



Adroddiad

Ymchwiliad a gynhaliwyd ar 06 & 07 June 2006
Ymweliad â safle a wnaed ar 06 & 08 June 2006

Report

Inquiry held on 06 & 07 June 2006
Site visit made on 06 & 08 June 2006

gan/by T J Morgan LLB(Hons) Solicitor

**Arolygydd penodwyd gan Cynulliad
Cenedlaethol Cymru**

**an Inspector appointed by the National
Assembly for Wales**

Dyddiad/Date 06/09/06

TOWN AND COUNTRY PLANNING ACT 1990 – SECTION 77
APPLICATION BY DILLWYN PRODUCTIONS LTD.
LAND SOUTH OF A48 BETWEEN JUNCTIONS 46-47,
LLANGYFELACH/PENLLERGAER, SWANSEA

File Ref: APP/B6855/X/05/514735

Site address: Land south of A48 between junctions 46-47 M4, Llangyfelach/Penllergaer, Swansea

- The application was called in for decision by the National Assembly for Wales by a direction, made under section 77 of the Town and Country Planning Act 1990, on 9 May 2005.
- The application is made by Dillwyn Productions Ltd to the City and County of Swansea Council.
- The application Ref 2004/1833 is dated 30 July 2004.
- The development proposed is 18 hole championship and 9 hole par 3 golf courses, golf club house including health facilities, sauna, swimming pool, gymnasium, golf school and academy, 80 golfing lodges, 95 executive housing plots, green keepers flat, associated infrastructure, car parking and landscaping.
- The reason given for making the direction was it was considered that the proposed development raised issues of more than local importance. In particular it raised issues which might be in conflict with national planning policy.
- On the information available at the time of making the direction, the following were the matters on which the Assembly particularly wished to be informed for the purpose of his consideration of the application:
 - (a) The visual and environmental implications of the proposed development on the site and surrounding areas.
 - (b) The relevant national policies as set out in Planning Policy Wales (March 2002) particularly those relating to residential development.
 - (c) Policies in West Glamorgan Structure Plan (Review No. 2) and South Lliw Valley Local Plan

Summary of Recommendation: that planning permission be granted subject to the conditions detailed in the Annex.

Procedural Matters

1. A pre inquiry meeting was held on 3 April 2006. At the meeting, in addition to the matters the Assembly particularly wished to be informed about I indicated I considered the Inquiry also needed to address: (a) the effect of the proposal on the character and appearance of the locality; (b) the appropriateness and sustainability of the proposal; (c) the deliverability of the proposal and (d) its impact on nature conservation, SSSI, ancient woodland, recreational and tourist interests, including golf. The inquiry opened on 6 June 2006. Following opening submissions on that day an accompanied site inspection took place. No-one appeared to oppose the proposal and evidence was given for the Appellant and the Council supporting the application. On the second day of the Inquiry three supporters of the proposal addressed the Inquiry.
2. At the conclusion of the hearing of evidence and final submissions on the second day, the Inquiry was adjourned to the 27 June 2006 as the planning agreement under Section 106 of the Act (a draft of which had been supplied) had not been signed by all the relevant parties. All present agreed that if the agreement was received by the Inspectorate before the date for resumption, the Inquiry could be closed by letter. A further accompanied site inspection took place on 8 June 2006. The Section 106 agreement was received in time and the Inquiry closed by letter dated 26 June 2006.
3. At the Inquiry it became apparent that the plans submitted with the application were incorrect in that a small area of land at the proposed access to the site was not included within the red outline. This area was required for highway works that were agreed to be necessary in the event that the application was successful. This land was in the same ownership as the land

within the red line on the original drawings and, as I considered no party would be prejudiced or suffer injustice, I agreed to consider an amended application based on a revised drawing (No HG.02.55.OS Rev 0) [Doc 13]

4. The application was made in outline but was accompanied by an indicative masterplan. An environmental statement had been submitted based on this masterplan. At the pre-inquiry meeting it was requested that an amended masterplan that had been revised to meet certain criticisms of the proposal be considered instead of the original. The Council's officers supported the principle of amendment as it contained some benefits. I indicated I would accept the revised masterplan. I also notified the applicant, in accordance with regulation 19 of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulation 1999, that the Environmental Statement in relation to the planning application should contain such additional information as was necessary and appropriate in order to reflect the amendments to the masterplan and should be provided by way of an addendum.
5. The addendum was subsequently provided [Doc 35] together with a 'Regulatory Plan' [Doc 40] to be read in conjunction with an addendum to the Design Statement [Doc 39]. Both are provided as Inquiry documents.
6. The main amendments to the proposed masterplan were as follows:
 - (i) The relocation of the lodge development in the north-west corner of the site and its replacement with the 9 hole golf course.
 - (ii) The reduction in the amount of residential land identified from a total of 19.02ha (47acres) in the original masterplan to a net area of 10.12ha (25 acres).
 - (iii) The provision of a buffer zone between the developable parts of the site and the SSSI.
 - (iv) The reduction in the size of the proposed clubhouse from 9,293 sq. m. to 7,435 sq. m. in a split level arrangement.

The Site and Surroundings

7. The application site comprises 149 ha. of land to the south of the A48/M4 between the villages of Penllergaer to the west and Llangyfelach to the east and to the north of Blaen-y-Maes and Port Mead. The site occupies the slopes and the bottom of a broad valley and consists of a mixture of woodlands, pasture grassland, rough grazing, marshland and land formerly used for tipping. It slopes from east to west from an upper elevation of 121m AOD¹ to around 40m AOD on the north-west boundary. The higher ground has been managed to produce improved grassland. The lower fields support wet/marsh conditions, part of which (approximately 30ha within the application site), has been designated as the Penplas Grassland Site of Special Scientific Interest (" the SSSI").
8. A series of small streams serve as drainage to the site, exiting into a tributary of the Afon Llan. Three electricity lines traverse the site from the south-west to the north-east. The majority of the site is shown as Grade 4 land on the Welsh Assembly Government Plan for the site, based on the published MAFF 1 inch to 1 mile Agricultural Land Classification Plan with a small area to the north east of the site shown as undifferentiated grade 3 land [Doc 15 Appendix 1]. The site is included in an area of open countryside and green wedge.

¹ Above Ordnance Datum

9. A mineral railway was constructed in 1896 and two collieries were working at the beginning of the twentieth century. The collieries and mineral railway closed in the 1920s. The derelict path of the mineral railway is still apparent on the site and a colliery spoil heap that has been excavated for red ash is still present, while another has become colonised with broadleaf scrub and planted with coniferous trees. There are some visible remains of buildings and structures associated with the collieries and the remains of two post medieval longhouses are also present. There are no public footpaths crossing the site but signs of unauthorised access are evidenced by a number of vandalised and burnt out cars on the site and fly tipping.
10. The northern boundary of the site abuts the southern verge of the A48, beyond which runs the M4 motorway. Beyond the north western site boundary lies the pastoral farmland of Cil-fwnrwr Farm extending from the site boundary across a ridge of higher ground. The western boundary of the site passes through dense woodland around the abandoned farm of Glyn-siling, on the upper slopes of the Afan Llan valley. Land to the west of the site and a small area within it is designated as Grade II in the Cadw Register of Landscapes, Parks and Gardens of Special Historic Interest in Wales. Part of the western side of the site lies within the essential setting of the designated area.
11. To the south of the site lies a band of farmland, mostly pasture, beyond which lies the built edge of the Port Mead residential area of Swansea. Beyond the north-east boundary of the site is an area of mixed rough pasture, rush grassland and scrub. This separates the site from the western edge of Llangyfelach, a settlement which lies on elevated ground to the northeast of the application site and is the closest area of residential development. The upper site boundary is defined by Penplas road, a sunken lane bounded by enclosing hedge banks that traffic was once able to use through to Llangyfelach.

