
Planning Statement Addendum

Coed Darcy, Former Llandarcy Oil Refinery, Neath

Prepared by Savills on behalf of St. Modwen Developments Ltd

Planning Statement Addendum

Coed Darcy, Former Llandarcy Oil Refinery



Introduction

This Planning Statement Addendum has been prepared in support of the outline planning application (LPA ref: P2021/1193) which was submitted by Savills on behalf of St. Modwen Developments Ltd. The application is for residential use, land for education, public open space, commercial and employment uses, highway works, sustainable drainage, ecological mitigation and enhancement, landscaping, ground remediation, and associated engineering and infrastructure works. The application was validated by Neath Port Talbot Council on 23 February 2022. Since validation, consultee and public comments have been received and the applicant has provided a response to each of the comments, where required. This addendum summarises the comments that have been received and the applicant's response to these, to provide a comprehensive overview of the post-submission consultation.

Overview of Consultee Comments and Responses

The table below sets out the consultee comments received, the applicant's response and changes made to the scheme. This includes reference to any additional or revised documents that have been submitted post-submission of the application.

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Consultee	Representations from Consultees	Applicant's Response to the Comments	Changes Made to the Proposals
Statutory			
Archaeology (24.03.2022)	No objection.	No response necessary.	N/A
CADW (17.03.2022)	No objection.	No response necessary.	N/A
City and County of Swansea, Development Manager (29.03.2022)	No objections to the proposals.	No response necessary.	N/A
NPT Ecology (29.06.2022)	Objection as further information needs to be provided in relation to GCN, losses and gains, details of the mitigation areas, winter bird survey results, tree replacement, justification for the scoping out of buildings for bat surveys, mapping of dark corridors.	The following documents have been provided in response to the comments received: - Green Infrastructure Statement prepared by Soltys Brewster (ref: Rev A dated 25 November 2024) - Technical Note Mitigation and Enhancements prepared by SK Environmental Solutions Ltd (ref: JN00657/D05 dated October 2024) - Losses and Gains Technical Note prepared by SK Environmental Solutions Ltd (ref: JN00657/D04 dated October 2024) - Overarching Great Crested Newt Mitigation Strategy prepared by SK Environmental Solutions Ltd (ref: JN00657/D01 dated May 2024) An updated ecology chapter in the ES Addendum has also been submitted.	Further consideration has been given to the mitigation and enhancement measures on the site which have been amended and as a result changes have been made to the landscaping plan.

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Consultee	Representations from Consultees	Applicant's Response to the Comments	Changes Made to the Proposals
Planning Policy	<u>Principle of Development and Residential Development</u> No objection to the principle of development. Requested that the provision of affordable housing is secured through the outline planning application. <u>Employment Provision</u> Planning Policy team disagree with the conclusion reached in the Employment Land Requirements document that there is a conflict between the national planning policy town centre first approach and the LDP allocation of 41,000sqm of B1 employment use. Request that evidence is provided to demonstrate that employment uses are no longer viable or appropriate in this location. The provision of additional B2/B8 employment accommodation is not in line with the site designation/allocations. However, NPT LDP Policy SP11 in principle, encourages employment uses within settlement limits. <u>Flexible Mixed Use Zone</u> Supportive of the flexible mixed use zone. Should any B1 loss be proposed then this would need to be justified against the requirements of NPT LDP Policy EC4. <u>Education Development</u> Planning obligation requested for both primary and secondary education. This may be in the form of	A response to the observations made by planning policy has been provided in a separate letter by Savills which is appended to this Statement. This addresses each of the comments made in turn.	N/A

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Consultee	Representations from Consultees	Applicant's Response to the Comments	Changes Made to the Proposals
	a new school where the development is of a sufficient scale. In such circumstances, the planning obligation will also extend to all costs associated with the transfer of land or works to follow, together with future maintenance (for a period of 25 years). <u>Access</u> Whilst the Planning Policy Team will leave highway considerations to highway colleagues, some questions have been raised in in terms of access, trips and active travel. <u>Open Space Provision</u> The required open space provision is calculated based on the proposed development. For some categories there is a surplus and others there is a deficit. <u>Ecology</u> Leave the Council's Countryside and Wildlife Team to comment. <u>Energy</u> The energy strategy should be more expansive and detailed. <u>Gigabit Capable Broadband</u> No reference to Future Wales Policy 13 (Supporting Digital Communications) which says new developments should include the		

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Consultee	Representations from Consultees	Applicant's Response to the Comments	Changes Made to the Proposals
	provision of Gigabit capable broadband from the outset. <u>Waste</u> A Site Waste Management Plan should be provided.		
National Rail (24.03.2022)	Standard responses.	No response necessary.	N/A
NRW (28.03.2022)	Concerns raised with the application as inadequate information has been provided in support of the proposal. Further information is requested regarding European Protected Species (Great Crested Newts, bats and wintering birds). In particular a long term conservation strategy for Great Crested Newts and a losses and gains table should be submitted. With regards to bats further detailed information on the buildings on site should be submitted to confirm that the vast majority of buildings are deemed unsuitable for roosting by bats. A drawing showing the intended dark corridors and text setting out the principles of a lighting scheme should be provided. The survey undertaken for wintering birds should be submitted. Advise that conditions are attached to the permission in relation to Pollution Prevention and Land Contamination.	The following documents have been provided in response to the comments received: - Green Infrastructure Statement prepared by Soltys Brewster (ref: Rev A dated 25 November 2024) - Technical Note Mitigation and Enhancements prepared by SK Environmental Solutions Ltd (ref: JN00657/D05 dated October 2024) - Losses and Gains Technical Note prepared by SK Environmental Solutions Ltd (ref: JN00657/D04 dated October 2024) - Overarching Great Crested Newt Mitigation Strategy prepared by SK Environmental Solutions Ltd (ref: JN00657/D01 dated May 2024) An updated ecology chapter in the ES addendum has also been submitted.	Further consideration has been given to the mitigation and enhancement measures on the site which have been amended and as a result changes have been made to the landscaping plan.
Designing Out Crime Officer (17.03.2022)	General observations on the scheme separated into the use (residential, school site, commercial) largely relating to specific points surrounding security and safety on site. This	The comments provided by the Designing Out Crime Officer are detailed design comments which will	N/A

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	includes but is by no means limited to the site layout, boundaries, play areas, security lighting, bicycle and bin stores, access control, CCTV and landscaping.	be picked up at Reserved Matters stage.	
NPT Drainage (24.06.2022)	No objection but note a SAB approval is required.	No response necessary.	N/A
NPT Highways (24.06.2022)	No objection subject to the 16 conditions that have been specified. However, concerns have been raised in relation to trip generation, the northern site access (B4290) and the Transyt model.	These comments have been addressed in the Transport Overview prepared by SLR Consulting Limited (dated 25 September 2025) and the Transport Response note (dated 25 September 2025).	As the Phase 1C scheme is deemed capable of mitigating the proposed development, an Active Travel scheme has been proposed which improves existing infrastructure and provides new infrastructure where required between M4 Junction 43 and Crymlyn Road. An emergency access has been proposed along the shared footway/cycleway adjacent to the M4, providing an alternative means of accessing the site in an emergency.
Sustrans (15.03.2022)	Observations on the application. Of the view that the transport links in the application are not compliant with the Wales Transport Strategy, as the sustainable transport mode hierarchy is not followed, prioritising walking and cycling infrastructure to minimise increased private car use. There is a lack of segregated walking and cycling routes on the minor roads within the development which means	These comments have been taken on board in the Transport Overview prepared by SLR Consulting Limited (dated 25 September 2025) and the Transport Response note (dated 25 September 2025) which proposes a number of Active Travel improvements around the site.	An Active Travel scheme has been proposed which improves existing infrastructure and provides new infrastructure where required between M4 Junction 43 and Crymlyn Road. An emergency access has

