

17 October 2019
Our ref: SIG/CW/SBA/2982/01/24503

Permit Receipt Centre
Natural Resources Wales
Cambria House
29 Newport Road
Cardiff
CF24 0TP

Dear Sir/Madam

Cwmrhydyceirw Quarry - Transitional water resources licence application

Please find enclosed an application for a water resources licence for dewatering activities at Cwmrhydyceirw Quarry, Morriston, Swansea under the transitional provisions set out in The Water Abstraction (Transitional Provisions) Regulations 2017. The site is operated by SI Green UK Limited and the application is submitted on behalf of SI Green UK Limited.

The application comprises a report with the completed application form provided at Appendix A to the report. The report, figures and Appendices B to I comprise the supporting information. A hard copy of the application report is enclosed with this letter together with an electronic version of the application on a USB flash drive.

The application is for a transfer licence and we understand from the Natural Resources Wales abstraction charging scheme 2019/20 that the application fee is £1,500. We have enclosed a cheque for this amount with the application.

We trust that the application meets with your approval. We look forward to receiving your written confirmation that the application has been received and validated. Please do not hesitate to contact us if you have any queries or need any further information.

Yours faithfully



Jo Congo

cc P Cominetta, SI Green (UK) Limited (by e-mail)
A Vivarelli, SI Green (UK) Limited (by e-mail)

Encs Application report (completed application form provided at Appendix A)
Electronic copy of the application report on USB flash drive
Cheque (£1,500)



Technical advisers on environmental issues

**AN APPLICATION FOR A WATER RESOURCES
LICENCE FOR DEWATERING ACTIVITIES AT
CWMRHYDYCEIRW QUARRY, MORRISTON,
SWANSEA UNDER THE TRANSITIONAL PROVISIONS
SET OUT IN THE WATER ABSTRACTION
(TRANSITIONAL PROVISIONS) REGULATIONS 2017**

Report reference: SIG/CW/SBA/2982/01F
October 2019

Baddesley Colliery Offices, Main Road, Baxterley, Atherstone, Warwickshire, CV9 2LE
Tel. (01827) 717891 Fax. (01827) 718507

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APPENDICES

Appendix A	Natural Resources Wales Application form WRH
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This report has been prepared by MJCA with all reasonable skill, care and diligence, and taking account of the Services and the Terms agreed between MJCA and the Client. This report is confidential to the client and MJCA accepts no responsibility whatsoever to third parties to whom this report, or any part thereof, is made known, unless formally agreed by MJCA beforehand. Any such party relies upon the report at their own risk.

1. Introduction

- 1.1** MJCA are commissioned by SI Green UK Limited to prepare an application to Natural Resources Wales (NRW) for a new abstraction licence for a previously exempt abstraction at Cwmrhydyceirw Quarry Landfill, Morriston, Swansea. The application is for one transfer licence. This application is made under the Water Abstraction (Transitional Provisions) Regulations 2017 which came into force on 1 January 2018.
- 1.2** The application has been prepared with reference to relevant guidance provided by NRW on the naturalresourceswales.gov.uk website. The application comprises completed form '*WRH: Application for a transitional water resources licence*' presented at Appendix A. Supporting information to the application is presented in this report and at Appendices B to I.
- 1.3** Cwmrhydyceirw Quarry Landfill is approximately centred at National Grid Reference (NGR) SS 66473 99316 adjacent to the northern end of the Morriston, Swansea. Cwmrhydyceirw Quarry Landfill is a former sandstone quarry. It is understood that quarrying operations ceased in 1979, landfilling commenced at the site in 1985 and no waste has been deposited at the site since 1991. Between 1985 and 1991 it is understood that approximately 106,000m³ of waste was deposited at the site including domestic, commercial and dry industrial waste together with filter cake waste, sludges, liquid waste, waste oils and incinerator residues. The site is the subject of Environmental Permit (EP) reference EPR/TP3835LV issued by the Environment Agency Wales on 9 December 2008 for the disposal of non hazardous waste in a landfill. Although the permit has been varied on two occasions since it was issued the site has not been developed as a non-hazardous waste landfill.
- 1.4** On 11 January 2018 planning permission was granted at appeal for 'Proposed cessation of Landfill and other Operations Enabled by Residential Development Circa 300 Dwellings, Public Open Space, Associated Highway and Ancillary Works (Outline) on land at Parc Ceirw, Cwmrhydyceirw Quarry, Swansea'. A copy of the planning permission is provided at Appendix B. As part of the development and notwithstanding that the site has not been developed as a non-hazardous waste landfill pursuant to the EP, an application to vary the EP to progress the site into definite closure was submitted to NRW on 30 November 2018. An application to

partially surrender the EP in respect of the majority of the non landfill areas at Cwmrhydyceirw Quarry Landfill was submitted to NRW on 12 December 2018.

- 1.5** The site layout is presented on Figure 1. Consent is provided in the EP for the discharge of water from the site to Cwmrhydyceirw Stream at the location shown on Figure 1. As part of the residential development the location of the discharge will change as shown on Figure 2.
- 1.6** Details of the application including the abstraction which will be subject to the transfer licence are presented in Section 2 of this report. Where further information is required to support the responses provided in the application form this information is presented in Section 3 of this report.

2. Application

- 2.1** As the base of Cwmrhydyceirw Quarry is below rest groundwater level, groundwater is controlled by pumping from a groundwater and surface water sump in the eastern area of the quarry. The sump comprises an unlined excavation. Surface water incident to the quarry void and the area of the site to the south east of the quarry void drains to the groundwater and surface water sump. In this application, water pumped from the sump is considered to be groundwater and the surface water component is incidental only.
- 2.2** From 2011 to 2015 of the qualifying period, water from the sump was pumped to sewer together with leachate pumped from a leachate collection sump located in the east of the landfill area. The discharge to sewer is the subject of a Consent to discharge trade effluent to the public foul water sewer issued by Welsh Water Authority in March 1988 presented at Appendix C. The discharge of leachate to sewer is the subject of emissions limits set out in Table S4.4 of the EP. EP variation reference EPR/TP3835LV/V003 was issued in April 2015 for the discharge of water from the sump to Cwmrhydyceirw Stream to the south east of the quarry. A copy of EP variation reference EPR/TP3835LV/V003 is provided at Appendix D. The approximate location of the discharge point to the Cwmrhydyceirw Stream is shown on Figure 1. The Cwmrhydyceirw Stream confluent with the River Tawe approximately 1.1km south east of the discharge point.
- 2.3** The quality of the water discharged to the Cwmrhydyceirw Stream is controlled by emission limits for a number of parameters as specified in Table S4.3 of the EP for the site (Appendix D). The emission limits have been determined based on a risk assessment of the impact of the discharge of groundwater and surface water from Cwmrhydyceirw Quarry on water quality in the River Tawe at the point where the Cwmrhydyceirw Stream meets the River Tawe and are the subject of the contingency action plan set out in surface water management plan¹ for the site. The contingency action plan shows that in the event that a compliance limit is exceeded water from the sump will be discharged to the sewer until concentrations fall below the

¹ MJCA. 2014. Cwmrhydyceirw Quarry Non-Hazardous Landfill Site Surface Water Management Plan. Report reference SIG/CW/DFR/1392/01/SW dated April 2014.

compliance limit. The agreed action plan is provided at Appendix E together with NRW Compliance Assessment Report (CAR) comprising approval of the action plan. A schematic diagram showing the pipeline infrastructure relevant to the discharge from the site is shown on Figure 3. The diagram includes the location of the meter monitoring discharge from the sump together with a valve showing that water from the sump can be diverted to the sewer.

- 2.4** As part of the residential development it is proposed that the location of the discharge will change as shown on Figure 2. The contingency action plan will still apply to the revised discharge arrangements.

3. Supporting information

- 3.1** This section of the application provides further information to support the responses provided in the NRW application form presented at Appendix A.

Form WRH – Section 4.2 – What is your connection to the land where the abstraction takes place?

- 3.2** The abstraction takes place within the land owned by SI Green UK Limited and within the boundary of Environmental Permit reference EPR/TP3835LV (Appendix D) as shown on Figure 1.

Form WRH – Section 4.3 – Do you have a legal right to the land where the abstraction takes place.

- 3.3** See Section 3.2 above.

Form WRH – Section 7.1 – Site map

- 3.4** As the abstraction comprises an unlined excavation an area of abstraction is provided. The area of abstraction is defined on Figure 1.

Form WRH – Section 7.2 - Please tell us details about the location(s) you abstract water from(point reaches, or areas) in the tables below

- 3.5** As discussed in Section 2, water pumped from the sump is considered to be groundwater and the surface water component is incidental only. On this basis, Table 7.1 of the application form (surface water abstractions) has not been completed. Four 12-digit National Grid References (NGR) are provided in Table 7.2 in four separate rows comprising the corners of the abstraction area with the NGR in the first row comprising the north western corner, the NGR in the second row comprising the north eastern corner, the NGR in the third row comprising the south eastern corner and the NGR in the fourth row comprising the south western corner of the abstraction area (Figure 1). The area of abstraction comprises the unlined excavation in which the sump is located. The abstraction point in the sump is marked on Figure 1 as point A. Point A represents a float switch pump which is set to turn the pump on when the water level in the sump exceeds 32 metres above Ordnance Datum (mAOD). The

abstraction area allows for movement of the abstraction point within the sump. The approximate NGR of point A shown on Figure 1 is 266553 199267.

- 3.6** The overall depth and the area of the unlined excavation are based on the edges of the feature as shown in survey data for the site. The area of abstraction and topographical survey of the site are shown on Figure 1. It is understood that the lowest level of the base of the sump is at approximately 28.8mAOD. The level of the edge of the abstraction area defined on Figure 1 is at approximately 37mAOD. The depth of the sump presented in Table 7.2 is calculated as approximately 8m. The area of abstraction presented in Table 7.2 is approximately 2300m².
- 3.7** As the level of the sump is maintained by a float switch pump the water level recorded in the sump is consistently at 32mAOD or lower. Water levels may temporarily rise above 32mAOD during periods of heavy rainfall. It is necessary that the water level in the sump is maintained below the level of the edge of the sump to prevent flooding of the landfill area. As such the rest water level in the sump is not known.
- 3.8** A cross section through the site, including the sump, is presented on Figure 4.

Form WRH –Section 8.1 - Please complete table 8.1 to document that the abstraction(s) and transfer(s) has or have been taking place during the qualifying period.

- 3.9** From 2011 to 2015 water from the sump was discharged to foul sewer as set out in Section 2 of this report. A copy of Welsh Water Authority Consent to the discharge of trade effluent to the public foul water sewer dated March 1988 is presented at Appendix C. Since April 2015, when EP variation notice EPR/TP3835LV/V003 was issued, water from the sump has been discharged directly to Cwmrhydyceirw Stream to the south east of the quarry. A copy of EP variation notice EPR/TP3835LV/V003 permitting the discharged directly to Cwmrhydyceirw Stream is provided at Appendix D. As set out in Section 2 of this report, the quality of the water discharged to the Cwmrhydyceirw Stream is controlled by emission limits for a number of parameters as specified in Table S4.3 of the EP for the site. In the event that a compliance limit is exceeded water from the sump is discharged to the sewer until concentrations fall below the compliance limit (Appendix E).

3.10 Meter readings taken approximately weekly have been provided by SI Green UK Limited from which discharge volumes have been calculated. The maximum yearly abstracted volumes in Table 8.1 are taken from the meter readings. The daily discharge volumes are calculated as the average volume per day over the meter reading intervals with the daily maximum volumes comprising the maximum calculated average volume per day over the year. The hourly maximum abstraction volume is calculated from the daily maximum volumes assuming the pump is running 24 hours per day. The pump specification has been used to determine the peak instantaneous flow rate.

3.11 The meter readings and associated calculated abstraction volumes are presented at Appendix F. The pump specification is provided at Appendix G.

Form WRH – Section 8.4 – Please provide a detailed description of how the abstraction(s) have taken place

3.12 Figure 1 shows the abstraction point A in the sump and the transfer of the abstracted water offsite to discharge point D. A schematic diagram showing the pipework is shown on Figure 3. A cross section through the site is provided at Figure 4.

3.13 The pump comprises a submersible Flygt B2125 MT 400V 3PH 8.0KW Cast iron pump with 3" connections out of the pump controlled by a float switch. The specification for the pump is provided at Appendix G.

3.14 The discharge from the sump is measured with a meter near to the discharge point. Photographs of the pump set up in the sump, the meter, the discharge pipework in proximity to the meter and the discharge to the Cwmrhydyceirw Stream are provided at Appendix H.

Form WRH – Section 9.1 - Please provide details on any discharge of abstracted water in table 9.1 below and on the map used to show abstraction locations.

3.15 As discussed in Section 2 of this report, from 2011 to 2015 water was discharged from the sump to the sewer, and from 2015 onwards to Cwmrhydyceirw Stream. The current discharge location to Cwmrhydyceirw Stream is recorded in Table 9.1 and shown on Figure 1. The total volume to be discharged is provided as the maximum

annual volume discharged to Cwmrhydyceirw Stream during the qualifying period which is approximately 155,650m³ in 2016.

Form WRH – Section 9.2 - Please provide a description of discharge structures and equipment.

- 3.16** The agreed action plan provided at Appendix E summarises the pipeline infrastructure relevant to the discharge from the site. A schematic diagram is also provided at Figure 3 and photographs of the discharge structures and equipment at Appendix H.

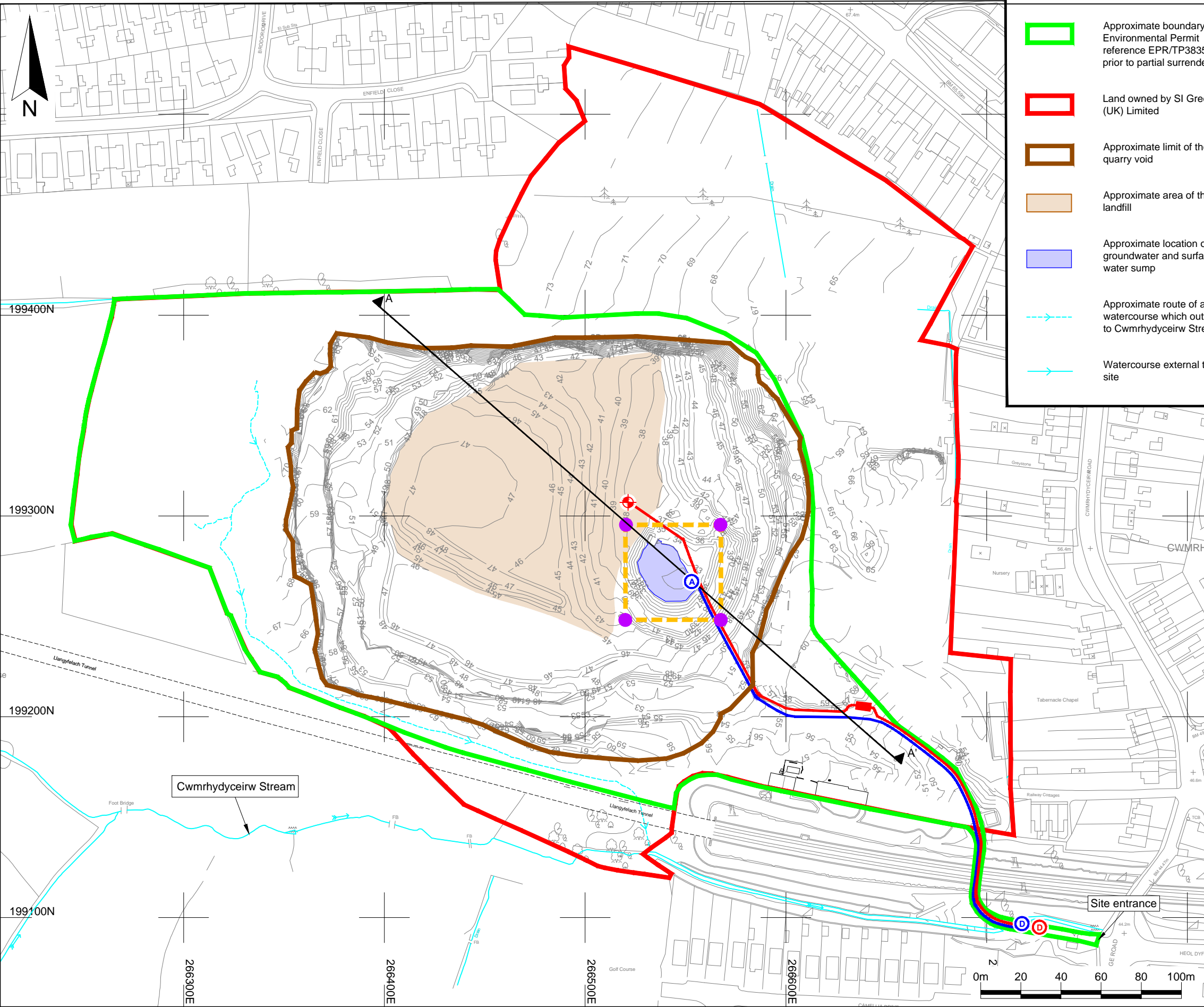
Form WRH – Section 14 - Complete table 14.1 below and provide details of any planning permissions or advice associated with the abstraction you are applying to have licensed where relevant. Provide a copy of any permissions or advice providing a reference for this document below.

- 3.17** The original planning permission issued for the site in 1985 is provided at Appendix I and the current planning permission committee report and decision letter at Appendix B. Condition 3 of the 1985 planning permission is in relation to the drainage of the quarry including groundwater. Management of groundwater and future maintenance of the pumping infrastructure are the subject of conditions of the Section 106 associated with the current planning permission.

Form WRH – Section 16 – Tell us when you wish your abstraction licence to end

- 3.18** The abstraction licence is required in perpetuity in line with the provision, management and future maintenance of infrastructure associated with the control of groundwater as outlined in the planning permission and associated conditions in paragraphs 13 and 14 of the Section 106 (Appendix B).

FIGURES



Key / Notes



Approximate boundary of Environmental Permit reference EPR/TP3835LV prior to partial surrender



Land owned by SI Green (UK) Limited



Approximate limit of the quarry void



Approximate area of the landfill



Approximate location of the groundwater and surface water sump



Approximate route of a watercourse which outfalls to Cwmrhydyceirw Stream



Watercourse external to the site



Contours (mAOD)



Approximate route of leachate discharge pipe to foul sewer



Approximate location of the existing leachate holding tank



Approximate route of the water discharge pipe to foul sewer or Cwmrhydyceirw Stream



Approximate location of the discharge to the Cwmrhydyceirw Stream



Approximate location of the discharge to sewer



Approximate location of a leachate sump



Approximate location of the water abstraction point



Boundary of abstraction area



Corner of abstraction area



Location of cross sections

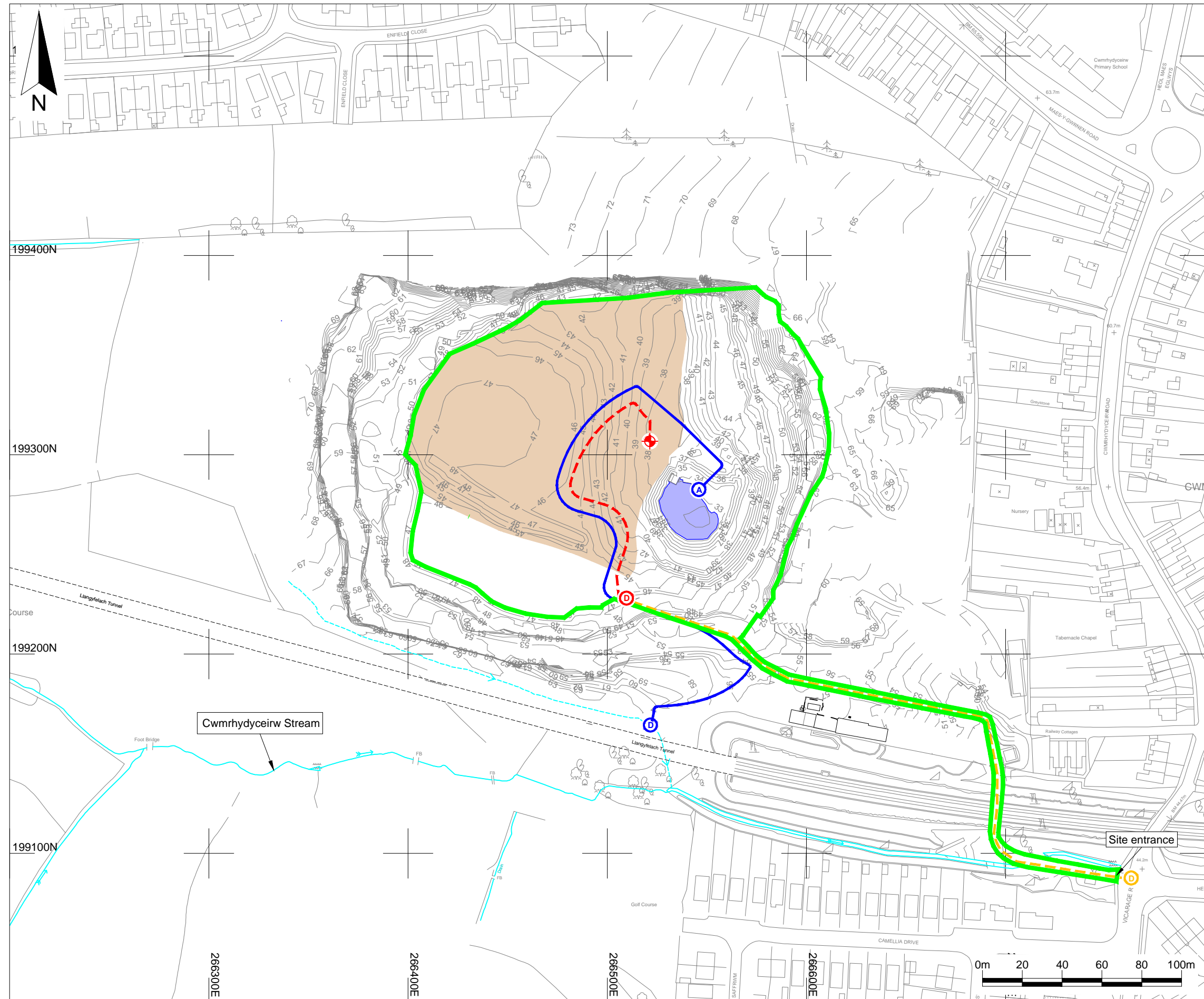
Note:
Survey data based on MJCA drawing reference
SIG/CW/11-10/15838

	Final	HM	SBA	JRC	17/10/19
Rev	Status	Drn	App	Chk	Date

Site	CWMRHYDYCEIRW QUARRY LANDFILL
Client	SI Green (UK) Ltd
Title	Site layout

Figure 1	Scale 1:2,000@A3
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Drawing Ref
SIG/CW/10-19/21440
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Key / Notes

- Approximate of boundary of Environmental Permit reference EPR/TP3835LV following partial surrender
- Approximate area of the landfill
- Approximate location of the sump
- Approximate route of a watercourse which outfalls to Cwmrhydyceirw Stream
- Watercourse external to the site
- Contours (mAOD)
- Approximate route of the proposed leachate pipework (based on drawing reference 13169-204D)
- Approximate route of the proposed water discharge pipe to Cwmrhydyceirw Stream (based on drawing reference 13169-204D)
- Approximate route of the proposed leachate pipework and discharge point to sewer prior to the installation of the foul sewage system at the site as part of the built development
- Approximate location of the discharge to the Cwmrhydyceirw Stream
- Approximate location of a leachate sump
- Approximate location of the water abstraction point
- Approximate location of the proposed discharge point to a sewer which will be under the control of Welsh Water

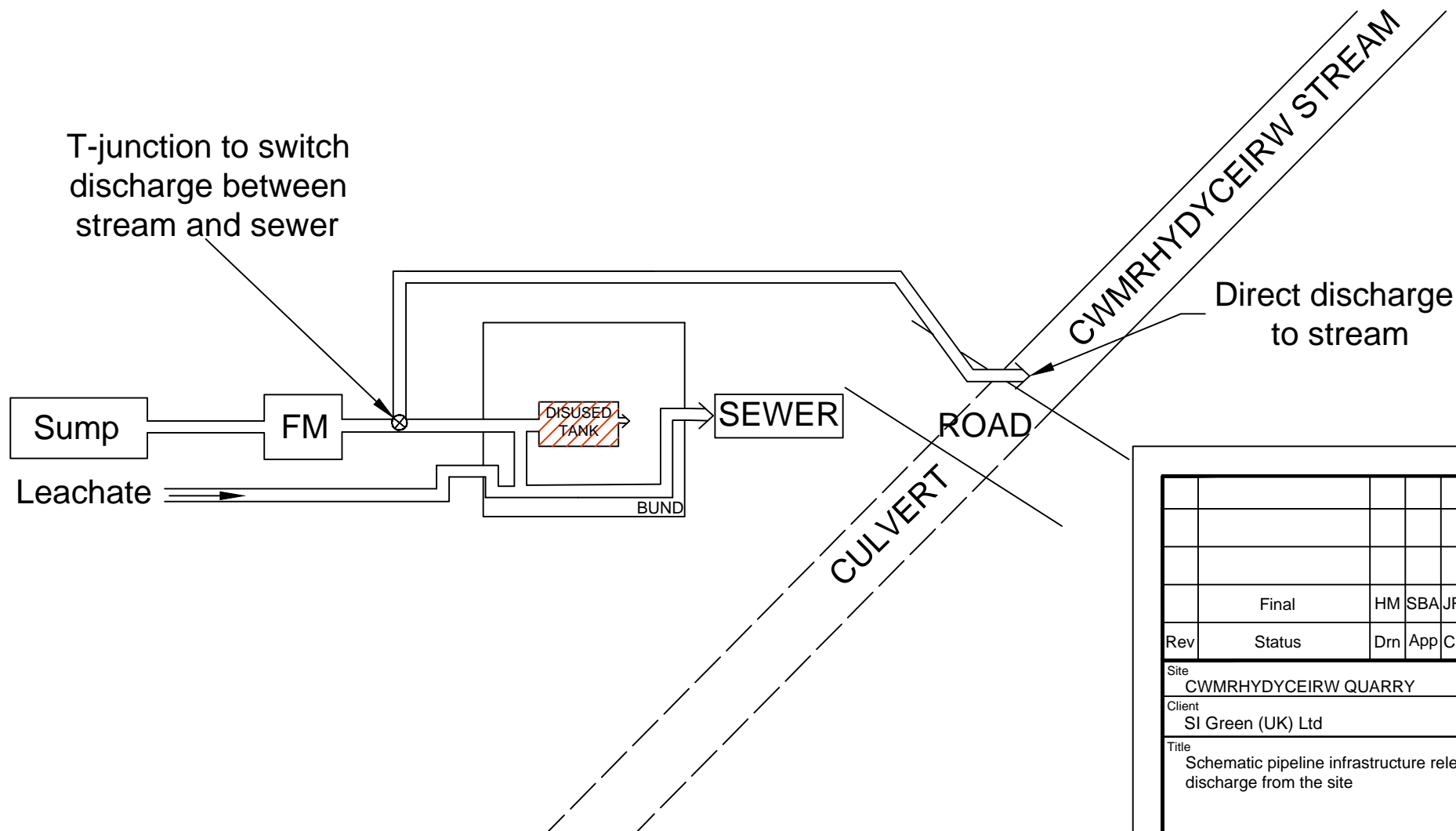
Note:
Survey data based on MJCA drawing reference SIG/CW/11-10/15838

	Final	HM	SBA	JRC	17/10/19
Rev	Status	Drn	App	Chk	Date

Site	CWMRHYDYCEIRW QUARRY LANDFILL
Client	SI Green (UK) Ltd
Title	Proposed discharge arrangements as part of the built development

Figure 2	Scale 1:2,000@A3
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Drawing Ref
SIG/CW/10-19/21442
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⊗ = Valve
FM = Flow meter

	Final	HM	SBA	JRC	17/10/19
Rev	Status	Drn	App	Chk	Date

Site
CWMRHYDYCEIRW QUARRY

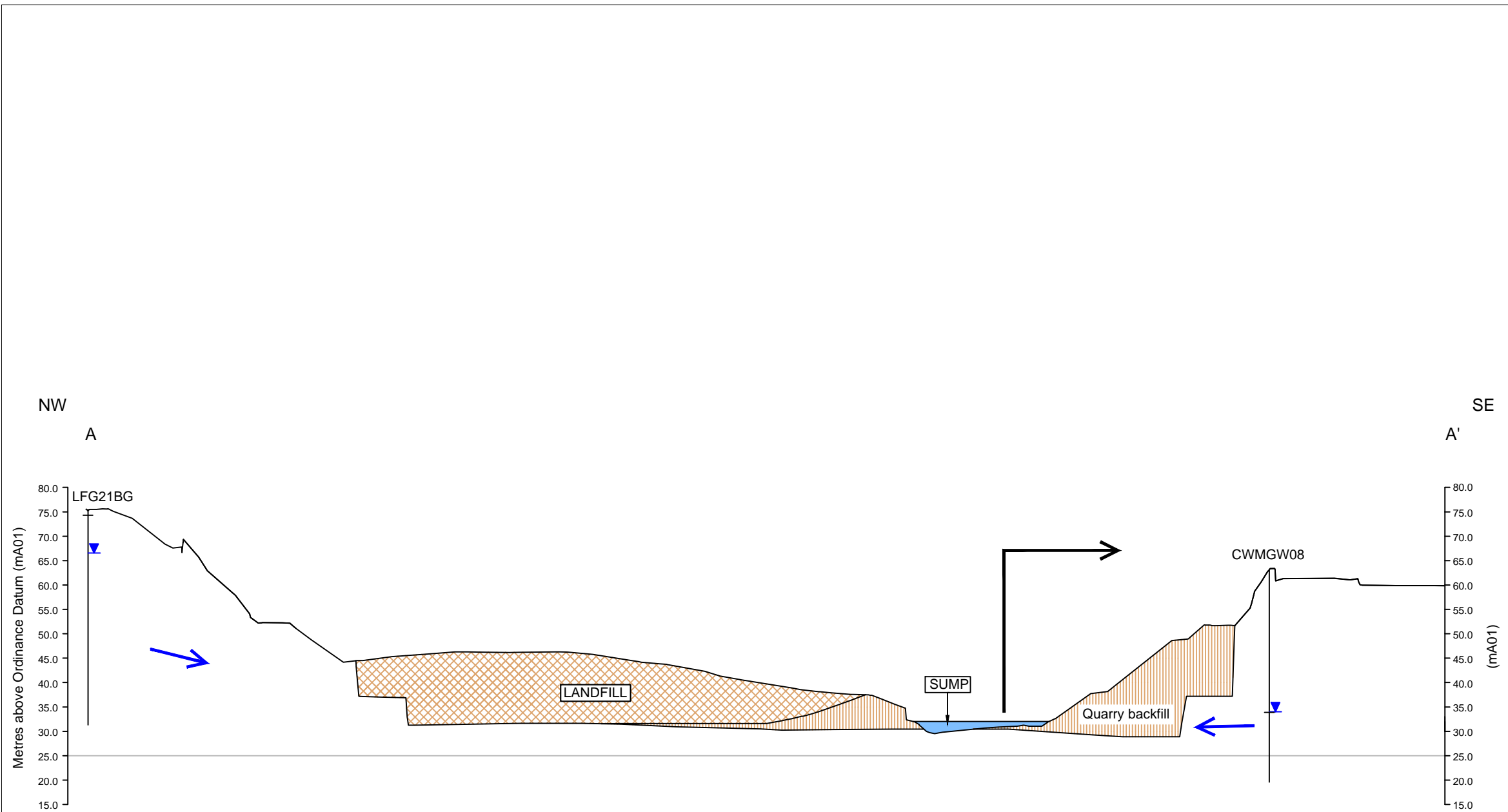
Client
SI Green (UK) Ltd

Title
Schematic pipeline infrastructure relevant to the discharge from the site

Figure 3
Scale
Not to scale

Drawing Ref
SIG/CW/10-19/21441

MJCA
Technical advisers on environmental issues
Baddesley Colliery Offices,
Main Road, Baxterley, Atherstone,
Warwickshire, CV9 2LE.
Telephone : 01827 717891
Fax : 01827 718507



Scale 1:1000H
1:1000V

Key / Notes

- Groundwater monitoring borehole
- Response zone
- Groundwater level recorded in April 2013
- Groundwater flow towards the sump
- Water discharged from the sump

Notes:
Based on model references SIG-CW-12679.LSS
Topographical survey carried out by MJCA on 3 June 2010, SIG-CW-10026revA.LSS - Base of Quarry, SIG-CW-10058revA.LSS - Top of Quarry Backfill.

The locations of the cross sections are shown on drawing reference SIG/CW/08-19/21440.

With the exception of borehole LFG21BG the boreholes are projected on to the lines of section.

The groundwater levels recorded in April 2013 are similar to average groundwater levels recorded across the site.

The base of the dewatering lagoon has been modelled to a uniform level of 28.8mAOD consistent with Figure 3.3 - Geological cross section of the 2005 HRA.

	Final	HM	SBA	JRC	17/10/19
Rev	Status	Drn	App	Chk	Date

Site
CWMRYHDYCEIRW QUARRY

Client
SI Green (UK) Ltd

Title
Cross section through the site

Figure 4
Scale
1:1,000@A3

Drawing Ref
SIG/CW/10-19/21443

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MJCA
Baddesley Colliery Offices,
Main Road, Baxterley, Atherstone,
Warwickshire, CV9 2LE.
Telephone : 01827 717891
Technical advisers on environmental issues Fax : 01827 718507

APPENDICES

APPENDIX A

NATURAL RESOURCES WALES APPLICATION FORM WRH



Fill in this form if you are applying for a transitional water resources licence to continue a previously exempt abstraction.

This form is available in both English and Welsh.
Please check that this is the latest version of the form available from our website before submitting your application.

Please ensure you use Guidance Note WRH to help you.

All relevant guidance documents can be found on our website.

Contents

1 Application type and fee

2 Applicant and agent details
3 Site name
4 Entitlement to apply
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10 Eel considerations
11 Trickle irrigation
12 Planned abstractions
13 Other abstractions
14 Planning permissions
15 Environmental Impact Assessment
16 Licence duration
17 Application checklist

1. Application type and fee

1.1 Please select your application type from the list below.

A new transitional water resources full abstraction licence for a previously exempt abstraction ☐

A new transitional water resources transfer licence for a previously exempt abstraction ☒

A variation to an existing full abstraction licence to add a previously exempt abstraction ☐

A variation to an existing transfer licence to add a previously exempt abstraction ☐

1.2 Please indicate the amount and how you wish to pay your application

Amount paid

Cheque ☒

Credit or debit card ☐

BACS transfer ☐ BACS reference number

2 Applicant and agent details

This is the individual or organisation any resulting licence will be issued to, and must be a legal entity. If you are an agent acting on behalf of an applicant, provide their details here and yours in section 2.2.

2.1 Applicant details

Individual ☐ Public body ☐

Registered company ☒ Organisation or group of individuals ☐

Other ☐ If 'Other', please specify

Title

First name	
Last name	
Company, charity, body, or trading name (if relevant)	SI GREEN UK LIMITED
Registered company or charity number (if relevant)	02777304
Address	C/O Harris Bassett
	5 Llys Felin Newydd Phoenix Way
	Enterprise Park Swansea
	West Glamorgan
Postcode	SA7 9FG
Telephone - mobile	
Telephone - office	
Email address	piergiorgio.cominetta@greenholding.it

We will contact you by email unless you tick here. ☐

2.2 Agent details

This is who we will correspond with unless otherwise informed. If you are an agent applying on behalf of an applicant, please include a letter of authorisation from the applicant allowing you to act as signatory, and provide a reference for this document in the box below.

Document reference	
Title	Ms
First name	Jo
Last name	Congo
Company or trading name	MJCA
Position in company	Technical Director
Address	Baddesley Colliery Offices
	Main Road

	Baxterley
	Atherstone
Postcode	CV9 2LE
Telephone - mobile	
Telephone - office	01827717891
Email address	JoCongo@mjca.co.uk

We will contact you by email unless you tick here. ☐

2.3 Site operation contact

Please specify who we should contact with regard to your site operation.

Applicant ☐

Agent ☒

Other ☐ Please provide contact details for the operational contact on a separate referenced document, and tell us this reference below.

Document reference

2.4 Abstraction invoices and records contact

Please specify who we should contact for invoices and abstraction records (returns). Please note that these may not be not required for transfer licences.

Invoice address

Applicant ☒

Agent ☐

Other ☐ Please provide contact details for the operational contact on a separate referenced document, and tell us this reference below.

Document reference

Abstraction records

Applicant ☐

Agent ☒

Other ☐ Please provide contact details for the operational contact on a separate referenced document, and tell us this reference below.

Document reference

3. Site name

3.1 Please provide the site name below:

Site name

Cwmrhydyceirw Quarry Landfill

4. Entitlement to apply

4.1 Have you abstracted water between 01 January 2011 and 31 December 2017 for the activity which you are applying to be licensed?

Yes ☒

No ☐ Please see our water abstraction and impounding webpage for further information on the correct application forms.

4.2 What is your connection to the land where the abstraction takes place?

Please provide a map outlining your land ownership/occupation and include all abstractions and discharges where relevant.

Owner ☒

Occupier ☐

Document reference | Report reference: SIG/CW/SBA/2982/01

4.3 Do you have a legal right of access to the land where the abstraction takes place?

No ☐

Yes ☒ Please provide further detail in the box below. If necessary continue on a separate referenced document, and tell us this reference.

Document reference | Report reference: SIG/CW/SBA/2982/01

5. Existing licence number(s)

If you are applying to change an existing licence please provide the licence number below.

Licence number(s) |

6. Cross border applications

As part of your site operation do you also abstract for a previously exempt activity in England?

No ☒

Yes ☐ Please provide detail of this cross border application in the box below. If possible, provide a reference or application number, or name of an Environment Agency contact with whom the application has been discussed.

Continue on a separate referenced sheet if necessary and tell us the reference for this document.

Document reference |

--

7. Abstraction details

7.1 Site map

Please provide a map with details of the location(s) you abstract water from (points reaches, or areas). Tell us the reference for this map, below.

Site map reference

Report reference: SIG/CW/SBA/2982/01

7.2 Please tell us details about the location(s) you abstract water from (points reaches, or areas) in the tables below.

The abstraction location, name, or reference must be the same as those used on the site map, in question 7.1. If you need more space, please continue on a separate referenced sheet if necessary and tell us the reference for this document

Document reference

Report reference: SIG/CW/SBA/2982/01

Table 7. 1 - Surface water abstractions						
Abstraction location name or reference (As labelled on the site map)	Type of location (single point, reach, area)	Source of Supply	First National Grid Reference (12 digits)	Second National Grid Reference (12 digits)	Third National Grid Reference (12 digits)	Fourth National Grid Reference (12 digits)

If necessary, continue on a separate sheet and tell us the reference for this document.

Document reference(s)

Report reference:
SIG/CW/SBA/2982/01

Table 7. 2 Ground water abstractions										
Abstraction location name or reference (as labelled on map)	Source of Supply	National Grid Reference (12 digit)	Overall depth (metres)	Maximum diameter (millimetres) or area of excavation (square metres)	Screened section (metres below ground level)	Drift geology	Solid geology	Rest pump water level	Pumped water level	Pump Depth
Abstraction area (NW point)	Excavation (unlined)	266520 199296	8m	2300m2	Not Applicable	Quaternary Glacial Till	Pennant Sandstone	See report	32mAOD	Float switch pump, varies with water level in the sump
Abstraction area (NE point)		266567 199296								
Abstraction area (SE point)		266567 199248								
Abstraction area (SW point)		266520 199248								

If necessary, continue on a separate sheet and tell us the reference for this document.

Document reference(s)

Report reference:
SIG/CW/SBA/2982/01

8. Abstraction history and evidence

8.1 Please complete table 8.1 to document that the abstraction(s) and transfer(s) has or have been taking place during the qualifying period.

If necessary, continue on a separate sheet and tell us the reference for this document.

Document reference(s)

Report ref: SIG/CW/SBA/2982/01

Table 8.1											
Year	Abstraction location name or reference (as labelled on map)	Purpose(s) water used for	Period of abstraction	Maximum quantities abstracted						Means of measurement, or assessment of abstracted quantities	Are these the maximum quantities of water you wish to have licensed? (Yes or No)
			All year, or months, or days (provide specific dates)	Year (cubic metres)	Day (cubic metres)	Hour (cubic metres)	Peak instantaneous flow rate (litres per second)	Maximum number of hours of abstraction per day	Please indicate whether volume is actual (A) or estimated (E)		
01 January 2011 to 31 December 2011	Sump, Point A	Dewatering to sewer	All year	112,342	1,032	43	58	24	A	Meter reading	No
01 January 2012 to 31 December 2012	Sump, Point A	Dewatering to sewer	All year	143,788	1,160	48	58	24	A	Meter reading	No
01 January 2013 to 31 December 2013	Sump, Point A	Dewatering to sewer	All year	106,792	994	41	58	24	A	Meter reading	No
01 January 2014 to 31 December 2014	Sump, Point A	Dewatering to sewer	All year	79,021	589	25	58	24	A	Meter reading	No
01 January 2015 to 31 December 2015	Sump, Point A	Dewatering to sewer	All year	38,331	1,161	48	58	24	A	Meter reading	No
		Dewatering to stream	All year	78,936	1,025	43					
01 January 2016 to 31 December 2016	Sump, Point A	Dewatering to stream	All year	155,637	1,218	51	58	24	A	Meter reading	Yes
01 January 2017 to 31 December 2017	Sump, Point A	Dewatering to stream	All year	135,678	1,081	45	58	24	A	Meter reading	No

8.2 Please complete the table below if you wish a lesser quantity of water to be licensed than that detailed in table 8.1.

If necessary, continue on a separate sheet and provide a reference for this document.

Document reference

Table 8.2							
Abstraction location name or reference (as labelled on map)	Purpose water is used for	Abstraction period	Maximum annual abstraction volume (cubic metres)	Maximum daily abstraction volume (cubic metres)	Maximum hourly abstraction volume (cubic metres)	Maximum number of hours of abstraction per day	Peak abstraction rate (litres per second)

8.3 Do you wish your abstracted quantities to be aggregated?

You can aggregate:

- i) across some or all of the abstraction points, or reaches, or areas listed above.
- ii) with other abstractions you wish to have licensed through the transitional process.
- iii) abstractions you need to have licensed through the standard licensing process.
- iv) with existing licences you hold.

No ☒

Yes ☐ Provide details of any proposed aggregation in the box below. If necessary, continue on a separate sheet and provide a reference for this document.

Document reference

8.4 Please provide a detailed description of how the abstraction(s) has/have taken place

Use the box below to tell us about your abstraction(s). The description should include the following:

- A diagram or schematic of how the activity has been undertaken, using your abstraction point references and including any discharge points
- Details of the structure and equipment involved in the abstraction. This should include dimensions.
- Details of your means of measurement or assessment of abstraction quantities method

If necessary, continue on a separate sheet and tell us the reference for this document.

Document reference

Report reference: SIG/CW/SBA/2982/01

8.5 Please list the evidence you are providing to support your application

Use the box below. The evidence should demonstrate the following:

- That abstraction has taken place at some time during the seven year qualifying period.
- The quantities of water you have abstracted during the qualifying period. For example, records of meter readings, or cropping plans.

If necessary, continue on a separate sheet and provide a reference for this document.

Document reference

Report reference: SIG/CW/SBA/2982/01

9. Discharge details

9.1 Please provide details on any discharge of abstracted water in table 9.1 below and on the map used to show abstraction locations.

If necessary, continue a separate sheet and provide a reference for this document.

Document reference

Report reference: SIG/CW/SBA/2982/01

Table 9.1 - Details of any discharge of abstracted water			
Discharge location name or reference (as labelled on map)	National Grid Reference of discharge point (12 digit)	Total volume discharged (cubic metres)	Environmental Permit number for Water Discharge Activity number (if applicable)
Point D on Figure 1	266718 199097	155,650 (per year)	ERP/TP3835LV/V003

9.2 Please provide a description of discharge structures and equipment

If necessary, continue a separate sheet and provide a reference for this document.

Document reference

Report reference: SIG/CW/SBA/2982/01

10. Eel considerations

Does your abstraction include measures to safeguard eels?

No ☒

Yes ☐ Provide details below

11. Trickle Irrigation

If you are applying to licence a trickle irrigation abstraction, do you wish to apply for a Two-Part Tariff agreement with your application?

No ☒

Yes ☐ We will contact you during determination of your application to arrange this agreement.

12. Planned abstractions

12.1 Do you expect to increase the current rate of abstraction for the activity you are applying to have licensed from 01 January 2018 onwards or to carry out further new abstractions (both termed 'planned' abstractions) at this site in the future?

No ☒

Yes ☐

12.2 Have you submitted a licence application (s) for any planned abstraction(s) as a result of the Water Act 2003 changes?

No ☒

Yes ☐ Provide a reference number if you have already submitted an application(s) to cover any planned abstractions.

Document reference

13. Other abstractions

Please provide details of any other abstraction(s) (licensed or exempt) that are associated with this application in table 13.1 below.

Table 13.1 - Details of any other abstraction(s) (licensed or exempt) that are associated with this application					
National Grid Reference (12 digit) of where you abstract water	Source name and type	Purpose of abstraction	Where do you use the water?	When do you abstract the water?	Is this a pending application, or already licensed? Please provide the application or licence number as appropriate

14. Planning permission

Complete table 14.1 below and provide details of any planning permissions or advice associated with the abstraction you are applying to have licensed where relevant. Provide a copy of any permissions or advice, providing a reference for this document below.

Document reference

Report reference: SIG/CW/SBA/2982/01

Table 14.1 – Planning permission

Abstraction location name or reference (as labelled on map)	Is planning permission needed, Yes or No?	Planning permission status (if required)	Have you received any planning advice for the abstraction?

15. Environmental impact assessment(EIA)

Does your application require an EIA under The Water Resources (Environmental Impact Assessment) (England and Wales) Regulations 2003 (as amended)

No ☒

Yes ☐ Please provide a copy of your environmental impact assessment; provide a reference for this assessment below.

Document reference

16. Licence duration

Tell us when you wish your abstraction licence to end

Normally abstraction licences are granted for between 6 and 18 years in line with the catchment licence common end date. If you require a shorter or longer duration licence, please provide details and your justification in the box below.

If necessary, continue a separate sheet and provide a reference for this document.

Document reference

Report reference: SIG/CW/SBA/2982/01

Report reference: SIG/CW/SBA/2982/01

17 Declaration and data protection and commercial confidentiality

Data protection:

Please read the guidance carefully for details on who can sign this section and note the information relating to the Data Protection Act 1998, our Public Register and exclusions.

Commercial confidentiality:

Do you think your application should be confidential, and that information should not be placed on the public register?

No ☒

Yes ☐ You must send us supporting information to tell us why. Use the box below or a separate sheet, and tell us the reference you have given this document.

Document reference

Declaration:

By signing below, you are declaring that as far as you know and believe the information given in this form, on any map and in any supporting or additional information is true.

A printed name in the 'signature' response box will be treated as the equivalent of an electronic signature.

Title

Mr

First name

Pier Giorgio

Last name

Cominetta

Position

Director at SI Green UK Limited

Today's date

APPENDIX B

**PLANNING APPLICATION 2014/0977 COMMITTEE REPORT, DECISION LETTER AND
SECTION 106**

ITEM

APPLICATION NO.

2014/0977

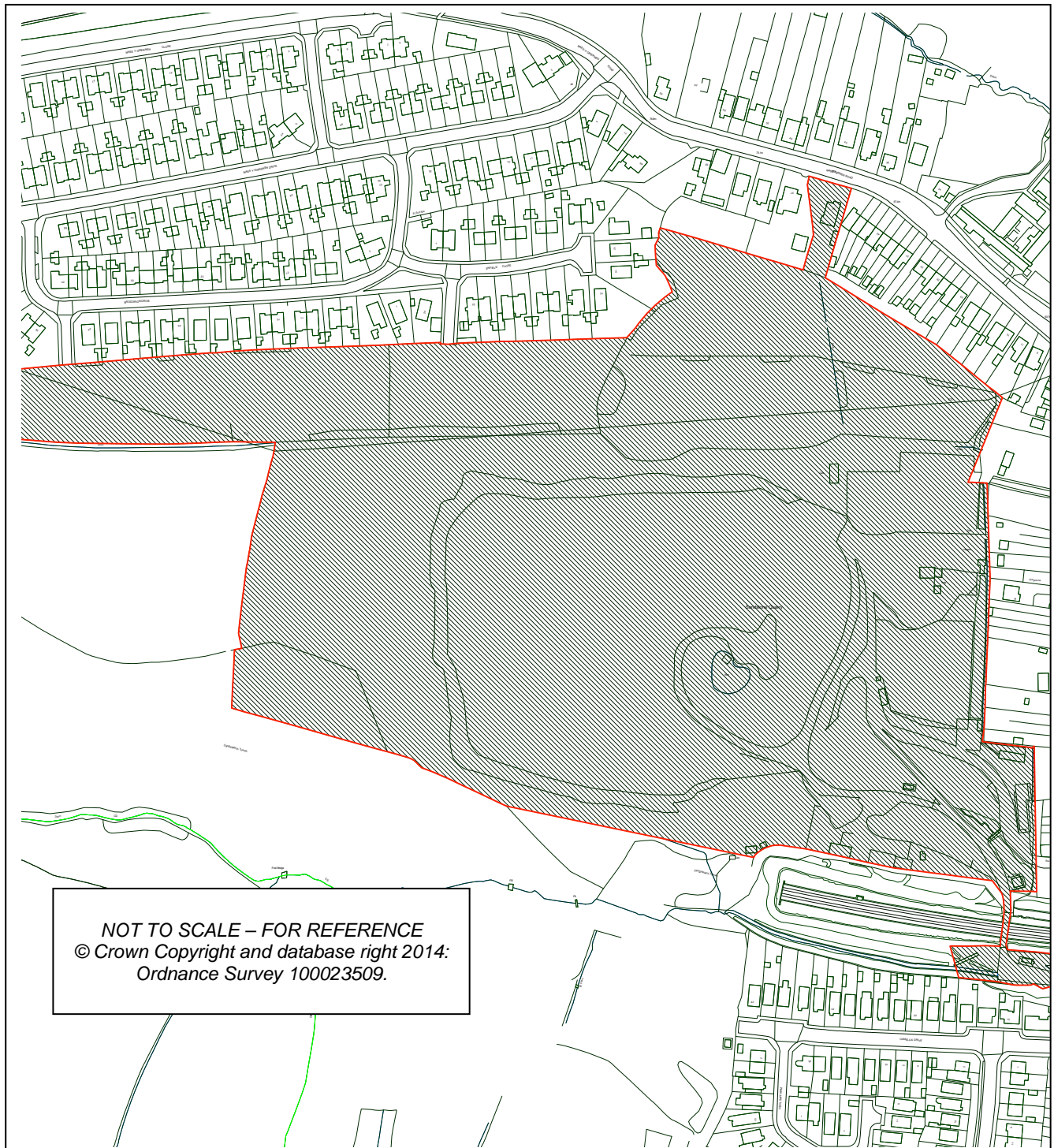
WARD:

Morrison

Location: Parc Ceirw, Cwmrhydyceirw Quarry and adjoining land, Cwmrhydyceirw, Swansea

Proposal: Proposed cessation of landfill and other operations enabled by residential development circa 300 dwellings, public open space, associated highway and ancillary work (outline)

Applicant: Edenstone Homes Ltd and S I Green UK Ltd



BACKGROUND INFORMATION

This application is reported to Committee as it exceeds the development threshold set out in the Council Constitution. A site visit has been requested.

