPW edition 10 paragraph 3.62

the replacement Green Wedge designation would be extended to the west and east, thereby affording protection to land either side of highways which link distinct groups of settlements. This would follow the clear, logical and appropriate methodology that has been used for determining the location and boundaries of other Green Wedges.

- 3.21. The one exception to this is the Bishopston/Murton Green Wedge. Irrespective of the character of the built form which bounds it, this area of land falls entirely within the designated settlement boundary and thus a Green Wedge cannot be justified on the basis of avoiding coalescence, as is sought by national policy³⁰. **MAC233** and **MAC328** would remove reference to ‘within’ a settlement and delete this designation from the Proposals Map, and as this would resolve the conflict with PPW edition 10 we recommend these changes. Whilst many have expressed concern that the removal of the Green Wedge in this manner may result in the incremental loss of an area of open land of local value, we are satisfied that a consequential change to the reasoned justification to policy ER 2 ‘Strategic Green Infrastructure Network’ would afford this area of land an appropriate level of protection (**MAC230**).
- 3.22. Proposals within the designated Green Wedges would be subject to policy ER 3. The policy’s criteria unnecessarily duplicate those in PPW. Deleting these and replacing them with a cross-reference to national policy, updated to take account of the adoption of PPW edition 10, would ensure consistency in interpretation and application (**MAC233**). Notwithstanding this, the references within the amended reasoned justification to limited infilling and affordable housing for local needs being potentially acceptable in a Green Wedge are no longer consistent with updated national policy³¹. We do not therefore endorse these specific elements of **MAC233**. However, the other amendments to the reasoned justification, including the deletion of the 30% volumetric limit on extensions to dwellings and its replacement with wording emphasising the need for an effects-based assessment in relation to openness, are necessary to secure the effective application of policy ER 3.
- 3.23. Subject to the changes identified above we are satisfied that policy ER 3 and the designated Green Wedges are based on robust evidence and accord with national policy.

Gower Area of Outstanding Natural Beauty

- 3.24. A substantial part of the County accommodates the Gower Area of Outstanding Natural Beauty (AONB), within which a statutory duty to conserve and enhance the natural beauty of the area applies. The SA³² assessed potential impacts on the AONB primarily via an objective to maintain and enhance the quality and distinctiveness of landscapes. Aside from incursions which are limited in extent and number, in general terms the Plan strategy seeks to steer unsuitable development away from the AONB, reflecting the objectives of the Gower AONB Management Plan³³. Overall we are satisfied that the Plan strategy is predicated on the statutory AONB duty and would assist the Council in its implementation.

³⁰ PPW edition 10 paragraph 3.63

³¹ PPW edition 10 paragraph 3.71

³² SA/SEA Report of the deposit LDP – updated (December 2017) [ED006.8]

³³ Gower AONB Management Plan 2006 [SPG12] & Gower AONB Management Plan 2016 [SPG13]

European Protected Sites

- 3.25. The need to avoid adverse impacts on European Protected Sites within and near to the County was accounted for in the SA via objectives relating to protected sites, species and water quality. The Council sought to engage with statutory bodies, including Dŵr Cymru Welsh Water (DCWW) and NRW, throughout the Plan-making process. These bodies have also played an active role in the LDP examination.
- 3.26. Early on in the Plan’s preparation, the Council identified that the allocation of sites in western parts of the County may have the potential to negatively impact on the CBEEMS, particularly those sites within the catchment area of the Gowerton Wastewater Treatment Works (WWTW)³⁴. DCWW later advised that improvement works to the Gowerton WWTW would obviate any adverse effects on the CBEEMS, but that the Llannant and Southgate WWTWs, the former of which also drains into the Burry Inlet and Loughor Estuary, may not be able to accommodate additional flows arising from sites allocated within the Plan.
- 3.27. Unlike the Gowerton WWTW, the Llannant catchment falls outside the scope of the Memorandum of Understanding (MoU) to which the Council, DCWW and NRW are signatories³⁵. The existing MoU, which dates from 2011, is intended to be replaced by a new ‘Joint Agreement’ or MoU. All parties have committed to considering whether this should extend to the Llannant WWTW catchment. It is expected that any such extended MoU, once in place, would avoid the need for separate HRA screening assessments for major developments within the Llannant catchment. The absence of the updated MoU would not, however, prejudice the CBEEMS or the Plan’s delivery, as the signatories have confirmed that arrangements under the existing MoU are sufficient³⁶. **MAC14, MAC298** and **MAC302** would amend the Plan to reflect this position and refer to the future updated MoU and potential necessary mitigation measures.
- 3.28. The AA³⁷ identifies mitigation measures necessary to avoid adverse effects on European Protected Sites. Whilst NRW confirmed at the hearings that the need for a Nutrient Management Plan for the Burry Inlet would largely be triggered by factors unconnected to the LDP such as agricultural discharges, given the findings of the AA it is necessary to refer to this within the Plan (**MAC302**). In relation to potential effects on the Crymlyn Bog Special Area of Conservation from recreation or air pollution, policy SD K is proposed to be amended (**MAC149**) with additional guidance included in the reasoned justification (**MAC152**) and in Appendix 3 (**MAC362**). We consider that these changes are sufficiently reflective of the recommendations of the AA. Recommended mitigation measures for site allocation H1.25 are not, however, necessary as this allocation is proposed to be deleted for reasons of flood risk (**MAC172** and **MAC323**).
- 3.29. Overall we are satisfied that potential impacts on European Protected Sites, including the CBEEMS, have been fully considered from an early stage in the

³⁴ Spatial Options Assessment Topic Paper 2013 [EB029]

³⁵ ‘Safeguarding the Environment of the CBEEMS’ Memorandum of Understanding 2011 [RD13]

³⁶ Joint Statement on Water Quality / Burry Inlet and Loughor Estuary [ED034a]

³⁷ HRA Report incorporating AA (revised June 2018)

Plan’s development, that the relevant statutory bodies have been appropriately engaged throughout and that the Plan, as proposed to be amended, sufficiently incorporates the recommendations of the AA.

Consistency with other Plans, Policies and Strategies

- 3.30. The Wales Spatial Plan recognises Swansea’s role at the hub of the wider Swansea Bay Waterfront and Western Valleys Region and identifies the city as a key settlement of national importance. It reinforces the role of Swansea as the main regional driver for economic growth, emphasising the need to site development in areas well served by public transport. By positively planning for growth, with SDAs and smaller allocations located within or adjoining existing urban areas, the LDP accords with the general thrust of the Wales Spatial Plan.
- 3.31. It is also evident that the Council has sought to respond to the evolving objectives of the Swansea Bay City Region. The Plan specifically aims to support City Deal projects such as the Swansea City and Waterfront Digital District and the joint ARCH project between two NHS Health Boards and Swansea University. In preparing the Plan, the Council has worked with neighbouring City Region authorities on an individual basis and through regional frameworks to consider cross-boundary and wider contextual issues. The Plan is underpinned by evidence produced jointly with neighbouring Councils, particularly Neath Port Talbot, and has factored in likely City Deal projects as drivers of future economic growth. The Plan’s introductory section should be amended to reflect this, by emphasising the importance of Higher Education to the County’s economy and summarising how cross-boundary working has informed the LDP (**MAC01** and **MAC03**).
- 3.32. Subject to the changes recommended in this report, we find that the LDP is compatible with the development plans and strategies of neighbouring authorities, and with wider regional and national objectives.

Conclusion

- 3.33. The Plan strategy seeks to steer the majority of development to the existing urban area, strategic urban extensions and smaller greenfield sites, thereby maximising access to housing, jobs, services and public transport. The proposed distribution of development is appropriate and the varied size and location of identified sites provides a degree of choice and flexibility. These conclusions are borne out by the SA/SEA work which confirms the appropriateness of the selected strategy. Accordingly, subject to the proposed changes set out in this report, we conclude that the general scale and spatial distribution of development is soundly based and consistent with national planning policy and the Wales Spatial Plan.

4 Housing

Housing requirement

- 4.1. The submitted Plan includes a requirement for 15,600 dwellings between 2010 and 2025, based on the WG’s 2011-based household projections and further informed by an economic assessment commissioned jointly with Neath Port

Talbot Council³⁸. Following consultation on the deposit LDP, the Council commissioned an independent review of this evidence to account for changing circumstances, including revised WG demographic projections (‘the 2017 Review’)³⁹. This used the POPGROUP model to evaluate a range of growth options including different migration scenarios, based on the WG’s 2014-based population projections. The study found that the 2014-based projections, which revised the level of growth for the County downwards from previous forecasts, were based on a period of recession and were thus not a robust indication of likely future trends.

- 4.2. The 2017 Review thus re-examined the deposit Plan’s housing requirement figure of 15,600 dwellings, taking into account a longer trend-period and making appropriate assumptions for vacancy rates and levels of second home ownership. This approach is consistent with the advice contained in the Ministerial policy clarification letter of April 2014⁴⁰. It also appraised various economic growth forecasts, including scenarios reflecting planned and potential City Deal projects, incorporating appropriate assumptions for factors such as ‘double jobbing’, local economic activity rates and commuting patterns.
- 4.3. There is of course an element of uncertainty within any economic or demographic forecast. That is particularly the case given the UK’s impending departure from the European Union in 2019. The 2017 Review considered the potential implications of Brexit, including effects on international migration and the local economy, but found no reason to dispute earlier assumed economic and demographic growth rates. Taking account of the relationship between employment growth and housing needs and demands, as well as macroeconomic factors, the analysis found that the housing requirement underpinning the deposit Plan remained appropriate.
- 4.4. Policy PS 3 (Sustainable Housing Strategy) and Table 1 of the deposit Plan incorrectly incorporate a ‘flexibility allowance’ within the overall housing requirement. **MAC23** would rectify this by inserting the requirement of 15,600 dwellings into the policy and amending Table 1 to express the flexibility allowance separately from the basic requirement. This amendment would also enhance the reasoned justification to policy PS 3 to identify the spatial distribution of the housing requirement by Strategic Housing Policy Zone, and would further clarify the inter-relationship between housing and employment growth. **MAC06** would similarly amend section 1.3 of the Plan to take account of the revised housing figures in the context of the economic forecasts undertaken. Together with amendments proposed to the monitoring framework (**MAC353**) these changes would enable the implementation of the Plan’s strategy to be accurately monitored on an annual basis.
- 4.5. Overall, we consider that the Council has analysed a range of economic and demographic forecasts and trends to identify a housing requirement that is consistent with the Plan’s objectives. The resulting figure of 15,600 dwellings is broadly in line with the supporting evidence and it is soundly based.

³⁸ Economic Growth and Employment Land Assessment (May 2014) [EB008]

³⁹ 2017 Review of Swansea LDP Growth Strategy and Evidence Base (July 2017) [EB011]

⁴⁰ CL-01-14 The use of the WG 2011 household projections for land use planning purposes

Meeting the housing requirement

- 4.6. As submitted, policy PS 3 identified land for the development of 20,106 homes, including windfall sites, in order to deliver the identified housing requirement of 15,600 units over the Plan period. **MAC23** amends the supply figure to 17,645 units, in line with changes to housing figures arising during the examination, which principally relate to a reduction in the number of units to be delivered on allocated sites within the Plan period. **MAC23** would also insert a new table identifying the various components of the housing supply, based on the 2016 Joint Housing Land Availability Study (JHLAS).
- 4.7. The extent of the flexibility allowance built into the housing supply is unclear in the submitted Plan, but is likely to be some way in excess of 20%. Due to changes to the housing figures arising during the examination, the flexibility allowance has been recalculated and is now quantified at 13.1%, a substantial reduction. Whilst it has generally been accepted in other examinations that a 10% flexibility allowance is acceptable, more or less may be required depending on the circumstances of the area. We concur with the Council’s view that, given the range and choice of housing sites provided in the Plan, a flexibility allowance of 13.1% is appropriate and would sufficiently allow for unforeseen delays or issues in meeting the housing requirement. Amendments to the reasoned justification to policy PS 3 proposed by **MAC23** would provide appropriate justification for the revised flexibility allowance.
- 4.8. Some have suggested that the flexibility allowance should be increased by allocating additional housing sites. The degree of scrutiny of the deliverability of site allocations included in the Plan has, however, been considerable during the examination. The apparent reduction in the flexibility allowance which has occurred during the examination is due in part to a revised housing trajectory⁴¹ which increases lead-in times for the delivery of units on the SDAs, thereby building in an additional margin of variation to the trajectory. Further, a number of allocated sites have potential for additional units which are not included within the supply figure. Having regard to these factors and the proportion of sites already with planning permission or with development underway, we consider that 13.1% provides a sufficient flexibility margin.
- 4.9. The housing supply figure includes allowances for 858 dwellings to come forward from windfall sites and 1,024 from small sites under 10 units. These allowances are based on an analysis of trends recorded via the JHLAS process between 2001 and 2011, discounting peaks and troughs to obtain a more realistic average annual figure⁴². Combined, the windfall and small sites allowances would represent approximately 11% of the total housing supply. To place this in context, site allocations would comprise approximately 56% of the total supply, with completions and extant permissions contributing around 33%. The windfall and small sites allowances are thus not disproportionate.
- 4.10. Some contend that attributing windfalls to years immediately following the Plan’s adoption would result in ‘double counting’, as windfall sites in those years

⁴¹ Council Statement Arising from Hearing Sessions 2, 3 and 8 – Housing Site Trajectories and Land Supply [ED037]

⁴² Housing Landbank and Previously Developed Land Capacity Study (2017) [EB010]

would already have planning permission. Nonetheless the windfall and small sites allowances are theoretical values averaged over the Plan period; in reality actual units delivered from such sites will vary considerably from year to year. It is reasonable to include annualised allowances for windfalls and small sites within the supply, since in practice such sources will contribute to monitored annual completions. On this basis we are satisfied that the allowances are appropriate and would not inflate the overall housing supply.

- 4.11. **MAC23** would amend the total windfall and small sites allowances in Table 1 of the Plan to reflect an established base date of 1 April 2017 and confine the allowances solely to the Plan period. **MAC10** would make corresponding changes to section 1.3 of the Plan. Subject to the recommended changes identified above we consider the housing supply figure to be appropriate and based on robust assumptions.

Housing trajectory

- 4.12. Prior to the hearings, in response to our request for further information, the Council prepared a housing trajectory⁴³ to indicate the anticipated rate of housing delivery post-adoption. The trajectory was informed via engagement with site promoters, and factored in expected build rates agreed in Statements of Common Ground (SoCGs) between the Council, landowners and developers. Other components of housing supply, including completions, extant planning permissions and windfalls, were also included.
- 4.13. The anticipated rate of delivery on larger sites has been challenged by some, particularly in terms of timescales leading up to initial completions. The trajectory indicated that most SDA allocations would deliver initial units by early 2020 which, given the absence of planning permissions on such sites, might be regarded as optimistic.
- 4.14. A 2017 study carried out on behalf of the WG⁴⁴ emphasises the importance of housing trajectories taking account of ‘real world’ factors and indicates that, following allocation, it may take around two years to start on site. A further report dating from 2017⁴⁵, which amongst other things seeks to quantify timescales for taking larger housing sites from ‘raw land’ through to completion, makes similar points and was also submitted as evidence to the examination.
- 4.15. Following discussions at the relevant Hearing, and with the support of site promoters, the Council updated its housing trajectory⁴⁶ to factor in longer lead-in times on the SDA allocations. The revised delivery timescales reduce the number of completions on SDAs by over 600 units during the Plan period. The amended trajectory also uses a consistent base date of 1 April 2017 and takes account of other changes resulting from the examination process, including the deletion of five non-strategic housing allocations from the Plan. The amended trajectory also excludes any units forecast to be delivered after the Plan’s end date of 31 December 2025, which had erroneously been included in the earlier

⁴³ Additional Information – Phasing and Delivery (December 2017) [ED006.2]

⁴⁴ Longitudinal Viability Study of the Planning Process (February 2017) [WPP85]

⁴⁵ The Role of Land Pipelines in the UK Housebuilding Process, ChamberlainWalker Economics (September 2017) – Appendix 2 of Statement by BDW Homes South Wales Ltd [ED010]

⁴⁶ Council Statement Arising from Hearing Sessions 2, 3 and 8 – Housing Site Trajectories and Land Supply [ED037]

version. The revised trajectory forecasts an increasing number of completions in the years immediately post-adoption, peaking at 1,923 completed units on allocated sites in 2022/23. The annualised requirement of 1,040 units would be exceeded in all years post-adoption except the final year of the Plan period.

- 4.16. Housing trajectories are not an exact science. The contribution of individual sites will inevitably deviate from forecast rates according to particular circumstances and the strength of the market. Nonetheless, the amended trajectory is appropriately based on the available evidence concerning housing supply and takes sufficient account of ‘real world’ factors associated with the delivery of larger sites.
- 4.17. **MAC353** embeds the amended housing trajectory within Chapter 4 of the Plan and makes various consequential changes resulting from the revised calculations, including to policies relating to SDAs, and to policy PS 3 and its reasoned justification. These changes would clarify the anticipated rate of delivery, assisting with the monitoring and review process. Overall, with the recommended changes, we find that the amended trajectory is based on credible assumptions and provides evidence that the Plan would allocate sufficient land to provide and sustain a 5 year housing land supply following adoption.

Conclusion

- 4.18. The housing supply figure of 17,645 units during the Plan period is soundly based and would provide sufficient flexibility to deliver the evidenced housing requirement of 15,600 dwellings. Whether housing is delivered consistent with the annual completion rates envisaged by the Plan will depend on a range of factors, not least whether economic growth rates play out as currently forecast. Nonetheless, we are satisfied that the submitted evidence sufficiently demonstrates that the Plan would provide and sustain a 5 year supply of housing land following adoption.

5 Strategic Development Areas and Housing Allocations

- 5.1. The Plan allocates 12 strategic sites, termed SDAs, which would accommodate a range of uses. These are accompanied by a range of smaller sites allocated for housing. All allocations have been subject to appropriate SA which considered their suitability against a range of options. There are no additional or alternative candidate site allocations that are evidently preferable to those included in the Plan. Subject to the amendments identified below, we are satisfied that the allocations provide an appropriate range of uses in locations that are consistent with the Plan strategy.