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	cyclists and pedestrians will not be separated from motor traffic, as per the Active Travel Act Design Guidance. The development could be improved with additional pedestrian routes and cut through access. The application is also not compliant with the Well Being of Future Generations Act. The cycle route at M4 junction 43 does not meet the Active Travel Act Design standards. The development needs to provide improved sustainable transport links. The crossing route in the junction 43 area and A465 is dangerous and unacceptable. A solution needs to be found prior to the development going ahead. There must be provision for active travel to link into Fordd Amazon and National Cycle Network route 4 along Jersey Marine. The opportunity to develop a traffic-free route along the line of the Tennant canal linking into an existing path near Ashlands should be considered as part of the development.		been proposed along the shared footway/cycleway adjacent to the M4, providing an alternative means of accessing the site in an emergency.
The Coal Authority (15.03.2022)	Clarification / further information required. In the interests of efficiency and in order for the Coal Authority to provide a substantive response regarding the proposal, we would be grateful for clarification from the LPA as to which of the 206 published parts of the Phase 1 report contain the applicant's Coal Mining Report and Risk Assessment.	The Coal Mining Risk Assessment starts at Part 30 of the Desk Study uploaded to the Council's website.	N/A

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Welsh Government (Department for Economy and Infrastructure) (15.03.2022) (08.04.2022)	Directs that planning permission is not granted at this time. A Transport Assessment (TA) is required to evidence the M4 junction 43 operates within capacity and the proposals will not have an adverse effect on the Welsh Government slips and sections of infrastructure. Details of the mitigation measures (physical junction improvements) and the Active Travel provision / amendments are needed. Directs that planning permission is not granted at this time. The TA does not include commitments that would address issues outlined by the WCHAR assessment across the strategic junction. The AT crossing movement over the eastbound M4 on-slip should be realigned as per the previous consent and the applicant should investigate solutions for the identified crossing difficulty in this location. Any AT proposals should be frontloaded to influence AT behaviours and a commitment made in the TA.	These comments have been addressed in the Transport Overview prepared by SLR Consulting Limited (dated 25 September 2025) and the Transport Response note (dated 25 September 2025).	As the Phase 1C scheme is deemed capable of mitigating the proposed development, an Active Travel scheme has been proposed which improves existing infrastructure and provides new infrastructure where required between M4 Junction 43 and Crymlyn Road. An emergency access has been proposed along the shared footway/cycleway adjacent to the M4, providing an alternative means of accessing the site in an emergency.
Welsh Water (16.03.2022)	If planning permission is granted, planning conditions and advisory notes to be added.	No response necessary.	N/A
Mid and West Wales Fire and Rescue Service (28.02.2022)	No comment to make on access for fire appliances or water supplies. No objection to the proposed development and refers the Local Planning Authority to any current standing advice by the Fire Authority about the consultation.	No response necessary.	N/A
Rights of Way Maintenance Officer	There are no registered Public Rights of Way that affect the site.	No response necessary.	N/A

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(11.03.2022)			
Tree Officer (09.03.2022)	In the species list for the woodland mixture on the soft landscape plan drawing number 102 rev.PL02, Ash - <i>Fraxinus excelsior</i> has been included. The Ash should be replaced with an alternative species due to Ash dieback disease.	These comments have been taken onboard and the Ash that was proposed has now been removed from the soft landscape plan. See updated plan: Strategic Soft Landscape Plan prepared by Soltys Brewster (dwg no. 2180801-SBC-00-XX-DR-L-102 PL07).	Planting Ash trees has been removed from the proposals.
Non-Statutory / Public Comments			
Geraint John Planning on behalf of the Coombe Tenant Estate (14.04.2022)	Objection to the scheme based on the following primary areas of concern: • Part of the justification for the grant of the original outline planning application (P2005/0393) was that the development would restore and remediate a substantial area of previously developed land; • It is therefore assumed that the scheme makes no provision for site-wide remediation; and • It is further assumed that the current application proposals make no commitment to restoring areas of the site which fall outside of the planning application boundary. It is understood that further information and explanation in relation to the above is requested.	A response to the representation submitted by Geraint John Planning on behalf of the Coombe Tenant Estate was submitted in June 2023 by Savills. A copy of this letter is appended to this Statement.	N/A
BP Llandarcy Bowling Club (01.03.2022)	The Atkins drawing (Bowling Green Development, Proposed Access Option 2) shows the proposed access cutting across the Bowling Green making it unplayable. Could the plans be amended to retain the club?	The access into the site has been reviewed and following further technical work, it has been amended so that it does not go through the bowling green of the Bowling Club. The proposal still provides an access road to the residential development proposed on the northern site via an improved junction on the B4290	The access into the site has been revised to enable the Bowling Club to remain in situ. On this basis they have removed their objection to the application.

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		whilst also enabling the Bowling Club to remain in situ.	
Commercial Operator Training Solutions Limited (07.03.2022)	The contractors yard is within the planning application area however, it is unclear from the application what is planned for this area. Can further information be provided for the plans surrounding the contractors yard area, including the infrastructure and road improvements that are planned for this area?	Whilst the contractors yard is within the red line boundary of the application, there are no proposals for this area so it is being left as it is.	N/A
Public comments (5 comments received)	The public comments received have raised the following points: • Loss of habitat • Increased traffic • Adequacy of parking and loss of parking for Phase 1 • Ground stability for further development • No additional NEAPs or LEAPs are provided • Lack of consideration of desired travel lines	Concerns about loss of habitat have been addressed in the Technical Note Mitigation and Enhancements prepared by SK Environmental Solutions Ltd (ref: JN00657/D05 dated October 2024) and the Losses and Gains Technical Note (ref: JN00657/D04 dated October 2024). There will be no loss of parking in Phase 1 as a result of the proposals. The comments relating to transport (increased traffic and desired travel lines) have been addressed in the Transport Overview prepared by SLR Consulting Limited (dated 25 September 2025) and the Transport Response note (dated 25 September 2025). Children's play areas are proposed and are shown on the Strategic Soft Landscape Plan (dwg no. 2180801-SBC-00-XX-DR-L-102 PL07).	There are no substantive changes to the scheme in response to these comments. The further information however provides an explanation of the proposed development.

Appendix 1 – Planning Policy Observations Response

Planning Policy Observations

Comments by St. Modwen in Response to these Observations in Red

Planning Permission Reference: P2021/1193

Address: Former Oil Refinery, Llandarcy

Proposal: Outline planning application, with all matters reserved except for strategic access, for residential uses (C2 and C3 use class), including land for education (D1 use class) with associated public open space, commercial uses (A1, A2, A3, B1, D1 and D2), commercial/employment (B2, B8) uses, public open space, highway works, sustainable drainage, ecological mitigation and enhancement, landscaping, ground remediation, and associated engineering and infrastructure works.