POLICIES

Policy	Policy Description
Policy AS1	Accessibility - Criteria for assessing location of new development. (City & County of Swansea Unitary Development Plan 2008)
Policy AS2	Accessibility - Criteria for assessing design and layout of new development. (City & County of Swansea Unitary Development Plan 2008)
Policy AS6	Provision of car parking in accordance with adopted standards. (City & County of Swansea Unitary Development Plan 2008)
Policy EV1	New development shall accord with a defined set of criteria of good design. (City & County of Swansea Unitary Development Plan 2008).
Policy EV2	The siting of new development shall give preference to the use of previously developed land and have regard to the physical character and topography of the site and its surroundings. (City & County of Swansea Unitary Development Plan 2008).
Policy EV3	Proposals for new development and alterations to and change of use of existing buildings will be required to meet defined standards of access. (City & County of Swansea Unitary Development Plan 2008)
Policy EV28	Within locally designated areas the natural heritage will be preserved and enhanced wherever possible. (City & County of Swansea Unitary Development Plan 2008)
Policy EV30	Protection and improved management of woodlands, trees and hedgerows which are important for their visual amenity, historic environment, natural heritage, and/or recreation value will be encouraged. (City & County of Swansea Unitary Development Plan 2008)
Policy EV33	Planning permission will normally only be granted where development can be served by the public mains sewer or, where this system is inadequate, satisfactory improvements can be provided prior to the development becoming operational. (City & County of Swansea Unitary Development Plan 2008)
Policy EV34	Development proposals that may impact upon the water environment will only be permitted where it can be demonstrated that they would not pose a significant risk to the quality and or quantity of controlled waters. (City & County of Swansea Unitary Development Plan 2008)
Policy EV35	Development that would have an adverse impact on the water

environment due to:

- i) Additional surface water run off leading to a significant risk of flooding on site or an increase in flood risk elsewhere; and/or,
- ii) A reduction in the quality of surface water run-off.

Will only be permitted where it can be demonstrated that appropriate alleviating measures can be implemented. (City & County of Swansea Unitary Development Plan 2008)

Policy EV36	New development, where considered appropriate, within flood risk areas will only be permitted where developers can demonstrate to the satisfaction of the Council that its location is justified and the consequences associated with flooding are acceptable. (City & County of Swansea Unitary Development Plan 2008)
Policy EV38	Development proposals on land where there is a risk from contamination or landfill gas will not be permitted unless it can be demonstrated to the satisfaction of the Council, that measures can be taken to satisfactorily overcome any danger to life, health, property, controlled waters, or the natural and historic environment. (City & County of Swansea Unitary Development Plan 2008)
Policy EV39	Development which would create, affect or might be affected by unstable or potentially unstable land will not be permitted where there would be a significant risk. (City & County of Swansea Unitary Development Plan 2008)
Policy HC2	Housing development within the urban area will be supported where the site has been previously developed, its development does not conflict with other policies, does not result in ribbon development, and the coalescence of settlements, overintensive development, significant loss of residential amenity, significant adverse effect on the character and appearance of the area, loss of urban green space, significant harm to highway safety, significant adverse effects to landscape, natural heritage, security and personal safety, infrastructure capacity, and the overloading of community facilities and services. (City & County of Swansea Unitary Development Plan 2008)
Policy HC3	Provision of affordable housing in areas where a demonstrable lack of affordable housing exists. (City & County of Swansea Unitary Development Plan 2008)
Policy HC17	The Council will negotiate with developers to secure improvements to infrastructure, services, and community facilities; and to mitigate against deleterious effects of the development and to secure other social economic or environmental investment to meet identified needs, via Section 106 of the Act. (City & County of Swansea Unitary Development Plan 2008)
Policy HC24	Provision of public open space within new residential developments. (City & County of Swansea Unitary Development Plan 2008)
Policy EV40	Development proposals will not be permitted that would cause or result in significant harm to health, local amenity, natural heritage, the historic

environment or landscape character because of significant levels of air, noise or light pollution. (City & County of Swansea Unitary Development Plan 2008)

Policy AS10 Accessibility - Incorporation of appropriate traffic management measures in new developments. (City & County of Swansea Unitary Development Plan 2008)

Policy AS4 Accessibility - Creation and improvement of public rights of way. (City & County of Swansea Unitary Development Plan 2008)

SITE HISTORY

App No.	Proposal
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2014/1132	To lop 2 Birch tree covered by TPO 364 Decision: Withdrawn Decision Date: 23/04/2015
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2001/1223	Erection of detached storage building Decision: Grant Permission Conditional Decision Date: 30/10/2001
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2003/0394	Siting of two detached portacabins and portable toilet block Decision: Withdrawn Decision Date: 11/11/2003
-----------	--

2011/0498	Residential development for 58 dwellings (outline) Decision: Withdrawn Decision Date: 12/07/2011
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2010/0825	Construction of site offices, mess facilities, weighbridge, wheel cleaning facility, resurfacing of car parking areas and access roads, creation of surface water attenuation pond, fuel store and acoustic fencing to a maximum height of 4m Decision: Grant Permission Conditional Decision Date: 12/01/2011
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2015/2544	Variation of condition 1 of planning permission 2010/0825 granted 12th January 2011 to extend the period of time in which to start work Decision: Approve Conditional (S73) Decision Date: 17/03/2016
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RESPONSE TO CONSULTATIONS

The application was advertised in the local press, by notice and 104 neighbours were consulted. EIGHTY LETTERS OF OBJECTION have been received, ONE LETTER OF COMMENT and ONE MIXED LETTER OF COMMENT. The responses may be summarised as follows:

1. Concerns the development would increase traffic congestion in the area around the school which is already congested at the beginning and end of the school day.
2. Concerns the existing roads around the development area are not wide enough to accommodate the traffic arising from the development.
3. Concerns the construction traffic associated with the development would be detrimental to highway safety and the living conditions of existing residents.
4. Concerns regarding the loss of greenbelt and farmland.
5. Concerns the development will be sited at the quarry where unknown quantities of unknown waste have been dumped. Air quality may be affected in certain weather conditions due to the presence of methane. How will the gases be vented? Will building works disturb the waste and leech chemicals into water courses.
6. Concerns the development would have a detrimental impact to wildlife in the area and their habitat.
7. Concerns local schools and doctors surgeries are over capacity.
8. Concerns the proposals would result in a loss of privacy to existing residents.
9. Concerns no provision has been made for a children's play area.
10. Concerns the proposal includes the provision of 3 storey houses within a dense arrangement, this would not be in keeping with the character and scale of dwellings in the area.
11. Concerns that the open space should be provided as part of the planned development.
12. Concerns the development may cause land drainage problems in the local area.
13. Concerns that the sewerage system may not be able to cope with an extra 300 houses.
14. Concerns the proposed access off Maes Y Gwernen Road may cause traffic accidents.
15. Concerns emergency service routes to the hospital and surrounding houses would be adversely affected by the development.
16. Concerns the development would result in increased traffic pollution.
17. Concerns there is little demand for new housing in the area.
18. Concerns regarding the impacts of the chemical treatment of Japanese knotweed on residents, including children, and wider concerns relating to building on a site with Japanese knotweed including the availability of mortgages.
19. Concerns the proposals state the quarry development will not be started until up to 50% of the houses have been constructed, which will take 4+ years (phases 1 and 2). This should be phase 1 to make sure the quarry is dealt with and not forgotten by the developers or the developers may go bankrupt.
20. Concerns the traffic from the development will cause a noise nuisance for existing residents.
21. Concerns regarding the loss of TPO trees at the site.
22. Concerns a previous application for 100 houses on the site was rejected because it was too near the quarry – now it is proposed to build within the quarry.
23. Concerns regarding methane gas and the effects in the coming years.
24. Concerns the open space and additional public access lanes to the development may attract anti-social behaviour.
25. Concerns regarding the long term maintenance of the site including landscaping, roads and lighting.
26. Concerns regarding the loss of value to neighbouring properties as a result of the development.
27. Concerns regarding the health of children playing within the development.
28. Concerns the development would impact on the access to 42 Maes Y Gwernen Road.
29. Concerns the development would result in the loss of green space.

30. Concerns the landfill should be retained in favour of exporting waste to other authorities.
31. Concerns the provision of a lay-by for the school may put children's lives at risk
32. Concerns the development would destroy the community spirit amongst residents in the area.
33. Concerns that if the developers build out housing without remediating the quarry, then it may not be legal for houses to be built within close proximity to the quarry.
34. Concerns regarding injuries to the occupiers of the development from golf balls from the adjacent golf club.
35. Concerns that the development should provide adequate leisure/recreation facilities.
36. Concerns regarding whether additional bus services will be provided.
37. Concerns regarding the placement of the new pedestrian crossing on Maes Y Gwernen Road would add more traffic noise, congestion and access issues.
38. Concerns the grass verge outside the school should be retained for its flora and fauna, its character, and as a safe zone for parents and children to meet and talk.
39. Concerns the proposed parking area within the school would result in the loss of school playing fields.
40. Concerns the transport assessment does not reflect the traffic problems occurring and the school and don't take account of local factors.
41. Concerns regarding the impact of the new access off Maes Y Gwernen Road on the residential amenity of neighbouring occupiers.
42. Concerns planning applications have previously been refused for residential developments at No. 53 Maes Y Gwernen Road and that this application should also be refused, in view of its impacts on neighbours.
43. Concerns regarding the stability of the land at No. 57 Maes Y Gwernen Road from the formation of the access road.
44. Concerns regarding who will manage and monitor the quarry and pumping station in the future.
45. Concerns regarding what controls will be in place to prevent the developer from leaving the landfill and/or housing incomplete and possibly in a dangerous condition.
46. Concerns ground water pumping is not a satisfactory permanent solution to the drainage problems as the developer may cease to trade.
47. Concerns the development will make access to and from the rear lane of the terraced houses in Maes Y Gwernen Road very difficult and dangerous.
48. Concerns that the proposed road improvements should be undertaken prior to any houses being built.
49. Concerns the proposed development including the road layout and barriers will have an impact on customer parking for the corner shop, will impact on access to the hairdresser and will prevent daily deliveries of stock to the business.

FOLLOWING THE SUBMISSION OF AN AMENDED MASTERPLAN AND UPDATED ENVIRONMENTAL INFORMATION, A FURTHER RE-CONSULTATION EXERCISE WAS UNDERTAKEN.

The application was advertised on site and previous objectors were consulted. FOURTY LETTERS OF OBJECTION WERE RECEIVED AND TWO LETTERS OF COMMENT. The letters do not raise any additional issues over and above those summarised above.

Other Consultation Responses:

Highways Observations 26.04.16

Background

- 1.1 This proposal is for the redevelopment of the existing site to erect up to 300 houses under an outline planning permission (with access being considered currently). A Transport Assessment has been submitted in support of the application. The site extends to an area of approximately 35 acres
- 1.2 The Transport Assessment has assessed the transport and traffic implications of the development and the results indicate that the proposal is acceptable.
- 1.3 The roads leading to the site are mainly estate roads residential in nature although Heol Maes Eglwys is more heavily trafficked being a single carriageway road providing a link to Morriston Comprehensive, Morriston Leisure Centre and Morriston hospital. The introduction of the pedestrian crossing will be of benefit to provide a direct pedestrian link to these trip attractor sites.

2. Transport Assessment/Traffic Generation

- 2.1 The Transport consultants Vectos did a scoping exercise for the Transport Assessment and the following junctions were asked to be included in the document:

Maes-y-Gwernen Road/Maes-y-Gwernen Drive;

Maes-y-Gwernen Road/Heol Maes Eglwys/Llanllienwen Road/Cwmrhydyceirw Road;

Chemical Road/Heol Dyfan;

A48 Clasemont Road/Vicarage Road/A48 Pentrepoeth Road;

A48 Pentrepoeth Road/Sway Road/Clase Road;

Sway Road/Chemical Road/Clydach Road;

Clydach Road/Llanllienwen Road/B4603;

Heol Maes Eglwys/Morriston Comprehensive School/Rhodfa Fadog;

M4 slips/Neath Road/Ffordd Cwm Tawe/B4603.

- 2.2 The proposed vehicular access points are indicated at being available at:

- Brodorion Drive (secondary)
- Enfield Close (secondary)
- Maes y Gwernen Close (primary).

The existing quarry access has not been included as an option.

Other pedestrian/cycle routes/links are shown to be available increasing the permeability of the site.

Works to facilitate access to the existing highway network will need to be completed under a section 278 Agreement with the Highway Authority.

- 2.3 Ultimately all the vehicles end up passing along Maes y Gwernen Road and past the primary school, hence the majority of the highway related works have been concentrated there. The other area to benefit will be at Heol Maes Eglwys where a pedestrian crossing has been agreed.
- 2.4 The base flows are derived from junction turning counts undertaken on 7/11/13 and the data has been growth factored to 2014 and 2019.
- 2.5 The TRICS data samples are appropriate for the site (54 separate sites were compared). The modal splits are derived from the TRICS data and the 2011 census for the Morriston Wards.
- 2.6 Traffic generation is predicted to be 48 arrivals and 127 departures in the am peak hour (175 in total) and 120 arrivals with 70 departures in the pm peak hour (190 in total). This equates to just over 3 vehicles a minute during the peak hour and does not give rise to any capacity issues. These figures are offset by the existing trip generation so it is considered that the TA document is robust. Junction testing was undertaken where the predicted impact was in excess of 5%, this resulted in ACRADY/PICADY modelling being undertaken at a number of junctions. All of the junctions remained within capacity and it was concluded that no additional infrastructure to mitigate for the traffic generated by the development was required.
- 2.7 The personal injury accident PIA data was obtained for the extended area for the previous 5 years. The report showed no fatal accidents, 5 serious and 88 slight. Of these only three were anywhere near the site. The PIA data does not indicate any safety issues on any of the roads or junctions within the proposed development area as the majority were caused by driver error.
- 2.8 The TA indicates that the roads will be designed using Manual for Streets criteria although regard will need to be made for shared use footways and accessibility to allow public transport to enter the site. It is not clear whether the roads will be adopted but notwithstanding that they will need to be designed to Highway Authority standards and specification.
- 3. Parking
 - 3.1 Parking for the site will be dealt with at the stage of reserved matters and will be provided in accordance with the CCS Parking Standards. This aspect will be addressed at detail stage should consent be given. This will include the need for visitor parking.
- 4. Highways improvements/Section 106 agreement

Extensive negotiations have taken place with the developer/agent since the planning application was submitted in July 2014. A number of different options were put forward and the following highways improvements have been finally agreed:

- 1. A toucan crossing on Heol Maes Eglwys (plus maintenance)
- 2. A zebra crossing outside the school
- 3. Guard railing and signage outside the school

The site build out is anticipated to be in three phases with one third of the costs being provided at 40% build out, 65% build out and finally 90% build out.

This has been agreed and should enable the mitigation measures to be provided in a timely fashion commensurate with the housing provision.

5. Access by other modes

5.1 The estate to the north of the site is served by a bus frequency of 2 hours whereas an hourly service serves Cwmrhydyceirw Road/Chemical Road . There may be scope to service the site using the existing bus provision. Pedestrian links to the site would further enhance the accessibility of the site.

5.2 Whilst no internal highway layout has been provided it will be a requirement for at least one of the footways to be of a suitable layout to allow for shared cycle/pedestrian use, this is usually a minimum of 3m width. This is a requirement as set out in the Active Travel Act.

5.3 The site is located within 1km of NCN Route 43 which connects Swansea to Builth Wells and also links to NCN Route 4.

6. Conclusion

The analysis shows all junctions remaining within capacity for the post development scenario, and as such the TA shows the development proposal are acceptable in terms of additional traffic generated being able to be accommodated by the existing infrastructure.

7. Recommendation

7.1 I recommend no highway objection subject to the following;

- i. The internal road serving the site shall be constructed in accordance with details to be submitted and agreed. Shared use footways should be included to encourage walking/cycling.
- ii. Each dwelling shall be provided with suitable parking facilities in accordance with details to be submitted and agreed.
- iii. Within 12 Months of consent, a Travel Plan shall be submitted for approval and the Travel Plan shall be implemented on beneficial use of the development commencing.
- iv. No development shall commence until the section 106 Agreement has been agreed and signed off, subsequent payments being due in accordance with the approved phasing scheme as and when the development thresholds are met.
- v. Prior to any works commencing on the site, a Construction Traffic Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The approved traffic management plan shall be implemented and adhered to at all times unless otherwise agreed by the Local Planning Authority.
- vi. All off-site highway works (access points) are subject to an agreement under Section 278 of the Highways Act 1980. The design and detail required as part of a Section 278 Agreement will be prepared by the City and County of Swansea. In certain circumstances there may be an option for the developer to

prepare the scheme design and detail, for approval by the City and County of Swansea. However, this will be the exception rather than the rule. All design and implementation will be at the expense of the developer.

The Developer must contact the Highway Management Group , The City and County of Swansea , Guildhall Offices, c/o The Civic Centre , Swansea SA1 3SN before carrying out any work . Please contact the Team Leader (development), e-mails to, tel. no. 01792 636091

The Coal Authority 12.08.14

The Coal Authority is satisfied with the broad conclusions of the reports submitted as part of the Environmental Statement, informed by the site investigation works; that coal mining legacy issues are not significant within the application site and do not pose a risk to the proposed development. Accordingly, The Coal Authority **does not object** to the proposed development and no specific mitigation measures are required as part of this development proposal to address coal mining legacy issues.

Housing Department 2.10.14

The Housing Market Assessment identifies a high need for affordable homes in this area.

The projected need is 2100 of which 100% could be affordable. Therefore we will be seeking the provision of 30% Affordable Housing.

We ask that the scheme would include a range of DQR compliant house types and mix of tenure, pepper potted throughout the site, to include social rent, intermediate rent and sale such as low cost home ownership (to be determined/negotiated). The design and specification of the affordable units should be of equivalent quality to those used in the Open Market Units. Two & three bedroom units are the preferred property type. The units should be disposed of via an RSL.

16.10.14 Parks Department

The nearest play provision to the proposed development is in Heol Tir Du Park which is over a Kilometre away from the development, children wishing to use this facility would also have to cross main roads. I therefore propose we seek to enter into a planning obligation to secure an offer of a financial contribution from the developer for the provision of an equipped play area to LEAP standard within the development and also a commuted sum of £75,000 for its future maintenance by the Council.

Pollution Control Division 16.10.14

Clearly there are areas of concern surrounding this application not least of which is the issue of on site gas generation and its potential implications. The applicant has provided data suggesting minimal gas generation from the landfill site itself but has also suggested that some gas levels detected may be arising from a separate and distinct source. This however has not been conclusively proved.

In either case the main concern is over potential gas migration to the detriment of receptors, particularly residential receptors, brought within the existing permitted site boundary should the application be granted.

From the data presented to date it would seem that it is unlikely that the “public open space” element will present any detrimental human health impact, provided that the proposed mitigation measures are put in place, but this will need further assessment in the light of additional data still to be collected.

It is noted that further and continual ground gas monitoring is to take place as part and parcel of the requirements to be imposed by Natural Resources Wales as a consequence of the landfill operation ceasing should the outline application be granted. Both gas and leachate management systems will form a requirement of the closure agreement and will be required to continue many years after closure.

Notwithstanding the above I see no reason to oppose the granting of outline permission though it must be acknowledged that further monitoring data is to be provided and that, should a full application be forthcoming, conditions will be imposed.

Pollution Control Division 20.10.14

Recommend standard conditions in relation to: contaminated land investigation, imported aggregates, imported soils, land gas monitoring and protection measures and a construction method statement.

Pollution Control Division 25.04.16

The pollution control division have observed the discussions and reporting on this site over 30 years. We have reviewed the comments in this report and are satisfied that its technical content is correct. We have no objection to this report going forward to committee on the following basis:

The pollution control division has not been the waste regulation team since April 1996; that role passed over to the Environment Agency, which is now Natural Resources Wales.

Natural Resources Wales are not objecting to this proposal and accept that the waste permit will stay in place for enforcement purposes. They have recommended certain matters which should also be the subject of planning control. We agree with this approach especially if the more important public safety issues can be incorporated in a section 106 agreement as outlined in this report.

Given our experiences with this site over many decades, it is our view that there are no overriding difficulties with noise, dust, odour, landfill gas, or water pollution, that cannot be dealt with through planning controls or permit enforcement by NRW. This is assuming that the proposal goes ahead in the manner discussed with the present permitted company and their existing consultants. Clearly we cannot assume that things will not go wrong at some point, although if the developer and the permit holder act in compliance with all the necessary controls, the site should stay under safe control and any potential short-term nuisance should be minimal. All the potential public health risks are minimal given the length of time the waste mass has been stabilising within the quarry.

The unusual feature for this area is the absolute need for permanent pumping arrangements to keep the site water table at the bottom of the quarry. This is discussed in the report and legally binding requirements will need to stay in place for the surrounding housing to be protected. Our normal role in dealing with development on or near contaminated land and any other Environmental Health issues will be dealt with by the

team but enforcement will be through the NRW permit or the planning conditions. Other notices will be used later to deal with any construction noise issues as normal.

Natural Resources Wales (NRW) 10.12.14

We would request that determination of the application is deferred to allow for the receipt and assessment of the further information which is material to the consideration of the application.

Further Information Required prior to determination

We welcome the submission of the Environmental Statement (ES), however there are a number of outstanding issues, which need to be addressed prior to determination of the application.

1. Environmental Permit

SI Green UK hold an Environmental Permit authorising the excavation and relocation of wastes originally deposited in the former landfill area of the quarry into a new engineered landfill phase as part of the redevelopment of the site as a non-hazardous landfill.

SI Green have held preliminary discussions with Natural Resources Wales (NRW) regarding plans to now leave the historic waste in situ, cap the historic waste deposits and close the landfill site. None of the historic waste would be relocated. This change would require a variation to the site permit but to date no application to vary the permit has been received.

Groundwater

The permit holder has recently submitted a proposal to us regarding the possible restoration of the site, which includes a scheme to manage groundwater in perpetuity by pumping. Ground water at the quarry is maintained below the existing waste mass by a pumping regime operated by the permit holder. If pumping ceases and groundwater levels are allowed to recover we would expect the natural hydraulic gradient to the south / south east would be restored, possibly saturating the existing waste deposit.

The planning application suggests a land trust would take on the responsibility of the environmental permit and pumping requirements.

We have concerns regarding this approach as reliance on the Environmental Permit to maintain the ground water pumping in perpetuity cannot be guaranteed and as the EPR Regulated site is required to operate without causing an unacceptable risk to the environment, either an alternative mechanism should be sought or we require evidence that the pumping regime can be delivered and maintained.

Landfill gas management

Currently there is no active landfill gas abstraction at the site; the landfill gas management system comprises passive gas venting wells and gas monitoring boreholes. No gas migration attributed to the landfill has been detected to date, however active gas management in the future cannot be ruled out.

It is unclear if and how a rise in the groundwater level would impact on gas production and/or odour emissions. Therefore, we recommend that further information is provided in order to clarify this matter.

The ES includes potential impact of landfill gas on the surrounding environment (within Appendix 8). – The current landfill Gas Risk Assessment referenced in the planning application is based on moving the waste.

A revised Gas Management Plan (GMP) is required if the waste is to remain in situ. We would recommend that this is submitted for review and comment, prior to determination.

The proposed development site is also located within 250m of a landfill site that is potentially producing landfill gas.

Landfill gas consists of methane and carbon dioxide is produced as the waste in the landfill site degrades. Methane can present a risk of fire and explosion. Carbon dioxide can present a risk of asphyxiation or suffocation. The trace constituents of landfill gas can be toxic and can give rise to long and short term health risks as well as odour nuisance. The risks associated with landfill gas will depend on the controls in place to prevent uncontrolled release of landfill gas from the landfill site. Older landfill sites may have poorer controls in place and the level of risk may be higher or uncertain due to a lack of historical records of waste inputs or control measures.

Under the conditions of the Environmental Permit for the landfill, the operator is required to monitor for sub-surface migration of landfill gas from the site. An examination of our records of this monitoring shows that there is no previous evidence of landfill gas migration from the site that could affect the proposed development. This environmental monitoring data from the site is available on our public register.

You should be aware of the potential risk to the development from landfill gas and should carry out a risk assessment to ensure that the potential risk is adequately addressed. Your Authority's Environmental Health and Building Control departments would wish to ensure that any threats from landfill gas have been adequately addressed.

In addition, new developments within 250m of an existing landfill (waste) facility could result in the community at the proposed development being exposed to odour, noise, dust and pest impacts. The severity of these impacts will depend on the size of the facility, the nature of the waste it takes and prevailing weather conditions. If the operator can demonstrate that they have taken all reasonable precautions to mitigate these impacts, the facility and community will co-exist, with some residual impacts. In some cases, these residual impacts may cause local residents concern, and there are limits to the mitigation the operator can apply. Only in very exceptional circumstances would we revoke the operators permit.

As the planning application is within the EPR permit site boundary any development must not compromise the operator's ability to manage and monitor the landfill site in accordance with their permit. The operator remains responsible for maintaining, monitoring and controlling activities at the site throughout closure and aftercare until permit surrender.

Contracts should be in place with landowners that allow the operator appropriate access (If necessary the operator may use the provisions of the Environmental Permitting (England and Wales) Regulations 2010, regulation 15 (and schedule 5, part 2)). We expect to be notified before installation through an amendment to the sites operational techniques, management plans, working plan or closure report, if the development is likely to have an impact on:

- The inspection, maintenance and/or integrity of the landfill cap
- The restoration profile.
- Landfill gas management, including
 - o Monitoring fugitive emissions
 - o Gas abstraction infrastructure, including replacement
 - o In-waste gas monitoring
- Maintenance and monitoring of leachate infrastructure
- Groundwater infrastructure
- Surface water management and/or the quality of run off
- Obtaining topographic surveys
- Any monitoring to provide evidence that the waste is 'stable' for a surrender application
- Site security

Amended procedures must ensure that operators continue to comply with permit conditions (and Landfill Directive, article 13(c) requirements, where applicable).

2. Contaminated Land

As stated above the site currently benefits from an Environmental Permit for a new non-hazardous engineered landfill. The permit was granted on the basis of the former landfill being excavated and the waste placed into this new engineered landfill. We understand from the Environment Statement that the current proposal involves leaving the former landfill insitu and placing a cap over it.

Although capped the former landfill will still generate leachate which poses a risk to groundwater beneath and adjacent to the site. Section 8.8 of the Environmental Statement (*Geraint John Planning, July 2014*) references a hydrogeological risk assessment which is in the process of being prepared by MJCA in support of the planning application. This will assess effects on groundwater from the former landfill area.

We request that the risk assessment is submitted to NRW for review and comment, prior to determination.

We also note that Section 7.44 of the Planning Statement (*Geraint John Planning, July 2014*) which has been supplied with the application requests that a condition is applied to any permission granted to restrict any future landfilling at this location.

We would support this approach, the operators could also apply to NRW to vary their current Environmental Permit to limit the waste input to zero, which would also restrict future landfilling at this location.

Within the Drainage Statement (*Shear Design, February 2014*) we note that the surface water drainage scheme will utilise the existing lagoon sump on the quarry floor. The proposal is to allow the operational range of the sump to increase from its current fixed level of approximately 32mAOD up to a maximum of 37mAOD.

Allowing the water levels to rise within the lagoon may lead to a consequential rise in adjacent groundwater levels. Section 8.19 of the Environmental Statement states '*The groundwater levels recorded at the quarry generally are above the level of the base of the*

former landfill area'. This is supported by the cross sections provided in Appendix 8.2 of the Environmental Statement

Allowing groundwater levels to rise further may lead to ingress on groundwater into the landfill, generating leachate and therefore increasing the risk of pollution. The hydrogeological risk assessment, currently being produced, should assess the effects of rising groundwater levels on the waste mass and assess the risk of pollution to groundwater occurring.

3. Surface Water Disposal

We note from the submitted drainage strategy (*Ref. 13169.D100C.02.03 - dated 24th February 2014*) that two options are presented for surface water drainage at the site, both of which propose discharging into Cwmrhydyceirw Stream at Greenfield rates or lower.

We request that the applicant explores all Sustainable Drainage Systems (SuDS) for the site. If it is demonstrated that SuDS cannot be implemented, then we would wish to be provided with the evidence, prior to determination.

Ultimately the drainage system design is a matter for your Authority's engineers. However we would want to ensure that the surface water drainage system is designed to ensure no increased run-off from the site during and post development in all events up to the 1:100 year storm with an allowance for climate change.

We therefore recommend that a full surface water drainage strategy be submitted to and approved by your Authority, prior to determination.

4. Foul Water Discharge

We note that foul water flows are to be discharged to the main public sewer and that as with surface water disposal, two options are suggested. **We strongly recommend that, prior to determination of this proposal, Dwr Cymru/Welsh Water (DCWW) are consulted and asked to confirm that there is sufficient hydraulic capacity within the sewer network at this location to accommodate the flows generated without causing pollution for both these options.**

We advise that your Authority must also be satisfied that the proposals for foul water disposal can be constructed, adopted and properly maintained, across the site; with particular consideration given to the proposed dwellings within Parcel D; which would require a new foul pumping station.

Further details should be provided of the measures by which the new pumping station would be maintained, prior to determination.

In addition we also recommend that a Final Report Drainage Survey is submitted, in order to ensure that there are no misconnections once the site is complete. This could be conditioned as part of any planning permission that your Authority may be minded to approve.

5. Watercourses

We note that the ES mentions diverting or culverting the stream in order to construct a number of the proposed residential properties. NRW would advise that culverting is

avoided and that the stream remains open, after its diversion. This would be in line with the Water Framework objectives for this particular catchment.

We recommend that this is incorporated into any final design/layout for the scheme and if it is not then we would suggest that reasons must be provided to your Authority as to why this measure cannot be implemented.

Further comments and Matters which could be addressed by Condition

6. Ecology

The initial Extended Phase 1 Habitat survey work was undertaken during February & March 2014, which is outside the optimum period for many plant species. Nevertheless, we note from the findings that the site is comprised of an excavated quarry, enclosed by mature hedgerows and trees, with areas of scrub colonising certain areas.

Other habitats include; semi-improved grassland, marshy grassland, grazed paddocks and areas of older mature woodland. A sump pond is located at the centre of the site (within the quarry), along with other ephemeral waterbodies.

The ES identifies losses for a number of the habitat areas highlighted in the previous paragraph, as a result of the development, but proposes a series of Mitigation Measures, which are highlighted in Chapter 7 (Section 7.158) and Chapter 9 (Section 9.3) of the ES, along with the intention to deliver the more targeted Mitigation Measures through an Environmental Management Plan (EMP). **We advise that following discussion and agreement with your Authority's Planning Ecologist, the provision of the EMP and implementation of the mitigation measures should be made enforceable planning conditions, should your Authority be minded to grant permission.**

7. Protected Species (Bats)

We note that a series of three activity surveys were undertaken to ascertain the level of use of the site and that surveyors undertook two walked transect of the site (as shown in Appendix 7.3) and which also involved the use of detectors and recording equipment.

Chapter 7 of the ES states that a number of derelict quarry building are present on site, but these are regarded as being of negligible roosting potential, due to a lack of roofs, exposed interiors and their light and airy nature. Newer buildings are of a prefabricated design and were also classified as being of negligible roosting potential.

We note that only one structure was regarded as having some potential for roosting bats. This was a concrete and brick structure with large vertical fissures running down the outer wall. A dusk emergence survey was undertaken (9 June 2014), but no bats were noted.

Given that only one survey was carried out and that the use of such features by bats is often infrequent, we recommend that a further survey of this feature is undertaken, prior to the commencement of any works within the vicinity of this feature. We recommend that this is made an enforceable planning condition.

We also note that an assessment of trees at the site for their potential to support bats, considers them all to be Category 3 (no bat roosting potential).

The surveys themselves recorded a total of four species: common pipistrelle, soprano pipistrelle, Noctule and Myotis spp. The report states that the majority of activity at the site involved pipistrelle foraging and communing (mainly along boundary features, woodland

corridors, hedgerows, water bodies). Other activity includes commuting/foraging by Noctules across the site, with occasional *Myotis* spp recorded throughout the site.

We note that the current masterplan (Figure 3.1) indicates that species poor hedgerows will be removed as part of the development, along with the breaching of existing section of older woodland/hedgerow (in the north of the site). These have been identified as being of value for foraging/commuting bat species, although the ES states that alternative foraging routes will remain available. Nevertheless, there will be a potential overall loss in foraging/connectivity.

Sections 7.177 – 7.179 identify the potential issues affecting bats as well as the general mitigation measures laid down in section 7.158. In order to provide clarity, we advise that a specific Mitigation & Management Plan for Bats is provided which could form part of the overall Construction and Environmental Management Plan (CEMP) mentioned in the ES.

We advise that the areas to be covered by planning obligations and/or conditions in relation to bats are as follows:

- The preparation of a design strategy/masterplan for the site which seeks to maximise connectivity and foraging opportunities across the site, replacing any hedgerows or corridors which may be lost wherever possible. This must include, but not exclusively, details of methods of works; timing and duration of works; action to be taken in the event any bats are found.
- The submission and implementation of a lighting scheme to ensure lighting measures do not conflict with bat use of the site, to be agreed with the LPA in consultation with NRW prior to the start of any construction works on site. The scheme shall include low level lighting (where appropriate), along with the siting of lights to ensure that flight paths/foraging/commuting corridors are not illuminated and demonstrate that disturbance to bat flight paths will be avoided). The scheme should address construction activities and the operational phase.
- The submission and implementation of a mitigation planting/landscaping plan to be submitted to, and agreed in writing with the LPA, prior to the start of works. This must include details of planting and management which will maintain flight lines and 'dark corridors' across the site, ensuring connectivity to foraging habitats.

8. Protected Species (Peregrine Falcons)

We note from the ES that a pair of Peregrine Falcons was recorded as using the part of the site as a breeding location. As mentioned in the report, this species is protected under the Wildlife and Countryside Act 1981 (as amended). As such it is illegal to intentionally take, injure or kill any wild bird, or to take, damage or destroy an active nest or its contents.

In addition, Peregrine Falcons are also listed as a Schedule 1 species and are a protected from intentional or reckless disturbance when at, or close to an active nest or when with dependent young.

It is extremely important that consideration is given to this species and to how any disturbance will be avoided and in particular the potential consequences of locating housing within the quarry. Measures to avoid disturbance need to be incorporated and demonstrated in the design and landscaping of the site, and in site clearance, construction and the operation of the site.

We are supportive of the Mitigation Measures highlighted in Chapters 7 and 9, along with the provision of an agreed Environmental Management Plan (EMP). However, in addition to avoiding any construction disturbance in the breeding season, the proposals need to ensure that any proposal does not lead to future disturbance of the breeding peregrines.

Locating any new houses, footpaths, public access areas; in the vicinity of the nest should be avoided. Any scrub / trees which provide screening between the nest site and human presence / activity on the site, should remain in situ and be supplemented with additional planting, if necessary.

We note that a significant adverse impact could not be ruled out until further detailed design (of proposals in the vicinity of the nest) is undertaken to provide a more definitive assessment and or additional measures are identified to reduce disturbance risk.

We advise that a specific strategy/mitigation plan for this species is agreed with your Authority's Planning Ecologist, prior to work commencing on site. This should be delivered via an appropriate condition, should your Authority be minded to grant planning permission.

9. Protected Species (Other)

We note from the survey results that no evidence of great crested newt, otter or badger was observed. However, the site is considered likely to support a 'good' population of Common Lizard, as a number of individuals were recorded. In addition, a number of ponds/watercourse were identified at the site with survey work confirming the presence of Palmate Newts, Common Frog and Common Toad. Smooth Newts were also been identified as being present during an earlier survey in 2010.

Therefore, appropriate mitigation measures for these species should be agreed with your Authority's Planning Ecologist, prior to work commencing on site, via enforceable planning conditions, should your Authority be minded to grant planning permission.

10. Landscape

We note the submission of the document entitled; '*Parc Ceirw, Morriston, Swansea: Landscape and Visual Assessment (Ref: 1461301/R1)*', dated May 2014 by Solty Brewster Consulting.

The report concludes that of the four viewpoints which were assessed, only viewpoint 1 is considered to have a moderately significant effect on visual amenity, principally due to the close proximity to the site and the lack of existing screening. The overall conclusion of the assessment is that the site would be appropriate to accommodate the proposal, without leading to unacceptable change to the visual amenity with the surrounding area.

The decision will lay with your Authority as to whether you are satisfied with the viewpoints presented as part of the assessment and the conclusions of the report. **We leave to the discretion of your Authority, as to the wording of any condition to secure appropriate mitigation; should you be minded to grant planning permission.**

11. Pollution Prevention

As your Authority will be aware there can be no deterioration of water bodies under the Water Framework Directive. It is therefore vital that all appropriate pollution control measures are adopted on site to ensure that the integrity of controlled waters (surface and ground) is assured.

As best practice, we would advise the developer to produce a site specific construction management statement / pollution prevention plan with particular reference given to the protection of the surrounding land & water environments.

12. Waste Management

Given the nature, location and size of the proposed development, we would recommend that a site waste management plan (SWMP) for the project is produced.

NRW 24.07.15

Our technical advice remains as stated in our previous response, we write to provide you with an update on our thinking in respect of the planning and permitting interactions.

It is our understanding that should the planning permission be granted for housing in and around the site, SI Green intend to apply for definitive closure of the landfill. However, it is also our understanding that SI Green will not apply for definitive closure of the landfill until such time as any planning permission is granted.

Due to this scenario, and as part of your consideration of this application, we wish to highlight the possibility of residential housing being constructed close to, or on, a permitted non-hazardous landfill remains. Should the landfill be developed there would be a significant risk to the amenity of the development (noise, dust and odour) and there is the potential for landfill gas generation, gas flaring and possible electrical generation activities should sufficient gas be produced.

Until the landfill site is definitively closed, Natural Resources Wales would not permit additional development or unauthorised human access within the permitted site boundary. There are areas of proposed housing and public access which would be within the current permit boundary.

If SI Green were to apply for, and be granted, definitive closure for the site, these access restrictions may be reduced subject to provision of necessary risk assessments (see previous correspondence). However, free access to all of the public open space proposed in the application cannot be guaranteed. Access restrictions to critical infrastructure, such as the ground water pumps and landfill cap, would need to be in place in order to prevent any damage or vandalism.

Following discussions with the applicant and the operator of the landfill, we acknowledge that in principle it would seem possible to manage the interaction of the regimes through the inclusion of appropriate conditions/measures in both the Environmental Permit and Planning Permission.

Our Industry Regulation Team will be able to discuss the potential wording of permit conditions with the current permit holder should planning permission be granted, but we would defer to your advice on whether appropriate protective requirements could be included in your consent if planning permission was to be issued.

Planning controls / conditions would need to secure the following objectives:

- 1) The prevention of the commencement of development within the areas of land covered by the Environmental permit until such time as the landfill was formally 'Definitively Closed' for the purposes of the Environmental Permitting Regulations.
- 2) The restriction of development/access to certain areas of the landfill site which would need to be protected/secured for necessary landfill aftercare.
- 3) The continued requirement for pumping of groundwater (or otherwise). Pumping is currently used to artificially lower groundwater levels in the vicinity of the quarry. Cessation of pumping would allow groundwater levels to return to its natural hydraulic gradient.

NRW 16.10.15

Since providing our original response NRW have held meetings with the operators and developers of the site. The comments made in our letter of 24 July 2015 aimed to summarise the current position and highlight that until such time the landfill is officially closed (by way of an application to NRW), landfill operations could commence at the site. Landfill closure precedes permit surrender. Surrender would only be granted in compliance with the Landfill Directive.

We have subsequently received further risk assessments (August 2015) in which the permit holder confirms, pending planning being granted, that the historic wastes could be left in situ and that an application for closure subject to further capping works would be made.

Having received this additional information, we provide the following comments, for your consideration.

Hydrogeological Risk Assessment (HRA) and Groundwater Management

Information has been provided by the applicant to supplement the current Hydrogeological Risk Assessment and demonstrate the environmental risk of leaving the historic waste in situ.

We have considered this information as part of ongoing compliance work in relation to the site's Environmental Permit (EP). The potential environmental risk from leachate discharging to groundwater beneath the historic waste deposits remains, should the suggested control mechanism of groundwater pumping cease. Currently groundwater levels are maintained at an artificially lowered level, via this pumping regime to ensure the historic waste deposit does not flood.

Whilst the Environmental Permit currently has conditions that require groundwater pumping, this cannot be relied upon in perpetuity to protect any development. Therefore, an alternative legal mechanism must be sought to ensure pumping is maintained.

We defer to your Authority on whether appropriate protective requirements could be included. Your Authority need to be satisfied that you have sufficient information and confidence in the measures that are proposed by the applicant.

We note that Section 8.8 of the Environment Statement (submitted with the planning application), references the original HRA, which intended to move the waste, within the permitted site boundary. As an updated HRA has now been submitted, which proposes to leave the waste at its current location, we suggest that your Authority may wish to ensure that Section 8.8 of the ES is updated to reflect this.

Gas Risk Assessment (GRA)

An updated Gas Risk Assessment (GRA) leaving the historic waste in situ has also been received by NRW and the further information we requested from the applicant has now been provided.

In the absence of guaranteed closure of the landfill site, the potential for further landfill development still exists. Therefore, we must highlight that (given the permitted waste types), should the landfill be developed, then landfill gas is likely to be produced.

In the event of the permanent closure of the site (and if the historic waste is left in situ), the data suggests that current landfill gas generation is low. However, there is uncertainty in relation to future gas generation should the current waste mass become flooded in the event of groundwater pump failure.

We note that additional boreholes are proposed as part of the gas risk assessment and that the enlarged monitoring data set will be used to produce an updated gas risk assessment for the Environmental Permit. Extension of the gas monitoring network to the North should also be considered.

As has been stated above, a review of the current data suggests landfill gas generation rates are low, however until it can be demonstrated otherwise, gas protection measures in the proposed houses will need to be taken into consideration. We advise that your Authority's Environmental Health and Building Control departments may wish to provide advice on this aspect of the development.

Proposed use of the restored former landfill area as public open space.

In our response of 24 July 2015, we highlighted concerns over public access to the currently permitted landfill and historic waste deposit, should the planning permission be granted for use as a public access open space. We highlighted that until the site is definitively closed, unauthorised human access within the permit boundary would be prevented (via a legally enforceable condition).

Within section 8 of the Environmental Statement supplied with the planning application, the risk of public exposure to the former landfill is discussed. We recognise that capping the landfill will reduce the exposure pathway to historic wastes.

Your Authority would need to be satisfied that you have sufficient information and confidence of the measures that would need to be taken to; restrict, protect and manage key infrastructure and monitoring points whilst the site is in aftercare (the period between definitive closure and the ultimate surrender of the permit which is likely to span many years, rather than months).

To conclude, given the complexities of this application, we advise that your Authority should consider the following matters in relation to the establishment of the principal of development and the interfaces between regulatory regimes:

The proposed development encroaches on an area permitted by Natural Resources Wales for the development of an operational landfill site. You therefore need to consider whether it is feasible / appropriate to establish the principal of development where there is

the potential to create a conflict of regulatory regimes and as a result impact on the potential for deliverability of the development.

Your Authority may wish to consider whether it would be feasible / appropriate to place restrictions on phasing of the development. For instance, development being limited to areas outside the permit boundary until such a time as landfill closure is granted.

Definitive closure of the landfill would guarantee no future waste disposal operations could be undertaken at the site. For the site to enter 'definitive closure' the permit holder will need to submit an application (and associated evidence) to Natural Resources Wales for determination. To date no application has been received. The permit would remain in force until surrender.

We are not in a position to pre-empt any formal determination process for site closure. This raises confidence and certainty considerations for your determination. If your Authority considers this an issue, a solution may be to explore with the applicant the opportunity to parallel track both planning and permit (closure or partial surrender applications), at least to the extent where a resolution to issue could be confirmed.

If the above are not feasible, then a further option would be for the applicant to secure a reduction in the area covered by the landfill permit. This would need to take the form of a formal application to NRW to partially surrender the permit. If granted the effect would be to enable consideration of an amended proposal, limiting the development to those areas surrounding the quarry which would be outside of a modified permit boundary. Once again we would be unable to pre-empt the necessary formal determination processes.

NRW 9.11.15

Further to our previous response of 16 October 2015, we note that you were seeking further clarification in relation to the proposed open space, which includes the landfill cap. Once the landfill has entered closure, then public access could be allowed, **but** the area would continue to require management which would involve the restriction of access to critical infrastructure (such as Ground Water pumps and Monitoring Bore Holes). It would also require ongoing management to ensure that the integrity of the engineered landfill cap is not compromised.

Until the operator makes an application to vary the existing permit to take the permitted area (including the historic landfill), into closure and the closure is accepted by NRW, then the current EPR permit restricts public access.

Your Authority may wish to consider whether it is feasible / appropriate for a phased approach to the number of houses, in relation to public access. Furthermore, the operator would also need to ensure that sufficient time was allocated, in order to make an application to take the site into closure, and to undertake any required works, prior to NRW being able to grant closure.

The developer/operator may have considered this, but it is important that sufficient time would need to be allowed in order to take the site into closure, if the granting of planning or phases of planning are to be dependent on closure being accepted. As previously stated, the duration of aftercare (the period between definitive closure and the ultimate surrender of the permit) is likely to span many years, rather than months.

As previously stated NRW are not in a position to pre-empt any formal determination process for site closure, or any application to reduce that area covered by the landfill permit.

Dwr Cymru Welsh Water (DCWW) 19.11.14

The proposed development is in an area where there are water supply problems for which there are no improvements planned within our current Capital Investment Programme AMP5 (years 2010 to 2015). Any increased demand will exacerbate the situation and adversely affect our service to existing customers and potential users of this proposed development. We consider the proposal to be PREMATURE and therefore **OBJECT** to the development.

DCWW 17.02.15

We refer to your planning consultation relating to the above site, and we can provide the following comments in respect to the proposed development. Following Hydraulic Modelling Assessment of the proposal we withdraw our objection of the 19th November 2014.

We would request that if you are minded to grant Planning Consent for the above development that the Conditions and Advisory Notes provided are included within the consent to ensure no detriment to existing residents or the environment and to Dwr Cymru Welsh Water's assets (including foul water and surface water to be drained separated, no surface water to connect to the public sewerage system, unless otherwise agreed, land drainage run-off shall not be discharged to the public sewerage system and the submission of scheme for the integrated drainage of the site showing how foul water, surface water and land drainage will be dealt with.

Drainage and Coastal Management 18.11.14

We have reviewed the updated Drainage Strategy, ref 13169.D100E.02.03, dated 12th November 2014 and based on the report we are satisfied that an appropriately designed surface water drainage scheme can be achieved on site, therefore we recommend that the following conditions are appended to any permissions given (in relation to the requirement for a strategic site wide surface water drainage strategy and reserved matters application to be accompanied by a detailed surface water strategy).

Education Department 16.10.14

The catchment area for this development is Morriston, and the catchment schools are:

English Medium Primary	Cwmrhydyceirw Primary
English Medium Secondary	Morriston Comprehensive
Welsh Medium Primary	YGG Tan y Lan (Nursery to Y3; Y4 in 2015)
Welsh Medium Primary	YGG Lon Las (Y3 to Y6; Y4 to Y6 in 2015)
Welsh Medium Secondary	YGG Bryn Tawe

The development will generate, in accordance with the agreed Supplementary Planning Guidance (SPG) policy, the following pupils with the associated cost:

Based on 300 dwellings

Primary: 93 Pupils (£964,596)

Secondary: 66 Pupils (£1,045,968)

Rationale

Primary:

There is no capacity for growth in Welsh Medium.

- The surplus capacity at YGG Lon Las (which is the nearby Welsh medium primary school for Y3 to Y6) in January 2014 was 53 with the projection figures for January 2021 as being down to surplus capacity of 3. In addition, there are demountables which should be excluded from the calculations in this instance and this would bring the situation there to an **over capacity of 201 pupils. Please see chart below.**
- The surplus capacity at YGG Tan y Lan (which is now the catchment Welsh medium primary school for Nursery to Y3, to Y4 in Sept 2015 etc. is a growing school) in January 2014 was 52 with the projection figures for January 2021 as being down to an **over capacity of 16 pupils. Please see chart below.**

There is also little surplus capacity in the English Medium primary provision at Cwmrhydyceirw Primary School which is a large school and the concern that some of the capacity is in substandard demountables. There is scope to extend on the site. In January 2014, Cwmrhydyceirw Primary had surplus capacity of 5 pupils, with a projection for January 2021 of a surplus capacity of 0 pupils. But, by omitting the current demountables on site (2 x doubles and 1 x single) for the purpose of this calculation, then the surplus capacity reduces even further to a situation of being **over capacity by 127 pupils.**

Please see chart below.

In order to accommodate any primary aged pupils from this development in this instance, Education will therefore require the full generated amount of £964,596 plus inflation as two of the named schools are already over capacity with no unfilled pupil places. The request for a developer's contribution on this basis would therefore be currently required for Cwmrhydyceirw Primary School with a % split shared with YGG Tan y Lan in the first instance.

Secondary:

Whilst the development will generate 66 secondary pupils there will be no request for a specific contribution towards the English Medium secondary provision at this present time as there is sufficient capacity within the catchment school. In January 2014, Morriston Comprehensive had an unfilled surplus capacity of 229 pupils, with a projection for January 2021 of being 262 pupils. In addition, Morriston Comp. School is currently undergoing since July 2012 a major rebuild (Phase 1), with Phase 2 now scheduled to be completed by December 2014, when there will be capacity to take increased pupil numbers.

There is no capacity for growth in Welsh Medium. However, there will also be no request made for a specific contribution towards the Welsh medium secondary provision at this time as there is sufficient capacity within the catchment school of YGG Bryn Tawe. In January 2014 the school had a surplus capacity of 354 with the projection for January 2021 now being a surplus capacity of only 2 pupils.

N. B. Projected Unfilled Pupil Capacity (Based on January 2014 Projections)

	Jan-14	Sep-14	Sep-15	Sep-16	Sep-17	Sep-18	Sep-19	Sep-20
Cwmrhydyceirw Primary	5	5	4	5	5	4	4	0
Cwmrhydyceirw Primary with demountables removed from calculations.	-122	-122	-123	-122	-122	-123	-123	-127
Morrison Comp.	229	241	286	291	304	294	269	262
YGG Lon Las	53	28	12	4	1	15	15	3
YGG Lon Las with demountable removed from calculations.	-151	-176	-192	-200	-203	-189	-189	-201
YGG Tan y Lan	52	27	15	1	-17	-22	-24	-16
YG Bryn Tawe	354	338	311	258	203	133	72	2

One has to bear in mind that there are a number of other proposed Candidate development sites for the Morrison area which are still under consideration by Planning, (including Planning Application No 2013/1632 – Land at Heol y Fran) and the results of all these would further exacerbate the situation.

Conclusion

N. B. Should any further sites be submitted for Planning consideration for proposed development in the area then we would, of course, want to reconsider the accumulative effect on this particular application alongside any new ones received in the near future.

In summary, in order to accommodate any pupils from this development:

- The Authority would seek the full Developer's contribution of **£964,596 plus inflation for mainly Cwmrhydyceirw Primary school** enhancements to provide improved facilities at the school, and with a small % split shared with YGG Tan y Lan, in the first instance.
- Education would not be seeking the Developer's Contribution of £1,045,968 for secondary education at Morrison Comp. School and YGG Bryn Tawe at this present time.

Education Department 17.02.16

Revised contribution request, in light of viability issues at the site, of no less than £750,000 to build a 3 class extension.

South Wales Police Design Out Crime Officer 15.04.16

Advice has been provided on designing out crime within the development and concerns have been expressed regarding the provision of parking courts within the development.

Planning Ecologist 25.04.16

The key ecological issues are protection for the peregrine falcon, a reptile mitigation plan and a habitat management plan for the open space. There will be habitat loss as a result of the development it is at the moment a quiet undisturbed refuge and it's important that this impact is minimised. As a result of the new stronger biodiversity duty we need to ensure there is no overall ecological loss on the site.

Landscape Assistant (Arboriculturist) 25.04.16

The outline application shows several groups of internal trees to be removed. Mitigation for the loss of the category B trees should be incorporated in a landscaping scheme.

The indicative layout appears to have dwellings in close proximity to retained trees; this will require careful consideration when finalising the detailed plans by either site or unit layouts. Boundary trees in group G13 are protected by a tree preservation order and also should be considered when the detailed plans are drawn.

An arboricultural impact assessment will be required to assess the impacts of the development on trees and vice versa. The proximity of the trees to the units will require a tree protection plan and arboricultural method statement to be submitted at the reserved matters stage to demonstrate that the final layout is feasible; this will address all the impacts highlighted by the arboricultural impact assessment.

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The indicative layout appears to have dwellings in close proximity to retained trees; this will require careful consideration when finalising the detailed plans by either site or unit layouts. Boundary trees in group G13 are protected by a tree preservation order and also should be considered when the detailed plans are drawn.

No objection subject to conditions.