Strategic Development Areas, necessary infrastructure and delivery

- 5.2. Policy SD 1 allocates the 12 SDAs. **MAC29** would clarify that each SDA is capable of accommodating a minimum of 400 homes. SoCGs submitted to the examination by the Council, developers and landowners of SDAs A to H and K verified that promoters of the SDAs generally endorsed the Plan’s provisions relating to infrastructure requirements and anticipated delivery timescales. As already noted these timescales have been adjusted to take account of ‘real world’ factors associated with the delivery of larger sites. This would have an

impact on the number of units to be accommodated on the SDAs within the Plan period. **MAC28** would adjust the figures in policy SD 1 accordingly and would quantify the potential additional capacity of SDAs beyond the Plan period. **MAC31** would provide further clarity by amending the reasoned justification to explain that the number of units on each site may alter depending on evidence gathered in support of future planning applications.

- 5.3. The Council commissioned detailed site-specific viability assessments for 7 SDAs⁴⁷. This study takes into account financial variables for each of the assessed SDAs based on actual or anticipated costs. These appraisals convincingly demonstrate that the development of these SDAs for the anticipated uses would be viable, taking into account the various policy requirements of the Plan and likely mitigation measures, with sufficient headroom to contribute towards necessary infrastructure. Amendments to the Plan are, however, necessary to explain the approach taken to allocating SDAs and how the Council has sought to ensure their viability and deliverability (**MAC08** and **MAC09**).
- 5.4. Prior to the hearings, in response to our request for further information, the Council prepared an Infrastructure Delivery Plan (IDP)⁴⁸. This identifies essential and required infrastructure items for allocated sites, as well as anticipated costs, sources of funding and likely phasing. Initially the Council proposed to include the IDP as an appendix to the Plan but during the examination accepted that it would be preferable for it to remain as a supplementary document which could be updated as required. Key principles embedded in the IDP are, however, fundamental to the delivery of certain site allocations and should therefore be included in the Plan. **MAC362** would update Appendix 3 of the LDP accordingly. The updated appendix cross-references an updated version of the IDP⁴⁹ and adequately identifies ‘essential’ or ‘required’ infrastructure in order to inform the decision-making process. **MAC30** and **MAC171** would clarify the role of Appendix 3 and the IDP in the context of sites allocated under policy SD 1 and policy H 1.
- 5.5. The IDP identifies that reinforcement works to the Llannant and Southgate Wastewater Treatment Works (WWTWs) may be required prior to the delivery of nine allocated sites, including SDA A. At the hearings DCWW confirmed that some capacity remains at these WWTWs to accommodate additional flows and that future upgrades may yield additional capacity. The Council, NRW and DCWW have submitted a joint statement indicating that future collaborative working, including on a revised MoU for the Burry Inlet and Loughor Estuary, would obviate the need for any ‘holding objections’ from statutory bodies which might delay the delivery of allocated sites⁵⁰. We are therefore content that any required works to these WWTWs could be acceptably addressed without unduly delaying the delivery of the sites identified in the Plan.

⁴⁷ Review and Update of Viability Evidence for the Swansea LDP [EB026]

⁴⁸ Infrastructure Delivery Plan (Annex to Infrastructure Delivery Additional Information) [ED006.4]

⁴⁹ Amendments to Infrastructure Delivery Plan [ED056b]

⁵⁰ Joint Statement on Water Quality / Burry Inlet and Loughor Estuary [ED034a]

- 5.6. A Strategic Flood Consequence Assessment (SFCA) was prepared to inform the deposit Plan⁵¹. This provides a broad level assessment of the flood risk for candidate sites, taking into account fluvial and tidal influences together with surface water flood risks. It identifies predominant sources of flooding within certain parts of the County, quantifies the probability of likely flooding and indicates expected flood depths.
- 5.7. Prior to the hearings, in response to our request for further information, the Council reassessed the allocated sites⁵² in the light of revised Development Advice Maps issued by NRW in October 2017, which supplement TAN 15 ‘Development and Flood Risk’. This additional information shows that, although some SDAs fall within C1 and C2 flood risk zones, on-site mitigation has been acceptably considered in the assessments of site capacity and integrated into the concept plans⁵³. The provision of multi-functional green infrastructure to be provided on SDAs, which reflect flood risk zones, are identified in both Appendix 3 of the Plan, as proposed to be amended, and in the updated IDP. In any case, policy ER 1 ‘Climate Change’ requires development proposals to demonstrate that any risks and consequences of flooding could be acceptably mitigated in line with national planning policy⁵⁴.
- 5.8. Concerns were raised through representations that the development of the SDAs, individually or in combination with other identified sites, would exacerbate localised traffic congestion. The cumulative effects of the Plan as a whole have been considered in the Council’s Strategic Transport Assessment⁵⁵. Whilst that is an overarching appraisal undertaken at a high level, we are satisfied that it provides a robust basis on which to consider the likely transport effects of all identified sites within the Plan, and to identify potential mitigation measures. Subject to the changes recommended in this report, we are persuaded that transport and transport-related impacts, including on air quality, would be adequately addressed via the Plan’s development management policies.
- 5.9. Potential effects of the Plan on local facilities already under pressure, such as GP surgeries and schools, have also been raised. Nonetheless, it has been demonstrated that the impacts arising from planned development would be sufficiently mitigated via the Plan’s various policies, as proposed to be amended, thereby avoiding any unacceptable demands on existing facilities.
- 5.10. Some have expressed concerns about the impact of the SDAs on natural habitats, species and open spaces. Inevitably the development of the SDAs will lead to the loss of some habitats or publicly accessible open space. However, the Council has sought to strike a balance between providing for future needs and protecting the County’s natural and recreation assets. We consider that it has got that balance broadly right. Furthermore, the SDA policies seek to avoid areas of high nature conservation value, such as Sites of Importance for Nature Conservation and ancient woodland, and/or to mitigate the effects of any

⁵¹ Strategic Flood Consequence Assessment Stage 1, Scott Wilson, September 2010; Strategic Flood Consequence Assessment Stage 2, URS, October 2012

⁵² Additional Information: Flood Risk and Mitigation on Allocated Sites [ED006.5]

⁵³ Where this is not the case site-specific flooding issues are discussed elsewhere in the Report.

⁵⁴ See also Section 11 of this Report

⁵⁵ Swansea Strategic Transport and Development Study – December 2015 [EB024]; Swansea Strategic Transport and Development Study Addendum – January 2018 [ED020]

losses. SDAs have been well planned to incorporate new or enhanced space for nature, as well as recreation space for local residents. Commendably, the Council has worked with the Design Commission for Wales to refine site-specific proposals, thereby building into the Plan a ‘design-led’ approach which seeks to incorporate existing features of local value into new neighbourhoods.

- 5.11. Certain representations have raised concerns that some SDAs have been included in the Plan mainly on the basis that they would fund new physical infrastructure to address existing problems such as congestion on the local road network. There is little evidence of this, but in any case it is legitimate to consider and afford weight to all potential benefits of development, so long as they are relevant to planning. Some have also expressed concern that the Council has allocated sites purely on the basis of market demand. Viability factors are fundamental to the Plan-making process but need to be balanced against other planning considerations. We are satisfied that the Council has not afforded undue weight to economic factors in the SA, and that the location of the allocated sites is consistent with the overall thrust of the Plan strategy.
- 5.12. All of the available evidence indicates that both the timing and number of homes anticipated on the SDAs would be viable and deliverable, with sufficient ‘critical mass’ on each site to support the provision of necessary infrastructure. In most cases the SDAs have active developer interest. Infrastructure assumptions are essentially robust, up-to-date and credible with no insurmountable barriers to development apparent. Subject to the recommended changes, we are satisfied that the Plan is not overly dependent on a limited number of specific infrastructure elements coming forward, and that the IDP provides evidence of the flexibility inherent within the Plan’s strategy.

Masterplanning principles

- 5.13. Policy SD 2 ‘Masterplanning principles’ seeks to ensure that proposals of 100 homes or more deliver comprehensively planned sustainable neighbourhoods, with appropriate supporting infrastructure and other uses provided in a phased manner. The policy includes criteria specific to the SDAs, setting out further detailed requirements which reflect and support the objectives of other policies.
- 5.14. As submitted, policy SD 2 was unduly inflexible and, in relation to sustainable building standards, was inconsistent with national planning policy. The reasoned justification was also unclear about the Council’s expectations in relation to sub-area masterplans, phasing and reserved matters on outline schemes. Changes proposed in **MAC34** and **MAC35** would rectify these flaws. A further amendment to criterion (vi) would ensure greater consistency with other policies by using the term ‘green infrastructure’, thereby aiding the policy’s effectiveness (**MAC33**).

SDA A – South of Glanffrwd Road, Pontarddulais

- 5.15. SDA A comprises a mix of brownfield and greenfield land in various ownerships and is allocated for residential development with a mix of supporting uses. As with the Plan’s other site-based policies, policy SD A provides the basis for future detailed masterplanning, identifying site-specific placemaking principles and development requirements. The policy provides an appropriate level of detail but is overly inflexible; **MAC37**, **MAC40** and **MAC44** would address this.

MAC36 and **MAC43** would clarify the number of residential dwellings anticipated to be accommodated on the site within the Plan period, in line with the revised housing trajectory.

- 5.16. A high-pressure water main crosses the north of the site. On the basis of evidence prepared by the site promoter, DCWW considers that any risks to human health or water supply could be adequately addressed via the provision of a landscaped bund solution. **MAC42** and **MAC45** would clarify the intended location and scale of the proposed ‘linear park’, within which a general exclusion on built form would apply, and would also provide certainty about the type of on-site mitigation required, complementing the requirement for flood mitigation measures. **MAC47** would accordingly amend the concept plan to reflect updated masterplanning work.
- 5.17. Changes to the policy introduced by **MAC39** and **MAC41**, clarifying the type of green infrastructure sought, promoting Active Travel and seeking measures to protect and promote the Welsh language would ensure consistency with Plan objectives and regulatory requirements and are therefore recommended. Amending the term ‘spine road’ to ‘spine street’ would remove uncertainty about the function of this highway and align with proposed changes to policy T 5 (**MAC38**). As the site connects to the Llannant WWTW, future development may be contingent on off-site works to provide for the increased population; it is therefore necessary to amend the reasoned justification to cross-reference Appendix 3, which provides details about potential necessary mitigation measures (**MAC46**).
- 5.18. As with other SDAs, parts of the site lie within a C2 flood risk zone. Whilst it has been demonstrated that highly vulnerable uses would not lie within areas zoned C2, an amendment to the reasoned justification, as proposed within **MAC45**, would clarify that policy SD 2 accords with national policy.

SDA B – Land North of Garden Village

- 5.19. SDA B is an area of greenfield land adjacent to Garden Village and is allocated primarily for residential development. Development proposals are at a relatively advanced stage, with a planning application having been submitted to the Council. **MAC48**, **MAC51**, **MAC54**, **MAC55**, **MAC56** and **MAC58** would update policy SD B and the concept plan to reflect the most recent masterplanning work and to achieve the necessary level of flexibility, including amending the number of residential dwellings expected to be accommodated on the site within the Plan period.
- 5.20. Changes to policy SD B introduced by **MAC49** and **MAC53**, clarifying the type of green infrastructure sought and seeking measures to protect and promote the Welsh language, would ensure consistency with Plan objectives and regulatory requirements and are therefore recommended.
- 5.21. The northwest of the site falls within a C2 flood risk zone. The concept plan shows that this area of land would remain undeveloped and would form part of an anticipated multi-functional green infrastructure network. On this basis the allocation is justified. Amendments introduced by **MAC52** and **MAC57** would, however, provide greater clarity about potential mitigation measures which may be necessary as part of the site’s development.

SDA C – Land South of A4240 Parc Mawr, Penllergaer

- 5.22. SDA C is a greenfield site located to the west of the A483 dual carriageway and adjoining the settlement of Penllergaer. The development of the site would significantly extend Penllergaer onto an area of greenfield land, including around 14 hectares of Grade 3a agricultural land. Nonetheless, for the reasons already given we are satisfied that the evidence justifies the Plan strategy as a whole, including the provision of new housing in this location.
- 5.23. Proposed facilities such as a new primary school, local shops and open space would complement both the new housing and the existing settlement. Nonetheless, as submitted policy SD C was unclear about the nature of commercial and community floorspace expected to be provided within the site. **MAC65** would provide necessary clarity that this would be of a small-scale nature orientated towards the day-to-day needs of further residents. **MAC59** would also update the number of dwellings anticipated to be accommodated on the site within the Plan period.
- 5.24. The policy is accompanied by an indicative concept plan, which the Council proposes to amend to reflect more recent masterplanning work (**MAC69**). The indicative layout shown on the concept plan indicates a design-led approach which would retain key features of the site. Proposed new uses would satisfactorily interface with the adjoining settlement and Green Wedge, and would avoid uncontrolled sprawl or harmful coalescence.
- 5.25. The soundness of the allocation has been challenged in relation to its transport impacts, including on nearby junctions and main routes during peak times. Some contend that the Strategic Transport Assessment⁵⁶ is flawed and that the proposed mitigation measures would not be as effective as other potential solutions. Nonetheless, no compelling, countervailing argument has been put forward to challenge the transport assessment’s conclusions that SDA C is, in principle, appropriate in transport terms; nor that any residual effects could not be adequately addressed via a Transport Assessment at the planning application stage. Notwithstanding this, **MAC294** would remove ambiguity about the nature and role of this and other ‘spine streets’ within SDAs by amending the reasoned justification to policy T 5 ‘Design Principles for Transport Measures and Infrastructure’, and is therefore recommended.
- 5.26. A site-specific viability assessment for the SDA⁵⁷ sufficiently demonstrates that its development for intended uses, taking into account the likely required mitigation measures and an affordable housing target of 20%, would be viable. However, changes to the policy introduced by **MAC60**, **MAC62** and **MAC66** would ensure that policy SD C could be applied with an appropriate level of flexibility and are therefore recommended.
- 5.27. Changes to the policy introduced by **MAC61** and **MAC64**, clarifying the type of green infrastructure sought and seeking measures to protect and promote the Welsh language, would ensure consistency with Plan objectives and regulatory

⁵⁶ Swansea Strategic Transport and Development Study – December 2015 [EB024]; Swansea Strategic Transport and Development Study Addendum – January 2018 [ED020]

⁵⁷ Review and Update of Viability Evidence for the Swansea LDP [EB026]

requirements. Amendments introduced by **MAC63** and **MAC68** would provide greater clarity about potential mitigation measures which may be necessary as part of the site’s development and are also recommended. Subject to the identified changes we are satisfied that the allocation is soundly based.

SDA D – West of Llangyfelach Road, Penderry

- 5.28. SDA D occupies an area of greenfield land adjacent to the settlement of Llangyfelach. Due to the number of homes proposed the allocation incorporates a district centre to act as the focus for commercial uses and neighbourhood facilities, thereby supporting the creation of a sustainable community.
- 5.29. Policy SD D is clear in terms of its general aims. However, in respect of certain development requirements and placemaking principles it is excessively inflexible or ambiguous about what future proposals should incorporate. **MAC71**, **MAC74** and **MAC75** would amend the policy and reasoned justification to address these issues. These changes are recommended, as are **MAC70**, **MAC73** and **MAC77**, which update the concept plan and the number of dwellings anticipated to be accommodated on the site within the Plan period.
- 5.30. Changes to the policy introduced by **MAC72** and **MAC76**, clarifying infrastructure requirements and seeking measures to protect and promote the Welsh language, would ensure greater alignment with Plan objectives, the amended version of Appendix 3 of the Plan and the supporting evidence. They are therefore also recommended.

SDA E – North of Clasemont Road, Morriston

- 5.31. SDA E relates to an area of greenfield land immediately north of Clasemont Road. In advance of the submission of a planning application the site promoter has undertaken masterplanning work in consultation with the Council. On the basis of a more thorough understanding of site-specific constraints the number of dwellings expected to be accommodated on the site has reduced. **MAC78**, **MAC82**, **MAC87** and **MAC91** would alter policy SD E and the associated concept plan accordingly. **MAC79**, **MAC81** and **MAC88** would also introduce an appropriate level of additional flexibility into the policy.
- 5.32. Changes introduced by **MAC85** and **MAC90** would remove ambiguity about the infrastructure requirements necessary to support the delivery of the site and the nature of green infrastructure sought. The insertion of a new policy criterion seeking measures to protect and promote the Welsh language would ensure consistency with Plan objectives and is also recommended (**MAC86**).

SDA F – Cefn Coed Hospital, Cockett

- 5.33. Primarily in the ownership of Abertawe Bro Morgannwg University Health Board (ABMUHB), SDA F is a brownfield site which lies at the western edge of the Swansea built-up area. The site accommodates various buildings associated with existing and former healthcare facilities, including modern buildings in active healthcare use and a number of early 20th century buildings which mainly lie vacant.

5.34. Policy SD F supports the conversion of selected older buildings to residential use, plus new dwellings, public recreation facilities and retained healthcare facilities. Reflecting more recent masterplanning work, **MAC92** and **MAC98** would update the number of dwellings expected to be accommodated on the site. The requirements of the policy are generally sound but certain criteria are not sufficiently clear or are unnecessarily rigid. **MAC93**, **MAC94**, **MAC95** and **MAC99** would address these deficiencies whilst ensuring an appropriate level of protection for key buildings of architectural merit and areas of woodland. **MAC101** would amend the concept plan to identify the location of the upgraded playing pitch and key buildings to be retained, thereby supporting the effective implementation of the policy. Further amendments clarifying the infrastructure necessary to support the site’s development would ensure greater alignment with the evidence and IDP and are therefore also recommended (**MAC97** and **MAC100**).

SDA G – Northwest of M4 J46, Llangyfelach

5.35. SDA G is one of five strategic sites allocated for a substantial amount of employment land as well as residential uses. Lying to the north of the M4, the allocation extends into the open countryside but adjoins the existing built-up area of Llangyfelach/Bryntywod.

