

Ein cyf/Our ref: CAS-257890-Z4C4
Eich cyf/Your ref: 2023/0253/OUT

City and County of Swansea
Civic Centre
Oystermouth Road
Swansea
SA1 3SN

Dyddiad/Date: 27 June 2024

Annwyl Syr/Madam/Dear Sir/Madam,

BWRIAD / PROPOSAL: OUTLINE APPLICATION FOR PROPOSED RESIDENTIAL DEVELOPMENT OF UP TO 230 DWELLINGS WITH A MOBILITY HUB, INCORPORATING ACTIVE TRAVEL ROUTES, GREEN INFRASTRUCTURE, DRAINAGE, PLAY AND ASSOCIATED WORKS

LLEOLIAD / LOCATION: LAND AT FAIRWOOD TERRACE, GOWERTON, SWANSEA

Thank you for re-consulting Cyfoeth Naturiol Cymru (CNC)/Natural Resources Wales (NRW) about the above, which we received on 10 June 2024.

We continue to have concerns with the application regarding flood risk and our technical comments are provided below.

We also advise that based on the information submitted to date, conditions regarding European protected species and land contamination should be attached to any planning permission granted and the documents identified below should be included in the approved plans and documents condition on the decision notice. Without the inclusion of these conditions and documents we would object to this planning application.

- **‘Land at Fairwood Terrace, Gowerton: Proposed residential development – Ecological Assessment’ – by Celtic Ecology and Conservation Ltd, dated 10th November 2022, Issue 1**
- **Fairwood Terrace, Gowerton Construction and Environmental Management Plan Persimmon Homes West Wales September 2023**

Flood Risk

The proposal is for a highly vulnerable development of up to 230 dwellings and associated infrastructure. Our Flood Risk Map confirms the site to be partially within Zone C2 of the Development Advice Map (DAM) contained in TAN 15 and the Flood Map for Planning

(FMfP) identifies the application site to be at risk of flooding and falls partially into Flood Zone 2 and 3 (Rivers).

We have reviewed the submitted Technical Note, Ref. 2021s1476, dated 28 May 2024. This details the minor changes made to the flood mitigation scheme to eliminate the area of elevated flooding on the EP Properties land (formerly GBE). The Technical Note advises that EP Properties have purchased the area of land previously owned by GBE.

Our Flood Risk comments in our responses dated 2 May 2023 (Our Ref: CAS-211926-W7J9) and 29 November 2023 (CAS-240132-Z2X2) remain valid other than those below relating to third-party impacts.

The Technical Note advises that a series of additional model runs were undertaken to understand the options for eliminating the impact to the EP Properties land. The options testing concluded that the inclusion of a pond within the flood mitigation area would provide optimal solution (Figure 2 -1). This pond removes all negative impact to the EP Properties land (Figure 4 -1).

We have not reviewed the additional model re-runs, but we are satisfied to accept them as suitable to inform the Flood Consequence Assessment (FCA)/Technical Note. We accept the conclusions outlined in the section 5 summary.

In conclusion, the development still does not comply with TAN15 A1.14 or A1.15 but we acknowledge that the proposed residential buildings are not expected to flood. The development does now comply with A1.12.

European Protected Species

We have reviewed the following information:

- 'Land at Fairwood Terrace, Gowerton: Proposed residential development – Ecological Assessment' – by Celtic Ecology and Conservation Ltd, dated 10 November 2022, Issue 1
- Land at Fairwood Terrace, Gowerton: Ecological Mitigation Strategy, by Celtic Ecology and Conservation Ltd, dated March 2023, Issue 1
- Land at Fairwood Terrace, Gowerton: Ecological Mitigation Strategy, by Celtic Ecology and Conservation Ltd, dated November 2023, Issue 2
- Technical Note: Land at Fairwood Terrace, Gowerton – response to NRW comments on outline application 2023/0253/OUT, dated 22 March 2023
- 'Land at Fairwood Terrace – Design and Access Statement', by Persimmon Homes, dated November 2022, report reference: edp7327_r003b, version number: 003b
- Drawing number edp7327_d035b titled 'GI Parameter' by The Environmental Dimension Partnership, dated 8th November 2022, Revision B
- Drawing number edp7327_d022k titled 'Illustrative Masterplan' by The Environmental Dimension Partnership, dated 7 th November 2022, Revision K

Bats

We note that although no roosting use of any trees on site has been evidenced, a number of mature trees have been assessed as having some bat roosting potential. In addition to this, several bat species were recorded foraging and commuting across the site during transect and static surveys, including common and soprano pipistrelle, noctule, brown long-eared and unclassified myotis bats. Proposals to mitigate any potential impacts of the

development on bats are made within the above ecological report. As such we would advise your Authority to include the document above within the approved documents and plans condition on the decision notice.