Planning Policy

12. The Development Plan for the area consists of the Southern Lliw Valley Local Plan ("the Local Plan") [Doc 41], adopted in 1986 and the West Glamorgan Structure Plan (Review Number 2) ("the Structure Plan") [Doc 42] adopted in 1996. Proposal H5 of the Local Plan allocates land for the development of 825 dwellings and includes the application site as a "golf course/leisure complex development". It states that the development is within the area covered by the Lower Llan Valley Development Brief [Doc 43] with the "recreational package" including, as part of the overall layout, an exclusive residential development of up to 95 dwellings located on the periphery of an international golf course.
13. The other relevant Local Plan policies are as follows. Policy H6 provides that outside existing boundaries of the settlements within the plan area and in the open countryside, the only form of new housing development that will be allowed will be that which is essentially required in connection with agriculture, forestry or mining. Policy R1 states that the Council will increase the range of facilities available to the general public for recreation and other leisure time pursuits. Policy R12 deals with the provision of adequate open space within new residential development.
14. Policy R18 provides that the Council will only support development of the Llan valley for recreation purposes. This will only be acceptable where it can be accommodated without adversely affecting the topography and vegetation of the valley, which the Council will endeavour to protect. Policy R19 states that an extensive area bounded by the Llan Valley, the A48 road, Penplas road and the Borough boundary, will be considered for leisure based activities, subject to a critical appraisal of their impact on the surrounding area.

15. Policy R20 deals with informal recreational routes. In Policy R21 the Council favours the development of both serviced and non-serviced tourist accommodation in Southern Lliw Valley, on sites where the local planning, highway and service considerations can be satisfactorily met. Policy R22 provides that applications for caravan, camping and chalet sites will be considered on their own merits, where they can be suitably accommodated within the landscape. Policies T6 and T7 deal with provision of adequate access and appropriate car parking standards.
16. The Local Plan also includes Policy EQ6, which presumes against development in the open countryside other than proposals essential to the rural economy and related to agriculture, forestry and mining or essential to communications. Policy EQ7 presumes against development of agricultural land, but where necessary it should be restricted to land of low agricultural potential. Policy EQ8 presumes against development that would encroach into the countryside or lead to coalescence of settlements. Policy EQ9 designates areas of green wedge and protects them from sporadic development and encroachment of the urban area. Policy EQ10 presumes against development which constitutes an intrusion into the natural landscape. Policy EQ12 presumes against development which would adversely affect sites recognised as having nature conservation interests. Policy EQ13 relates to sites of archaeological importance. Policy EQ17 encourages the retention of trees.
17. Turning to the Structure Plan, Policy EQ1 seeks to ensure progress towards sustainable development and to ensure the maintenance of biodiversity. Policy EQ4 encourages landscaping and environmental management. Policy EQ5 encourages the protection and improved management of woodlands, trees and hedgerows, important to the visual scene, for nature conservation or for recreation. Policy EQ6 provides that the protection and enhancement of nature conservation, geological and geomorphological features will be secured. Policy EQ7 secures the protection and enhancement of heritage features.
18. Policies H1 and H4 relate to provision of housing. Policy C1 deals with the protection of the environment and natural beauty of the countryside while Policy C2 encourages the use of countryside management plans and agreements. Policy C4 provides that within the Green Wedge the countryside will be conserved and enhanced and development only permitted for appropriate uses associated with agriculture, forestry, nature conservation and recreation. Policy C5 restricts development in the open countryside except where it is essential to the rural economy or rural employment; it is a replacement agricultural dwelling; it is acceptable re-use of redundant buildings; it is essential for utility service; the land is of poor value; and where it is an essential development associated with nature conservation, rural recreation, and tourism or farm diversification. Paragraph 11.26 points out that because of the short supply of good quality agricultural land within West Glamorgan grade 3b land is also considered to be strategically important.
19. Policy C6 presumes against ribbon development and development which contributes to coalescence of settlements. Policy TRS3 encourages the development of appropriate tourist and recreational facilities outside the urban coastal belt. Policy TRS4 promotes proposals for improved access to and enjoyment of the countryside. Policy TRS10 states that new golf courses will be opposed in the open countryside, except where they do not have an adverse effect on the landscape or ecology and do not result in the loss of good quality agricultural land. Policy TRS11 encourages wider community use of land and buildings for recreation and sport, particularly at schools and other educational establishments.
20. Policy T1 encourages good accessibility, particularly by public transport. Policy T7 requires adequate parking provision. Policies T11 and T12 encourage cycle routes and provision for

pedestrians and cyclists. Policy T13 requires the needs for mobility and sight impaired persons to be taken into account. Policy T14 requires new housing developments to be designed to restrain vehicle speeds. Policy T15 requires all development proposals to satisfy infrastructure requirements. The Structure Plan Key Diagram identifies a new tourism/recreation complex for the area in which the application site lies.

21. Emerging planning policies for the area are set out in the deposit version of the Unitary Development Plan [“the UDP”] [Doc 44]. These include Policies SP8, EC17, EC19 and EC20 which address sports, leisure and tourism. Policies EV1, EV2, EV6, EV11, EV12, EV22, EV24, EV27, EV30, EV34 and EV38 are concerned with the environment. Policy HC25 promotes the further development of the Llan Valley Woods for sustainable recreation and tourism, Policy HC29 defines the criteria for the consideration of new golf course/driving range proposals. The site is not specifically identified for a recreational package in the UDP, but objections have been made to its exclusion. The extent of green wedge has been substantially reduced to exclude parts of the site from the green wedge allocation [Doc 63]
22. National guidance of relevance is to be found in Planning Policy Wales [PPW], the Wales Spatial Plan [WSP] and Technical Advice Notes (Wales) [TAN] 5, 6, 12, 13, 15, 16 and 18.

Planning History

23. Planning permission was granted in December 1984 (ref. 2/2/80/0657/01) [Doc 61] for a championship golf course, clubhouse, par 3 golf course, driving range, 80 bedroom motel, 60,000 sq. ft. leisure complex and 95 executive houses on a smaller site. This planning permission was not implemented.
24. An outline application was made (ref. 2002/1915) for construction of 18 hole golf course, golf clubhouse and leisure complex, 80 golfing lodges, 95 executive houses with associated car parking and infrastructure on a smaller site. The application was withdrawn in July 2004.