Planning Policy Observations

Context:

Section 38(6) of the Planning and Compulsory Purchase Act (2004) says that planning permissions should be determined in accordance with the development plan unless material considerations indicate otherwise. The statutory development plan for Neath Port Talbot (NPT) is comprised of Future Wales: The National Plan 2040 and the NPT Local Development Plan (LDP) (2011-2026).

The site is located within an area which Future Wales identifies as the 'Swansea Bay and Llanelli National Growth Area'. Policy 28 'National Growth Area – Swansea Bay and Llanelli' says that this area will be the main focus for growth and investment in the South West region.

The site is also allocated as a Strategic Regeneration Area in the NPT LDP. Strategic Policy SP5 'Development in the Coastal Corridor Strategy Area' says that *"in the Coastal Corridor Strategy Area, sustainable growth and development will be promoted to benefit the County Borough as a whole, while protecting and enhancing the area's character and environment. This will be achieved through the following area-specific measures (2) allocating Strategic Regeneration Areas at Coed Darcy ..."*. Policy SRA1 'Coed Darcy Strategic Regeneration Area' designates Coed Darcy as a strategic regeneration area comprising the following allocations:

- H1/LB/5: 4,000 residential units (2,400 of which in Plan period); and
- EC1/3: 41,200sqm B1 business accommodation

The supporting text says that Coed Darcy will create a sustainable urban village, regenerating a large scale brownfield site. The mixed use development will comprise residential, education,

employment, retail uses and other community facilities. Highway improvements, including the creation of the new southern access road, public transport routes and walking and cycling links are all integral parts of the scheme. The supporting text also notes the Coed Darcy is a key development within NPT and that it will have a wider role in enhancing economic prosperity in the region, acting as a catalyst for future growth. (Paragraphs 2.5.20 and 2.5.21).

Prior to the identification of Coed Darcy within the NPT LDP, the site was allocated in the NPT Unitary Development Plan (UDP)¹. UDP Policy 27 states that *“a new urban village will be created at Llandarcy providing a mixed use development on brownfield land as an extension to the Neath urban area at Skewen”*. Policy LL1 ‘Llandarcy Urban Village’ states:

Llandarcy is allocated for the development of an Urban Village with the following outputs;

- a) up to 4,000 dwellings (2,000 during the plan period and the remaining 2,000 by 2026)**
- b) up to 30,000 sq. metres of B1 uses (within the plan period and capacity for 49,000 sq. metres); and**
- c) up to 5,500 sq. metres of commercial floorspace (within the plan period and capacity for 8,600 sq. metres) including retailing for the Village in accord with Policy TRL4.**
- d) The Urban Village will also contain associated recreational and open space, secondary and primary schools, facilities for continuing education, community halls, health care facilities and a library.**
- e) Legal agreements and planning conditions will be used wherever appropriate to ensure that the necessary infrastructure, public transport, cycling and walking links are provided before development commences and appropriately managed following development and that the scheme’s design and sustainability principles are applied throughout the development.**

Coed Darcy was granted outline planning permission (P2005/0393) in 2008 for the development of approximately 4,000 dwellings, 41,200sqm of business use, up to 3,000sqm retail floorspace, other commercial development, education and community facilities and associated infrastructure. As noted in NPT LDP Paragraph 4.0.7 the urban village concept seeks to achieve the full range of development types in order to complement the housing element forming a sustainable community whereby residents can closely access facilities, services and employment provision. Since the grant of the outline planning application there has been limited development on the site. Phase 1A and 1B of the development was granted reserved matters consent in 2012 (P2011/0880). These have been completed and provide just under 300 homes.

The Planning Statement submitted says in Paragraphs 1.4 and 1.5 that the reason for no more development is due to the current outline planning application not being viable – the cost of

¹ Available at: <https://www.bridgend.gov.uk/media/1409/bd22.pdf>

the development (and associated infrastructure, remediation and servicing) exceeding the revenue that would have been generated from the sale of the new homes. Paragraph 1.6 of the Planning Statement says that the revised application is for a smaller, more manageable, less infrastructure-heavy scale of development, which has been prepared with careful attention not only to the infrastructure required to support a new community in this location but also with a thorough understanding of viability to ensure that the development is deliverable and the difficulties the site faced in the past are not repeated.

The planning application therefore proposes the development on part of the site allocation for up to 2,000 dwellings; up to 5,684sqm gross internal area (GIA) A1/A2/A3/B1/D1/D2; up to 800sqm GIA B3/B8 use; public open space; highway works; sustainable drainage; ecological mitigation and enhancement; landscaping; ground remediation; and associated engineering and infrastructure works.

Principle of development:

The Planning Policy team note that whilst the development is not in line with the design identified in the masterplan included within the NPT LDP, it is noted that this is the masterplan produced as part of/to inform planning permission P2005/0393; that there is no requirement within the LDP for the site to be built in accordance with this masterplan; and it is not included within the site allocation policy, rather being included as explanatory text. Planning appeals such as *R (Cherkley Campaign Ltd.) v Mole Valley District Council* [2014] EWCA Civ 567² distinguish between policy and explanatory/ supporting text. Noting for example in Paragraph 16 that *“the supporting text consists of descriptive and explanatory matter in respect of the policies and/or a reasoned justification of the policies. The text is plainly relevant to the interpretation of a policy to which it relates but it is no itself a policy or part of a policy, it does not have the force of policy and it cannot trump policy”*.

We agree with these comments regarding the status of the masterplan. The new masterplan is more appropriate in scale and aligns with the current housing need and market demand. The original masterplan was hugely ambitious but this is not supported by market demand hence the reduced masterplan. A significant amount of work has already been undertaken at Coed Darcy to remediate the site and deliver the first stage of infrastructure improvements including significant work around J43 – M4 and the creation of the Northern Access Road. This work, coupled with a more realistic infrastructure design for the new masterplan, therefore results in a much more deliverable scheme.

Residential Development:

From Paragraphs 4.6-4.8 of the Planning Statement it is understood that the application proposes up to 2,000 dwellings; that the exact housing mix will be dealt through via reserved matters but is expected to include a range of house types to allow for a wide demographic and a mix of new homes. House types are anticipated to be based upon 1-4 bedroom properties and are expected to include apartments, terraced, semi-detached and detached homes. A proportion of affordable housing will be provided.

The Planning Policy team would welcome the provision of a mix of housing types and tenures noting that this is in line with Future Wales Strategic Placemaking Principle 'variety of housing' which states that *"to ensure places are socially mixed and cater for varied lifestyles, they should have a mix of housing types and tenures ... urban growth and regeneration should integrate different uses within neighbourhoods"*.

Whilst it is appreciated that the exact housing mix will be dealt with through reserved matters, it is noted that Paragraph 4.8 of the Planning Statement says that the site will comprise housing densities of between 36 and 44 dwellings per hectare. The Scale Diagram (7.2) of the Design and Access Statement shows densities of proposed development varying between 32-50dph. NPT LDP Policy BE1 'Design' requires new developments in the Coastal Corridor to include normally a minimum of 35dph. Future Wales (pp.66) Strategic Placemaking Principles says that *"new developments in urban areas should aim to have a density of at least 50 dwellings per hectare (net), with higher densities in more central and accessible locations"*.