- 'Land at Fairwood Terrace, Gowerton: Proposed residential development – Ecological Assessment' – by Celtic Ecology and Conservation Ltd, dated 10th November 2022, Issue 1

We previously noted that there are four mine adits and one mine shaft located underneath a stockpile of material on the south-eastern boundary of the site, and that intrusive investigatory works will be necessary to define the locations of any mine structures and a bat survey of any previously un-surveyed mine structures is undertaken.

We have reviewed and agree with the above technical note that indicates it is highly unlikely that bats could access any underground structures or use the above-ground mine structures for roosting.

Otter

We note that the otter surveys undertaken on this site have not found evidence of otters along the Gors-Fawr Brook in areas near the proposed development site. However, surveys for a separate development nearby resulted in otter observations in 2014 on the brook. In addition, otters have been recorded in the Afon Llan to the north of the site, into which the Gors-Fawr Brook flows. Suitable habitat for commuting, foraging and resting otters exists on and adjacent to the site and therefore we welcome the proposals to mitigate any potential impacts of the development on the species, as detailed within the above ecological report.

However, we also request that the following condition is included within any future decision notice.

Condition 1: Lighting plan

Prior to its installation, full details of lighting shall be submitted to and agreed in writing by the Local Planning Authority. The Lighting Plan should include:

- Details of the siting and type of all external lighting to be used
- Drawings setting out light spillage in key sensitive areas, in particular all retained the vegetation to the south along the railway line; to the north along the Gors-Fawr Brook; and to the east along the proposed wetland park with new swales
- Details of lighting to be used both during construction and operation
- Measures to monitor light spillage once development is operational

The lighting shall be installed and retained as approved during construction and operation.

Justification

A lighting plan should be submitted to ensure lighting details are agreed prior to installation and to reduce the impacts of lighting in the interest of protected species, and their habitats and commuting corridors.

European Protected Species – Legislation and policy

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

- i. The development works to be authorised are for the purpose of preserving public health or safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment;
- ii. There is no satisfactory alternative; and
- iii. The action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in its natural range.

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

Land Contamination

Previous uses of the site noted from historical maps, include, a tinplate works, tip, dismantled railway (western area) and spoil heaps from working the coal seams on the east of the site. We note that the site investigation that has been undertaken is a preliminary report ('Site Investigation Report – Gowerton North – Persimmon Homes West Wales' by Intégral Géotechnique (Wales) Limited, dated March 2022, document reference: 12943/JJ/22/SI), given the limited coverage of the eastern area of the site, owing to the density of broadleaf trees. We agree with the comments in Section 10.5, in that the assumptions in this report are based on one round of groundwater sampling, in a very limited area, excluding the former Fairwood Tinplate works, and that further investigation is needed.

We note that there will be further investigation and we remind the consultant that Land Contamination Risk Management and the Developers' Guide as per this page [Natural Resources Wales / Land contamination](#) should be used to understand and quantify the risk on site. To follow this framework, we recommend that BS 10175:2011 Investigation of potentially contaminated sites - code of practice (+A2:2017) is used for the requirements for sampling density, location, and characterisation of the site.

We would ask for the following conditions to be included on any planning permission granted:

Condition 2 – Land affected by contamination.

No development on land suspected of contamination, shall commence until the following components of a scheme to deal with the risks associated with contamination at the site, has been submitted to and approved in writing by the Local Planning Authority.

1. A preliminary risk assessment which has identified:

- all previous uses

- potential contaminants associated with those uses • a conceptual model of the site indicating sources, pathways, and receptors
- potentially unacceptable risks arising from contamination at the site we note that this has been provided.

2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance, and arrangements for contingency action.

The remediation strategy and its relevant components shall be carried out in accordance with the approved details.

Justification

To ensure the risks associated with contamination at the site have been fully considered prior to commencement of development as controlled waters are of high environmental sensitivity; and where necessary remediation measures and long-term monitoring are implemented to prevent unacceptable risks from contamination.

Condition 3 – Contamination Verification Report

Prior to the occupation, a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved in writing by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include a long-term monitoring and maintenance plan for longer-term monitoring of pollutant linkages, maintenance, and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be carried out in accordance with the approved details.

