

NEATH PORT TALBOT COUNTY BOROUGH COUNCIL
LOCAL DEVELOPMENT PLAN

HEARING STATEMENT

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| On Behalf of: | Mr Keith Miller |
| Relating to: | Session 17 (Matter 11): Alternative Sites (1) |
| Proposal: | Proposed Housing Site |
| Site: | Maes-y-Gwilog Farm, Skewen (AS(N)19) |

Report By: Matthew Hard MRTPI
Our Ref: 2013/038
Representor No.: 0128
Date: March 2015





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| Client: | Mr Keith Miller |
| Project Number: | 2013/038 |

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| Draft Report Issued: | March 2015 |
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1 INTRODUCTION

- 1.1 This statement has been prepared by CDN Planning (Wales) Ltd (“CDN”) on behalf of our client Mr Keith Miller. CDN are instructed to act for Mr Miller in submitting representations on the Neath Port Talbot (“the LPA”) Local Development Plan (“LDP”).
- 1.2 This statement refers to various Core Documents using the code attributed to the documents within the examination library, e.g. SD04 is the deposit LDP.

2 BACKGROUND

- 2.1 This statement has been written in support of the allocation of land at Maes-y-Gwilog Farm for housing in the LDP. At the Alternative Sites stage a summary paper was submitted, which is now appended herewith at Appendix A.
- 2.2 It is imperative to note that both the LPA in determining P2007/0887, and the Inspector in dismissing the resultant appeal, refused outline planning permission for this site’s development solely because the site was located outside of the settlement boundary. There were no ‘technical’ reasons for refusal. Appendix B refers.
- 2.3 Page 88 of SD17 sets out why the LPA did not choose to allocate the site for housing.
- 2.4 The LPA do not explain exactly what “unwelcome precedent” would arise from this development and why this greenfield development would be any different to other greenfield allocations within the LDP in terms of setting precedents. The LDP, once adopted, becomes the development plan for the purposes of Section 38(6) and therefore planning applications are judged against its policies and designations. Any planning applications proposing a “new leading edge of development” on the edge of a settlement would only usually be approved if in accordance with the development plan, which would surely give the LPA security to avoid precedents.
- 2.5 It is noted that pages 86-87 of SD17 also, misguidedly, shows concerns about the impact of the site on designated sites (i.e. Crymlyn Bog), access constraints and protected species, albeit only highways and NRW formally objected to the allocation.
- 2.6 This submission is accompanied by the following evidence:-
- Highways (by LvW Highways) – Appendix C
 - Ground Conditions/Drainage (Earth Science Partnership Appendix D)
- 2.7 The report by LvW Highways confirms that a safe and satisfactory vehicular access can be provided into the site, and that an internal layout can be provided which will meet all normal design standards. It has not been considered necessary, however, to provide any evidence on ecology or biodiversity. We believe the LPA has enough evidence already within their evidence base to come to a reasonable conclusion that inclusion of this site for housing would not impact on internationally designated sites. The findings of a Habitat Regulation Assessment would be similar to those done on sites at Crymlyn Grove and Coed Darcy.

Neath Port Talbot County Borough Council Location Development Plan

CDN Planning for Keith Miller (Representor No. 128)

Hearing Statement – Session 17 (Matter 11)

- 2.8 Paragraph 5.2.14 of the HRA (SD08) states that, in respect of potential development effects from allocated sites, including Coed Darcy and the phases of Crymlyn Grove, upon hydrology and water levels in the Bog:-

“...in addition, site specific project level HRAs will also ensure that developments do not have any significant impact on the SAC, including the Coed Darcy development being carried out in accordance with the existing HRA.”

- 2.9 Paragraph 5.2.17 of SD08 concludes that:-

“Taking into account the need to comply with drainage legislation and regulatory regimes and NRW permitting procedures, together with the need for project level HRA screening where any impact is possible, it is concluded that there are adequate safeguards in place to ensure that none of the proposals in the LDP will affect water levels in Crymlyn Bog.”

- 2.10 Paragraph 5.2.19 of SD08 states in regard to water quality:-

“The sites listed above that are situated within the water catchment area of the SAC could also have an impact on water quality in Crymlyn Bog if development results in changes in the quality of the surface water run-off feeding local streams etc. However, site drainage systems (including SuDS) are available to address any issues identified and it is anticipated that NRW controls will ensure that surface water flows will not increase pollution levels. Project level HRA will provide a further safeguard to ensure that all necessary measures are put in place to prevent any impacts.”