In order to secure the provision of affordable housing as part of the application, the Planning Policy team would suggest that the proportion of affordable housing should be secured as part of the outline planning application.

The proposed density of development is reflective of the site's context and characteristics, and will make efficient use of this substantial previously developed site. St Modwen have sought to ensure that a placemaking approach has been one of the principal drivers of the new masterplan. We have taken guidance from NPT's own policies as well as Future Wales 2040 to ensure that densities support public transport and local facilities, integrating green and blue infrastructure with a permeable network of streets and places. There will naturally be higher densities in pockets of development on the site as well as lower densities in other areas where appropriate. Our target has been to ensure that a range of densities can be achieved appropriate for a mostly suburban setting.

St. Modwen are seeking to work in partnership with Registered Provider Tai Tarian to maximise the delivery of affordable housing as part of the development proposals. It is

proposed that Tai Tarian are then named as the affordable housing provider in the Section 106 Agreement.

Employment Provision:

From the information submitted it is understood that the application proposes the development of up to 800sqm GIA of B2/B8 uses on 0.22ha of land. A further up to 1,134sqm of B1 accommodation is also proposed to be provided following the redevelopment of a number of buildings within the site (Britannic House, Heritage House and William Knox House).

The Planning Policy team notes that the wider site designation is allocated for 41,200sqm of B1 accommodation. It also forms part of the Swansea Bay and Llanelli National Growth Area, an area which Policy 28 states will be the main focus for growth and investment in the South West region and the focus for strategic economic and housing growth.

Planning Policy team disagree with the conclusion reached in the Employment Land Requirements document submitted to support the application, specifically Paragraph 2.5 which suggests that there is 'conflict' between the national planning policy town centre first approach and the LDP allocation of 41,000sqm of B1 employment use. In accordance with Section 38 of the Planning and Compulsory Purchase Act (2004) Future Wales forms part of the statutory development plan for the County Borough alongside the NPT LDP. Given that the site is allocated for 41,000sqm of B1 employment accommodation in the statutory development plan, there is not considered to be any conflict.

The Planning Policy team would suggest that evidence is provided in accordance with NPT LDP Policy EC4 'Protection of Existing Employment Uses' to demonstrate that employment uses are no longer viable or appropriate in this location.

Paragraph 5.2.25 of the NPT LDP states that the type of evidence required will vary depending on the use and circumstances but may include details of why the land/ premises is no longer in use and evidence to show that reasonable efforts have been made to market it for sale or lease. Given the key strategic location of the site, and the scale of employment uses, the Planning Policy team would suggest that marketing evidence should be provided and we would be happy to discuss with yourselves/ the applicant the exact marketing evidence we would like to see.

In addition, the Planning Policy team note that Britannic House, Heritage House and William Knox House are all currently used for B1 employment provision. Should any loss be proposed, given that the site is allocated for B1 employment use (in addition to residential), we would suggest that this loss would also need to be justified against the requirements of NPT LDP Policy EC4.

With regards to the proposed provision of B2/B8 employment uses on the site, whilst we note that there currently is B2/B8 employment provision on the site, we note that the provision of additional B2/B8 employment accommodation is not in line with the site designation/allocations. NPT LDP Policy SP11 "Employment Growth' Criterion (5) however says that employment uses will be encouraged in principle within settlement limits. In line with NPT LDP Policy BE1, consideration will need to be given to the amenity of occupiers of adjacent land.

We respectfully disagree with the position adopted by the policy team albeit perhaps a better way of characterising the position is not as a 'conflict' but as a 'tension'. This is perfectly normal and the courts (R v Rochdale Metropolitan Borough Council ex parte Milne [2000]) have recognised that planning policies do, on occasions, pull in different directions. In the case of the employment land provision at Coed Darcy, it is a matter of fact that:

- a) the site is outside of an existing town or city centre;
- b) Policy 6 of Future Wales directs significant commercial developments to town and city centres, stating that: *"Commercial, retail, education, health, leisure and public service facilities should be located within town and city centres. This policy applies to developments of a significant scale, which can broadly be defined as where the facility will serve a town, city or region-wide catchment"*;
- c) the construction of circa 41,000 sq.m. of employment floorspace undoubtedly represents a significant scale;
- d) there are a number of sequentially preferable locations at Swansea and Neath etc which are suitable for significant employment development;
- e) The original outline planning application for the Coed Darcy development was submitted in February 2005, over 17 years ago. It is that application which subsequently informed the then emerging UDP and, given the site had planning permission at the time, also the policies of the LDP.
- f) The policies of Future Wales sit alongside those of the NPT LDP and have the same status, albeit they are significantly more recent and a more up to date reflection of Government Policy.

It is a function of the planning history of the site that the current adopted policy seeks the provision of a substantial scale of employment floorspace. Such a quantum should not in our view now be considered appropriate or acceptable in light of the town and city centre first policy of Future Wales.

This, alongside the evidence presented in the Employment Land Report regarding market demand, in our view demonstrates that the allocation quantum of employment floorspace is not appropriate in this location and thus the policy test in EC4(i) is satisfied. There is no explicit

requirement for marketing evidence and in the current circumstances we do not agree that that would be beneficial. Indeed, as explained above, the site is not considered appropriate for the quantum of employment for which it is allocated and evidence of marketing would not alter that judgement.

Finally, as explained in the Planning Statement, there are viability challenges at Coed Darcy which have rendered the continued implementation of the previous outline planning application undeliverable. The current outline planning application is supported by viability evidence which demonstrates that the development is not capable of providing a full policy compliant level of affordable housing. The dedication of serviced land within the new community to deliver additional employment floorspace would have a negative bearing upon the viability of the overall development. This would reduce the quantum of affordable housing that is capable of being delivered as part of the development by reducing the over number of homes being delivered and by impacting negatively on viability. It could render the site fundamentally unviable and therefore undeliverable.

Flexible Mixed Use Zone:

The application proposes a neighbourhood centre including up to 1,134sqm GIA A1/A2/A3/B1/D1/D2 uses and either residential development or up to 4,550sqm of A3/D1/D2 floorspace from the conversion of the existing buildings within the site (Britannic House, Heritage House and William Knox House). Specifically it is proposed that a maximum of 750sqm GIA floorspace within this area is used for A1 retail and that this is controlled by condition.

The Planning Policy team are supportive of this flexible mixed use zone, noting that the uses are in line with those previously granted under P2005/0393 which has been implemented. They will also help to provide a neighbourhood core which is in line with placemaking principles in Future Wales and Planning Policy Wales (PPW, Edition 11, 2021).

Notwithstanding this, as stated in section above, Britannic House, Heritage House and William Knox House are currently all used for B1 employment provision, should any loss be proposed, given that the site is allocated for employment and residential uses, we would suggest that any loss would need to be justified against the requirements of NPT LDP Policy EC4.

We welcome the support for the flexible mixed use zone in the core of the development.

Britannic House and William Knox House are proposed for a range of alternative uses in the outline planning application. There is no reason however why they couldn't also come forward for B1 employment. We have therefore proposed a change to the submitted application which includes B1 floorspace within the potential uses.

If a subsequent reserved matters application (RMA) is brought forward for non-B1 use within any or all of these buildings, it will be for the RMA to justify why that is acceptable at that time.