Justification

To ensure the methods identified in the verification plan have been implemented and completed and the risk associated with the contamination at the site has been remediated prior to occupation or operation, to prevent both future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

Condition 4 – Long Term Monitoring Plan

Prior to the occupation, a long-term monitoring plan for land contamination shall be submitted and approved in writing by the Local Planning Authority. The long-term monitoring plan should include:

- Details of the methods and triggers for action to be undertaken
- Timescales for the long-term monitoring and curtailment mechanisms e.g., a scheme of monitoring for 3 years unless the monitoring reports indicate that subsequent monitoring is or is not required (for x years)
- Timescales for submission of monitoring reports to the LPA e.g., annually
- Details of any necessary contingency and remedial actions and timescales for actions
- Details confirming that the contingency and remedial actions have been carried out. The monitoring plan shall be carried out in accordance with the approved details, within the agreed timescales.

Justification

A land contamination long term monitoring plan should be submitted prior to occupation or operation, to ensure necessary monitoring measures are approved to manage any potential adverse impacts as a result of development on water quality.

Condition 5 – Unsuspected Contamination

If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until a remediation strategy detailing how this unsuspected contamination shall be dealt with has been submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall be carried out as approved.

Justification

To ensure the risks associated with previously unsuspected contamination at the site are dealt with through a remediation strategy, to minimise the risk to both future users of the land and neighbouring land.

Condition 7 – Piling

No development or phase of development shall commence until details of piling or any other foundation designs using penetrative methods sufficient to demonstrate that there is no unacceptable risk to groundwater have been submitted to and approved in writing by the Local Planning Authority. The piling/foundation designs shall be implemented in accordance with the approved details.

Justification

Piling/foundation details should be submitted to ensure there is no unacceptable risk to groundwater during construction and methods/design are agreed prior to the commencement of development or phase of development.

For land affected by contamination we recommend that you should:

1. Follow the risk management framework provided in Land contamination risk management (LCRM)

2. Refer to 'Land Contamination: a guide for developers (WLGA, 2017) for the type of information that we require to assess risks to controlled waters from the site. The Local Authority can advise on risk to other receptors, such as human health.

3. Refer to the Environment Agency's (2017) 'Approach to Groundwater Protection'

Grouting

We also note from the Design and Access Statement ('Land at Fairwood Terrace – Design and Access Statement', by Persimmon Homes, dated November 2022, report reference: edp7327_r003b, version number: 003b) that mine adits and shafts are to be located. If the mineshafts are to be grouted to provide stability, the following should also be considered:

1. Vulnerability Survey

Identify all surface and groundwater features and users in the vicinity of the site including old or existing mine adits and mine-workings, drains and culverted features. In addition, all relevant historic documents held by the appropriate local planning authority should be used to identify any natural or man-made structures beneath or in the vicinity of the site. It is important for a walk-over survey to be carried out to validate the vulnerability survey and identify any features not included in the formal records, i.e., disused adits or mine workings etc.

To notify abstractors in case of grout break-out licensed surface water abstractions and private water supplies downstream of a site need to be identified. For a main river this would typically be a few km's; NRW can supply this information. See also 1.4 "Management".

2. Procedure • Location of the area to be grouted.

- Check area against vulnerability survey and historic land-use records.
- Nature of any structures to be grouted, cavities in the sub-strata, mine-workings etc.
- Is grouting to take place above or below the water table? • Method of grout injection, i.e., as part of an inner/outer "curtain" or individual injection boreholes etc.
- Type of grout to be used, i.e., ratio of cement, water, other material (e.g., PFA) - this should take into consideration whether grouting is to take place above or below water table.
- Thixotropy of the grout, i.e., how far will the grout extend into the cavity when injected. Again, this should take into consideration whether the works are above or below water table.
- Duration of grouting works.
- How much grout is to be injected into both individual points and as a total quantity.

3. Monitoring

- Identification of sites grouting material could emerge, i.e., adits/drains into water courses etc.
- Proposals for monitoring such features during the work, i.e., which ones, frequency of monitoring.
- Confirm details of monitoring with Natural Resources Wales local Environmental Protection Officer prior to the commencement of workings.

- Agree suitable mitigation measures with the local Environmental Protection Officer should any impact on any feature occur during to the workings.

4. Management

- Keep daily records of the following:
- Review previous days grouting operations (where grouted, how much grout used etc).
- Location of areas to be grouted.
- Boreholes used for grouting. •
- Times of injection into each borehole. •
- Quantities of grout to be injected into each borehole (both projected and actual).
- Records if quantity of grout "lost" in a borehole.
- Pressure used in grouting at a borehole.
- Type of grout used. • Review of monitoring.
- Details of any breakouts of any grout. • Details of any clean-up of grout at monitoring sites.
- Reporting of information needs to be agreed with NRW prior to the commencement of workings.
- In cases of an unpredicted loss of grout, emergency procedures should be agreed with NRW to include an increase in the frequency of monitoring of any identified surface water features.
- Notification of the local Environmental Protection Officer should either any outbreak or an unpredicted loss of grout occurs
- Notification of identified downstream surface water abstractors in the event of an emergency, i.e., if there was any outbreak of grout into a surface watercourse Depending on the type of grout used on site, an Environmental Permit may be required – please contact our Permitting team for more advice and permit application requirements.