5.36. The SDA is composed of two discrete elements: a brownfield employment site to the east, which already has planning permission for B1 and B2 uses (‘Parc Felindre’); and a proposed new residential ‘village’ on the western part of the site, which would be accommodated on greenfield land. The submitted version of policy SD G indicated the number of dwellings expected to be provided on the site but was silent about the nature and quantum of employment uses. **MAC102**, **MAC116** and **MAC118** address this deficiency and also update the number of dwellings expected to be accommodated within the Plan period.

5.37. Evidence submitted by the site promoter to the examination indicates that the residential element is viable⁵⁸. Parc Felindre has lain largely vacant since it was designated for employment use following the granting of planning permission in 2006. However, the site remains a key employment site of regional significance. The 14 hectares of employment land which the Plan anticipates as coming forward during the Plan period represents a modest part of the overall site. Furthermore, evidence submitted in support of the Plan indicates that it is deliverable within the Plan period⁵⁹. On balance we are satisfied that the allocation as a whole is realistic.

5.38. As with some other SDAs, further masterplanning work has taken place since the deposit Plan was prepared, and this has further informed expectations for the site’s development. **MAC103**, **MAC104**, **MAC107**, **MAC108**, **MAC109**, **MAC110**, **MAC111** would add further detail in this regard, improving the clarity of the policy and removing errors and ambiguities. **MAC106** would delete the policy requirement for substantial green infrastructure within the site, but the Council’s expectations in this regard would be reflected via an updated concept plan (**MAC118**) and an amended development requirement to provide a habitat

⁵⁸ SDA G Preliminary Viability Assessment [ED050]

⁵⁹ Economic Assessment & Employment Land Provision for Swansea and Neath Port Talbot, Table 6.4 [EB008]

management area northwest of the village (**MAC113**). **MAC117** would clarify that the Morrision Hospital Link Road is not necessary to support the development of SDA G. These changes do not alter the underlying factors which led to the site being allocated in the first place.

- 5.39. The insertion of new development requirements seeking necessary on- and off-site water infrastructure and measures to protect, promote and enhance the Welsh language would ensure alignment with other Plan objectives and evidence (**MAC105** and **MAC114**). Whilst the southeast corner of the site falls within the C2 flood risk zone, the concept plan shows that this area of land would remain undeveloped. The allocation is justified on this basis.

SDA H – North of Waunarlwydd / Fforestfach

- 5.40. SDA H is allocated for a mix of residential and employment uses plus complementary community uses and a park and ride facility. The site incorporates areas of greenfield land as well as brownfield sites which include the former Alcoa plant and greyhound stadium.
- 5.41. The submitted version of policy SD H did not specify the quantum or type of employment floorspace expected to come forward on the site. **MAC119**, **MAC124** and **MAC125** would repair this shortcoming. These changes would add an appropriate degree of flexibility to the policy and would adjust the indicative number of dwellings expected to come forward on the site within the Plan period. Amendments to the reasoned justification made by **MAC125** would also explain that, as sought by national policy, the sequentially preferred location for office uses is within central Swansea.
- 5.42. **MAC120** and **MAC129** would amend the policy and concept plan to take account of updated masterplanning work. Given the additional flexibility introduced into the policy by **MAC119**, the amended ‘placemaking principles’ are justified. The amendments to the concept plan would also provide greater clarity about indicative locations for accommodating different uses or projects to be taken forward by the private or public sectors. The Council has confirmed that these changes would not result in any highly vulnerable uses or associated access routes being located within the C2 flood zone, which affects two parts of the SDA⁶⁰. Clarifying this position in the reasoned justification would, however, provide ultimate certainty in this regard (**MAC126**).
- 5.43. The western part of the allocation, including the proposed Gowerton park and ride, would be accessed via Fairwood Terrace. This street experiences certain constraints which render it unsuitable for accommodating a substantial volume of additional traffic. The proposed amendments to the concept plan outlined above would identify potential traffic management measures to avoid adverse highway safety impacts. **MAC122** would provide appropriate flexibility about the anticipated size of the proposed park and ride.
- 5.44. Changes introduced by **MAC121** and **MAC128** would clarify infrastructure requirements consistent with other Plan objectives and supporting evidence. However, as much of the SDA lies outside the designated Welsh Language Sensitive Area, **MAC123** is not recommended as it would not sufficiently align

⁶⁰ Council Statement regarding SDA policies, 26 March 2018 [ED058]

with policy HC 3. As a consequence the reference to the requirement for a Welsh Language Action Plan in Appendix 3 (as proposed via **MAC362**) should be deleted.

SDA I – Swansea Vale

- 5.45. SDA I is a mixed use site with both greenfield and brownfield elements. As with the other strategic mixed use allocations policy SD I is silent on the quantum and type of employment floorspace to be accommodated within the Plan period and thus could not be effectively monitored. **MAC130** would rectify this deficiency.
- 5.46. Amendments to NRW’s Development Advice Maps (DAMs) in 2017 have resulted in the northwest of the SDA being included within the C2 flood risk zone⁶¹. A substantial part of the site also falls within the C1 flood risk zone, albeit this has reduced in extent following the 2017 revisions to the DAMs. The amended concept plan as proposed by **MAC138** denotes the part of the SDA overlapping the C2 zone as undeveloped. The revised concept plan also shows residential uses, in particular higher density development, being in the main directed to areas outwith the C1 zone. Nonetheless, some residential areas are shown within the C1 designation. The Stage 2 Strategic Flood Consequence Assessment indicates that a detailed Flood Consequence Assessment is required. Whilst this is on-going it has not yet been completed.
- 5.47. Consequently we are not persuaded that the allocation of the site for the 750 residential units indicated in the deposit Plan would accord with national planning policy which seeks to avoid locating highly vulnerable development in areas subject to flood risk. However, the allocation boundary is drawn widely, with considerable areas lying outside the current C1 and C2 zones. Reducing the number of dwellings to be delivered during the Plan period to 410 units (**MAC130** and **MAC131**) to take account of the extent of the C1 and C2 zones would accord with national policy objectives. Furthermore, we are satisfied that they would be deliverable within the Plan period.
- 5.48. The policy provides for a new park and ride site at Llansamlet railway station. Whilst the Council is actively promoting the development of a park and ride at this location, there is little evidence that a 300 space car park could be delivered within the Plan period. **MAC132** and **MAC136** are therefore recommended in order to remove reference to the expected size of the facility and provide further details about its expected implementation.
- 5.49. The policy seeks to protect the route of the Smiths canal through the site. Whilst this is justified on the basis of on-going proposals to reinstate former canals in the eastern part of the County, the concept plan does not identify the route. The proposed amendments to the concept plan introduced via **MAC138** would show the canal route and adjust parcels of development land accordingly.
- 5.50. Changes introduced by **MAC133**, **MAC134**, **MAC135** and **MAC137** clarifying infrastructure requirements would ensure consistency with Plan objectives and supporting evidence and are therefore recommended.

⁶¹ Additional Information: Flood Risk and Mitigation on Allocated Sites [ED006.5]

SDA J – Swansea Central Area

- 5.51. SDA J occupies the central area of Swansea and accommodates a substantial number of separate landholdings. The allocation supports the development of a range of employment-generating uses, including retail and leisure uses, complemented by high density residential development and other types of living accommodation, thereby maximising the advantages of this accessible location at the heart of the City Region.
- 5.52. As submitted, policy SD J was not effective as it did not identify the employment floorspace or number of new dwellings expected to be accommodated within the area. **MAC139** and **MAC144** amend the Plan to clarify that around 856 homes and the equivalent of 4 hectares of land for potential employment uses are anticipated within this SDA over the Plan period. These figures are consistent with the supporting evidence and would ensure that the effectiveness of this policy in reinforcing the role and function of central Swansea could be monitored. A corresponding amendment to section 1.3 of the Plan, recognising the role of residential development within the heart of central Swansea, is also recommended (**MAC15**).
- 5.53. The placemaking principles and development requirements identified in policy SD J have been informed by the Swansea Central Area Regeneration Framework (SCARF), which was adopted by the Council as Supplementary Planning Guidance (SPG) to the UDP in February 2016⁶². Whilst it is appropriate for policy SD J to reflect broader regeneration commitments, the submitted policy and its reasoned justification give the impression that the Plan is subservient to the SCARF. This is contrary to the thrust of paragraph 1.21 of PPW edition 10, which explains that an objective of the Development Plan is to provide certainty for developers and the public about the type of development that will be permitted at a particular location. **MAC139** and **MAC142** would amend the policy and reasoned justification to accord with national policy in this regard and to embed an appropriate level of flexibility within the Plan.
- 5.54. Consistent with the SCARF, the policy identifies a number of ‘complementary areas’ which provide an important supporting role to the core retail area of central Swansea. Changes to the concept plan introduced by **MAC145** would clarify the location of these complementary areas and better align policy SD J with the Plan’s retail policies. Providing an inset map for central Swansea on the Proposals Map would provide further clarity in this regard (**MAC340**).
- 5.55. The name applied to the ‘Parc Tawe’ complementary area is misleading as it incorporates both the retail park of that name and neighbouring sites. **MAC140** would resolve this ambiguity by renaming the complementary area ‘Parc Tawe urban gateway’, and would amend the policy wording to emphasise the need to seek improvements to linkages between Parc Tawe and all neighbouring areas, and not only the core retail area. As the types of goods sold at a retail park are not relevant to placemaking, the removal of the restriction on bulky goods and similar via this proposed change is also endorsed.

⁶² Swansea Central Area: Regeneration Framework [SPG06]

5.56. The SDA incorporates both C1 and C2 flood risk zones. C2 zones relate to areas of open water, mainly along the river and at the marina. Areas zoned C1 comprise previously developed land and are promoted for less vulnerable uses. The Council has confirmed that a Flood Consequence Assessment completed in 2017 indicates that the consequences of a flooding event affecting key development sites would be acceptable, subject to certain sites incorporating appropriate mitigation measures. In the longer term the assessment shows deeper flooding and higher velocities, with an increased risk of tidal flooding due to defences being overtopped. Given central Swansea’s density of uses and strategic importance it is likely that measures to prevent such extreme events would be prioritised. **MAC141** and **MAC143** would, however, provide further necessary clarity within the policy and its reasoned justification about the nature of infrastructure which may be necessary to support development in this SDA. On this basis we are satisfied that the allocation is justified in relation to flood risks and consequences during the Plan period.

SDA K – Fabian Way Corridor

5.57. SDA K relates to the existing and former port and dockland areas immediately east of the city centre, the development of which has been coordinated by the Council in collaboration with the Welsh Government and major landowners including Associated British Ports and University of Wales Trinity St David. The allocation accommodates regeneration areas of national significance, with a substantial amount of new commercial, leisure, residential and education-related floorspace completed, under construction and permitted.

5.58. As with other SDA policies, **MAC146** and **MAC147**, which would specify the quantum and type of employment floorspace to be accommodated within the allocation, are necessary for effective implementation and monitoring. These changes would also inject an element of appropriate flexibility into policy SD K, supporting the future development of the allocation in a manner consistent with the Plan’s strategic objectives, and as is sought by national policy, would clarify that the Fabian Way Masterplan Framework is supplementary to the policy and not the other way around.

5.59. The C2 flood risk zone affects three parts of the site and tidal defences are in some areas inadequate. Whilst the proposed Tidal Lagoon would have the potential to address such matters, there appears to be little likelihood of that project progressing in the near future. Nonetheless, the concept plan, as proposed to be updated (**MAC155**), denotes less vulnerable uses being located within areas most at risk of flooding. There is little indication that the level of flood risk affecting the SDA would impede the delivery of proposed uses on the parcels of previously developed land indicated by the concept plan. We are therefore content that the allocation is justified in relation to flood risks and consequences.

5.60. Notwithstanding this, specific environmental constraints are present on or near to the site. Consistent with the recommendations of the Appropriate Assessment⁶³, the policy and supporting text should recognise the proximity of the Crymlyn Bog European Protected Site and make clear that development likely to affect it would need to demonstrate compliance with the Habitats

⁶³ HRA Report incorporating AA (revised June 2018)

Regulations (**MAC149** and **MAC152**). These changes, whilst not identifying the specific nature of development which may result in adverse effects, nonetheless sufficiently embed the objectives of the Appropriate Assessment into the Plan, and ensure that an appropriate level of supporting detail may be provided in corresponding Supplementary Planning Guidance. Further changes to the policy and its reasoned justification would provide necessary clarity in terms of potential infrastructure necessary to support development (**MAC151, MAC154**) and, in referencing the need to improve transport connectivity, would align with the outcomes of the Sustainability Appraisal (**MAC150**).

- 5.61. As the area has the potential to accommodate non-conventional forms of residential accommodation, a change to the policy is necessary to clarify the acceptability of class C2 uses (**MAC148**). The reference to specific building heights in the supporting text is excessively prescriptive and should therefore be removed (**MAC153**). Subject to these and the other changes outline above we are satisfied that policy SD K is justified.

SDA L – Tawe Riverside and Hafod Morfa Copperworks

- 5.62. SDA L incorporates the former Hafod and Morfa Copperworks as well as a number of other adjacent brownfield sites in several land ownerships. The allocation envisages the provision of a mix of new uses with an emphasis on heritage-led regeneration.
- 5.63. In general terms the policy provides an appropriate framework for future development. However, it is unduly prescriptive and does not reflect the fact that proposals are likely to come forward in a piecemeal fashion. Changes introduced by **MAC156** and **MAC161** would address these inherent weaknesses, reducing the minimum number of dwellings anticipated to be delivered within the Plan period whilst ensuring that future development would accord with the strategic objectives of the Plan. **MAC160** would clarify the informal status of Cadw’s report on the Hafod and Lower Swansea Valley and would explain how this document could be used within development proposals. **MAC158** and **MAC162** would provide further certainty by clarifying the Council’s expectations for riverside development and open space. Changes introduced by **MAC157, MAC159** and **MAC163** would provide necessary clarity about infrastructure requirements and are also recommended. Whilst the content of the concept plan is not proposed to be amended in any substantive way, amendments to its title and key introduced by **MAC164** would sufficiently align with the policy text.
- 5.64. It is possible that student accommodation will form part of future proposals within the allocated area. The policy does not specifically allocate the site for such development but nor does it restrict it. Amendments to the reasoned justification made by **MAC161** would clarify that the anticipated residential capacity of the allocation relates to conventional housing. This would assist the consistent application of the policy.

Non-Strategic Housing Sites

- 5.65. Policy H 1 allocates a number of greenfield and brownfield sites for housing development. These range substantially in size, each having capacity to accommodate from around 10 to over 200 dwellings within the Plan period. It is

evident that the Council has engaged closely with site developers and landowners during the Plan’s preparation and has a thorough understanding of potential site-specific development constraints. Site promoters’ expectations for start dates and delivery rates have been properly assessed and these forecasts have informed the Council’s housing trajectory. The inclusion of this trajectory in the monitoring framework, updated to reflect changes arising from the examination, would ensure that the delivery of these allocations could be adequately monitored and a Plan revision triggered if necessary (**MAC353**).

- 5.66. A number of non-strategic site allocations are affected by C1 or C2 flood risk zones as defined in the Development Advice Maps issued by NRW in October 2017⁶⁴. In most cases the allocation of these sites remains justified as the proposed number of dwellings could comfortably be accommodated outside the flood risk zones. However, two site allocations (H1.14 ‘Land adjacent to Heol Las, Birchgrove’ and H1.25 ‘Land to south of Highfield, Loughor Road’) are located mainly or wholly in the C2 flood risk zone. This conflicts with the advice of TAN 15 ‘Development and Flood Risk’ which states that, in respect of highly vulnerable development such as housing, plan allocations should not be made⁶⁵. The deletion of these allocations from the Plan and Proposals Map is therefore necessary to overcome this clear conflict with national policy (**MAC172**, **MAC322** and **MAC323**).
- 5.67. The submitted version of policy H 1 identifies ‘development principles’ but it emerged at the hearings that certain site-specific expectations, for example in relation to sustainable drainage or flood risk mitigation on sites affected by C1 flood risk zones, are not routinely identified. **MAC362** would address this, adding a comprehensive list of key site-specific ‘development principles’ for the allocated sites into Appendix 3 of the Plan, thereby ensuring that site-specific constraints are adequately identified. **MAC172** would accordingly remove the ‘development principles’ column from policy H 1.
- 5.68. Concerns have been raised that the development of certain sites would have adverse consequences on species and/or natural habitats. However, it is clear that the Council has taken into account the ecological characteristics of sites, including proposed Sites of Importance for Nature Conservation. There is little to indicate that such matters could not be adequately addressed through the development management process. Similarly, there is limited evidence that localised traffic conditions would be harmfully affected by the proposed allocations, the cumulative effects of which have been considered in the Council’s Strategic Transport Assessment⁶⁶. Accordingly, the allocations comply with the tests of soundness.
- 5.69. The means of access to site allocation H1.35 ‘Land south of former Cae Duke Colliery, Loughor’ is uncertain. Access from Waun Road would be problematic as the site does not adjoin the highway and it is unclear whether a junction could be accommodated safely. Access via the adjacent Horizon Way development might require the loss of a parking area built for the recently-completed housing adjacent. In the absence of any obvious access point it is necessary to

⁶⁴ Additional Information: Flood Risk and Mitigation on Allocated Sites [ED006.5]

⁶⁵ TAN 15 ‘Development and Flood Risk’, Section 9

⁶⁶ Swansea Strategic Transport and Development Study – December 2015 [EB024]; Swansea Strategic Transport and Development Study Addendum – January 2018 [ED020]

delete the allocation from the Proposals Map (**MAC325**). Site allocations H1.42 and H1.43 should also be deleted from the Proposals Map as there is little evidence that they are deliverable (**MAC331**). Reflecting the granting of planning permission, all or part of site allocations H1.1, H1.5, H1.12, H1.36, H1.45 and H1.51 should be deleted and shown as commitments on the Proposals Map (**MAC321** and **MAC330**⁶⁷); as should other sites that have been granted planning permission as of 1 April 2017 (**MAC326**). The contribution of all these sites towards the housing supply should be amended accordingly in the monitoring framework (**MAC353**), with deleted allocations removed from policy H 1 (**MAC172**) and the list of commitments updated in Appendix 8 (**MAC367**). Adjustments to site residential capacities in policy H 1 sufficiently reflect changes arising during the examination and are also recommended (**MAC172**).