Education Development:

The application proposals include land for a two form entry primary school with additional 'flexible' land which could be used to deliver either a through school or residential development and open space (2.6ha for education with a further 4.4ha of flexible land for education). The maximum floorspace proposed for a primary school is 2,500sqm and the maximum for a through school is 15,000sqm.

The Planning Policy team note that there have been a number of discussions between the applicant and the Council's Development Management and Education colleagues and we will leave consideration to yourselves.

From a planning policy perspective however we note that NPT LDP Policy SP4 'Infrastructure' states that *"developments will be expected to make efficient use of existing infrastructure and where required make adequate provision for new infrastructure, ensuring that there are no detrimental effects on the area and community. Where necessary, Planning Obligations will be sought to ensure that the effects of developments are fully addressed in order to make the development acceptable"*. Policy I1 'Infrastructure Requirements' furthers this and states that *"in addition to infrastructure improvements necessary to make a development acceptable in health, safety and amenity terms, additional works or funding may be required to ensure that, where appropriate, the impact of new development is mitigated. These requirements will include consideration of and appropriate provision for ... education and training"*.

The Council's 'Planning Obligations' Supplementary Planning Guidance (SPG) (October 2016) recognises that new housing can place added strain upon existing educational infrastructure. Paragraph 5.4.2 advises that planning obligations are only likely to be sought where it is expected that the proposed housing development will generate additional demand for school places and/or place added strain on existing school facilities. In this context planning obligations may be sought where it can be demonstrated that the existing infrastructure would require additional investment to upgrade a facility or facilities to adequately cater for the educational needs of additional pupils even though spare capacity may exist.

The SPG recognises that it is generally accepted that studio and 1-bed housing units do not provide accommodation for school children and therefore states that such residential accommodation will be discounted from planning obligation requirements. Given that housing mix will form part of reserved matters, in the absence of indicative bedroom data, we have

assumed all 2,000 homes will provide 2+-bedroom accommodation. Using the method stated in the SPG, this gives rise to the following required educational contribution:

Type of Education Provision	Planning Obligation Cost per Dwelling	Number of Dwellings	Planning Obligation
Primary	£4,666	2,000	£9,332,000
Secondary	£4,267	2,000	£8,534,000
Total			£17,866,000

As stated in Paragraphs 5.4.14-17 of the SPG, with regards to implementation: the Council will consider the most appropriate means of utilising any financial contribution secured as part of any planning obligation. In line with the requirements of the CIL Regulations, contributions towards 'infrastructure projects' for education such as the upgrade of existing facilities will be required in order to address the impacts of the development. Other measures may include new additional classrooms, improved or replacement classrooms, other school related facilities such as playing fields, or associated appropriate accessibility and efficiency measures including highway works. The planning obligation may also be in the form of a new school where the development is of a sufficient scale. In such circumstances, the planning obligation will also extend to all costs associated with the transfer of land or works to follow, together with future maintenance to be accounted for over a period of 25 years.

The applicants have held discussions with the Education and Planning officers regarding the provision of additional education facilities as part of the Coed Darcy development. The application proposals as shown on the Land Use Parameter Plan include land for a primary school on site. We understand the education authority would like to identify sufficient land to accommodate a new Welsh Medium Through School which would be a hybrid primary/secondary school for 3 – 16yrs. In order to accommodate this request, additional land has been identified on the Land Use Parameters Plan for the expansion of the school site from a primary to a through school. Although this would result in the loss of developable area and circa 80 homes from the masterplan, the applicants understand the strategic objectives of the Council to future proof educational land. It is St Modwen's intention that this land would be made available to the Education Authority as part of the masterplan in order to deliver the school. For the avoidance of doubt, the discussions on education provision have been for land only and this does not include for the construction costs of a school. The viability models submitted have also shown this as being land only. If it is not required or other factors such as the availability of funding render delivery unviable then this land could instead revert back be used to accommodate additional residential development and public open space.

Access:

It is noted that the application seeks to reserve all matters apart from access. From the information submitted, it is proposed that the primary access will be achieved from Ffordd Coed Darcy which has already been built as part of the initial Northern Access Road (NAR) layout. A secondary access is to be provided via Darcy Business Park; access will remain to Contractors Yard; and access to the northern part of the site (north of the railway) is proposed to be from a new junction on the B4290.

The NPT LDP includes the following policies/ explanatory text with regards to transport and access:

- The Explanatory Text to NPT LDP Policy SRA1 'Coed Darcy Strategic Regeneration Area' says in Paragraph 4.0.8 that road improvements required to facilitate the development include the Southern Access Road (TR1/2) and improvements to Junction 43 of the M4 (TR1/4). Policy TR1 'Transport Proposals' identifies the Coed Darcy Southern Access Road (TR1.2) and Junction 43, M4 Improvements (TR1/4).
- Explanatory Text Paragraph 5.4.12 notes that the construction of the Coed Darcy Southern Access Road will provide a link between Coed Darcy and Fabian Way and will allow the effective and efficient delivery of the strategic regeneration site at Coed Darcy.

Whilst the Planning Policy team will leave highway considerations to highway colleagues, we note/ question the following assumptions:

- Transport Assessment Paragraph 5.2.1 says that "it should be noted that for the purpose of trip generation and subsequent analysis it is considered necessary to analyse the residential trips and commercial trips generated by the site as the education land use and retail local centre would serve the proposed development site and not generate any external peak hour vehicle trips". We would question whether some allowance should be made for retail trips given the limited surrounding retail provision³.

First, the scale of retail provision on site is intended to provide for the day to day needs of the future residents rather than draw people into development. In this respect it supports the internalisation of trips and will reduce car use.

A primary purpose of the Transport Assessment is to assess the impact of the proposed development on the highways network and establish the mitigation

³ Note from Catherine Rylands: "Need to take into consideration any movement away from the site if not enough education provision is to be provided on-site?"

measures necessary to address these impacts. In so doing, consistent with all Transport Assessments, it assesses the scheme impacts during the worst case scenarios for transport on the highways network – the morning and afternoon peak hours. Whilst there may be a small number of people that chose to travel to the retail to meet their needs, this is likely to be spread throughout the day and is very unlikely to be during these peak hours. As a consequence, the impact of the retail on vehicle movements is deemed to be *de minimis* and can therefore be excluded from the Transport Assessment.

- It appears from the Transport Assessment (Paragraph 5.2.4 in particular) that all commercial accommodation is assumed to be B1(c) / B2 accommodation and therefore predominantly journeys to and from work. No allowance seems to have been made for trips during the day associated with B8 uses. Given the strategic location of the site in terms of its proximity to the M4, the site could be quite an attractive offer for storage and distribution uses and therefore question the extent to which no allowance has been made for movements associated with B8.

For the same reasons as explained above, the methodology for the Transport Assessment does not test the implications outside of the peak hours as both the levels of traffic generated by the development and the background traffic levels are both considerably lower than during the peak periods. Provided the highways network operates effectively and safely during the peak periods then there is no need to assess the impacts of the development throughout the day.

- We would welcome the suggested sustainable travel improvement opportunities identified in Table 7-2 of the Transport Assessment.

With regards to the Southern Access Road, notwithstanding highways comments, we would suggest given the importance of the Southern Access Road, as noted in the LDP, to link the site to Fabian Way, that some sort of link should be provided as part of this application. This could for example include an active transport link (see below for more information).