Network Rail 25.04.16

After studying the details submitted with this application, Network Rail submits a holding objection on the grounds we require details of their drainage plans to ensure our culvert isn't compromised. We also require further details of their construction method as one of our tunnels is in close proximity to where they plan to construct their dwellings.

APPRAISAL

This application seeks outline planning permission for a development of circa 300 dwelling on the site of Cwmrhydyceirw quarry and surrounding land. The proposal includes the demolition of all on site buildings including the existing dwelling at No. 53 Maes Y Gwernen Road and works to enable the quarry to be engineered and remediated to provide an area of public open space. Strategic access to the site (i.e. the proposed access points to the development) are the only matters, together with the principle of the development, that are for consideration under this application.

The site includes the quarry, an area of pasture land to the south of Brodorion Drive and Enfield Close, and a parcel of greenfield land that separates the quarry from properties on Maes Y Gwernen Road. The site is defined to the south by a railway line and the golf course. The overhead lines which cross the northern part of the site are intended to be grounded to facilitate the development.

There is considerable planning history relating to the quarry and its later uses as a concrete plant and a landfill site for non-hazardous waste. Whilst the quarry itself appears to have been in operation prior to any formal planning controls its use as a concrete plant is documented in planning applications submitted in the 1960's and 1970's. There are currently no operations on the site associated with this use. In terms of the landfilling operations, planning permission was granted in 1981 (81/0486/03) for the landfill operation and associated restoration of the quarry. The permission refers to the importation of non-toxic solid waste from the construction industry. Planning permission was later granted at appeal in 1985 (84/0505/05) to extend the range of permitted waste materials by the addition of non-toxic wastes from other commercial and industrial sources. The inspector noted that, in his view, the quarry face was a potential danger to the general public, and particularly to children in the locality. He considered it would be in the best interests of the local inhabitants for the quarry to be filled as quickly as possible to remove the danger to life and limb. The site operated for a number of years, receiving wastes of varying types, including biodegradable municipal wastes and industrial wastes such as filter cakes and ashes. NRW believe approximately 85,000 tonnes of waste were deposited and currently remain in-situ. Whilst there are no current landfill operations taking place at the site, the site benefits from an Environmental Permit, granted in 2008, which permits 125,000m³ of waste to be deposited at the site per year, over a 6 year period. Members may recall that planning permission was also recently approved (Planning Ref: 2015/2544) to extend the time period to commence development for the construction of site offices and associated works to facilitate landfilling operations.

Planning applications for housing developments have also previously been submitted at the site. In 1989 planning permission was refused for residential development at land adjacent to Brodorion Drive (88/1378). The application was refused on the grounds that the development would be prejudicial to the aims of Draft Swansea Local Plan and that it would be premature, pending the completion of tipping operations and subsequent restoration works.

In 2011, outline planning permission was submitted and subsequently withdrawn for a residential development of 58 dwellings on land to the south of Brodorion Drive (Planning Ref: 2011/0498). There is a current application, for outline planning permission, also on land to the south of Brodorion Drive, for residential development of 24 dwellings. No action has been taken on this application, following a request for further information by the local planning authority.

Following a request from the applicant, the Council issued a Screening Opinion in 2014 advising that an Environmental Impact Assessment (EIA) would be required for the proposal. The scope of the assessment has been narrowed down to the assessment of the ecological impacts of the development and the environmental, health and safety impacts associated with developing the landfill for housing. The content of the Environmental Statement (ES) submitted with the application is discussed in more detail later within this report.

The application has also been supported with the following documents: Design and Access Statement, Transport Statement, Drainage Strategy, Tree Survey, Landscape Visual Impact Assessment and Planning Statement.

MAIN ISSUES

The main issues to consider in the determination of this application relate to the acceptability of the residential development at this site in terms of its impacts on visual and residential amenity, highway safety, ecology, trees, drainage and impacts associated with providing housing in close proximity to a landfill site, including health and safety impacts.

Planning Policy Considerations / Principle of Development

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that applications for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan is the City and County of Swansea Unitary Development Plan (UDP) which was adopted on 10th November 2008.

Reference to the UDP proposals maps show that the whole site, with the exception of a small parcel of land adjacent to the railway line, which is within the green wedge, is identified as white land in the urban area. UDP Policy HC2 is therefore relevant and supports housing developments within the urban area where the site has been previously developed or is not covered by conflicting plan policies, subject to the application complying with the various policy criteria. Under HC2 housing developments are supported where they do not result in:

- i. Ribbon development or contribute to the coalescence of settlements,
- ii. Cramped/Overintensive development,
- iii. Significant loss of residential amenity,
- iv. Significant adverse effect on the character and appearance of the area,
- v. The loss of important urban greenspace
- vi. Significant harm to highway safety, or
- vii. Significant adverse effects in relation to:
 - a. Landscape,
 - b. Natural heritage,
 - c. Security and personal safety,
 - d. Infrastructure capacity,
 - e. The overloading of available community facilities and services.

In line with the objectives of Planning Policy Wales 2016 (8th Edition) and TAN 12: Design (2016), UDP policies EV1 and EV2 seek to ensure new development is appropriate, inter alia, to its local context and integrates into the existing settlement with no detrimental impact on local amenity. These policies, and national planning guidance, support the use of previously developed land over green field sites. In addition, UDP policies EV3, AS1, AS2 and AS6 require that new development provide satisfactory access and facilities for parking.

In terms of design and layout the Council has produced Supplementary Planning Guidance (SPG) entitled 'Places to Live: Residential Design Guide', which relates to developments of 10 or more dwellings. This document contains information on design

principles that should be incorporated into new developments together with the appropriate amenity standards.

The current proposal needs to be considered in the context of the surrounding area. The site forms part of the Cwrhydyceirw to Birchgrove Railway Site of Interest for Nature Conservation (SINC) as such Policy EV28 is relevant, which refers to the sites of local importance. Moreover, UDP Policy EV30 seeks to protect and improve hedge, tree and woodland areas.

With regard to drainage from this site, the development must be considered with reference to UDP Policies EV33, EV34, EV35 and EV36 regarding sewage disposal, surface water run-off, development and flood risk.

Given the industrial/commercial history of the site, clearly consideration must be given to both land stability and land contamination matters. The development will therefore be considered under UDP Policies EV38 and EV39.

Affordable Housing provision on a site of this scale should be provided in accordance with Policy HC3 and Policy HC17 allows the Local Planning Authority to enter into negotiations with developers to deliver planning obligations under Section 106 of the Town and Country Planning Act 1990 (as amended), and these provisions should be fairly and reasonably related in scale and kind to the individual development. In this respect the Council has adopted the Planning Obligations Supplementary Planning Guidance (2010) which is used to consider requests for contributions in respect of affordable housing, education provision, outdoor play space(see also HC24) and highways/transportation.

In terms of the overall principle of a housing development on the site, only part of the site lies outside of the urban area and this land forms a landscaped embankment with the railway line which is not proposed to be developed under this planning application, as such the inclusion of this land within the application site would not conflict with the Council's green wedge policy under UDP Policy EV23. The residual land within the application site is white land in the urban area. It is located close to schools, bus services and other services in Cwmrhydyceirw and is therefore considered to be a sustainable location for a housing development. In broad land use terms therefore, and setting aside any technical constraints associated with the development, the use of land for housing is considered to be acceptable in principle.

In terms of the emerging Local Development Plan, it is noted the site has been submitted as a candidate site and has been included as a housing site within the draft LDP proposals maps. Whilst little weight in favour of the proposals may be afforded to the status of the site under the emerging LDP, there is no doubt that the redevelopment of the site for housing for circa. 300 units would make a material contribution to the Council's housing land supply, which is currently below the 5 year supply required under national planning policy set out in Planning Policy Wales.

Visual Impact, Design and Layout

The application has been accompanied by a 'Landscape and Visual Appraisal' document which assesses the visual and landscape impacts of the development from representative viewpoints within the locality of the site (Brodorion Drive, Cwmrhydyceirw Road and Heol Brillau) and from a wider viewpoint (Blawd Road).

The site does not fall within any statutory or non-statutory landscape designation. There is a grade II listed park and garden (Cwmgelli Cemetery) located some 2.8km from the site and two scheduled ancient monuments, Morris Castle and Llangyfelach Cross Base, located 2.9km and 1.7km from the site respectively. Due to the distance of these features from the application site, in line with the conclusions of the landscape and visual appraisal, it is considered the development would not have a significant effect on the landscape context of these features.

Of the representative viewpoints assessed, the view from Brodorion Drive is considered to have a moderately significant effect on visual amenity. This is due to the proximity of the development from this viewpoint and the lack of screening along the northern boundary. The loss of the views to the paddock at the rear of Brodorion Drive and Enfield Close has been raised as a concern by local residents. Whilst these concerns are understandable, the change in the local landscape is inevitable if the site is to be developed for housing. The site is located within the urban area and subject to the adherence to UDP design policies and SPG, the impact on the local landscape in this area is considered to be acceptable.

From other viewpoints, mainly the roofscape of the development would be visible from surrounding roads, although from Heol Brillau the development would be identifiable from ground level. The development would be viewed in context with the existing surrounding townscape and would be partially screened by existing vegetation as such it is considered, in line with the conclusions of the landscape and visual appraisal, that the proposed development would not have a significant landscape impact.

Turning to the design and layout of the development, the broad vision of the design is to provide residential development focused on the quarry bowl with views of the townscape and countryside beyond. The quarry bowl would be developed as an area of public open space including a LEAP with pedestrian routes around the quarry.

The development has been broken up into several development parcels (A,B, C and D) based on their characteristics and past use. The northern part of parcel A and parcel B are undeveloped greenfield sites. The paddock at the rear of Brodorion Drive and Enfield Close is generally level and is bordered by trees with the golf course to the south. Parcel B backs onto Enfield Close to the west and Maes Y Gwernen Road to the north. The levels drop gradually down from Enfield Close to Cwmrhydyceirw Road, there is a line of TPO conifer trees bisecting parcel B. The southern part of parcel A has previously been quarried, although not to the extent of the main bowl as such the land levels drop down from the western boundary with the golf course and generally slope down towards the southern boundary with the golf course. In contrast to parcels A and B, parcel C contains historic features from the cement works and the facilities for the current operations at the landfill. Parcel D is an existing shelf within the quarry bowl which has been prepared for future landfilling.

The application has been supported by an illustrative masterplan which serves to illustrate in broad terms how the site is intended to be developed. This is supplemented by a design and access statement which explains the context of the site, its constraints and the evolution of the design to its present form.

Access points to the site would be off existing highway access points on Brodorion Drive and Enfield Close. A further access is proposed off Maes y Gwernen Road facilitated by the demolition of No. 53. Three other separate pedestrian access points are indicated to be provided from Maes y Gwernen Road, Cwmrhydyceirw Road and Railway Cottages.

The existing access to the development across the railway bridge would be retained as a construction access during the construction phase and thereafter would be retained as a pedestrian/cycle route to the development.

The masterplan illustrates new roadways with frontage development on both sides of the new road extending along and parallel with Brodorion Drive. The roadway from Enfield Close would link up with the Brodorion Drive roadway and head south in a loop road with development backing onto the southern and western boundaries with the golf course together with perimeter blocks that overlook the quarry basin. This pattern of urban form consisting of perimeter blocks with frontage development onto the spine road and development overlooking the quarry bowl is replicated across the site. The proposed development parcel within the quarry bowl would face towards the quarry and provide natural surveillance of the open space area.

Concerns have been raised in letters on objection that the scale of the buildings within the proposed development would not accord with the character of the local area, which is a mix of two storey dwellings and bungalows/dormer bungalows. The application has been accompanied by indicative scale parameters which set out the upper and lower limits of the buildings within the site. The master plan indicates the scale of the buildings that would be provided within the various development blocks. The majority of the proposed buildings would be no greater than two storey. The masterplan illustrates that there would be four pockets of two and a half or three storey development within the site, these would be located on prominent locations within the site and would serve to provide variety in the street scene and define important corner plots. None of these larger scale buildings would be sited around the perimeter of the site adjoining existing neighbouring dwellings. The scale of the buildings and their distribution within the site, as indicated on the illustrative masterplan is considered to be acceptable.

Concerns have been raised by the South Wales Police design out crime officer regarding the provision of parking courts within the illustrative design details. These concerns are noted and it will be necessary to address the matters raised at the reserved matters stage having regard to the overall design strategy for the development, which is to focus and orientate the development facing towards the quarry basin.

The overall design principles of the master plan are supported and have been expanded upon by more detailed sketch drawings to flesh out the development blocks indicated on the masterplan. The Council's urban design officer considers the information provided to be acceptable. There is, however, a residual concern regarding the proximity of the development in parcel A to the boundary trees, however, this matter can be addressed at the reserved matters stage. Overall it is considered that the proposed development, as indicated on the illustrative masterplan, demonstrates that the site can be developed in a manner that would not result in any significant detrimental impacts on the character and appearance of the area and would accord with the Council's design Policies EV1, EV2, HC2 and the guidance contained within the 'Residential Design Guide' SPG.

Residential Amenity

Concerns have been raised in letters of objection that the proposed development would result in the loss of privacy to existing occupiers surrounding the development. Whilst this application is outline with all matters reserved apart from access, the illustrative layout submitted demonstrates that a sensitively designed layout can be accommodated on this site without harming the residential amenity of future or existing residents. Any scheme on this site would have to meet the standards of separation between residential properties

normally applied by the Council (in accordance with the adopted SPG) and meet the requirements for amenity space and car parking requirements.

The development would be sited in close proximity to the existing bungalows and dormer bungalows on Brodorion Drive and Enfield Close. A more detailed sketch plan has been provided for this area which illustrates that the development could be accommodated within this part of the site without resulting in any significant overlooking, overshadowing or overbearing impacts upon the occupiers of existing properties. Elsewhere around the perimeter of the site the masterplan indicated that satisfactory separation distances, in accordance with the SPG, can be achieved to existing properties on Maes Y Gwernen Road and Cwmrhydyceirw Road.

The provision of a new access road off Maes Y Gwernen Road would have the potential to result in increased noise and disturbance to the occupiers of the properties either side at No. 57, which is at a higher level, and No. 51, which is at a lower level, than the existing dwelling. The existing dwelling has a wide frontage of some 26m and then splays inwards on the western boundary reducing to some 13 metres at the rear of the site. The side elevation of No. 57 would be sited some 9 metres from the new access road whereas the dwelling at No. 51 would be sited some 5 metres away. These distances with mitigation measures in the form of landscaping and robust boundary treatments with these properties, would ensure that there would, on balance, be no significant impacts to the occupiers of these properties from noise or disturbance from traffic movements. There are existing high boundary treatments along the common boundaries with both No. 51 and No. 57 at the rear of these properties. The provision of any new high boundary treatment at the rear of these properties would not therefore result in any significant overbearing or overshadowing impact to the occupiers of these dwellings. Where the site narrows at the rear of No. 53 both dwellings either side of the access road have outbuildings at the rear of their gardens as such these areas are not used as outdoor amenity space. In light of this and subject to the provision of a suitable robust boundary treatment along the garden boundaries within these properties, it is not considered, on balance, that the provision of the access road would result in any significant noise or disturbance to the occupiers of neighbouring properties when in their rear gardens.

The vehicular access points off Brodorion Drive and Enfield Close would be sited in close proximity to existing dwellings sited either side of the existing highway. The proposed development would result in regular vehicular movements along these access roads. Noise from traffic using these access points may be audible from the grounds of these properties, however, given the low vehicle speeds within the estate and that the development incorporates three access points, which would spread traffic across these access points, it is not considered the noise from traffic movements associated with the development would be so significant as to cause a harmful impact upon the living conditions of the existing occupiers of properties on Brodorion Drive and Enfield Close adjoining the new access roads.

Concerns have been raised in letters of objection regarding the impacts of the development on existing residents from noise disturbance and traffic pollution both during the construction phases and the operational phase. It is acknowledged that there will be some disturbance to existing residents during the construction phase from traffic and construction activities, which may continue for the duration of the build programme (estimated to be some 6 years). Any significant impacts, it is considered, can be mitigated through the effective management of construction traffic, for example, by minimising construction traffic during peak times and by utilising the Vicarage Road access as the preferred construction access for the development. Moreover, impacts associated with

construction activities can be minimised by good building practices and effective site management. The provision of a Construction Pollution Management Plan will set out how the applicant intends to minimise pollution arising from the development, this will be secured by a condition, and should provide satisfactory mitigation for any significant impacts upon existing residents. The area surrounding the application site is not located within an air quality management area, whilst acknowledging the development will result in more traffic on the surrounding road network, it is not considered the traffic generation arising from the development, estimated within the applicant's transport assessment, would result in any significant traffic pollution within the local area.

Having regard to the above, on balance, it is considered that the proposed development would not result in any significant impacts on the residential amenities of the occupiers of existing dwellings in the locality. The proposed development would therefore be in accordance with UDP Policies EV1, EV40 and HC2.

Access and Highway Safety

Vehicular access to the development will be from existing access points off Enfield Close and Brodorion Drive together with a new primary access to the development off Maes Y Gwernen Road. Pedestrian/cycle connections are indicated to be provided onto Vicarage Road and Cwmrhydyceirw Road, thus improving the permeability of the site. In addition, a pedestrian access point and an emergency access point are indicated at the existing access from Railway Cottages.

The application has been accompanied by a transport assessment which assesses the capacity of junctions within the area. Traffic generation is predicted to be 48 arrivals and 127 departures in the am peak hour (175 in total) and 120 arrivals with 70 departures in the pm peak hour (190 in total). This equates to just over 3 vehicles per minute in both the AM peak and PM peak. The predictions are based on nationally held data for residential developments (TRICS) based on a mixture of houses and flats.

Computer modelling demonstrates that all of the tested junctions remained within capacity as such it was concluded that no additional infrastructure was required to mitigate the traffic generation arising from the development. Reference to personal injury data does not indicate any safety issues on any of the roads or junctions within the locality of the development as the majority were caused by driver error.

A significant number of objections have been received relating to the highway safety impacts of the development, particularly during the peak times for school pick-up and drop-off and that access to existing properties on Maes Y Gwernen Road would be adversely affected, should the development be approved.

It is noted that there is localised congestion in the area around the school at peak times and the provision of the additional traffic arising from the development heading down Maes Y Gwernen Road will likely exacerbate this localised congestion. In order to mitigate this the applicant had indicated the provision of a lay-by on the grass verge along Maes Y Gwernen Road and the provision of a staff parking area within the school grounds accessed off Heol Maes Eglwys. However, these schemes, which totalled some £98,000 have not been included within the development because of the viability issues at the site, with priority instead being given to the highway safety measures which include the provision of a zebra crossing and guard railing outside the school and a toucan crossing at Heol Maes Eglwys to link with the footbridge crossing the M4. These improvements, it is considered, would mitigate any significant highway safety impacts arising from the

development and would improve pedestrian connections from the development. Given the proximity of the development to local schools and the pedestrian and cycle connections the development would provide, it's likely that a good number of trips to local schools and services would be made on foot or on bike, which would serve to reduce the traffic impacts of the development during the school run. Concerns have been raised that emergency vehicles would not be able to travel along Maes Y Gwernen Road during peak times, whilst this concern is noted, in emergencies drivers often respond accordingly to allow emergency vehicles to pass, it is therefore considered that this would not be a sustainable reason to refuse the planning application. In addition, the masterplan indicates that the Railway Cottage access would be used as an emergency access, this requirement can be agreed by a planning condition.

The submission indicates that the roads will be designed using Manual for Streets criteria although regard will need to be made for shared use footways and accessibility to allow public transport to enter the site. Whilst no internal highway layout has been provided, save for that indicated on the masterplan, it will be a requirement for at least one of the footways to be of a suitable layout to allow for shared cycle/pedestrian use; this is usually a minimum of 3m width. This is a requirement as set out in the Active Travel Act. Parking for the development will need to be in accordance with adopted standards.

It is not clear whether the roads will be adopted or maintained by a management company, notwithstanding this, they will need to be designed to Highway Authority standards and specifications, this can be secured by a planning condition. The long term maintenance and management of the highway infrastructure can also be secured by a planning condition.

The Head of Highways and Transportation has requested a condition to requiring the submission of a travel plan in order to encourage sustainable modes of transportation. The provision of a Construction Traffic Management Plan has also been requested and this matter can be requested by an informative, rather than a condition, as the provision of this information and its approval is administered by the Highway Authority.

Having regard to the foregoing, the Head of Highways and Transportation has raised no objection to the application on highway safety grounds, having regard to this advice, the development is therefore considered to be acceptable in terms of highway safety and would be in accord with UDP Policies AS1, AS2, AS10 and EV3.

Landfill Impacts and Remediation

The construction of a residential development around and within a permitted landfill site raises a number of concerns regarding the appropriateness of this relationship in terms of health, safety and amenity.

A fundamental element of this proposal is to ensure that, should planning permission be granted, there is a mechanism in place to cease any further landfilling operations at the site. Without such a mechanism the proposals would potentially result in new dwellings being constructed within, and in close proximity to, an active landfill - such a relationship would not be acceptable in terms of the potential noise, odour and dust impacts to the occupiers of the residential development. Moreover, NRW has advised of the potential impacts of landfill gas generation, gas flaring and possible electrical generation activities, should sufficient gas be produced if landfilling is to continue at the site.

In order to address this issue, it will be a requirement that the applicant enters into a Section 106 planning obligation to cease any further landfilling operations at the site, save for those works required to cap the landfill and provide the area of open space as indicated on the masterplan. Upon the receipt of the planning permission the applicant then intends to apply to NRW for the definitive closure of the landfill. If accepted by NRW the site would then enter the 'aftercare' phase which spans the period between definitive closure and the ultimate surrender of the permit, which NRW has suggested would span many years, rather than months. Until the landfill is definitively closed, NRW would not permit additional development or unauthorised human access within the permitted landfill boundary. NRW has further commented that if definitive closure of the site is granted, access restrictions may be reduced subject to necessary risk assessments being undertaken, however, free access to all of the public open space could not be guaranteed with access to critical infrastructure being restricted such as ground water pumps and monitoring boreholes.

NRW has highlighted concerns regarding the potential conflict between the development of the site for housing and the regulatory requirements that run with the landfill permit and suggested placing restrictions on the phasing of the development to ensure that the development is limited to those areas outside the permit boundary until such time that the landfill is definitively closed. This requirement, which can be secured by a planning condition, is considered to be essential to ensure that any conflict with the requirements of the permit is avoided. This requirement would effectively limit the development site, prior to definitive closure, to the paddock within Parcel A (adjoining Brodorion Drive/Enfield Close), all of Parcel B and the majority of Parcel C.

The landfill is proposed to remain in its present location, and will not be disturbed save for the provision of a cap of low permeability material to inhibit rainfall infiltration into the underlying waste. Whilst the detailed design of the cap is subject to the approval of NRW, it is anticipated the design will involve reducing the existing soil coverage to a depth of 300mm, the placement of geomembrane and geocomposite drainage layer and the replacement of the excavated soil to a thickness of some 1.4m. This cap will enable the former landfill, together with the residual areas within the quarry basin, to be used as an area of public open space and for housing (Parcel D), once the landfill has been definitively closed.

Letters of objection have been received stating that the landfill should be remediated and the open space provided as part of the first phase of the development. Concerns have also been raised that the developer may go bankrupt and fail to provide the open space area. Clearly the timely provision of the open space and associated play area are an important consideration. The opening up of the quarry, once remediated, as an area of open space will be of significant benefit to the surrounding community by providing an expansive area of open space with access routes within and around the quarry basin. The development of this element of the scheme will, however, require an element of housing development to take place as an enabling development to fund the remediation and open space works. Furthermore, in line with NRW's comments, access to the open space will only be allowed once the site has been definitively closed and enters the aftercare phase, as such, it would be unreasonable and would prevent housing being built that would make a timely contribution to the housing supply, to insist on the open space being provided within the first phase of the development.

It is therefore recommended that a condition is included to the effect that no more than 120 dwellings shall be developed until the open space area has been provided and is available for use, save for any access restrictions required by NRW. Furthermore, in

order to expedite the landfill closure process and facilitate the timely provision of the open space, it is recommended that a condition is imposed requiring that the application for the definitive closure of the landfill be submitted to NRW prior to the commencement of development at the site. These requirements should ensure that the open space and play area are provided in a timely manner, without compromising the overall viability of the site.

Landfill Gas

Even with no further landfilling operations at the site, the proximity of the insitu landfill to the proposed residential development must be assessed and, where necessary, mitigated in terms of landfill gas impacts. Landfill gas is the term used to describe any gas derived from landfilled waste and commonly relates to gas generated as a result of the biodegradation of the waste deposited in a landfill site. The main components of landfill gas are methane and carbon dioxide (typically 64% and 34% respectively). Typically the remaining components comprise low concentrations of oxygen and nitrogen from air, water vapour and hydrogen together with trace gas components.

The application has been accompanied by an ES which references a Land Fill Gas Risk Assessment (LFGRA) undertaken in 2005; this information was reviewed and updated in 2010 following ground intrusive site investigations and meteorological data recorded at the site. The most recent LFGRA submitted to NRW was produced in 2014 and has been submitted with this application.

The risk assessment is based on source pathway and receptor methodology. The source term is the biodegradable waste deposited in the landfill which produces landfill gas. The pathways for gas migration comprise natural pathways through permeable rock strata and man-made pathways such as drains or ducts. Receptors include people living and working in proximity to the landfill area together with property and vegetation. A significant risk is posed to a receptor only when there is a significant source of gas generation with a pathway linking the source to the receptor.

The 2005 LFGRA shows that the predicted peak bulk landfill gas generation rate attributable to the former landfill area occurred in 1992 followed by a declining landfill gas generation rate thereafter. The modelling was based on an assumption that 125,000 tonnes of waste were deposited between 1985 and 1991 inclusive at a rate of 17,857 tonnes per year. Later site investigations have, however, shown the waste volume to be 105,860 tonnes. As such the LFGRA presents a conservative estimate of gas production. The ES reports that the gas data recorded during the site investigation are consistent with low volumes of landfill gas in the former landfill area. The highest gas flow rate recorded during site investigations was 7.1 litres/hour, which is reported to be low. Gas pressure is the primary motive force for the movement of gas laterally or through the landfill surface. The ES reports that as the former landfill is generating small quantities of gas, therefore there is a low potential for gas to accumulate in the waste under significant pressure. Currently landfill gas generated from the former landfill is vented passively through a series of gas venting wells. It is proposed that these will be maintained and or replaced if necessary, after the capping works are completed. This should ensure the potential for gas to accumulate under pressure in the waste is minimised.

The ES reports that as the gas generated is not accumulating under significant pressure, the conditions in the landfill site do not present a significant risk of gas migration beyond the boundaries of the former landfill area. The presence of a liner to the ground level around the boundary of the former landfill will impede lateral gas migration. Moreover, leachate will impede the movement of gas vertically downwards to the underlying bedrock.

Finally ground water levels at the quarry are generally above the level of the base of the former landfill area as such the potential preferential gas migration pathways through sandstone will be through unsaturated fissures and fractures in the rock above the groundwater level.

Elevated levels of methane have been recorded in boreholes external to the waste. These higher levels, the ES reports, are unlikely to be as a result of gas migration from the landfill waste and are attributable to a different source, thought to be attributable to methane originating from coal deposits. However, in view of the low gas pressures the ES considers the risk posed to development at the locations of the boreholes in which high methane concentrations have been recorded may be low. Further monitoring and risk assessments will be undertaken to inform any requirements for gas control measures in these areas. Such measures can be secured via a planning condition.

In light of the above, the ES reports that the risk of gas migrating laterally from the former landfill area currently, or in the future after the area has been capped, towards buildings or structures around the quarry including the proposed development is negligible.

As development is proposed within Parcel D within close proximity to the landfill, it is recognised that it will be necessary to undertake further monitoring from new boreholes between the landfill area and the new development prior to the commencement of development to confirm the conclusions of the risk assessment and, if necessary, confirm gas control measures in the development in this area. The provision of this information and any associated mitigation measures can be secured by a planning condition.

In respect of the landfill gas information provided within the submission, NRW has confirmed that in the event of the permanent closure of the site and if the historic waste is left in situ (which is the applicant's intention as set out in the planning submission), the data provided suggests the current landfill gas generation is low, however, they have noted that until it can be demonstrated otherwise, gas protection measures in the new dwellings will need to be considered. As indicated above, this matter can be addressed by conditions.

Land Contamination

Based on the source, pathway and receptor principle described above the applicant has undertaken an assessment of the risks posed from waste, landfill gas and leachate to potential receptors i.e. people using the restored former landfill as an area of open space. Leachate is the liquid which collects at the base of the waste and contains soluble contaminants from the waste. It is produced by the infiltration of rainfall into the waste mass. Leachate is currently pumped into the DCWW sewer and under the current proposals will continue to do so.

As the landfill is proposed to be capped (as described above) including the provision of a drainage geocomposite layer, the ES reports that there is no pathway for the exposure of people using the site to contaminants in the waste or in the leachate present in the former landfill area. The ES concludes that as there will be no linkage between the source and the receptor, which will be the people using the open space, as such there will be no risk of exposure to contaminants in the waste. NRW recognise that capping the landfill will reduce the exposure pathway to historic wastes, but have highlighted key infrastructure and monitoring points would need to be protected and managed whilst the site is in the aftercare phase.

In the long term, in order to ensure the integrity of the cap is not compromised, which could potentially introduce a pathway between the source and receptor, it would need to be appropriately managed and maintained. The applicant intends for the management of the open space area to be undertaken by the Land Trust, an independent charitable trust that manages open spaces in England. Appropriate arrangements to ensure the long term management of this land can be secured through a Section 106 agreement.

Within the wider site the historic activities that have taken place including quarrying, concrete production and landfill operations may have left contamination within the ground. In order to ensure the risks posed by any residual contamination within the site are understood and mitigated, conditions are recommended for further investigative work to be undertaken and a scheme for remediation, should one be required.

Groundwater pumping

The ground water levels at the site are currently kept artificially low below the existing waste mass by a pumping regime which manages the ground water and dewatering of the quarry, which ensures the waste mass does not flood. NRW has highlighted that the potential environmental risk from leachate discharging to ground water beneath the historic waste deposit remains, should the suggested control mechanism of ground water pumping cease. NRW's letter of 10.12.14 also recalls an incident at the site in 1987 when a pump failed in heavy rain resulting in the water levels rising and coming into contact with the waste. This led to a large number of odour complaints from surrounding residents.

The maintenance of an effective groundwater pumping regime is therefore important in term of protecting the amenity of surrounding residents (existing and proposed) and in terms of preventing environmental pollution from leachate discharging to groundwater. The environmental permit has conditions that require groundwater pumping, however, NRW has highlighted that this cannot be relied upon in perpetuity to protect the development.

In order to provide sufficient assurance that satisfactory measures are in place to maintain an effective pumping regime, it will be necessary for the developer to enter into a S106 planning obligation for the long term management and maintenance of the ground water pumps. The developer has indicated that the existing pump would likely be replaced with a new submersible pump and a back-up pump operated by a float switch and linked by a telemetry system in order to raise the alarm if the pump and or the back-up pump fail to operate. They have further indicated that the pump can be replaced within a few days, should they fail. Ultimately whatever groundwater pumping arrangements are in place for the purposes of the environmental permit must be replicated, in perpetuity, once the permit has been surrendered. The provision of satisfactory pumping arrangements together with their future management and maintenance can be secured by a S106 planning obligation.

Odour

The provision of housing within and around the quarry basin does raise a concern that there could be an odour nuisance to the future occupiers of the development from the landfill, which is vented passively through 12 gas venting wells located in the former landfill area. The odour of landfill gas is imparted by some trace gas components which can be present in low concentrations. The odour is controlled by the rate of release to the atmosphere and the degree of dilution. Gas samples taken from the landfill show odorous trace gases are present including carbon disulphide, hydrogen sulphide, toluene and

xylenes. The ES reports the concentrations of these gases are low, such that based on their assessment it is considered the potential for odour nuisance associated with landfill gas vented passively to air above the former landfill are is negligible. On the basis of this information and given that there have been no reported odour complaints from the site in recent years, it is considered, on the basis of this information, that the risks to the future occupiers of the development from an odour nuisance would be very low, as such the potential threat from an odour nuisance would not be a reason to withhold planning permission.

Summary

In summary, the development of the site within and around the landfill will present a number of challenges to its development. The landfill is actively gassing, however, based on the information provided and having regard to the advice of NRW the level of gassing is low and subject to measures to afford protection to the future occupiers, it is considered that there would be very little residual risk to the occupiers of the development from landfill gas. An area of open space will be provided on the former landfill once capped and landscaped. The landfill gas will continue to be passively vented and in light of the information provided this will not present a health risk, safety risk or odour nuisance to the future occupiers of the development and those using the open space.

On the basis of the information provided within the submission and subject to standard conditions in relation to land contamination and the provision of a satisfactory scheme to address the long term requirement for ground water pumping, the Pollution Control division has raised no objection to this planning application. The development is therefore considered to accord with UDP Policy EV38.

Ecology and Trees

Several objections have been received in regards to the impact of the proposal on wildlife. The site forms part of the Cwmrhydyceirw to Birchgrove Railway SINCE. The site supports a broad range of habitats including woodland, scrub, semi-improved neutral grassland, marshy grassland, standing water and running water.

The construction phase will result in the loss of the marshy grassland fields to the north of the quarry, however, the majority of the woodland/scrub on the quarry slopes would be retained. On this basis, the ES reports a significant adverse impact on the SINCE was considered unlikely, although the development would result in an adverse effect without appropriate mitigation for the loss of habitat.

The ES reports that several habitats would be adversely affected by the proposals, these include: woodland areas based on the loss of pioneering scrubby woodland located at the western and eastern extents of the site; hedgerows and trees, including the defunct conifer hedge and a section of older hedge in the north of the site; standing water, due to the loss of the concrete pond associated with the quarry buildings and; standing water, based on the loss/re-direction of smaller tributary streams.

The ES also reports that several habitats would be significantly adversely affected by the development, these include: scrub, located within the northern extent of the site (within marshy grassland fields) and; grassland, in the northern part of the site and located within the basin.

In terms of fauna, a total of four bat species were recorded foraging and commuting on and over the site. The loss of foraging habitat (pioneering scrubby woodland and species poor hedgerows) would have an adverse effect but this would not be significant given the retention of the majority of woodland and scrub communities across site features known to be used by foraging communities. There is also a potential for an adverse impact through increased noise and lighting. NRW has noted that further survey work is required prior to the commencement of development in relation to one of the quarry buildings. In line with the advice of NRW and the Council's planning ecologist, this further survey work can be required by a planning condition. NRW has further advised that a specific Mitigation & Management Plan for Bats should be provided and this could form part of the wider Construction and Environmental Management Plan for the site. Again, these requirements can be secured by planning conditions.

In terms of birds, site clearance would remove existing foraging and nesting habitat, however, it is considered unlikely to result in a significant adverse impact due to the availability of similar resources which will be retained within the site. An adverse impact is probable due to a combination of habitat loss and increased disturbance from construction activities.

Importantly, a nesting pair of Peregrine Falcon was identified on the northern face of the quarry. The highest ecological value of 'County' is assigned to breeding Peregrine Falcon. As the quarry face will be retained, together with screening vegetation, a significant adverse impact is unlikely, however, this could not be ruled out in the absence of appropriate mitigation measures. NRW has therefore advised that a specific strategy/mitigation plan for the Peregrines should be provided prior to the commencement of development. However, they have advised that locating any new housing, footpaths and public access areas in the vicinity of the nest should be avoided and existing screening between the nest site and human presence activity, should remain in situ and should be supplemented as necessary. A mitigation plan to address the residual matters relating to impacts on Peregrine falcon can be secured by a condition, in line with the advice of NRW.

Amphibians identified on the site include common toad, common frog and Palmate Newt, as such the site is considered to be of value to amphibians. The ES reports that the retention of the sump pond and terrestrial habitat to the south and east would mean that a significant adverse impact on amphibians was unlikely. Great Crested Newt surveys have been undertaken but did not identify the presence of this species as such they are not considered likely to be present on the site.

A good population of Common Lizard were identified within the site. Clearance works within the quarry basin and marginal grassland areas surrounding the quarry edge will affect the majority of the reptile habitat. In the absence of mitigation measures there would likely be a significant adverse impact on reptiles at the site. In line with the advice of NRW a mitigation plan to address the residual matters relating to impact on reptiles and amphibians can be secured by a planning condition. This mitigation should ensure the development would not have a significant adverse impact on reptiles.

In order to mitigate both the construction impacts of the development and the impacts associated with the use of the site for housing and open space, the ES contains a number of mitigation measures. These include, but are not limited to, the retention of woodland and hedgerows, where possible, the planting of native hedgerow and biodiversity rich planting for the open space, the retention of the sump pond with native wetland planting;

clearance of vegetation outside of the bird nesting season, a clearance methodology with regard to reptile habitat and reptile capture and re-location scheme.

The Council's Planning Ecologist has raised no objection to the application subject to the submission of further information and detailed mitigation measures, which can be required by conditions.

In terms of trees, the site includes groups of trees around the perimeter of the fields to the north of the quarry and bordering the golf course along the western boundary. On the southern boundary there are mature trees again bordering the golf course and railway line. In the northernmost part of the site, at the rear of properties on Enfield Close, is a line of mature trees in an outgrown hedge (G13) which are subject to a tree preservation order (364) and a line of conifers (G10) which are also subject to a tree preservation order. Around the quarry basin and the face of the quarry there are several groups of mature trees, and along the eastern boundary are several separate groups of trees.

The masterplan generally indicates which trees are proposed to be retained within the development. The majority of trees along the southern and western boundaries would be retained together with those within and around the quarry basin, with the exception of G19a (C category) which is proposed to be removed to accommodate the dwellings within the quarry basin. Along the eastern boundary several tree groups are proposed to be removed (G4, G5, G7), these are lower quality C category trees, similarly there are several C category groups of trees (G14, G17 and G21) along the northern edge of the quarry which will be removed to facilitate the development and two B category groups (G20 and G8). The loss of these tree groups would not, it is considered, result in any significant landscape impacts. The retention of the trees within the quarry basin, together with those on the southern and western boundaries and the retention of the majority of the TPO group along the northern boundary adjacent of properties on Enfield Close, save those required to be removed to form the access road, would ensure that the local landscape character would not be significantly adversely affected by the loss of trees. Moreover, the loss the B group trees will need to be mitigate through replacement planting within the site. There is a line of TPO protected conifers which bisects parcel B, this group of trees presents a significant constraint to this part of the site given their height and orientation. Moreover, they are considered to be category C trees of poor condition with gaps within the group, as such the loss of this tree group is considered to be acceptable and would not have a significant landscape impact.

The tree officer has noted that the indicative layout includes dwellings in close proximity to retained trees, as such the detailed layout and design of the development will need to have regard to this constraint. In addition, any reserved matters applications will need to be accompanied by an arboricultural impact assessment in order to demonstrate that the detailed layout is acceptable in terms of its impacts on trees, this information can be secured by conditions.

In light of the above, the development would accord with UDP Policies EV2, EV28 and EV30.

Drainage and Water Supply

Concerns have been raised in letters of objection regarding the potential impact of the development on both surface water runoff and the capacity of the surrounding drainage system to cope with the additional foul flows from the development.

The application has been supported by a drainage statement which outlines the surface water drainage scheme for the site. It is proposed that all surface water drainage from developed areas will discharge at an attenuated rate to the Cwmrhydyceirw Stream along the southern boundary. The drainage statement confirms the surface water from the development will, as a minimum, be limited to existing greenfield runoff rates. Parts of the site will be drained to the sump lagoon before onward pumping to the stream.

The Council's drainage engineer has confirmed that the proposed drainage strategy demonstrates that an appropriately designed surface water drainage scheme can be achieved subject to the submission of further detailed design information, which can be required by a condition.

In terms of foul water drainage two options have been put forward by the developer, both of which would result in discharges to existing DCWW sewers within Chemical Road (option 1) or Heol Y Dyffan (Option 2). DCWW have raised no concerns regarding the capacity of foul sewers to receive the foul flows arising from the development.

In terms of water supply, DCWW had initially objected to the proposals on the grounds of water supply problems in the area. However, following the submission of a Hydraulic Modelling Assessment to DCWW, they have subsequently withdrawn their objection and requested standard drainage conditions to prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no detriment to the environment.

In light of the above the development would accord with UDP Policies EV33, EV34 and EV35.

Planning Obligations

UDP Policy HC17 indicates that in considering proposals for development the Council will, where appropriate, enter into negotiations with developers to deliver planning obligations under Section 106 of the Town and Country Planning Act 1990. The Council will expect developers to make contributions towards:

- i) improvements to infrastructure, services or community facilities,
- ii) mitigating measures made necessary by a development, and
- iii) other social, economic or environmental investment to address reasonable identified needs.

Provisions should be fairly and reasonably related in scale and kind to individual development. The adopted SPG on Planning Obligations states that where developers contends that the Section 106 requirements are too onerous and will potentially make a scheme unviable, they will be expected to submit a development viability appraisal, and that the Council may seek independent verification of these details before considering whether to reduce the number and / or value of planning obligations sought.

A viability review has been undertaken and submitted as part of the application. The report concluded that the sites Existing Use Value is substantially higher than the value that could be achieved from the redevelopment scheme (this is called the site's residual value or RV). The RV is calculated for a scheme which includes planning obligation requests from Education, Housing, Highways and Parks. The report identifies significant abnormal costs associated with the development of the site, the vast majority of these costs are associated with remediating and managing the landfill. In total the abnormal costs would

amount to approximately £3,000,000. The appraisal demonstrates that if the development were to provide all the requested Section 106 contributions (set out below) it would not be commercially viable and would not proceed.

The SPG highlights that any reduction in the requirements for Section 106 contributions is only likely to be justified where there is a planning merit and/or public interest in developing the site. In this respect the site benefits from planning permission and an environmental permit for landfilling operations. This development provides an opportunity to not only secure the permanent cessation of the landfilling operations and the potential amenity, traffic and environmental issues associated with such uses, but also provides an opportunity for the quarry to be opened to the public to provide a large and impressive area of open space for the benefit of the wider community. In conclusion, therefore, it is considered that there is the potential for substantial benefits to the local community if this development is approved. Therefore, it was considered justified in this instance to entertain a reduction in the Section 106 contribution requests, in line with the advice of the SPG. The contribution requests are set out below:

Affordable Housing

The need for affordable housing is a material planning consideration and UDP Policy HC3 states that in areas where a demonstrable lack of affordable housing exists, the Council will seek to negotiate the inclusion of an appropriate element of affordable housing on sites which are suitable in locational/ accessibility terms and where this is not ruled out by exceptional development costs. The Council's Planning Obligations Supplementary Planning Guidance (SPG) augments Policy HC3 and provides clarification on use, expectations and procedures and indicates that the Council will normally expect that 25 – 30% of all dwellings will be affordable housing. In this instance the Housing Department requested 30% affordable housing.

Recreation Provision

In accordance with Policy HC24, all new housing will be required to make provision for areas of open space either within the site or at an appropriate location where the level and nature of open space provision in the locality is inadequate to meet the demands of the future occupiers together with the needs of the existing population.

As part of the LDP process, the Council has prepared an Open Space Assessment to identify the existing situation in the County. Within the Morriston ward, there is a deficiency in open space provision in accordance with Fields in Trust guidelines. Morriston has an over provision of Outdoor Sport facilities (2.7ha) this makes up for the majority of the Wards Fields in Trust provision meaning a deficiency in Children's Playing Space and Equipped Playgrounds. Moreover, the assessment highlights that the Maes Y Gwernen area of Cwmrhydyceirw is almost entirely deficient in terms of access to open space/play provision. On this basis, and in accordance with the Council's Adopted 'Planning Obligations' SPG the Parks Department have requested the provision of a Local Equipped Area of Play (LEAP) for the site and a commuted sum of £75,000 for its on-going maintenance.

Education

The catchment schools for the area are Cwmrhydyceirw Primary, Morriston Comprehensive, YGG Tan Y Lan and YGG Bryn Tawe. In accordance with the SPG calculations, and based on the development of 300 dwellings, the proposal would

generate some 93 primary school pupils and some 66 secondary school pupils. On the basis of capacity issues at the local primary schools the Education Department initially requested a contribution request of £964,596 plus inflation required for Cwmrhydyceirw Primary School with a % split shared with YGG Tan y Lan. However, following a review of this request, in light of the viability information provided, a revised contribution request of £750,000 has been received for a three classroom extension to Cwmrhydyceirw Primary.

Highways

As described above, several highway safety improvement schemes have been identified to improve highway and pedestrian safety in the area around Cwmrhydyceirw Primary. The total cost of these schemes is estimated to be £146,000.

Viability Appraisal

The viability appraisal accompanying the planning application demonstrates that the scheme would not be commercially viable if all the above requested contributions were required to be provided. The question therefore is whether, in the absence of the above contribution requests, the development would be acceptable in planning terms. In this respect the Community Infrastructure Levy Regulations (2010), requires that contributions must be necessary to make the development acceptable in planning terms, be directly related to the development and be fairly and reasonably related in scale and kind to the development.

In the planning balance, it is necessary to weigh up the positive aspects of bringing the development forward in terms of the permanent cessation of the quarry use, the provision of a large open space area and equipped play space within a community which is deficient in such provision. Moreover, it is acknowledged that the Council's housing land supply has dropped below the required 5 years, therefore, a development of this scale would make a positive and material contribution to addressing the current land supply deficiency in Swansea. Technical Advice Note 1: TAN1 (Joint Housing Land Availability Studies) advises that, where a housing land supply shortage exists, the need to increase supply should be given considerable weight when dealing with planning applications, provided that the development would otherwise comply with national planning policies. In this respect, the development is considered to be in broad compliance with the requirement of UDP Policies, therefore, significant weight should be afforded in favour of the development for this reason.

Aside from the broader planning balance arguments, ultimately a development must be able, where necessary, to satisfactorily mitigate any significant impacts which may arise as a result of the development, whether these relate to highway safety impacts or impacts on local services. The Council must therefore consider whether the contributions offered by the applicant would satisfactorily mitigate the developments impact on the local community.

In light of the viability assessment, the developer initially offered to provide some 5% affordable housing on the site together with a contribution of some £244,000 for highway safety improvements and measures to improve parking and drop off provision for Cwmrhydyceirw Primary. Following further negotiations, and a re-appraisal of the viability assessment, the developer has agreed to provide the following:

- Education contribution of £750,000 to provide 3 new classrooms for Cwmrhydyceirw Primary.

- Highways contribution of £146,000 for highway safety improvements as detailed above.
- The provision of a LEAP and its future maintenance through a management company.

The above offered contributions would accord with the requirements of the various departments with the exception of the request for the provision of 30% affordable housing within the site. The provision of affordable housing is a planning policy requirement under Policy HC3, where this is not ruled out by exceptional development costs. In this case the developer has provided robust viability information which rules out the provision of a policy compliant element of affordable housing. It is considered the contributions offered would mitigate the potential significant impacts of the development in terms of highway safety, capacity issues at Cwmrhydyceirw Primary and the need to provide outdoor play provision. In view of the positive impacts of the development described above it is therefore considered, on balance, that even in the absence of any affordable housing provision on site, the development would constitute a sustainable development that would be in accordance with development plan policies.

Safety Risk Posed by the Quarry Face

The planning inspector's appeal decision in 1985 justifies his decision to approve the broadening of the types of materials which could be landfilled at the site on the basis that the quarry face was a potential danger to the general public, and particularly to children in the locality. He considered it would be in the best interests of the local inhabitants for the quarry to be filled as quickly as possible to remove the danger to life and limb.

Whilst the inspector's comments are noted, the context in which this development is being considered is far different to that considered by the inspector. At the time of the inspector's decision the site was a permitted landfill with no immediate prospect of an alternative end use for the site, as such it was reasonable for the inspector to apply significant weight to potential safety issues at the site as justification for permitting the development. The context now is that whilst a permit exists for landfilling, no landfilling has taken place since the early 1990's and it is now proposed to develop the land within and around the basin for housing and open space. This planning application represents an opportunity to utilise this expansive and impressive landform, which is only likely to have been viewed by a limited number of people in the locality, into a unique open space area for the benefit of the wider community. In light of the opportunity presented by this planning application, the safety risks must be considered in the balancing exercise with the wider planning benefits associated with the development in terms of the cessation of the landfilling operations and providing a sustainable housing development which positively addresses the land supply deficit and addresses the lack of open space provision within the Maes Y Gwernen area. Moreover, it is considered that any safety risks posed by the quarry face can be reasonably addressed through the provision of adequate safety measures. This should ensure that any residual risk from accidents is minimised to an acceptable level of risk. Clearly there is also an element of personal responsibility involved and provided adequate safety measures are in place, for example, to protect young children from going near the quarry face, it is considered that the quarry basin would not represent an unacceptable risk to the public. It is therefore recommended that a condition is placed on any planning permission to require the submission of a health and safety risk assessment and the measures within the assessment to be incorporated within the detailed design of the scheme.

Other Issues

Concerns have been raised that doctor's surgeries in the area may be over capacity and the development would make the situation worse. There are several doctors' surgeries within Morriston, therefore, it is not considered a development of this scale would result in any significant impacts upon the capacity of existing surgeries.

Concerns have been raised that there is no demand for additional housing within this area. In response to this concern, there is a recognised need for more housing across the city. The Council is currently not able to demonstrate a five year housing land supply. This development, if approved, would make a positive and material impact upon the current housing land supply deficit. Moreover, the fact that the applicant has invested considerable resources to apply for planning permission for housing on this site suggested there may be considerable demand for new housing in this area.

Concerns have been raised that the chemicals used for the eradication of Japanese knotweed at the site may harm children and local wildlife. No details of a scheme to treat the Japanese knotweed at the site have been submitted. Notwithstanding this, the chemical treatment of Japanese knotweed is a well-established and effective method of eradication and if treated by a specialist contractor is unlikely to result in any significant health or environmental impacts. Details of a satisfactory method for its eradication at the site will be secured by a condition.

Concerns have also been raised in respect of the availability of mortgages on land that has Japanese knotweed. Whilst this is not considered to be a planning matter, long term guarantees are normally provided by eradication contractors which may serve to demonstrate to mortgage companies that this invasive plant has been treated with due diligence.

Concerns have been raised that the open space and additional public access lanes to the development may attract anti-social behaviour. The South Wales police design out crime officer has also commented that the development should not incorporate 'ratruns'. In response to this concern, clearly a balance must be struck between making a development safe and allowing permeability between the new development and its surroundings, which is desirable to encourage alternative modes of transportation and to provide a physical and social connection to the existing community. The layout and design of the development will need to actively address any potential antisocial behaviour issues by ensuring natural surveillance of any new connections with existing pathways. This matter can be dealt with at the reserved matters stage.

Concerns have been raised that the development would destroy the community spirit in the area. It is not considered there are any material reasons why the proposed development would impact on the community spirit which no doubt exists within the area. Indeed the development has the potential to improve community links through the provision of a large open space area within the development site.

Concerns have been raised that there may be injuries to the occupiers of the development from golf balls from the adjacent golf club. On the boundary with the golf course there are mature trees which should serve to screen the dwellings from the golf course. The retention of these trees, together with a suitable boundary treatment should serve reduce the risks to the future occupiers of the development from golf ball strikes.

Concerns have been raised regarding whether a bus service would be provided within the development. At present the estate to the north of the site is served by a bus frequency of

2 hours whereas an hourly service serves Cwmrhydyceirw Road/Chemical Road. There may be scope to service the site using the existing bus provision, however, this would be at the discretion of the bus service operator. Notwithstanding this, access to the existing bus services in the area could be achieved by foot from the site.

Concerns have been raised that planning permission has previously been refused for dwellings at the rear of No. 53 Maes Y Gwernen Road. These applications are materially different to this current application, which has been considered on its merits having regard to development plan policies and all other material considerations. An assessment of the impact of the development on the occupiers either side of the proposed access on Maes Y Gwernen Road is described above. It is concluded, on balance, that the development would not result in any significant residential amenity impacts.

Concerns have been raised regarding the stability of the land adjacent to the new access at No. 57 Maes Y Gwernen Road. The land levels at No. 57 adjacent to the application site appear to be similar as such it is not considered that any significant retaining works would be required to facilitate the new access to the development.