- 5.70. For the reasons given above, subject to the recommended changes we are satisfied that the non-strategic housing sites allocated under policy H 1 would provide for a range and choice of housing sites which are capable of delivering around 2,611 units within the Plan period.

Alternative Sites

- 5.71. A number of representors propose alternative sites to those allocated in the Plan, most notably for housing development. Some may consider that the allocations in the Plan do not present the best solution but we can only recommend a change to make the Plan sound. The Plan makes satisfactory provision for the delivery of housing in a manner consistent with the spatial strategy. Subject to the changes set out above, the Plan is thus sound in respect of its general housing provisions, without inclusion of further sites.

Conclusion

- 5.72. The Plan allocates sufficient land to deliver 17,645 homes by 2025. Whilst the anticipated rate of delivery is challenging, there is a high level of interest from major house builders. This is particularly the case with the SDAs, for which pre-application discussions or planning applications are well advanced in some cases. Overall, adequate evidence has been provided to support the Council’s assumptions regarding housing land supply. We conclude that, with the changes identified above, the allocations are appropriate and deliverable.

6 Affordable Housing, Local Needs Housing and Exception Sites

Affordable housing needs and Plan-wide target

- 6.1. The affordable housing policies of the LDP are informed by a Local Housing Market Assessment (LHMA), initially undertaken jointly with Neath Port Talbot Council in 2013 and updated in respect of Swansea in 2015⁶⁸. The updated assessment identifies a need for 7,400 affordable units between 2010 and 2025. This level of need represents just under half of the overall housing

⁶⁷ MAC330 incorrectly shows the commitment as overlapping allocation H1.5. This should be corrected in the final version of the Plan.

⁶⁸ Local Housing Market Assessment 2013: Update 2015 (Opinion Research Services) [EB004]

requirement, a higher proportion than the national average. The LHMA indicates that within this there is a need for around 5,300 social rented units and 2,100 intermediate units. Referencing this tenure-based apportionment of affordable housing need within the Plan would assist with the effective implementation of policy H 2 (**MAC173**).

- 6.2. The Plan seeks to maximise the contribution that overall housing provision will make towards meeting this need via an affordable housing target that is deliverable. As submitted, however, the Plan was not clear about whether the identified target of 3,420 units related solely to market-led development or public sector and RSL-led schemes. **MAC173** would rectify this, adjusting the target to 3,518 units⁶⁹ to take account of changes arising from the examination, and quantifying the expected contribution of the various components of supply towards the target, including by Strategic Housing Policy Zone. This change would also alter the policy to reflect other changes arising from the examination relating to on-site targets and exception sites, with **MAC353** making corresponding changes to the monitoring framework. The affordable housing target is expressed as a ‘minimum’ at various points in the Plan, including in policy H 2. This is appropriate given that any substantive undershooting of the identified target would be monitored and, if necessary, may trigger a revision to the Plan. Subject to the above changes we are satisfied that the Plan provides a clear affordable housing target that is justified by evidence.

On-site targets

- 6.3. As submitted, policy H 3 establishes on-site targets for the provision of affordable housing by Strategic Housing Policy Zone (SHPZ). For proposals of 5 or more dwellings, on-site targets are set at 15%, 20% and 35% in five SHPZs. For the remaining two SHPZs, Gower and Gower Fringe, the on-site target is set at 50% for schemes of 2 or more units. Using a spatially differentiated approach in this manner would maximise provision of affordable housing across the County as a whole and would contribute to meeting needs arising within individual SHPZs. **MAC176** and **MAC365** would amend the Plan to clarify the relationship between the SHPZs and the sub-markets used in the supporting evidence, aiding the effective implementation of policy H 3.
- 6.4. The identified on-site targets were informed primarily by an Affordable Housing Viability Assessment undertaken in 2016⁷⁰, which updated an earlier analysis undertaken in 2013⁷¹. Both studies use the Wales DAT method to test the viability of a notional 1 hectare site at different densities and locations against varied on-site affordable housing targets. This method provides a high level view of viability within the County, and is an entirely acceptable approach for an evidential assessment underpinning an LDP.
- 6.5. Most of the assumptions underpinning the studies, including the assumed profit margin of 17% on Gross Development Value and the land value benchmarks for sub-market areas, are appropriate. Through the examination, however, we

⁶⁹ Note, however, that binding changes imposed via IMACs 1 to 5 have further adjusted this to 3,310 units. The Council is authorised to make consequential changes to sub-area targets accordingly.

⁷⁰ Affordable Housing Viability Study Report 2016 [EB002]

⁷¹ Affordable Housing Viability Study 2013 [EB001]

- have sought to clarify the rationale for other assumptions underpinning the appraisals.
- 6.6. The 2016 assessment did not set a figure for necessary infrastructure, instead seeking to quantify the resulting ‘headroom’ which could then contribute towards S106 obligations or a future Community Infrastructure Levy charge. Whilst there is nothing untoward with this approach *per se*, the study did not adequately demonstrate whether the remaining headroom would be sufficient to cover policy requirements and related obligations sought by the Plan. The Council estimates that the cost of policy obligations would amount to around £5,000 per unit, which was the figure used in the earlier 2013 assessment. Whilst there is evidence that few S106 agreements negotiated in the County in recent years have secured this level of contribution, there is nonetheless broad consensus that this figure is an appropriate benchmark for determining the minimum headroom necessary to cover planning obligations.
 - 6.7. Both viability assessments use the Royal Institution of Chartered Surveyors’ Building Cost Information Service (BCIS) build costs for Wales. The 2016 assessment does not specifically refer to the cost of implementing fire sprinklers now required under Part B of the Building Regulations. The WG estimates that the cost of incorporating sprinklers within new houses is likely to be £3,100 per unit. There is little convincing evidence that the cost of sprinklers was already incorporated in the BCIS data used in the viability appraisals.
 - 6.8. The 2016 appraisals assumed a ‘tenure neutral’ affordable element with revenues equating to 42% of Acceptable Cost Guidance (ACG) figures. As most schemes would be likely to include intermediate as well as social rented housing, this is an appropriate approach that is unlikely to overestimate potential revenues from the affordable element. Nonetheless, the assessment was run on the basis of Band 1 ACG figures, i.e. for areas with the lowest unencumbered market values. This is not representative of site allocations within the Plan, which mainly fall within Band 2 areas⁷².
 - 6.9. It may be that some additional costs could be absorbed by relatively small increases in house prices. However, the absence of any attributed costs for sprinklers and Section 106 agreements within the 2016 appraisal, in combination with the unrepresentative ACG figures, calls into question the robustness of the assessment as a whole.
 - 6.10. Following discussions at the relevant hearings the Council re-ran the viability assessment on the basis of the more representative Band 2 ACG figures, and included the specific attributed costs for planning obligations and sprinklers outlined above⁷³. Further to this, an additional viability appraisal was undertaken on behalf of the Council for three SHPZs where there appeared to be little or no headroom. The Council also provided additional justification in support of the on-site targets identified in policy H 3 as submitted⁷⁴.
 - 6.11. The further viability appraisal confirms that, in the Greater North West and East areas, the respective targets of 20% and 15% are viable only where the tenure

⁷² Table submitted by HBF and BDW Homes responding to Action Point 4.6 [ED022]

⁷³ Statement of Swansea Council arising from Hearing Session 4 [ED030]

⁷⁴ Statement of Swansea Council and HBF regarding Affordable Housing thresholds [ED073]

split favours intermediate housing. Such an approach would risk constraining the provision of social rented housing, for which the LHMA confirms there is a substantial need. The appraisal also concludes that the 15% target is not viable in the North area, irrespective of tenure split.

- 6.12. We do not dispute, as the Council contends, that factors such as profit margins and Section 106 contributions can vary from site to site. But irrespective of this, taken as a whole there can be little dispute that the updated evidence indicates that some of the targets included in policy H 3 are not viable based on the agreed assumptions. Whilst the Council’s analysis shows that few housing applications granted in recent years were subject to any S106 agreement, and those that were contributed far less than the £5,000 assumed in the viability analyses, such permissions were granted in the context of the current Unitary Development Plan⁷⁵. The same would apply to developments recently granted planning permission within the Greater North West and North SHPZs⁷⁶. Many of the cited schemes may also have been permitted prior to the requirement for sprinklers coming into effect on 1 January 2016. In any case, these analyses do not demonstrate that the proposed AH targets could be achieved at the same time as securing sufficient S106 contributions towards the ‘necessary infrastructure’ identified in the updated IDP⁷⁷.
- 6.13. National policy states that when setting affordable housing thresholds and/or site-specific targets, planning authorities must consider their impact on site viability to ensure residential sites remain deliverable⁷⁸. The June 2018 analysis conducted on behalf of the Council⁷⁹ indicates that residential developments would generally be viable with on-site targets of 15% in the Greater North West SHPZ, 10% in Swansea East, and 4% in Swansea North. The Council has not proposed to amend the policy H 3 targets, but as there is no definitive, prevailing technical evidence that higher targets would be viable in these three zones, it is necessary for us to reduce the relevant targets via a binding change, in order to accord with national policy and the body of evidence submitted.
- 6.14. We have received oral and written evidence from various interested parties either supporting the current targets or seeking their reduction to the proportions shown to be viable in the June 2018 analysis conducted on behalf of the Council⁸⁰. As set out above, we are not persuaded by the evidence that the targets identified in the submitted policy are viable. However, we also share the Council’s concern that setting the targets too low may yield fewer affordable homes than may be viably achieved. On the balance of evidence we therefore consider it reasonable to reduce the on-site targets in the three zones by 5% each. **IMAC1** thus amends policy H 3’s affordable housing targets for the Greater North West to 15% and Swansea East and Swansea North to 10%.
- 6.15. Notwithstanding the above, the site-specific viability appraisals for the SDAs⁸¹ demonstrate that, in most cases, development remains viable on these sites

⁷⁵ Addendum to ED073: Analysis of Section 106 costs for H1 sites [ED087]

⁷⁶ Letter from Leader of Swansea Council in response to proposed IMACs, December 2018 [ED100]

⁷⁷ Amendments to Infrastructure Delivery Plan [ED056b]

⁷⁸ PPW edition 10 paragraph 4.2.31

⁷⁹ Statement of Swansea Council and HBF regarding Affordable Housing thresholds [ED073]

⁸⁰ Statement of Swansea Council and HBF regarding Affordable Housing thresholds [ED073]

⁸¹ Review and Update of Viability Evidence for the Swansea LDP [EB026]

applying the affordable housing targets originally identified in policy H 3, with sufficient headroom to contribute towards necessary infrastructure. Moreover, Statements of Common Ground submitted by the Council and promoters of substantial landholdings within SDAs A, B, C, D, E, G, H and K confirm support for targets identified in the deposit Plan⁸². This site-specific evidence justifies separate targets to maximise the contribution of affordable housing within these SDAs. **IMAC2** would amend policies SD A, SD B, SD C, SD D, SD G and SD H to specify a site-specific target of 20%, subject to viability. **IMAC3** would amend policies SD E and SD K to identify a site-specific target of 15%, subject to viability. **IMAC4** and **IMAC5** would make consequential changes to policies SD 2 and H2.

- 6.16. The altered site-specific affordable housing targets necessitate a consequential change to the plan-wide affordable housing target identified in policy H 2, to 3,310 units (**IMAC5**). The Council is also authorised to make consequential changes to affordable housing components of supply figures (i.e. for site allocations and windfalls) where they occur.
- 6.17. The IMAC changes identified above override specific amendments to policies H 2 and H 3 and their reasoned justification made via **MAC173**, **MAC174** and **MAC175**⁸³. These MACs are otherwise necessary as they would clarify the components of the Plan’s affordable housing supply, reflect additional viability evidence brought forward during the examination, and better align with other Plan policies, as proposed to be amended. In combination the changes outlined above would align with the conclusions of the submitted evidence and would accord with national policy. They would not have a material impact on the Plan strategy as a whole.
- 6.18. As submitted, policy H 3 does not indicate that in some circumstances the amount of affordable housing to be secured on a development site may be subject to negotiation. This is contrary to the thrust of national policy⁸⁴. **MAC174** and **MAC175** would rectify this via amendments outlining the Council’s approach to negotiations and by removing ambiguity from the policy wording. Amending various references to the word ‘contribution’ to ‘provision’ would also make it clear that in most cases proposals should provide affordable housing on-site. Cross-referencing policies H 4 and H 5 would provide further clarity in this regard. Changes introduced via **MAC175** would also appropriately acknowledge that higher proportions than the target levels set out in policy H 3 may be sought in exceptional cases.
- 6.19. Notwithstanding the above, changes introduced by **MAC174** would remove the reference to on-site affordable housing targets applying only within settlement boundaries. We do not endorse the deletion of the phrase “located within the settlement limits” and recommend its retention within policy H 3 as per the deposit Plan. Moreover, as suggested by the Council following the MACs

⁸² Joint statements for hearing sessions 5, 6 & 7 between the Council and Persimmon (SD A & SD B), Bellway (SD C), Llanmoor (SD D), Morris Estate (SD E), WG (SD G), and Various (SD H & K)

⁸³ Specifically: Adjusting the windfall and allocation affordable housing supply components in Table 1 to align with the reduced target of 3,310 units in MAC173; replacing the percentage target figures for the three affected SHPZs with those specified in IMAC1 in MAC174; amending tenure splits to align with the LHMA (70/30 in favour of social rented units) in MAC175; and deleting the final three sentences of paragraph 2.5.19a in MAC175.

⁸⁴ PPW edition 10 paragraph 4.2.29

consultation⁸⁵, in order to remove any ambiguity or inconsistency within the policy, similar wording should also apply to sites in the Gower and Gower Fringe Strategic Housing Policy Zones. Doing this would not alter the thrust of the policy but would secure the necessary conformity with national policy set out at paragraphs 4.2.30 and 4.2.34 of PPW edition 10. **IMAC6** accordingly imposes a further change to **MAC174**.

- 6.20. **MAC253** would make a corresponding change to the reasoned justification to policy CV 1 ‘Key Villages’, cross-referencing the on-site target of 50% affordable housing in the Gower and Gower Fringe areas for schemes of 2 or more dwellings. Subject to this and the other recommended changes above, we are satisfied that the affordable housing targets and thresholds proposed in policy H 3 are realistic and appropriate.

Off-site provision

- 6.21. Policy H 4 sets out circumstances where, in exceptional cases where affordable housing cannot be provided on-site, financial contributions may be collected in lieu of on-site provision. As submitted the policy sought to increase the level of financial contributions over and above the cost of providing on-site affordable dwellings. The justification for this was based on the potential increased sales values of market dwellings and the need to incentivise on-site provision and maximise the numbers of affordable units generally.
- 6.22. Whilst these may be legitimate considerations, the policy as submitted was not founded on viability evidence. The Council consequently proposes to amend the policy and its reasoned justification, removing the references to the increased financial contributions, altering the assessment criteria to clarify the exceptional circumstances in which a financial contribution may be acceptable, and describing how the policy would be implemented (**MAC177** and **MAC178**). These changes would make it clear that off-site provision of affordable housing, or an in-lieu payment, should be the maximum possible, as justified by robust financial evidence. These changes would ensure consistency with national planning policy⁸⁶ and are therefore recommended.

Local needs housing and exception sites

- 6.23. Policy H 5, as amended by **MAC179**, allocates six sites for the provision of a mix of affordable housing and market housing for local needs. The Council has prepared the policy in response to particular housing pressures faced within the Gower and areas immediately adjacent, where a disproportionately high proportion of local residents, in particular younger residents, cannot afford to compete in the open market and are forced to seek suitable housing elsewhere⁸⁷.
- 6.24. Evidence prepared by the Council and a consultancy⁸⁸ identifies 9 wards in the west of the County that experience particular housing market pressures in comparison to other parts of Swansea. In all of these wards average house

⁸⁵ ‘Consultation on Matters Arising Changes to Swansea LDP: Factual Updates and Minor Amendments from Swansea Council’ (13 December 2018) [ED099]

⁸⁶ PPW edition 10 paragraphs 4.2.30 to 4.2.31

⁸⁷ Local Housing Market Assessment 2013 [EB003]

⁸⁸ Statement of Swansea Council arising from Hearing Session 4 [ED032]

prices exceed the Swansea-wide average, substantially so in the case of Gower and Newton. Some wards, for example Pennard, Bishopston and Oystermouth, have an extremely limited number of affordable dwellings. Other indicators point to higher levels of holiday or second homes, higher proportions of larger properties and below-average proportions of smaller homes. Whilst some parties suggest that there may be a case for amending the list of identified wards, we consider that the evidence effectively demonstrates that these 9 wards are subject to specific housing pressures that are not experienced elsewhere in Swansea.

- 6.25. The allocation of the six sites within this geographic area is consistent with the Plan’s overall strategy in relation to housing provision. All allocations have been subject to appropriate SA which has demonstrated that there are no evidently preferable, deliverable sites for the provision of housing to meet local needs. The allocated sites would provide an opportunity, however modest, for some local residents to be accommodated in their communities, which in turn would help to support local facilities and services which rely on a year-round population. The provision of a minimum of 51% social rented and intermediate housing on the allocated sites would work alongside the Plan’s affordable housing policies and is justified by the viability evidence.
- 6.26. The allocations at Scurlage (H 5.1), Pennard (H 5.4) and Thistleboon (H 5.6) are located in the Gower AONB, within which the statutory duty to conserve and enhance the natural beauty of the area applies. To an extent the landscape impact of the allocations would be a matter for the detailed planning application stage. Nonetheless, we are satisfied that the principle of allocating these three greenfield sites is appropriate and justified, having regard to the benefits of providing housing sites of modest scale that would meet specific local needs arising in the west of the County. **MAC362** would, however, add key site-specific requirements and informatives for allocated sites into Appendix 3. This would ensure that key constraints, including landscape constraints, are adequately articulated within the Plan.
- 6.27. Policy H 5 seeks to restrict occupancy of the market dwellings to persons with a specific connection to the local area. The particular housing market pressures in the subject wards means that there would be a significant financial incentive for qualifying persons to sell a new house on the open market. Were this to happen, the effectiveness of the policy would be undermined. The imposition of an occupancy restriction would, over time, secure a modest pool of market housing that would be available to qualifying persons. This would be likely to be more affordable than open market housing, providing an opportunity for local residents to buy homes whose income means that they are not eligible for intermediate housing but who cannot compete in the locally inflated housing market. In doing so, the policy would also be likely to assist in increasing churn, to the benefit of the local housing market as a whole. We are therefore satisfied that occupancy restrictions are justified in this case and would accord with national policy⁸⁹.
- 6.28. To fully secure the objectives of the policy, some have suggested that the size of the market housing should be restricted relative to the number of bedrooms. Policy H 5, as proposed to be amended, states that proposals should include an

⁸⁹ PPW edition 10 paragraph 4.2.9

appropriate mix of dwelling sizes to meet identified social and/or economic needs, having regard to the most up-to-date local needs evidence. The policy would thus align with the justification and evidence underpinning it and no further change is necessary for soundness.