The Proposal

25. The proposal is as described in the heading, but also includes a golf driving range and practice areas. The primary objective of the proposal is to develop the site for a golf course including “Pay and Play” facilities. The housing element in the application is intended as an “enabling development” necessary for the purpose of financing the golf course and the associated recreational and community facilities. The proposed golf academy would be run in conjunction with the Young Masters Golf (YMG). Its purpose would be to coach children aged 5 to 11 throughout all 92 junior schools in the Swansea Local Education Area. It would be supported by a schools’ development plan, aimed at developing young persons’ interest in golf.
26. The 18 hole golf course is proposed to be in excess of 7000 yards and would be supplemented by a 9 hole par 3 course. The proposed clubhouse would be a split level two storey building with a gross floor area of some 7,435 sq. m. and contain a health club with spa, indoor golf academy, hairdressing and beauty salon, golf and gift shop, golfers bars, restaurants, function suite, meeting rooms, convenience store and laundry, sports injury clinic, crèche, office accommodation, reception area, changing and baggage rooms.
27. The health club and spa is proposed to offer a 25m fitness pool, a childrens’ pool, a learning pool, a fully equipped gymnasium, sauna, jacuzzi and steam rooms and treatment rooms. A half way house, maintenance area and green keeper’s flat would be incorporated in a single building proposed to be sited along the mid eastern edge of the golf course. The proposed 80

self catering lodges would be located at two locations on the south-east and south-west of the clubhouse and car park.

28. The proposed 95 housing plots would be within a housing zone that broadly sits along the western edge of the site adjacent to the SSSI. A buffer zone would be provided between the developed parts of the site and the existing SSSI. Access to the site would be provided by improving the existing entrance from the A48 at the north western corner of the site. All proposed roads are to remain private and unadopted.
29. A draft list of conditions agreed between the applicant and the Council has been submitted [Doc 51]. A planning agreement under section 106 of the 1990 Act has been executed by the applicant, the Council and the landowners [Doc 52].

Other Agreed Facts

30. A statement of Common Ground has been submitted. [Docs 14 & 15]

The Case for the Applicant

31. The applicant's submissions were supported by oral evidence from five witnesses and their statements of evidence and summaries thereof are appended as documents. An agricultural specialist was on call to give evidence, but as her evidence was technical and not disputed, she was not called and her statement was submitted as an addendum to the Statement of Common Ground. [Doc 15]
32. The proposal aimed to create a high quality golf resort at Swansea. Planning Permission for a similar scheme had been granted in 1984, [Doc 61] but not implemented. The mechanisms were now in place for it to be achieved and the scheme was supported by the Council. The proposal also enjoyed strong support from several consultees, who had responsibilities and interests in securing development that would be of benefit to this part of Wales and Wales as a whole. These included the Sports Council for Wales [SCW], the Wales Tourist Board [WTB], the Federation of Disability Sport Wales, [FDSW] the Assembly Member Alun Cairns and the Council's Directors of Regeneration and Education.
33. There was very little or no opposition to the development and no evidence from anyone objecting to it had been submitted to the Inquiry. Although the officer's report on the application recommended it should be refused, this contained a good deal of assertion which was not agreed. Although some of the points of opposition were still contained in the officer's evidence for the Inquiry, it was clear that the Council's position was that any of the matters that might be considered as adverse were outweighed by the benefits of the scheme.
34. The application was before the Assembly, because the Council referred it as a departure application. However, the scheme was in accord with and supported by the statutory development plan. The Local Plan contained a site specific proposal, H5, with which the application accorded and the key diagram of the Structure Plan had a notation designating the location for a new tourism/recreation complex. The officer's report and evidence applied countryside and green wedge policies to the site, but the Local Plan defined it as urban fringe and that description was equally, if not more applicable at the present time.
35. The most relevant development plan policies were those that related to the site itself, since the site specific policy would have been made notwithstanding any other general policies which, but for it, might have indicated against the allocation. This contention is supported by the comments of Sullivan J in *R v Rochdale MBC ex parte Milne* (2001) 81 P & CR 27.

36. In any event, even within the countryside the Structure Plan allowed appropriate development associated with rural recreation and tourism where the land was of poor agricultural quality and the development did not affect the viability of an established farm unit by virtue of Policy C5. Although the committee report considered the proposal conflicted with policies for the protection of the best quality agricultural land and the evidence for the Inquiry repeated that, it was now accepted in the statement of common ground [Doc 15] that the small amount of grade 3 land on the application site could not be 3a or above, so the site did not contain agricultural land that was 'best and most versatile'.
37. The development plan could be regarded as dated with the Local Plan adopted in 1986 and the Structure Plan in 1996, but the policies in relation to the proposal were still reflected in the present views of the Council, as evidenced by their resolution to grant permission. There had been a long period of gestation but the Council still wanted the scheme with all its benefits to come to fruition and its policy to that end had not changed.
38. In similar manner to the development plan, the range of policies contained in PPW, the Wales Spatial Plan (2004), various Technical Advice Notes and 'Achieving our Potential' (the national tourism strategy for Wales) can be seen to pull in different directions. However, overall the application complied with the aims and objectives of the policies. In relation to golf specifically there were a number of policy documents that supported it, as did the aims of the Welsh Assembly Government as seen in their Formal Submission to 'Host the Ryder Cup' [Doc 49] as explained in the evidence of Dr Stevens [Doc 57].
39. There had been, and still continued to be, a failure to understand the nature of the high quality resort development proposed. The report and evidence suggested that the clubhouse would be "much larger than essential for the golf course" even though the size had been reduced in the present scheme. However, the word 'clubhouse' was something of a misnomer for a building which would cater for a wide range of facilities and amenities which were on offer and needed.
40. There was a difference between the Council and the applicant in that the Council considered the scheme to be one that departed from the development plan, but with any conflicts outweighed by other material considerations which indicated it should be permitted. Whereas the applicant considered it was in accord with the development plan and had, in addition, exceptional circumstances that weighed even further in its favour and which should be taken into account when deciding how it fitted in with national policy.
41. In considering the relationship between issue (b) identified by the Assembly (the relevant national policies set out in PPW, particularly those relating to residential development) and issue (c) identified by the Inspector at the PIM (the deliverability of the proposal), it needed to be appreciated that Policy H5 supported up to 95 dwellings. The policy emphasised that the dwellings were only to be permitted as part of an overall recreational package, and that any consent would have to ensure that their construction would only proceed in line with the construction of the leisure facilities.
42. The visual and environmental implications of the proposal were dealt with in the evidence of Mr Soltys [Doc 54] and the main points of his evidence are summarised as follows.
43. The case for the applicant was that the leisure facilities were supported by national policy as this would be a golf-led mixed use development and national policies allowed for such enabling development. The evidence showed that the recreational package could not be delivered without the subsidy coming from the housing; the agreed conditions and planning obligation ensured that the houses would proceed only in line with the leisure facilities and so

the whole would be delivered. The impact of the development as a whole would have a minimal adverse impact on the visual and environmental aspects of the site and its surroundings and in the long term the development would result in a number of beneficial impacts.