The key reason for the submission of a new planning application at Coed Darcy is the viability challenges associated with the delivery of the allocation in full. One piece of infrastructure in particular – the SAR – had a very significant negative impact upon the viability of the development. By reducing the scale of the development, it is possible to also proportionately reduce the amount of infrastructure required to service the development. The Transport

Assessment demonstrates that the SAR is not needed for the delivery of the outline application proposals.

Notwithstanding, we do not consider the exclusion of the SAR from the outline planning application represents a departure from the development plan. The application proposals do not prejudice the delivery of a smaller SAR alongside further development on the southern part of the site in the future. Indeed, under the extant planning policy there would be nothing preventing a further application coming forward on the southern part of the site which included the supporting infrastructure. In that respect the application delivers part but not all of the development that is allocated. This is not uncommon on large strategic sites.

From an Active Travel perspective we note that:

- The 'Environmental Statement' point 5.3.13 refers to the Swansea Bay Cycle Routes catering for different cycling proficiencies. The Swansea Bay Cycle Routes was established prior to the Active Travel Act. In the Active Travel Guidance a cycle route on a road with a speed limit of 40 miles per hour would be a critical fail. Therefore the vast majority of 'on-road routes' identified in the movement plan as existing cycle routes, are not national cycle routes, neither routes that are up to Active Travel Standards.
- There are several places in the 'movement plan' that suggest a 'potential pedestrian/cycle access', these accesses do not all link into the wider network.
- The routes labelled 'future active travel route' on the proposed Coed Darcy movement plans, are in fact not a future active travel route in the current or revised NPT Active Travel Network Map.
- Ultimately considered crucial that there is a walking and cycling link via the southern part of the site, in order to link into NCN4 on Fabian Way. Not providing this link contravenes the Active Travel Guidance in creating a mesh density and providing links to key destination points.

St. Modwen recognise the need to enhance the Active Travel opportunities from the site through to key destinations. To that end, the project team have been working on a proposal to provide a foot and cycle link with Jersey Marine that can be delivered as part of this application utilising the existing route through Llandarcy village. As stated above, there will be opportunities to further enhance active travel routes as part of the proposals for the south site at the appropriate time through the Plan period.

Open Space Provision:

Whilst Planning Statement (Table, Paragraph 6.10) states that “the development proposals meet the requirements of Policy SP10 by ensuring adequate access to public open space for all residents of the new development”. It is noted that the following open space is proposed:

Typology	NPT Requirement ¹	Application Proposals
Outdoor Sport-Pitch	60,887 sq m	11,026 sq m
Outdoor Sport-Non Pitch	23,825 sq m	28,177 sq m
Designated play space (Neaps, Leaps, Laps etc)	13,236 sq m	13,236 sq m
Informal space	29,120 sq m	269,815 sq m
Allotments	10,060 sq m	TBC

It is also noted that under this it says that the Landscape GI plan does not specify the location of land for the specified typologies. Here is however a large surplus of land in the ‘informal space’ typology and, in addition to this, retained and proposed woodland/ scrub areas totalling 193,358sqm which will have managed public access. Subject to consideration of the ecological mitigation requirements associated with the application there is potential to redistribute land within the separate typologies in order to address particular requirements including allotment provision.

NPT LDP Policy SP10 ‘Open Space’ states that *“provision will be made to ensure that all residents have access to adequate open space through the following measures: (1) ensuring that new development addresses local needs...”*. Policy OS1 ‘Open Space Provision’ furthers this and says that *“where there is a quantitative deficiency in outdoor sport, children’s play, informal space or allotments, provision will be sought, including the requirement for maintenance, in conjunction with all new residential developments of 3 or more dwellings, based on the following standards:*

- *Outdoor sport: 1.6 hectares per 1,000 population*
- *Children’s play: 0.25 hectares per 1,000 population*
- *Informal space: 0.55 hectares per 1,000 population;*
- *Allotments: 0.19 hectares per 1,000 population”.*

The Council’s ‘Open Space and Greenspace’ SPG (July 2017) provides further details.

Based on this policy and guidance, a site of 2,000 homes⁴ would give rise to the following open space requirements:

⁴ Note from Catherine Rylands: *“In the planning statement they’ve based this on 2,300 but I think that is from something we provided at the beginning.*

LDP Policy OS 1 Categorisation	On site Policy Requirement (ha)	Financial Equivalent
Outdoor Sport - Pitch	5.27	£568,000
Outdoor Sport - Non-pitch	2.06	£2,060,000
Designated Play Space	1.15	£1,710,000
Informal Space	2.52	£126,000
Allotments	8.70	£96,000
Total	19.70	£4,560,000

The Council's records suggest the following surpluses:

LDP Policy OS 1 Categorisation	Surplus/ Deficit Open Space Provision (ha)
Outdoor Sport – Pitch	5.04
Outdoor Sport - Non-pitch	-0.86
Designated Play Space	0.39
Informal Space	1.66
Allotments	-6.66

Taking this into consideration, the site would be required to provide the following open space provision:

? whether we can base on 2,300 given that some open space has been provided on the first phase (LEAP). It is in the redline boundary though."

LDP Policy OS 1 Categorisation	On site Policy Requirement (ha)	Surplus/ Deficit Open Space Provision (ha)	Open Space Requirement (ha)
Outdoor Sport - Pitch	5.27	5.04	0.23
Outdoor Sport - Non-pitch	2.06	-0.86	2.06
Designated Play Space	1.15	0.39	0.76
Informal Space	2.52	1.66	0.86
Allotments	8.70	-6.66	8.70
Total	19.70		12.61

Please note that children's play facilities are not required for 1-bedroom dwellings, however, given the nature of the outline application, it has been assumed that all 2,000 units will be 2+ bedrooms.

For completeness the schedule above has been duplicated with an additional column for the open space proposed on site. It should also be emphasised that the requirement is based on an assumed 2,000 dwellings which all have two or more bedrooms. The application is in outline only and for a quantum of development which is 'up to' 2,000 dwellings; the likelihood is that the number of dwellings will be lower at between 1,700 – 2,000 and a proportion of these, albeit a relatively small proportion will be one bedroom apartments.

LDP Policy OS 1 Categorisation	On site Policy Requirement (ha)	Surplus/ Deficit Open Space Provision (ha)	Open Space Requirement (ha)	Open Space Proposed on Site (ha)
Outdoor Sport - Pitch	5.27	5.04	0.23	1.10
Outdoor Sport - Non-pitch	2.06	-0.86	2.06	2.81
Designated Play Space	1.15	0.39	0.76	1.32
Informal Space	2.52	1.66	0.86	26.98
Allotments	8.70	-6.66	8.70	TBC
Total	19.70		12.61	

For all typologies there is surplus of open space compared to the on-site requirement once the existing provision within the locality has been taken into account. For example, the response indicates that there is a surplus of 0.39ha of designated play space in the locality which off-sets the requirement for the development and reduces it to 0.76ha. Notwithstanding, the masterplan makes provision for the full children's play provision.

There is a surplus of Outdoor Sport (Non-Pitch) space and Children's Play Space within the development, a proportion of which could be used for allotment provision. As allotments are only needed if the demand exists, we recommend that a mechanism is put in place through the Management Company to provide allotments in step with demand on land currently allocated to one of these other typologies. This can be addressed through a suitable mechanism within the Section 106 agreement.

Ecology:

It is noted that there is significant ecology within/ close to the site.