Concerns have been raised regarding what controls will be in place to prevent the developer from leaving the landfill and/or housing incomplete and possibly in a dangerous condition. Any building site left in a dangerous condition may be subject to enforcement under health and safety legislation through the Health and Safety Executive. It would be unreasonable in planning terms to include a condition that the development must be completed within a specified timeframe, however, the phasing of the development will be agreed by a planning condition with trigger points for the provision of the open space and S106 contributions. The management of the landfill is subject to an environmental permit which will stay in place for enforcement purposes until the permit is surrendered, at which point the site will have been remediated in accordance with the requirements of NRW and the terms of any planning permission granted. In the long term, the open space, which includes the landfill, is intended to be managed by a charitable trust (Land Trust).

Concerns have been raised that the highway safety improvements should be undertaken prior to the commencement of development. This would be unreasonable in planning terms. The Head of Highways and Transportation has agreed phased payments for the highways improvement as set out within the recommendation. This will ensure an appropriate balance is struck in terms of the viability of the development and the requirements to provide highway safety improvements.

Concerns have been raised that the proposed development including the road layout and barriers will have an impact on customer parking for the corner shop, will impact on access to the hairdresser and will prevent daily deliveries of stock to the business. In response to this concern, there is considered to be ample on street parking provision to the front of the shop and within the pull-in at the roundabout.

Network Rail has issued a holding objection to the planning application on the basis that they require: drainage plans to ensure the Network Rail culvert isn't compromised; and details of the construction method in view of the proximity of housing to the railway tunnel. In response to these observations, the drainage options for the site have not yet been fully developed and may not include a foul connection via the railway bridge. The applicant has been made aware of Network Rail's observations in order that the site drainage scheme can be drawn up having regard to these comments. If necessary, Network Rail can be consulted on the final drainage scheme which will be required by a condition. In terms of the method of construction in proximity to the railway tunnel, details of the

method of construction can be approved by a planning condition, in consultation with Network Rail, as necessary. This is considered to be a technical detail and is not a valid reason to withhold planning permission.

Conclusion

The proposed development will provide approximately 300 dwellings sited within and around the quarry basin. The illustrative masterplan demonstrates the design principles that will guide subsequent reserved matters applications; the design framework is considered to be acceptable and would accord with UDP design policies and SPG. On balance, it is considered the development would not result in any significant residential amenity impacts, subject to satisfactory mitigation measures. The development of this former landfill site for housing presents a number of challenges for the developer, however, based on the information provided it is considered the site can be developed for housing and open space without raising any significant environmental health or safety issues, subject to the conditions and Section 106 planning obligations required by this permission and subject to the successful closure of the landfill under the environmental permitting regulations administered by NRW.

The site is within a sustainable location close to existing services. It will result in additional traffic on the highway network, however, it is considered this traffic can be accommodated on the network without resulting in any significant highway safety impacts.

The developer has submitted viability information which demonstrates that the site cannot bear the full contribution requests from various departments described above. In order to make the development acceptable in planning terms and to mitigate the impacts of the development on infrastructure and services, S106 financial contributions have been negotiated and will be secured for highway safety improvements and extensions to Cwmrhydyceirw Primary. There is no provision for affordable housing.

Notwithstanding this, development has the potential to result in benefits to the local community in terms of the permanent cessation of the landfilling operations and the development of the quarry basin as an area of open space and play area, which is currently lacking in this part of Morriston. Moreover, the provision of some 300 dwellings would make a positive and material contribution to the housing land availability within Swansea.

Subject to the provision of further information, which can be secured by planning conditions, it is considered the proposal is capable of being developed without having significant impacts on drainage, ecology and trees.

In light of the above, the development is considered to accord with UDP Policies and approval is therefore recommended.

RECOMMENDATION:

That the application be APPROVED, subject to the conditions indicated below and the applicant entering into a Section 106 Planning Obligation in respect of:

Education – a payment of £750,000 for the provision of three new classrooms at Cwmrhydyceirw Primary School. The payment to be made according to the following schedule: £247,500 before occupation of the 120th dwelling and a payment of £502,500 before occupation of the 150th dwelling.

Highways – a payment of £146,000 for highway safety improvements within the vicinity of the site comprising a toucan crossing and zebra crossing, guard railing, road markings and signage. The payment to be made according to the following schedule: £48666 to be paid before occupation of the 120th home, £48666 to be paid before occupation of the 195th home and £48668 to be paid before occupation of the 270th dwelling.

Landfill operations – no further landfilling operations pursuant to planning permissions: 81/0486/03, 84/0505/05 and 2015/2544 shall take place save for any works to remediate and definitively close the landfill site required by this planning permission or any works detailed within any Environmental Permit or other direction issued by NRW in order for the landfill to be definitively closed and to enter the aftercare phase.

The provision, management and future maintenance in perpetuity of ground water and surface water pumps at the site.

The provision, management and future maintenance in perpetuity of the landfill cap, LEAP, open space and woodland areas.

A management and monitoring fee as set out within the Council's SPG of 2% of the value of the obligations in the Section 106 Agreement - £17,920.

- 1 Details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.

Reason: The application, in outline form, does not give sufficient detail for consideration of these matters at this time.

- 2 Any application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.

Reason: Required to be imposed pursuant to Section 92 (2) of the Town and Country Planning Act 1990.

- 3 The development shall begin either before the expiration of five years from the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Reason: Required to be imposed pursuant to Section 92 (2) of the Town and Country Planning Act 1990.

- 4 The development shall be carried out in accordance with the following approved plans and documents: PA01 - Site Boundary, W131130/A/10 Proposed Site Access Locations, W131130/A/11 - Proposed Site Access Brodorion Drive and W131130/A/12 - Proposed Site Access Enfield Close, received 10th July 2014.

Reason: To define the extent of the permission granted.

- 5 The reserved matters submitted in conjunction with condition 1 above shall be submitted substantially in accordance with the masterplan document entitled "Illustrative Masterplan" (Drawing No: 100MP Rev B) and the Design and Access

Statement, received on 1st April 2016.

Reason: To ensure the development proceeds in accordance with the design principles agreed at outline stage.

- 6 A programme of phasing of the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of works on the site. The development shall be completed and brought into beneficial use in accordance with the details approved under Condition 1, or required by the conditions of the permission and the approved phasing programme.

Reason: To ensure that the development is completed in accordance with the plans and scheme of phasing approved by the City and County of Swansea, and so avoid any detriment to amenity or public safety by works remaining uncompleted.

- 7 Notwithstanding the details indicated in the application, all reserved matters applications shall be accompanied by details of existing and proposed levels for the development. The development shall be carried out in accordance with the approved details.

Reason: To enable the reserved matters application to be properly assessed to ensure that the work is carried out at suitable levels in relation to the adjoining land having regard to visual impact, residential amenity impact, drainage and gradient of access.

- 8 Prior to the commencement of any development hereby approved a scheme to investigate and monitor the site for the presence of gases (see informative for description of 'Gases') being generated at the site or land adjoining thereto, including a plan of the area to be monitored, shall be submitted to and approved in writing by the local planning authority.

The scheme shall be implemented in accordance with the approved scheme and in the event that gases are being generated the proposed details of appropriate gas protection measures to ensure the safe and inoffensive dispersal or management of gases and to prevent lateral migration of gases into or from land surrounding the application site shall be submitted to and approved in writing to the local planning authority.

All required gas protection measures shall be implemented as approved and appropriately verified before occupation of any part of the development which has been permitted and the approved protection measures shall be retained and maintained until such time as the local planning authority agrees in writing that the measures are no longer required. A copy of the verification certificate should be submitted to the local planning authority prior to the first beneficial use of the site.

Reason: In the interest of conserving public health, local amenity and to protect the environment.

- 9 Prior to the commencement of any development hereby approved, a strategic site wide foul, surface and land drainage strategy based on sustainable drainage principles shall be submitted to and approved in writing by the Local Planning Authority. The strategy should be based upon the SuDs hierarchy, as espoused by

the CIRA publication 'The SuDs Manual, C697'. The strategy shall maximise the use of measures to control water at source as far as practicable, to limit the rate and quantity of run-off and improve the quality of any run-off before it leaves the site or joins any water body.

The strategy shall include details of all flow control systems and the design, location and capacity of all strategic SuDs features and shall include ownership, long-term adoption, management and maintenance scheme(s) and monitoring arrangements/ responsibilities, including detailed calculations to demonstrate the capacity of the measures to adequately manage surface water within the site without the risk of flooding to land or buildings. Details of phasing during drainage operations and construction shall also be included. The approved drainage works shall be carried out in their entirety , fully in accordance with the approved details, prior to the occupation of any building or alternatively in accordance with phased drainage operations agreed in writing by the Local Planning Authority..

Reason: To ensure a satisfactory and sustainable means of drainage, to prevent the increased risk of flooding, in the interests of protecting the environment and ensure future maintenance of the drainage infrastructure.

- 10 The highways and footpaths located within the development shall be laid out to an adoptable standard, including the provision of street lighting, in accordance with full engineering details which shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The submitted details shall include details of the phasing of the highways and footpath construction.

Reason: In the interest of highway safety.

- 11 Any reserved matters application shall include a detailed foul, surface and land water drainage strategy pursuant to the reserved matters site for which approval is sought. The strategy shall demonstrate how the management of water within the reserved matters application site for which approval is sought accords with the approved details for the strategic site wide surface water strategy. The strategy shall maximise the use of measures to control water at source as far as practicable, to limit the rate and quantity of runoff and improve the quality of any runoff before it leave the site or joins any water body.

The strategy shall include details of all flow control systems and the design, location and capacity of all such SUDS features and shall include ownership, long-term adoption, management and maintenance scheme(s) and monitoring arrangements/responsibilities, including detailed calculations to demonstrate the capacity of receiving on-site strategic water retention features without the risk of flooding to land or buildings.

Reason: To ensure that a satisfactory and sustainable means of drainage is available 'upfront' to serve development individual phases, to prevent the increased risk of flooding to third parties and to protect the environment.

- 12 Prior to the commencement of development an Environmental Management Plan (EMP) detailing site wide strategies for ecological mitigation, compensation and enhancement as summarised in Chapters 7 and 9 of the Environmental Statement have been submitted to and approved in writing by the local planning authority. These measures shall cover both construction and operational phases

of the development. In addition to site wide mitigation measures the EMP shall include specific Mitigation and Management Plans for Bats, Peregrine Falcon, Amphibians and Reptiles. The development shall be implemented in accordance with the approved details and timescales set out within the approved EMP.

Reason: To ensure that the ecological impacts of the development are appropriately mitigated.

- 13 Prior to the demolition of the quarry building identified within Target Note 41 of Chapter 7 of the Environmental Statement, the building shall be surveyed for bats. The details of the survey and its findings together with any bat mitigation measures shall be submitted to and approved in writing by the local planning authority prior to its demolition. Any mitigation measures shall be carried out in accordance with the approved details and timescales.

Reason: To ensure there is satisfactory mitigation prior to its demolition, should this building be used by bats.

- 14 Prior to the commencement of development an application shall be submitted to Natural Resources Wales for the definitive closure of the landfill site. Written confirmation of the same from Natural Resources Wales shall be provided to the local planning authority by way of correspondence prior to the commencement of development. The application for definitive closure must not be withdrawn without first notifying the local planning authority.

Reason: In order to ensure that the cessation of the landfill use and its remediation are undertaken in a timely manner.

- 15 No development approved by this permission shall be commenced until a Site Waste Management Plan has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure waste at the site is managed in line with the Waste Hierarchy in a priority order of prevention, re-use, recycling before considering other recovery or disposal option.

- 16 No development approved by this permission shall be commenced until a Construction Pollution Management Plan (CPMP) detailing all necessary pollution prevention measures during the construction phase of the development is submitted to and approved in writing by the Local Planning Authority (see informatives for details of its contents). Development shall be carried out in accordance with the approved CPMP.

Reason: In order to prevent pollution of the environment, protect the residential amenities of the area and to secure the satisfactory development of the site.

- 17 No development for the construction of any dwelling hereby approved shall take place within the Environmental Permit boundary as indicated on Plan No. EDE/CW/06-14/17856 (Figure 8.2 of the Environmental Statement) until such time that written confirmation has been provided to the local planning authority, by way of correspondence from Natural Resources Wales, that the landfill site has been definitively closed and has entered the aftercare phase.

Reason: To ensure that there is no conflict between the development of the site for housing and the requirements imposed by the landfill environmental permit.

- 18 No development hereby approved shall commence until a detailed scheme for the eradication of Japanese Knotweed shall be submitted to and approved in writing by the Local Planning Authority, and shall be implemented in accordance with the details and timescales specified within the approved scheme.

Reason: In the interests of the ecology and amenity of the area.

- 19 No development including site clearance, demolition, ground preparation, temporary access construction/widening, material storage or construction works shall commence until a scheme for tree protection has been submitted to and approved in writing by the Local Planning Authority. The tree protection scheme and method statement will address all the impacts raised in the arboricultural impact assessment. No development or other operations shall take place other than in complete accordance with the approved tree protection scheme. The tree protection scheme shall include the following information:

(a) A tree protection plan comprising of a drawing at a scale of not less than 1:500 showing, with a solid line, all trees and other landscape features that are to be retained and, with a dashed or dotted line, those that are to be removed. This drawing shall also show the position of protection zones, fencing and ground protection measures to be established for retained trees. Where applicable, two lines shall be shown demonstrating the lines of temporary tree protective fencing during the demolition phase and during the construction phase.

(b) A British Standard 5837 Tree Survey schedule with tree reference numbers corresponding with trees on the plan required by section a) of this condition.

(c) The specification for protective fencing and a timetable to show when fencing will be erected and dismantled in relation to the different phases of the development;

(d) Details of mitigation proposals to reduce negative impacts on trees including specifications and method statements for any special engineering solutions required and the provisions to be made for isolating such precautionary areas from general construction activities;

(e) Details of any levels changes within or adjacent to protection zones;

(f) Details of the surface treatment to be applied within protection zones, including a full specification and method statement;

(g) The routing of overhead and underground services and the location of any wayleaves along with provisions for reducing their impact on trees to an acceptable level;

(h) A specification and schedule of works for any vegetation management required, including pruning of trees and details of timing in relation to the construction programme;

(i) Provision for the prevention of soil compaction within planting areas;

(j) Provision for the prevention of damage to trees from soft landscape operations including details of the application of any herbicides;

(k) Provision for briefing construction personnel on compliance with the plan;

(l) Provision for signage of protection zones and precautionary areas;

(m) Details of contractor access during any demolition or building operations including haulage routes where soil is to be removed.

(n) A tree protection mitigation plan detailing emergency tree protection and remediation measures which shall be implemented in the event that the tree protection measures are contravened.

Reason: To ensure that reasonable measures are taken to safeguard trees in the interests of local amenity.

20 Details of the reserved matters set out in condition 1 shall be accompanied by an arboricultural impact assessment.

Reason: To ensure that reasonable measures are taken to safeguard trees in the interests of local amenity in accordance with Policy EV30.

21 No retained trees shall be cut down, uprooted, destroyed, pruned, cut or damaged during the construction phase other than in accordance with the approved detailed plans and particulars, without the prior written approval of the Local Planning Authority. If any retained trees are cut down, uprooted, destroyed or die during the construction phase a replacement tree shall be planted at a similar location and that tree shall be of a size, species as specified in writing by the Local Planning Authority.

Reason: To ensure that reasonable measures are taken to safeguard trees in the interests of local amenity and accords to Policy EV30.

22 Prior to the commencement of development, full details of the proposed arrangements for future management and maintenance of the proposed streets within the development, shall be submitted to and approved in writing by the Local Planning Authority. The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an agreement has been entered into under section 38 of the Highways Act 1980 or a private management and maintenance company has been established.

Reason: In the interests of highway safety and to ensure that the highways within the development are provided at an appropriate time and maintained thereafter.

23 No development shall take place until the developer has displayed a site notice in accordance with the form set out in Schedule 5B of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 or any order revoking or re-enacting that order. The site notice shall be displayed at all times when development is being carried out.

Reason: To comply with the requirements of Section 71ZB(2) of the Town and Country Planning Act 1990 (as amended).

24 No development shall take place until the developer has notified the Local

Planning Authority of the initiation of development. Such notification shall be in accordance with the form set out in Schedule 5A of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 or any order revoking or re-enacting that order.

Reason: To comply with the requirements of Section 71ZB(1) of the Town and Country Planning Act 1990 (as amended).

- 25 No development shall commence until an assessment of the nature and extent of contamination affecting the application site area, save for those areas which can be scoped out with the prior agreement of the local planning authority, has been submitted to and approved in writing by the local planning authority. This assessment must be carried out by or under the direction of a suitably qualified competent person *in accordance with BS10175 (2011) Investigation of Potentially Contaminated Sites Code of Practice and shall assess any contamination on the site, whether or not it originates on the site. The report of the findings shall include:

(i) a desk top study to identify all previous uses at the site and potential contaminants associated with those uses and the impacts from those contaminants on land and controlled waters. The desk study shall establish a 'conceptual site model' (CSM) which identifies and assesses all identified potential source, pathway, and receptor linkages;

(ii) an intrusive investigation to assess the extent, scale and nature of contamination which may be present, if identified as required by the desk top study;

(iii) an assessment of the potential risks to: human health, groundwater and surface waters, adjoining land, property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes, ecological systems, archaeological sites and ancient monuments; and any other receptors identified at (i)

(iv) an appraisal of remedial options, and justification for the preferred remedial option(s).

All work and submissions carried out for the purposes of this condition must be undertaken in accordance with the approved details and conducted in accordance with Welsh Local Government Association and the Environment Agency Wales' 'Development of Land Affected by Contamination: A guide for Developers' (2012).

Reason: In the interest of conserving public health, local amenity and to protect the environment.

- 26 Any aggregate (other than virgin quarry stone) or recycled aggregate material to be imported shall be assessed for chemical or other potential contaminants in accordance with a scheme of investigation which shall be submitted to and approved in writing by the local planning authority in advance of its importation. Only material approved by the local planning authority shall be imported. All measures specified in the approved scheme shall be undertaken in accordance with the Welsh Local Government Association guidance 'Requirements for the Chemical Testing of Imported Materials for Various End Uses'. Subject to approval

of the above, sampling of the material received at the development site to verify that the imported soil is free from contamination shall be undertaken in accordance with the approved scheme.

Reason: In the interest of conserving public health, local amenity and to protect the environment.

- 27 Any topsoil (natural or manufactured), or subsoil, to be imported shall be assessed for chemical or other potential contaminants in accordance with a scheme of investigation which shall be submitted to and approved in writing by the local planning authority in advance of its importation. Only material approved by the local planning authority shall be imported. All measures specified in the approved scheme shall be undertaken in accordance with the Welsh Local Government Association guidance 'Requirements for the Chemical Testing of Imported Materials for Various End Uses'.

Reason: In the interest of conserving public health, local amenity and to protect the environment.

- 28 No more than 120 dwellings hereby approved shall be occupied until the capping, remediation and landscaping works have been completed and the open space area, including the LEAP, and pedestrian connections to this area within the quarry basin have been completed in accordance with details approved pursuant to the reserved matters under condition 1, and the open space is available to use by members of the public.

Reason: In order to ensure the timely provision of the open space for the benefit of the residents of the development and the surrounding community.

- 29 Prior to public access being provided to the areas of open space within the quarry basin, a scheme to restrict public access to essential infrastructure comprising gas monitoring equipment, gas venting equipment and lagoon pumping equipment, shall be submitted to and approved in writing by the local planning authority. The scheme shall be carried out and thereafter maintained in accordance with the approved details and timescales.

Reason: To ensure satisfactory long term protection for essential equipment at the site in association with the landfill legacy.

- 30 Prior to the occupation of any dwelling hereby approved, a Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The approved Travel Plan shall be implemented in accordance with the approved details and timescales.

Reason: To promote sustainable transport modes and reduce the reliance on private motor vehicles.

- 31 All planting and grass seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the completion of the development and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species.

Reason: To safeguard landscape and amenity interests.

- 32 Each dwelling shall be provided with on-site parking in accordance with adopted parking standards which shall be laid out prior to the first beneficial use of the dwelling which it serves. The approved car parking shall be retained as such thereafter.
- Reason: To ensure adequate parking provision is provided for future residents of the development.
- 33 The reserved matters pursuant to condition 1 shall include details for the provision of an emergency vehicular access as indicated on Key 8 of the illustrative masterplan. The emergency access shall be provided in accordance with the approved details prior to the occupation of any dwelling within Parcels C or D as indicated on page 25 of the design and access statement and shall thereafter be maintained as approved.
- Reason: In order to provide an emergency access to the development.
- 34 Prior to the occupation of any dwelling hereby approved, a health and safety risk assessment which assesses the risks posed by the quarry face to residents and visitors to the application site, together with mitigation measures, shall be submitted to and approved in writing by the local planning authority. The mitigation measures shall be implemented in accordance with the approved details and timescales for their provision and shall thereafter be retained and maintained as approved.
- Reason: In order to reasonably mitigate the health and safety risks posed by the quarry face to members of the public.
- 35 The reserved matters details pursuant to condition 1 shall include details of the construction method for the dwellings within Parcels A, B and C sited within 30 metres of the railway tunnel to the south. The development shall be carried out in accordance with the approved construction method.
- Reason: To ensure the construction of dwellings does not compromise the structural integrity of the railway tunnel.

INFORMATIVES

- 1 The development plan covering the City and County of Swansea is the City and County of Swansea Unitary Development Plan. The following policies were relevant to the consideration of the application: EV1, EV2, EV3, EV28, EV30, EV33, EV34, EV35, EV36, EV38, EV39, EV40, HC2, HC3, HC17, HC24, AS1, AS2, AS4, AS6 and AS10.

2 STANDING ADVICE - DEVELOPMENT LOW RISK AREA

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to The Coal Authority on 0345 762 6848. It should also be noted that this site may lie in an area where a current licence exists for underground coal mining.

Further information is also available on The Coal Authority website at:
www.gov.uk/government/organisations/the-coal-authority

Property specific summary information on past, current and future coal mining activity can be obtained from: www.groundstability.com

This Standing Advice is valid from 1st January 2015 until 31st December 2016

- 3 Bats may be present. All British bat species are protected under Schedule 5 of the Wildlife & Countryside Act 1981 (as amended) and are listed in Schedule 2 of the Conservation of Habitats and Species Regulations 2010. This legislation implements the EC Habitats & Species Directive in the UK making it an offence to capture, kill or disturb a European Protected Species or to damage or destroy the breeding site or resting place of such an animal. It is also an offence to recklessly / intentionally to disturb such an animal.
If evidence of bats is encountered during site clearance e.g. live or dead animals or droppings, work should cease immediately and the advice of the Natural Resources Wales sought before continuing with any work (01792 634960).
- 4 Birds may be present in this building and grounds please note it is an offence under the Wildlife & Countryside Act 1981 (as amended) to intentionally (intentionally or recklessly for Schedule 1 birds) to:
 - Kill, injure or take any wild bird
 - Take, damage or destroy the nest of any wild bird while that nest in use or being built
 - Take or destroy an egg of any wild birdCare should be taken when working on buildings particularly during the bird nesting season March-August.
- 5 The Construction Pollution Management Plan (CPMP) shall include the following information:
 - a) Construction programme and timetable;
 - b) Detailed site plans to include details of temporary site offices/ compounds, materials storage areas, proposed compounds, delivery and parking areas for site operatives and visitors etc;
 - c) Traffic scheme (access and egress) in respect of all construction related vehicles including the loading and unloading of plant and materials;
 - d) An assessment of construction traffic generation and management in so far as public roads are affected, including provisions to keep all public roads free from mud and silt;
 - e) Proposed working hours;
 - f) Principal Contractor details, which will include a nominated contact for complaints;
 - g) Details of all on site lighting (including mitigation measures) having regards to best practicable means (BPM) and avoidance of statutory nuisance impacts;
 - h) Details of on-site dust mitigation measures having regard to BPM;
 - i) Details of on-site noise mitigation measures having regard to BPM;
 - j) Details of waste management arrangements (including any crushing/ screening operations);
 - k) Identification of surrounding watercourses and potential pollution pathways from the construction site to those watercourses;
 - l) How each of these watercourses and pathways will be protected from site run off during construction;
 - m) How the water quality of the watercourses will be monitored and recorded.
 - n) How surface water runoff from the site during construction will be managed/discharged. Please note that it is not acceptable for ANY pollution (e.g.

sediment/silt/oils/chemicals/cement etc.) to enter the surrounding watercourses.

o) Notification of whether a Control of Pollution Act 1974 (Section 61) Notice is to be served by Principle Contractor on the Local Authority.

- 6 'Gases' include landfill gases, vapours from contaminated land sites, and naturally occurring methane and carbon dioxide, but does not include radon gas. Gas monitoring programmes should be designed in line with current best practice as detailed in CIRIA 665 (Construction Industry Research and Information Association) and/or BS8485 2007 Code of Practice for the Characterization and Remediation from Ground Gas in Affected Developments.
- 7 Prior to any works commencing on the site, a Construction Traffic Management Plan shall be submitted to and approved in writing by the Highways Authority. The approved traffic management plan shall be implemented and adhered to at all times unless otherwise agreed by the Highways Authority.
- 8 Construction Noise. The following restrictions should be applied to all works of demolition and construction carried out on the development site. All works and ancillary operations which are audible at the site boundary shall be carried out only between the hours of 08:00 and 18:00 hours on Mondays to Fridays and between the hours of 08:00 and 13:00 hours on Saturdays and at no time on Sundays and Public Holidays and Bank Holidays. The Local Authority has the power to impose specified hours by service of an enforcement notice. Any breaches of the conditions attached to such a notice will lead to formal action against the person(s) named on said notice.
- 9 Smoke/ burning of materials. No burning of any materials to be undertaken on site. The Local Authority has the power to enforce this requirement by service of an abatement notice. Any breaches of the conditions attached to such a notice will lead to formal action against the person(s) named on said notice.
- 10 Dust control. During construction work the developer shall operate best practice to minimise dust arisings or dust nuisance from the site. This includes dust and debris from vehicles leaving the site. The Local Authority has the power to enforce this requirement by service of an abatement notice. Any breaches of the conditions attached to such a notice will lead to formal action against the person(s) named on said notice.
- 11 The applicant is advised to consider the comments of the Police Design Prevention Officer in the preparation of the Reserved Matters scheme where appropriate.
- 12 Dwr Cymru/ Welsh Water have advised that if a connection is required to the public sewerage system, the developer is advised to contact Dwr Cymru Welsh Water's Developer Services on 0800 917 2652.

Some public sewers and lateral drains may not be recorded on our maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. The presence of such assets may affect the proposal. In order to assist us in dealing with the proposal we request the applicant contacts our Operations Contact Centre on 0800 085 3968 to establish the location and status of the sewer. Under the Water Industry Act 1991 Dwr Cymru Welsh Water

has rights of access to its apparatus at all times.

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

Welsh Government introduced the Welsh Ministers Standards on the 1st October 2012 and we would welcome your support in informing applicants who wish to communicate with the public sewerage system to engage with us at the earliest opportunity. Further information on the Welsh Ministers Standards is available for viewing on our Developer Services Section of our website - www.dwrcymru.com

Further information on the Welsh Ministers Standards can be found on the Welsh Government website - www.wales.gov.uk

13 SEWAGE TREATMENT

No problems are envisaged with the Waste Water Treatment Works for the treatment of domestic discharges from this site.

WATER SUPPLY

A water supply can be made available to serve this proposed development. The developer may be required to contribute, under Sections 40 - 41 of the Water Industry Act 1991, towards the provision of new off-site and/or on-site watermains and associated infrastructure. The level of contribution can be calculated upon receipt of detailed site layout plans which should be sent to the address above.

The developer is advised to contact us at the above address or on telephone 0800 9172652 prior to the commencement of any site work.

Lesley Griffiths AC/AM
Ysgrifennydd y Cabinet dros Ynni, Cynllunio a Materion Gwledig
Cabinet Secretary for Energy, Planning and Rural Affairs



Llywodraeth Cymru
Welsh Government

Ein cyf/ Our ref: qA1286639

Mr Geraint John
Office 16, House 1, 2nd floor
The Maltings
East Tyndall Street
Cardiff
CF24 5EA
geraint@gjplanning.co.uk

11 January 2018

Dear Mr John

**TOWN AND COUNTRY PLANNING ACT 1990 – SECTION 78.
PROPOSED CESSATION OF LANDFILL AND OTHER OPERATIONS ENABLED
BY RESIDENTIAL DEVELOPMENT CIRCA 300 DWELLINGS, PUBLIC OPEN
SPACE, ASSOCIATED HIGHWAY AND ANCILLARY WORKS (OUTLINE) AT
PARC CEIRW, CWMRHYDCEIRW QUARRY, SWANSEA.
APPLICATION NO: 2014/0977.**

1. Consideration has been given to the report of the Inspector, Clive Sproule BSc MSc MRTPI MEnvSci CEnv, who held a Hearing into your client's appeal against the City and Council of Swansea's ("the Council") refusal of outline planning application ref: 2014/0977 for "Residential development circa 300 dwellings, public open space, associated highway and ancillary works (outline)" on land at Parc Ceirw, Cwmrhydceirw Quarry, Swansea.
2. On 22 September 2016, in accordance with section 79 and paragraph 3(1) of Schedule 6 to the Town and Country Planning Act 1990 ("the 1990 Act"), the appeal was recovered for determination by the Welsh Ministers as the proposal relates to residential development of more than 150 houses or on more than 6 hectares of land. Under the provisions of the Government of Wales Act 2006 the power to determine applications under section 79 of the 1990 Act has been transferred to the Welsh Ministers, these functions are within the portfolio of the Cabinet Secretary for Energy, Planning and Rural Affairs and have been exercised by me as Minister.

Bae Caerdydd • Cardiff Bay
Caerdydd • Cardiff
CF99 1NA

Canolfan Cyswllt Cyntaf / First Point of Contact Centre:
0300 0604400
Gohebiaeth.Lesley.Griffiths@llyw.cymru
Correspondence.Lesley.Griffiths@gov.wales

Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

3. In exercising their functions as part of carrying out Sustainable Development in accordance with the Well-Being of Future Generations (Wales) Act 2015 ("the WFG Act"), section 2 of the Planning (Wales) Act 2015 requires the Welsh Ministers, as a public body, to ensure the development and use of land contributes towards improving the economic, social, environmental and cultural well-being of Wales. In order to act in this manner, the Welsh Ministers have taken into account the ways of working set out in section 4 of 'SPSF1: Core Guidance, Shared Purpose: Shared Future – Statutory Guidance' on the FG Act through examination of the appeal by way of a Hearing in accordance with the Town and Country Planning (Hearings Procedure) (Wales) Rules 2003.
4. The Inspector held a Hearing on 25 January and 15 February 2017 and a site visit was also carried out on 15 February 2017. The Inspector recommends the appeal is allowed and planning permission granted subject to conditions. A copy of the Inspector's report (IR) is enclosed. All references to paragraph numbers, unless otherwise stated, are to the report.
5. I wrote to you on 9 August 2017 to advise I am minded to accept the Inspector's recommendation. However, before a grant of planning permission could be considered, a number of issues arising from the Unilateral Undertaking submitted, entered into under Section 106 of the Town and Country Planning Act 1990, needed to be addressed.
6. You responded with additional information and an amended Unilateral Undertaking (UU) to address the matters I previously raised with regard to the UU. I am satisfied your comments address the issues set out in my letter of 9 August.
7. I am also satisfied the UU meets the appropriate tests in Circular 13/97 and Regulation 122(2) of the Community Infrastructure Regulations 2010 and should be given weight in determining this appeal.
8. I have given due regard to representations submitted after the Hearing was closed and after the "minded to allow" letter was issued. However, I do not consider any new evidence or new matter of fact has been raised which would affect my decision to allow the appeal.

Main Issues

9. In the Inspector's view, the main considerations in this appeal are (IR104):
 - The effect of the development on highway safety;
 - Whether the proposal should make adequate provision for affordable housing.
10. Subject to the comments at paragraphs 11 – 56 below, I agree with the Inspector's conclusions for the reasons given by him and accept his recommendation.

Highway Safety

11. The Inspector states the following policies are relevant to the consideration of the appeal in terms of highway safety. Policy EV1 of the City and County of Swansea Unitary Development Plan ("UDP") requires development proposals not to result in significant detrimental impact on traffic movements. Policy AS2 of the UDP states new developments should be designed to allow for the safe, efficient and non-intrusive movement of vehicles. Policy HC2 of the UDP is permissive of housing proposals on previously developed land in the urban area where, amongst other things, the development would not cause significant harm to highway safety. I agree these policies are relevant to the determination of the appeal.
12. The Inspector confirms pressures on the local highway network were evident during the site visit, which coincided with pupils leaving Cwmrhydyceirw Primary School and Morriston Comprehensive School. He observed parking and traffic levels in the vicinity of the school noticeably intensified as pupils left at the end of the school day at approximately 15:00hrs, with a peak at around 15:15hrs due to the activity from both schools. This peak activity was seen to clear significantly at approximately 15:30hrs (IR130).
13. The Inspector is satisfied the location of the Toucan crossing is a matter for the Highway Authority's consideration and it is not necessary to attach a planning condition to any consent to secure the location of the crossing (IR133).
14. The Inspector states reconstructing the layby outside the school would remove and reshape areas of the existing verge. Although the cost of this work is not known, the Inspector is satisfied there is no evidence to indicate the cost of providing the layby would be prohibitive (IR132). I have no reason to disagree with the Inspector on this matter.
15. The Inspector states, while clear views were expressed on the likely use and resulting restricted operational capacity of the layby, he states even if there were to be double parking/drop-off activity at the layby, the road would be wider in comparison to the current situation where 'School Keep Clear' markings are the principal parking restriction. The Inspector also considers the highway alterations proposed would reduce the potential for there to be only a single lane traffic movement past the school. He considers given the highway features, parking restrictions, junctions and access points which would be present on Maes y Gwernen Road following the development, it is not apparent these would simply move the focus of traffic congestion on Maes y Gwernen Road or to elsewhere within the locality (IR136). I agree with the Inspector's conclusion on this matter.

16. With regard to concerns expressed by local people regarding highway safety, the Inspector concludes the proposed works on Maes y Gwernen Road are significant and the Toucan crossing on the northern side of the M4 footbridge would be of benefit for anyone using the pedestrian route, whether their journey was school related or otherwise (IR137). I have no reason to disagree with the Inspector's conclusions on this matter.
17. The Inspector considers, although providing pedestrian and cycle access points on the eastern side of the development could result in some additional parking in these locations, given the level of parking which would be expected to be provided within the development, he is satisfied it is not likely to cause off-site parking to the significant detriment to highway safety. He considers making existing access points available for pedestrian use would integrate the proposal into the built environment and provide permeability within it (IR138). I have no reason to disagree with the Inspector on this matter.
18. The Inspector considers, given the nature of the highways and the traffic movements at the existing spur junctions onto Brodorion Drive and Enfield Close and those which would occur at the proposed junction onto Maes y Gwernen Road, the proposed entrances into the development would provide safe and suitable access to the appeal scheme (IR139). I agree with the Inspector's conclusion on this matter.
19. The Inspector states the proposed mitigation measures, which include a formal parking layby on the northern side of the carriageway and a formal zebra crossing and guard railing, would address existing congestion and the likely highway impacts of the appeal scheme, while supporting the use of alternative modes of transport to the private car (IR140). The appellant's Transport Assessment drew on traffic surveys and extensive traffic modelling to demonstrate the proposal would not have a significant adverse effect on the operation of the highway or its safety. Neither the transport assessment, nor the Highway Authority's consideration of the proposal at the application stage indicate there to be capacity issues on the local highway network (IR141).
20. During the Hearing, the main parties' highways experts agreed the ten junctions in the locality had been assessed and no significant congestion had been found to occur at peak times. During the Hearing the Highway Authority also confirmed, while it recognises the local concern regarding the scale of predicted vehicle flows past the primary school, they would be within acceptable parameters. Although Members have their concerns, the Highway Authority continues to raise no objection to the scheme (IR142).

21. The Inspector confirms no other evidence has caused him to reach a view on the proposal which differs from the Highway Authority comments as reported to the Council's Planning Committee. The proposed significant modifications to Maes y Gwernen Road, along with the provision of the Toucan crossing on Heol Maes Eglwys and the proposed access points, would be expected to alter parking behaviours in the locality. By allowing for the safe, efficient and non-intrusive movement of vehicles and facilitating the use of sustainable travel choices, the Inspector considers the appeal scheme complies with policies AS2, EV1 and HC2 of the UDP (IR143). I have no reason to disagree with the Inspector's conclusions on these matters.

Affordable Housing

22. Within the context of sustainable development and associated legislation, the Welsh Government's objectives for affordable housing are clear. The Inspector notes the Ministerial Statement by the Cabinet Secretary for Communities and Children on 1 November 2016 confirms affordable homes, for the purposes of the Welsh Government's affordable homes target, are taken to include dwellings bought under the *Help to Buy – Wales* scheme. However I note the Ministerial Statement emphasises the definition of affordable housing within Technical Advice Note ("TAN") 2: Planning and Affordable Housing (2006) remains unchanged. Therefore, whilst the agent states all the proposed dwellings would fall under the *Help to Buy* threshold, only those meeting the definition in TAN 2 can be considered affordable for the purposes of this appeal. TAN 2 refers to social rented and intermediate housing. Annex B of TAN2 confirms intermediate housing can include equity sharing schemes, however, it differs from low cost market housing which is not considered to be affordable housing for the purpose of the land use planning system (IR144 – 145).
23. The Inspector confirms there is an identified need for affordable dwellings in the locality which includes the appeal site. The Council accepts there is no conflict with Policy HC3 of the UDP which normally seeks 25-30% affordable housing on developments containing 25 or more dwellings or sites of more than 1 hectare, due to exceptional development costs having been demonstrated. The UU provides for at least 5% of the total number of dwellings proposed to be affordable units and includes a mechanism for further viability appraisal. He is of the view the approach to and proposed level of affordable homes provision was carefully considered within the Planning Officer's report to Committee in June 2016 (IR146 – 147).
24. The Inspector notes the UU provides a mechanism for the proposed Low Cost Home Ownership Units to be provided as housing priced below the market and made available through a Registered Social Landlord or the Council, with the Council approving a scheme for the provision of the Affordable Housing Units before construction of the Market Dwellings commences. The Inspector confirms the 5% provision would be a form of affordable housing within the context of section 5 and Annex B of TAN 2 (IR148).

25. The Council has referred to appeal decisions which considered the provision of affordable homes within the context of viability constraints. The Inspector states each application and appeal falls to be considered on the basis of the specific arguments for and against it and within the context of the planning policies which apply to it. Consequently, the appeals referred to do not set a precedent in relation to this case (IR149). I agree with the Inspector's conclusion on this matter.
26. With regard to affordable housing, the Inspector considers there are exceptional development costs and the proposal therefore complies with Policy HC3 of the UDP (IR150). I have no reason to disagree with the Inspector's conclusions on this matter.

Other material considerations

27. The Inspector's report (106 - 127) considers a range of other matters which were raised at the Hearing including, the effect of the proposed development on the character and appearance of the locality, previous uses of the appeal site, flooding, wildlife, local living conditions, property prices, the adequacy of the Environmental Statement, housing land supply and education provision.

Character and Appearance (IR106 – 110)

28. The Inspector confirms the proposal would result in a change in the character and appearance of the area, however, he considers the residential development to the north of the appeal site would remain predominantly suburban in character and, given the context of the suggested conditions, detailed design provided at reserved matters stage would be expected to complement it.
29. Although the proposal will result in the loss of trees within the site (from Tree Preservation Order ("TPO") area A1, the Inspector considers the amenity value of TPO area A1 is limited and the loss of these trees would not have an unacceptable effect on the character and appearance of the locality.
30. The Inspector is satisfied the illustrative masterplan indicates the appeal scheme could be built in a manner which would be sympathetic to the established character and appearance of the locality to comply with the relevant objectives for good design within Policy EV1 of the UDP. He considers the design, as expressed within the illustrative masterplan, responds to the physical characteristics and levels within the site. If developed in the manner indicated, the proposal would also comply with Policy EV2 of the UDP, which seeks the siting of new development to give priority to the use of previously developed land and to have regard to the physical characteristics of the site.

Previous uses on the appeal site and flooding (IR111 – 116)

31. Interested parties in this case have raised concerns regarding the past operation of the landfill within the quarry void and the potential implications of this for the locality and its residents. The Inspector states no evidence was placed before the Hearing to demonstrate anything within the appeal scheme would be expected to cause harm through the unexpected release from within the appeal site of pollutants and/or contaminants (be they in gaseous, solid or liquid form).
32. The Inspector is also satisfied there appears to be no technical matter which would prevent the implementation of the existing landfill planning permission and it remains a fall-back position in this case.
33. The Inspector confirms in the absence of further very extensive landfilling, the revegetating high quarry walls will remain. He acknowledges having such features in close proximity to housing would be a risk which would have to be managed, however, there is no evidence to suggest it could not be done in this case through a landscaping condition.
34. The Inspector states water levels within the sump are controlled automatically. The UU would ensure this would continue to protect the development from rising water levels within the quarry void. He confirms no other likely sources of flooding have been identified.
35. The Inspector is satisfied the proposal is in accordance with the relevant policies of the UDP which relate to controlled waters, surface water run-off and flood risk.

Wildlife (IR117 – 118)

36. The Inspector confirms, although a number of habitats on the appeal site would be significantly affected by the proposed development, the survey work, associated recommendations and the scope of suggested conditions, indicate the development could proceed without harming protected species or significantly adversely affecting the Site of Importance for Nature Conservation (SINC). As such, the appeal scheme would comply with the relevant policies of the UDP.

Local living conditions (IR119 – 122)

37. The appeal proposal would cap and restore the surface of the landfill to provide an area of public open space which would lie at the centre of the development.

38. With regard to issues of overlooking and loss of light, the Inspector confirms some of the areas indicated for residential use are in close proximity to existing dwellings. The Illustrative Masterplan indicates only two storey housing (and focal buildings with heights to be confirmed relative to existing and proposed neighbouring properties) next to existing residential development. The Inspector is satisfied as the application is an outline proposal where layout and appearance are reserved matters, concerns regarding the potential for the appeal scheme to cause a loss of privacy due to overlooking of existing windows, or loss of light, would be fully addressed only at the reserved matters stage.
39. The Inspector considers, whilst residential use on the appeal site would result in noise and disturbance associated with the habitation of the proposed dwellings and ancillary activities, Cwmrhydyceirw is a residential area where a certain level of noise and disturbance associated with construction works, the occupation of dwellings and movements to and from them, can be expected to occur. As such, the Inspector states it is not apparent the levels of noise and disturbance from the scheme would be likely to be harmful to local living conditions and the proposal is in accordance with the relevant policy of the UDP.

Property prices (IR123)

40. Paragraph 1.2.1 of Planning Policy Wales is clear the planning system manages the development of land in the public interest and it is established property values are not material to planning decisions. Therefore, the Inspector attributes neutral weight to any economic impact resulting from the effect of the development on land values.

Environmental Statement (ES) (IR124)

41. The Inspector confirms the ES is complete and provides information which enables the environmental effects of the development proposed to be assessed for the ES to meet the EIA Regulations.

Housing land supply (IR125)

42. The Inspector states although representations have questioned the strength of the local housing market, convincing evidence has not been produced to indicate new houses in this location would be unlikely to sell. The Council has 3 years housing land supply which is significantly below the 5 year supply sought by national policy. He confirms the Council's Statement of Evidence suggests the emerging Local Development Plan ("LDP") position indicates significant weight should not be given to the extent of the shortfall from the 5 year supply. However, at the start of the Hearing the main parties agreed, given its stage of production, very little weight could be attributed to the LDP. The Inspector states if the appeal proposal was to comply with development plan and national policies, the proposed contribution to addressing the identified deficiency in housing land supply would attract considerable weight in favour of the appeal scheme.

Education provision (IR126 – 127)

43. The Inspector states the additional classrooms which would be provided by the appeal scheme could be accommodated within the primary school site. He confirms the appeal scheme would only address the provision of school places for those created by the development, rather than the current level of attendance in excess of the school capacity and which is set to increase further in September 2017.
44. The Inspector considers the likely level of Cwmrhydyceirw Primary School attendance resulting from the proposed development would cause a deficiency of open space provision around the school. However, the scale of the shortfall would not be so great as to suggest the pupils would be significantly disadvantaged by it. He confirms the Council raises no objection to the proposal on this ground, and the likely deficiency only attracts moderate weight against the appeal scheme.
45. There is no reason to disagree with the Inspector's conclusions on any of the above matters.

Conditions and Unilateral Undertaking (UU)

46. I have considered the conditions set out at the Annex to the Inspector's report and, subject to minor changes, agree they are necessary and reasonable and meet the tests in Welsh Government Circular 016/2014, "The Use of Planning Conditions for Development Management".
47. I am satisfied the obligations in the UU, dated 7 November 2017, meet the appropriate tests in Section 122(2) of the Community Infrastructure Levy Regulations 2010 and Circular 13/97, "Planning Obligations". As such I have given weight to the UU in the determination of this appeal (IR85 - 88).

Inspector's Overall Conclusions

48. The Inspector has considered the definition of sustainable development in Wales contained within Planning Policy Wales ("PPW") Figure 4.2, the housing objectives within PPW paragraph 4.4.3, the well-being goals within the Wellbeing of Future Generations Act ("WFG Act") and the identified need for affordable housing in the locality. He considers there is clearly a need for affordable housing in the locality which includes the appeal site (IR151).
49. The Swansea UDP seeks to provide affordable homes. In doing so, UDP Policy HC3 enables a balance to be struck when *exceptional development costs* are demonstrated. In this case the main parties agree a balance has been struck and there is no conflict with UDP Policy HC3 (IR152).
50. The site is currently within the settlement boundary of the UDP and there is an unresolved objection to its omission from the emerging LDP settlement boundary (IR153).
51. The Inspector states the appeal scheme has been found to comply with the relevant policies of the UDP and no conflict has been found with any national policy. The Inspector considers, in the absence of a 5 year housing land supply and in accordance with paragraph 6.2 of TAN1, the need to increase supply provides considerable weight in favour of the appeal scheme (IR154 – 155). I have no reason to disagree with the Inspector on this matter.
52. The relevant advice in TAN 1: Joint Housing Land Availability Studies was clarified in a letter, issued by the Cabinet Secretary for Environment and Rural Affairs on 23 February 2017. The letter states the Welsh Government remains committed to increasing housing land supply by requiring Local Planning Authorities to give it considerable weight as a material consideration when dealing with planning applications for housing. However, this is subject to the development otherwise complying with development plan and national planning policies, as clearly set out in paragraph 6.2 of TAN 1. This includes ensuring development proposals are well related to the existing settlement form and do not lead to unacceptable impacts on local economic, social and environmental infrastructure. The letter concludes the principles of sustainable development and the creation of cohesive communities, which form the basis of the Welsh Government's planning policy, remain and should not be undermined by the need to increase housing land supply.

53. I am satisfied the Inspector's report gives due consideration to the issues raised in the Cabinet Secretary's letter. The Inspector's report considers the potential impact of the proposed development on flooding, ecology, local living conditions, highway safety and education provision. No unacceptable impacts have been evidenced which would justify withholding planning permission. The Inspector is content the appeal site would constitute sustainable development, being located within the settlement boundary of Cwmrhydyceirw with its promotion of sustainable forms of travel due to the highway works which will also ease congestion, as well as the provision of open space.
54. The Inspector considers the planning obligations entered into attract significant weight in favour of the appeal scheme as they address matters regarding: compliance with planning policy; ensuring the acceptability and appropriateness of the proposal; and, ensuring it would be a sustainable form of development. I have no reason to disagree with the Inspector on this matter (IR156 - 157).
55. Having taken the policies within the development plan and PPW and any other material considerations into account (including the scope of the suggested planning conditions in Annex A of the report), for the reasons above the Inspector considers the appeal scheme would be a form of sustainable development which would contribute to meeting the well-being goals of the WFG Act.
56. The Inspector recommends the appeal be allowed and planning permission be granted subject to conditions. I agree with this recommendation.

FORMAL DECISION

57. Accordingly, I hereby allow this appeal and grant planning permission for "Cessation of landfill and other operations enabled by residential development circa 300 dwellings, public open space, associated highway and ancillary works" on Land at Parc Ceirw, Cwmrhydyceirw Quarry, Swansea subject to the conditions detailed in the Annex to this letter and the signed Section 106 Unilateral Undertaking, dated 7 November 2017.
58. I have taken into account the environmental information as defined by the Town and Country Planning (Environmental Impact Assessment)(England and Wales) Regulations 1999 (as amended) in reaching my decision on this appeal.
59. In reaching this decision, I have considered the duty to carry out sustainable development under section 2 of the Planning (Wales) Act 2015. The decision made is in accordance with the sustainable development principle set out in the FG Act 2015. In accordance with section 3(2) of the FG Act 2015 and the well-being objectives of the Welsh Ministers, the decision will "build healthier communities and better environments" and "build resilient communities, culture and language" by providing housing in a sustainable location where there is a clear need for new housing.

60. A copy of this letter has been sent to the City and County of Swansea and to those persons and organisations who appeared at the Hearing.

Yours Sincerely

A handwritten signature in black ink, appearing to read 'Lesley Griffiths', with a large, stylized flourish at the end.

Lesley Griffiths AC/AM

Ysgrifennydd y Cabinet dros Ynni, Cynllunio a Materion Gwledig
Cabinet Secretary for Energy, Planning and Rural Affairs

Enc: Inspector's report, leaflet 'H' and leaflet 'HC'.

Annex

Conditions attached to the Welsh Ministers' decision to allow planning appeal APP/B6855/A/16/3157177 – "Proposed Cessation of Landfill and other Operations Enabled by Residential Development Circa 300 Dwellings, Public Open Space, Associated Highway and Ancillary Works (Outline)" on land at Parc Ceirw, Cwmrhydceirw Quarry, Swansea.

1. Details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.
2. Any application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.
3. The development shall begin either before the expiration of five years from the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
4. The development (in relation to access) shall be carried out in accordance with the following approved plans and documents: PA01 - Site Boundary, W131130/A/10 Rev A.
5. A programme of phasing of the development hereby permitted shall be submitted to and approved in writing by the local planning authority prior to the commencement of works on the site. Development shall be carried out in accordance with the approved phasing programme.
6. Notwithstanding the details indicated in the application, all reserved matters applications shall be accompanied by details of existing and proposed levels for the development. Development shall be carried out in accordance with the approved details.
7. Prior to the commencement of any development hereby permitted a scheme to investigate and monitor the site for the presence of gases (including landfill gases, vapours from contaminated land sites, and naturally occurring methane and carbon dioxide) being generated at the site or land adjoining thereto, including a plan of the area to be monitored, shall be submitted to and approved in writing by the local planning authority.

The scheme shall be implemented in accordance with the approved scheme and in the event that gases are being generated the proposed details of appropriate gas protection measures to ensure the safe and inoffensive dispersal or management of gases and to prevent lateral migration of gases into or from land surrounding the application site shall be submitted to and approved in writing by the local planning authority.

All required gas protection measures shall be implemented as approved and appropriately verified before occupation of any part of the development which has been permitted and the approved protection measures shall be retained until such time as the local planning authority agrees in writing that the measures are no longer required. A copy of the verification certificate should be submitted to the local planning authority prior to the first beneficial use of the development hereby permitted.

8. Prior to the commencement of any development hereby permitted, a strategic site wide foul, surface and land drainage strategy based on sustainable drainage principles shall be submitted to and approved in writing by the local planning authority. The strategy should be based upon the SuDS hierarchy, as espoused by the CIRIA (the construction industry research and information association) publication 'The SuDS Manual, C697' (or any updated version). The strategy shall maximise the use of measures to control water at source as far as practicable, to limit the rate and quantity of run-off and improve the quality of any run-off before it leaves the site or joins any water body.

The approved drainage works shall be carried out in their entirety, fully in accordance with the approved details, prior to the occupation of any building or alternatively in accordance with phased drainage operations agreed in writing by the Local Planning Authority.