44. There would only be filtered and intermittent views of the proposed development at worst from viewpoints within the visual envelope that surrounds the site and the development would not be visible in its entirety from any of the studied vantage points within the visual envelope. [Docs 17 & 35 Ch 8] Where the development would be visible, it would be seen against a backdrop of woodland or through existing vegetation. The buildings would be located on lower ground and away from prominent ridgelines and this would reduce its visual impact. The limited visual envelope and visually contained nature of the site means that the impact of the proposal on the visual amenity experienced by surrounding areas would be minor.
45. The present diverse landscape character and strong woodland framework of the site would remain, albeit changed from poorly managed urban fringe farmland and unmanaged woodland and grassland, to a managed landscape with golfing and built elements within it but retaining the open grassland and woodland dominated character of the landscape.
46. The existing open ditches that drained into the area of the Penplas Grassland SSSI would be retained as sources of water for the SSSI. There would be potential for increased run off and localised temporary flooding due to the hard surfaces of the development causing minor to moderate adverse impact, but this could be mitigated by construction of attenuation ponds to reduce flow rates and control the flow of water onto and across the SSSI.
47. Since the closure of the two collieries, the site had been part planted with conifers and open farmland had been under cattle grazing. Licensed landfill had occurred on the site. Ungrazed and unmanaged land had become colonised with scrub. The site, including parts of the SSSI, had suffered from fly tipping and the dumping of vandalised cars. The SSSI would be safeguarded from further degradation, disturbance and development with its inclusion within the ownership and management of the golf course. Site security would protect the SSSI from further vandalism and fly tipping and a positive management regime would bring about moderately positive benefits.
48. In the medium to long term, the development would bring about ecological and nature conservation benefits through the safeguarding and management of the SSSI habitat and the instigation of a site specific ecology and management plan to further enhance and maximise the nature conservation interests of the whole site alongside the golfing activities in accordance with the '*Committed to Green Handbook*' [Doc 50].
49. There would be no impact on the Penllergaer Park Cadw Registered Garden or on its defined 'Essential Setting' as none of the development would occur within the Park or its 'Essential Setting' or affect its visual amenity. There would be no impact on ancient woodland as there was no surviving ancient woodland present within the site, other than possibly a few isolated remnants comprising broad leaved trees along wooded stream valleys. These would be retained as part of the open space network of the site.
50. Although there would be several minor or moderate adverse environmental impacts arising from the development, particularly in the short term construction phase, these would be balanced and outweighed by the minor or moderate beneficial impacts during the operational phase, particularly to the SSSI. These impacts would require a programme of mitigation through the implementation of an agreed management plan. The proposal would have

minimal adverse impact on the visual and environmental aspects of the site and surrounding area and should be approved.

51. The relevance of the proposal in relation to the '*Golf Tourism Strategy for Wales*', adopted in 2002 [Doc 48] and the requirements of the central amenity space were dealt with in the evidence of Mr Bulleid. [Doc 55] The main points of his evidence are summarised as follows.
52. The decision to bring the 2010 Ryder Cup to Celtic Manor, Newport changed the world of golf in Wales. The success of the bid was based on the commitments given by Wales to develop the game of golf in the Principality across a number of elements, namely equality of participation, improved teaching and training facilities, additional golf courses, more access and encouragement for new players and of particular relevance to the proposal, golf tourism. The WTB commissioned the Golf Consultancy Association to prepare a golf tourism strategy for Wales up to and beyond 2010 to ensure the delivery of the commitment made to golf tourism in the bid document.
53. The final report "*A Proposed Strategy for Golf Tourism in Wales*" [Doc 47] was presented in June 2002 and its recommendations were accepted and adopted virtually without exception. It highlighted a number of points of particular relevance to the proposal. These included the lack of world class golf facilities in Wales when compared to the best in other parts of the British Isles, a lack of on site accommodation and a further focus to be provided by the WTB promoting golf in Wales from a number of clusters of golf developments each located around the hub of a trophy magnet course. The clusters would be geographically spread with two in the north, one in the south east, one in the south west and one in mid Wales.
54. Although significant progress had been made against many of the recommendations, investment in new facilities of the type outlined has been a significant failure with only three significant four/five star resorts in Wales. The proposal would undoubtedly provide a four/five star residential resort of significant appeal to golf tourists and would fit in with the "cluster" approach to marketing described in the Report. This appeal was based on the style and nature of the lodge style accommodation, the additional on site facilities, the location on the M4 corridor giving easy access from ferry ports, Cardiff Airport and via the Severn Bridge and the proximity to "trophy courses" which would enable golfers staying at the proposal to visit them without long daily journeys. The proposal could provide the required hub in the south west.
55. In order to achieve commercial viability the proposal followed the trend of other commercial golf businesses by diversifying from traditional mutually trading members' clubs to ventures that include golf driving ranges and academies, food and beverage space aimed at members and others, health and fitness facilities, accommodation and real estate where sale of housing can aid cash flow during the early years and help reduce the final debt burden for the operating facility. Any new UK based golf development will need to follow such a route in order to develop a viable business that will deliver a sustainable commercial return. Without the additional revenue streams contemplated as part of the proposal, particularly the enabling housing development and integrated resort approach it would not succeed.
56. The concept of the proposal was that it would not be a golf club *per se* but a resort development that would attract its business both locally and from national and international markets. It would provide a facility that would attract a greater number of golf tourists to Wales, while providing a valuable local amenity available to all. To achieve this it would have to provide a mix of facilities on site to attract a variety of people to the resort. The proposal sought to follow the example of other schemes such as the Machynys development

in Llanelli by having enabling housing to secure the initial viability and long term sustainability of the project; without this support the project could not succeed.

57. The evidence of Mr Bettany [Doc 56] demonstrated that the proposal was viable, that the cash flow in the early stages of the project would be negative, and third party finance, other than bank finance would be difficult to obtain. As a consequence, the housing development was required in order to allow the project to go ahead as it would not be feasible without it.
58. A Business Plan prepared for the applicants and revised as the project had evolved demonstrated the feasibility of the proposal and would help in facilitating the raising of the necessary finance. The enabling factor of the housing development would generate a net profit of £175,000 per unit during the build phase of the leisure development and without the early cash flow generated from the housing the proposal would be impossible to fund, as it would be insufficiently attractive to investors.
59. There was a potential global market of 60 million golfers. The international association of golf tour operators estimated they sold 500,000 plus golf holidays in the UK each year. Golf came within the top five outdoor leisure activities in Britain and the domestic tourist market was worth £62.65 million to the Welsh economy in 1999. Although only 0.5% of these trips were specifically for golf, a further 4% of trips (280,000) included golf as an activity undertaken whilst on holiday. The hosting of the Ryder Cup had injected a fresh momentum to the development of golf and golf tourism in Wales with over 200 courses at some 189 venues, with almost 70 courses being opened in the 1990s. Wales had a number of courses capable of staging international events, although none in South West Wales at present.
60. There were just 23 golf courses in Wales (less than 12% of the total) with any type of on site accommodation. The total was almost 1000 bedrooms. Of this total 690 (70%) were located at three venues, Celtic Manor, Saint Pierre Marriot and the Vale Hotel Golf and Country Club. All these venues were in the South East of Wales. Occupancy levels had been forecast to be between 40-45% on average and this had been reflected in the assumptions to the financial projections. The complex would employ around 240 people. The financial projections were to be found at Section 5 of Mr Bettany's proof of evidence [Doc 56] along with a letter of support from Barclays Bank that confirmed the level of potential support.
61. An assessment of the tourism, recreational and economic impact of the development was put forward in the evidence of Dr Stevens [Doc 57] and the main points are summarised as follows.
62. The project would contribute to the aims and objectives of the WTB '*Golf Tourism in Wales Strategy 2002*' [Doc 47] which recognised "*the lack of world class golf facilities in Wales when benchmarked against the best in England, Scotland and Ireland*". There was a particular need for the development of on site accommodation as this was a major deficiency in Wales, and the development of area based clusters of golf activity. The WTB strategy highlighted these requirements and the proposal would address both issues.
63. The type of golf product was also commensurate with the '*South West Wales Integrated Tourism Strategy*' and the aspirations of the Regional Tourism Partnership. The activities product was graded as high priority in South West Wales and golf would feature as a core marketing campaign over the next five years. The project also closely reflected the '*Swansea Strategic Tourism Growth Area Action Plan*' developed by the City and County of Swansea and endorsed by the WTB and the '*Tourism Development Strategy*' for Swansea.