- 6.29. Appendix 6 of the deposit LDP provides further information about the operation and enforcement of local needs housing. Changes proposed by **MAC363** and **MAC364** would clarify how legal agreements and conditions would be enforced as well as the eligibility criteria for qualifying persons. Including a definition of local needs housing within the glossary would further support the consistent application of this policy (**MAC315**), as would related changes to the policy’s reasoned justification (**MAC180**).
- 6.30. As submitted, policy H 5 was titled ‘Rural exception sites’ and included separate criteria for assessing non-allocated housing sites in the countryside. The conflation of two distinct types of housing proposal within one policy was confusing and the policy title was misleading. **MAC179** would rename policy H 5 ‘Local needs housing exception sites’, and **MAC181** would incorporate the criteria for assessing proposals in rural areas in a new policy entitled ‘100% affordable housing exception sites’. This change would also adjust the criteria in the new policy to refer to sites adjacent to all settlements, rather than only those with designated settlement boundaries, consistent with national policy.
- 6.31. **MAC11** and **MAC12** would amend section 1.3 of the Plan to clarify the role of local needs allocations and exception sites within the overall growth strategy. Subject to these and the other amendments identified above, we are satisfied that the policies relating to local needs housing and exception sites broadly align with PPW edition 10 and are justified by evidence.

Conclusion

- 6.32. The viability assessments have been thoroughly tested through the examination and have been updated to determine realistic affordable housing targets, having regard to the cost of potential obligations and other financial variables, as is required by PPW⁹⁰. Subject to the recommended changes set out in the appendices, we are satisfied that the evidence supports the SHPZ and on-site affordable housing targets and thresholds, and that the approach to negotiating off-site contributions is sound. The six allocations for local needs market housing and affordable housing represent a justified response to the challenges and particular circumstances present within the west of the County. Subject to the changes identified above, we conclude that the Plan’s policies relating to affordable housing, local needs housing and exception sites are sound.

7 Gypsy and Traveller Sites; Shared Accommodation

Sites for Gypsies, Travellers and Travelling Showpeople

- 7.1. As is required under the Housing (Wales) Act 2014, the Council completed a Gypsy and Traveller Accommodation Assessment⁹¹ which has been approved by

⁹⁰ PPW edition 10 paragraph 4.2.28

⁹¹ Gypsy and Traveller Accommodation Assessment 2015 [EB005]

WG. This assessment concluded that it was not necessary to make provision for a transit site in the County but identified an immediate need for 7 permanent pitches up to 2021 and a further need for 6 pitches between 2021 and 2025. Whilst there is capacity at an existing site at Millstream Way, this is a ‘tolerated’ site and as it lacks basic amenities it is not fit for purpose over the longer term. Consequently, policy H 6 of the deposit Plan sought to allocate land at Pant y Blawd Road, near to the existing Gypsy and Traveller site at Ty Gwyn, to meet the immediately arising need.

- 7.2. As this site is located within the zone C1 floodplain the Council submitted a Flood Consequence Assessment (FCA) Scoping Report⁹². This document provides a brief assessment of the site’s vulnerability to flood risk and assesses the viability of potential flood mitigation methods with reference to the justification tests set out in Technical Advice Note (TAN) 15 ‘Development and Flood Risk’. At our request, the Council agreed to carry out a full FCA assessing the acceptability of the site for the intended use in the context of the tests in TAN 15, and in consultation with NRW. As national planning policy requires a precautionary approach to the location of development, with the objective of moving away from flood defence and mitigation towards a more positive avoidance of development in such areas⁹³, we sought evidence to demonstrate the appropriateness of the site in relation to alternatives which had been arrived at following a lengthy site assessment process. Finally, we also requested evidence of the site’s deliverability.
- 7.3. The Council duly submitted this information⁹⁴. Nonetheless, by the time that we returned to discuss this matter at a later hearing session, planning permission had been granted for an extension to the Ty Gwyn site and for 7 Gypsy and Traveller pitches on the Pant y Blawd site⁹⁵. The Council’s Section 151 officer had also submitted written confirmation that the necessary funding to deliver the permitted pitches in the 2018/19 financial year had been ringfenced, with additional funds earmarked in the Council’s budget for subsequent years⁹⁶.
- 7.4. Irrespective of our previous concerns regarding the appropriateness of the site given its location in the C1 flood zone and the alternatives considered, there is little doubt that the Council is committed to implementing this planning permission. We are aware of no unassailable hurdles that would prevent its delivery. As planning permission has now been granted, the allocation is no longer necessary and policy H 6 and its reasoned justification should therefore be deleted (**MAC182**). Similarly the allocation should be removed from the Proposals Map (**MAC352**).
- 7.5. In addition to the increased capacity provided by the Ty Gwyn extension and Pant y Blawd site, the Council contends that further pitches are likely to become available during the Plan period through ‘churn’ on existing pitches. We have no reason to dispute this. We are thus satisfied that the permitted and existing pitches would meet the identified need for 13 permanent pitches for Gypsies

⁹² FCA for Land off Pant y Blawd Road – Scoping Report (Capita, Sept 2017) [ED036]

⁹³ PPW edition 10 paragraphs 6.6.22 to 6.6.23

⁹⁴ Detailed FCA (Capita, April 2018) [ED078]; Council Statement re: Gypsies, Travellers and Travelling Showpeople [ED080b]

⁹⁵ Council Statement re: update on Planning Application 2018/0830

⁹⁶ Letter re: delivery of new gypsy traveller pitches at Pant y Blawd Road, Swansea – confirmation of Council funding commitment [ED088a]

and Travellers over the Plan period. However, as a consequence of the proposed deletion of policy H 6, the reasoned justification to policy H 7 ‘Gypsy and Traveller Accommodation’ should be amended to clarify the updated position, identify sources of supply and set out what should happen if the current assumptions or identified needs change during the Plan period (**MAC183**).

- 7.6. These proposed changes would also bring the reasoned justification into line with Welsh Government Circular 005/2018 ‘Planning for Gypsy, Traveller and Showpeople Sites’, which was published during the examination. Further changes are, however, also necessary to the assessment criteria set out in policy H 7 in order to reflect this updated national guidance. Specifically, **MAC183** would remove the requirement for applicants to demonstrate a local need, apply a more reasonable stance in relation to visual or amenity impacts, and allow sites to be located away from designated settlements where more sequentially preferable sites were not available. Subject to these changes we are satisfied that policy H 7 sets out sound criteria for assessing proposals for new Gypsy and Traveller accommodation.
- 7.7. The changes to the reasoned justification to policy H 7 would also provide an updated position in relation to accommodation for Travelling Showpeople. Since the deposit Plan was published the Council has agreed a long-term lease with Travelling Showpeople who have resided and stored equipment and vehicles at a site in Railway Terrace for a number of years. During the examination, the Council determined that that the majority of the site benefits from an extant planning permission granted in 1993, with the remainder having been in use as winter quarters for more than 10 years. Certificates of Lawful Use have been issued to reflect this position⁹⁷. In totality the site provides sufficient space to meet the need for 16 Travelling Showpeople pitches identified in the Gypsy and Traveller Accommodation Assessment, with sufficient additional land for the storage of equipment and amenity space. On this basis, we are satisfied that there is no requirement for the Council to make provision for the seasonal accommodation needs of Travelling Showpeople within the Plan.

Houses in Multiple Occupation (HMOs)

- 7.8. Policy H 9 ‘Houses in Multiple Occupation and Residential Conversions within Settlements’ sets out criteria for assessing proposals to convert buildings and dwellings into HMOs, flats or bedsits. Amongst other things it seeks to resist proposals where a ‘harmful concentration or intensification of HMOs in a particular area’ would occur. As submitted, the Plan does not indicate what proportion of HMOs may result in harmful impacts in certain areas, instead seeking to provide that detail within a future SPG. Such an approach would be contrary to the Development Plan objectives set by national policy⁹⁸.
- 7.9. A letter from the Cabinet Secretary for Energy, Planning and Rural Affairs circulated in February 2018⁹⁹ says that LPAs need to consider whether concentrations of HMOs are causing problems and, if so, to put in place robust local evidence-based policies in LDPs against which planning applications can be

⁹⁷ Appendix 4 to Council’s Statement, Hearing Session 13 [ED022]

⁹⁸ PPW edition 10 paragraph 1.21

⁹⁹ Letter to Heads of Planning regarding Housing/HMOs, dated 27 February 2018 [ED044]

assessed. This letter chimes with our own concerns about the robustness of the submitted version of policy H 9 and its consistency with national policy.

- 7.10. As a consequence of the Cabinet Secretary’s letter and representations made on the Plan, the Council proposed amendments to policy H 9, recasting it in light of an independent study which was published in April 2018¹⁰⁰. This study recommends designating an HMO Management Area within parts of Uplands and Castle wards. This area is already subject to an ‘Additional Licensing’ scheme and is where the majority of Swansea’s HMOs are concentrated.
- 7.11. Within the proposed HMO Management Area, the study advocates limiting proportions of HMOs to 25% of all residential properties within a 50 metre radius and to 10% of properties outside the designated area. It also recommends applying further restraints within ‘small streets’, where the impacts of concentrations of HMOs tend to be more keenly experienced.
- 7.12. Whilst the Council originally commissioned this research to inform an SPG, we consider that it provides a robust basis on which to inform a more detailed planning policy on HMOs. The proposed changes to policy H 9 introduced by **MAC185** would in large part reflect the study’s recommendations and would also recognise that material considerations may outweigh policy conflicts in certain circumstances. Changes to the reasoned justification providing further amplification, with related amendments to the Proposals Map, would also align with the evidence and ensure the policy’s effective application (**MAC186** and **MAC338**). This amendment to the policy’s reasoned justification recognises that noise insulation may be sought irrespective of the size of a proposed HMO.
- 7.13. Some have challenged the findings of the evidence, suggesting that there may be a case for altering the boundaries of the HMO Management Area or removing it altogether, adjusting the proportion of HMOs which may be considered harmful, quantifying concentrations of HMOs differently, or amending policy H 9 in other ways. In particular many contend that applying a different threshold within the HMO Management Area is unfair and contrary to legislation including the Human Rights Act 1998 and the WFG Act. Nonetheless, in our view the evidence effectively recognises the specific circumstances relating to HMOs in Swansea, including the location and magnitude of pre-existing concentrations of HMOs, which within the proposed HMO Management Area already measures between 7.2% and 33.3% when measured by Lower Super Output Area (LSOA)¹⁰¹. We consider that the use of LSOAs to determine the extent of the HMO Management Area is appropriate, and that the evidence as a whole provides a sufficiently robust basis on which to found the policy’s criteria, which would proportionately and effectively guide the decision-making process.
- 7.14. To obtain a sufficiently focussed and coherent policy on HMOs the Council proposes to remove residential conversions from the scope of policy H 9. To avoid a consequential policy vacuum, amendments should be made to the reasoned justification to policy PS 2 ‘Placemaking and Place Management’ to clarify that it would apply to residential conversions (**MAC22**).

¹⁰⁰ HMOs & Purpose Built Student Accommodation in Swansea – Evidence Review and Recommendations for Planning Policy and Guidance (April 2018) [ED070]

¹⁰¹ HMOs & Purpose Built Student Accommodation in Swansea – Evidence Review and Recommendations for Planning Policy and Guidance (April 2018) [ED070]

Specialist Housing and Student Accommodation

- 7.15. Policy H 10 ‘Specialist Housing’ sets out criteria for assessing proposals for housing designed specifically for older people or people with disabilities, such as care homes, sheltered housing and extra care housing. As these types of accommodation are appropriate within existing urban areas, criterion (i), which requires proposals to demonstrate a need, is unnecessary and should be deleted. However, it is appropriate for proposals outside settlements to demonstrate that they would be viable, sustainable and would meet a need identified by the Council’s Social Services department. Consequential amendments to the policy and reasoned justification to address these issues are therefore recommended (**MAC187** and **MAC188**).
- 7.16. Policy H 11 relates to purpose-built student accommodation. Whilst some consider that the policy unjustifiably restricts such accommodation to the Swansea Central Area and at the Swansea University Bay Campus, we are satisfied that those locations remain appropriate and sustainable foci for purpose-built student accommodation in the County. The policy provides sufficient flexibility to respond to changing circumstances and is consistent with the Plan’s spatial strategy. However, in order to provide certainty as to its application, the policy title and wording should be amended to reflect established terminology (**MAC189**).

Conclusion

- 7.17. As proposed to be amended, the Plan would be consistent with the evidence, including the Gypsy and Traveller Accommodation Assessment, and would assist the Council in meeting its statutory duties under the Housing (Wales) Act 2014. The Plan’s policies, in their amended form, would provide a robust basis on which to assess proposals for specialist forms of residential accommodation. Subject to the recommended changes we conclude that the Plan’s policies relating to sites for Gypsies, Travellers and Travelling Showpeople, HMOs, student accommodation and specialist housing are sound.

8 Employment and Retail

Employment Land Provision

- 8.1. Responding to the strategic objectives of the Wales Spatial Plan and the Swansea Bay City Region Economic Regeneration Strategy¹⁰², a key aim of the Plan is to build a diverse and strong economy that will enhance Swansea’s economic role as the hub of the wider sub-region. The plan’s policies thus seek to provide and facilitate employment development at a number of locations to meet the needs of existing and new businesses and encourage inward investment.

¹⁰² Swansea Bay City Region Economic Regeneration Strategy 2013-2020 [RD01]

- 8.2. The Plan’s employment provisions derive from an original economic forecast of around 14,700 additional jobs to be accommodated within the County over the Plan period¹⁰³. This is a challenging target when considered against the base level of 6,100 additional jobs over the same period. In response to revised WG household projections and changing economic circumstances, the 2017 Review¹⁰⁴ commissioned by the Council updates the evidence base underpinning the Plan’s employment strategy. This evidence identifies a more realistic figure of 13,600 additional jobs over the Plan period to align with and support the anticipated scale of housing growth.
- 8.3. The updated evidence modelled a further economic growth scenario, termed ‘City Deal Plus’. This scenario, which takes account of ‘add on’ jobs derived from potential City Deal projects, endorses the original growth target of 14,700 jobs identified in policy PS 4. Nonetheless, as the potential employment impacts of those future projects are not easily quantified, the target in policy PS 4 should be amended to 13,600 jobs, with the reasoned justification identifying that this is not a ceiling or maximum level (**MAC25** and **MAC27**).
- 8.4. The 2017 Review identifies that around 39% of new jobs would be accommodated within the B use class. The remainder (7,540 jobs) would be accounted for by employment growth in the public and service sectors. Of the B use sub-classes, the updated evidence identifies a need for land equivalent to 3.2 hectares (ha) for class B1, 8.1 ha for class B2 and 7.7 ha for class B8. Whilst this total forecast land-take of 19 ha represents a substantial reduction from that identified in the earlier 2012 economic assessment, which was around 51 ha, it represents a robust and up-to-date estimate of demand for employment floorspace in Swansea. **MAC26** and **MAC27** would amend the Plan to reflect these most up-to-date forecasts. Corresponding amendments to the monitoring framework would allow the Council to determine, on an annual basis, whether the Plan’s strategy was being delivered as envisaged (**MAC353**).
- 8.5. Overall, it has been demonstrated that the planned level of employment growth aligns with economic forecasts and would support the proposed level of housing provision and City Region objectives. The supporting evidence adequately takes account of factors such as population projections, economic activity rates and commuting patterns. Subject to the recommended changes the proposed level of employment land accommodated within the Plan is justified.

Allocated Employment Sites

- 8.6. The Plan seeks to provide the required land for new B use class floorspace at five mixed use SDAs. Land for higher density office development within the Swansea Central Area would be allocated via policy SD J. This would be accompanied by strategic employment land allocations at SDAs G (Northwest of M4 J46, Llangyfelach), H (North of Waunarlwydd / Fforestfach), I (Swansea Vale) and K (Fabian Way Corridor).
- 8.7. As submitted the Plan did not identify the total amount of employment land expected to come forward at these SDAs, nor the types of B use sub-classes which would be accommodated at each. Consequently the Plan did not

¹⁰³ Economic Assessment & Employment Land Provision for Swansea & Neath Port Talbot (2012) [EB008]

¹⁰⁴ 2017 Review of Swansea LDP Growth Strategy and Evidence Base (July 2017) [EB011]

sufficiently reflect the evidence and there was no certainty that its policies would deliver the identified objectives. **MAC25** and **MAC27** would address this deficiency by identifying the quantum and broad mix of employment land to be delivered at each of the mixed use SDAs. This would align with other related amendments to the site-specific policies for these SDAs.