The attached report by Earth Science Partnership confirms this in relation to the land at Maes y Gwilog as follows :-

“In our opinion, regardless of the presence of the railway immediate to the west of the site, it is sufficiently distant from the Crymlyn Bog (over 450m at its closest point) that the contribution of water flows entering the bog which originate at the site is likely to be small. Provided that the surface water drainage is designed to the SUDS principles discussed in Section 3.1 above, the change in site use is unlikely to have any significant impact on the Crymlyn Bog.”

- 2.11 In terms of invasive species affecting the Bog, paragraph 5.2.28 of SD08 says that:-

“There are concerns that alien plant species planted in gardens or landscaping schemes could encroach into Crymlyn Bog and out-compete the native and distinctive flora and ultimately change the character of the SAC. It is possible that invasive species could reach the Bog via watercourses from developments within the water catchment area, but the main issue identified relates to the Coed Darcy development, since this is the only allocation that is directly adjacent to the SAC.”

- 2.12 The proposed site is not adjacent to the SAC and is separated from it by a railway line. Therefore there is no realistic prospect of the site having greater effects upon the SAC in this regard than the allocations elsewhere in the locality.

- 2.13 In terms of recreational and urban pressure upon the Bog, paragraph 5.2.23 of SD08 refers.

Neath Port Talbot County Borough Council Location Development Plan

CDN Planning for Keith Miller (Representor No. 128)

Hearing Statement – Session 17 (Matter 11)

- 2.14 Considering the thousands of properties to be constructed at Coed Darcy and the 81 properties to be built at Ocean View, it is safe to assume that the construction of no more than 20 dwellings at Maes-y-Gwilog will have far less effects in this regard.
- 2.15 It is therefore considered that the allocation of the site would accord with Annex 6 of TAN5 Nature Conservation and Planning (WPP07), because paragraph 2.10 of WPP07 states that:-

“Where local planning authorities are minded to include such alternative sites in their development plans, they will need to carry out a further HRA if the inclusion of those sites would cause their plans to change significantly.” (CDN emphasis)

Moreover, *“although the responsibility for carrying out the further HRA will rest with the LPAs, the third parties who are promoting the alternative sites at the deposit stage will need to provide sufficient information to enable the LPAs to carry out the process. Otherwise, the LPAs will not be able to include the sites in their LDPs when they submit their plans.”*

- 2.16 Inclusion of this relatively small site would not change the LDP significantly. Nevertheless, it is clear from assessing the evidence base that the inclusion of the site would not have any materially different effects upon designated sites than the existing local allocations. There is sufficient protection afforded by the requirements at a planning application stage to ensure this.
- 2.17 It should also be noted that the landowner intends to retain as many trees on and around the site as possible. Around 100 trees have been planted by the owner (and his predecessor) to improve the biodiversity and landscape value of the site and there is no reason to fear the loss of significant number of trees. In any case, assessment and conditions through the planning application process can ensure protection in this regard.

Conclusion

The submitted evidence along with this report explain why the LPA were incorrect to reject the allocation of this site on the grounds of drainage, ecology or access. Moreover their worry about setting a precedent has been shown to be misguided.