64. The development of golf was now an important strand of policy for the Sports Council for Wales [SCW], especially in terms of increasing participation for young people and the expansion of its *'Elite Cymru'* scheme to support those with special talent and in pursuit of the Ryder Cup Strategy. The proposed golfing school with an estimated annual throughput of 18,500 pupils would make an important contribution to meeting those goals. The most recent analysis using the SCW *'Facilities Planning Model'* (1999, but still referenced in 2002) showed an unmet demand for golf in Swansea of 13.7%, equating to one 18 hole golf course.
65. In the context of spatial development of golf, the proposal would help create a cluster of golf developments in Zone 5 of the WTB's Golf Strategy covered by South West Wales. At present, there had been no significant resort development in this region. The M4 corridor between Pont Abram (to the west) and Pyle (to the East) was considered to be a major opportunity for such development. The creation of 240-245 full and part time jobs (or 200 full time equivalents) would contribute between £2.6 million to £2.8 million into the local economy.
66. The four major components to the tourism aspects of the project would be:
- (i) the accommodation on site of tourists using the 80 lodges (560 bedspaces);
 - (ii) those tourists attracted to the area to play on the course;
 - (iii) day visitors from elsewhere in Wales and the UK to play the course;
 - (iv) day visitors using the non-golf hospitality facilities.
67. It was estimated that the lodges would achieve 35-40% occupancy on a year round basis. Most golf trips involved a 2-3 night stay and as a result there could be between 24,000 to 41,000 tourist trips to the facility each year. On the WTB estimates of an average spend per person of £300, this level of activity would generate between £7.2 million and £12.3million per annum. The estimate was a cautious one and would be significantly increased when occupancy rates improved. The total direct impact of tourism activity as a result of the proposal could be in the order of £10.2 million to £15.3 million. The multiplier effect of 1.3 – 1.5 would increase this to £13.6 million - £20.4 million. With increasing occupancy to 45-50% and the full development of the health and hospitality facilities it was projected that the development could result in over £35 million of tourism spending in the region.
68. The proposed hotel at the Machynys development would enhance the whole area and stimulate further demand. There was a recognised serious shortage of quality accommodation in the area and the hotel at Machynys would complement rather than compete with the proposed lodges on the appeal site.
69. The Deloitte report, which estimated the economic impact of the proposed development and specifically contradicted the findings of Stevens and Associates appeared to be based on a fundamental misunderstanding that the proposal was simply for a golf course and not, as proposed, a comprehensive golf based resort complex. As a result their analysis had a reduced economic impact of a scale commensurate with a basic golf course with club house. Their estimate of economic impact reduced the major development proposed to the equivalent of a medium sized, seasonal caravan site on the Gower. It was significant that a statement made on behalf of Carmarthenshire County Council in relation to the Machynys development at Llanelli used a figure of £260 million worth of economic impact to substantiate a £26 million investment.

70. The Deloitte Report was based on dated statistics related to England and had no relation to the position in Wales. It didn't take account of the Assembly's position with regard to the Ryder Cup. If the correct statistics had been looked at a different picture might have been seen.
71. The evidence on planning policy was given by Mr Powell [Doc 58] and the main points are summarised as follows.
72. The need for a high quality golf facility with on site accommodation was recognised by the WTB and the SCW. The applicant approached the Council's Leisure Department for advice and support for potential funding and sites in 2001. The Leisure Department supported the proposal in principle but was unable to support the project financially. A number of sites were discussed with the Council that could meet the necessary criteria and the application site emerged as the strongest contender, most closely meeting the criteria. This was confirmed by a leading golf course architect. An approach was made to the Penllergaer Estate who confirmed they were prepared to release land for the project, provided due regard was had to the SSSI that had been designated in 1993.
73. There had been two previous applications on the site for a golf course complex. In 1984 permission had been granted in respect of the first but not implemented. The second in 2002 had been withdrawn and replaced by the current application. The earlier schemes had covered a smaller area than the current proposal, but it had been decided to incorporate the whole of the Penplas Grassland SSSI within the site boundary. The intention was to protect this area in its entirety throughout both the construction and implementation phases of the proposal.
74. The application site was identified under Proposal H5 of the Local Plan for a golf course/leisure complex development including a residential development of up to 95 dwellings. This established the principle of the proposed development and created a presumption in favour of it. Policies R18 and R19 of the Local Plan further supported recreational and leisure based development within the Lower Llan Valley and referred to the application site as being strategically located in an "urban fringe" location, which was suitable for the sensitive development of leisure based uses including golf courses and an element of more intensive commercial recreation and tourist/visitor accommodation. Although the planning permission was given in 1984 and the Local Plan adopted in 1986 might be considered outdated, the Council had reviewed it and approved it for development control purposes in 1996. The bringing forward of the plan without amendment reinforced its applicability. Members had further endorsed the allocation in recent months by the resolution to grant permission. They considered the development plan quite clear and the application, including the residential element, to be in accord with it.
75. The principle of the proposed development therefore enjoyed policy support from the Local Plan subject to the safeguarding of the character and visual amenity of the area, together with the protection of better quality agricultural land. The Structure Plan identified the broad location of the application site as an opportunity for a new tourism and countryside recreation development within the Lower Llan Valley and thus recognised the identification of the application site under Policies H5, R18 and R19 of the Local Plan for a "recreational package". The notation in the key diagram did not relate to the proposed country park at Penllergaer Estate described in paragraph 12.14 of the Structure Plan as it described a "New tourism/recreation complex", a term which went far beyond what the paragraph referred to. There was a notation for existing country parks and the omission of a notation for the proposed country park at Penllergaer was probably a drafting error.