- 8.8. The proposed allocation of land at SDAs G to K would support a diversified employment offer at various locations within the County. The quantum of employment land proposed to be allocated at each of these sites would in fact exceed the forecast need for B use class land; substantially so in some cases. Nevertheless, TAN 23 ‘Economic Development’ says that land provision targets may exceed anticipated demand to allow for the chance that the assessments are too low and to promote flexibility, competition and choice¹⁰⁵. The approach taken by the Plan is consistent with this and would assist in maintaining an employment land supply, including beyond the Plan period. Whilst the Plan rightly seeks to direct office floorspace to the Swansea Central Area, the updated economic assessment recommends that the Plan accommodates an element of office development at other SDAs in order to provide a level of choice to occupiers, recognising the different needs of businesses and existing patterns of supply. Amendments proposed via **MAC32** are necessary to clarify the approach taken by the Plan in this regard. These changes would align with amendments to the reasoned justification to policy PS 4 introduced by **MAC27**.
- 8.9. Policy RC 12 ‘Office Development’ states that proposals for significant new office developments should first assess the availability and suitability of potential sites within the Swansea Central Area, thereby ensuring a sequential approach to site selection as required by national policy¹⁰⁶. **MAC222** would amend the policy to clarify that it would apply to any proposal accommodating in excess of 200m² office floorspace. Amendments to the reasoned justification to explain what evidence should be submitted alongside applications for the change of use of office premises would aid the policy’s effective application (**MAC223**).
- 8.10. Subject to these and the other changes identified above, we are satisfied that the broad distribution and quantum of B use sub-classes promoted by the Plan is appropriate and justified.

Safeguarding Existing Employment Land and Premises

- 8.11. The 2012 employment assessment found that, although most existing employment areas are fit for purpose, even marginal areas should be retained for employment while they remain in active use in order to accommodate market churn. The assessment thus recommends that the Plan protects existing employment land whilst providing some flexibility to release marginal sites to other uses.
- 8.12. In recognition of the role and distribution of the County’s various employment areas and sites, policy RC 10 ‘Employment and Enterprise Development’ seeks to protect the employment land bank for B class uses. Although this approach aligns with the recommendations set out in the evidence, the submitted version of the policy uses inconsistent terminology and lacks detail about how individual

¹⁰⁵ TAN 23 ‘Economic Development’, paragraph 4.5.2

¹⁰⁶ PPW edition 10 paragraphs 4.3.18 and 4.3.21

proposals would be assessed. **MAC220** would recast policy RC 10 as a criteria-based policy with the aim of protecting sites in active, viable employment use. This change would also move much of the policy text, in amended form, to policy PS 4, thereby ensuring the policy’s effectiveness.

- 8.13. Policy RC 11 ‘Alternative Uses at Employment Locations’ sets out criteria for assessing proposed changes of use of B use class land and premises. **MAC221** would amend the reasoned justification to specify that evidence should be provided of a minimum marketing period of 12 months. This would facilitate the consistent implementation of the policy and ensure its effectiveness.

Retail

- 8.14. As sought by national policy¹⁰⁷, policy RC 2 identifies a hierarchy of retail centres and provides for a sequential approach to assessing retail proposals. At the top of the hierarchy is the Swansea Central Area Retail Centre (SCARC), which relates to the core shopping area within the broader Swansea Central Area. This is supported by nine District Centres, the boundaries of which are identified on the Proposals Map, plus 25 Local Centres.
- 8.15. In general terms policy RC 2 provides an appropriate mechanism for assessing retail proposals. An amendment to the reasoned justification is, however, required to explain how the policy would be applied to sites within the Swansea Central Area (**MAC211**). Further changes would clarify that, outside the retail hierarchy, identified ‘Complementary Areas’ would be considered as ‘edge-of-centre’ locations, and that identified ‘Retail Parks’ would be sequentially preferable to other out-of-centre locations (**MAC210**). As required by national policy¹⁰⁸, this MAC would also amend policy RC 2 to specify that edge-of-centre proposals should submit evidence of retail need, with further explanation provided in the supporting text (**MAC212**). **MAC215** and **MAC218** would make consequential changes in relation to policy RC 4 ‘Swansea Central Area – Complementary Areas’ and policy RC 7 ‘Retail Parks’. These changes would provide certainty and clarity about the order of sequentially preferred locations for retail and leisure proposals and would ensure compliance with national policy.
- 8.16. The Plan is supported by a 2015 Retail and Leisure Capacity and Impact Study¹⁰⁹, which in turn reviewed two earlier retail assessments¹¹⁰. The 2015 study assessed the health of the City Centre and analysed the extent to which retail parks within the County and in neighbouring areas influenced shopping patterns in Swansea. The assessment found that there was no quantitative need for additional convenience goods floorspace within the County, including over the longer term, excepting accessible food shops for substantial new housing developments. The study identified a relatively modest quantitative net need for 8,400m² of additional comparison goods floorspace between 2020 and 2025. In terms of qualitative need, the study recommends developing the existing retail offer of the core central shopping area. This stance is also

¹⁰⁷ PPW edition 10 paragraphs 4.3.10 to 4.3.12; TAN 4 ‘Retailing and Town Centres’

¹⁰⁸ TAN 4 ‘Retailing and Town Centres’ paragraph 6.2

¹⁰⁹ Retail and Leisure Capacity and Impact Study (February 2016) [EB021]

¹¹⁰ Strategic Review of Retail Planning Policy (August 2013) [EB020]; Review of Retail Capacity, Investment Potential and Strategy (October 2013) [EB022]

advocated in the earlier 2013 assessments due to its potential to grow Swansea’s market share of retail expenditure.

- 8.17. The 2015 study stresses the importance of controlling the scale, arrangement and quality of non-central shopping destinations which could draw trade from the core area and undermine regeneration initiatives to transform the fortunes of the city centre. At the relevant hearing the Council provided an update on proposals for the redevelopment of the St. David’s/Quadrant site, a key regeneration priority for the County. Working in collaboration with the private sector, the Council has developed and funded this project, including through the City Deal. Planning permission has been granted for the provision of approximately 7,000m² of net new A1 and A3 floorspace, plus other complementary uses, with completion expected by 2023. This development alone would meet all of the identified quantitative need for additional net sales comparison goods floorspace over the Plan period. Other complementary retail-led redevelopment elsewhere within the SCARC, including at Castle Square and the Quadrant Shopping Centre, may further add to the forecast net increase in retail floorspace.
- 8.18. The advanced status of the St. David’s/Quadrant redevelopment scheme provides confidence that the identified quantitative need for comparison goods floorspace would be adequately accommodated within the SCARC. The boundary of the SCARC is thus appropriate and no further extension is justified. Policy RC 3 and its reasoned justification should, however, be amended to provide an updated position on the St. David’s/Quadrant scheme and, consistent with similar changes to policy SD J, indicate the net increase in retail floorspace expected to be accommodated within the SCARC during the Plan period (**MAC213**). This change would also remove any ambiguity about the status of shopping frontages within the SCARC.
- 8.19. Policies RC 1 and RC 4 set out expectations for the development of the Swansea Central Area, which includes both the SCARC and a number of ‘Complementary Areas’. In general terms the policies reflect the supporting evidence and provide an appropriate framework for assessing development proposals. However, as submitted the policies appear to elevate the SCARF to the status of Development Plan policy, which is contrary to national policy. **MAC209** and **MAC215** would resolve this conflict and would inject an appropriate level of flexibility into policy RC 1. The insertion of a new criterion into policy RC 4, supporting the provision of high quality leisure or other complementary development on the LC car park site, would reflect the wider regeneration strategy and is also recommended (**MAC214**).
- 8.20. Policy RC 4 is somewhat inconsistent with policy RC 7 ‘Retail Parks’ in relation to the Parc Tawe retail park. Whilst the general approach taken by both policies to restricting the sale of goods at retail parks aligns with the supporting evidence, Parc Tawe occupies an edge-of-centre location and provides a complementary role to the SCARC. Parc Tawe thus has a comparative advantage to other retail parks in Swansea as it is sequentially preferred over others. In recognition of the distinct role and function of Parc Tawe, a change is necessary to policy RC 4 to emphasise the need for proposals to complement rather than compete with the SCARC (**MAC214**). Deleting Parc Tawe from policy RC 7 and the Proposals Map, and explaining its unique role in the

supporting text, would improve the Plan’s internal consistency in this regard (**MAC218** and **MAC342**).

- 8.21. Policy RC 5 sets out criteria for assessing proposals in District Centres. As submitted criterion (v) of the policy seeks for proposals to conform to requirements that would be set out in SPG. As this is inconsistent with the Development Plan objectives of PPW¹¹¹ the deletion of criterion (v) and related changes to the reasoned justification is necessary (**MAC216**). Modest adjustments to the boundaries of Uplands and Gorseinon District Centres designated on the Proposals Map would ensure alignment with the evidence base (**MAC341**). An amendment to Policy RC 9 ‘Ground Floor Non-Retail Uses Within Centres’ would clarify that the residential use of ground floor premises within District Centres and the SCARC will not generally be supported, thereby clarifying the predominantly commercial role and function of these areas (**MAC219**).
- 8.22. As submitted policy RC 6 lacked a mechanism for assessing proposals for the change of uses of premises within Local Centres; **MAC217** would insert a new paragraph into the policy to rectify this deficiency. Policy RC 13 applies to the Swansea Enterprise Park, a former Enterprise Zone which no longer has any formal designation; **MAC224** would amend the reasoned justification to indicate the geographical area within which the policy would apply.

Conclusion

- 8.23. Subject to the recommended changes identified, we conclude that the Plan’s employment and retail policies are soundly based.

9 Transport, Infrastructure and Open Space

Transport

- 9.1. The Plan is supported by a Strategic Transport and Development Study prepared on behalf of the Council by Arup¹¹². This uses the Swansea Strategic Transport Model (SSTM) to consider the in-combination effects on the highway network of development sites identified in the Plan and to ascertain road improvements and mitigation measures to address any potentially unacceptable impacts. Public transport improvements such as bus priority measures and Active Travel interventions are also identified to promote more sustainable travel patterns.
- 9.2. The original assessment was undertaken at an early stage in the plan-making process and was used to inform the deposit Plan. Due to further information arising post-deposit, for example in relation to new planning permissions, further masterplanning of the SDAs and updated estimates of delivery timescales, the SSTM was re-run in early 2018 and an addendum study was submitted to the examination¹¹³. Broadly speaking, the addendum endorses the conclusions of the earlier study; i.e. that the cumulative impact of the LDP

¹¹¹ PPW edition 10 paragraph 1.21

¹¹² Swansea Strategic Transport and Development Study, December 2015 [EB024]

¹¹³ Swansea Strategic Transport and Development Study – Addendum, January 2018 [ED020]

proposals could be acceptably mitigated by identified infrastructure measures. The Council has translated these measures from the study into the IDP, with information provided about likely phasing, costing and delivery bodies.

MAC362 would provide a summary of key measures in Appendix 3 of the Plan and tie these to specific site allocations, thereby giving a clear signal of the mitigation likely to be needed in relation to specific allocated sites. An amendment to criterion (i) of policy T 1 ‘Transport Measures and Infrastructure’ would make it clear that all relevant allocations would be expected to take account of measures identified in Appendix 3, and to deliver them in a phased manner where necessary (**MAC289**).

- 9.3. The SSTM assesses the impact of the LDP proposals at a high level. Accordingly it does not forecast in detail the possible localised impacts on roads and junctions. Nor does it provide definitive evidence that any required mitigation measures would be viable or delivered in a timely manner. Some have therefore challenged the robustness of the study, particularly insofar as it relates to northwest Swansea, which the SSTM identifies as the area most likely to see the highest increase in traffic flows.
- 9.4. In our view, however, the high level nature of the study is entirely appropriate and is proportionate to the level of detail provided in the LDP itself. Planning applications relating to allocated sites would, in due course, need to be accompanied by Transport Assessments; these would be the appropriate mechanism for assessing specific localised impacts and promoting feasible, viable and timely mitigation measures. Moreover, the SSTM is likely to be a highly useful starting point for any future Transport Assessments. Overall, we therefore find the SSTM to be a comprehensive technical assessment which provides compelling evidence that the transport impacts of the Plan would not be so adverse that they could not be acceptably mitigated.
- 9.5. Notwithstanding the above, the submitted Plan contains some ambiguities or inaccuracies in relation to certain highways measures or improvements required to support the delivery of the SDAs. The addendum study¹¹⁴ updates the SSTM in this respect. A road link from SDA D to the A48 was originally included in the model but the updated SSTM demonstrates that a new road is not necessary to serve the development of sites identified in the Plan. The updated SSTM also takes account of a realigned link between SDA H and the A484 and models the proposed spine street through site SD C as a low-speed residential street. In accordance with the findings of the updated SSTM, amendments to Appendix 3 proposed by **MAC362** would remove reference to highways measures that are not integral to the strategy as a whole or the delivery of specific sites, and to achieve clarity on the proposed nature and alignment of new road links.
- 9.6. PPW says that, in relation to site allocations, LDPs need to ensure that access provisions which promote walking, cycling and the use of public transport are included from the outset¹¹⁵. Prior to the hearings, in response to our request for further information, the Council provided evidence¹¹⁶ of how the Plan supports and aligns with measures contained in the adopted Joint Local Transport Plan

¹¹⁴ Swansea Strategic Transport and Development Study – Addendum, January 2018 [ED020]

¹¹⁵ PPW edition 10 paragraph 4.1.14

¹¹⁶ Additional Information – Infrastructure Delivery, December 2017 [ED006.3]

(LTP)¹¹⁷, such as new and enhanced links in the Active Travel network, strategic bus corridor enhancements and the provision of ‘park and ride’ or ‘park and share’ sites.

- 9.7. In terms of Active Travel, planned cycle networks and pedestrian links would be an integral feature of the SDAs and would make walking and cycling practical choices for daily trips. Specific routes are referred to in the policies pertaining to each SDA and also referenced in Appendix 3, as amended by **MAC362**. The updated Appendix 3 and related Active Travel schedule (Appendix 5) would also include information on Active Travel routes required within and to other site allocations. These reflect the Council’s draft Integrated Network Map, which is also included on the Constraints and Issues Map accompanying the Plan. Policy T 2 ‘Active Travel’ provides a development management tool for securing the provision of new Active Travel network links and safeguarding the existing and planned network. An amendment to the wording of the policy would ensure it was applied proportionately and in response to the specific impacts raised by development proposals (**MAC291**).
- 9.8. Policy T 4 ‘Transport Interchanges’ seeks to secure, amongst other things, enhanced park and ride facilities at Gowerton and Llansamlet railway stations. Five bus priority corridors are defined within policy T 3 ‘Strategic Bus Based Rapid Transport’. These relate spatially to areas of planned major development, including most SDAs. As their precise alignment is not yet known we accept that their indicative routes should be denoted on the Constraints and Issues Map rather than the Proposals Map. **MAC292** would amend the wording of policy T 3 to clarify that developments may be required to contribute towards bus priority measures. This would align with the Plan’s SDA-specific policies, which also refer to the need to provide on and off-site transport improvements including the bus priority measures identified in Appendix 3 and the Transport Measures Priority Schedule (Appendix 5).
- 9.9. The SSTM assumes a standard 20% shift from car use to bus on key corridors by 2025. In reality this may not be achievable in the short-term and actual modal shifts will vary depending on the circumstances of the specific route. Nonetheless, such modal shifts are not unprecedented, particularly where the quality of public transport is improved and thus made a more attractive prospect to travelling by car on major radial routes. Given that it relates only to those journeys from and to existing zones on specific major bus corridors, we find the use of a standardised 20% modal shift to be appropriate for a high level transport study.
- 9.10. An amendment to the reasoned justification to policy T 1 ‘Transport Measures and Infrastructure’ and the Plan’s glossary would provide greater clarity as to the Council’s expectations in relation to the location of development which would generate high levels of movement (**MAC290 and MAC312**). **MAC293** would adjust policy T 5 ‘Design Principles for Transport Measures and Infrastructure’ to ensure alignment with the ‘access for all’ principles established in TAN 18 ‘Transport’.
- 9.11. As submitted, policy T 6 ‘Parking’ was not effective as it did not seek to secure cycle parking within developments. It also appeared to contradict national

¹¹⁷ Joint Transport Plan for South West Wales 2015-2020 [RD03a]

policy by promoting minimum parking standards and seeking financial contributions even where on-site parking was not necessary. **MAC295** would address these deficiencies. Changes to policy T 9 ‘Port and Docks’ and its reasoned justification are also necessary to ensure that terminology is consistent with other parts of the Plan, remove repetition with policy RP 11 and accord with national policy (**MAC296**).

- 9.12. Subject to the changes identified above, we are satisfied the Plan and its transport policies are founded on robust evidence and are soundly based.

Infrastructure and Open Space

- 9.13. The IDP¹¹⁸ identifies ‘essential’ infrastructure that would need to be delivered prior to, or at an early stage of, the development of sites identified in the Plan. It also lists ‘required’ infrastructure items necessary to make development acceptable, phased as appropriate alongside new development (e.g. upgrades to schools or open spaces). The IDP does not form part of the Plan but is a useful accompaniment to it and it is the Council’s intention to regularly update it. It is therefore appropriate that the Plan should cross-reference the IDP.
- 9.14. Consistent with the IDP, policies relating to the SDAs specify the essential and required infrastructure necessary to support development. The scale of these sites would make it possible for new on-site facilities, including schools, community facilities and areas of public open space, to be integrated with new housing and other uses, thereby supporting the creation of sustainable communities and reducing pressures on existing services and facilities nearby.
- 9.15. Integral to the creation of sustainable communities is the protection and provision of satisfactory levels and types of public open space. Some have expressed concerns that the Plan’s allocations would exacerbate existing public open space deficiencies identified in the Open Space Assessment, particularly in central Swansea and for ‘Fields In Trust’ types of open space. There is, however, no substantive evidence that this would be the case. In determining the appropriate amount of development to be accommodated on allocated sites the Council has taken into account the need for new or replacement open space to be provided in line with standards set out in the evidence, thereby minimising the prospect of existing deficiencies being worsened. Nonetheless, in recognition of the relative shortage of open space in the area covered by SDA J, Appendix 3 of the Plan should be amended to state that as much open space as possible should be retained on the Observatory site, an existing public open space in the city centre (**MAC362**).
- 9.16. Policy SI 5 ‘Protection of Open Space’ sets out criteria to safeguard existing open spaces. Whilst succinct, the policy is not sufficiently clear about how open space should be retained within development sites or the manner in which compensatory provision or financial contributions should be secured. **MAC206** would remedy these deficiencies and would expand the reasoned justification with reference to the supporting evidence¹¹⁹ and the proposed Open Space Strategy SPG, enabling it to be implemented effectively. **MAC207** would alter policy SI 6 ‘Provision of New Open Space’ and its reasoned

¹¹⁸ Infrastructure Delivery Plan (Annex to Infrastructure Delivery Additional Information) [ED006.4]

¹¹⁹ Open Space Assessment 2014 [EB018]

justification to provide necessary clarification as to its application, particularly for schemes of fewer than 10 units and with reference to the minimum standards identified in the evidence.