9. Prior to the commencement of development an Environmental Management Plan (EMP) detailing site wide strategies for ecological mitigation, compensation and enhancement as summarised in Chapters 7 and 9 of the Environmental Statement shall be submitted to and approved in writing by the local planning authority. These measures shall cover both pre and post construction phases of the development. In addition to site wide mitigation measures the EMP shall include specific Mitigation and Management Plans for Bats, Peregrine Falcon, Amphibians and Reptiles. The development shall be implemented in accordance with the approved details and timescales set out within the approved EMP.
10. Prior to the commencement of development the developer shall provide written confirmation to the Local Planning Authority that an application has been submitted to Natural Resources Wales (NRW) for the definite closure of the landfill site. The written confirmation shall also include evidence of confirmation from NRW that the application has been received. The application for definite closure must not be withdrawn without first notifying the local planning authority.
11. No development shall commence, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved statement shall be adhered to throughout the construction period. The statement shall provide for:
 - i. the parking of vehicles of site operatives and visitors;
 - ii. loading and unloading of plant and materials;

- iii. storage of plant and materials used in constructing the development;
 - iv. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - v. wheel washing facilities;
 - vi. measures to control the emission of dust and dirt during demolition and construction; and
 - vii. a scheme for recycling/disposing of waste resulting from demolition and construction works.
12. Details of the reserved matters set out in condition 1 shall be accompanied by an arboricultural impact assessment.
13. No development including site clearance, demolition, ground preparation, temporary access construction/widening, material storage or construction works shall commence until a scheme for tree protection has been submitted to and approved in writing by the local planning authority. The tree protection scheme and method statement, which shall include trees to be retained ("Retained Trees") shall address the impacts raised in the arboricultural impact assessment. No development or other operations shall take place other than in complete accordance with the approved tree protection scheme.
14. Prior to first occupation of any dwelling within the Environmental Permit boundary (as defined on Plan No. EDE/CW/06-14/17856 (Figure 8.2 of the Environmental Statement) a scheme to restrict public access to essential infrastructure comprising gas monitoring equipment, gas venting equipment and lagoon pumping equipment, shall be submitted to and approved in writing by the local planning authority. The scheme shall be carried out and thereafter retained in accordance with the approved details and timescales.
15. No Retained Trees as shown on any landscaping scheme approved as part of the reserved matters application, shall be cut down, uprooted, destroyed, pruned, cut or damaged during the construction phase other than in accordance with the approved detailed plans and particulars, without the prior written approval of the Local Planning Authority. If any Retained Trees are cut down, uprooted, destroyed or die during the construction phase a replacement tree shall be planted at a similar location and that tree shall be of a size and species as specified in writing by the Local Planning Authority.
16. All planting and grass seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the completion of the development and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species.
17. Prior to the commencement of construction of any unit sited within 30 metres of the Llangyfelach Railway Tunnel (to the south) details of the construction method for the dwellings shall be submitted to and approved in writing by the local planning authority. Works shall be carried out in accordance with the approved construction method.

18. Prior to the commencement of any development hereby approved measures for the control, management and monitoring of landfill gas and leachate generated in the existing landfill site shall be submitted to and approved in writing by the local planning authority. The measures for the control, management and monitoring of landfill gas and leachate shall have regard to the presence of the adjacent Llangyfelach Railway Tunnel and shall include measures necessary to protect the Llangyfelach Railway Tunnel from adverse impacts associated with the migration of landfill gas and leachate and to monitor for the presence of both landfill gas and leachate in proximity to the Llangyfelach Railway Tunnel to confirm the effectiveness of the protection measures.

Notification of initiation of development and display of notice

You must comply with your duties in section 71ZB (notification of initiation of development and display of notice: Wales) of the Town and Country Planning Act 1990. The duties in that section include the following:

Notice of initiation of development

Before beginning any development to which this planning permission relates, notice must be given to the local planning authority in the form set out in Schedule 5A to the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 or in a form substantially to the like effect. The form sets out the details that must be given to the local planning authority to comply with this duty.

Display of notice

The person carrying out development to which this planning permission relates must display at or near the place where the development is being carried out, at all times when it is being carried out, a notice of this planning permission in the form set out in Schedule 5B to the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 or in a form substantially to the like effect. The form sets out the details that the person carrying out development must display to comply with this duty.

The person carrying out development must ensure that the notice is:

- (a) firmly affixed and displayed in a prominent place at or near the place where the development is being carried out;
- (b) legible and easily visible to the public without having to enter the site; and
- (c) printed on durable material. The person carrying out development should take reasonable steps to protect the notice (against it being removed, obscured or defaced) and, if need be, replace it.

FAO: Lucy Kelly

DATED 7 November 2017

**PLANNING OBLIGATION BY WAY OF UNILATERAL UNDERTAKING UNDER
SECTION 106 OF THE TOWN & COUNTRY PLANNING ACT 1990
RELATING TO LAND AT CWMRHYDYCEIRW QUARRY, MORRISTON,
SWANSEA**

between

SI GREEN UK LIMITED

and

DAVID MICHAEL VERNON THOMAS AND SUSAN DAPHNE THOMAS

AND

THE TRUSTEES OF MORRISTON GOLF CLUB

AND

JOHN SIMS MILLER AND PAMELA MILLER

and

EDENSTONE HOMES LIMITED

AND

Enl

NATIONAL WESTMINSTER BANK PLC



ECONOMIC, REGENERATION AND PLANNING
24 NOV 2017
ACTION
DISCUSSION
OTHER
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FILED

THIS DEED IS DATED 7 November 2017

- (1) SI Green UK Limited incorporated and registered in England and Wales with company number 02777304 whose registered office is at c/o Harris Bassett, 5 Llys Felin Newydd, Phoenix Ways Enterprise Park, Swansea, SA7 9FG (**SI Green**)
 - (2) David Michael Vernon Thomas & Susan Daphne Thomas of 3 Buckholt View, Osbaston, Monmouth, NP25 3AS (**the Thomas'**).
 - (3) Keith Berwick Ferguson and Peter Morgan Owen all care of Morriston Golf Club being the trustees of the Morriston Golf Club (**Club**).
 - (4) John Sims Miller and Pamela Miller both of 53 Maes y Gwernen Road, Morriston, Swansea (**the Millers**)
 - (5) Edenstone Homes Limited incorporated and registered in England and Wales with company number 06397071 whose registered office is at Building 102, Wales 1 Business Park, Magor, NP26 3DG (**the Developer**)
 - ~~(6) National Westminster Bank plc whose registered office is at 135 Bishopsgate, London, EC2M 3UR and whose address for service is Credit Documentation, PO Box 339, Manchester, M60 2AH (**the Mortgagee**)~~
- ENL

BACKGROUND

- (A) The Council is the local planning authority for the purposes of the TCPA 1990 for the area in which the Property is situated.
- (B) SI Green owns the SI Green Property, the Thomas' own the Thomas Property, the Club owns the Club Property and the Millers own the Miller Property
- (C) The Developer has made the Planning Application and is proposing to carry out the Development.
- (D) The Developer intends to develop the Property pursuant to the Planning Permission and has entered into contracts conditional on the grant of Planning Permission with SI Green, the Thomas', the Club and the Millers.
- (E) The Developer gives this undertaking to perform the obligations set out in this deed.
- (F) The Owners each consent to their respective interests in the Property being bound by the terms of this deed.

BML (C) ~~The Mortgagee is the registered proprietor of a charge referred to in entry 11 of the Charges Register of the Club Property and has agreed to enter this Deed to give consent to the terms of this Unilateral Undertaking insofar as it relates to the Club Property.~~

AGREED TERMS

1. INTERPRETATION

The following definitions and rules of interpretation apply in this deed.

1.1 Definitions:

Affordable Housing Units: those Dwellings to be built and thereafter occupied as Affordable Housing comprising at least 5% of the total number of Dwellings to be built on the Property pursuant to the Planning Permission and which shall all be Low Cost Home Ownership Units

Appeal: an appeal to the Welsh Ministers against the refusal of the Planning Application appeal reference APP/B6855/A//16/3157177.

Base Rate: the base rate from time to time of Barclays Bank plc.

Club Property: the freehold land being part of the land comprised in title number WA255694 as shown edged in blue on the attached plan.

Commencement of Development: the carrying out in relation to the Development of any material operation as defined by section 56(4) of the TCPA 1990 but disregarding for the purposes of this deed and for no other purpose, the following operations: demolition works; site clearance; ground investigations; site survey works; temporary access construction works; works for the provision of drainages or mains services to prepare the site for development, works for the survey or protection of any protected species or habitat, construction of access and service roads, site decontamination, archaeological investigation and erection of any fences and hoardings around the Property.

Commenced and Commences shall be construed accordingly.

Commencement Date: the date of Commencement of Development.

Contributions: the Education Contribution and/or the Travel Plan Contribution

Dwelling: a residential unit to be constructed pursuant to the Planning Permission

Council: The Council of the City and County of Swansea.

Default Interest Rate: 4% per annum above the Base Rate.

Definite Closure: has the same meaning as in Article 13 of the Landfill Directive (1999/31/EC).

Development: the development of the Property described in the Planning Application.

Further Viability Appraisal: a new appraisal to assess whether the development permitted by the Planning Permission can afford to deliver more than 5% Affordable Housing Units

Education Contribution: £750,000 towards the cost of 3 new classrooms at Cwmrhydyceirw Primary School.

Index Linked: increased in accordance with the following formula:

Amount payable = the Contribution x (A/B) where:

A= the figure for the Consumer Prices Index that applied immediately preceding the date of actual payment.

B= the figure for the Consumer Prices Index that applied when the index was last published prior to the date of this deed.

LEAP: means a local equipped area for play located on the Public Open Space Land or an equivalent area of land in such other location on the Property as may be previously agreed by the Council in writing.

Low Cost Home Ownership Units: housing comprising low cost home ownership units where capital prices are 70% of Open Market Value but does not include low cost market housing which the Welsh Government does not consider to be Affordable Housing for the purpose of the land use planning system

Management Company: means a company established by the Developer for the acquisition and long term management and maintenance of the Public Open Land and LEAP in accordance with the Public Open Space Management Plan

Market Housing Dwellings: those Dwellings which are general market housing for sale on the open market and which are not Affordable Housing Units.

Miller Property: the freehold land being part of the property known as 53 Maes y Gwernen Road, Swansea registered with title number CYM643970 as shown edged in green on the attached plan.

Occupation and Occupied: beneficial occupation for the purposes permitted by the Planning Permission but not including occupation by personnel engaged in construction, fitting out or decoration or occupation for marketing or display or occupation in relation to security operations.

Open Market Value: the estimated price or premium for which the sale of the freehold estate or the grant of a long leasehold interest in land (not being a rack rented lease) should complete on the date of valuation between a willing buyer and a willing seller in an arm's length transaction after proper marketing wherein the parties had each

acted knowledgeably, prudently and without compulsion and assuming no restriction on the nature or class of occupiers of the land and disregarding the provisions of this agreement.

Owners: each of SI Green, the Club, the Millers and the Thomas'.

Plan: the plan attached to this deed.

Planning Application: an application for planning permission validated by the Council on 24 July 2014 under reference number 2014/0977.

Planning Permission: the planning permission to be granted by the Welsh Ministers in respect of the Appeal.

Property: together the SI Green Property, the Club Property, the Miller Property and the Thomas Property.

Public Open Space Land: means the land shown hatched purple on the Plan or an equivalent area of land in such other location on the Property previously approved by the Council.

Public Open Space Management Plan: means a detailed strategy for the laying out, construction and maintenance of the Public Open Space Land and LEAP including details of how the maintenance of the Public Open Space Land and LEAP will be funded submitted to and approved by the Council in writing.

RSL: means a housing association as defined in the Housing Act 1985 or a registered social landlord as defined in Part 1 of the Housing Act 1996.

SI Green Property: the freehold land at Cwmrhydyceirw Quarry, Morrison registered at HM Land Registry with absolute title under title number(s) WA780944, WA974616, CYM601071 and WA974699 shown edged red on the Plan.

Substantially Completed: means (in relation to the Affordable Housing Units) that the works of construction have reached a stage of completeness so that there are no apparent deficiencies or defects in the works and there are no incomplete works the condition of which would prevent normal or reasonable beneficial use.

TCPA 1990: Town and Country Planning Act 1990.

Thomas Property: part of the freehold land at Morriston, Swansea registered with title number WA702777 shown edged yellow on the Plan

Travel Plan Contribution: means £30,000 towards school specific travel planning including contributing to a walking bus scheme; contributing to improve cycle proficiency training; bike/scoot to school days; providing secure/sheltered scooter and cycle parking; parents' shelter and provision of high visibility wear.

Viability Appraisal: the viability appraisal dated January 2016 prepared by Savills submitted to the Council.

Welsh Ministers: means the Welsh Ministers or other authority for the time being having or entitled to exercise powers conferred by Sections 77 and 79 of the TCPA 1990 (including where appropriate an inspector or other appropriate officer having authority to act on their behalf).

Working Day: any day which is not a Saturday, a Sunday, a bank holiday or a public holiday in Wales.

- 1.2 Clause headings shall not affect the interpretation of this deed.
- 1.3 A **person** includes a natural person, corporate or unincorporated body (whether or not having separate legal personality).
- 1.4 Unless the context otherwise requires, words in the singular shall include the plural and in the plural shall include the singular.
- 1.5 Unless the context otherwise requires, a reference to one gender shall include a reference to the other genders.
- 1.6 A reference to any party shall include that party's personal representatives, successors and permitted assigns.
- 1.7 A reference to the Council shall include the successors to its respective statutory functions.
- 1.8 Unless the context otherwise requires, a reference to a statute or statutory provision is a reference to it as amended, extended or re-enacted from time to time.
- 1.9 Unless the context otherwise requires, a reference to a statute or statutory provision shall include any subordinate legislation made from time to time under that statute or statutory provision.
- 1.10 A reference to **writing** or **written** includes fax but not e-mail.
- 1.11 References to clauses are to the clauses of this deed.
- 1.12 Any words following the terms **including**, **include**, **in particular**, **for example** or any similar expression shall be construed as illustrative and shall not limit the sense of the words, description, definition, phrase or term preceding those terms.

- 1.13 Where an obligation falls to be performed by more than one person, the obligation can be enforced against every person so bound jointly and against each of them individually.

2. STATUTORY PROVISIONS AND COMMENCEMENT

- 2.1 This deed constitutes a planning obligation for the purposes of section 106 of the TCPA 1990, section 111 of the Local Government Act 1972 and any other enabling powers.
- 2.2 The obligations contained in Schedule 1 to this deed are planning obligations for the purposes of section 106 of the TCPA 1990 and are entered into by the Developer with the consent of the Owners with the intention that they bind the interests held by those persons in the Property and their respective successors and assigns save that the obligations in this Deed will not be enforceable against:
- 2.2.1 the buyers of individual Dwellings; or
- 2.2.2 a statutory undertaker after the transfer of the statutory apparatus and any land upon or in which the statutory apparatus is situated;
- 2.2.3 the Developer until it acquires an interest in the Property.
- 2.3 This deed shall come into effect on the date of grant of the Planning Permission and the obligations contained in Schedule 1 shall come into effect on the date of Commencement of Development.
- 2.4 The obligations contained in Schedule 1 of this deed are enforceable by the Council in accordance with section 106 of the TCPA 1990.

~~3. MORTGAGEE'S CONSENT~~

~~3.1 Insofar as this Deed relate to the Club Property, the Mortgagee consents to the completion of this Deed and declares that its interest in the Club Property shall be bound by the terms of this Deed as if it had been executed and registered as a land charge prior to the creation of the Mortgagee's interest in the Property.~~

~~3.2 The Mortgagee shall not be personally liable for any breach of the obligations in this Deed unless committed or continuing at a time when the Mortgagee is in possession of all or any part of the Club Property.~~

4. COVENANTS WITH THE COUNCIL

- 4.1 The Developer covenants to and with the Council to comply with the obligations set out in Part 1 of Schedule 1 to this Deed.
- 4.2 S I Green covenants to and with the Council to comply with the obligations set out in Part 2 of Schedule 1 to this Deed.

5. INDEXATION OF CONTRIBUTIONS

- 5.1 All Contributions payable to the Council shall be Index Linked.
- 5.2 Where reference is made to an index and that index ceases to exist or is replaced or rebased then it shall include reference to any index which replaces it or any rebased index (applied in a fair and reasonable manner to the periods before and after rebasing under this deed) or in the event the index is not replaced, to an alternative reasonably comparable basis or index as the Council shall advise the Developer in writing.

6. RELEASE

No person will be liable for any breach of the terms of this Deed occurring after the date on which they part with their interest in the Property or the part of the Property in respect of such breach occurs, but they will remain liable for any breaches of this Deed occurring before that date. Neither the reservation of any rights or the inclusion of any covenants or restrictions over the Property in any transfer of the Property will constitute an interest for the purpose of this clause 6.

7. DETERMINATION OF DEED

- This deed shall be determined and have no further effect if the Planning Permission:
- 7.1 expires before the Commencement of Development;
- 7.2 is varied or revoked other than at the request of the Developer; or
- 7.3 is quashed following a successful legal challenge.

8. LOCAL LAND CHARGE

This deed is a local land charge and shall be registered as such by the Council.

9. INTEREST ON LATE PAYMENT

If the Contributions required by this deed have not been paid to the Council prior to or on the due date for payment, the Developer shall pay the Council interest on the unpaid Contributions at the Default Interest Rate (both before and after any judgment). Such interest shall accrue on a daily basis for the period from the due date for payment to and including the date of payment.

10. COUNCIL'S COSTS

- 10.1 The Developer shall pay to the Council on the date of this deed the Council's reasonable and proper legal costs together with all disbursements incurred in connection with the preparation, completion and registration of this Deed; and
- 10.2 The Developer shall pay to the Council on the Commencement Date the sum of £17,920 as a contribution towards the Council's costs of monitoring the implementation of this Deed.

11. OWNERSHIP

- 11.1 Until the obligations in Schedule 1 have been complied with the Developer will or will procure that the Owners give to the Council within 10 Working Days, the following details of any conveyance, transfer, lease, assignment, mortgage or other disposition entered into in respect of all or any part of the Property:
- 11.2 the name and address of the person to whom the disposition was made; and
- 11.3 the nature and extent of the interest disposed of.

12. NOTICES

- 12.1 A notice or other communication to be given under or in connection with this deed must be in writing and must be:
- 12.1.1 delivered by hand; or
- 12.1.2 sent by pre-paid first class post or other next working day delivery service.
- 12.2 Any notice or other communication to be given under this deed must be sent to the Council at: Civic Centre, Oystermouth Road, Swansea, SA1 3SN marked for the attention of the Head of Planning;

or as otherwise specified by the relevant person by notice in writing to each other person.

12.3 Any notice or other communication given in accordance with clause 0 and clause 12.2 will be deemed to have been received:

12.3.1 if delivered by hand, on signature of a delivery receipt or at the time the notice is left at the address provided that if delivery occurs before 9.00 am on a Working Day, the notice will be deemed to have been received at 9.00 am on that day, and if delivery occurs after 5.00 pm on a Working Day, or on a day which is not a Working Day, the notice will be deemed to have been received at 9.00 am on the next Working Day;

12.3.2 if sent by pre-paid first class post or other next working day delivery service at 9.00 am on the second Working Day after posting.

12.4 A note or other communication given under this deed shall not be validly given if sent by e-mail.

12.5 This clause does not apply to the service of any proceedings or other documents in any legal action or, where applicable, any arbitration or other method of dispute resolution.

13 THIRD PARTY RIGHTS

A person who is not a party to this deed shall not have any rights under the Contracts (Rights of Third Parties) Act 1999 to enforce any term of this deed.

14 COUNTERPARTS

This deed may be executed in one or more counterparts each of which shall be deemed to be an original, all of which together shall constitute one and the same deed.

15 GOVERNING LAW

This deed and any dispute or claim arising out of or in connection with it or its subject matter or formation (including non-contractual disputes or claims) shall be governed by and construed in accordance with the law of England and Wales as they apply in Wales.

This document has been executed as a deed and is delivered and takes effect on the date stated at the beginning of it.

Schedule 1

Part 1

Developer's Covenants

The Developer covenants to and with the Council:

1. to give at least 10 Working Days written notice to the Council of the Commencement Date.
2. to pay the Education Contribution to the Council in two instalments as follows:
 - (i) £247,500 before the 120th Market Housing Dwelling is Occupied;
 - (ii) £502,500 before the 150th Market Housing Dwelling is Occupied.
3. To pay the Travel Plan Contribution to the Council before the first Dwelling is Occupied.
4. Before the first Dwelling is Occupied to enter into an agreement pursuant to section 278 of the Highways Act 1980 with the highway authority to fund the works to be carried out within the adopted highway as follows:
 - 4.1 the provision of a zebra crossing, guard railing, road markings and signage on Maes y Gwernen Road as shown on drawing number W131130/A/13 annexed;
 - 4.2 the provision of a pickup/drop off layby outside Cwmrhydyceirw Primary School on Maes y Gwernen Road as shown on drawing number W13113/A/13 annexed; and
 - 4.3 the provision of a toucan crossing on Heol Maes Eglwys as shown on drawing number W131130/A/10 Rev A annexed.
5. If required by the Council to transfer the Public Open Space Land to the Council on the terms of a transfer required by the Council and to pay to the Council a commuted sum for the future maintenance of the Public Open Space Land and LEAP calculated in accordance with the Council's policy for calculating commuted sums extant at the date of the transfer. To the extent that the Developer has failed to comply with its obligations in paragraph 9 of this Schedule 1, the commuted sum payable pursuant to this paragraph 5 shall be increased by an amount specified by the Council as being the sum required to fund the laying out of the Public Open Space Land and LEAP by the Council

6. If the Council does not take a transfer pursuant to paragraph 5 the provisions of paragraphs 7, 8, 9, 10, 11 and 12 of this part 1 of Schedule 1 shall apply in relation to the Public Open Space Land and LEAP.
7. Before the Commencement Date to submit to the Council for approval arrangements for the establishment of the Management Company such scheme to include how the Management Company will be set up and maintained including its memorandum and articles of association, how key appointments will be made, how shares in the Management Company will be issued (or how memberships will be secured in the case of a company limited by guarantee) how monies will be paid into it by way of service charges and details of how sufficient funds will be maintained for any cyclical maintenance and how the assets of the Management Company will be safeguarded for the long term management and maintenance of the Public Open Space Land and LEAP and for no other purpose.
8. Before the Commencement Date to submit to the Council for approval the Public Open Space Land Management Plan.
9. To lay out the Public Open Space Land and the LEAP in accordance with the approved Public Open Space Land Management Plan so that it is dedicated to and available for public use before 90% of the Dwellings are Occupied.
10. Not to sell or otherwise dispose of any Market Housing Dwellings without requiring that the purchaser of that Market Housing Dwelling and his successors in title to become a member of the Management Company and to enter into a covenant to contribute a service charge towards the management and maintenance of the Public Open Space Land and the LEAP including a sinking fund for cyclical expenditure together with provisions for recovery of those contributions.
11. No Market Housing Dwelling shall be Occupied (unless otherwise agreed by the Council in writing) until the Developer has:
 - 11.1 set up, constituted or otherwise incorporated the Management Company; and
 - 11.2 entered into a contract with the Management Company to transfer the Public Open Space Land and LEAP to the Management Company for £1.
12. Before the last Market Housing Dwelling is Occupied to transfer the Public Open Space Land and LEAP to the Management Company for £1.

13. Before the Commencement Date to submit a scheme for the construction and future maintenance of the ground and surface water pumping systems required for the former landfill area of the Property (the 'pumping systems') such scheme to include details of the timing and method of construction and details of the mechanism for the ongoing monies or bond set aside for ongoing maintenance to the Council for approval.
14. To construct the pumping systems and repair, maintain or renew them in accordance with the scheme approved under paragraph 13 above and to implement the agreed mechanism for the ongoing monies or bond set aside pursuant to the approved scheme.
15. On the date of the first reserved matters application to submit the Further Viability Appraisal to the Council.
16. To construct and provide the higher of five per cent (5%) or the percentage demonstrated by the Further Viability Appraisal of the Dwellings within the development permitted by the Planning Permission as Affordable Housing Units comprising Low Cost Home Ownership Units and:
 - 16.1 the Developer agrees not to commence construction of any Market Housing Dwellings until a scheme for the provision of the Affordable Housing Units has been submitted to and approved by the Council in writing such scheme to include the following:
 - (a) the programme and timetable for the phased construction, substantial Completion and the transfer of the Affordable Housing Units to an RSL;
 - (b) details of the new home warranty to be issued to the RSL.
 - 16.2 If the Developer is not able to reach an agreement with an RSL for the sale of the Affordable Housing Units, the Developer shall be entitled to offer the Affordable Housing Unit for sale to the Council or its nominees.
 - 16.3 The offer to sell the Affordable Housing Units referred to in paragraph 16.2 shall be made to the Council and sent to the Head of Housing, City and County of Swansea, Civic Centre, Oystermouth Road, Swansea, SA1 3SN and include the location of the Affordable Housing Units, the design specification and the proposed sale price which for the avoidance of doubt shall be no more than 70% of its Open Market Value.
 - 16.4 If neither the Council nor any other body nominated by the Council (and approved by the Developer) offer to purchase the Affordable Housing Units within a period of one month from the service of the offer pursuant to paragraph 16.3 then the Developer

may apply to the Council to sell the Affordable Housing Units at Open Market Value.

- 16.5 If the Council gives consent to sell the Affordable Housing Units at Open Market Value the Developer shall pay the Council a sum equal to 30% of Open Market Value of the Affordable Housing Units within 10 working days of the Council entering into an deed of agreement supplemental to this deed releasing the Affordable Housing Units from the obligations contained in this paragraph 9.
- 16.6 The Affordable Housing Units shall be Substantially Completed before the 120th Market Housing Dwelling is Occupied.
17. To submit a scheme of commitment under the Council's Beyond Bricks and Mortar Scheme to the Council for approval prior to Commencement of Development and thereafter to implement the approved scheme.

Part 2

1. S I Green Covenants with the Council:

That no further landfilling operations pursuant to planning permissions 81/0486/03, 84/0505/05 and 2015/2544 shall take place save for any remediation or restoration works permitted by those planning permissions required to procure the Definite Closure of the landfill area of the Property or any remediation or restoration works detailed within the Environmental Permit reference TP3835LV.

Executed as a deed by S I
Green UK Limited acting by
Piergiorgio Cominetti
, a director, in the presence of:

.....
SIGNATURE OF WITNESS
NAME, ADDRESS AND
OCCUPATION OF WITNESS

[Redacted Signature]

SIGNATURE OF DIRECTOR

[Redacted Signature]

*PAOLO TITTA VIALE COOPERAZIONE
U. 49 CUSANO MILANINO (MI)
HR RESPONSABLE*

Executed as a deed by
David Michael Vernon Thomas

In the presence of:

Witness signature:

Witness name:

Witness address:

Executed as a deed by
Susan Daphne Thomas

In the presence of:

Witness signature:

Witness name:

Witness address:

Executed as a deed by
Keith Berwick Ferguson

In the presence of:

Witness signature:

Witness name:

Witness address:

Executed as a deed by
Peter Morgan Owen

In the presence of:

Witness signature:

Witness name:

Witness address:

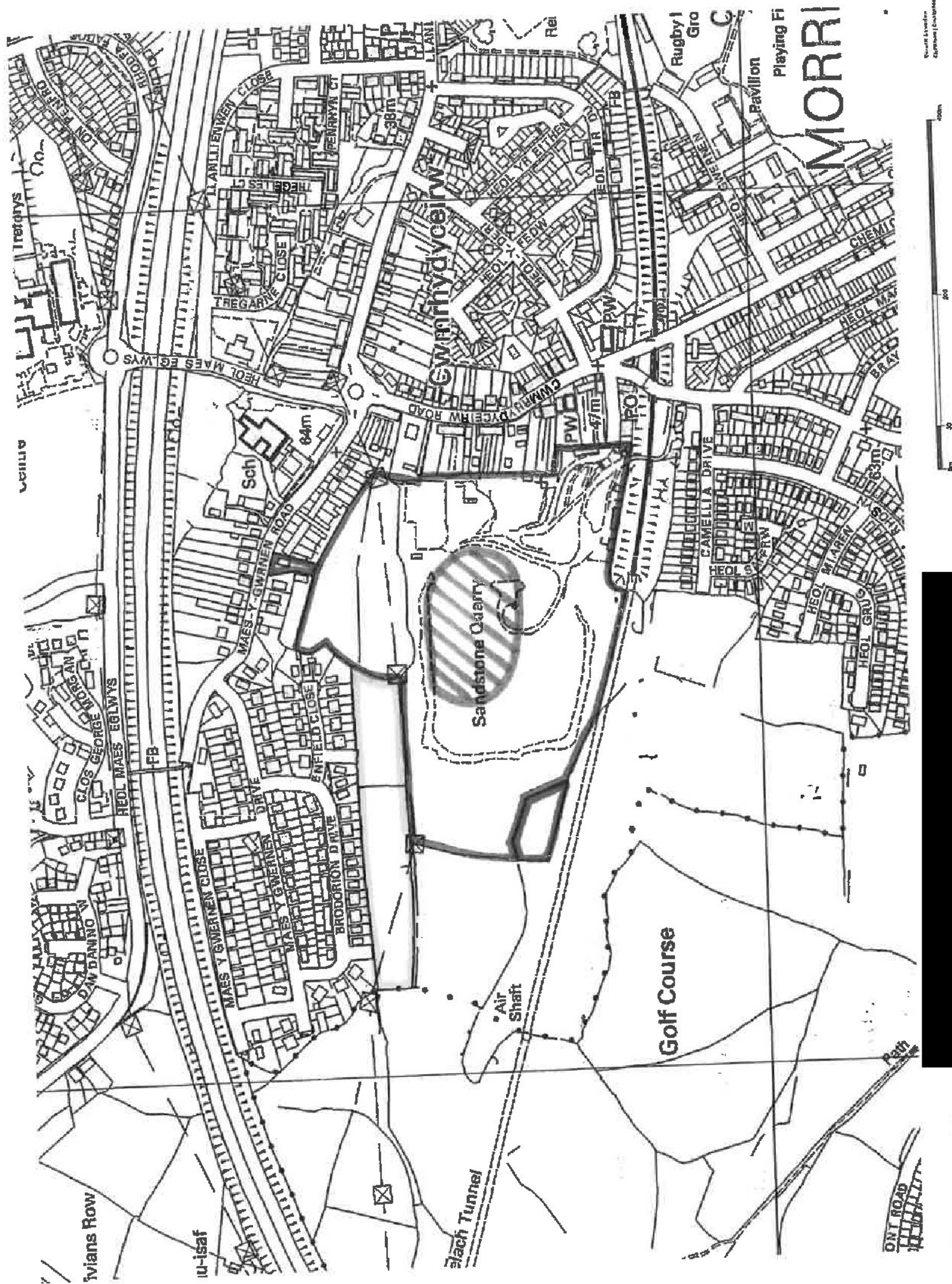
Executed as a deed by
John Sims Miller

In the presence of:

Witness signature:

Witness name:

Witness address:



Parc Cefn
1991

Edenstone Homes
1991

Edenstone Homes
CHARTER

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GAUNT FRANCIS
Architects

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Executed as a deed by
Pamela Miller

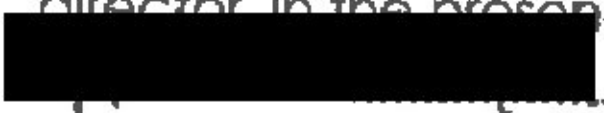
In the presence of:

Witness signature:

Witness name:

Witness address:


Executed as a deed by
Edenstone Homes Limited
acting by Stuart Rodden, a
director, in the presence of:


SIGNATURE OF WITNESS
NAME, ADDRESS AND
OCCUPATION OF WITNESS



Director


Edenstone Homes
First Floor
Building 102
Wales One Business Park
Magor
NP26 3DG


~~Signed and delivered
as a deed for and on behalf
of National Westminster Bank
plc by a duly authorised
Attorney in the presence of:~~

~~SIGNATURE OF WITNESS—Bank
Employee~~

DATED 7 November 2017

**PLANNING OBLIGATION BY WAY OF UNILATERAL UNDERTAKING UNDER
SECTION 106 OF THE TOWN & COUNTRY PLANNING ACT 1990
RELATING TO LAND AT CWMRHYDYCEIRW QUARRY, MORRISTON,
SWANSEA**

between

SI GREEN UK LIMITED

and

DAVID MICHAEL VERNON THOMAS AND SUSAN DAPHNE THOMAS

AND

THE TRUSTEES OF MORRISTON GOLF CLUB

AND

JOHN SIMS MILLER AND PAMELA MILLER

and

EDENSTONE HOMES LIMITED

AND



NATIONAL WESTMINSTER BANK PLC



THIS DEED IS DATED 7 November 2017

- (1) SI Green UK Limited incorporated and registered in England and Wales with company number 02777304 whose registered office is at c/o Harris Bassett, 5 Llys Felin Newydd, Phoenix Ways Enterprise Park, Swansea, SA7 9FG (**SI Green**)
- (2) David Michael Vernon Thomas & Susan Daphne Thomas of 3 Buckholt View, Osbaston, Monmouth, NP25 3AS (**the Thomas'**).
- (3) Keith Berwick Ferguson and Peter Morgan Owen all care of Morriston Golf Club being the trustees of the Morriston Golf Club (**Club**).
- (4) John Sims Miller and Pamela Miller both of 53 Maes y Gwernen Road, Morriston, Swansea (**the Millers**)
- (5) Edenstone Homes Limited incorporated and registered in England and Wales with company number 06397071 whose registered office is at Building 102, Wales 1 Business Park, Magor, NP26 3DG (**the Developer**)
- ~~(6) National Westminster Bank plc whose registered office is at 135 Bishopsgate, London, EC2M 3UR and whose address for service is Credit Documentation, PO Box 339, Manchester, M60 2AH (**the Mortgagee**)~~

BACKGROUND

- (A) The Council is the local planning authority for the purposes of the TCPA 1990 for the area in which the Property is situated.
- (B) SI Green owns the SI Green Property, the Thomas' own the Thomas Property, the Club owns the Club Property and the Millers own the Miller Property
- (C) The Developer has made the Planning Application and is proposing to carry out the Development.
- (D) The Developer intends to develop the Property pursuant to the Planning Permission and has entered into contracts conditional on the grant of Planning Permission with SI Green, the Thomas', the Club and the Millers.
- (E) The Developer gives this undertaking to perform the obligations set out in this deed.
- (F) The Owners each consent to their respective interests in the Property being bound by the terms of this deed.

~~(G) The Mortgagee is the registered proprietor of a charge referred to in entry 11 of the Charges Register of the Club Property and has agreed to enter this Deed to give consent to the terms of this Unilateral Undertaking insofar as it relates to the Club Property.~~

AGREED TERMS

1. INTERPRETATION

The following definitions and rules of interpretation apply in this deed.

1.1 Definitions:

Affordable Housing Units: those Dwellings to be built and thereafter occupied as Affordable Housing comprising at least 5% of the total number of Dwellings to be built on the Property pursuant to the Planning Permission and which shall all be Low Cost Home Ownership Units

Appeal: an appeal to the Welsh Ministers against the refusal of the Planning Application appeal reference APP/B6855/A/16/3157177.

Base Rate: the base rate from time to time of Barclays Bank plc.

Club Property: the freehold land being part of the land comprised in title number WA255694 as shown edged in blue on the attached plan.

Commencement of Development: the carrying out in relation to the Development of any material operation as defined by section 56(4) of the TCPA 1990 but disregarding for the purposes of this deed and for no other purpose, the following operations: demolition works; site clearance; ground investigations; site survey works; temporary access construction works; works for the provision of drainages or mains services to prepare the site for development, works for the survey or protection of any protected species or habitat, construction of access and service roads, site decontamination, archaeological investigation and erection of any fences and hoardings around the Property.

Commenced and Commences shall be construed accordingly.

Commencement Date: the date of Commencement of Development.

Contributions: the Education Contribution and/or the Travel Plan Contribution

Dwelling: a residential unit to be constructed pursuant to the Planning Permission

Council: The Council of the City and County of Swansea.

Default Interest Rate: 4% per annum above the Base Rate.

Definite Closure: has the same meaning as in Article 13 of the Landfill Directive (1999/31/EC).

Development: the development of the Property described in the Planning Application.

Further Viability Appraisal: a new appraisal to assess whether the development permitted by the Planning Permission can afford to deliver more than 5% Affordable Housing Units

Education Contribution: £750,000 towards the cost of 3 new classrooms at Cwmrhydyceirw Primary School.

Index Linked: increased in accordance with the following formula:

Amount payable = the Contribution x (A/B) where:

A= the figure for the Consumer Prices Index that applied immediately preceding the date of actual payment.

B= the figure for the Consumer Prices Index that applied when the index was last published prior to the date of this deed.

LEAP: means a local equipped area for play located on the Public Open Space Land or an equivalent area of land in such other location on the Property as may be previously agreed by the Council in writing.

Low Cost Home Ownership Units: housing comprising low cost home ownership units where capital prices are 70% of Open Market Value but does not include low cost market housing which the Welsh Government does not consider to be Affordable Housing for the purpose of the land use planning system

Management Company: means a company established by the Developer for the acquisition and long term management and maintenance of the Public Open Land and LEAP in accordance with the Public Open Space Management Plan

Market Housing Dwellings: those Dwellings which are general market housing for sale on the open market and which are not Affordable Housing Units.

Miller Property: the freehold land being part of the property known as 53 Maes y Gwernen Road, Swansea registered with title number CYM643970 as shown edged in green on the attached plan.

Occupation and Occupied: beneficial occupation for the purposes permitted by the Planning Permission but not including occupation by personnel engaged in construction, fitting out or decoration or occupation for marketing or display or occupation in relation to security operations.

Open Market Value: the estimated price or premium for which the sale of the freehold estate or the grant of a long leasehold interest in land (not being a rack rented lease) should complete on the date of valuation between a willing buyer and a willing seller in an arm's length transaction after proper marketing wherein the parties had each

acted knowledgeably, prudently and without compulsion and assuming no restriction on the nature or class of occupiers of the land and disregarding the provisions of this agreement.

Owners: each of SI Green, the Club, the Millers and the Thomas'.

Plan: the plan attached to this deed.

Planning Application: an application for planning permission validated by the Council on 24 July 2014 under reference number 2014/0977.

Planning Permission: the planning permission to be granted by the Welsh Ministers in respect of the Appeal.

Property: together the SI Green Property, the Club Property, the Miller Property and the Thomas Property.

Public Open Space Land: means the land shown hatched purple on the Plan or an equivalent area of land in such other location on the Property previously approved by the Council.

Public Open Space Management Plan: means a detailed strategy for the laying out, construction and maintenance of the Public Open Space Land and LEAP including details of how the maintenance of the Public Open Space Land and LEAP will be funded submitted to and approved by the Council in writing.

RSL: means a housing association as defined in the Housing Act 1985 or a registered social landlord as defined in Part 1 of the Housing Act 1996.

SI Green Property: the freehold land at Cwmrhydyceirw Quarry, Morrison registered at HM Land Registry with absolute title under title number(s) WA780944, WA974616, CYM601071 and WA974699 shown edged red on the Plan.

Substantially Completed: means (in relation to the Affordable Housing Units) that the works of construction have reached a stage of completeness so that there are no apparent deficiencies or defects in the works and there are no incomplete works the condition of which would prevent normal or reasonable beneficial use.

TCPA 1990: Town and Country Planning Act 1990.

Thomas Property: part of the freehold land at Morriston, Swansea registered with title number WA702777 shown edged yellow on the Plan

Travel Plan Contribution: means £30,000 towards school specific travel planning including contributing to a walking bus scheme; contributing to improve cycle proficiency training; bike/scoot to school days; providing secure/sheltered scooter and cycle parking; parents' shelter and provision of high visibility wear.

Viability Appraisal: the viability appraisal dated January 2016 prepared by Savills submitted to the Council.

Welsh Ministers: means the Welsh Ministers or other authority for the time being having or entitled to exercise powers conferred by Sections 77 and 79 of the TCPA1990 (including where appropriate an inspector or other appropriate officer having authority to act on their behalf).

Working Day: any day which is not a Saturday, a Sunday, a bank holiday or a public holiday in Wales.

- 1.2 Clause headings shall not affect the interpretation of this deed.
- 1.3 A **person** includes a natural person, corporate or unincorporated body (whether or not having separate legal personality).
- 1.4 Unless the context otherwise requires, words in the singular shall include the plural and in the plural shall include the singular.
- 1.5 Unless the context otherwise requires, a reference to one gender shall include a reference to the other genders.
- 1.6 A reference to any party shall include that party's personal representatives, successors and permitted assigns.
- 1.7 A reference to the Council shall include the successors to its respective statutory functions.
- 1.8 Unless the context otherwise requires, a reference to a statute or statutory provision is a reference to it as amended, extended or re-enacted from time to time.
- 1.9 Unless the context otherwise requires, a reference to a statute or statutory provision shall include any subordinate legislation made from time to time under that statute or statutory provision.
- 1.10 A reference to **writing** or **written** includes fax but not e-mail.
- 1.11 References to clauses are to the clauses of this deed.
- 1.12 Any words following the terms **including**, **include**, **in particular**, **for example** or any similar expression shall be construed as illustrative and shall not limit the sense of the words, description, definition, phrase or term preceding those terms.

- 1.13 Where an obligation falls to be performed by more than one person, the obligation can be enforced against every person so bound jointly and against each of them individually.

2. STATUTORY PROVISIONS AND COMMENCEMENT

- 2.1 This deed constitutes a planning obligation for the purposes of section 106 of the TCPA 1990, section 111 of the Local Government Act 1972 and any other enabling powers.
- 2.2 The obligations contained in Schedule 1 to this deed are planning obligations for the purposes of section 106 of the TCPA 1990 and are entered into by the Developer with the consent of the Owners with the intention that they bind the interests held by those persons in the Property and their respective successors and assigns save that the obligations in this Deed will not be enforceable against:
- 2.2.1 the buyers of individual Dwellings; or
- 2.2.2 a statutory undertaker after the transfer of the statutory apparatus and any land upon or in which the statutory apparatus is situated;
- 2.2.3 the Developer until it acquires an interest in the Property.
- 2.3 This deed shall come into effect on the date of grant of the Planning Permission and the obligations contained in Schedule 1 shall come into effect on the date of Commencement of Development.
- 2.4 The obligations contained in Schedule 1 of this deed are enforceable by the Council in accordance with section 106 of the TCPA 1990.

~~3. MORTGAGEE'S CONSENT~~

- ~~3.1 Insofar as this Deed relate to the Club Property, the Mortgagee consents to the completion of this Deed and declares that its interest in the Club Property shall be bound by the terms of this Deed as if it had been executed and registered as a land charge prior to the creation of the Mortgagee's interest in the Property.~~
- ~~3.2 The Mortgagee shall not be personally liable for any breach of the obligations in this Deed unless committed or continuing at a time when the Mortgagee is in possession of all or any part of the Club Property.~~

4. COVENANTS WITH THE COUNCIL

- 4.1 The Developer covenants to and with the Council to comply with the obligations set out in Part 1 of Schedule 1 to this Deed.
- 4.2 S I Green covenants to and with the Council to comply with the obligations set out in Part 2 of Schedule 1 to this Deed.

5. INDEXATION OF CONTRIBUTIONS

- 5.1 All Contributions payable to the Council shall be Index Linked.
- 5.2 Where reference is made to an index and that index ceases to exist or is replaced or rebased then it shall include reference to any index which replaces it or any rebased index (applied in a fair and reasonable manner to the periods before and after rebasing under this deed) or in the event the index is not replaced, to an alternative reasonably comparable basis or index as the Council shall advise the Developer in writing.

6. RELEASE

No person will be liable for any breach of the terms of this Deed occurring after the date on which they part with their interest in the Property or the part of the Property in respect of such breach occurs, but they will remain liable for any breaches of this Deed occurring before that date. Neither the reservation of any rights or the inclusion of any covenants or restrictions over the Property in any transfer of the Property will constitute an interest for the purpose of this clause 6.

7. DETERMINATION OF DEED

This deed shall be determined and have no further effect if the Planning Permission:

- 7.1 expires before the Commencement of Development;
- 7.2 is varied or revoked other than at the request of the Developer; or
- 7.3 is quashed following a successful legal challenge.

8. LOCAL LAND CHARGE

This deed is a local land charge and shall be registered as such by the Council.

9. INTEREST ON LATE PAYMENT

If the Contributions required by this deed have not been paid to the Council prior to or on the due date for payment, the Developer shall pay the Council interest on the unpaid Contributions at the Default Interest Rate (both before and after any judgment). Such interest shall accrue on a daily basis for the period from the due date for payment to and including the date of payment.

10. COUNCIL'S COSTS

10.1 The Developer shall pay to the Council on the date of this deed the Council's reasonable and proper legal costs together with all disbursements incurred in connection with the preparation, completion and registration of this Deed; and

10.2 The Developer shall pay to the Council on the Commencement Date the sum of £17,920 as a contribution towards the Council's costs of monitoring the implementation of this Deed.

11. OWNERSHIP

11.1 Until the obligations in Schedule 1 have been complied with the Developer will or will procure that the Owners give to the Council within 10 Working Days, the following details of any conveyance, transfer, lease, assignment, mortgage or other disposition entered into in respect of all or any part of the Property:

11.2 the name and address of the person to whom the disposition was made; and

11.3 the nature and extent of the interest disposed of.

12. NOTICES

12.1 A notice or other communication to be given under or in connection with this deed must be in writing and must be:

12.1.1 delivered by hand; or

12.1.2 sent by pre-paid first class post or other next working day delivery service.

12.2 Any notice or other communication to be given under this deed must be sent to the Council at: Civic Centre, Oystermouth Road, Swansea, SA1 3SN marked for the attention of the Head of Planning;

or as otherwise specified by the relevant person by notice in writing to each other person.

12.3 Any notice or other communication given in accordance with clause 0 and clause 12.2 will be deemed to have been received:

12.3.1 if delivered by hand, on signature of a delivery receipt or at the time the notice is left at the address provided that if delivery occurs before 9.00 am on a Working Day, the notice will be deemed to have been received at 9.00 am on that day, and if delivery occurs after 5.00 pm on a Working Day, or on a day which is not a Working Day, the notice will be deemed to have been received at 9.00 am on the next Working Day;

12.3.2 if sent by pre-paid first class post or other next working day delivery service at 9.00 am on the second Working Day after posting.

12.4 A note or other communication given under this deed shall not be validly given if sent by e-mail.

12.5 This clause does not apply to the service of any proceedings or other documents in any legal action or, where applicable, any arbitration or other method of dispute resolution.

13 THIRD PARTY RIGHTS

A person who is not a party to this deed shall not have any rights under the Contracts (Rights of Third Parties) Act 1999 to enforce any term of this deed.

14 COUNTERPARTS

This deed may be executed in one or more counterparts each of which shall be deemed to be an original, all of which together shall constitute one and the same deed.

15 GOVERNING LAW

This deed and any dispute or claim arising out of or in connection with it or its subject matter or formation (including non-contractual disputes or claims) shall be governed by and construed in accordance with the law of England and Wales as they apply in Wales.

This document has been executed as a deed and is delivered and takes effect on the date stated at the beginning of it.

Schedule 1

Part 1

Developer's Covenants

The Developer covenants to and with the Council:

1. to give at least 10 Working Days written notice to the Council of the Commencement Date.
2. to pay the Education Contribution to the Council in two instalments as follows:
 - (i) £247,500 before the 120th Market Housing Dwelling is Occupied;
 - (ii) £502,500 before the 150th Market Housing Dwelling is Occupied.
3. To pay the Travel Plan Contribution to the Council before the first Dwelling is Occupied.
4. Before the first Dwelling is Occupied to enter into an agreement pursuant to section 278 of the Highways Act 1980 with the highway authority to fund the works to be carried out within the adopted highway as follows:
 - 4.1 the provision of a zebra crossing, guard railing, road markings and signage on Maes y Gwernen Road as shown on drawing number W131130/A/13 annexed;
 - 4.2 the provision of a pickup/drop off layby outside Cwmrhydyceirw Primary School on Maes y Gwernen Road as shown on drawing number W13113/A/13 annexed; and
 - 4.3 the provision of a toucan crossing on Heol Maes Eglwys as shown on drawing number W131130/A/10 Rev A annexed.
5. If required by the Council to transfer the Public Open Space Land to the Council on the terms of a transfer required by the Council and to pay to the Council a commuted sum for the future maintenance of the Public Open Space Land and LEAP calculated in accordance with the Council's policy for calculating commuted sums extant at the date of the transfer. To the extent that the Developer has failed to comply with its obligations in paragraph 9 of this Schedule 1, the commuted sum payable pursuant to this paragraph 5 shall be increased by an amount specified by the Council as being the sum required to fund the laying out of the Public Open Space Land and LEAP by the Council

6. If the Council does not take a transfer pursuant to paragraph 5 the provisions of paragraphs 7, 8, 9, 10, 11 and 12 of this part 1 of Schedule 1 shall apply in relation to the Public Open Space Land and LEAP.
7. Before the Commencement Date to submit to the Council for approval arrangements for the establishment of the Management Company such scheme to include how the Management Company will be set up and maintained including its memorandum and articles of association, how key appointments will be made, how shares in the Management Company will be issued (or how memberships will be secured in the case of a company limited by guarantee) how monies will be paid into it by way of service charges and details of how sufficient funds will be maintained for any cyclical maintenance and how the assets of the Management Company will be safeguarded for the long term management and maintenance of the Public Open Space Land and LEAP and for no other purpose.
8. Before the Commencement Date to submit to the Council for approval the Public Open Space Land Management Plan.
9. To lay out the Public Open Space Land and the LEAP in accordance with the approved Public Open Space Land Management Plan so that it is dedicated to and available for public use before 90% of the Dwellings are Occupied.
10. Not to sell or otherwise dispose of any Market Housing Dwellings without requiring that the purchaser of that Market Housing Dwelling and his successors in title to become a member of the Management Company and to enter into a covenant to contribute a service charge towards the management and maintenance of the Public Open Space Land and the LEAP including a sinking fund for cyclical expenditure together with provisions for recovery of those contributions.
11. No Market Housing Dwelling shall be Occupied (unless otherwise agreed by the Council in writing) until the Developer has:
 - 11.1 set up, constituted or otherwise incorporated the Management Company; and
 - 11.2 entered into a contract with the Management Company to transfer the Public Open Space Land and LEAP to the Management Company for £1.
12. Before the last Market Housing Dwelling is Occupied to transfer the Public Open Space Land and LEAP to the Management Company for £1.

13. Before the Commencement Date to submit a scheme for the construction and future maintenance of the ground and surface water pumping systems required for the former landfill area of the Property (the 'pumping systems') such scheme to include details of the timing and method of construction and details of the mechanism for the ongoing monies or bond set aside for ongoing maintenance to the Council for approval.
14. To construct the pumping systems and repair, maintain or renew them in accordance with the scheme approved under paragraph 13 above and to implement the agreed mechanism for the ongoing monies or bond set aside pursuant to the approved scheme.
15. On the date of the first reserved matters application to submit the Further Viability Appraisal to the Council.
16. To construct and provide the higher of five per cent (5%) or the percentage demonstrated by the Further Viability Appraisal of the Dwellings within the development permitted by the Planning Permission as Affordable Housing Units comprising Low Cost Home Ownership Units and:
 - 16.1 the Developer agrees not to commence construction of any Market Housing Dwellings until a scheme for the provision of the Affordable Housing Units has been submitted to and approved by the Council in writing such scheme to include the following:
 - (a) the programme and timetable for the phased construction, substantial Completion and the transfer of the Affordable Housing Units to an RSL;
 - (b) details of the new home warranty to be issued to the RSL.
 - 16.2 If the Developer is not able to reach an agreement with an RSL for the sale of the Affordable Housing Units, the Developer shall be entitled to offer the Affordable Housing Unit for sale to the Council or its nominees.
 - 16.3 The offer to sell the Affordable Housing Units referred to in paragraph 16.2 shall be made to the Council and sent to the Head of Housing, City and County of Swansea, Civic Centre, Oystermouth Road, Swansea, SA1 3SN and include the location of the Affordable Housing Units, the design specification and the proposed sale price which for the avoidance of doubt shall be no more than 70% of its Open Market Value.
 - 16.4 If neither the Council nor any other body nominated by the Council (and approved by the Developer) offer to purchase the Affordable Housing Units within a period of one month from the service of the offer pursuant to paragraph 16.3 then the Developer

may apply to the Council to sell the Affordable Housing Units at Open Market Value.

16.5 If the Council gives consent to sell the Affordable Housing Units at Open Market Value the Developer shall pay the Council a sum equal to 30% of Open Market Value of the Affordable Housing Units within 10 working days of the Council entering into a deed of agreement supplemental to this deed releasing the Affordable Housing Units from the obligations contained in this paragraph 9.

