**Penllergaer Community Council’s response to sites offered for consideration in the Candidate Site Register dated December 2024.**

Penllergaer Community Council PCC) opposes the allocation in the LDP 2 Deposit plan in respect of the following sites:

Site ID 132 - Former 3M Factory Site, Gorseinon Road, Penllergaer, Swansea.

Site ID 161 - Land South of Gorseinon Road, Penllergaer, Swansea.

Site ID 184 - Land to the East of A483, Bryn Rhos Farm (Option 1), Penllergaer, Swansea.

Site ID 185 - Land to the East of A483, Bryn Rhos Farm (Option 2), Penllergaer, Swansea.

Firstly, PCC’s opposition is partly relying on and supported by the planning judgement that the LPA proffered to the Planning Inspectorate during the examination of its earlier UDP. These planning judgements are well established in case law as being **material considerations** that need to be considered by those determining subsequent applications.

In 2007 the City and County of Swansea, during the Public Inquiry for the Swansea Unitary Development Plan, challenged the proposed development of 250 houses on the Parc Mawr site.

In its conclusion, the City and County stated:

*“It is acknowledged that Penllergaer is intended to be a growth area, however a significant release has already been made and* ***there is only considered to be******capacity in terms of infrastructure and settlement identity for one additional site of around 250 dwellings.*** (emphasis added). *The allocated site at Llewellyn* *Rd and the omission site display a number of similarities in terms of convenience/accessibility: however, the physical and visual impact of the Parc Mawr site would be far greater.* *It would also lead to pressure to develop more adjoining land in future impacting on the character and setting of the settlement and surrounding countryside”.*

The City and County was successful in its challenge to the proposed development of Parc Mawr. It must therefore be assumed that the Inspector would have taken due cognizance of the evidence provided and supported these arguments in arriving at his decision.

PCC believed that this previous decision is a ***material consideration*** that needed to be considered in the determination of any subsequent planning judgements.

But this has not been the case.

Later in 2018, during the examination of the LDP and the impact that the Parc Mawr allocation would have on Penllergaer, the City and County refused to offer an explanation to PCC over its volte face on Parc Mawr. The matter that a previous planning decision is a ***material consideration*** that needed to be considered in the determination in any subsequent planning judgements never, therefore, became a topic for discussion during the examination by the Planning Inspectorate. It was not offered to the Inspectors for their consideration.

PCC accepts that the matters of infrastructure capacity, settlement identity and coalescence were addressed during the examination, but the matter of **material considerations** in case law was not.

Notwithstanding this, the further planning judgements proffered by the LPA for LDP 1 now need to be further carefully considered in support of PCC’s opposition to the sites now being considered under LDP 2, together with the subsequent recommendations made by the Inspectorate and the implementation, or otherwise, of those recommendations.

Dealing, firstly, with the matter of infrastructure capacity.

PCC would hope that the LPA stands by the argument it advanced in 2007 that infrastructure capacity compromised any further development in Penllergaer beyond that required to support the site at Llewelyn Road.

PCC would also hope that the LPA accepts that further pressure since has now been placed on the various infrastructure capacities by the developments in Penllergaer at Mansion Gardens and Parc Mawr with no recognisable improvement in the infrastructure required to support these developments. This situation is further exacerbated by the added pressure on the highway infrastructure in and around Penllergaer by the other significant developments now happening and also those that are being considered in the NW of the County.

Social and physical infrastructure incapacity that, therefore, precludes any further development in Penllergaer effects education, highway, foul water disposal and storm water disposal, to name but a few, but is not limited to only these.

Attempts by the LDP to address this situation, prosecuted on nothing other than hope, has hopelessly failed. The situation now experienced by our community in respect to the growing dilution of our quiet enjoyment and well-being has reached unacceptable levels.

PCC would also refer to the detailed arguments that it has already presented for the LPA’s consideration in respect of these deficiencies in our response to the draft Preferred Strategy.

Since 2007 it is evidently clear that the majority of new development proposals in Penllergaer have not been supported by sufficient existing, new or upgraded resilient infrastructural capacity and other relevant and necessary facilities or measures. This deficiency in capacity has not been addressed in an appropriate manner. Planning obligations, sought as a mechanism to secure any required new or improved infrastructure, facility or other measure, have proved to be totally ineffective and also mostly inoperable.

The late Councillor Wendy Fitzgerald set all these issues out as serious concerns in her letter to the Head of the Legal Department in October 2020. Her letter was ignored and consequently is the reason Penllergaer is now faced with this unacceptable degradation of its quiet enjoyment and well-being.

PCC, therefore, confidentially believe that in 2025 that it can endorse the successful argument made by the City and County that ***there is considered to be******no******capacity in terms of infrastructure and settlement identity for any additional sites, and any further development would also lead to pressure to develop more adjoining land in future impacting on the character and setting of the settlement and surrounding countryside”.***

Dealing now with the matter of settlement identity, but more particularly the clear threat from coalescence consequently arising from the possible allocation of the sites referred to above, we would offer the following response in opposition to those sites referenced as ID161, ID184 and ID185.