The Coed Darcy GCN Area SINC is located partly within the site at its south-western edge. In addition, much of the site is designated as NPT watercourses SINC. The Crymlyn Bog Ramsar Site, Special Area of Conservation (SAC), Site of Special Scientific Interest (SSSI) and the National Nature Reserve (NNR) abut the western boundary of the site.

The following are also within close proximity of the site: Pant-y-Sais SSI; Earlswood Cutting and Ferryboat Inn Quarries SSSI; Crymlyn Burrows SSSI; Six Pit, Swansea Vale and White Rock SSSI; Glais Moraine SSSI; Jersey Marine Woods and Gelli Bwch Farm SINC; Llandarcy Village Green SINC; Tennant Canal SINC; Neath Estuary SINC; M4 Corridor SINC; Main Swansea – Fishguard Railway Line SINC; Crymlyn Quarry Woodland SINC; Pentredwr Grasslands SINC; and Red Jacket Fen Wildlife Trust Reserve (WTR).

Whilst we leave these considerations to the Council's Countryside and Wildlife team, we note that: Future Wales Policy 9 'Resilient Ecological Networks and Green Infrastructure' states that *"in all cases, action towards securing the maintenance and enhancement of biodiversity (to provide a net benefit), the resilience of ecosystems and green infrastructure assets must be demonstrated as part of development proposals through innovative, nature-based approaches to site planning and the design of the built environment"*.

In addition, NPT LDP Policy EN6 'Important Biodiversity and Geodiversity Sites' states that *"development proposals that would affect Regionally Important Geodiversity Sites (RIGS), Local Nature Reserves (LNRs), Sites of Interest for Nature Conservation (SINCs), sites*

meeting SINCC criteria or sites supporting Local Biodiversity Action Plan (LBAP) or S42 habitats or species will only be permitted where:

- 1. They conserve and where possible enhance the natural heritage importance of the site; or*
- 2. The development could not reasonably be located elsewhere, and the benefits of the development outweigh the natural heritage importance of the site.*

Mitigation and/or compensation measures will need to be agreed where adverse effects are unavoidable”.

Paragraph 5.3.34 of the Explanatory Text furthers this stating that where harm to biodiversity sites is unavoidable, effective mitigation measures will be required to ensure that there is no reduction in the overall value of the area or feature. Where mitigation is not possible, compensation measures will normally be required to offset harm as far as practicable. However, compensation measures are considered to be a last resort option. Further guidance is provided within the Council's 'Biodiversity and Geodiversity' SPG (2018).

We have been careful in the design of the new masterplan to protect the boundary of the site with the Crymlyn Bog to the west and the proposed density on this western fringe is also in keeping with this approach. Detailed survey and assessment work has been provided with the planning application following discussions with NPT's ecology team and NRW.

We note the explanation of the policy position and agree that it falls to the LPA ecology team and NRW to comment on substantive matters.

Energy:⁵

- (1) Within NPT Council's supplementary planning guidance on renewable and low carbon energy document under Policy RE2, there is the clear stipulation of the requirement of an energy assessment to determine the practicability and viability of on-site zero/ low carbon technology and potential application of centralised renewable energy generation and district heat networks.

The planning proposal provides an energy statement undertaken by Arup, it would have been beneficial to have included an outline energy/ carbon assessment on the development analysing a centralised and de-centralised approach, quantifying the high level tangible benefits of each approach.

⁵ Note from Catherine Rylands: "Chris, please note that these comments have been run past Chris Jones. Chris Jones has asked for us to stress that these have been fairly rushed and with more time a more detailed review would have been undertaken."

- (2) Considering the level of localised activity regarding the transition to net zero way of living and working at Swansea University and the Regional Swansea Bay City Deal Homes as Power Stations, Active Homes development at Neath (part of the Homes as Power Stations). The development has the potential to be an exemplar pathfinder from a net-zero, climate change and sustainability perspective. The energy strategy lacks the detail on the development's net-zero route map and strategic approach and how the phasing of the development will synchronise and aim to move towards delivering net-zero.
- (3) Further to the primary screening process, ground solar PV should be added to the approved technologies based (listed below) justified by the point that there is suitable adjacent land just outside the boundary of the development envelope and should be included within Arup's assessment:
- Building integrated PV
 - GSHP
 - ASHP
 - Hydrogen ready boiler
 - Resistance heating
 - Hydrogen fuel cell CHP
- (4) Further to Section 5.3 Energy Delivery, when the Authority assesses decarbonisation and renewable energy projects a holistic approach is undertaken and consideration/ evaluation is given to both the application of energy generation and distribution in conjunction to one another in a systematic and co-ordinated approach for identifying potential energy/ decarbonisation solutions.

On the subject of district heating and holistic assessment of all potential decarbonisation and renewable technologies, it is essential that large scale developments fully assess the potential of district heat networks systems.

On the decision taken that a potential heat network has not being explored any further, expectation as a minimum would be for a high level appraisal assessment exercise to have been undertaken with the decision to omit the approach not taken on a rule of thumb guide figure of 50 dwellings per hectare. Also a future proofing exercise needs to be undertaken to identify proposed/ potential developments in the near vicinity and timeframe of the development, this latter point is vitally important in determining the viability of district heating schemes.

- (5) No detail within the strategy that outlines how the development will deliver the core aims of sustainability, climate change and the future generations act, appreciate that key items of regulation/ legislation have been stipulated but no actions to say how they will be effectively delivered during the implementation of the development and the consequential provision of the dwellings/ school.
- (6) Would expect to see high level energy analysis on the application of energy storage (both electrical and heat storage) within the strategy for the development and not an action listed within the next steps.
- (7) Again would expect to see consideration given to the integration of the provision of electric vehicle charging at both household and centralised provision levels within the development.
- (8) Given the timeframe of the development and the various phases, require more detail how the developer will cultivate and implement a flexible adaptable design approach as low carbon/ renewable technologies, energy systems and Governmental policy and regulation evolve over the duration of the development.

To summarise the energy strategy document should be more expansive and detailed in the aforementioned areas listed above and expect to see these points addressed within a revised energy strategy document.

It is important to emphasise that the planning application is in outline and that the energy strategy and proposed approach reflects the level of detail required at the outline stage.

A full response to these comments has been provided in the appended Energy Strategy Addendum.

Design:

It is noted that the application is submitted in outline, and as such, whilst establishing the design parameters for any future detailed consent/s, detailed design will be determined through reserved matters applications.

The Policy Context Table within the Planning Statement states that Part 11 of the Design and Access Statement sets out the process for the preparation of detailed designs for the reserved matters applications. It is envisaged that this process will be conditioned to the outline permission to ensure the high quality aspirations established through the outline application are followed through at the detailed design stage.

Whilst we will leave the suitability of the proposed design to your consideration, we note that within the masterplan the site has been divided into a number of Character Areas and key vision principles and design principles have been provided for each.

Comments noted. No response required.

Metro Safeguarding:

It is noted, and welcomed, that the applicant intends to safeguard land for the provision of a new Metro station should it come forward in the future and delivered by Welsh Government/ Transport for Wales.

Comments noted. No response required.