76. Policy C5 of the Structure Plan permitted development in the countryside where there were overriding social and economic needs to justify them and where the development was essential for the purpose of rural recreation and tourism. Policy TRS3 of the Structure Plan encouraged development of appropriate tourist and recreational facilities and the proposal was supported by this policy. Policy TRS10 only opposed new golf courses in the countryside where they would have an adverse effect on the landscape and ecology of the area, or caused the loss of good quality agricultural land. The supporting text to policy TRS10 also identified an unsatisfied demand for 1.5 x 18 hole golf courses in Swansea and 0.8 of a golf course in the Lliw Valley. The evidence of Mr Soltys demonstrated that no unacceptable environmental impacts would result from the proposal [Doc 54].
77. It was acknowledged that part of the site was grade 3b and paragraph 11.26 identified grade 3b land as strategically important, but given the site's identification as urban fringe rather than open countryside the relevance of paragraphs 11.24 to 11.26 was debatable. In any event the purpose of Policy C5 was to avoid the fragmentation of farms and this would not be the case with the appeal proposal. Only about 9ha of the site was grade 3b with about 55ha of grade 4, 15ha of former colliery spoil, 40ha of woodland and 30ha of SSSI. Bearing in mind that the grade 3b land consisted of 9ha on a site of 149ha out of an estate of 400ha, the contribution of the area of 3b land to agricultural viability was minimal.
78. Paragraph 11.26 also suggested that development in the urban fringe on the basis of Policy R19 should not materially affect the character of the countryside. The paragraph also referred to urban components such as hotels or executive houses attached to golf courses being treated as in open countryside, but none of the built elements of the proposal would be sited on the grade 3b land, and the grade of the land and the content of paragraph 11.26 in this respect were not a material consideration.
79. The need and demand for the proposal had been demonstrated in the evidence of Dr Stevens and Mr Bulleid and the environmental statement together with the evidence of Mr Soltys demonstrated that there were no sustainable landscape, ecological or other environmental objections to the proposal and it was in accord with the Structure Plan.
80. The proposal also enjoyed broad policy support from the Wales Spatial Plan 2004, Technical Advice Notes and the Lower Llan Valley Development Brief. The proposal also complied with elements of PPW, which sought to promote outdoor sports and recreation and to encourage tourism as a major element in the Welsh rural economy. In the context of its allocation for residential development within the Local Plan, it was considered the proposal complied with the housing objectives of Planning Policy Wales which sought to encourage use of previously developed land in preference to greenfield sites, to ensure new housing developments were well designed, were easily accessible and had a low environmental impact.
81. The emerging planning policies for the area set out in the Deposit Unitary Development Plan (UDP) [Doc 44] could be afforded little weight at present given the early stage of the plan's preparation and the objections to several of the main policies. Although the site was no longer identified for a "recreational package" in the UDP, the Council had formally resolved to amend the UDP to reflect and implement the Council's resolution to approve the proposal should planning permission be granted by the Assembly.
82. Although the proposal enjoyed policy support from the statutory development plan, there were also exceptional circumstances that supported it. It would create wider social and economic benefits; a factor that was a significant material consideration in the determination

of the application. It was a fundamental element of the WTB "Golf Tourism in Wales" strategy and would create and sustain jobs and additional investment and new tourism in the area. The establishment of the Golf Academy would be a major benefit. It would provide free tuition and equipment to local junior school children and involve integration between the proposed golf course and local junior school to encourage youngsters to take up golf and provide an opportunity for tuition at the golf course itself.

83. The residential element was critical to fund the construction of the golf course and thereby enable the implementation of the proposal in its entirety. The justification for the need for the proposal, its deliverability, the socio economic benefits and the development economics were set out and supported by the evidence of Dr Stevens and Messrs Bulleid and Bettany. The socio economic benefits were of sufficient magnitude to override the policy objections set out in PPW. There was wide ranging support for the proposal and no sustainable environmental objections. Continuing negotiations between the applicant and consultees had led to a number of initial objections being removed. The package of controls set out in the suggested planning conditions and Section 106 agreement were adequate to address the comments raised by the consultees.
84. It was conceded that the location of the residential element when looked at in isolation would not be acceptable in terms of the guidance on residential development in PPW and TANs and the proposal could only be justified as enabling development. Nevertheless, it would comply with the objectives of national guidance in many ways. It would contribute to a greater choice of housing on previously developed land retaining important landscape and wildlife features. It gave the opportunity to achieve good design that would accord with TAN12.
85. The site was in a good locality compared to those further out in the countryside. It enjoyed an urban fringe location that was accessible to a wide range of facilities, services and employment opportunities. There was emerging development to the north of the site with the Velindre Tin Plate site having the benefit of planning permission. This was a significant allocation. The site was well located in relation to retail and employment development and was accessible. If the application was approved there would be a nucleus of development in the locality and the location would not be unsustainable. In applying PPW, policies had to be balanced against each other. Paragraph 2.6.2 recognised green wedges could provide opportunities for outdoor sport and recreation. Chapter 11 recognised the need to support tourism and sport.
86. The requirement for a golf course was more important at the present time than when first considered 20 years ago, due to the need to support the Ryder Cup coming to Wales. There was an urgent need for bedspaces, which had not yet been delivered to provide for visitors to the event. Those bedspaces would continue to provide for increased tourism requirements beyond the Ryder Cup. The situation was similar to the Rugby World Cup, when the new hotel development provided for that continued to be effectively used after the event.
87. The site was not truly in a rural location as the development would be partially on previously developed land. Although evidence of this was difficult to see from vantage points, there were commercial woodland areas that could be felled and that would change the perspective of the site and render the previous development less well assimilated. When on the site the evidence of previous development could be more readily seen with red ash deposits and previous structures apparent. The previously developed land had not been used for agriculture and was not currently being used for active afforestation. It had not fully blended into the rural landscape, there were no nature conservation objections and it hadn't been put

to any subsequent amenity use. It was not unreasonable to consider it to be previously developed land.

88. There was no evidence that the site should meet a need for affordable housing and no request from the Council to provide it. The housing area had been reduced from 19ha to 10ha, in part as recognition of government policy on increased densities. The move was not away from executive housing, but allowed a range of choice of dwellings between 10 to 20 to the hectare. Given the allocation of employment land at Velindre, the site could provide an appropriate range of accommodation to meet the needs of incoming executives, with the ability to cycle between the respective sites. The SA1 Development at the Swansea Waterfront would provide a large volume of flat accommodation and the appeal proposal could meet the need for a different type of housing.
89. The proposed buses would transport people from the site to other locations, provide transport for teachers and children to the Golf Academy and provide links from parts of the site to public transport and other facilities. As long as the Plan was managed well and there was a willingness to take part, it could make an important contribution to reduce reliance on the private car. The advantage of a comprehensive development such as that proposed was that it enabled an effective transport plan to be devised. There was no intention to develop more than the 80 lodges proposed as that was the optimum number for the type of resort proposed.
90. There were conclusions to be drawn from the evidence heard at the Inquiry. The Council had once more confirmed its support for the proposal and showed that its present stance was the same as that in 1986 and 1996. The confirmation was important as it showed that the initial difference between the members and officers had been overcome with the officer's recommendation that the proposal was acceptable. The reasons the members had given for disagreeing with its officers had been proper planning reasons. The socio-economic benefits were a material consideration in planning terms and the level of benefits including the financial terms had been shown to be real and deliverable.
91. The importance that the Council had attached to recreation and tourism as considerations coincided with national policy at the highest level in PPW and the Wales Spatial Plan. Moreover, within those policies was particular support for golf. The need for opportunities for more people to participate and for young people to be introduced to the game was a strategy supported by the WTB. The WSP also promoted the need to increase levels of economic activity in areas such as this which had the potential to become a key driver of the Welsh economy accommodating sustainable population and employment growth.
92. The Council's initial concern about the deliverability of the project had been catered for in the terms of Proposal H5. The original financial advice may have coloured the officer's opinion, but this was based on insufficient information and flawed assumptions. The deliverability of the proposal in full had been fully explained at the inquiry and tested. The projection and business plan had been detailed and presented in a conservative and cautious way and their delivery would be secured by the terms of the section 106 agreement, bonds and guarantees.
93. The proposal had to be looked at in terms of its effect on urban fringe, countryside and green wedge. There would inevitably be a change in the character of the site because there would be built development with the golf course. In terms of visual impact, the site was well contained and there would be little impact on the wider area in visual and separation terms. Within the site change would be unavoidable and visible. However, the proposal was a good use of urban fringe to provide appropriate recreational uses and other uses that would go with