- 9.17. Policy IO 1 ‘Supporting Infrastructure’ provides a mechanism for ensuring that all development is supported by appropriate infrastructure or provides financial contributions in lieu of on-site provision. **MAC165, MAC166** and **MAC167** would amend the policy and the reasoned justification to clarify that planning obligations would only be sought to mitigate the specific effects of the proposal, thereby ensuring compliance with the Community Infrastructure Levy Regulations 2010 (as amended). Furthermore, by removing the list of potential types of obligations or contributions, these changes would improve the policy’s coherence and effectiveness and ensure that it could be applied flexibly in response to the circumstances of the case.
- 9.18. The Council is not currently pursuing a Community Infrastructure Levy, instead intending to seek necessary infrastructure for the SDAs and other sites via Section 106 agreements. Such an approach would facilitate the provision of necessary infrastructure in a phased manner where necessary. Given the scale of the Plan’s larger allocations, we are satisfied that this approach would not be hindered by current restrictions on ‘pooling’ contributions from more than five different sites.
- 9.19. Policy IO 2 ‘Employment and Training Opportunities’ seeks to secure training and job opportunities within new developments for local residents, thereby supporting the Council’s 2016 Community Benefit Policy¹²⁰. Amendments to the policy introduced by **MAC168** would ensure that the Council’s aspiration to tackle economic inactivity was retained, whilst also avoiding placing unjustified requirements on applicants.

Conclusion

- 9.20. Subject to the changes recommended above, we conclude that the Plan’s transport, infrastructure and open space policies are soundly based.

10 The Countryside, Tourism, Gower AONB and Landscape

The Countryside

- 10.1. Policy CV 2 sets out criteria for assessing development proposals in the countryside. To achieve consistency with TAN 6 ‘Planning for Sustainable Rural Communities’, **MAC255** would amend the policy and reasoned justification with reference to existing rural businesses and home working, exception sites for affordable housing and employment, infrastructure network enhancements and the sensitive infilling of small gaps within existing groups of dwellings¹²¹. This MAC would also insert an additional paragraph into the policy (moved from policy CV 3) stating that proposals to increase the number of chalet developments in certain areas will not be permitted. This is justified by

¹²⁰ City and County of Swansea Community Benefit Policy [RD27]

¹²¹ Note that an exception to this general approach applies at Morriston Hospital for the reasons set out at paragraphs 3.12 to 3.14 of this report

evidence¹²² and is therefore recommended, together with related amendments to the reasoned justification, which would explain how the policy would be applied in relation to exception sites within and adjoining settlements (**MAC256**).

- 10.2. As submitted, criterion (iii) of policy CV 2 seeks to restrict rural residential development to a single unit or semi-detached pair within existing groups of dwellings. The restriction on residential proposals to a single building is not justified. Limiting proposals to infill development, rather than also allowing minor extensions to existing settlements, also appears contrary to national policy¹²³. **MAC255** would amend the criterion to better align with PPW and ensure greater flexibility in how it was applied, thereby supporting minor rural developments that may assist in meeting local housing needs.
- 10.3. The restriction placed on One Planet Developments in protected landscapes is contrary to national policy and should be deleted from policy CV 2 (**MAC255**). Further reference to TAN 6 and the One Planet Development Practice Guidance within the Plan would support the effective and consistent application of the policy in this respect (**MAC256**).
- 10.4. Policy CV 3 sets out criteria for assessing proposals for the replacement of existing dwellings in the countryside. In relation to sustainable building standards the policy conflicts with national policy; an amended criterion (iv) as introduced by **MAC257** would ensure alignment with TAN 12 ‘Design’. By inserting the word ‘rural’ into criterion (i), this MAC would also ensure that the policy was applied consistently.
- 10.5. Policy CV 4 supports the conversion of rural buildings to ‘business’ use. As this definition includes commercial, tourism or recreation uses, criterion (ii) should be deleted and the definition of ‘business’ use explained in the reasoned justification (**MAC258**). This MAC would also delete the reference to a community ‘service’ in criterion (iii), which is superfluous, and would better align with national policy¹²⁴ by amending criterion (b) to refer to the need to ‘conserve and enhance’ protected landscapes. Paragraph 2.10.32 seeks to unjustifiably restrict replacement buildings of modern or utilitarian design; the proposed amendments would delete this and replace it with a cross-reference to the Plan’s main design policy. Referring to the need to avoid adverse effects on protected species and other features of importance for biodiversity within the policy and reasoned justification would also ensure greater alignment with policies ER 8 and ER 9.
- 10.6. Policy CV 6 sets out criteria for assessing farm diversification schemes. As submitted it seeks to ensure that proposals for non-agricultural uses would be ‘of a scale appropriate to’ existing farm operations. This is not, however, quantified or qualified within the Plan. Amending the policy to ensure that proposals are simply ‘complementary’ to the existing farm operation would clarify the intended policy objectives (**MAC260**). Further changes to the reasoned justification emphasising the need for reciprocity between existing and

¹²² Gower Landscape Sensitivity and Capacity Study [EB017]

¹²³ PPW edition 10 paragraph 3.56

¹²⁴ PPW edition 10 paragraph 6.3.7

proposed uses and clarifying the potential scope of diversification operations would also better align with TAN 6 (also **MAC260**).

- 10.7. An amendment to the reasoned justification to policy CV 1 ‘Key Villages’ is necessary to state that all development, and not only residential proposals, outside settlement boundaries would be assessed via policies CV 2, CV 3 and CV 4 (**MAC254**). Parts of policy CV 5 ‘New Agricultural and Forestry Development’ are unjustified and the rest repeats other policies of the Plan. Consequently it should be deleted (**MAC259**). Subject to these and the other changes above we find that the Plan’s framework for facilitating sustainable rural development is sound.

Tourism

- 10.8. Policy TR 1 provides the strategic direction for the Plan’s tourism, recreation and leisure policies. Whilst the policy is clear in its aims, requiring proposals to be accompanied by a Tourism Needs and Development Impact Assessment would accord with the objectives of national policy to encourage tourism-related development which is appropriate to the locality and sympathetic in nature and scale (**MAC261**)¹²⁵. Similar changes to the reasoned justification of this policy, and to policy TR 9, would clarify how such assessments should seek to determine the extent of unmet needs locally (**MAC264** and **MAC286**). Further description of the County’s features and areas of tourism interest, and their settings, would also aid the consistent application of policy TR 1 (**MAC261**, **MAC262** and **MAC263**).
- 10.9. The Plan includes a number of policies relating to certain types of holiday accommodation, caravan and camping sites. **MAC277**, **MAC280** and **MAC283** would introduce amendments to make it clear which policies would be used to assess planning applications for yurts, tepees and glamping pods, thereby ensuring appropriate and consistent implementation. Policies TR 5, TR 6, TR 9, TR 10 and TR 11 seek to restrict new holiday accommodation, caravan/camping sites and facilities where they would harm the natural beauty of the AONB. Evidence submitted in support of these policies¹²⁶ identifies specific areas within which the Gower landscape has limited capacity for certain types of holiday accommodation or facilities. This evidence is founded on a robust and detailed assessment of the AONB’s landscape character. Nonetheless, as submitted the relevant policies seek to unjustifiably prohibit or limit proposals which may, in practice, have few adverse impacts or even result in landscape improvements. **MAC273**, **MAC276**, **MAC286**, **MAC287** and **MAC288** would amend the wording of these policies to provide an element of additional flexibility in this regard, whilst also recognising the value of using the evidence as the starting point for assessing proposals. Related changes to the supporting text of policy TR 5 would confirm how the landscape assessment, which is proposed to be adopted as SPG, should be used to assess landscape impacts (**MAC274**).
- 10.10. As submitted, policy TR 7 seeks to ensure that new static caravan, touring caravan or camping sites outside the AONB would complement the role and function of local settlements by providing facilities for public use. Whilst this would assist in supporting rural sustainable communities, the policy does not

¹²⁵ Planning Policy Wales edition 10 paragraphs 5.5.2 and 5.5.3

¹²⁶ Gower Landscape Sensitivity and Capacity Study [EB017]

acknowledge that such a requirement may not always be justified, particularly for very small caravan or camping sites remote from settlements. Amendments proposed by **MAC279** would ensure that it would be applied reasonably.

10.11. Policy TR 8 encourages proposals which would reduce the environmental impact of existing static caravan, touring caravan or camping sites. **MAC282** and **MAC284** would adjust criterion (ii) and the reasoned justification to explain the types of enhancements which might weigh in favour of proposals. Within the AONB, the policy seeks to resist the change of use of camping/touring caravan sites to static caravan sites. Whilst such an approach is justified by the landscape evidence, it should be clarified that proposals for ‘glamping pods’, which have similar visual impacts to static caravans, would also be resisted (**MAC283** and **MAC282**).

10.12. **MAC267** adjusts the wording of policy TR 3 to indicate support for rural tourism proposals where access would be ‘possible’ by a range of transport modes, thereby acknowledging the restricted transport options available in rural areas. In recognition of the importance of Penllergare Valley Woods to the County’s tourism, leisure and recreation offer, **MAC268**, **MAC269**, **MAC270** and **MAC271** amend policy TR 4 ‘Clyne Valley Country Park’ and its reasoned justification to also include this additional Historic Park and Garden within its scope. Subject to these and the other changes above we are satisfied that the Plan provides a sound basis for assessing tourism, leisure and recreation proposals.

Gower AONB and Landscape

10.13. Policy ER 4 would be used to assess development proposals within the Gower AONB. **MAC235** would amend the policy to require development to ‘have regard to’ the purpose of conserving and enhancing the natural beauty of the area, thereby aligning with the terminology used in section 85 of the Countryside and Rights of Way Act 2000. The importance of the statutory duty would be further emphasised via a new criterion obliging proposals to demonstrate how they would contribute to it. Amendments to the reasoned justification acknowledging that many of the Gower’s villages form a contributory element of the AONB would also clarify the scope of the policy (**MAC236**).

10.14. Policy ER 5 provides protection for the County’s landscapes, with particular priority given to protecting, managing and enhancing the character and quality of Special Landscape Areas (SLAs). Subject to the changes proposed through **MAC237** and **MAC238**, which would enable a more flexible and responsive approach to assessing proposals within SLAs, the policy’s provisions are soundly based and supported by robust and credible evidence. Removing the ambiguous reference to the ‘setting’ of the County would also clarify the policy’s objectives.

10.15. The SLAs designated on the Proposals Map have been identified via a formal LANDMAP assessment of the nature conservation, landscape and geological value of the area as is sought by PPW¹²⁷. Whilst this assessment was undertaken in 2012, there is little to indicate that any substantial landscape change has occurred in the majority of proposed SLAs in the intervening period.

¹²⁷ PPW edition 10 paragraph 6.3.11

We are therefore satisfied that it provides a robust basis on which to determine areas appropriate for designation as SLAs.

- 10.16. Notwithstanding this, the proposed boundary of the Mawr Uplands SLA would overlap a Strategic Search Area (SSA), within which a 16-turbine wind farm on Mynydd y Gwair is currently under construction. As substantial landscape change within part of the SLA is likely to occur following the construction of the wind turbines, and policy EU 1 supports the development of large scale wind farms within the SSA, there is an inherent conflict between these two overlapping designations. The deposit Plan provides little clarity as to how developers or decision-makers would seek to balance the competing objectives of mitigating the impacts of climate change, providing energy security and protecting the quality and character of the Mawr Uplands SLA. **MAC238** and **MAC297** would, however, address this by explaining within the reasoned justification to policies ER 5 and EU 1 how the principle of landscape change is accepted within and adjacent to the SSA irrespective of the SLA designation. We are satisfied that, with these proposed changes, the designation of the Mawr Uplands SLA is justified and would sufficiently align with national policy.
- 10.17. The proposed Green Belt covers much of the Mynydd Garngoch Common and Lower Llan Valley, a tract of largely undeveloped land which is readily accessible to the public. In response to our concerns about the appropriateness of the proposed Green Belt designation, the Council commissioned a further landscape assessment of this area, following the latest guidance issued by NRW¹²⁸. The assessment concludes that, due to the visual integrity of the area and its historic and cultural landscape qualities in particular, the area warrants special protection and should therefore be identified as an SLA. We accept the conclusions of this study and therefore endorse **MAC237**, **MAC238** and **MAC329**, which would amend policy ER 5 and the Proposals Map accordingly.

Conclusion

- 10.18. Subject to the changes recommended above, we conclude that the Plan’s countryside, tourism and landscape policies are soundly based.

11 Natural Environment; Human and Environmental Health

Natural Environment

- 11.1. Policy ER 1 ‘Climate Change’ sets out a strategic framework for protecting and managing impacts on the natural environment. In general it is consistent with the objectives of national policy; **MAC226** would, however, amend the reasoned justification to better align with TAN 15 ‘Development and Flood Risk’.
- 11.2. Policy ER 2 seeks to protect the County’s strategic green infrastructure network. Changes introduced by **MAC227**, requiring proposals to maintain and enhance the green infrastructure network where opportunities exist, would support the County in its duty under section 6 of the Environment (Wales) Act 2016 to seek to maintain and enhance biodiversity. As ‘green infrastructure’ is a somewhat

¹²⁸ LANDMAP Guidance Note 1 – LANDMAP and Special Landscape Areas (NRW, 2017)

nebulous concept, **MAC228**, **MAC229** and **MAC231** are also recommended as they would further define this term and clarify the policy’s objectives.

- 11.3. Policy ER 8 ‘Habitats and Species’ and policy ER 9 ‘Ecological Networks and Features of Importance for Biodiversity’ provide more detailed criteria for assessing the potential biodiversity impacts of proposals. Whilst these policies are comprehensive, some parts are not sufficiently clear and do not align with terminology established in the Environment (Wales) Act 2016. **MAC245**, **MAC246**, **MAC247** and **MAC248** are recommended as they would rectify these deficiencies and secure the more effective application of both policies.
- 11.4. Policy ER 7 relates to the undeveloped coast. The physical extent of the County’s undeveloped coast is hard to define and for this reason it is not designated on the Proposals Map. Nonetheless, a description of its extent would enable the policy’s consistent application (**MAC244**). Changes to the policy and its reasoned justification are also necessary to ensure that proposals take account of shoreline management plans and protect and promote pedestrian coastal access (**MAC243** and **MAC244**).
- 11.5. Policy ER 11 ‘Trees and Development’ seeks to protect trees, woodland and hedgerows of natural heritage or amenity value. Amending the policy’s title would clarify its scope, and altering the criteria, appropriately supported and explained in the reasoned justification, would ensure that the policy could be applied flexibly in response to the circumstances of specific cases whilst affording important protection to Ancient Woodland, Ancient or Veteran Trees, or indeed other trees and hedgerows (**MAC251** and **MAC252**). Related changes to the Plan’s glossary, explaining the definitions used, would also provide useful amplification (**MAC311** and **MAC313**).
- 11.6. The effectiveness of policy ER 6, which relates to various types of designated sites of ecological importance, would be secured by changes introduced by **MAC240**, **MAC241** and **MAC242**, which collectively clarify the scope and application of the policy. As the boundaries of the identified Regionally Important Geological or Geomorphological Sites have not yet been defined, this should be explained in the supporting text of policy ER 10 (**MAC249**) and an updated list provided in Appendix 11 (**MAC369**).

Human and Environmental Health

- 11.7. Policy RP 1 ‘Safeguarding Public Health and Natural Resources’ seeks to ensure that development avoids significant risk to life, human health and the environment, amongst other matters. **MAC300** would amend the reasoned justification to refer to hazardous installations in the context of the Health and Safety Executive’s statutory consultation zones, thereby supporting the consistent and effective implementation of the policy.
- 11.8. Policy RP 4 ‘Avoidance of Flood Risk’ sets out assessment criteria for development which may be affected by or would have consequential impacts on fluvial, pluvial, coastal, reservoir or local source flooding or defences. The policy’s assessment criteria broadly reflect the principles set out in national policy¹²⁹; however, the addition of a criterion to secure Sustainable Drainage

¹²⁹ PPW edition 10 paragraphs 6.6.22 to 6.6.29; TAN 15 ‘Development and Flood Risk’

Systems where feasible would ensure alignment with national policy objectives and is therefore endorsed (**MAC303**). Adding areas subject to surface water flood risk to the Constraints and Issues Map, although not necessary for soundness, may usefully inform the development management process.