All these sites fall within an area redefined and designated in 2020 as Green Wedge in the adopted Plan. This designation also included the site referenced as ID165, which has failed to progress on the basis that there is a “Fundamental *conflict with national planning policy with regard to significant constraints that would affect delivery of the site, and no evidence submitted to demonstrate mitigation*.” Due to the lack of any detailed explanation, PCC do not understand why this criteria or concern has also not been applied to the 3 remaining sites within the designated Green Wedge allocation.

Notwithstanding this, PCC will offer the following response to support its opposition to those sites referenced as ID161, ID184 and ID185.

Parc Mawr was situated in a long-standing Llan Valley Green Wedge area, and as previously explained, PCC opposed the allocation of Parc Mawr in the LDP, partly based on the **material consideration** argument referred to earlier, in so far as it applied to the methodology being adopted by the LPA to erode the protection this designation offered.

As also explained, this was an argument that the LPA ignored and, therefore, was not a topic of discussion or consideration during the examination of the Deposit Plan.

However, the LPA recognised the increased coalescence and erosion of this protection that came with the allocation of Parc Mawr in the LDP and reacted by attempting to change the designation of this reduced area to one of a Green Belt. To support its argument the LPA produced a document titled “*Green Belt and Green Wedge Designation*” dated June 2016.

This concluded by saying:

*The countryside area between Gowerton, Waunarlwydd, Kingsbridge, Gorseinon, Penllergaer and Fforestfach consists largely of rolling agricultural land. There is significant pressure for development and also considerable need for residential development - the latter will be satisfied through the allocation of several strategic sites in the area. However the pressure for development and the risk of coalescence remains. This is further enforced by the road links between settlements both existing and proposed (there is a proposed new road linking SD H North of Waunarlwydd/Fforestfach with SD C South of A4240 Penllergaer), and the gradient of the land being suitable for development. A high pressure mains runs through this area but development could be designed around this and therefore a risk of coalescence remains. The area to the east of the A483 between Penllergaer and Llangyfelach is not considered appropriate for a Green Belt designation and the Historic Park and Gardens and national nature conservation designations will prevent coalescence during the Plan period and therefore there is no need of a Green Wedge designation in this area (Table 5 refers). Between the Royal Fern/Llangyfelach area and the SD G north of J46 the M4 acts as a barrier and further negates the need for a Green Belt west of Llangyfelach.*

*Recommendation Green Belt allocation between Gowerton, Waunarlwydd, Kingsbridge , Gorseinon, Penllergaer and Fforestfach*

Accordingly, Policy ER3 of the Deposit Plan read as follows:

*“****A Green Belt is designated on land between Penllergaer/Kingsbridge and Gowerton/Waunarlwydd/Fforestfach, in order to ensure the land is permanently protected for its openness and to define the absolute limit of the adjoining settlement boundaries.”***

***The Green Belt is a permanent designation that will work to indefinitely protect the openness of the land and prevent the sprawl of settlements that surround it. The designation provides long term certainty for the future urban form of the County***

***The Green Belt and Green Wedge designations have been identified only on those parts of the countryside that are considered to act as buffers between settlements to prevent settlement coalescence in areas under pressure for development. The boundaries have been carefully set to ensure that only those areas that require extra protection to prevent settlement coalescence*** ***are included. They work in conjunction with the settlement boundaries to strategically manage built form and settlement edges, assist in safeguarding the countryside from encroachment, protect the setting for the urban area and assist in urban regeneration by encouraging the reuse of derelict and other urban land***

***The land identified as Green Belt lies between Penllergaer/Kingsbridge and Gowerton/Waunarlwydd/Fforestfach and is considered to be particularly important at preventing the coalescence of these groups of settlements.***

***The Plan allows for the controlled expansion of Penllergaer, Garden Village, Waunarlwydd and Fforestfach, by virtue of the allocated Strategic Development Areas. An assessment that examined the need for Green Belts in the County concluded that there is no further scope for urban expansion at the location identified, both now or in the future. It considered that this area should indefinitely remain countryside that is open in character if it is to effectively prevent settlement coalescence. This situation is unlike other locations in the County where provision for a sufficient range of potential development land needs to be available in the long term and therefore Green Wedge allocations, that can be reviewed, are more appropriate.***

***Whilst there are other policies in the Plan to control development in the countryside, it is considered important to give extra protection to the Green Belt and Green Wedge designated areas and in the case of Green Belts give long term protection. The specific areas of countryside identified as either Green Belt or Green Wedge are considered strategically important at preventing settlement coalescence and merit specific protection for this purpose. This is in line with National Planning Policy and Guidance.”***