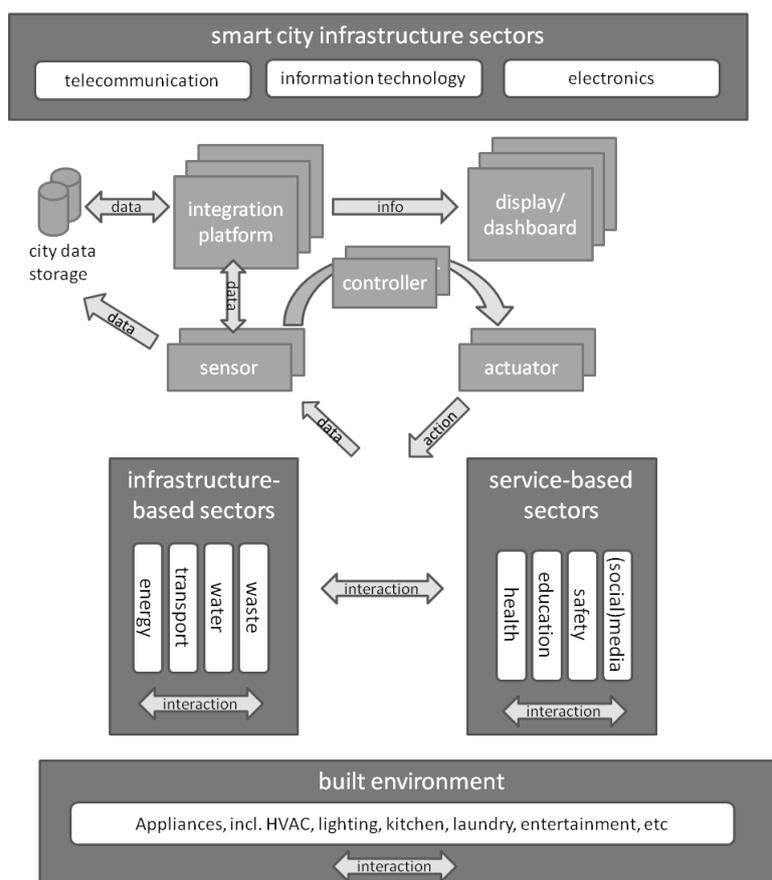
In terms of location and extending Skewen to the west, it should be noted that on the northern side of Crymlyn Road there are the recent new estate developments at Crymlyn Grove, which are proposed to be extended to the north to accommodate more housing. Ultimately, the railway line to the west is now the physical boundary to Skewen and the development of this alternative site would conform to this form of extension to the west. It does not matter that this site is not technically an ‘infill’ site or does not ‘round off’ development, as they are not the sole criteria to be used in assessing potential allocations.

3 A UNIQUE CONCEPT

- 3.1 This development is unique insofar as from the candidate site stage onwards the promoter of the land has been clear that his intentions are to develop a site fit for a sustainable future.

- 3.2 The LDP period takes the LPA more than a third of the way to 2050. Yet there is no clear focus on how NPTCBC and its communities, businesses and residents will begin to reduce greenhouse gas emissions in a realistic manner that meets the Welsh Government’s targets for 2050.
- 3.3 The intention is to develop a site on ‘Smart City’ principles and to provide NG-PON (Next Generation Passive Optical Network) to enable cutting edge information technology to be incorporated. The site and its plots will be developed on BSI PAS¹ standards in order to support Smart City infrastructure.
- 3.4 With increasing population and increasing urbanisation, there are global trends towards implementing Smart City visions. The supporting technology is recognised globally to be crucial to meeting the goal of sustainability. BSI states the ideal scenario for a city is for information to be captured across the area and combined with data analysis to allow resources to be monitored and controlled in real time. This enables good governance, and efficient use of water, energy, traffic control etc. The diagram below from the BSI Smart City series shows the basic components of a Smart City. Our client’s proposal is to fulfil the infrastructure aspects of the smart city by rolling out a state of the art fibre network to each house and relevant street furniture and utilities. Such thinking will enable the city region authorities to integrate the development easily and facilitate their move towards becoming a Smart City as is happening worldwide already. Benefits include support for:
1. A state of the art NG-PON which will support up to 40GB/s.
 2. Support for sustainability features such as smart metering and sensors.
 3. Integration into a smart grid infrastructure such as those recently piloted in Peterborough and being rolled out across England giving support for energy renewables integration across a city. This is a critical component for any local or district energy or heating scheme to be effective.
 4. Support for real-time information access and distribution as these are developed across Wales.
 5. A proposal to work with Future Cities Catapult and offer the site as a test lab for them in their role of UK Government sponsored catalyst for British industry in the Smart City field. Our client has already met with them in the Middle East and discussed their plans as part of his role managing Smart city rollouts there.

¹ British Standards Institute Publically Available Specification. For example BSI PAS 8101:2014 is the “Smart Cities – Guide to the role of the planning and development process” and BSI PAS 181:2014 is the “Smart City Framework – Guide to establishing strategies for smart cities and communities”.



- 3.5 The Swansea Bay City Region approach will surely require collaboration between all economic sectors and will be the perfect opportunity for NPTCBC to encourage technological innovation and carbon efficiency in the context of strategic research (including R & D and academia), industry (including emerging growth sectors such as engineering, renewable energy, IT and advanced technology) and new housing developments.
- 3.6 Wales has goals of become sustainable and “using no more than its fair share of natural resources” – this is a goal that goes beyond the planning system and is ingrained in national legislation and policy.
- 3.7 It is considered that LPAs ought to be identifying and supporting opportunities for specialized hubs and developments which can become self-sufficient, well-planned neighbourhoods and which correspond to the local networks and markets of transport, employment, recreation and living.
- 3.8 It is considered that Maes-y-Gwilog is a perfect fit with the eastern expansions of Swansea, including the continuing redevelopment of the Fabian Way corridor (which links Swansea and NPTCBC), the proposed developments elsewhere on the edge of Swansea and the edge of Skewen and also the Coed Darcy redevelopment. It will be well-located in regard to hubs and nodes such as Swansea Enterprise Park, SA1, Fabian Way, Coed Darcy and to the settlements of Neath and Skewen.