it. In a few years, there would be a change from increasing urban fringe negative consequences such as vandalism, fly tipping, motorcycling and little or no management to positive and appropriate use of the urban fringe with particular benefit for young people.

94. The proposal would not be isolated but in an acceptable and sustainable location within a nucleus of different forms of development such as the employment uses to the north, particularly those planned for the former Velindre Tinplate Works on the other side of the M4. In terms of conservation interests in the long term, the proposal would be beneficial to the management of the SSSI with either no or a beneficial impact on the ancient woodland remaining on the site.

The Case for the Council.

The material points are:

95. When considering the proposal against the advice in PPW, the acceptability of the golf course depended critically on the environmental impact on the site, the function of the existing environmental quality of the site and the degree and nature of the change proposed. It was considered that the golf courses could be sensitively designed and managed in a way which would preserve or enhance biodiversity, nature conservation and local ecology and broadly respect the landscape character of the area. It would diversify the local economy and boost tourism and leisure expenditure in the area.
96. The applicant's evidence that there was no grade 3A quality land on the application site was accepted and the previous comments on loss of good quality agricultural land and consequent conflict with advice in PPW in this respect were retracted. The 9 ha of land that was grade 3b lay in the north east corner of the site and was so small that its proposed use for part of the proposal would not affect the viability of any agricultural holding or compromise the strategic stock of agricultural land
97. The golf/leisure clubhouse would be a key income generator with significant economic and employment benefits. The Golf Academy had the potential to foster social inclusion and both the golf course and leisure club would improve the health and well being of future users. The club house even at the reduced size would be much larger than that essential for the golf course and its size would significantly affect the character and openness of the green wedge. Its design would be of particular importance. The leisure facility had not been sequentially tested as it was considered an integral part of the golf club development. It would not be well located in relation to existing communities or other leisure/commercial developments. The driving range raised specific environmental issues, particularly in relation to the design of the range buildings and the fencing and floodlighting proposals.
98. The amended layout placed the lodges within the established woodland, thereby reducing the impact on the character and appearance of the area. It was considered that the lodges could be justified in terms of PPW, if overall the proposal was considered an acceptable form of sustainable tourism and rural diversification.
99. The executive housing component would constitute a new low density settlement, principally on a green field site within the open countryside not integrated with or connected to the existing pattern of settlements. It fell outside the definition of appropriate development justified within a green wedge. Its isolated location would result in a significant demand for car travel. The site was predominantly a greenfield one and the aerial photographs showed that the previously developed area had been successfully assimilated into the landscape.

100. The amended masterplan showed the majority of housing development within the woodland area, plus areas of open pastureland and burnt ash spoil. This was an improvement on the original plan, but issues were likely in respect of topography, infrastructure requirements, accessibility, permeability, public safety, designing out crime and the inevitable demand for extensive tree felling to allow for reasonable standards of daylight and sunlight. Reference had been made to a 'gated community' in discussions with the applicant but this would result in other issues of accessibility, permeability, legibility and social inclusion. It was considered that the leisure elements of the scheme could comply with PPW, but the residential element would not. PPW presumed against inappropriate development in green wedge and housing or a mixed development that included housing was not one of the exceptions to the presumption.
101. There was a notation on the Key Diagram indicating a new tourism/recreation complex within the Lower Llan Valley, but there was no reference in the Structure Plan tourism or recreation policies or explanatory memorandum to a tourism/recreation complex on the site. The only reference to the area in the text of the Plan related to the creation of a country park on the Penllergaer Estate in the Llan valley and this was supported by policy TRS6. This was the most relevant policy and the notation referred to this proposal. The specific notation for country parks in the key diagram was intended to cover those that were already established.
102. Policy TRS10 referred specifically to golf course development and the preamble identified an unsatisfied demand as of 1991 for 1.5 x 18 hole golf courses in Swansea and 0.8 golf courses in the Lliw Valley. It was stated that "new golf courses could result in the loss of good quality agricultural land and can have a significant impact on the landscape and ecology especially where accompanied by proposals for the development of housing, restaurants, hotels and other buildings". It also qualified the demand by referring to the new 'pay and play' courses which had opened in the area between 1991 and 1996. The Policy opposed new golf courses in the open countryside except where they did not have an adverse effect on the landscape and ecology and did not result in the loss of good quality agricultural land. It supported golf courses on derelict or underused land of marginal agricultural value within or adjoining urban areas.
103. It was accepted that Policy TRS3 did have some relevance, but it did not relate specifically to the Llan Valley and made no mention of enabling development.
104. It was acknowledged that with careful design and management the courses could be made to accord with Policies EQ3, EQ4, EQ5, EQ6 and EQ7 of the Structure Plan and there would be no loss of good quality agricultural land. Overall, however, the proposal would conflict with the principal countryside protection policies C1, C4 and C5. The housing, golf/leisure club and lodges would constitute significant new built development within the open countryside and Llan Valley green wedge, which the policies sought to resist. The preamble to policies C5 and TRS10 also referred to the unacceptable urbanising effect of these elements, when considered as part of a golf course proposal. Overall it was considered the proposal represented a departure from the Structure Plan.
105. The Local Plan was adopted in 1986 and intended to cover the period to 1991. It had not been superseded by the Swansea Unitary Development Plan and although significantly out of date was still an operative part of the development plan. Proposal H5 allocated housing land and identified a recreational package including 95 executive dwellings located on the periphery of an international golf course. It stipulated that dwellings could only proceed in line with the construction of the leisure facilities and was not intended to create a precedent for other residential development within rural areas. Policy H6 restricted new housing development within the open countryside.