16.6 The Affordable Housing Units shall be Substantially Completed before the 120th Market Housing Dwelling is Occupied.

17. To submit a scheme of commitment under the Council's Beyond Bricks and Mortar Scheme to the Council for approval prior to Commencement of Development and thereafter to implement the approved scheme.

Part 2

1. S I Green Covenants with the Council:

That no further landfilling operations pursuant to planning permissions 81/0486/03, 84/0505/05 and 2015/2544 shall take place save for any remediation or restoration works permitted by those planning permissions required to procure the Definite Closure of the landfill area of the Property or any remediation or restoration works detailed within the Environmental Permit reference TP3835LV.

Executed as a deed by S I
Green UK Limited acting by

a director, in the presence of:

.....
SIGNATURE OF DIRECTOR
Director

.....
SIGNATURE OF WITNESS
NAME, ADDRESS AND
OCCUPATION OF WITNESS

Executed as a deed by
David Michael Vernon Thomas



In the presence of:

Witness signature:

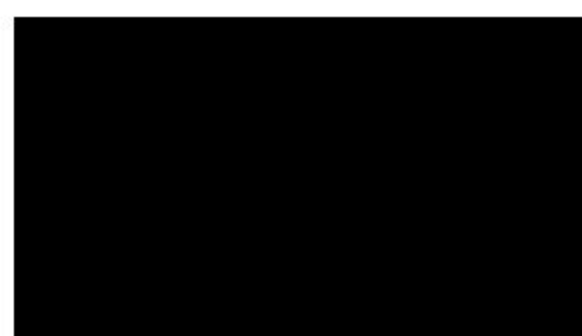


Witness name:

32 MANN STREET, ABERCROMBY

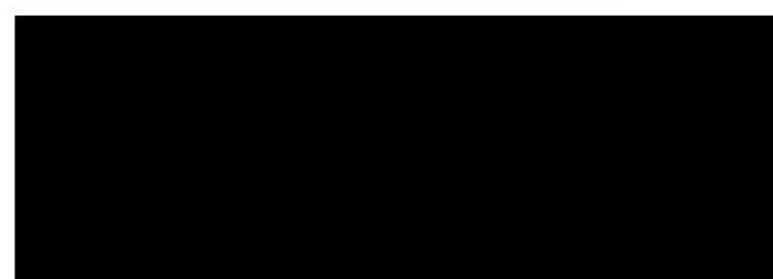
Witness address:

Executed as a deed by
Susan Daphne Thomas



In the presence of:

Witness signature:



Witness name:

32 MANN STREET, ABERCROMBY

Witness address:

Executed as a deed by
Keith Berwick Ferguson

In the presence of:

Witness signature:

Witness name:

Witness address:

Executed as a deed by
Peter Morgan Owen

In the presence of:

Witness signature:

Witness name:

Witness address:

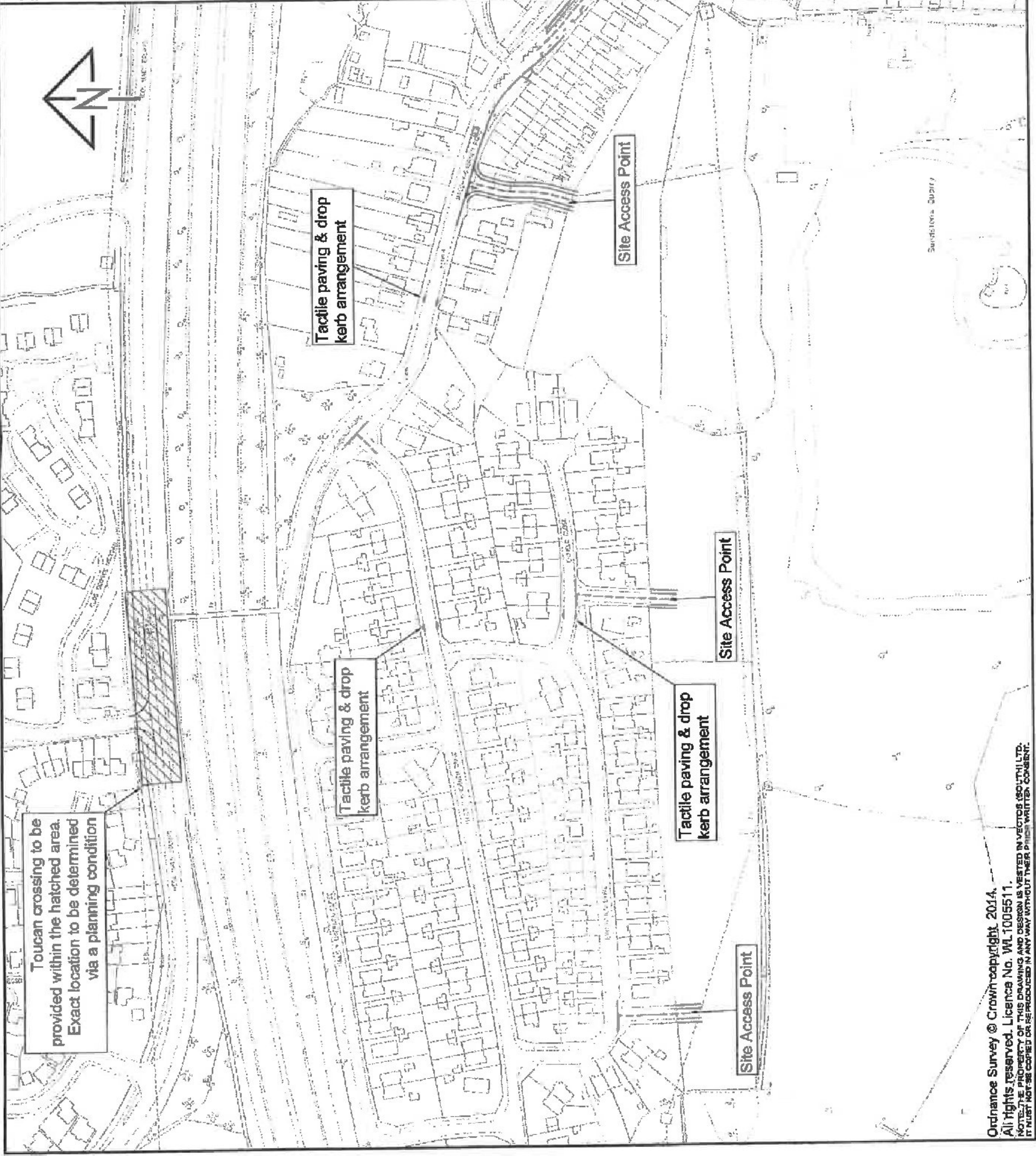
Executed as a deed by
John Sims Miller

In the presence of:

Witness signature:

Witness name:

Witness address:



Notes:

- This is not a consultation drawing and is intended for illustrative purposes only.
- While being illustrative only.

HE

MT

5.12.14

A Zebra crossings removed and existing bus stop arrangement on Heol Mase Eglwys added.

HE

MT

5.12.14

HE

MT

5.12.14

CLIENT

Edenstone Homes

PRODUCT

Parc Ceirw

DRAWING TITLE

Proposed Site Access and Off-Site Highway Works

SCALE

1:2000 at A3

DRAWN

AP

CHECKED

MT

DATE

1.5.14

vectors
transport planning specialists

10th Floor, Helwark House, Churchill Way, Cardiff CF10 2HE
t: 02920 720 860
e: enquiries@vectors.co.uk

DRAWING NUMBER

W131130/A/10

REVISION

A

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IT MUST NOT BE COPIED OR REPRODUCED IN ANY WAY WITHOUT THEIR PRIOR WRITTEN CONSENT.

Executed as a deed by
Pamela Miller

In the presence of:

Witness signature:

Witness name:

Witness address:

Executed as a deed by
Edenstone Homes Limited
acting by Stuart Rodden, a
director, in the presence of:

.....
Director

.....
SIGNATURE OF WITNESS
NAME, ADDRESS AND
OCCUPATION OF WITNESS

~~Signed and delivered
as a deed for and on behalf
of National Westminster Bank
plc by a duly authorised
Attorney in the presence of:~~

.....

.....
~~SIGNATURE OF WITNESS - Bank
Employee~~

DATED 7 November 2017

**PLANNING OBLIGATION BY WAY OF UNILATERAL UNDERTAKING UNDER
SECTION 106 OF THE TOWN & COUNTRY PLANNING ACT 1990
RELATING TO LAND AT CWMRHYDYCEIRW QUARRY, MORRISTON,
SWANSEA**

between

S I GREEN UK LIMITED

and

DAVID MICHAEL VERNON THOMAS AND SUSAN DAPHNE THOMAS

AND

THE TRUSTEES OF MORRISTON GOLF CLUB

AND

JOHN SIMS MILLER AND PAMELA MILLER

and

EDENSTONE HOMES LIMITED

AND

Et al

~~NATIONAL WESTMINSTER BANK PLC~~



THIS DEED IS DATED 7 November 2017

- (1) SI Green UK Limited incorporated and registered in England and Wales with company number 02777304 whose registered office is at c/o Harris Bassett, 5 Llys Felin Newydd, Phoenix Ways Enterprise Park, Swansea, SA7 9FG (**SI Green**)
- (2) David Michael Vernon Thomas & Susan Daphne Thomas of 3 Buckholt View, Osbaston, Monmouth, NP25 3AS (**the Thomas'**).
- (3) Keith Berwick Ferguson and Peter Morgan Owen all care of Morriston Golf Club being the trustees of the Morriston Golf Club (**Club**).
- (4) John Sims Miller and Pamela Miller both of 53 Maes y Gwernen Road, Morriston, Swansea (**the Millers**)
- (5) Edenstone Homes Limited incorporated and registered in England and Wales with company number 06397071 whose registered office is at Building 102, Wales 1 Business Park, Magor, NP26 3DG (**the Developer**)
- En* ~~(6) National Westminster Bank plc whose registered office is at 135 Bishopsgate, London, EC2M 3UR and whose address for service is Credit Documentation, PO Box 339, Manchester, M60 2AH (**the Mortgagee**)~~

BACKGROUND

- (A) The Council is the local planning authority for the purposes of the TCPA 1990 for the area in which the Property is situated.
- (B) SI Green owns the SI Green Property, the Thomas' own the Thomas Property, the Club owns the Club Property and the Millers own the Miller Property
- (C) The Developer has made the Planning Application and is proposing to carry out the Development.
- (D) The Developer intends to develop the Property pursuant to the Planning Permission and has entered into contracts conditional on the grant of Planning Permission with SI Green, the Thomas', the Club and the Millers.
- (E) The Developer gives this undertaking to perform the obligations set out in this deed.
- (F) The Owners each consent to their respective interests in the Property being bound by the terms of this deed.

~~(C) The Mortgagee is the registered proprietor of a charge referred to in entry 11 of the Charges Register of the Club Property and has agreed to enter this Deed to give consent to the terms of this Unilateral Undertaking insofar as it relates to the Club Property.~~

AGREED TERMS

1. INTERPRETATION

The following definitions and rules of interpretation apply in this deed.

1.1 Definitions:

Affordable Housing Units: those Dwellings to be built and thereafter occupied as Affordable Housing comprising at least 5% of the total number of Dwellings to be built on the Property pursuant to the Planning Permission and which shall all be Low Cost Home Ownership Units

Appeal: an appeal to the Welsh Ministers against the refusal of the Planning Application appeal reference APP/B6855/A/16/3157177.

Base Rate: the base rate from time to time of Barclays Bank plc.

Club Property: the freehold land being part of the land comprised in title number WA255694 as shown edged in blue on the attached plan.

Commencement of Development: the carrying out in relation to the Development of any material operation as defined by section 56(4) of the TCPA 1990 but disregarding for the purposes of this deed and for no other purpose, the following operations: demolition works; site clearance; ground investigations; site survey works; temporary access construction works; works for the provision of drainages or mains services to prepare the site for development, works for the survey or protection of any protected species or habitat, construction of access and service roads, site decontamination, archaeological investigation and erection of any fences and hoardings around the Property.

Commenced and Commences shall be construed accordingly.

Commencement Date: the date of Commencement of Development.

Contributions: the Education Contribution and/or the Travel Plan Contribution

Dwelling: a residential unit to be constructed pursuant to the Planning Permission

Council: The Council of the City and County of Swansea.

Default Interest Rate: 4% per annum above the Base Rate.

Definite Closure: has the same meaning as in Article 13 of the Landfill Directive (1999/31/EC).

Development: the development of the Property described in the Planning Application.

Further Viability Appraisal: a new appraisal to assess whether the development permitted by the Planning Permission can afford to deliver more than 5% Affordable Housing Units

Education Contribution: £750,000 towards the cost of 3 new classrooms at Cwmrhydyceirw Primary School.

Index Linked: increased in accordance with the following formula:

Amount payable = the Contribution x (A/B) where:

A= the figure for the Consumer Prices Index that applied immediately preceding the date of actual payment.

B= the figure for the Consumer Prices Index that applied when the index was last published prior to the date of this deed.

LEAP: means a local equipped area for play located on the Public Open Space Land or an equivalent area of land in such other location on the Property as may be previously agreed by the Council in writing.

Low Cost Home Ownership Units: housing comprising low cost home ownership units where capital prices are 70% of Open Market Value but does not include low cost market housing which the Welsh Government does not consider to be Affordable Housing for the purpose of the land use planning system

Management Company: means a company established by the Developer for the acquisition and long term management and maintenance of the Public Open Land and LEAP in accordance with the Public Open Space Management Plan

Market Housing Dwellings: those Dwellings which are general market housing for sale on the open market and which are not Affordable Housing Units.

Miller Property: the freehold land being part of the property known as 53 Maes y Gwernen Road, Swansea registered with title number CYM643970 as shown edged in green on the attached plan.

Occupation and Occupied: beneficial occupation for the purposes permitted by the Planning Permission but not including occupation by personnel engaged in construction, fitting out or decoration or occupation for marketing or display or occupation in relation to security operations.

Open Market Value: the estimated price or premium for which the sale of the freehold estate or the grant of a long leasehold interest in land (not being a rack rented lease) should complete on the date of valuation between a willing buyer and a willing seller in an arm's length transaction after proper marketing wherein the parties had each

acted knowledgeably, prudently and without compulsion and assuming no restriction on the nature or class of occupiers of the land and disregarding the provisions of this agreement.

Owners: each of SI Green, the Club, the Millers and the Thomas'.

Plan: the plan attached to this deed.

Planning Application: an application for planning permission validated by the Council on 24 July 2014 under reference number 2014/0977.

Planning Permission: the planning permission to be granted by the Welsh Ministers in respect of the Appeal.

Property: together the SI Green Property, the Club Property, the Miller Property and the Thomas Property.

Public Open Space Land: means the land shown hatched purple on the Plan or an equivalent area of land in such other location on the Property previously approved by the Council.

Public Open Space Management Plan: means a detailed strategy for the laying out, construction and maintenance of the Public Open Space Land and LEAP including details of how the maintenance of the Public Open Space Land and LEAP will be funded submitted to and approved by the Council in writing.

RSL: means a housing association as defined in the Housing Act 1985 or a registered social landlord as defined in Part 1 of the Housing Act 1996.

SI Green Property: the freehold land at Cwmrhydyceirw Quarry, Morrison registered at HM Land Registry with absolute title under title number(s) WA780944, WA974616, CYM601071 and WA974699 shown edged red on the Plan.

Substantially Completed: means (in relation to the Affordable Housing Units) that the works of construction have reached a stage of completeness so that there are no apparent deficiencies or defects in the works and there are no incomplete works the condition of which would prevent normal or reasonable beneficial use.

TCPA 1990: Town and Country Planning Act 1990.

Thomas Property: part of the freehold land at Morriston, Swansea registered with title number WA702777 shown edged yellow on the Plan

Travel Plan Contribution: means £30,000 towards school specific travel planning including contributing to a walking bus scheme; contributing to improve cycle proficiency training; bike/scoot to school days; providing secure/sheltered scooter and cycle parking; parents' shelter and provision of high visibility wear.

Viability Appraisal: the viability appraisal dated January 2016 prepared by Savills submitted to the Council.

Welsh Ministers: means the Welsh Ministers or other authority for the time being having or entitled to exercise powers conferred by Sections 77 and 79 of the TCPA1990 (including where appropriate an inspector or other appropriate officer having authority to act on their behalf).

Working Day: any day which is not a Saturday, a Sunday, a bank holiday or a public holiday in Wales.

- 1.2 Clause headings shall not affect the interpretation of this deed.
- 1.3 A **person** includes a natural person, corporate or unincorporated body (whether or not having separate legal personality).
- 1.4 Unless the context otherwise requires, words in the singular shall include the plural and in the plural shall include the singular.
- 1.5 Unless the context otherwise requires, a reference to one gender shall include a reference to the other genders.
- 1.6 A reference to any party shall include that party's personal representatives, successors and permitted assigns.
- 1.7 A reference to the Council shall include the successors to its respective statutory functions.
- 1.8 Unless the context otherwise requires, a reference to a statute or statutory provision is a reference to it as amended, extended or re-enacted from time to time.
- 1.9 Unless the context otherwise requires, a reference to a statute or statutory provision shall include any subordinate legislation made from time to time under that statute or statutory provision.
- 1.10 A reference to **writing** or **written** includes fax but not e-mail.
- 1.11 References to clauses are to the clauses of this deed.
- 1.12 Any words following the terms **including**, **include**, **in particular**, **for example** or any similar expression shall be construed as illustrative and shall not limit the sense of the words, description, definition, phrase or term preceding those terms.

- 1.13 Where an obligation falls to be performed by more than one person, the obligation can be enforced against every person so bound jointly and against each of them individually.

2. STATUTORY PROVISIONS AND COMMENCEMENT

- 2.1 This deed constitutes a planning obligation for the purposes of section 106 of the TCPA 1990, section 111 of the Local Government Act 1972 and any other enabling powers.

- 2.2 The obligations contained in Schedule 1 to this deed are planning obligations for the purposes of section 106 of the TCPA 1990 and are entered into by the Developer with the consent of the Owners with the intention that they bind the interests held by those persons in the Property and their respective successors and assigns save that the obligations in this Deed will not be enforceable against:

2.2.1 the buyers of individual Dwellings; or

2.2.2 a statutory undertaker after the transfer of the statutory apparatus and any land upon or in which the statutory apparatus is situated;

2.2.3 the Developer until it acquires an interest in the Property.

- 2.3 This deed shall come into effect on the date of grant of the Planning Permission and the obligations contained in Schedule 1 shall come into effect on the date of Commencement of Development.

- 2.4 The obligations contained in Schedule 1 of this deed are enforceable by the Council in accordance with section 106 of the TCPA 1990.

~~3. MORTGAGEE'S CONSENT~~

Em ~~3.1 Insofar as this Deed relate to the Club Property, the Mortgagee consents to the completion of this Deed and declares that its interest in the Club Property shall be bound by the terms of this Deed as if it had been executed and registered as a land charge prior to the creation of the Mortgagee's interest in the Property.~~

Em ~~3.2 The Mortgagee shall not be personally liable for any breach of the obligations in this Deed unless committed or continuing at a time when the Mortgagee is in possession of all or any part of the Club Property.~~

4. COVENANTS WITH THE COUNCIL

- 4.1 The Developer covenants to and with the Council to comply with the obligations set out in Part 1 of Schedule 1 to this Deed.
- 4.2 S I Green covenants to and with the Council to comply with the obligations set out in Part 2 of Schedule 1 to this Deed.

5. INDEXATION OF CONTRIBUTIONS

- 5.1 All Contributions payable to the Council shall be Index Linked.
- 5.2 Where reference is made to an index and that index ceases to exist or is replaced or rebased then it shall include reference to any index which replaces it or any rebased index (applied in a fair and reasonable manner to the periods before and after rebasing under this deed) or in the event the index is not replaced, to an alternative reasonably comparable basis or index as the Council shall advise the Developer in writing.

6. RELEASE

No person will be liable for any breach of the terms of this Deed occurring after the date on which they part with their interest in the Property or the part of the Property in respect of such breach occurs, but they will remain liable for any breaches of this Deed occurring before that date. Neither the reservation of any rights or the inclusion of any covenants or restrictions over the Property in any transfer of the Property will constitute an interest for the purpose of this clause 6.

7. DETERMINATION OF DEED

This deed shall be determined and have no further effect if the Planning Permission:

- 7.1 expires before the Commencement of Development;
- 7.2 is varied or revoked other than at the request of the Developer; or
- 7.3 is quashed following a successful legal challenge.

8. LOCAL LAND CHARGE

This deed is a local land charge and shall be registered as such by the Council.

9. INTEREST ON LATE PAYMENT

If the Contributions required by this deed have not been paid to the Council prior to or on the due date for payment, the Developer shall pay the Council interest on the unpaid Contributions at the Default Interest Rate (both before and after any judgment). Such interest shall accrue on a daily basis for the period from the due date for payment to and including the date of payment.

10. COUNCIL'S COSTS

10.1 The Developer shall pay to the Council on the date of this deed the Council's reasonable and proper legal costs together with all disbursements incurred in connection with the preparation, completion and registration of this Deed; and

10.2 The Developer shall pay to the Council on the Commencement Date the sum of £17,920 as a contribution towards the Council's costs of monitoring the implementation of this Deed.

11. OWNERSHIP

11.1 Until the obligations in Schedule 1 have been complied with the Developer will or will procure that the Owners give to the Council within 10 Working Days, the following details of any conveyance, transfer, lease, assignment, mortgage or other disposition entered into in respect of all or any part of the Property:

11.2 the name and address of the person to whom the disposition was made; and

11.3 the nature and extent of the interest disposed of.

12. NOTICES

12.1 A notice or other communication to be given under or in connection with this deed must be in writing and must be:

12.1.1 delivered by hand; or

12.1.2 sent by pre-paid first class post or other next working day delivery service.

12.2 Any notice or other communication to be given under this deed must be sent to the Council at: Civic Centre, Oystermouth Road, Swansea, SA1 3SN marked for the attention of the Head of Planning;

or as otherwise specified by the relevant person by notice in writing to each other person.

12.3 Any notice or other communication given in accordance with clause 0 and clause 12.2 will be deemed to have been received:

12.3.1 if delivered by hand, on signature of a delivery receipt or at the time the notice is left at the address provided that if delivery occurs before 9.00 am on a Working Day, the notice will be deemed to have been received at 9.00 am on that day, and if delivery occurs after 5.00 pm on a Working Day, or on a day which is not a Working Day, the notice will be deemed to have been received at 9.00 am on the next Working Day;

12.3.2 if sent by pre-paid first class post or other next working day delivery service at 9.00 am on the second Working Day after posting.

12.4 A note or other communication given under this deed shall not be validly given if sent by e-mail.

12.5 This clause does not apply to the service of any proceedings or other documents in any legal action or, where applicable, any arbitration or other method of dispute resolution.

13 THIRD PARTY RIGHTS

A person who is not a party to this deed shall not have any rights under the Contracts (Rights of Third Parties) Act 1999 to enforce any term of this deed.

14 COUNTERPARTS

This deed may be executed in one or more counterparts each of which shall be deemed to be an original, all of which together shall constitute one and the same deed.

15 GOVERNING LAW

This deed and any dispute or claim arising out of or in connection with it or its subject matter or formation (including non-contractual disputes or claims) shall be governed by and construed in accordance with the law of England and Wales as they apply in Wales.

This document has been executed as a deed and is delivered and takes effect on the date stated at the beginning of it.

Schedule 1

Part 1

Developer's Covenants

The Developer covenants to and with the Council:

1. to give at least 10 Working Days written notice to the Council of the Commencement Date.
2. to pay the Education Contribution to the Council in two instalments as follows:
 - (i) £247,500 before the 120th Market Housing Dwelling is Occupied;
 - (ii) £502,500 before the 150th Market Housing Dwelling is Occupied.
3. To pay the Travel Plan Contribution to the Council before the first Dwelling is Occupied.
4. Before the first Dwelling is Occupied to enter into an agreement pursuant to section 278 of the Highways Act 1980 with the highway authority to fund the works to be carried out within the adopted highway as follows:
 - 4.1 the provision of a zebra crossing, guard railing, road markings and signage on Maes y Gwernen Road as shown on drawing number W131130/A/13 annexed;
 - 4.2 the provision of a pickup/drop off layby outside Cwmrhydyceirw Primary School on Maes y Gwernen Road as shown on drawing number W13113/A/13 annexed; and
 - 4.3 the provision of a toucan crossing on Heol Maes Eglwys as shown on drawing number W131130/A/10 Rev A annexed.
5. If required by the Council to transfer the Public Open Space Land to the Council on the terms of a transfer required by the Council and to pay to the Council a commuted sum for the future maintenance of the Public Open Space Land and LEAP calculated in accordance with the Council's policy for calculating commuted sums extant at the date of the transfer. To the extent that the Developer has failed to comply with its obligations in paragraph 9 of this Schedule 1, the commuted sum payable pursuant to this paragraph 5 shall be increased by an amount specified by the Council as being the sum required to fund the laying out of the Public Open Space Land and LEAP by the Council

6. If the Council does not take a transfer pursuant to paragraph 5 the provisions of paragraphs 7, 8, 9, 10, 11 and 12 of this part 1 of Schedule 1 shall apply in relation to the Public Open Space Land and LEAP.
7. Before the Commencement Date to submit to the Council for approval arrangements for the establishment of the Management Company such scheme to include how the Management Company will be set up and maintained including its memorandum and articles of association, how key appointments will be made, how shares in the Management Company will be issued (or how memberships will be secured in the case of a company limited by guarantee) how monies will be paid into it by way of service charges and details of how sufficient funds will be maintained for any cyclical maintenance and how the assets of the Management Company will be safeguarded for the long term management and maintenance of the Public Open Space Land and LEAP and for no other purpose.
8. Before the Commencement Date to submit to the Council for approval the Public Open Space Land Management Plan.
9. To lay out the Public Open Space Land and the LEAP in accordance with the approved Public Open Space Land Management Plan so that it is dedicated to and available for public use before 90% of the Dwellings are Occupied.
10. Not to sell or otherwise dispose of any Market Housing Dwellings without requiring that the purchaser of that Market Housing Dwelling and his successors in title to become a member of the Management Company and to enter into a covenant to contribute a service charge towards the management and maintenance of the Public Open Space Land and the LEAP including a sinking fund for cyclical expenditure together with provisions for recovery of those contributions.
11. No Market Housing Dwelling shall be Occupied (unless otherwise agreed by the Council in writing) until the Developer has:
 - 11.1 set up, constituted or otherwise incorporated the Management Company; and
 - 11.2 entered into a contract with the Management Company to transfer the Public Open Space Land and LEAP to the Management Company for £1.
12. Before the last Market Housing Dwelling is Occupied to transfer the Public Open Space Land and LEAP to the Management Company for £1.

13. Before the Commencement Date to submit a scheme for the construction and future maintenance of the ground and surface water pumping systems required for the former landfill area of the Property (the 'pumping systems') such scheme to include details of the timing and method of construction and details of the mechanism for the ongoing monies or bond set aside for ongoing maintenance to the Council for approval.
14. To construct the pumping systems and repair, maintain or renew them in accordance with the scheme approved under paragraph 13 above and to implement the agreed mechanism for the ongoing monies or bond set aside pursuant to the approved scheme.
15. On the date of the first reserved matters application to submit the Further Viability Appraisal to the Council.
16. To construct and provide the higher of five per cent (5%) or the percentage demonstrated by the Further Viability Appraisal of the Dwellings within the development permitted by the Planning Permission as Affordable Housing Units comprising Low Cost Home Ownership Units and:
 - 16.1 the Developer agrees not to commence construction of any Market Housing Dwellings until a scheme for the provision of the Affordable Housing Units has been submitted to and approved by the Council in writing such scheme to include the following:
 - (a) the programme and timetable for the phased construction, substantial Completion and the transfer of the Affordable Housing Units to an RSL;
 - (b) details of the new home warranty to be issued to the RSL.
 - 16.2 If the Developer is not able to reach an agreement with an RSL for the sale of the Affordable Housing Units, the Developer shall be entitled to offer the Affordable Housing Unit for sale to the Council or its nominees.
 - 16.3 The offer to sell the Affordable Housing Units referred to in paragraph 16.2 shall be made to the Council and sent to the Head of Housing, City and County of Swansea, Civic Centre, Oystermouth Road, Swansea, SA1 3SN and include the location of the Affordable Housing Units, the design specification and the proposed sale price which for the avoidance of doubt shall be no more than 70% of its Open Market Value.
 - 16.4 If neither the Council nor any other body nominated by the Council (and approved by the Developer) offer to purchase the Affordable Housing Units within a period of one month from the service of the offer pursuant to paragraph 16.3 then the Developer

may apply to the Council to sell the Affordable Housing Units at Open Market Value.

- 16.5 If the Council gives consent to sell the Affordable Housing Units at Open Market Value the Developer shall pay the Council a sum equal to 30% of Open Market Value of the Affordable Housing Units within 10 working days of the Council entering into an deed of agreement supplemental to this deed releasing the Affordable Housing Units from the obligations contained in this paragraph 9.
- 16.6 The Affordable Housing Units shall be Substantially Completed before the 120th Market Housing Dwelling is Occupied.
17. To submit a scheme of commitment under the Council's Beyond Bricks and Mortar Scheme to the Council for approval prior to Commencement of Development and thereafter to implement the approved scheme.

Part 2

1. S I Green Covenants with the Council:

That no further landfilling operations pursuant to planning permissions 81/0486/03, 84/0505/05 and 2015/2544 shall take place save for any remediation or restoration works permitted by those planning permissions required to procure the Definite Closure of the landfill area of the Property or any remediation or restoration works detailed within the Environmental Permit reference TP3835LV.

Executed as a deed by S I
Green UK Limited acting by
a director, in the presence of:

.....
SIGNATURE OF WITNESS
NAME, ADDRESS AND
OCCUPATION OF WITNESS

.....
SIGNATURE OF DIRECTOR
Director

Executed as a deed by
David Michael Vernon Thomas

In the presence of:

Witness signature:

Witness name:

Witness address:

Executed as a deed by
Susan Daphne Thomas

In the presence of:

Witness signature:

Witness name:

Witness address:

Executed as a deed
Keith Berwick Fergus

In the presence of:
MORRISTON G.C. MANAGER

Witness signature:

Witness name:

Witness address: 8 LUNDY DRIVE
WEST CROSS
SWANSEA
SA3 5QL

Executed as a deed by
Peter Morgan Owen

In the presence of: MORRISTON G.C. MANAGER

Witness signature:

Witness name: MATTHEW HOLLIS

Witness address: 8 LUNDY DRIVE
WEST CROSS
SWANSEA
SA3 5QL

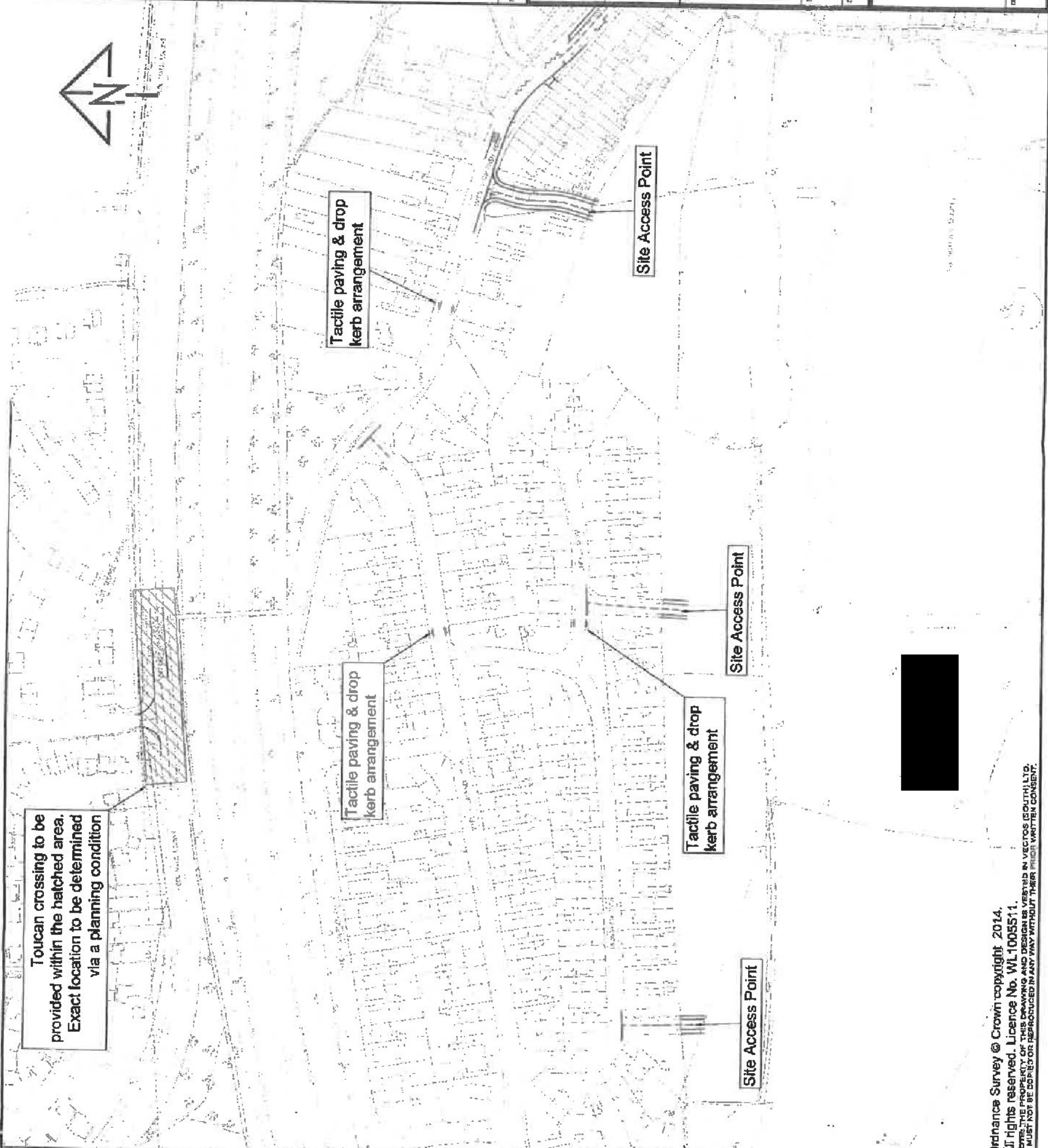
Executed as a deed by
John Sims Miller

In the presence of:

Witness signature:

Witness name:

Witness address:



Notes:

- 1. This is not a construction drawing and is intended for illustrative purposes only.
- 2. White lining is indicative only.

REV.	DETAILS	DRAWN	CHECKED	DATE
A	Zebra crossings removed and existing bus stop arrangement on Heol Maes Eglwys added.	HE	MT	5.12.14

CLIENT: **Edenstone Homes**

PROJECT: **Parc Ceirw**

DRAWING TITLE: **Proposed Site Access and Off-Site Highway Works**

SCALE: **1:2000 at A3**

DRAWING: **AP** CHECKED: **MT** DATE: **1.5.14**



10th Floor, Heilmont House, Churchill Way, Cardiff CF10 2HE
t: 02920 720 850
e: enquiries@vectos.co.uk

DRAWING NUMBER: **W131130/A/10** REVISION: **A**

Executed as a deed by
Pamela Miller

In the presence of:

Witness signature:


Witness name:

Witness address:

Executed as a deed by
Edenstone Homes Limited
acting by Stuart Rodden, a
director, in the presence of:

.....
Director

.....
SIGNATURE OF WITNESS
NAME, ADDRESS AND
OCCUPATION OF WITNESS

 ~~Signed and delivered
as a deed for and on behalf
of National Westminster Bank
plc by a duly authorised
Attorney in the presence of:~~

.....

.....
~~SIGNATURE OF WITNESS — Bank
Employee~~

DATED 7 November 2017

**PLANNING OBLIGATION BY WAY OF UNILATERAL UNDERTAKING UNDER
SECTION 106 OF THE TOWN & COUNTRY PLANNING ACT 1990
RELATING TO LAND AT CWMRIIDYCEIRW QUARRY, MORRISTON,
SWANSEA**

between

SI GREEN UK LIMITED

and

DAVID MICHAEL VERNON THOMAS AND SUSAN DAPHNE THOMAS

AND

THE TRUSTEES OF MORRISTON GOLF CLUB

AND

JOHN SIMS MILLER AND PAMELA MILLER

and

EDENSTONE HOMES LIMITED

AND

~~EPIC NATIONAL WESTMINSTER BANK PLC~~



THIS DEED IS DATED 7 November 2017

- (1) SI Green UK Limited incorporated and registered in England and Wales with company number 02777304 whose registered office is at c/o Harris Bassett, 5 Llys Felin Newydd, Phoenix Ways Enterprise Park, Swansea, SA7 9FG (**SI Green**)
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Market Housing Dwellings: those Dwellings which are general market housing for sale on the open market and which are not Affordable Housing Units.

Miller Property: the freehold land being part of the property known as 53 Maes y Gwernen Road, Swansea registered with title number CYM643970 as shown edged in green on the attached plan.

Occupation and Occupied: beneficial occupation for the purposes permitted by the Planning Permission but not including occupation by personnel engaged in construction, fitting out or decoration or occupation for marketing or display or occupation in relation to security operations.

Open Market Value: the estimated price or premium for which the sale of the freehold estate or the grant of a long leasehold interest in land (not being a rack rented lease) should complete on the date of valuation between a willing buyer and a willing seller in an arm's length transaction after proper marketing wherein the parties had each

acted knowledgeably; prudently and without compulsion and assuming no restriction on the nature or class of occupiers of the land and disregarding the provisions of this agreement.

Owners: each of SI Green, the Club, the Millers and the Thomas'.

Plan: the plan attached to this deed.

Planning Application: an application for planning permission validated by the Council on 24 July 2014 under reference number 2014/0977.

Planning Permission: the planning permission to be granted by the Welsh Ministers in respect of the Appeal.

Property: together the SI Green Property, the Club Property, the Miller Property and the Thomas Property.

Public Open Space Land: means the land shown hatched purple on the Plan or an equivalent area of land in such other location on the Property previously approved by the Council.

Public Open Space Management Plan: means a detailed strategy for the laying out, construction and maintenance of the Public Open Space Land and LEAP including details of how the maintenance of the Public Open Space Land and LEAP will be funded submitted to and approved by the Council in writing.

RSI: means a housing association as defined in the Housing Act 1985 or a registered social landlord as defined in Part 1 of the Housing Act 1996.

SI Green Property: the freehold land at Cwmrhydyceirw Quarry, Morrison registered at HM Land Registry with absolute title under title number(s) WA780944, WA974616, CYM601071 and WA974699 shown edged red on the Plan.

Substantially Completed: means (in relation to the Affordable Housing Units) that the works of construction have reached a stage of completeness so that there are no apparent deficiencies or defects in the works and there are no incomplete works the condition of which would prevent normal or reasonable beneficial use.

TCPA 1990: Town and Country Planning Act 1990.

Thomas Property: part of the freehold land at Morriston, Swansea registered with title number WA702777 shown edged yellow on the Plan

Travel Plan Contribution: means £30,000 towards school specific travel planning including contributing to a walking bus scheme; contributing to improve cycle proficiency training; bike/scoot to school days; providing secure/sheltered scooter and cycle parking; parents' shelter and provision of high visibility wear.

Viability Appraisal: the viability appraisal dated January 2016 prepared by Savills submitted to the Council.

Welsh Ministers: means the Welsh Ministers or other authority for the time being having or entitled to exercise powers conferred by Sections 77 and 79 of the TCPA1990 (including where appropriate an inspector or other appropriate officer having authority to act on their behalf).

Working Day: any day which is not a Saturday, a Sunday, a bank holiday or a public holiday in Wales.

- 1.2 Clause headings shall not affect the interpretation of this deed.
- 1.3 A **person** includes a natural person, corporate or unincorporated body (whether or not having separate legal personality).
- 1.4 Unless the context otherwise requires, words in the singular shall include the plural and in the plural shall include the singular.
- 1.5 Unless the context otherwise requires, a reference to one gender shall include a reference to the other genders.
- 1.6 A reference to any party shall include that party's personal representatives, successors and permitted assigns.
- 1.7 A reference to the Council shall include the successors to its respective statutory functions.
- 1.8 Unless the context otherwise requires, a reference to a statute or statutory provision is a reference to it as amended, extended or re-enacted from time to time.
- 1.9 Unless the context otherwise requires, a reference to a statute or statutory provision shall include any subordinate legislation made from time to time under that statute or statutory provision.
- 1.10 A reference to **writing** or **written** includes fax but not e-mail.
- 1.11 References to clauses are to the clauses of this deed.
- 1.12 Any words following the terms **including**, **include**, **in particular**, **for example** or any similar expression shall be construed as illustrative and shall not limit the sense of the words, description, definition, phrase or term preceding those terms.

- 1.13 Where an obligation falls to be performed by more than one person, the obligation can be enforced against every person so bound jointly and against each of them individually.

2. STATUTORY PROVISIONS AND COMMENCEMENT

- 2.1 This deed constitutes a planning obligation for the purposes of section 106 of the TCPA 1990, section 111 of the Local Government Act 1972 and any other enabling powers.

- 2.2 The obligations contained in Schedule 1 to this deed are planning obligations for the purposes of section 106 of the TCPA 1990 and are entered into by the Developer with the consent of the Owners with the intention that they bind the interests held by those persons in the Property and their respective successors and assigns save that the obligations in this Deed will not be enforceable against:

2.2.1 the buyers of individual Dwellings; or

2.2.2 a statutory undertaker after the transfer of the statutory apparatus and any land upon or in which the statutory apparatus is situated;

2.2.3 the Developer until it acquires an interest in the Property.

- 2.3 This deed shall come into effect on the date of grant of the Planning Permission and the obligations contained in Schedule 1 shall come into effect on the date of Commencement of Development.

- 2.4 The obligations contained in Schedule 1 of this deed are enforceable by the Council in accordance with section 106 of the TCPA 1990.

~~3. MORTGAGEE'S CONSENT~~

~~3.1 Insofar as this Deed relate to the Club Property, the Mortgagee consents to the completion of this Deed and declares that its interest in the Club Property shall be bound by the terms of this Deed as if it had been executed and registered as a land charge prior to the creation of the Mortgagee's interest in the Property.~~

~~3.2 The Mortgagee shall not be personally liable for any breach of the obligations in this Deed unless committed or continuing at a time when the Mortgagee is in possession of all or any part of the Club Property.~~

4. COVENANTS WITH THE COUNCIL

- 4.1 The Developer covenants to and with the Council to comply with the obligations set out in Part 1 of Schedule 1 to this Deed.
- 4.2 S I Green covenants to and with the Council to comply with the obligations set out in Part 2 of Schedule 1 to this Deed.

5. INDEXATION OF CONTRIBUTIONS

- 5.1 All Contributions payable to the Council shall be Index Linked.
- 5.2 Where reference is made to an index and that index ceases to exist or is replaced or rebased then it shall include reference to any index which replaces it or any rebased index (applied in a fair and reasonable manner to the periods before and after rebasing under this deed) or in the event the index is not replaced, to an alternative reasonably comparable basis or index as the Council shall advise the Developer in writing.

6. RELEASE

No person will be liable for any breach of the terms of this Deed occurring after the date on which they part with their interest in the Property or the part of the Property in respect of such breach occurs, but they will remain liable for any breaches of this Deed occurring before that date. Neither the reservation of any rights or the inclusion of any covenants or restrictions over the Property in any transfer of the Property will constitute an interest for the purpose of this clause 6.

7. DETERMINATION OF DEED

This deed shall be determined and have no further effect if the Planning Permission:

- 7.1 expires before the Commencement of Development;
- 7.2 is varied or revoked other than at the request of the Developer; or
- 7.3 is quashed following a successful legal challenge.

8. LOCAL LAND CHARGE

This deed is a local land charge and shall be registered as such by the Council.

9. INTEREST ON LATE PAYMENT

If the Contributions required by this deed have not been paid to the Council prior to or on the due date for payment, the Developer shall pay the Council interest on the unpaid Contributions at the Default Interest Rate (both before and after any judgment). Such interest shall accrue on a daily basis for the period from the due date for payment to and including the date of payment.

10. COUNCIL'S COSTS

10.1 The Developer shall pay to the Council on the date of this deed the Council's reasonable and proper legal costs together with all disbursements incurred in connection with the preparation, completion and registration of this Deed; and

10.2 The Developer shall pay to the Council on the Commencement Date the sum of £17,920 as a contribution towards the Council's costs of monitoring the implementation of this Deed.

11. OWNERSHIP

11.1 Until the obligations in Schedule 1 have been complied with the Developer will or will procure that the Owners give to the Council within 10 Working Days, the following details of any conveyance, transfer, lease, assignment, mortgage or other disposition entered into in respect of all or any part of the Property:

11.2 the name and address of the person to whom the disposition was made; and

11.3 the nature and extent of the interest disposed of.

12. NOTICES

12.1 A notice or other communication to be given under or in connection with this deed must be in writing and must be:

12.1.1 delivered by hand; or

12.1.2 sent by pre-paid first class post or other next working day delivery service.

12.2 Any notice or other communication to be given under this deed must be sent to the Council at: Civic Centre, Oystermouth Road, Swansea, SA1 3SN marked for the attention of the Head of Planning;

or as otherwise specified by the relevant person by notice in writing to each other person.

12.3 Any notice or other communication given in accordance with clause 0 and clause 12.2 will be deemed to have been received:

12.3.1 if delivered by hand, on signature of a delivery receipt or at the time the notice is left at the address provided that if delivery occurs before 9.00 am on a Working Day, the notice will be deemed to have been received at 9.00 am on that day, and if delivery occurs after 5.00 pm on a Working Day, or on a day which is not a Working Day, the notice will be deemed to have been received at 9.00 am on the next Working Day;

12.3.2 if sent by pre-paid first class post or other next working day delivery service at 9.00 am on the second Working Day after posting.

12.4 A note or other communication given under this deed shall not be validly given if sent by e-mail.

12.5 This clause does not apply to the service of any proceedings or other documents in any legal action or, where applicable, any arbitration or other method of dispute resolution.

13 THIRD PARTY RIGHTS

A person who is not a party to this deed shall not have any rights under the Contracts (Rights of Third Parties) Act 1999 to enforce any term of this deed.

14 COUNTERPARTS

This deed may be executed in one or more counterparts each of which shall be deemed to be an original, all of which together shall constitute one and the same deed.

15 GOVERNING LAW

This deed and any dispute or claim arising out of or in connection with it or its subject matter or formation (including non-contractual disputes or claims) shall be governed by and construed in accordance with the law of England and Wales as they apply in Wales.

This document has been executed as a deed and is delivered and takes effect on the date stated at the beginning of it.

Schedule 1

Part 1

Developer's Covenants

The Developer covenants to and with the Council:

1. to give at least 10 Working Days written notice to the Council of the Commencement Date.
2. to pay the Education Contribution to the Council in two instalments as follows:
 - (i) £247,500 before the 120th Market Housing Dwelling is Occupied;
 - (ii) £502,500 before the 150th Market Housing Dwelling is Occupied.
3. To pay the Travel Plan Contribution to the Council before the first Dwelling is Occupied.
4. Before the first Dwelling is Occupied to enter into an agreement pursuant to section 278 of the Highways Act 1980 with the highway authority to fund the works to be carried out within the adopted highway as follows:
 - 4.1 the provision of a zebra crossing, guard railing, road markings and signage on Maes y Gwernen Road as shown on drawing number W131130/A/13 annexed;
 - 4.2 the provision of a pickup/drop off layby outside Cwmrhydyceirw Primary School on Maes y Gwernen Road as shown on drawing number W13113/A/13 annexed; and
 - 4.3 the provision of a toucan crossing on Heol Maes Eglwys as shown on drawing number W131130/A/10 Rev A annexed.
5. If required by the Council to transfer the Public Open Space Land to the Council on the terms of a transfer required by the Council and to pay to the Council a commuted sum for the future maintenance of the Public Open Space Land and LEAP calculated in accordance with the Council's policy for calculating commuted sums extant at the date of the transfer. To the extent that the Developer has failed to comply with its obligations in paragraph 9 of this Schedule 1, the commuted sum payable pursuant to this paragraph 5 shall be increased by an amount specified by the Council as being the sum required to fund the laying out of the Public Open Space Land and LEAP by the Council

6. If the Council does not take a transfer pursuant to paragraph 5 the provisions of paragraphs 7, 8, 9, 10, 11 and 12 of this part 1 of Schedule 1 shall apply in relation to the Public Open Space Land and LEAP.
7. Before the Commencement Date to submit to the Council for approval arrangements for the establishment of the Management Company such scheme to include how the Management Company will be set up and maintained including its memorandum and articles of association, how key appointments will be made, how shares in the Management Company will be issued (or how memberships will be secured in the case of a company limited by guarantee) how monies will be paid into it by way of service charges and details of how sufficient funds will be maintained for any cyclical maintenance and how the assets of the Management Company will be safeguarded for the long term management and maintenance of the Public Open Space Land and LEAP and for no other purpose.
8. Before the Commencement Date to submit to the Council for approval the Public Open Space Land Management Plan.
9. To lay out the Public Open Space Land and the LEAP in accordance with the approved Public Open Space Land Management Plan so that it is dedicated to and available for public use before 90% of the Dwellings are Occupied.
10. Not to sell or otherwise dispose of any Market Housing Dwellings without requiring that the purchaser of that Market Housing Dwelling and his successors in title to become a member of the Management Company and to enter into a covenant to contribute a service charge towards the management and maintenance of the Public Open Space Land and the LEAP including a sinking fund for cyclical expenditure together with provisions for recovery of those contributions.
11. No Market Housing Dwelling shall be Occupied (unless otherwise agreed by the Council in writing) until the Developer has:
 - 11.1 set up, constituted or otherwise incorporated the Management Company; and
 - 11.2 entered into a contract with the Management Company to transfer the Public Open Space Land and LEAP to the Management Company for £1.
12. Before the last Market Housing Dwelling is Occupied to transfer the Public Open Space Land and LEAP to the Management Company for £1.

13. Before the Commencement Date to submit a scheme for the construction and future maintenance of the ground and surface water pumping systems required for the former landfill area of the Property (the 'pumping systems') such scheme to include details of the timing and method of construction and details of the mechanism for the ongoing monies or bond set aside for ongoing maintenance to the Council for approval.
14. To construct the pumping systems and repair, maintain or renew them in accordance with the scheme approved under paragraph 13 above and to implement the agreed mechanism for the ongoing monies or bond set aside pursuant to the approved scheme.
15. On the date of the first reserved matters application to submit the Further Viability Appraisal to the Council.
16. To construct and provide the higher of five per cent (5%) or the percentage demonstrated by the Further Viability Appraisal of the Dwellings within the development permitted by the Planning Permission as Affordable Housing Units comprising Low Cost Home Ownership Units and:
 - 16.1 the Developer agrees not to commence construction of any Market Housing Dwellings until a scheme for the provision of the Affordable Housing Units has been submitted to and approved by the Council in writing such scheme to include the following:
 - (a) the programme and timetable for the phased construction, substantial Completion and the transfer of the Affordable Housing Units to an RSL;
 - (b) details of the new home warranty to be issued to the RSL.
 - 16.2 If the Developer is not able to reach an agreement with an RSL for the sale of the Affordable Housing Units, the Developer shall be entitled to offer the Affordable Housing Unit for sale to the Council or its nominees.
 - 16.3 The offer to sell the Affordable Housing Units referred to in paragraph 16.2 shall be made to the Council and sent to the Head of Housing, City and County of Swansea, Civic Centre, Oystermouth Road, Swansea, SA1 3SN and include the location of the Affordable Housing Units, the design specification and the proposed sale price which for the avoidance of doubt shall be no more than 70% of its Open Market Value.
 - 16.4 If neither the Council nor any other body nominated by the Council (and approved by the Developer) offer to purchase the Affordable Housing Units within a period of one month from the service of the offer pursuant to paragraph 16.3 then the Developer

may apply to the Council to sell the Affordable Housing Units at Open Market Value.

16.5 If the Council gives consent to sell the Affordable Housing Units at Open Market Value the Developer shall pay the Council a sum equal to 30% of Open Market Value of the Affordable Housing Units within 10 working days of the Council entering into a deed of agreement supplemental to this deed releasing the Affordable Housing Units from the obligations contained in this paragraph 9.