- 3.9 The landowner's intention with the site is to provide live/work units that are available for self-builders. He will install state of the art 40Gb/s (NG-PON) fibre optic infrastructure. He intends the model for the properties to be highly-efficient in terms of energy use and affordability (i.e. not solely 'top-end' or 'grand design' properties, but a true housing mix), which is considered to be a model for the future of developments in the country and in the region.
- 3.10 If the Welsh Government are to meet their 2050 targets for reducing greenhouse gases by 80%, there will need to be a rapid increase in the development of carbon efficient housing being built which utilise Smart City infrastructure and technology.
- 3.11 The Smart City approach at Maes-y-Gwilog will include Wales's first NP-GON infrastructure (the landowner has developed this kind of infrastructure in the Middle East). This will include – or will be future-proofed where it is not yet developable – to support features like:-
- Smart street furniture
 - CCTV
 - Smart feeds for bus-stops.
 - Real time traffic monitoring,
 - Smart Metering supporting local renewable energy to be integrated seamlessly across the Smart grids being rolled out in the UK
 - Future proofed Broadband up to 40GB/s per home/live unit which will be available within this LDP's lifetime.
 - Home management systems
- 3.12 It allows LPAs and developers to co-operate and engage in providing enhanced infrastructure and street furniture which then, in turn, allows for the "Try-Prove-Scale Up" approach for innovating, testing and rolling-out which is proposed by the BSI for Councils across the UK.
- 3.13 There will be synergy with Swansea University, University of Wales Trinity St David and other further education establishments in order to research and test sustainable development using the most modern optical fibre infrastructure that is already increasingly prevalent in new developments elsewhere in the world. The landowner is an expert in Smart Cities and a Director of Atkins, advising multiple new city developments, and sits on the steering group of a project in Saudi Arabia to provide housing for 2.5m people in four new cities by 2030. He is keen to ensure that Wales can claim the UK's first housing site with state of the art support for 40Gb/s FTTX² NG-PON standards. It should be noted that Swansea University and HP have announced a collaboration to explore the development of sustainable next-generation cities, communities and campuses (see Appendix E).

² Fibre to the x (FTTx) is a collective term for various optical fibre delivery topologies that are categorized according to where the fibre terminates (e.g. a local cabinet, to a neighbourhood cabinet or direct to property or business).

3.14 It should be noted that although internet speeds are limited to what the local “exchange” allows, these will continue to be upgraded (it is understood that recent upgrades to the Skewen exchange allow for 1Gb/s speeds). The infrastructure at Maes-y-Gwilog will be future-proofed and be able to provide the maximum speeds offered by the exchange in the future. Moreover, the real cost in capital terms to doing this kind of project is the laying of fibre-optics in brownfield environments, whereas it is far cheaper in greenfield sites. It is also far more expensive to retro-fit ultra-modern technology than to incorporate it from the outset of a development.

3.15 It is envisaged that the development could include academic analysis of these technologies and also real-time thermal monitoring to assist with reducing energy usage. Other vital technologies that would be incorporated into the development would include smart lighting and heating controls from the outset.

3.16 The landowner will market the plots and infrastructure as “Smart” as advised in BSI 8101:2014. This document has been produced by the British Standards Institute, with funding from the Department for Business, Innovation and Skills. Its executive summary (see Appendix F) states that:-

“Smarter cities are essential if the world is to respond effectively to the critical challenges it faces...in the UK, more than eight out of ten of us already live in cities. Yet cities increasingly need to be able to do more with less, to compete in a globally-interconnected economy, and to provide for the well-being of their citizens in a truly sustainable way. In short, to become smarter.”

3.17 It confirms that the UK Government have identified challenges driving change in cities, including:-

- Economic restructuring
- Piecemeal urban infrastructure
- Rising population putting pressure on housing and transport
- Climate change
- Shift towards online entertainment and retail / consumer services
- Ageing populations
- Cuts to local authority budgets

“The Smart City Framework has been developed to bring together good practices in responding to these challenges in an integrated way....the focus is on the enabling processes by which innovative use of technology and data, coupled with organizational change, can help deliver the diverse visions for future UK cities in more efficient, effective and sustainable ways.”