Surface water Drainage

We advise an informative is included on any decision notice informing the applicant to obtain the approval of the SuDS Approving Body (SAB) for their management of surface water.

We advise that infiltration of surface water drainage into the ground should only be permitted for parts of the site where it has been demonstrated there is no resultant unacceptable risk to controlled waters. This should be informed by the applicant's existing ground investigations and/or remediation strategy. If this is not properly controlled, the development may create pathways for pollution to controlled waters.

Waste

The treatment and disposal of contaminated soils and groundwater is regulated by waste legislation and requires an environmental permit.

Excavated materials that are recovered via a treatment operation can be re-used on-site under the CL: AIRE Definition of Waste: Development Industry Code of Practice. This voluntary Code of Practice provides a framework for determining whether excavated material arising from site during remediation and/or land development works are waste. Developers should ensure that all contaminated materials are adequately characterised both chemically and physically, and that the permitting status of any proposed-on site operations

are clear. If in doubt, Natural Resources Wales should be contacted for advice at an early stage to avoid any delays.

Foul Drainage

We note from the draft application form and Drainage Strategy ('Technical Note – Drainage Strategy – Gowerton – Persimmon Homes West Wales' by Phoenix Design Partnership Limited, undated) that it is your intention to connect to the foul sewer, and for surface water to be disposed of to a sustainable drainage system.

As you may be aware, since 2007, issues have come to light regarding the foul and surface water drainage networks in this area. This has resulted in additional pollution and nutrient loading spilling to the Burry Inlet. As such, a Memorandum of Understanding (MOU) has been prepared to enable development in this area to go forward.

Protection of the water environment is a material planning consideration, and the Local Planning Authority must be satisfied that the proposed method of foul and surface water drainage from the proposal will not cause any detriment to water quality.

We note from the submitted application form that foul drainage from the proposed development will be connected to the main sewerage system which is the preferred and most sustainable method of foul water disposal. However, to accord with the terms and content of the MOU, foul connections should only be allowed when compensatory surface water removal or suitable improvement scheme has been implemented within the same catchment.

The relevant details must then be recorded on the LPA's register of compensatory surface water disposal.

Regarding surface water disposal, it is imperative that no surface water is allowed to enter the sewerage infrastructure. This is to avoid hydraulic overloading of the sewerage system. To fulfil the requirements of Section 8.5 of Technical Advice Note (TAN) 15 Development and Flood Risk, surface water run-off should be dealt with by way of a Sustainable Drainage System (SUDS), to attenuate flows and prevent an increased risk of flooding in the catchment.

Construction Environmental Management Plan (CEMP)

We have reviewed the following document Fairwood Terrace, Gowerton Construction and Environmental Management Plan Persimmon Homes West Wales, dated September 2023. We note that with regard to Pollution incidents to the Gors Fawr Brook that an area specific silt mitigation will be designed as part of the earthworks Method Statement process, and that consultation is to be undertaken with an environmental advisor during this process. We would welcome the opportunity to review this document. Please note this should be produced in line with measures outlined in [GPP5](#).

We note that the CEMP does not state any distance away from a watercourse for refuelling. We request that any refuelling or lubrication of machinery is done a minimum of 10m away from any watercourse and is carried out on a hardstanding area with the use of drip trays.

We also note that bunding capacity should be able to contain 110% of the largest container being stored within the storage area, we advise that this is specified within the CEMP.

With regard to herbicide treatment to invasive species, we advise that glyphosate works should be undertaken during dry weather conditions to avoid runoff, and that stem injection should be used in areas close to the river to avoid causing pollution to the marine waterways.

There is also advice available on our website here: [Natural Resources Wales / Japanese knotweed: what you need to know](#)

Once the changes have been made to the CEMP as indicated above, we would ask that this document is then included in the approved plans and documents condition on the decision notice as advised above.

Other Matters

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

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

If you have any queries on the above, please do not hesitate to contact us.

Yn gywir / Yours faithfully

Lisa Jones

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Croesewir gohebiaeth yn Gymraeg a byddwn yn ymateb yn Gymraeg, heb i hynny arwain at oedi. / Correspondence in Welsh is welcomed, and we will respond in Welsh without it leading to a delay.