16.6 The Affordable Housing Units shall be Substantially Completed before the 120th Market Housing Dwelling is Occupied.

17. To submit a scheme of commitment under the Council's Beyond Bricks and Mortar Scheme to the Council for approval prior to Commencement of Development and thereafter to implement the approved scheme.

Part 2

1. S I Green Covenants with the Council:

That no further landfilling operations pursuant to planning permissions 81/0486/03, 84/0505/05 and 2015/2544 shall take place save for any remediation or restoration works permitted by those planning permissions required to procure the Definite Closure of the landfill area of the Property or any remediation or restoration works detailed within the Environmental Permit reference TP3835LV.

Executed as a deed by S I
Green UK Limited acting by

a director, in the presence of:

.....
SIGNATURE OF WITNESS
NAME, ADDRESS AND
OCCUPATION OF WITNESS

.....
SIGNATURE OF DIRECTOR
Director

Executed as a deed by
David Michael Vernon Thomas

In the presence of:

Witness signature:

Witness name:

Witness address:

Executed as a deed by
Susan Daphne Thomas

In the presence of:

Witness signature:

Witness name:

Witness address:

Executed as a deed by
Keith Berwick Ferguson

In the presence of:

Witness signature:

Witness name:

Witness address:

Executed as a deed by
Peter Morgan Owen

In the presence of:

Witness signature:

Witness name:

Witness address:

Executed as a deed by
John Sims Miller

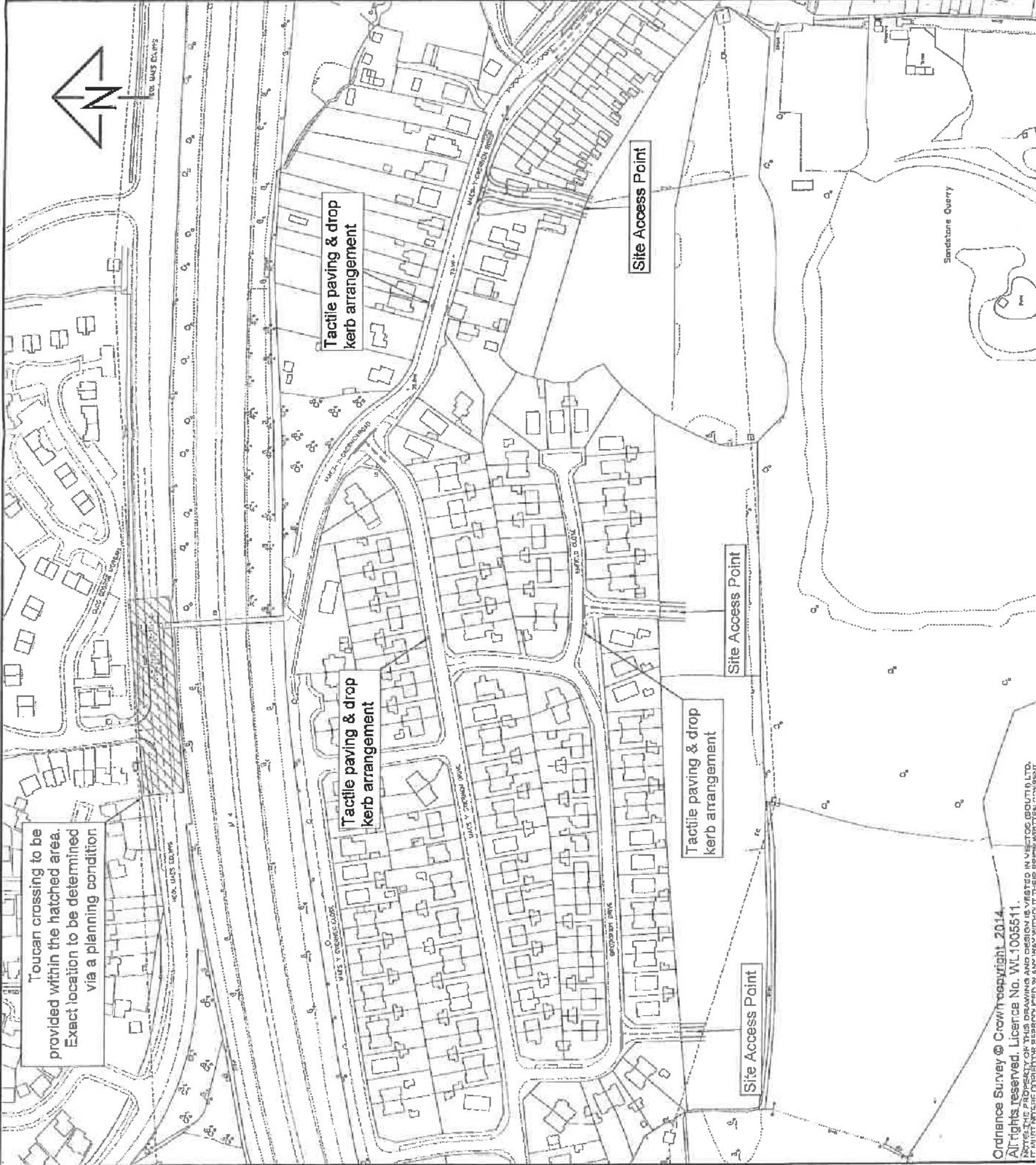
In the presence of:

Witness signature:

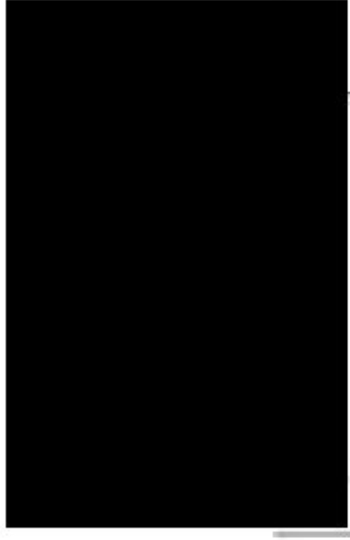
Witness name: C Q DAVIES

Witness address: (AS ABOVE)

JCP Solicitors Limited
Venture Court
Waterside Business Park
Valley Way
Swansea SA6 8QP



Notes:
1. This is not a construction drawing and is intended for illustrative purposes only.
2. White line is indicative only.



A Zebra crossings removed and existing bus stop arrangement on Heat Mace. Eighys added.

REV	DETAILS	DRAWN	CHECKED	DATE
HE	MT	5.12.14		

CLIENT: Edenstone Homes

PROJECT: Parc Ceirw

DRAWING TITLE: Proposed Site Access and Off-Site Highway Works

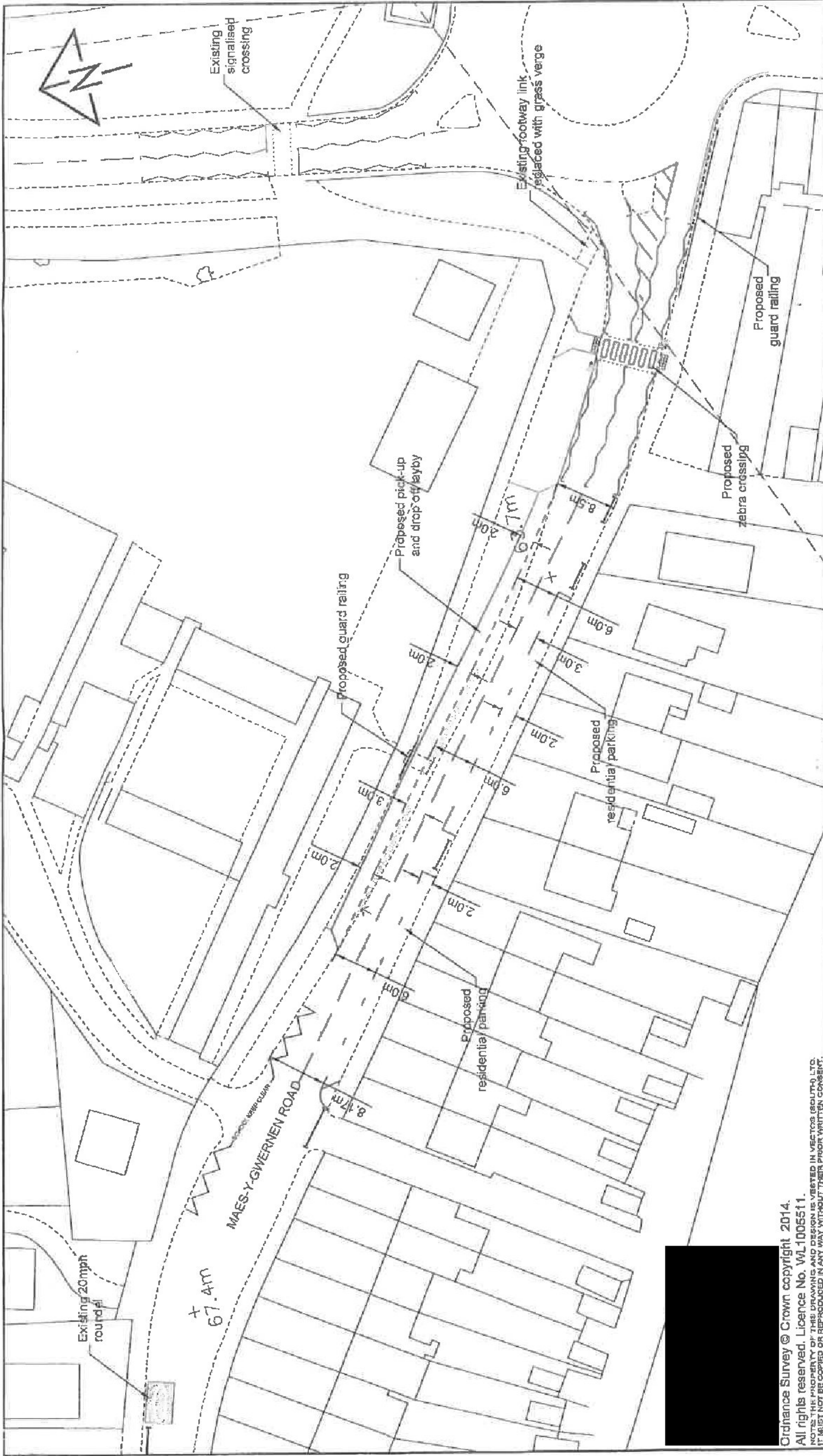
SCALE: 1:2000 at A3

DRAWN	AP	CHECKED	MT	DATE
1.5.14				


vectors
transport planning specialists

10th Floor, Helmont House, Churchill Way, Cardiff CF10 2HE
t: 02920 720 960
e: enquiries@vectors.co.uk

DRAWING NUMBER: W131130/A/10
REVISION: A



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IT MUST NOT BE COPIED OR REPRODUCED IN ANY WAY WITHOUT THEIR PRIOR WRITTEN CONSENT.

REV.	DETAILS	DRAWN	CHECKED	DATE	Notes:		
					1. This is not a construction drawing and is intended for illustrative purposes only. 2. White lining is indicative only.		
Morriston Quarry					Eden Stone Homes		
Proposed Drop-off and Pick-up Facility and Zebra Crossing on Maes y Gwernen Road					 transport planning specialists 10th Floor, Hainmont House, Churchill Way, Cardiff CF10 2HE t: 02920 728 890 e: enquiries@vectos.co.uk		
DRAWN: HE			CHECKED: MT	DATE: 16.5.16	SCALE: 1:500 at A3	DRAWING NUMBER: W131130/A/13	REVISION:

Executed as a deed by
Pamela Miller

In the presence of:

Witness signature:

Witness name: C Q DAVIES

Witness address: VENTURE COURT, VALLEY WAY
SWANSEA.

Executed as a deed by
Edenstone Homes Limited
acting by Stuart Rodden, a
director, in the presence of:

.....
Director

.....
SIGNATURE OF WITNESS
NAME, ADDRESS AND
OCCUPATION OF WITNESS

~~Signed and delivered
as a deed for and on behalf
of National Westminster Bank
by a duly authorised
Attorney in the presence of:~~

AIL

.....
~~SIGNATURE OF WITNESS—Bank
Employee~~

APPENDIX C

**WELSH WATER AUTHORITY CONSENT TO THE DISCHARGE OF TRADE EFFLUENT
TO THE PUBLIC FOUL WATER SEWER**

WELSH WATER AUTHORITY

Public Health Act 1936
Public Health (Drainage of Trade Premises) Act 1937
Public Health Act 1961
Water Act 1973
Control of Pollution Act 1974

CONSENT TO THE DISCHARGE OF TRADE EFFLUENT
TO THE PUBLIC FOUL WATER SEWER

To: Max Recovery (Holdings) Limited,
Cuba Buildings, Queens Dock, Swansea, West Glamorgan.

(1) Max Recovery (Holdings) Limited (hereinafter called
"the Occupiers" whose registered office is situate at
Cuba Buildings,
Queens Dock,
Swansea, West Glamorgan

are the owners/occupiers of the trade premises hereinafter
described

(2) On the 19th day of November 1986
a trade effluent notice was, in pursuance of the provisions of
the Public Health (Drainage of Trade Premises) Act 1937, served
by the Occupiers on the Welsh Water Authority (hereinafter called
"the Authority") in respect of the trade premises known as
Cwmrhydyceirw Quarry
and situate at Morriston, Swansea, West Glamorgan
and as the same are for the purpose of identification only shown
on the location plan attached hereto and marked 'A' (hereinafter
called "the said trade premises") the Authority HEREBY CONSENTS
to the discharge of trade effluent from the said trade premises
into the public foul water sewers subject to the following
conditions and not otherwise:

The Sewer

1. The public sewer(s) into which the trade effluent may be
discharged is/are the 305mm diameter foul water sewer(s)
more particularly identified by means of a line(s) coloured
red drawn on the said plan attached hereto and
marked 'B' and the said discharge shall be made at the point
marked 'X' on the said plan.
2. The trade effluent to be discharged shall consist solely of
waste waters specified in the said trade effluent notice and
derived from disposal of domestic, inert and non-toxic industrial
waste at waste disposal site.

Maximum volume of discharge

3. The maximum volume of trade effluent to be discharged on any
one day of 24 hours shall not exceed 54 cubic metres.

Maximum rate of discharge

4. The highest rate at which the trade effluent may be discharged shall not exceed 5.4 cubic metres per hour.

Period of discharge

5. The trade effluent shall only be discharged into the public sewer(s) from 0800 hours to 1800 hours.

Chemical and biochemical conditions of acceptance

6. There shall be eliminated from the trade effluent before it is discharged to the sewer the matters listed below:-
- (a) Effluents with a temperature in excess of 43° Centigrade (110° Fahrenheit).
 - (b) Calcium carbide.
 - (c) Petroleum spirit.

Inflammable solvent, vapours etc

7. There shall be excluded from the discharge of trade effluent any substance which in its pure state or in combination with other materials in the sewage would produce flammable or toxic vapours.
8. No uncontaminated condensing or cooling water shall be discharged to the public sewer.
9. The trade effluent shall not include any of the substances or properties listed in the Appendix in concentration greater than those stated.
10. The trade effluent shall not contain any other matter likely to injure the sewers either alone or in combination with the contents of the sewers or interfere with the free flow of their contents or affect prejudicially the treatment and disposal of their contents.
11. There shall be provided and maintained by the Occupier in connection with each pipe through which only trade effluent is discharged to the public sewer:-
- (i) An inspection chamber or manhole such as will enable a person readily to take at any time samples of the trade effluent being discharged.
 - (ii) A notch gauge and continuous recorder or some other apparatus suitable and adequate to the Authority for measuring and automatically recording the volume and rate of trade effluent so discharged.
 - (iii) Apparatus capable of accurately determining and recording the nature and composition of the trade effluent discharged.

12. If the notch gauge and the recorder or other apparatus ceases to record or is suspected of not measuring or recording correctly, the quantity of trade effluent discharged on each day into the public foul water sewer during the period from the date on which the records of the volume of trade effluent discharged into the public foul water sewer were last accepted by the Authority as being correct up to the date when the gauge and recorder or other apparatus again registers correctly, shall unless otherwise agreed by the Authority be deemed to be the same quantity as the average daily volume of trade effluent discharged during the period of one month preceding the date on which the said records were last accepted as aforesaid or during the month immediately after the gauge and recorder or other apparatus has been corrected, whichever is the higher.
13. Records shall be kept of the volume, rate, nature and composition of the trade effluent discharged into the sewer available at all times for inspection by any authorised officer of the Authority and copies of such records shall be sent to the Authority on demand.
14. The Authority shall be notified forthwith in writing of any changes in conditions which are likely to alter the nature or composition of the effluent.

Payment of Charges

15. (a)(i) Payment for the treatment and disposal of the trade effluent shall be made to the Authority by way of charges determined in accordance with statutory provisions relating to them. The charges shall be paid at rates per cubic metre of the trade effluent to which it relates by any person who is or was the occupier of premises during the period of discharge of the trade effluent or at the date payment is due.
- (ii) Payment for the treatment and disposal of the trade effluent shall be on demand and made at such intervals and in respect of such period or periods as the Authority by resolution may determine.
- (b)(i) The charge per cubic metre of trade effluent will be calculated in accordance with the following formula:-

$$C = R + V + \frac{St}{Ss} S$$

$$C = R + V + V_B + \frac{Ot}{Os} B + \frac{St}{Ss} S$$

Where

C = Total charge per cubic metre of trade effluent

R = The amount determined by the Authority as the average cost to the Authority for the year of charge of receiving one cubic metre of sewage (other than surface water) into its sewers and conveying the same to its treatment works or outfalls.

V = The amount determined by the Authority as the average cost to the Authority for the year of charge of preliminary and primary treatment of one cubic metre of sewage at the Authority's treatment works.

V_B = The amount determined by the Authority as the average cost to the Authority for the year of charge of the pumping and settlement elements of biological treatment of one cubic metre of sewage at the Authority's treatment works.

B = The amount determined by the Authority as the average cost to the Authority for the year of charge of biological treatment, excluding pumping and settlement, of one cubic metre of sewage at the Authority's treatment works.

S = The amount determined by the Authority as the average cost to the Authority for the year of charge of the treatment and disposal of primary sludge per cubic metre of sewage at the Authority's large sewage treatment works.

Ot = The Chemical Oxygen Demand in milligrams per litre of the trade effluent after one hour quiescent settlement.

Os = The average Chemical Oxygen Demand in milligrams per litre of settled sewage treated at the Authority's large works.

St = The suspended solids in milligrams per litre of the trade effluent.

Ss = The average suspended solids in milligrams per litre of sewage received at the Authority's large works.

(ii) Providing that the total annual charge to the occupiers of the premises based on the formula contained in (b)(i) above does not exceed £100 then the occupiers shall be charged such Annual Minimum Charge as the Authority by resolution may determine.

16. Any breach of any of the conditions herein contained shall be a contravention of a direction or condition for the purposes of sub-section (5) of Section 2 of the Public Health (Drainage of Trade Premises) Act 1937.

DATED

17th

day of

March

1988

For and on behalf of the Authority

.....
Designation

WATER Quality Officer.

Address of District

NOTE

1. Your attention is drawn to Section 52 of the Control of Pollution Act 1974 which gives powers to the Secretary of State to make Orders applying Sections 30 and 31 of the Water Act 1973 (as amended by the Water Charges Act 1976) (which among other things relates to charges for facilities provided by Water Authorities and to schemes for the payment of charges) to discharges of trade effluent made or authorised to be made by the above consent and such Order may affect the charging provisions of this consent and include provision for appeals to the Secretary of State in respect of charges payable to the Authority.
2. Your attention is also drawn to Section 3 of the Public Health (Drainage of Trade Premises) Act 1937 as amended by Section 61 of the Public Health Act, 1961 which gives you a right of Appeal to the Secretary of State for the Environment/Wales.

A P P E N D I X

1. The trade effluent shall have a pH value of not less than 6.0 nor greater than 10.0 at the point of entry into the sewer.
2. Toxic metals and their compounds shall not exceed the following concentrations (expressed as milligrams per litre of the metal):-

	<u>Soluble</u> <u>Compounds</u>	<u>Total Soluble</u> <u>and Insoluble</u> <u>Compounds</u>
Cadmium		
Mercury		
Antimony		
Arsenic		
Beryllium		
Chromium)	
Cobalt		
Copper)	
Lead)	
Molybdenum		
Nickel)	20mg/l Total toxic metals.
Selenium		
Silver		
Tin		
Titanium		
Vanadium		
Zinc)	

3. Cyanide and compounds which produce hydrogen cyanide upon acidification shall not exceed 5 milligrams per litre (expressed as CN).
4. Sulphide and compounds which produce hydrogen sulphide upon acidification shall not exceed 5 milligrams per litre (expressed as S).
5. Free or emulsified grease or oil shall not exceed 50 milligrams per litre.
6. Sulphate shall not exceed 1000 milligrams per litre (expressed as SO₄).
7. Total suspended solids of the trade effluent shall not exceed 500 milligrams per litre.
8. ~~The chemical oxygen demand of the trade effluent after one hour quiescent settlement shall not exceed~~XXXXXXXXXXXXXXXXXXXX milligrams per litre
9. Special conditions (if any):

APPENDIX D

ENVIRONMENTAL PERMIT REFERENCE EPR/TP3835LV003

Notice of variation with introductory note

Environmental Permitting (England & Wales) Regulations 2010

SI Green UK Limited

Cwmrhydyceirw Quarry Landfill
Vicarage Road
Cwmrhydyceirw
Morriston
Swansea
SA6 6DR

Variation application number
EPR/TP3835LV/V003

Permit number
EPR/TP3835LV

Cwmrhydyceirw Quarry Landfill

Permit number EPR/TP3835LV

Introductory note

This introductory note does not form a part of the notice

The following notice gives notice of the variation of an environmental permit.

This variation is to add an additional point source emission to water and update the surface water management plan.

The base of Cwmrhydyceirw Quarry is below the resting groundwater level, groundwater is currently controlled by pumping to a sump in the eastern area of the quarry. This water is currently discharged to sewer along with surface water run off collected in the sump and leachate pumped from a leachate collection sump located in the north east of the historic landfill area and listed as a Directly Associated Activity to the landfill.

The new point source emission to water will enable groundwater and surface water to be discharged directly to Cwmrhydyceirw Stream. Table S4.3 of the permit has been updated to reflect this change. Leachate will continue to be discharged to sewer.

The schedules specify the changes made to the original permit.

The status log of a permit sets out the permitting history, including any changes to the permit reference number.

Status log of the permit		
Description	Date	Comments
Application TP3835LV (EP ref EA/EPR/TP3835LV/A001)	Duly made 15/02/2006	
Response to requests for information	16/08/2006	Response 29/09/2006
	16/11/2006	Response 14/12/2006
	18/12/2006	Response 19/01/2007 & 26/01/2007
	13/02/2007	Response 28/03/2007
	09/03/2007	Response 23/04/2007
	18/07/2007	Response 24/08/2007
	17/12/2007	Response 22/02/2008
	09/04/2008	Response 18/04/2008
Permit TP3835LV determined	Date of Issue 09/12/2008	
Variation application EPR/TP3835LV/V002	Duly made 27/10/2010	

Request for further information	10/11/2010	01/12/2010
Variation determined EPR/TP3835LV/V002	24/12/2010	Varied permit issued.
Variation application EPR/TP3835LV/V003	Duly made 28/08/2014	Variation application to add a discharge to surface water
Additional information received	17/12/2014	Schedule 5 Notice response providing additional information required for modelling potential impact upon the Cwmrhydyceirw Stream.
Variation determined EPR/TP3835LV/V003	30/04/2015	Varied permit issued.

End of introductory note

Notice of variation

Environmental Permitting (England and Wales) Regulations 2010

The Natural Resources Body for Wales ("Natural Resources Wales") in exercise of its powers under regulation 20 of the Environmental Permitting (England and Wales) Regulations 2010 varies

Permit number
EPR/TP3835LV

issued to:
SI Green UK Limited ("the operator")

whose registered office is

**c/o Harris Bassett
5 Llys Felin Newydd
Phoenix Way Enterprise Park
Swansea
West Glamorgan
SA7 9FG**

company registration number **02777304**

to operate a regulated facility at


**Cwmrhydyceirw Quarry Landfill
Cwmrhydyceirw Quarry
Vicarage Road
Cwmrhydyceirw
Morriston
Swansea
SA6 6DR**

to the extent set out in the schedules.

The notice shall take effect from 30/04/2015

Name

Date

	30 April 2015
---	----------------------

Eirian Macdonald
Authorised on behalf of Natural Resources Wales

Schedule 1 – conditions to be deleted

None

Schedule 2 – conditions to be amended

The following conditions are amended as a result of the application made by the operator

Table S1.1 which is referred to in condition 2.1.1 has been amended to remove the discharge of contaminated waters from the landfill from Directly Associated Activity (DAA) - Discharges to foul sewer (A3) in its place it adds the discharge of groundwater to the DAA - Discharges to controlled waters (A5).

Table S1.1 activities			
Activity reference	Activity listed in Schedule 1 of the EP Regulations	Description of specified activity and WFD Annex I and II operations	Limits of specified activity and waste types
A1	Section 5.2 Part A(1)(a), the disposal of waste in a landfill.	Landfill for non-hazardous waste (D5 –Specially engineered landfill)	Receipt, handling, storage and disposal of wastes, consisting of the types and quantities specified in conditions 2.8, as an integral part of landfilling.
Directly Associated Activity			
A2	Leachate management	Storage and transfer of leachate	Leachate arising from the landfill.
A3	Discharges to foul sewers	Discharge of leachate and contaminated water from the landfill	Leachate and contaminated water arising from the landfill.
A4	Landfill gas flaring	Flaring of landfill gas for disposal in an appliance with a capacity up to 1,000 m ³ .hr ⁻¹ .	From the collection of the gas from the waste mass through to the release of combustion products
A5	Discharges to controlled waters	Discharges of site drainage and groundwater from the landfill.	From surface water management system to point of entry to controlled waters.
A6	Fuel storage	Storage of fuel for operation of plant and equipment	Fuel storage tank

Table S4.3 which is referred to in condition 3.1.1 is amended as follows:

Table S4.3 Point source emissions to water (other than sewer) – emission limits and monitoring requirements						
Emission point Ref. & Location	Parameter	Source	Limit (incl unit)	Reference Period	Monitoring Frequency	Monitoring Standard or Method
Surface water attenuation pond discharge point referenced CWMSO4 on drawing number ESID 7 drawing reference SIG/CW/08-05/12371rev C dated 11/12/06	Suspended Solids	Surface water	40 mg/litre	Spot Sample	monthly	Unless otherwise agreed in writing with Natural Resources Wales, monitoring methods used shall be in accordance with guidance document 'Guidance on monitoring of landfill leachate, groundwater and surface water (LFTGN02).
	pH	Surface water	>6 and <9 pH units	Spot Sample	monthly	
	Ammoniacal Nitrogen	Surface water	1 mg/litre	Spot sample	Monthly	
	Chloride	Surface water	100 mg/litre	Spot sample	Monthly	
	Cadmium	Surface water	0.0001 mg/litre	Spot sample	Three Monthly	
	Nickel	Surface water	0.05 mg/litre	Spot sample	Three Monthly	
	Napthalene	Surface water	0.001 mg/litre	Spot sample	Three Monthly	
Cwmrhydyceirw Stream discharge point CWMSO2	Pentachlorophenol	Surface water	0.001 mg/litre	Spot sample	Three Monthly	
	Suspended Solids	Groundwater/surface water	40 mg/litre	Spot Sample	Monthly	
	pH	Groundwater/surface water	>6 and <9 pH units	Spot Sample	Monthly	
	Ammoniacal Nitrogen	Groundwater/surface water	1.2 mg/litre	Spot sample	Monthly	
	Chloride	Groundwater/surface water	221 mg/litre	Spot sample	Monthly	
	Cadmium	Groundwater/surface water	0.0004 mg/litre	Spot sample	Monthly	
	Nickel	Groundwater/surface water	0.044 mg/litre	Spot sample	Monthly	
	Napthalene	Groundwater/surface water	0.001 mg/litre	Spot sample	Monthly	
	Pentachlorophenol	Groundwater/surface water	0.001 mg/litre	Spot sample	Monthly	

The following conditions are amended as detailed, following an NRW initiated variation Table S1.4 of schedule 1 of the permit specified in condition 2.6.1 shall be amended to delete pre- operational conditions E1, E2, E3, E4 and E6. Following the deletions above for clarity the amended Table S1.4 is amended and replaced in its entirety as follows:

Table S1.4 Pre-operational measures for future development

Reference	Operation	Pre-operational Measures
Section D – Review as necessary of the management plans		
D3	The commencement of the construction of the new landfill	<p>Leachate management plan</p> <p>A leachate management plan with respect to the operation of the landfill shall be submitted to the Natural Resources Wales. The leachate management plan shall include procedures for the extraction, collection, storage and transfer of leachate and shall demonstrate that the system will have sufficient capacity to handle the maximum predicted volumes of leachate generation hence minimise the risk of leachate heads at the base of the landfill exceeding those detailed within permit condition 2.9.1 and Schedule 4, Table S4.1. The results of the review of the hydrogeological risk assessment carried out under pre-operational condition C1 of the original permit reference TP3835LV issued on 9 December 2008, shall be used as necessary in the preparation of the leachate management plan.</p> <p>The proposals shall take account of the guidance provided in Natural Resources Wales documents:</p> <ul style="list-style-type: none"> • Sector Guidance Note S5.02 Guidance for the Landfill Sector • Technical requirements of the Landfill Directive and Integrated Pollution Prevention and Control (IPPC); • Guidance on the monitoring of landfill leachate, groundwater and surface water (LFTGN02); and • Technical Guidance Note – monitoring of discharges to sewer (M18)
D4	The commencement of the construction of the new landfill	<p>Landfill gas management plan</p> <p>The landfill gas management plan with respect to the operation of the landfill shall be revised and submitted to the Natural Resources Wales. The revised landfill gas management plan shall include procedures for the extraction and management of landfill gas to minimise the risk of unacceptable releases of landfill gas from the landfill. The revised landfill gas management plan shall give consideration to both permanent and temporary management systems. The results of the review of the landfill gas risk assessment carried out under pre-operational condition C2 of the original permit reference TP3835LV issued on 9 December 2008, shall be used as necessary in the preparation of the landfill gas management plan.</p> <p>The proposals shall take account of the guidance provided in Natural Resources Wales documents:</p> <ul style="list-style-type: none"> • Sector Guidance Note S5.02 Guidance for the Landfill Sector • Technical requirements of the Landfill Directive and Integrated Pollution Prevention and Control (IPPC); and • Guidance on the management of landfill gas (LFTGN03).

Table S1.4 Pre-operational measures for future development

Reference	Operation	Pre-operational Measures
D5	The commencement of the construction of the new landfill	<p>Surface water management plan</p> <p>A surface water management plan with respect to the operation of the landfill shall be submitted to the Natural Resources Wales. The surface water management plan shall include procedures for the control, storage and discharge of surface water from the landfill and shall demonstrate that the system will have sufficient capacity to handle the maximum predicted volumes of surface water and if necessary extracted ground water from the base of the quarry. The meteorological monitoring data collected under pre- operational condition B1 of the original permit reference TP3835LV issued on 9 December 2008, shall be used in the preparation of the surface water management plan.</p> <p>The proposals shall take account of the guidance provided in Natural Resources Wales documents:</p> <ul style="list-style-type: none"> • Sector Guidance Note S5.02 Guidance for the Landfill Sector <p>Technical requirements of the Landfill Directive and Integrated Pollution Prevention and Control (PPC)</p>
<p>Notes: The excavation of the existing waste at the site shall not commence until the management plans in respect of the excavation and relocation of the existing waste (pre-operational condition D1) and noise (pre-operational condition D2) of the original permit reference TP3835LV issued on 9 December 2008, have been approved by the Natural Resources Wales.</p> <p>The commencement of construction of the new landfill shall not commence until the management plans the subject of pre-operational conditions D3 to D10 of the original permit reference TP3835LV issued on 9 December 2008, inclusive have been approved by the Natural Resources Wales.</p>		
Section H – Other issues		
H2	The recirculation of leachate	<p>The operator shall submit to the Natural Resources Wales a scheme for the recirculation of leachate. The scheme shall include but not be limited to:</p> <p>Details of the methods of recirculation and system design;</p> <p>An assessment of odour and fugitive emission control including any revisions to site design and/or monitoring plans; and</p> <p>An assessment of the effects of recirculation on stability of the waste and the lining system.</p> <p>No leachate will be recirculated without the approval of the Natural Resources Wales.</p>
Section I – Pre-operational conditions from variation EPR/TP3835LV/V002		
I1	The commencement of the construction of the northern side slope lining system	<p>The operator shall submit to the Environment Natural Resources Wales an analysis of the integrity of the new design of the lining system that assesses the strains and deformations in each of the components of the lining system and between the interfaces. Realistic waste properties and the effects of groundwater rebound should be included in the modelling.</p> <p>The justifications for modelling method and range of input parameter values, system.and commentary on the acceptability of the results, shall be provided</p>

Schedule 3 – conditions to be added

The following conditions are added as a result of the application made by the operator

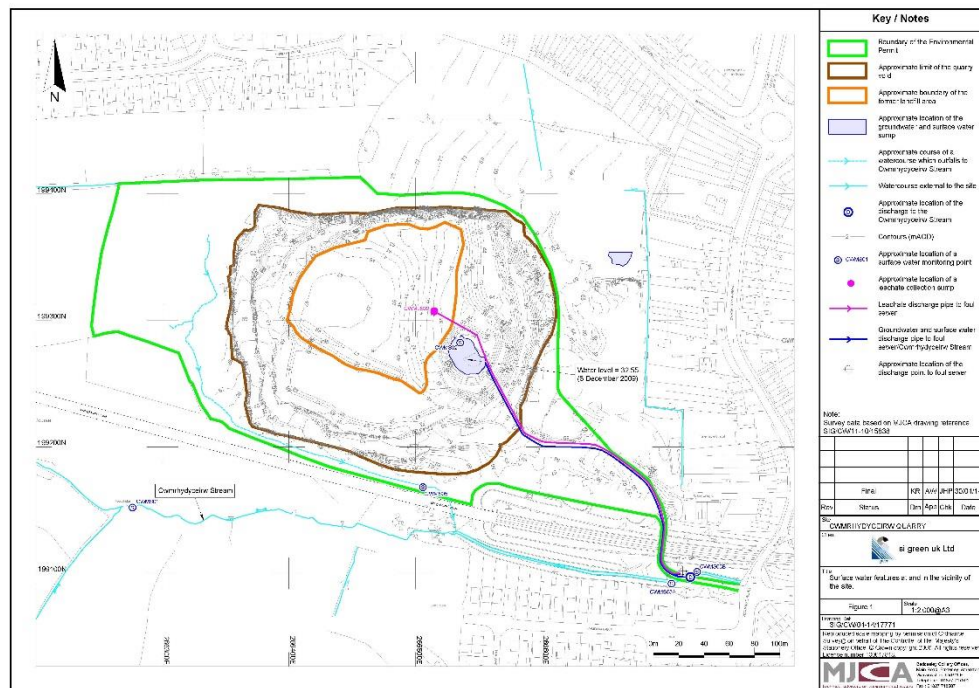
Table S1.3 which relates to condition 2.5.1 has been amended to add additional improvement conditions.

Table S1.3 Improvement programme requirements		
Reference	Requirement	Date
4	The operator shall undertake an assessment of the impact on the water environment from current emissions of effluent to sewer. The operator shall use the methodology prescribed in the Natural Resources Wales's guidance 'Environmental Assessment and Appraisal of Best Available Techniques' (Ref. IPPC H1) in making this assessment. The Operator shall identify substances present in the effluent that are considered significant (as defined within H1), and submit proposed emission limit values for these substances in the form of a report. Flow rate must also be considered as part of this assessment. The report shall also include an effluent monitoring plan for any key substances identified and an action plan to reduce releases of those substances that are considered significant as part of the H1 Assessment. The operator shall implement any improvements or measures as agreed in writing with the Natural Resources Wales.	Completed
2	The Operator shall submit to the Natural Resources Wales in writing written procedures which demonstrate proposals for compliance with Council Decision 2003/33/EC establishing criteria and procedures for the acceptance of wastes at landfills pursuant to Article 16 of and Annex II to Directive 1999/31/EC	Completed
3a	<p>The operator shall submit written proposals to the Natural Resources Wales for approval for the monitoring of actual dust deposition rates and PM10 particulate concentrations in the vicinity of the site. The proposals shall include but not be limited to:</p> <ul style="list-style-type: none"> • The establishment of appropriate and fixed monitoring locations in the vicinity of the site; • A detailed options appraisal of applicable monitoring techniques for use in emissions assessment specifying the selected monitoring technique to be used at the installation; • Set monitoring frequencies including appropriate justification to cover a minimum twelve month period once the site is operational. <p>The proposals shall be prepared in accordance with the relevant standards contained within Natural Resources Wales guidance documents:</p> <ul style="list-style-type: none"> • Sector Guidance Note S5.02 Guidance for the Landfill Sector Technical requirements of the Landfill Directive and Integrated Pollution Prevention and Control (IPPC) • Monitoring of particulate matter in ambient air around waste facilities Technical Guidance Document (Monitoring) M17 	Completed
3b	<p>On completion of the monitoring required in 3a above, the operator shall submit a revised Dust Assessment to the Natural Resources Wales for approval. This shall include but not be limited to:</p> <ul style="list-style-type: none"> • Quantification of emissions from the site; • A dispersion model based on actual emissions from the site; • An assessment of the effectiveness of control measures including a detailed appraisal of alternative control measures; • Recommendations, and timetable for implementation, for the establishment of alternative control measures and ongoing monitoring of dust and particulates emissions at the installation where necessary 	Within 3 months of completion of monitoring

Table S1.3 Improvement programme requirements

Reference	Requirement	Date
3c	On approval in writing from the Natural Resources Wales on the Dust Assessment required in 3b above, the operator shall revise the Dust and Particulates Management Plan for the site to include recommendations made in the assessment together with any additional measures notified by the Natural Resources Wales and this shall be incorporated into the normal operating procedures for the installation	Within one week of written approval from the Natural Resources Wales
4	The operator shall review background groundwater monitoring data and submit to the Natural Resources Wales for approval proposed control and trigger levels for key determinants for groundwater quality on an individual monitoring point basis. Derivation of control and trigger levels shall be undertaken in accordance with Natural Resources Wales publication "Hydrogeological Risk Assessments for Landfills and the derivation of groundwater control and trigger levels" (LFTGN01) and good statistical practice and shall include assessment for and removal of outliers in the data sets and the use of graphical time / concentration charts	Within 6 months of completion of the excavation and redeposit of waste (that existed in the landfill prior to permit issue)
5	The operator shall review background landfill gas monitoring data and submit to the Natural Resources Wales for approval proposed emission limits for methane and carbon dioxide on an individual monitoring point basis. Derivation of emission limits shall be undertaken in accordance with Natural Resources Wales publication "Guidance on the management of Landfill Gas (LFTGN03). Any compliance levels above 1% methane and 1.5% Carbon Dioxide must be fully justified and agreed in writing by the	Within 6 months of completion of the excavation and redeposit of waste (that existed in the landfill prior to permit issue)
6	The operator shall provide proposals for how the discharge to surface water will be managed if permitted limits are breached. Proposals shall include but not be limited to how the discharge shall be monitored , how the operator will be notified of any breaches and how the discharge will be switched back to sewer if necessary.	Within 2 months of the issue of this variation.

Amended plan attached



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APPENDIX E

ACTION PLAN AND EPR COMPLIANCE ASSESSMENT REPORT

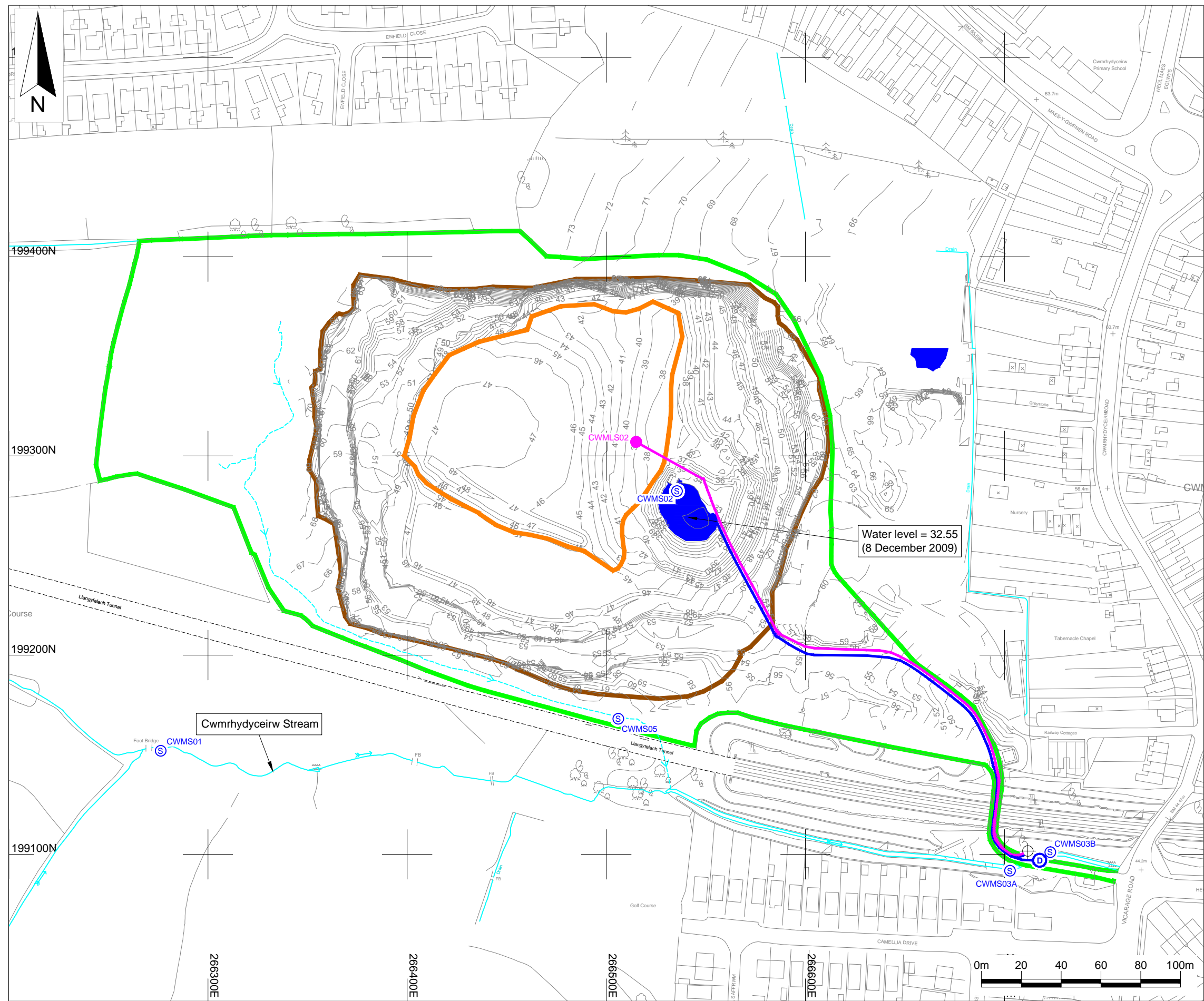
Schedule 1 to the email dated 29 June 2015***Cwmrhydyceirw Quarry – Proposals for the management of the discharge to surface water if the limits specified in Environmental Permit Variation reference EPR/TP/3835LV/V003 are breached***

1. This document is prepared pursuant to Improvement Programme Requirement 6 of Environmental Permit Variation number EPR/TP3835LV/V003 (the permit) for Cwmrhydyceirw Quarry Landfill. Improvement Programme Requirement 6 states:

“The operator shall provide proposals for how the discharge to surface water will be managed if permitted limits are breached. Proposals shall include but not be limited to how the discharge shall be monitored, how the operator will be notified of any breaches and how the discharge will be switched back to sewer if necessary.”

2. Discharge of site drainage and groundwater from the landfill to controlled waters is permitted as Directly Associated Activity A5 of the permit. Water is pumped and discharged from the quarry sump to the Cwmrhydyceirw Stream via the discharge pipe as shown on Figure 1 (drawing reference SIG/CW/04-14/17771). Figure 2 (drawing reference SIG/CW/04-14/17772) comprises a schematic representation of the water management infrastructure including the facility to switch the discharge between the stream and the sewer connection at the site. The discharge of contaminated water from the landfill to sewer is permitted as Directly Associated Activity A3 of the permit.
3. In accordance with Table S4.3 to Schedule 4 of the permit water samples are collected from monitoring point CWMSO2 located in the quarry sump on a monthly basis. The water samples collected are submitted to a laboratory where they are analysed for suspended solids, pH, ammoniacal nitrogen, chloride, cadmium, nickel, naphthalene and pentachlorophenol. Proposals for the management of the pumped discharge from the quarry sump if the emission limits specified in Table S4.3 are exceeded are provided in the flow diagram presented on Figure 3 (drawing reference SIG/CW/06-15/18724). In accordance with Condition 4.3.1b of the permit Natural Resources Wales will be informed of any breach of an emission limit specified in Table S4.3 within the notification period specified in Schedule 6 of the permit.

4. The emission limits specified in Table S4.3 generally are based on the environmental risk assessments included with the application to vary the permit to authorise the discharge of the pumped quarry water to the Cwmrhydyceirw Stream. The emission limits represent generally the long term annual average concentrations. In the event that an emission limit is exceeded the potential short term impact on the receiving water will be assessed by comparing the recorded concentration of the exceeded parameter in the discharge with the MAC EQS (maximum allowable concentration environmental quality standard) where a substance has a MAC EQS. If the concentration exceeds the MAC EQS the discharge will be transferred to the sewer within 24 hours of the receipt of the results of the monitoring from the laboratory and the monitoring frequency at CWMS02 will be increased to weekly.
5. In the event that an emission limit is exceeded but the MAC EQS is not exceeded or where there is no MAC EQS the concentration of the parameter recorded for the previous two samples will be considered and a three point average will be calculated to present a longer term approach consistent with the basis on which the environmental risk assessments were prepared. If the three point average for the parameter is below the emission limit in the permit then the discharge to surface water will continue unchanged. If the three point average for the parameter exceeds the emission limit then the discharge will be switched to the sewer and the monitoring frequency at CWMS02 will be increased to weekly within 24 hours of the receipt of the most recent monitoring results from the laboratory.
6. Once the recorded concentration of the parameter at the location CWMS02 falls back below the emission limit the discharge will be switched back to surface water and the monitoring frequency will return to monthly.



Key / Notes

- Boundary of the Environmental Permit
- Approximate limit of the quarry void
- Approximate boundary of the former landfill area
- Approximate location of the groundwater and surface water sump
- Approximate course of a watercourse which outfalls to Cwmrhydyceirw Stream
- Watercourse external to the site
- Approximate location of the discharge to the Cwmrhydyceirw Stream
- Contours (mAOD)
- CWMS01
- Approximate location of a leachate collection sump
- Leachate discharge pipe to foul sewer
- Groundwater and surface water discharge pipe to foul sewer/Cwmrhydyceirw Stream
- Approximate location of the discharge point to foul sewer

Note:
Survey data based on MJCA drawing reference
SIG/CW/11-10/15838

	Final	KR	AW	JHP	30/04/14
Rev	Status	Drn	App	Chk	Date

Site
CWMRHYDYCEIRW QUARRY

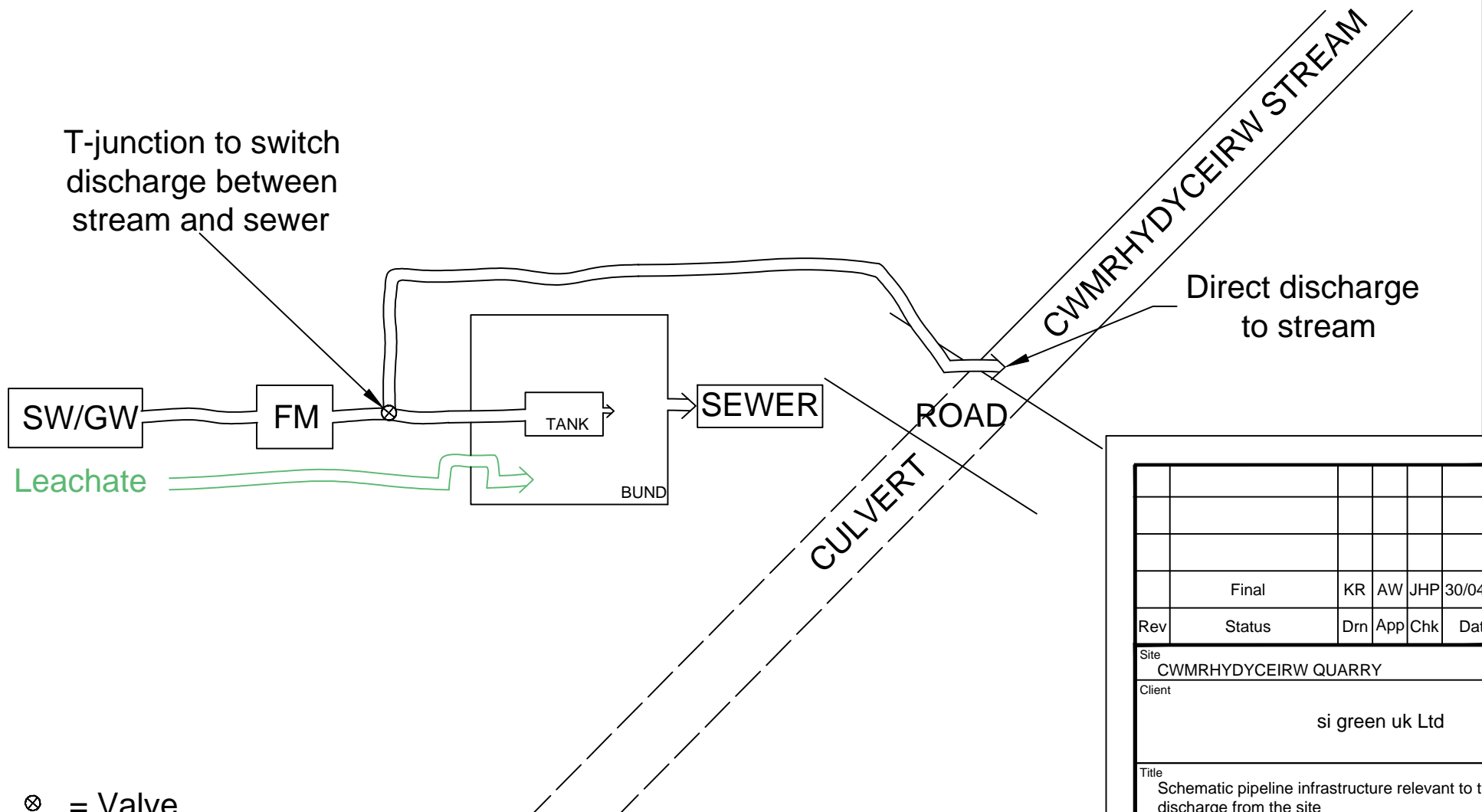
Client
 si green uk Ltd

Title
Surface water features at and in the vicinity of the site.