- 11.9. Policy RP 2 ‘Air, Noise or Light Pollution’ seeks to control and manage the effects of various types of pollution. Whilst succinct, the policy as submitted does not sufficiently distinguish between the different effects of air, noise and light pollution, and fails to adequately recognise that proposals may lead to harmful effects on existing occupants. **MAC301** would, however, introduce significant amendments to the policy and its reasoned justification which would resolve these shortcomings. Splitting the policy to address noise pollution separately from air and light pollution would provide a clear, instructive set of assessment criteria for applicants and decision-makers. Proposed alterations to the supporting text would provide crucial explanation of how proposals would be assessed in relation to their potential impacts on Air Quality Management Areas (AQMAs), potential AQMAs or where UK air quality objectives may not be met. Indicating the types of proposals which may need to be accompanied by an Air Quality Assessment would also provide useful clarification. In terms of noise pollution, amendments emphasising the importance of mitigating noise from pre-existing uses would lend appropriate support to the night-time economy and other similar uses. These changes would ensure that the Plan includes robust, responsive policies for assessing the potential effects of proposals in relation to air, noise and light pollution, thereby supporting the Council in its duties under other legislation to protect human and environmental health.
- 11.10. The updated shadow HRA¹³⁰ acknowledges that policy RP 3 ‘Water Pollution and the Protection of Water Resources’ and policy EU 4 ‘Public Utilities and New Development’ are integral to the management of surface water and sewerage within the County, and in particular in relation to the CBEEMS. These policies were discussed in some detail at the examination hearings. Reflecting the established multi-agency approach taken towards the CBEEMS, the Council, DCWW and NRW submitted a joint statement to the examination which proposed changes to the supporting text of policies RP 3 and EU 4 with the aim of providing a robust framework for avoiding adverse effects on water resources¹³¹. The proposed changes, which are reflected in **MAC298** and **MAC302**, would describe the nature of constraints within specific water catchments, outline the types of mitigation that would be sought to avoid adverse impacts, and provide an indication of the nature of intended revisions to the CBEEMS Memorandum of Understanding. Including catchment areas and the Gower source protection zone on the Constraints Issues Map, whilst not necessary for soundness, would further aid the policy’s implementation. Related changes setting out requirements for site drainage or compensatory surface water removal should also be made to policy SD 2 ‘Masterplanning principles’ (**MAC34**), with further explanation added to the introductory section of the Plan (**MAC04**). In combination, the effect of these changes would be to embed, as a fundamental component of the Plan, a robust and up-to-date policy framework for protecting the water environment.

¹³⁰ HRA Report incorporating AA (revised June 2018)

¹³¹ Joint Statement between the Council, NRW and DCWW [ED034a]

11.11. Also in relation to water quality, the supporting text to policy SI 7, which allocates two sites for use as cemeteries, should be amended to clarify that proposals should be accompanied by a detailed groundwater analysis (**MAC208**).

Conclusion

11.12. Subject to the changes recommended above, and on the basis that the Plan should be read as a whole, we conclude that the proposed approach to the natural environment, and human and environmental health, is sound.

12 Energy, Minerals and Waste

Renewable and Low Carbon Energy

- 12.1. National policy emphasises the need for local authorities to identify challenging but achievable targets for renewable energy in development plans, informed by an appropriate evidence base, and use spatial policies to guide development to appropriate locations¹³². A Ministerial letter issued in 2015¹³³ also reinforces this position, advocating the use of the Welsh Government’s updated ‘Planning for Renewable and Low Carbon Energy – A Toolkit for Planners’ (‘the Toolkit’) to identify areas of search within LDPs for local authority scale renewable energy schemes or other low carbon technologies.
- 12.2. During the examination the Council updated its original Renewable Energy Assessment (REA) to take account of the updated Toolkit. The most recent version of the REA¹³⁴ is based on up-to-date information and indicates that the demand for electricity and thermal heat within the County far exceeds operational installed capacity. The theoretical contribution of large scale wind turbines situated within Strategic Search Area (SSA) E¹³⁵ is estimated at around 41MW. Whilst no opportunities for wind farms of between 5 and 25 MW are identified within the County, the assessment identifies 11 Local Search Areas (LSAs) for solar PV arrays of between 5 and 50 MW, with a combined potential installed capacity of around 191 GWh per year. The potential contribution of other renewable or low carbon technologies such as biofuel, combined heat and power, anaerobic digestion and energy from waste is also estimated.
- 12.3. The updated REA incorporates a high-level appraisal of landscape impacts, supplementing the desk-based assessment of environmental and heritage constraints. This landscape appraisal lends credence to the overall assessment by ensuring that the boundaries of the identified LSA have been determined following consideration of ‘real world’ factors. Whilst this approach may differ to that used by other LPAs, it is appropriate for this type of high level study and is not inconsistent with the advice provided in the Toolkit. The additional work ensures that the updated REA is robust and provides an appropriate baseline for the Plan.

¹³² PPW edition 10 paragraphs 5.7.18 and 5.7.19

¹³³ Letter to Chief Planning Officers from the Minister for Natural Resources, 10 December 2015

¹³⁴ Renewable Energy Assessment May 2018 [ED072]

¹³⁵ As contained in TAN 8 ‘Planning for Renewable Energy’

- 12.4. Policy EU 1 sets out criteria for assessing proposals for renewable and low carbon energy developments. The Council accepts that the submitted version of the policy should be amended in light of the updated REA and representations received. Proposed changes to part 1 of the policy would direct wind energy proposals of greater than 25MW to the SSA or adjacent to it, whilst also permitting other renewable or low carbon energy developments where they would not prejudice the purpose of the SSA. Part 2 would direct solar PV arrays of between 5 and 50MW to the LSAs. Part 3 of the policy would set out a succinct set of criteria for assessing renewable energy proposals. Parts 4 and 5 would specify proportionate mitigation measures and indicate the potential for compensatory benefits to be sought in certain cases. These changes, which are set out in **MAC297**, would achieve the necessary alignment with national policy, as would related changes to the Proposals Map to denote the extent of the LSAs (**MAC344**).
- 12.5. Although the REA identifies opportunities for combined heat and power facilities within the County, there is little evidence of the viability of these at the Plan’s allocated sites. The feasibility of providing such facilities would thus need to be considered on a case-by-case basis. Subject to the above changes we are satisfied that the Plan provides a sound basis for guiding and determining renewable and low carbon energy proposals.

Minerals

- 12.6. National policy relating to minerals is set out in PPW edition 10, Minerals Technical Advice Note 1 ‘Aggregates’ (MTAN 1) and Minerals Technical Advice Note 2 ‘Coal’ (MTAN 2). The Regional Technical Statement 1st Review (RTS), dated 2014 and prepared by the South Wales Regional Aggregates Working Party (SWRAWP), sets out the strategy for the provision of aggregates in South Wales. Due to the limited availability of resources and minimal recorded sales of land-won aggregates from within Swansea, the RTS does not require the County to make provision for the supply of aggregates.
- 12.7. As required by the RTS, policy RP 12 safeguards known mineral resource areas. These areas overlap certain sites allocated or committed for housing and other uses. The Council has confirmed that the feasibility of prior extraction of minerals on SDAs is unlikely to be practicably achieved prior to development occurring. Given this, the limited availability and apparent viability of minerals extraction in the County, and the need to secure the timely development of the SDAs, the Plan, including Appendix 3 and the Proposals Map, should be amended to exclude relevant allocations and commitments where this is justified (**MAC308**, **MAC347** and **MAC362**).
- 12.8. Policy RP 11 ‘Sustainable Development of Mineral Resources’ indicates that minerals development will not be permitted within the Gower AONB. Given the substantial environmental and landscape constraints in this part of the County, the lack of evidenced demand for Swansea to provide aggregates to meet sub-regional needs, and the absence of any active or workable quarries within the Gower, this approach is justified and sufficiently aligns with PPW¹³⁶, which indicates that minerals development may take place in AONBs only in very exceptional circumstances. Whilst the approach taken by the policy to the

¹³⁶ PPW edition 10 paragraph 5.14.35

minerals buffer zone is appropriate, the Proposals Map should be amended to denote the correct extent of the buffer zone around Barlands Quarry, Kittle, as sought by national policy guidance (**MAC345**).

12.9. Policy RP 11 seeks to prohibit the development of unconventional oil or gas operations or associated works. Following the publication of PPW edition 10 this is in general accord with national policy. However, updated national policy now contains an objective to avoid the continued extraction and consumption of all fossil fuels, including coal¹³⁷, which is not reflected in either policy RP 11 or policy RP 12. Policy RP 13 ‘Surface Coal Operations’ and related coal safeguarding areas shown on the Proposals Map also now no longer accord with the national policy objective to avoid coal extraction. The Council has thus suggested changes to policies RP 11 and RP 12 and their reasoned justification. It has also proposed to delete policy RP 13 and the associated safeguarding areas and Settlement Protection Zones from the Proposals Map¹³⁸. Most of the Council’s suggested changes are necessary to achieve alignment with PPW edition 10. Those which we consider are necessary have been imposed via **IMAC7**¹³⁹.

12.10. Policy RP 14 establishes ‘mineral buffer zones’ within which certain development restrictions apply. Identifying exceptions to the policy’s general provisions and clarifying the purpose of the policy in the reasoned justification would ensure alignment with paragraph 5.14.44 of PPW edition 10 (**MAC310**).

12.11. Subject to the recommended changes the Plan’s approach to minerals is soundly based.

Waste

12.12. In recent years the national waste planning policy framework has evolved. TAN 21 ‘Waste’ and PPW edition 10 no longer endorse a ‘predict and provide’ approach based on land take, instead seeking for LDPs to respond to capacity tonnage figures included in the WG’s Collections, Infrastructure and Markets (CIM) Sector Plan.

12.13. Policy RP 7 ‘Sustainable Waste Management’ responds to the national policy framework by establishing criteria for assessing proposals for in-building waste management facilities and directing new facilities to ‘preferred areas’ identified on the Proposals Map. **MAC349** would amend the Proposals Map to include the Baling Plant at Swansea Enterprise Park, consistent with the wording of the Plan itself. Identifying appropriate locations in this manner would accord with the advice of TAN 21 ‘Waste’, and would remove the need to refer to the quantum of land available for such facilities, which for consistency and coherence should be deleted (**MAC304**), including from table 2 under policy PS 4 (**MAC27**). **MAC304** would also adjust the wording of the Plan to clarify that a waste management facility proposed at Felindre has the potential to be used for combined heat and power, ensuring alignment between policy RP 7, the Proposals Map and other parts of the Plan.

¹³⁷ PPW edition 10 paragraphs 5.10.11 and 5.10.14

¹³⁸ Council response to Inspectors’ letter regarding publication of PPW edition 10 [ED098b]

¹³⁹ For the avoidance of doubt, the changes to national policy have rendered MAC307, MAC309 and MAC346 unnecessary. These are not therefore recommended.

12.14. The County’s one active municipal landfill site, Tir John, has adequate capacity to accommodate landfill during the Plan period¹⁴⁰. Regional monitoring indicates around 15 years’ capacity remaining at the site¹⁴¹, well above the triggers set out in TAN 21. Nonetheless it is feasible that a planning application for a landfill site may come forward within the Plan period and thus it is prudent for the Plan to include a policy on this matter. Policy RP 8 ‘Landfill Sites’ would perform this function, but as submitted it does not sufficiently emphasise the subordinate role of landfill within the national waste hierarchy. **MAC305** would rectify this, tightening up the assessment criteria and justification, and emphasising that new landfill sites would only be considered in exceptional circumstances. These changes would achieve the necessary alignment with national policy.

12.15. **MAC306** would amend policy RP 10 ‘Agricultural Land – Disposal of Inert Waste’ and its reasoned justification to state that relevant development proposals should be accompanied by an appropriate agricultural land survey, thereby ensuring its effective implementation.

Conclusion

12.16. The Plan’s energy, minerals and waste policies, as amended by the recommended changes, have been prepared with due regard to the relevant legislation, national policy and guidance, and provide a sound framework for the assessment of relevant proposals.

13 Other Development Management Policies

13.1. Consistent with national policy¹⁴², paragraph 1.4.30 of the Plan states how the needs and interests of the Welsh language were taken into account during the plan’s preparation and outlines a spatial approach to protecting the vitality and viability of Welsh language communities. Accordingly, Policy HC 3 seeks to safeguard and promote the Welsh Language throughout the County, but in particular within a Welsh Language Sensitive Area (WLSA). The WLSA has been drawn relatively widely, but taken as a whole, according to the 2011 Census the proportion of its residents who speak Welsh corresponds to the national average of 19%. Evidence justifying the extent of the WLSA shows that the area contains, or falls within the catchment of, nine of the County’s 13 Welsh medium schools¹⁴³. Many of the WLSA’s constituent wards also contain other facilities which safeguard and promote the Welsh language within Swansea. Whilst not all wards exceed the average of 19%, the WLSA nonetheless represents a coherent geography which recognises the make-up and distribution of Welsh-speaking communities, and is thus soundly based. Nonetheless, as this designation stems from a Plan policy it should be identified on the Proposals Map (**MAC339**). Adjustments to the policy wording, limiting the requirement for a Welsh Language Impact Assessment solely to windfall sites, would ensure alignment with the 2017 version of TAN 20 ‘Planning and

¹⁴⁰ Topic Paper – Waste, paragraph 3.25 [EB040]

¹⁴¹ Southwest Wales Waste Planning Monitoring Report 2016

¹⁴² PPW edition 10 paragraph 3.27

¹⁴³ Additional Evidence to support extent of Welsh Language Sensitive Area [ED062]

the Welsh Language’ (**MAC197**). This amendment would also amplify the reasoned justification, supporting the consistent application of the policy.

- 13.2. **MAC199, MAC200, MAC201 and MAC202** amend policy SI 2 ‘Community Facilities’ to clarify that it applies to locally important uses such as community shops, pubs and arts and performance venues. **MAC314** makes a related change to the glossary. **MAC199** also adds a new criterion requiring proposals to be accompanied by evidence of marketing and advertising to show a lack of demand where necessary, with **MAC203** amplifying the supporting text to explain what this evidence should include. These changes would ensure that the policy was applied effectively and consistently.
- 13.3. **MAC204** recasts policy SI 3 ‘Education Facilities’ to ensure that contributions towards the improvement of existing schools would only be secured where those facilities would not be able to accommodate the additional pupils generated by a proposed development. This MAC would also amend criteria to ensure that proposals for new education development are sustainably located and phased. With related amendments to the reasoned justification, these adjustments would secure the effective implementation of the policy and achieve alignment with national policy and the tests set out in the Community Infrastructure Levy Regulations 2010.
- 13.4. Policy H 8 ‘Ancillary Residential Accommodation’ sets out appropriate criteria for determining proposals for granny flats and similar. Amendments to the reasoned justification introduced by **MAC184** would clarify that planning obligations may be sought to ensure that ancillary accommodation is not sold or used independently, thereby aligning with the wording of the policy.
- 13.5. Policy PS 2 ‘Placemaking and Place Management’ brings together a range of design and placemaking considerations. The policy is comprehensive but, as it would apply to a wide range of development proposals, its application would inevitably vary depending on the circumstances of the specific site or proposal. Changes introduced by **MAC19** would amend the word ‘must’ to ‘should’ and would facilitate its flexible application. The addition of a further policy criterion would ensure that due regard was had to the implications of development on infrastructure and services (**MAC20**). Importantly, the reasoned justification should also explain how accessible environments would be secured in a manner consistent with the inclusive design objectives of TAN 12 ‘Design’ (**MAC21**). This change would also ensure alignment between the policy and the Council’s draft Equalities Impact Assessment¹⁴⁴.
- 13.6. Policy HC 1 seeks to preserve and enhance Swansea’s historic and cultural assets. **MAC191** amends the reasoned justification to recognise the need for certain proposals, in particular in relation to listed buildings and conservation areas, to be accompanied by a Heritage Impact Assessment. This change is recommended as it would appropriately align with the advice of TAN 24 ‘The Historic Environment’. **MAC190** further amends the supporting text to describe the concept of ‘heritage and culture-led regeneration’ in locally-specific terms. Since this is a term used elsewhere within the Plan, it is also recommended.

¹⁴⁴ Draft Equality Impact Assessment (June 2016) [PD04]

- 13.7. Policy HC 2 ‘Preservation and Enhancement of Buildings and Features’ provides detailed development management criteria relating to historic assets. **MAC192**, **MAC193** and **MAC194** would amend the policy and its reasoned justification to align with the Historic Environment (Wales) Act 2016 and with the objectives of national policy and guidance¹⁴⁵. These amendments would also extend the policy’s scope to include Scheduled Monuments, consistent with national policy. Related amendments to the supporting text would ensure that undesignated historic assets of special local interest were subject to an appropriate level of protection, with explanation provided of how these assets would be identified and selected (**MAC195** and **MAC196**). Including a definition of undesignated historic assets in the glossary would also secure the policy’s consistent application (**MAC316**).
- 13.8. Policy EU 5 sets out criteria for assessing proposals for telecommunications and digital technology infrastructure. **MAC299** would delete the requirement for proposals to justify their location in the context of alternative sites, and would also insert a helpful cross-reference to national policy.
- 13.9. Representations suggested that an additional policy is necessary to support the expansion of universities. Nonetheless, little evidence has been submitted to demonstrate that such matters could not be adequately dealt with under other policies within the Plan and/or national policy. No change is necessary for soundness in this regard.

14 Monitoring and Review

- 14.1. The Council accepts that Chapter 4, as submitted, does not set out a sufficiently robust monitoring framework. A number of its indicators, targets and assessment triggers identified are imprecise and incapable of effectively monitoring the delivery of development. Furthermore, some figures, particularly the housing numbers identified in Table 4, require updating to take account of other changes proposed during the examination.
- 14.2. **MAC353** would delete Chapter 4 of the Plan and replace it with a comprehensively updated version. An amended preamble would explain the monitoring methodology, which categorises the severity of any divergence from identified targets and identifies the nature of any required action, for example where additional guidance is needed or where the plan requires holistic or partial revision. This would inject substantial clarity into the monitoring process.
- 14.3. The revised framework would include relevant targets and trigger points for core indicators. These would be complemented by a number of local indicators that would be used to monitor specific policies.
- 14.4. Overall, we are satisfied that these proposed amended indicators, targets and trigger points are appropriate. They would allow the Council to accurately monitor the Plan’s implementation, and to identify whether individual policies and allocations should be revised or whether the Plan strategy requires more comprehensive updating. On the basis of the foregoing, we are satisfied that the Plan’s monitoring and review mechanisms are soundly based.

¹⁴⁵ In particular, TAN 24 ‘The Historic Environment’ and Cadw’s ‘Setting of Historic Assets in Wales’

15 Overall Conclusions

15.1. With the binding recommended changes identified in this report and set out in Appendices A and B, we conclude that the Swansea LDP 2010 – 2025 satisfies the requirements of section 64(5) of the 2004 Act and meets the Welsh Government’s tests of soundness.

Rebecca Phillips

Inspector

Paul Selby

Inspector

Appendix A: Council’s Matters Arising Changes recommended by the Inspectors

Appendix B: Inspectors’ Matters Arising Changes