And concludes by saying:

***“The Green Belt and Green Wedge designated areas are strategically important elements of the County’s green infrastructure network. In addition to the crucial role they play in preventing settlement coalescence these areas are multifunctional and provide wide ranging ecosystem services. In particular the Green Belt designated area is also a vital link in the strategic ecological corridor that connects Gower to the wider countryside. In recognition of the additional benefits afforded by the Green Belt and Green Wedge designated areas, biodiversity, landscape, climate change mitigation and informal recreation enhancement measures will be encouraged as appropriate.”***

The Inspectors responded by saying:

*“PPW edition 10 confirms that, due to their strategic nature and significance, Green Belts should only be proposed as part of a Joint LDP, Strategic Development Plan or National Development Framework*

 *There is little evidence of cross-boundary support for the designation of a Green Belt in Swansea or of any joint discussions about the potential implications and function of a Green Belt in the City Region that might justify a departure from national policy.*

*The proposed Green Belt is thus contrary to national policy and not justified by evidence. Nonetheless, incremental incursions into the Mynydd Garngoch Common and Lower Llan Valley could cause cumulative harm to the setting of the two distinct sets of communities to the north and south. The additional protection that would be provided by the presumption against inappropriate development in a Green Belt would therefore serve a useful planning purpose. Specifically, it would serve to maintain the openness of the area, providing a level of protection beyond that of other LDP policies.*

 *We therefore endorse the Council’s proposal to replace the Green Belt with a Green Wedge (MAC233, MAC234 and MAC329) and make consequential changes to other parts of the Plan (MAC16).*

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

And concluded by saying:

 “*Subject to the changes identified above we are satisfied that policy ER 3 and the designated Green Wedges are based on robust evidence and accord with national policy.”*

Policy ER 3 was amended accordingly to read as follows:

*“Green Wedges are allocated between the following settlements:*

1. *Birchgrove and Glais*
2. *Bishopston and Newton*
3. *Dunvant and Three Cross*
4. *Gowerton/Waunarlwydd and Dunvant*
5. *Penclawdd and Blue Anchor*
6. *Penllergaer and Pontlliw*
7. ***Penllergaer/Kingsbridge and Gowerton/Waunarlwydd/ Fforestfach***
8. *Penyrheol and Grovesend*

*Within the designated Green Wedge areas development will only be permitted if it maintains the openness and character of the land, unless the development is for acceptable purposes, as outlined in national policy relating to Green Wedge designations.*

*Green Wedge designations are identified only on those parts of the countryside that are considered to act as buffers between settlements to prevent settlement coalescence, in areas under pressure for development. The boundaries are carefully set to ensure that only those areas that require extra protection to prevent settlement coalescence are included. They work in conjunction with the settlement boundaries to achieve all the purposes for Green Wedge designations required by national policy namely: to strategically manage built form and settlement edges; assist in safeguarding the countryside from encroachment; protect the setting for the urban area; and assist in urban regeneration by encouraging the re-use of derelict and other urban land”.*

It is clear from the above sequence of events the importance the LPA attributed to the planning judgement it had to make to avoid coalescence in this area because of the pressure brought about by the proposed strategic sites for this area.

It is a concern that was largely readily recognised and accepted by the Inspectors, other than the LPA’s misuse of the Green Belt designation. The protection reverted to that of a Green Wedge and the land east of the A483, which was considered at greater risk by the Inspectors than had previously thought by the LPA, was added to this protected area. The land east of the A483 is all that land contained within that identified as ID 184 and ID 185, and on that basis, PCC would vehemently argue that there is no reason for this to be included in the register.

PCC also note from the draft Preferred Strategy that the LPA is once again considering the adoption of Green Belts in its proposed Plan. In light of the previous directions of the Inspectors and their rebuke and misuse by the LPA, all as highlighted above, the adoption of this method of protection needs to be fully considered in this instance.

It is inconceivable to believe that with the passing of little more than 5 years that the LPA might be considering relaxing even further the protection it had previously so strongly promoted. Once again, this is a planning judgement that case law will perceive as being a **material consideration** that needs to be properly considered in any subsequent planning decisions. Case Law emphasises that, in circumstances in which an earlier decision is a ***material consideration*** in the context of a current application, a decision-maker must provide clear reasons for any departure from their original position.

The LPA has previously and correctly argued that development on land designated as Green Wedge, amongst other things, assists in urban regeneration by encouraging the re-use of derelict and other urban land. It is clear from the draft Preferred Strategy that housing need will largely be satisfied by the strategic sites from LDP 1. That being the case, there is already an over supply of housing land from greenfield sites and inclusion of these further greenfield sites only worsens this situation, in this context, as well as presenting further challenges to national planning policy on loss of good quality agricultural land and biodiversity loss.

Penllergaer has, through the abysmal failure of the Parc Mawr development, suffered more than any other community by such losses.