3.18 Traditionally, cities have operated around functional service providers (e.g. energy, waste, water, telecommunications, policing, education, health, housing, and environment) that are unconnected and not necessarily built around user needs. These operations are embedded within “vertically-integrated delivery chains”. i.e. the budget-setting, accountability, decision-making and service delivery for each provider is built around its own functions. Figure A within Appendix F refers.

3.19 However, to compare and contrast, a Smart City approach is set out in page 6 of Appendix F.

- 3.20 It should also be noted that there is considerable local interest in this site. Appendix G shows enquiries from local residents wanting to develop their own self-build plots in the area.
- 3.21 Therefore the proposal for housing at Maes-y-Gwilog will not only be acceptable in terms of its compliance with planning policies – so long as it is included within the settlement of Skewen or allocated for housing – but will be a unique concept. It will not just be a housing estate, but will be targeted at self-builders. It will be highly energy efficient in both construction and operation. It will feature live/work units utilising state of the art fibre optic connections. It will arguably be the only development site in Wales ready for the second half of the 21st Century.

4 MATTERS AND ISSUES

Whether the identification of the alternative site in question is essential to the soundness of the LDP.

- 4.1 We have previously submitted a statement discussing the strategy and the illogical policies and allocations that result, and demonstrated non-compliance with Test of Soundness CE1.
- 4.2 We consider that the LPA have come to flawed assumptions about this site in preparing their LDP. The evidence base shows that this site is capable of being allocated and that it will contribute positively to the LDP strategy and deliver sustainable development.
- 4.3 Analysis of the LDP and its evidence base concludes that the LDP cannot be sound, because the LPA have not adequately or appropriately considered alternatives (i.e. allocating this site) and because the evidence base supports its allocation. By choosing not to allocate the site, the LPA are rendering their evidence base as not being robust and credible.
- 4.4 Therefore we believe the LDP does not meet Test of Soundness CE2.
- 4.5 It is considered that the LDP is not flexible enough to deal with changing circumstances. There is no reliable consideration of the implications of being part of a City Region. It does not set out ways and means to deal with increasing need to address climate change, reduce emissions and deliver truly sustainable development. Sites that encourage and promote sustainability from the outset, and which are designed to meet the future needs and requirements of the area and not just the current situation, should be included, where the location is appropriate for development, to ensure the remainder of the LDP period to 2026 sees NPTCBC well and truly underway in progressing towards the national targets for energy reduction by 2050. This means that Maes-y-Gwilog – a site that will deliver energy efficient buildings, that will be creating social cohesion and that will be ready for ever-changing technological advancements - should be allocated for some of the housing requirements that are identified in the LDP.

Neath Port Talbot County Borough Council Location Development Plan

CDN Planning for Keith Miller (Representor No. 128)

Hearing Statement – Session 17 (Matter 11)

APPENDIX A

ALTERNATIVE SITE SUBMISSION SUMMARY

APPENDIX B

- 1. DESIGN AND ACCESS STATEMENT SUBMITTED WITH PLANNING APPLICATION P2007/0887 “OUTLINE APPLICATION FOR RESIDENTIAL DEVELOPMENT”**
- 2. INSPECTOR’S DECISION ON APPEAL**

Neath Port Talbot County Borough Council Location Development Plan

CDN Planning for Keith Miller (Representor No. 128)

Hearing Statement – Session 17 (Matter 11)

APPENDIX C

EVIDENCE FROM LVW HIGHWAYS

Neath Port Talbot County Borough Council Location Development Plan

CDN Planning for Keith Miller (Representor No. 128)

Hearing Statement – Session 17 (Matter 11)

APPENDIX D

EVIDENCE FROM EARTH SCIENCE PARTNERSHIP

Neath Port Talbot County Borough Council Location Development Plan

CDN Planning for Keith Miller (Representor No. 128)

Hearing Statement – Session 17 (Matter 11)

APPENDIX E

HP AND SWANSEA UNIVERSITY PRESS RELEASE

Neath Port Talbot County Borough Council Location Development Plan

CDN Planning for Keith Miller (Representor No. 128)

Hearing Statement – Session 17 (Matter 11)

APPENDIX F

BSI 8101:2014 EXECUTIVE SUMMARY