Drainage:

From the Planning Statement (Paragraph 4.18) it is noted that the site will implement a sustainable surface water drainage strategy, which will incorporate a range of attenuation features (e.g. swales, basins and ponds) and conveyance features (e.g. swales, filter drains and pipes). The strategy aims to mimic the pre-development, greenfield conditions with outfalls to Crymlyn Bod, the North Site Reservoir, and the existing DCWW drainage network surrounding the site, all at attenuated rates.

Whilst we will leave comments to the Council's drainage engineers, we note that NPT LDP Policy BE1 'Design' states that proposals will only be permitted where all of the following conditions are satisfied, including criterion (9) which says that drainage systems will need to be designed to limit surface water run-off and flood risk and prevent pollution. Paragraph 5.5.13 of the Explanatory Text furthers this saying that drainage systems should be designed to ensure that developments have no detrimental effects on the water environment or on flood risk.

Comments noted. No response required.

Gigabit capable broadband:

It is noted that the information submitted includes no reference to Future Wales Policy 13 'Supporting Digital Communications' which says that new developments should include the provision of Gigabit capable broadband from the outset.

There isn't currently Gigabit broadband in the vicinity of the site, however, St. Modwen will investigate this matter further.

Waste:

NPT LDP Policy SP19 'Waste Management' states that provision will be made for the delivery of an integrated network of waste management facilities through a number of measures including criterion (4), ensuring that provision is made for the sustainable management of waste in all new developments.

From the Planning Statement (Table, Paragraph 6.10) it is noted that the applicant says that a construction environmental management plan will be prepared at the appropriate time to manage waste generated through the construction process.

In line with NPT LDP Policy W3 'Waste Management in New Development', given the scale of the development, the application should provide a Site Waste Management Plan. This should include an assessment of the waste generated by the development and state how the waste will be dealt with.

Issues relating to waste management have been addressed through the Resource Efficiency Plan which has been submitted alongside the planning application.

Appendix 2 – Response to Consultation Response by Geraint John Planning dated April 2022

Response to Consultation Response by Geraint John Planning dated April 2022

The primary area of concern raised by Geraint John Planning on behalf of the Coombe Tennant Estate appears to be that:

- part of the justification for the grant of the original outline planning application (P2005/0393) was that the development would restore and remediate a substantial area of previously developed land;
- it is therefore assumed that the scheme makes no provision for site-wide remediation; and
- it is further assumed that the current application proposals make no commitment to restoring areas of the site which fall outside of the planning application boundary.

As the objector will be aware, at the time the outline planning application was considered at the Planning & Development Management Committee and a resolution made to grant planning permission (11 December 2007) there was no adopted planning policy allocation for the development. It was necessary therefore to consider the application proposals in accordance with the adopted policies of the West Glamorgan Structure Plan (Review No.2) and the Borough of Neath Local Plan. It was therefore incumbent upon the officers in their Report and the members in their decision making capacity to determine whether the material planning justified a departure from adopted policy. As is evidenced by the Officers Report to Committee, part of that justification was the remediation and restoration of the site.

The context for the current application is different. The proposed development is the subject of allocation in the adopted Local Development Plan and the application does not therefore represent a departure. Furthermore, considerable works have taken place across the St. Modwen land ownership since 2007 which have contributed to the remediation and restoration of the land. These works include a number of measures contained in Schedule 7 of the S106 agreement – 'The RAP Works' – which mirror the Environmental Deed forming part of St Modwen's purchase and which sets out its legal obligations for the site. Indeed, the substantial amount of remediation works undertaken by St Modwen since acquiring the property cannot be underestimated. The application does not detail these completed works as these form part of the new baseline position but any element of RAP works that remain will form part of a new S106 agreement.

Additional remediation and restoration works are also programmed, including the discontinuance of the North Site Reservoir on land north of the application site (this being referenced in the original S106 Agreement), a planning application for which was submitted on 30th June 2023. The Coombe Tennant Estate can rest assured that St. Modwen have and will continue to fully comply with its regulatory and legal obligations that are relevant to the assets within its ownership.

Notwithstanding, the Section 106 agreement relating to the current outline planning application must comply with the statutory tests for planning obligations as set out in the Community Infrastructure Levy Regulations (England and Wales) 2010. Clauses (1) and (2) of Regulation 122 ('Limitation on use of planning obligations') is as follows:

122.— (1) This regulation applies where a relevant determination is made which results in planning permission being granted for development.

(2) A planning obligation may only constitute a reason for granting planning permission for the development if the obligation is—

(a) necessary to make the development acceptable in planning terms;

(b) directly related to the development; and

(c) fairly and reasonably related in scale and kind to the development

Discussions on the Section 106 contributions are at a very early stage and there has been no dialogue with the LPA yet on the approach to remediation that may be enshrined in a new Section 106 agreement. When they take place these discussions will be framed by the statutory tests in Regulation 122. As such any remediation requirements relating to the site can only be addressed through the Section 106 where these are necessary to *make the application proposals acceptable in planning* and are *directly related to the development*. Any measures that relate to works on land outside of the application boundary will need a very clear and convincing justification as this land will not be developed through the outline planning application and public access will remain restricted.

The consultee response also references the omission of the Southern Access Road (SAR) however as above, the Section 106 contributions have to be considered in proportion to the scheme. The new application is for a condensed scheme of 1,800 homes (in addition to the c. 300 homes already built as Phase 1) in contrast with the 4,000 homes

consented as part of the original application in addition to sizeable commercial, retail and formal open spaces. Given the considerable reduction in the overall number of units, and indeed of the revised scheme and uses proposed in line with market demand, the SAR is no longer appropriate or necessary. This conclusion aligns fully with Welsh Government's 2021 review of all new road schemes and the Roads Review panel formed as a result. With increasing focus on the Well-being of Future Generations Act, Welsh Government have stated that transport plans should focus on minimising carbon emissions and not increasing road capacity and not increasing emissions through higher vehicle speeds. The new masterplan has been considered in line with this change of policy focus and of the principles of the 15 minute neighbourhood with new active travel routes proposed to improve and encourage sustainable forms of travel within and beyond the site. The new development will be served through improvements to J43-M4 but overall, this is not of a scale to necessitate the construction of the Southern Access Road. This was also picked up in comments from local residents during the PAC process who raised their concerns that the SAR would be used as a rat-run to avoid congestion on the M4.

Alternative uses are being considered for the south site and land outside of the application red line. For the avoidance of doubt, any proposals for the southern most part of the original planning application area will need to be the subject of a new separate planning application to demonstrate how the RAP works and associated remediation have been met. It is incorrect for the objector to assume that these works are no longer proposed across the wider site, rather, these areas are not within the red line boundary of the current planning application and as such will need to be reviewed at the appropriate time and as part of a separate application.

In terms of the viability point raised, a substantial amount of work and associated costs have been progressed to date in remediating a heavily contaminated brownfield site against a hugely challenging economic backdrop exacerbated by the Global Financial Crash of 2008 and the pandemic of 2020. St Modwen have remained committed throughout to the viable delivery of the Coed Darcy site, including for the site-wide remediation obligations enshrined in the s106 and land deal. There has to be a viability balance as has been referenced in the new planning application but this impacts the planning contributions that can be delivered rather than the fundamentals of site-wide remediation, mitigation and restoration measures. It is certainly not St Modwen's proposal to omit any of their contractual obligations on these remediation matters in order to make the scheme viable; whilst the objection may have assumed that remediation matters are being omitted, this is far from the case and not what is included as part of the application and works completed to date.