Figure 1 Scale
1:2,000@A3

Drawing Ref
SIG/CW/04-14/17771

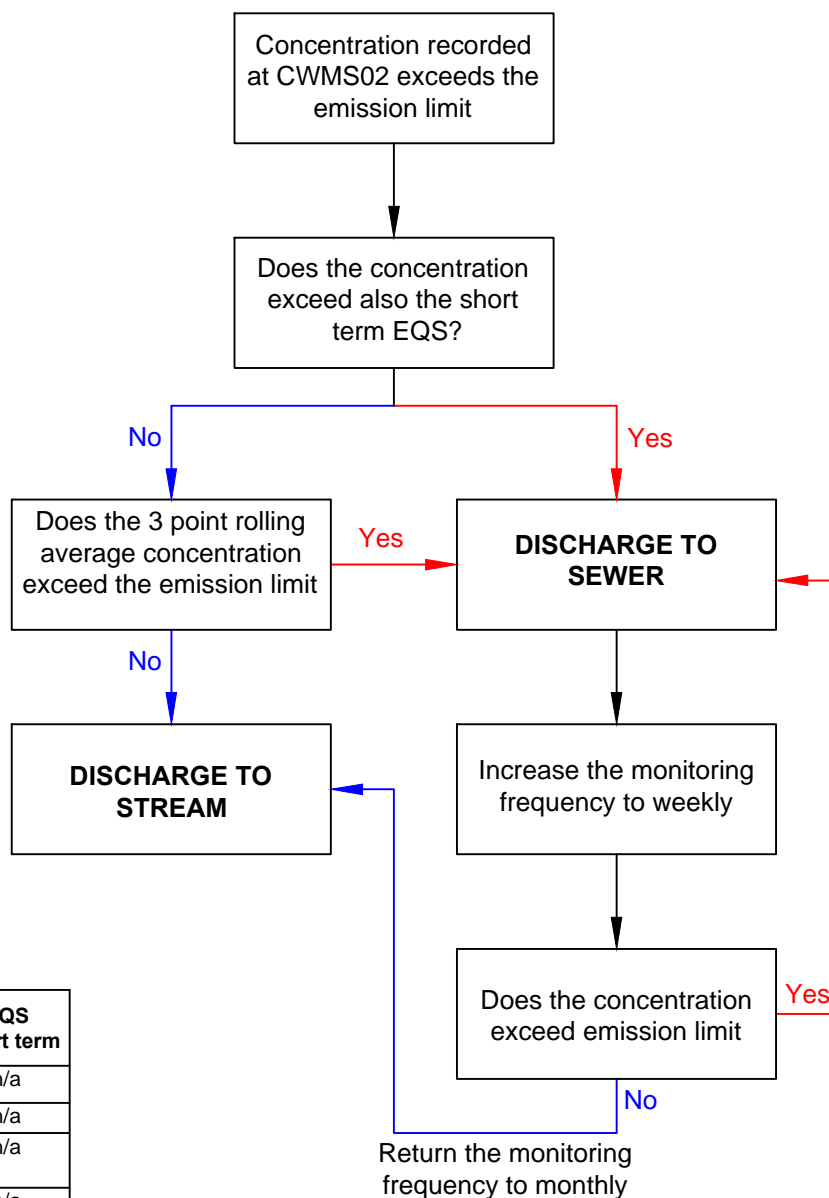
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Licence number 100017818.



⊗ = Valve
 FM = Flow meter
 SW = Surface water
 GW = Groundwater

	Final	KR	AW	JHP	30/04/14
Rev	Status	Drn	App	Chk	Date



Site	CWMRHYDYCEIRW QUARRY
Client	si green uk Ltd
Title	Schematic pipeline infrastructure relevant to the discharge from the site
Figure 2	Scale Not to scale
Drawing Ref	SIG/CW/04-14/17772




Parameter	Emission limit	EQS Short term
Suspended solids	40mg/l	n/a
pH	>6 <9	n/a
Ammoniacial nitrogen	1.2mg/l	n/a
Chloride	221mg/l	n/a
Cadmium	0.4µg/l	0.6µg/l
Nickel	44µg/l	n/a
Napthalene	1µg/l	n/a
Pentachlorophenol	1µg/l	1µg/l

Key / Notes

EQS Environmental Quality Standard

	Final	KR	AW	GT	29/06/15
Rev	Status	Drn	App	Chk	Date
Site CWMRHYDYCEIRW QUARRY					
Client		 si green uk Ltd			
Title Management of the pumped discharge from the quarry sump to the Cwmrhydyceirw Stream at Cwmrhydyceirw Quarry					
Figure 3		Scale Not to scale			
Drawing Ref SIG/CW/06-15/18724					
		Baddesley Colliery Offices, Main Road, Baxterley, Atherstone, Warwickshire, CV9 2LE. Telephone : 01827 717891 Fax : 01827 718507			
Technical advisers on environmental issues					

	EPR Compliance Assessment Report		Report ID: 5943	
This form will report compliance with your permit as determined by an NRW officer				
Site	CwmRhydyCeirw landfill		Permit Ref	TP3835LV
Operator/ Permit holder	SI Green Ltd			
Date	21/7/15	Time in	NA	NA
What parts of the permit were assessed	G4 – reporting and notifications. B1- engineering for prevention and control of pollution. IP reference 6.			
Assessment	Site Inspection	EPR Activity:	Installation: X	Waste Op: Water Discharge:
Recipient's name/position	Antonio Montinaro – Site manager			
Officer's name	Ffion Thomas	Date issued	6/8/15	

Section 1 - Compliance Assessment Summary				
<p>This is based on the requirements of the permit under the Environmental Permitting Regulations. A detailed explanation and any action you may need to take are given in the "Detailed Assessment of Compliance" (section 3). This summary details where we believe any non-compliance with the permit has occurred, the relevant condition and how the non-compliance has been categorised using our Compliance Classification Scheme (CCS). CCS scores can be consolidated or suspended, where appropriate, to reflect the impact of some non-compliances more accurately. For more details of our CCS scheme, contact your local office.</p>				
Permit Conditions and Compliance Summary				Condition(s) breached
a) Permitted activities	1. Specified by permit	N		
b) Infrastructure	1. Engineering for prevention & control of pollution	A		
	2. Closure & decommissioning	N		
	3. Site drainage engineering (clean & foul)	N		
	4. Containment of stored materials	N		
	5. Plant and equipment	N		
c) General management	1. Staff competency/ training	N		
	2. Management system & operating procedures	N		
	3. Materials acceptance	N		
	4. Storage handling, labelling, segregation	N		
d) Incident management	1. Site security	N		
	2. Accident, emergency & incident planning	N		
e) Emissions	1. Air	N		
	2. Land & Groundwater	N		
	3. Surface water	N		
	4. Sewer	N		
	5. Waste	N		
f) Amenity	1. Odour	N		
	2. Noise	N		
	3. Dust/fibres/particulates	N		
	4. Pests, birds & scavengers	N		
	5. Deposits on road	N		
g) Monitoring and records, maintenance and reporting	1. Monitoring of emissions & environment	N		
	2. Records of activity, site diary, journal & events	N		
	3. Maintenance records	N		
	4. Reporting & notification	A		
h) Resource efficiency	1. Efficient use of raw materials	N		
	2. Energy	N		
KEY: C1, C2, C3, C4 = CCS breach category (* suspended scores are marked with an asterisk), A = Assessed (no evidence of non-compliance), N = Not assessed, NA = Not Applicable, O = Ongoing non-compliance – not scored				

Number of breaches recorded	Total compliance score (see section 5 for scoring scheme)
------------------------------------	---

If the Total No Breaches is greater than zero, then please see Section 3 for details of our proposed enforcement response

Section 2 – Compliance Assessment Report Detail

This section contains a report of our findings and will usually include information on:

- the part(s) of the permit that were assessed (e.g. maintenance, training, combustion plant, etc)
- where the type of assessment was 'Data Review' details of the report/results triggering the assessment
- any non-compliances identified
- any non-compliances with directly applicable legislation
- details of any multiple non-compliances
- information on the compliance score accrued inc. details of suspended or consolidated scores.
- details of advice given
- any other areas of concern
- all actions requested
- any examples of good practice.
- a reference to photos taken

This report should be clear, comprehensive, unambiguous and normally completed within 14 days of an assessment.

This Compliance Assessment Report (CAR) form has been completed following the assessment of report reference SIG/CW/DFR/1392/01 *"Cwmrhydyceirw Quarry – proposals for the management of the discharge to surface water if the limits specified in the Environmental permit Variation reference EPR/TP/3835LV/V003 are breached"* and related drawings figure 1 – drawing reference SIG/CW/04-14/17771, figure 2 – drawing reference SIG/CW/04-14/17772 and figure 3- Drawing reference SIG/CW/06-15/18724

The report and drawings were received on the 29th June 2015 via email.

The report is submitted in response to the Improvement Programme item reference 6 of the Environmental Permit variation number EPR TP3835LV/V003 which states *"The operator shall provide proposals for how the discharge to surface water will be managed if permitted limits are breached. Proposals shall include but not be limited to how the discharge shall be monitored, how the operator will be notified of any breaches and how the discharge will be switched back to sewer if necessary"*


Assessment of the submitted documents has been completed and Natural Resources Wales are satisfied that the conditions of IP6 have been addressed.

Report SIG/CW/DFR/1392/01 describes how the discharge is monitored, that the operator will inform the regulator of any breaches following assessment of the monitoring results from the laboratory, how the discharge will be switched to sewer if necessary, and the frequency it will be monitored prior to being switched back to surface water if limits return into compliance.

Report SIG/CW/DFR/1329/01 and associated drawings figure 1 – drawing reference SIG/CW/04-14/17771, figure 2 – drawing reference SIG/CW/04-14/17772 and figure 3- Drawing reference SIG/CW/06-15/18724
Will now form part of the permit TP3835LV/V003 operating techniques.

ACTION SI GREEN

Please ensure that your monitoring plans are amended to include this accepted information.

	EPR Compliance Assessment Report	Report ID: 5943
This form will report compliance with your permit as determined by an NRW officer		
Site	Cwmrhydyceirw landfill	Permit
Operator/ Permit	SI Green Ltd	Date
		TP3835LV
		6/8/15

Section 3- Enforcement Response		Only one of the boxes below should be ticked
You must take immediate action to rectify any non-compliance and prevent repetition. Non-compliance with your permit conditions constitutes an offence and can result in criminal prosecutions and/or suspension or revocation of a permit. Please read the detailed assessment in Section 2 and the steps you need to take in Section 4 below.		
Other than the provision of advice and guidance, at present we do not intend to take further enforcement action in respect of the non-compliance identified above. This does not preclude us from taking enforcement action if further relevant information comes to light or advice isn't followed.		NA
In respect of the above non-compliance you have been issued with a warning. At present we do not intend to take further enforcement action. This does not preclude us from taking additional enforcement action if further relevant information comes to light or offences continue.		NA
We will now consider what enforcement action is appropriate and notify you, referencing this form.		NA

Section 4- Action(s)			
Where non-compliance has been detected and an enforcement response has been selected above, this section summarises the steps you need to take to return to compliance and also provides timescales for this to be done.			
Criteria Ref.	CCS Category	Action Required/Advised	Due Date
See Section 1 above			
		NA	

Section 5 - Compliance notes for the Operator

To ensure you correct actual or potential non-compliance we may

- advise on corrective actions verbally or in writing
- require you to take specific actions in writing
- issue a notice
- require you to review your procedures or management system
- change some of the conditions of your permit
- decide to undertake a full review of your permit

Any breach of a permit condition is an offence and we may take legal action against you.

● We will normally provide advice and guidance to assist you to come back into compliance either after an offence is committed or where we consider that an offence is likely to be committed. This is without prejudice to any other enforcement response that we consider may be required.

● Enforcement action can include the issue of a formal caution, prosecution, the service of a notice and or suspension or revocation of the permit.

See our Enforcement and Civil Sanctions guidance for further information

This report does not relieve the site operator of the responsibility to

- ensure you comply with the conditions of the permit at all times and prevent pollution of the environment
- ensure you comply with other legislative provisions which may apply.

Non-compliance scores and categories

CCS category	Description	Score
C1	A non-compliance which could have a major environmental effect	60
C2	A non-compliance which could have a significant environmental effect	31
C3	A non-compliance which could have a minor environmental effect	4
C4	A non-compliance which has no potential environmental effect	0.1

Operational Risk Appraisal (Opra) - Compliance assessment findings may affect your Opra score and/or your charges. This score influences the resource we use to assess permit compliance.

Section 6 – General Information

Data protection notice

The information on this form will be processed by the Natural Resources Wales (NRW) to fulfill its regulatory and monitoring functions and to maintain the relevant [public register\(s\)](#). The NRW may also use and/or disclose it in connection with:

- offering/providing you with its literature/services relating to environmental matters
- consulting with the public, public bodies and other organisations (e.g. Health and Safety Executive, local authorities) on environmental issues
- carrying out statistical analysis, research and development on environmental issues
- providing public register information to enquirers
- investigating possible breaches of environmental law and taking any resulting action
- preventing breaches of environmental law
- assessing customer service satisfaction and improving its service
- Freedom of Information Act/Environmental Information Regulations request.

The NRW may pass it on to its agents/representatives to do these things on its behalf. You should ensure that any persons named on this form are informed of the contents of this data protection notice.

Disclosure of information

The NRW will provide a copy of this report to the [public register\(s\)](#). However, if you consider that any information contained in this report should not be released to the public register(s) on the grounds of commercial confidentiality, you must write to your local area office within twenty working days of receipt of this form indicating which information it concerns and why it should not be released, giving your reasons in full.

[Customer charter](#)

What can I do if I disagree with this compliance assessment report?

If you are unable to resolve the issue with your site officer, you should firstly discuss the matter with the officer's line managers. If you wish to raise your dispute further through our official [Complaints](#) and Commendations procedure, phone our general enquiry number 0300 065 3000 (Mon to Fri 08.00–18.00) and ask for the [Customer Contact](#) team or send an email to enquiries@naturalresourceswales.gov.uk. If you are still dissatisfied you can make a complaint to the [Public Services Ombudsman for Wales](#). For advice on how to complain to the Ombudsman phone their helpline on 0845 607 0987.

APPENDIX F

METER READINGS AND CALCULATED ABSTRACTION VOLUMES

2011

Date	Leachate		Groundwater		Number of days	Average daily abstraction rate (m3/day)
	meter	mc	meter	mc		
15.11.2010	1168		453543			
10.01.2011	1180	12	470212	16669	56	297.7
17.01.2011	1183	3	477437	7225	7	1032.1
24.01.2011	1186	3	479262	1825	7	260.7
31.01.2011	1190	4	480702	1440	7	205.7
07.02.2011	1196	6	481638	936	7	133.7
14.02.2011	1199	3	483561	1923	7	274.7
21.02.2011	1207	8	487331	3770	7	538.6
28.02.2011	1207	0	490140	2809	7	401.3
07.03.2011	1208	1	492242	2102	7	300.3
14.03.2011	1208	0	493090	848	7	121.1
21.03.2011	1209	1	494899	1809	7	258.4
28.03.2011	1210	1	496152	1253	7	179.0
04.04.2011	1213	3	497720	1568	7	224.0
11.04.2011	1214	1	499076	1356	7	193.7
18.04.2011	1214	0	500126	1050	7	150.0
01.05.2011	1214	0	502556	2430	13	186.9
09.05.2011	1214	0	503690	1134	8	141.8
16.05.2011	1214	0	504707	1017	7	145.3
23.05.2011	1214	0	505805	1098	7	156.9
01.06.2011	1214	0	507119	1314	9	146.0
06.06.2011	1215	1	508247	1128	5	225.6
13.06.2011	1218	3	510554	2307	7	329.6
20.06.2011	1222	4	512471	1917	7	273.9
27.06.2011	1224	2	514799	2328	7	332.6
03.07.2011	1226	2	516431	1632	6	272.0
11.07.2011	1229	3	518100	1669	8	208.6
18.07.2011	1230	1	519690	1590	7	227.1
25.07.2011	1230	0	521242	1552	7	221.7
01.08.2011	1231	1	522549	1307	7	186.7
22.08.2011	1232	1	526478	3929	21	187.1
05.09.2011	1232	0	527635	1157	14	82.6
09.09.2011	1237	5	529279	1644	4	411.0
16.09.2011	1246	9	532142	2863	7	409.0
23.09.2011	1258	12	534866	2724	7	389.1
30.09.2011	1264	6	537060	2194	7	313.4
07.10.2011	1268	4	538656	1596	7	228.0
14.10.2011	1271	3	540154	1498	7	214.0
28.10.2011	1280	9	543774	3620	14	258.6
04.11.2011	1291	11	548008	4234	7	604.9
11.11.2011	1300	9	550669	2661	7	380.1
25.11.2011	1306	6	555951	5282	14	377.3
02.12.2011	1313	7	558264	2313	7	330.4
09.12.2011	1320	7	561412	3148	7	449.7
16.12.2011	1321	1	565885	4473	7	639.0
Total 2011			112342			
					Maximum daily abstraction rate (m3/day)	1032
					Maximum hourly rate assuming pumps run 24hr/day (m3/hr)	43

2012

Date	Leachate		Groundwater		Number of days	Average daily abstraction rate (m3/day)
	meter	mc	meter	mc		
16.12.2011	1321		565885			
13.01.2012	1609	288	569931	4046	28	144.5
20.01.2012	1618	9	572745	2814	7	402.0
27.01.2012	1624	6	575841	3096	7	442.3
03.02.2012	1624	0	578981	3140	7	448.6
10.02.2012	1631	7	581820	2839	7	405.6
17.02.2012	1634	3	583999	2179	7	311.3
24.02.2012	1635	1	586542	2543	7	363.3
06.03.2012	1637	2	589285	2743	11	249.4
09.03.2012	1639	2	590170	885	3	295.0
16.03.2012	1644	5	591890	1720	7	245.7
23.03.2012	1646	2	592293	403	7	57.6
30.03.2012	1647	1	594251	1958	7	279.7
05.04.2012	1647	0	595672	1421	6	236.8
13.04.2012	1651	4	597350	1678	8	209.8
20.04.2012	1655	4	599867	2517	7	359.6
27.04.2012	1661	6	602370	2503	7	357.6
04.05.2012	1666	5	605285	2915	7	416.4
11.05.2012	1672	6	609126	3841	7	548.7
18.05.2012	1677	5	611204	2078	7	296.9
25.05.2012	1680	3	613551	2347	7	335.3
01.06.2012	1681	1	614920	1369	7	195.6
18.06.2012	1694	13	621970	7050	17	414.7
22.06.2012	1704	10	623498	1528	4	382.0
29.06.2012	1715	9	626690	3192	7	456.0
06.07.2012	1730	15	631100	4410	7	630.0
13.07.2012	1742	12	634728	3628	7	518.3
20.07.2012	1756	14	639307	4579	7	654.1
27.07.2012	1763	7	641476	2169	7	309.9
03.08.2012	1768	5	643112	1636	7	233.7
10.08.2012	1775	7	644780	1668	7	238.3
17.08.2012	1782	7	645861	1081	7	154.4
24.08.2012	1790	8	649180	3319	7	474.1
31.08.2012	1801	11	653330	4150	7	592.9
07.09.2012	1805	4	655366	2036	7	290.9
14.09.2012	1806	1	656879	1513	7	216.1
21.09.2012	1806	0	658219	1340	7	191.4
28.09.2012	1819	13	660633	2414	7	344.9
05.10.2012	1836	17	664080	3447	7	492.4
12.10.2012	1858	22	667937	3857	7	551.0
19.10.2012	1877	19	670960	3023	7	431.9
26.10.2012	1885	8	672827	1867	7	266.7
02.11.2012	1898	13	675593	2766	7	395.1
09.11.2012	1913	15	678802	3209	7	458.4
16.11.2012	1931	18	682128	3326	7	475.1
23.11.2012	1951	20	686367	4239	7	605.6
30.11.2012	1976	25	692770	6403	7	914.7
7.12.2012	1992	16	695396	2626	7	375.1
14.12.2012	1996	4	698014	2618	7	374.0
21.12.2012	2028	32	701551	3537	7	505.3
28.12.2012	2040	12	709673	8122	7	1160.3
Total 2012			143788			
					Maximum daily abstraction rate (m3/day)	1160
					Maximum hourly rate assuming pumps run 24hr/day (m3/hr)	48

2013

Date	Leachate		Groundwater		Number of days	Average daily abstraction rate (m3/day)
	meter	mc	meter	mc		
28.12.2012	2040		709673			
04.01.2013	2059	19	713727	4054	7	579.1
11.01.2013	2091	32	716862	3135	7	447.9
18.01.2013	2107	16	718994	2132	7	304.6
25.01.2013	2130	23	721549	2555	7	365.0
01.02.2013	2153	23	728507	6958	7	994.0
08.02.2013	2171	18	732738	4231	7	604.4
15.02.2013	2190	19	737250	4512	7	644.6
22.02.2013	2203	13	739857	2607	7	372.4
01.03.2013	2210	7	741594	1737	7	248.1
08.03.2013	2218	8	743070	1476	7	210.9
15.03.2013	2222	4	744448	1378	7	196.9
22.03.2013	2230	8	747074	2626	7	375.1
28.03.2013	2236	6	749299	2225	6	370.8
05.04.2013	2240	4	751230	1931	8	241.4
12.04.2013	2244	4	752677	1447	7	206.7
19.04.2013	2248	4	754428	1751	7	250.1
26.04.2013	2252	4	755959	1531	7	218.7
03.04.2013	2254	2	757293	1334	7	190.6
10.05.2013	2258	4	759391	2098	7	299.7
17.05.2013	2263	5	761607	2216	7	316.6
24.05.2013	2267	4	763418	1811	7	258.7
31.05.2013	2272	5	765325	1907	7	272.4
07.06.2013	2274	2	766865	1540	7	220.0
14.06.2013	2275	1	768266	1401	7	200.1
21.06.2013	2276	1	769670	1404	7	200.6
28.06.2013	2276	0	771043	1373	7	196.1
05.07.2013	2277	1	772434	1391	7	198.7
12.07.2013	2278	1	773651	1217	7	173.9
19.07.2013	2278	0	774840	1189	7	169.9
26.07.2013	2278	0	775994	1154	7	164.9
02.08.2013	2278	0	777240	1246	7	178.0
09.08.2013	2284	6	780131	2891	7	413.0
16.08.2013	2289	5	781792	1661	7	237.3
23.08.2013	2294	5	783331	1539	7	219.9
30.08.2013	2295	1	784983	1652	7	236.0
06.09.2013	2296	1	786250	1267	7	181.0
13.09.2013	2296	0	787507	1257	7	179.6
20.09.2013	2302	6	788887	1380	7	197.1
27.09.2013	2306	4	790669	1782	7	254.6
04.10.2013	2311	5	792248	1579	7	225.6
11.10.2013	2316	5	794186	1938	7	276.9
18.10.2013	2324	8			7	0.0
25/10/2013	2331	7			7	0.0
01/11/2013	2338	7	802824	8638	7	411.3
08/11/2013	2347	9	805683	2859	7	408.4
15/11/2013	2352	5			7	0.0
22/11/2013	2356	4			7	0.0
29/11/2013	2360	4	806648	965	7	46.0
06/12/2013	2362	2	808836	2188	7	312.6
13/12/2013	2368	6	811503	2667	7	381.0
20/12/2013	2372	4	816465	4962	7	708.9
27/12/2013	2376	4				
Tot 2013			106792			
				Maximum daily abstraction rate (m3/day)		994
				Maximum hourly rate assuming pumps run 24hr/day (m3/hr)		41

Average includes period with no readings

Average includes period with no readings

2014

Date	Leachate		Groundwater		Number of days	Average daily abstraction rate (m3/day)
	meter	mc	meter	mc		
20/12/2013	2372		816465			
27/12/2013	2376	4				
03/01/2014	2381	5	817406	941	14	67.2
10/01/2014	2384	3	817695	289	7	41.3
17/01/2014	2399	15	821582	3887	7	555.3
24/01/2014	2407	8	825706	4124	7	589.1
31/01/2014	2408	1	828321	2615	7	373.6
07/02/2014	2418	10	830842	2521	7	360.1
14/02/2014	2426	8	833179	2337	7	333.9
21/02/2014	2434	8	836201	3022	7	431.7
28/02/2014	2441	7	837592	1391	7	198.7
07/03/2014	2447	6	838933	1341	7	191.6
14/03/2014	2452	5	840383	1450	7	207.1
21/03/2014	2457	5	841820	1437	7	205.3
28/03/2014	2463	6	842682	862	7	123.1
04/04/2014	2469	6	843787	1105	7	157.9
11/04/2014	2474	5	846263	2476	7	353.7
17/04/2014	2478	4	848363	2100	6	350.0
25/04/2014	2482	4	850257	1894	8	236.8
02/05/2014	2488	6	851790	1533	7	219.0
09/05/2014	2493	5	853044	1254	7	179.1
16/05/2014	2499	6	854600	1556	7	222.3
23/05/2014	2504	5	855830	1230	7	175.7
30/05/2014	2511	7	857004	1174	7	167.7
06/06/2014	2518	7	858113	1109	7	158.4
13/06/2014	2525	7	859190	1077	7	153.9
20/06/2014	2529	4	860200	1010	7	144.3
27/06/2014	2531	2	861292	1092	7	156.0
04/07/2014	2532	1	862473	1181	7	168.7
11/07/2014	2533	1	863341	868	7	124.0
18/07/2014	2533	0	864214	873	7	124.7
25/07/2014	2533	0	865167	953	7	136.1
01/08/2014	2533	0	866195	1028	7	146.9
08/08/2014	2533	0	867016	821	7	117.3
15/08/2014	2535	2	867807	791	7	113.0
22/08/2014	2535	0	868507	700	7	100.0
29/08/2014	2541	6	870144	1637	7	233.9
05/09/2014	2547	6	871571	1427	7	203.9
12/09/2014	2549	2	872838	1267	7	181.0
19/09/2014	2550	1	873418	580	7	82.9
26/09/2014	2550	0	874615	1197	7	171.0
03/10/2014	2550	0	875612	997	7	142.4
10/10/2014	2565	15	877482	1870	7	267.1
17/10/2014	2581	16	878582	1100	7	157.1
24/10/2014	2594	13	879671	1089	7	155.6
31/10/2014	2605	11	880694	1023	7	146.1
07/11/2014	2619	14	882997	2303	7	329.0
14/11/2014	2634	15	885312	2315	7	330.7
21/11/2014	2644	10	886120	808	7	115.4
27/11/2014	2644	0	886736	616	6	102.7
05/12/2014	2650	6	887719	983	8	122.9
12/12/2014	2661	11	889316	1597	7	228.1
19/12/2014	2670	9	892389	3073	7	439.0
29/12/2014	2679	9	895486	3097	10	309.7
Tot 2014			79021			
					Maximum daily abstraction rate (m3/day)	589
					Maximum hourly rate assuming pumps run 24hr/day (m3/hr)	25

2015

2015	Leachate		Groundwater		Number of days	Average daily abstraction rate (m3/day)
Date	meter	mc	meter	mc		
29/12/2014	2679		895486			
02/01/2015	2683	4	900131	4645	4	1161.3
09/01/2015	2694	11	901828	1697	7	242.4
16/01/2015	2706	12	904914	3086	7	440.9
23/01/2015	2714	8	907126	2212	7	316.0
30/01/2015	2731	17	908858	1732	7	247.4
06/02/2015	2734	3	910045	1187	7	169.6
13/02/2015	2738	4	911680	1635	7	233.6
20/02/2015	2742	4	913287	1607	7	229.6
27/02/2015	2744	2	915677	2390	7	341.4
06/03/2015	2753	9	917492	1815	7	259.3
13/03/2015	2762	9	919064	1572	7	224.6
20/03/2015	2769	7	920306	1242	7	177.4
27/03/2015	2775	6	921634	1328	7	189.7
02/04/2015	2781	6	922890	1256	6	209.3
10/04/2015	2787	6	923932	1042	8	130.3
17/04/2015	2791	4	925372	1440	7	205.7
24/04/2015	2794	3	926226	854	7	122.0
01/05/2015	2796	2	927641	1415	7	202.1
08/05/2015	2802	6	928901	1260	7	180.0
15/05/2015	2807	5	930465	1564	7	223.4
22/05/2015	2812	5	932268	1803	7	257.6
29/05/2015	2816	4	933629	1361	7	194.4
05/06/2015	2821	5	936172	2543	7	363.3
12/06/2015	2825	4	937678	1506	7	215.1
19/06/2015	2827	2	938918	1240	7	177.1
26/06/2015	2828	1	940250	1332	7	190.3
03/07/2015	2829	1	941312	1062	7	151.7
10/07/2015	2829	0	942679	1367	7	195.3
17/07/2015	2833	4	944301	1622	7	231.7
24/07/2015	2836	3	945687	1386	7	198.0
31/07/2015	2840	4	947308	1621	7	231.6
04/08/2015	2840	0	947900	592	4	148.0
07/08/2015	2845	5	948769	869	3	289.7
13/08/2015	2845	0	949498	729	6	121.5
14/08/2015	2848	3	950244	746	1	746.0
21/08/2015	2855	7	951954	1710	7	244.3
28/08/2015	2867	12	955270	3316	7	473.7
29/08/2015	2867	0	955917	647	1	647.0
04/09/2015	2874	7	957785	1868	6	311.3
11/09/2015	2879	5	959289	1504	7	214.9
18/09/2015	2884	5	961717	2428	7	346.9
25/09/2015	2892	8	963775	2058	7	294.0
02/10/2015	2896	4	965618	1843	7	263.3
09/10/2015	2900	4	967246	1628	7	232.6
16/10/2015	2902	2	968642	1396	7	199.4
23/10/2015	2903	1	970040	1398	7	199.7
30/10/2015	2907	4	971797	1757	7	251.0
06/11/2015	2925	18	975031	3234	7	462.0
13/11/2015	2958	33	977667	2636	7	376.6
20/11/2015	2996	38	980949	3282	7	468.9
27/11/2015	3021	25	983670	2721	7	388.7
04/12/2015	3028	7	989552	5882	7	840.3
11/12/2015	3035	7	994884	5332	7	761.7
18/12/2015	3041	6	1000603	5719	7	817.0
24/12/2015	3049	8	1006753	6150	6	1025.0
31/12/2015	3079	30	1012753	6000	7	857.1
Tot 2015				38331		
				78936		
					Maximum daily abstraction rate (m3/day)	1161
						1025
					Maximum hourly rate assuming pumps run 24hr/day (m3/hr)	48
						43

 To sewer
 To stream

2016

Date	Leachate		Groundwater		Number of days	Average daily abstraction rate (m3/day)
	meter	mc	meter	mc		
31/12/2015	3079		1012753			
08/01/2016	3087	8	1019626	6873	8	859.1
15/01/2016	3099	12	1028155	8529	7	1218.4
22/01/2016	3123	24	1031687	3532	7	504.6
29/01/2016	3152	29	1038191	6504	7	929.1
05/02/2016	3180	28	1042802	4611	7	658.7
12/02/2016	3213	33	1050301	7499	7	1071.3
19/02/2016	3232	19	1054307	4006	7	572.3
26/02/2016	3246	14	1058059	3752	7	536.0
04/03/2016	3254	8	1061147	3088	7	441.1
11/03/2016	3269	15	1064497	3350	7	478.6
18/03/2016	3281	12	1066776	2279	7	325.6
25/03/2016	3290	9	1068295	1519	7	217.0
01/04/2016	3303	13	1072704	4409	7	629.9
08/04/2016	3323	20	1077080	4376	7	625.1
15/04/2016	3336	13	1080037	2957	7	422.4
22/04/2016	3342	6	1081912	1875	7	267.9
29/04/2016	3344	2	1083567	1655	7	236.4
06/05/2016	3345	1	1085126	1559	7	222.7
13/05/2016	3345	0	1086936	1810	7	258.6
20/05/2016	3345	0	1088606	1670	7	238.6
30/12/2016	8184	4839	1168390	79784	224	356.2
Tot 2016			155637			
					Maximum daily abstraction rate (m3/day)	1218
					Maximum hourly rate assuming pumps run 24hr/day (m3/hr)	51

2017

Date	Leachate		Groundwater		Number of days	Average daily abstraction rate (m3/day)
	meter	mc	meter	mc		
30/12/2016	8184		1168390			
06/01/2017	8184	0	1170317	1927	7	275.3
13/01/2017	8	8	1173007	2690	7	384.3
20/01/2017	13	5	1175517	2510	7	358.6
27/01/2017	21	8	1177328	1811	7	258.7
03/02/2017	39	18	1181754	4426	7	632.3
10/02/2017	55	16	1185577	3823	7	546.1
17/02/2017	64	9	1187806	2229	7	318.4
24/02/2017	73	9	1189726	1920	7	274.3
03/03/2017	88	15	1193490	3764	7	537.7
10/03/2017	106	18	1197594	4104	7	586.3
17/03/2017	118	12	1200302	2708	7	386.9
24/03/2017	132	14	1204563	4261	7	608.7
31/03/2017	140	8	1208409	3846	7	549.4
07/04/2017	154	14	1213939	5530	7	790.0
13/04/2017	159	5	1215917	1978	6	329.7
21/04/2017	162	3	1217977	2060	8	257.5
28/04/2017	166	4	1219559	1582	7	226.0
05/05/2017	167	1	1221077	1518	7	216.9
12/05/2017	167	0	1222518	1441	7	205.9
19/05/2017	177	10	1224839	2321	7	331.6
26/05/2017	179	2	1226526	1687	7	241.0
02/06/2017	179	0	1228500	1974	7	282.0
09/06/2017	192	13	1231971	3471	7	495.9
16/06/2017	197	5	1234964	2993	7	427.6
23/06/2017	198	1	1236694	1730	7	247.1
30/06/2017	198	0	1238267	1573	7	224.7
07/07/2017	198	0	1239626	1359	7	194.1
14/07/2017	198	0	1241003	1377	7	196.7
21/07/2017	199	1	1242488	1485	7	212.1
28/07/2017	204	5	1244773	2285	7	326.4
04/08/2017	211	7	1247745	2972	7	424.6
11/08/2017	214	3	1250175	2430	7	347.1
18/08/2017	218	4	1252545	2370	7	338.6
25/08/2017	220	2	1254832	2287	7	326.7
01/09/2017	222	2	1256622	1790	7	255.7
08/09/2017	223	1	1258270	1648	7	235.4
15/09/2017	226	3	1260800	2530	7	361.4
22/09/2017	232	6	1268368	7568	7	1081.1
29/09/2017	238	6	1272833	4465	7	637.9
06/10/2017	243	5	1275226	2393	7	341.9
13/10/2017	253	10	1275226	0	7	0.0
20/10/2017	256	3	1276437	1211	7	173.0
27/10/2017	260	4	1276437	0	7	0.0
03/11/2017	263	3	1280059	3622	7	517.4
10/11/2017	269	6	1281359	1300	7	185.7
17/11/2017	276	7	1284219	2860	7	408.6
24/11/2017	279	3	1289972	5753	7	821.9
01/12/2017	284	5	1289972	0	7	0.0
08/12/2017	291	7	1294093	4121	7	588.7
15/12/2017	294	3	1297436	3343	7	477.6
22/12/2017	298	4	1300443	3007	7	429.6
29/12/2017	303	5	1304068	3625	7	517.9
Tot 2015			135678			
					Maximum daily abstraction rate (m3/day)	1081
					Maximum hourly rate assuming pumps run 24hr/day (m3/hr)	45

APPENDIX G
PUMP SPECIFICATION



Visit us online:
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Flygt BS2125

Electric Submersible Pump

- Dewatering pump designed for many applications operating under the toughest of environments
- Available in Aluminium or Cast Iron construction
- Wear parts of hardened cast iron for superior long lasting performance
- Complete with screened cable



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F: 01452 721746

E: sales@pumpsupplies.co.uk

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Require any pipework, accessories or pump control equipment? Please contact us for more information

BS 2125:



Product:	BS 2125.181 or .320
Installation:	S
Discharge:	3" & 4"
Weight (Max):	80 kg
kW:	8 kW - 9.7 kW
Voltage/Phase:	400/3
Rated Current (A)	15 (MT & HT) 16 (SH)
Height (Av):	865 mm
Width (Av):	485 mm

Part	Material
Outer Casing:	Aluminium or Cast Iron
Impeller:	High Chrome Alloyed
Stator Housing:	Aluminium or Cast Iron
Volute/Strainer:	Galvanised Steel
Shaft:	Stainless Steel

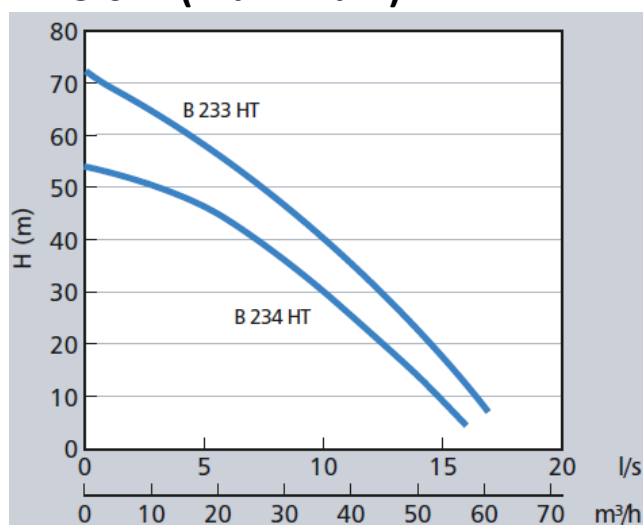
Available in:

- MT (Medium flow & head)
- HT (High head)
- SH (Super high head)

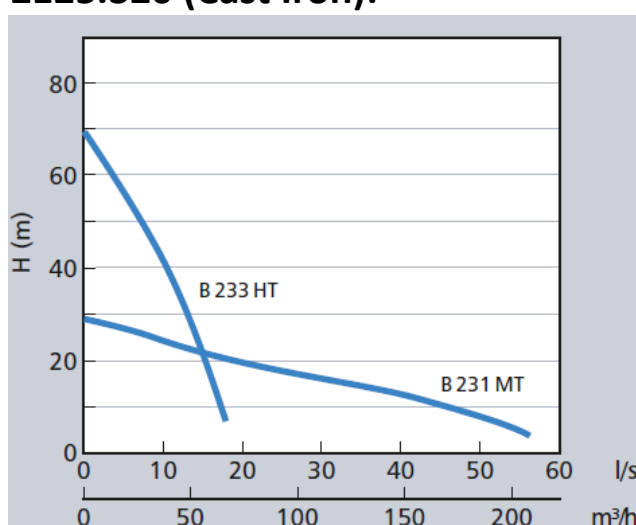
Options:

- Available with POLY-Life wear parts
- MT & HT option of SS impeller
- Available in special voltages
- Zinc Anodes (seawater)

2125.011 (Aluminium):



2125.320 (Cast Iron):



APPLICATIONS

Mining | Quarrying | Construction | Seawater | Final Effluent
Tunnelling | Industry | Flood relief | Storm Water | Dockyards

APPENDIX H
PHOTOGRAPHIC EVIDENCE

Photographic Evidence: Pump and associated discharge structures and equipment



Photograph 1 – the float switch pump following installation in the sump in 2010



Photograph 2 – the float switch pump in 2018



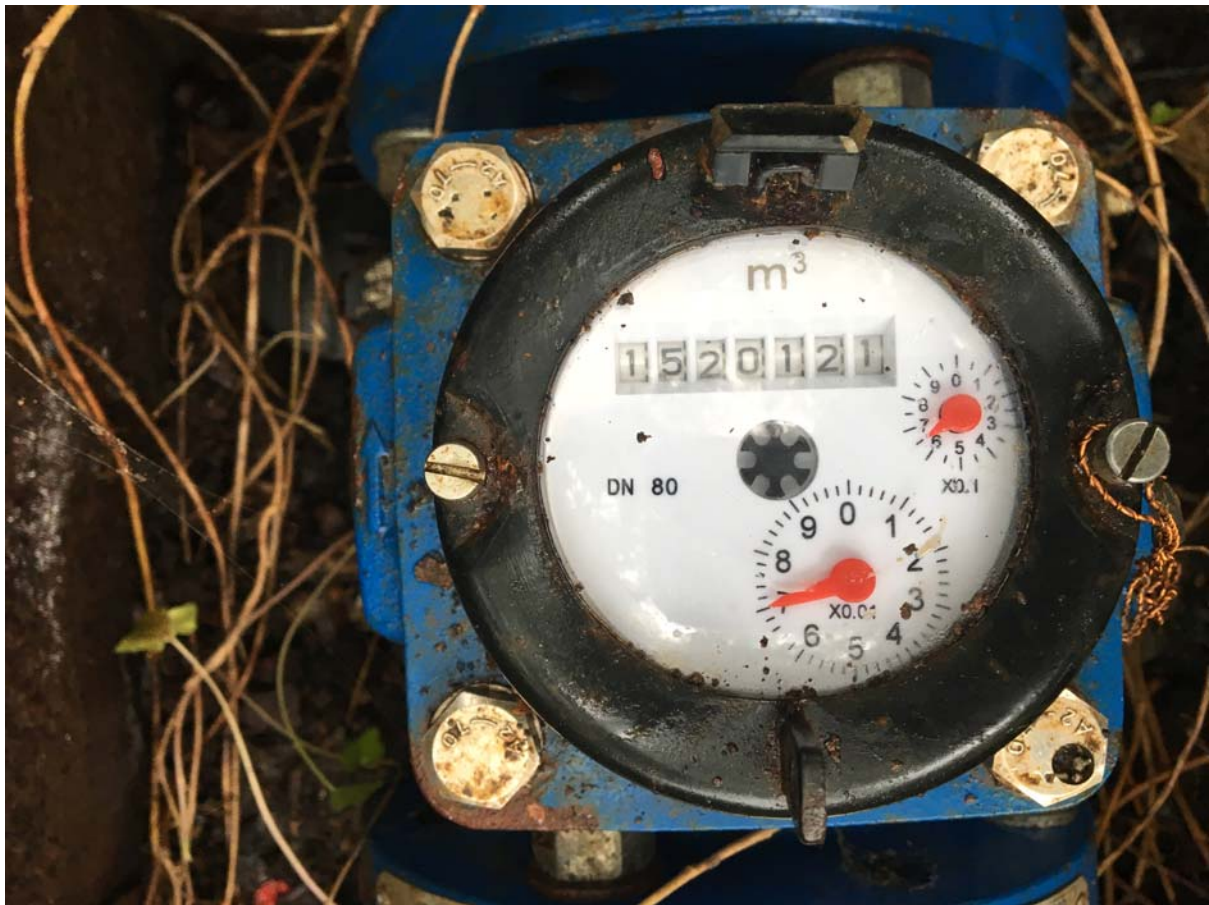
Photograph 3 – the sump (abstraction point) in 2010



Photograph 4 – pipework from the sump towards the disused tank (water is then diverted to sewer or Cwmrhydyceirw Stream)



Photograph 5 – pipework from the sump towards the disused tank with meter housing (red box)



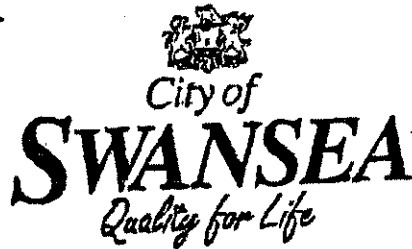
Photograph 6 – meter (in 2019)



Photograph 7 – discharge to Cwmrhydyceirw Stream

APPENDIX I

**PLANNING PERMISSION FOR THE LAND WEST OF CWMRHYDYCEIRW ROAD,
MORRISTON, SWANSEA (DATED 25 SEPTEMBER 1992)**



APPENDIX 3

Please ask for: Anne Davies
Telephone No: 0792 302728
Fax Number: 0792 302719

Our Ref:
Your Ref:
Date:

FAD/AWI/SEARCHES
DVF-SB-MORRIS
25 September 1992

French & Co. Solicitors
247A Jockey Road
Baldmere
SUTTON COLDFIELD
B73 5XE

Dear Sirs

re: LAND WEST OF CWMRHYDYCEIRW ROAD, MORRISTON, SWANSEA

I refer to your letter dated the 10th September 1992 concerning the above.

I enclose as requested a copy of the permission for the use of the site as a non-toxic waste tip, which was granted on appeal on the 11th March 1985, and a copy of the plan, together with the appeal, showing the site of the silo.

I would confirm that this land has permission for use as a landfill site.

The charge for this service is £15.20 inclusive of V.A.T. Cheques/Postal Orders should be made payable to "Swansea City Council" and crossed "A/C Payee Only", and returned to the address below.

Yours faithfully

A. Davies

ANNE DAVIES
CLERICAL OFFICER



PLANNING DEPARTMENT
Director of Planning: David M. Wilson, Dip.Arch, Dip. TP, ARIBA, MRTPI
The Guildhall, Swansea. SA1 4PH

00441792775712

Y Stryddfa Gyntref
Parc Cathays
Cardiff CF1 3NQ



Welsh Office
Cathays Park
Cardiff CF1 3NQ

Telex 498228
Telephone (Switchboard) 0222 625111 GTN Code 2064
(Direct Line) 0222 62 3894

Mr D Davies
Max Recovery Ltd
Fabian Way
Port Tennant
SWANSEA

CHIEF EXECUTIVE
AND TECHNICAL OFFICE
12 MAY 1985
SWANSEA

Bin Cyl/Dur reference
PB4/1057
Bin Cyl/Your reference
DD/CL
Dyddiad/Date
11 MAY 1985

Sir

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9
APPLICATION NO:- 2/1/84/0381/03

1. As you know I have been appointed by the Secretary of State for Wales to determine your appeal against the failure of the Swansea City Council, to give notice of their decision within the statutory time limit on your application for planning permission for the proposed restoration of quarry workings by the importation of non-toxic solid wastes, at Cwmrhydycairw Quarry, Morriston, Swansea. I have considered the written representations made by you and by the Council and also those made by interested persons. I inspected the site on 19 December 1984.
2. From my inspection of the site and its surroundings and from the representations made it appears to me that the main issue is whether an extension of the range of non-toxic solid wastes, in addition to those already permitted for the infilling of the quarry, would be in the overall interests of the local residents who reside in the vicinity of the quarry.
3. Conditional planning permission was granted on 25 June 1981 for the restoration of the existing quarry workings by the importation of inert fill and waste from the construction industry. A Waste Disposal Licence was issued on 27 November 1981 which in addition to controlling the tipping operations also restricted the type of waste material to be deposited in the quarry to that of inert solid wastes consisting of soil, subsoil, general excavated material, hardcore and construction wastes only.
4. It is apparent that the proposal under appeal is to extend that range of permitted waste materials by the addition of non-toxic solid wastes from other commercial and industrial sources in addition to that arising from the building construction industry and is intended to include an element of domestic waste.
5. In my opinion the existing quarry is a potential danger to the general public and particularly to children who live and play in the locality. The sandstone quarry has a sheer face in parts with a height of about 130 ft. Despite attempts to prevent access, and the absence of public rights of way near the quarry edge, the quarry is nevertheless a real hazard to public safety. I consider that it would be in the best interests of the local inhabitants for the quarry to be filled in as quickly as possible to remove the danger to life and limb.
6. It is very clear that the present very restricted range of waste materials which are permitted for filling the quarry would mean that the filling of the quarry would take place over a very prolonged period of time thus retaining the danger arising from the steep quarry faces for many years to come. I am of the opinion

that the controlled tipping of an extended range of waste materials would desirably shorten the period of danger and hasten the time when the quarry can be fully restored to the proposed landscaped and finished landform.

7. I note that consultation has taken place with the Gwmbydyceirw Residents' Association who are anxious to see the quarry filled subject to certain safeguards. Whilst I appreciate the suggested conditions put forward by the Residents' Association, there are a number of matters arising which cannot be made the subject of conditions attached to a planning consent. They include the present lease arrangements for the use of part of the site by Ready Mixed Concrete Limited; the future use of the restored quarry; the percentage of the types of material to be deposited, since the materials to be deposited will in any event be controlled by the necessary Waste Disposal Licence; the possibility of the establishment of a baling plant by the Council; and the suggested periodic meetings and site inspections with representatives of the Residents' Association and the Appellant Company which are matters for liaison and agreement between the respective parties.

8. Although the proposed increase in the rate of filling of the quarry would bring about a corresponding increase in the number of vehicle movements to and from the quarry, I am of the view that the main public highways leading to the proposed main entrance off Vicarage Road are adequate to cater for the anticipated volume of traffic. Based upon my site inspection, it seems to me that empty lorries visiting the existing concrete batching plant of Ready Mix Concrete Ltd could also use the proposed access off Vicarage Road and only return laden down their present route to reduce the traffic past Railway Cottages and improve the environmental conditions of those residents.

9. I have also considered the planning conditions which the Council suggested should be attached to any consent in the event of the appeal being allowed. In my view the suggested conditions 1, 2, 3, 7, 9, 10, 11 and 15 which control the proposed tipping operations, the security of the site, the drainage of the quarry, the finished levels and contours, and the landscaping of the site, are reasonable subject to some modification and are appropriate for the proper control of the tipping operations and for the satisfactory finished landform and appearance of the site. Condition 4 should form part of the landscaping proposals on completion of the development. Conditions 5, 6, 8 and 16 should form part of the site licence conditions. Condition 12 is unreasonable insofar as it relates to the closure of an access at present used by Ready Mixed Concrete Limited adjacent to Railway Cottages and similarly Condition 18 is unreasonable since it affects that Company who currently lease and use part of the site. Condition 13 is not precise and is unenforceable. I consider that it would be reasonable to modify Condition 18 to permit tipping operations on Saturday mornings between 8am and 1pm. Some of the existing buildings on the site would no doubt serve a useful purpose during the tipping operations and would provide some screening and so I consider that Condition 17 could be modified to allow for the retention of some of the buildings by agreement.

10. Bearing in mind all the above considerations, I am of the opinion that it would be in the best interests of the local inhabitants for the permitted range of materials for filling in the quarry to be extended, as proposed, to enable the quarry to be filled in more rapidly and restored as soon as possible.

11. I have taken into account all the other matters raised in the written representations but they do not outweigh the considerations that have led me to my decision.

12. For the above reasons, and in exercise of powers transferred to me, I hereby allow your appeal and grant planning permission for the restoration of quarry workings by the importation of non-toxic solid wastes at Cwmhydyceirw Quarry, Morriston, Swansea in accordance with the terms of the application (No 2/1/84/0381/03) dated 9 March 1984 and the plans submitted therewith, subject to the following conditions:

1. the development hereby permitted shall be begun not later than 5 years from the date of this letter;
2. a landscaping scheme shall be submitted for the written approval of the Local Planning Authority before development on site is commenced. The approved scheme shall include planting of trees and the thickening of hedgerows on the perimeter of the site. This part of the scheme shall be implemented within the first planting season following approval of the landscaping scheme. The landscaping scheme shall also include details of the surface treatment and planting of the site on completion of the development hereby permitted. Such approved planting shall be implemented within the first planting season following completion of the development hereby permitted;
3. the site shall be drained and full details of the means of drainage shall be submitted to the Local Planning Authority for written approval before development on site is commenced. Such details shall include controls over groundwater, rainfall, leachate and any other drainage required;
4. full details of the proposed finished levels and contours of the site shall be submitted for the approval of the Local Planning Authority before work on site is commenced. No embankments or steep slopes shall be exposed;
5. no refuse shall be tipped within 3m of the surface of the finished landform. The 3m below the finished landform shall consist of inert waste material, subsoil and topsoil in a manner to be agreed with the local planning authority;
6. full details of the means of disposal of any gases which may be generated as a result of the operations shall be submitted for the formal approval of the Local Planning Authority before development on site is commenced;
7. the developer shall secure the boundaries to the site and such means of enclosure shall be in accordance with a scheme to be agreed with the Local Planning Authority before the development hereby permitted is commenced;
8. the site shall be manned and supervised during each working day. At the end of each working day the site access shall be locked and secured;
9. vehicular and pedestrian access to the development hereby permitted shall only be via the existing access road onto Vicarage Road over the main line railway in the south-east corner of the site;

10. the use by Ready Mixed Concrete Ltd of the existing access adjacent to Railway Cottages shall be controlled in accordance with a scheme to be agreed with the local planning authority before the development hereby permitted is commenced;

~~11. the site shall not operate~~ the hours of 08.00 hours to 17.00 hours during week days and 08.00 hours to 13.00 hours on Saturdays. No work, with the exception of work required for maintenance purposes, shall take place on Sundays and Bank Holidays. Maintenance work on these days shall take place only between the hours of 08.00 and 13.00 hours;

12. the sides and base of the quarry shall be lined with a lining material as tipping progresses. Samples or precise details of the proposed lining material shall be submitted to the Local Planning Authority for written approval before work on site is commenced;

13. before the development hereby permitted is commenced, a scheme for the retention of existing buildings required for use in association with the permitted development shall be agreed with the Local Planning Authority. All existing buildings not so required shall be demolished and the site cleared within 6 months of the date of any such scheme as may be agreed with the Local Planning Authority.

13. Attention is drawn to the fact that an applicant for any consent, agreement or approval required by a condition of this permission has a statutory right of appeal to the Secretary of State if approval is refused or granted conditionally or if the authority fail to give notice of their decision within the prescribed period.

14. The developer's attention is also drawn to the enclosed note relating to the requirements of the Chronically Sick and Disabled Persons Act 1970.

15. This letter does not convey any approval or consent which may be required under any enactment, byelaw, order or regulation other than section 23 of the Town and Country Planning Act 1971.

I am Sir
Your obedient Servant


G SLOAN ARMES
Inspector