106. The proposal would, in principle comply with Proposal H5, but would not accord with Policies EQ6, EQ8 or EQ9 which restrict urbanising development in the open countryside and the Llan Valley green wedge. Compliance with Policy R18, which supported recreational development in the Lower Llan Valley which would not adversely affect the topography and vegetation of the Valley and Policy R19, which supported leisure based activities, would depend initially on the detailed design of the proposal. Policy R19 did, in principle, allow for more intensive commercial and tourist/visitor accommodation, although it did not refer to enabling residential development.
107. The development was clearly intended to create employment and a significant recreation facility, but elements of the proposal, in particular those on 'protected agricultural land' did not accord with the Llan Valley Development Brief, which was jointly adopted by the Lliw Valley and West Glamorgan County Councils in 1981. Little weight should be attached to the brief because of its age and other development that had taken place in the area covered by it since its adoption.
108. The emerging UDP was at deposit draft stage and did not include reference to the proposal, which was considered not to accord with the current version of the UDP. Representations had been made for its inclusion from the applicant and objections to its inclusion from Llangyfelach Community Council. If the application were granted permission, it would be included in the plan at the earliest opportunity during the Inquiry stage. The UDP proposed a reduction in the area of green wedge that lay on the site in order to reflect the advice in PPW to only identify land strictly necessary for the purpose of green wedge policy. This would mean the housing lay outside the green wedge, but the clubhouse within it. There had been an objection to this from CPRW who objected to the reduction and asked for the green wedge to be designated green belt. This was not considered necessary and the plan was proceeding with a recommendation for no change to the deposit draft in this respect.
109. Overall, the proposal was considered to be departure development that did not accord with elements of national guidance. The principal component that breached policy and guidance was considered to be the residential element. It did not comply with PPW guidance that new housing development should be well integrated with existing settlements and due to its isolated nature in respect of services and facilities it was not sustainable development as it generated a need for car based travel. The proposed travel plan would be able to mitigate the sustainability of the site to an acceptable level. It was to be regarded as enabling development for the project and justified by Proposal H5 of the Local Plan even though it departed from the later Structure Plan Policy. Permission was justified because the socio economic benefits of the proposal outweighed the provisions of the development plan.
110. The amended masterplan amounted to an improvement in the layout of the proposal in comparison to the original. The original scheme had been supported subject to a number of caveats and it was implicit that the improved scheme would be supported, subject to the same caveats. There had been a resolution to reaffirm support for the scheme in the knowledge that the amended masterplan and addendum environmental statement had been submitted for consideration.
111. The conclusions of the original Environmental Statement had been broadly accepted subject to particular issues being addressed by condition or a planning agreement. The conclusions as qualified by the addendum to the Environmental Statement in respect of hydrology, hydrogeology and contaminated land were fully accepted with the mitigation measures and other matters raised by consultees controlled by conditions and planning agreement. The

conclusions in respect of archaeology and cultural heritage were similarly fully accepted, as were the conclusions on traffic and transport.

112. The applicant's methodology for the landscape and visual impact assessment was considered correct, but the effects of the original proposal on some of the landscape areas and from some of the visual receptors was considered to have been underestimated in terms of their significance. It was acknowledged, however, that the amended indicative layout was an improvement over its predecessor and the conclusions of the applicant's witness in respect of the updated assessment were agreed.
113. The Environmental Statement indicated that, in terms of social impact, the project was committed to the principles of pay and play facilities and club membership open to all, a school of golf for young people, free entry and transport to up to 21,000 school children aged 5-11, the creation of 240 full and part time jobs, equal opportunities, full provision for elderly and disabled, financial subsidy to sustain local bus services, free access to visitors by car, foot or cycle to enjoy informal recreation in the countryside, and a secure environment to eradicate vandalism. It also concluded that the executive housing would be exclusive in character and help boost the local economy. The secluded setting and good access to the M4 would be a major marketing advantage and reduce pressure for similar housing in West Swansea and Gower.
114. The figures and viability of the project had been challenged in the Deloitte Report commissioned by the Head of Planning Services, but a clear decision had been reached that the proposal be approved, subject to caveats, on the basis of the stated socio-economic benefits. The applicant's estimate of employment generation and forecast of annual expenditure in terms of tourist activity was agreed.
115. It was considered that the development could be delivered in its entirety and properly phased in a way that provided for that. It would deliver very significant socio-economic benefits to the area that justified a departure from the development plan, provided appropriate guarantees to ensure the project were delivered in full by way of a Section 106 agreement and conditions.
116. It had been accepted on the basis of the negotiated heads of terms and conditions of the Agreement that the applicant could not be required to financially guarantee the delivery of the scheme in its entirety, as it would go beyond what a planning agreement could be expected to deliver and would not accord with government guidance on such agreements. A mechanism had been agreed to ensure that the profitable parts of the development proceeded on a phased basis, linked directly to the provision of those parts that would provide the socio-economic benefits identified. This was the best practicable way of ensuring the development was delivered in its entirety. There was, in addition, agreement for the provision of bonds in respect of the golf course maintenance and golf academy.

The Cases for interested persons speaking at the Inquiry

The material points are:

117. Mr T Watkins was a member and past captain of Swansea Golf Club and had seen a noticeable decline in juniors playing golf in recent years. He fully supported the proposed Academy and felt it would benefit the sport and other clubs. Golf needed the influx of juniors that the proposal would encourage to take the sport forward. It would teach honesty, sportsmanship and respect and go a long way to counter anti-social behaviour. Swansea

would be able to fully share in the benefits of the coming Ryder Cup and the proposal would be a huge benefit to golf in Wales.

118. Very few golf clubs offered chalet accommodation and the proposed chalets would be of benefit to the proposal and other golf clubs as those who would stay there would wish to play on a number of courses. The housing proposed in the SA1 development would be a great benefit to Swansea. However, there were enough flats and a shortage of executive housing. The proposal would go a long way to meeting the need for executive housing. The scheme would put Swansea on the golfing map.
119. Councillor R Speht sat on the Area 1 planning committee. He considered that the proposal was not a departure from the development plan, but more of a strengthening of it and that there were areas where the Council's case could have been strengthened. It should be noted that the proposal had been overwhelmingly supported by Council members on two occasions by a large majority across the political spectrum. The support was for the massive social and economic benefits that the proposal would bring, not only during the building phase, but through the ongoing operation of the facility and the many jobs it would provide.
120. Councillor R Lewis was a member of the Council and Police Authority and had been a member of West Glamorgan County Council from 1987 to 1992. He had experience of a proposal for housing on golf links at Margam Park which although interesting and exciting had not gone ahead. This proposal was also an exciting development. The application site was not good farming land and it was important that the development should go ahead. Experience as Chair of Tourism and Caravan Sites had shown the economic benefits of tourist accommodation. The closure of the Swansea Leisure Centre had been a great loss as the facilities it supplied in inclement weather were much needed. Swansea had a number of well used golf courses in the area and the competition the proposal would create would be good for the industry.
121. The 'Centre Park' at Frome had brought huge benefits to that area and this project could draw in a large number of people and bring comparable benefits. The educational aspect was very exciting and a wonderful opportunity to bring in new people and break down barriers between old and new. The Deloitte Report had been negative as it could be seen that the whole of Swansea would benefit from a scheme that had huge potential. The houses in the scheme were an essential part of it and could be sustained and prove a successful link for the development. Support for the proposal was across the party divide and was shown by 90% of members supporting it. The government was encouraging farmers to look for alternatives and this would be a welcome facility, encouraging young people in a healthy lifestyle.

Written Representations

The material points are:

122. The Llangyfelach Community Council felt that, bearing in mind, the Council's support for the proposal, it had no other option than to go along with it subject to the agreed amended phasing strategy being adhered to and the amended schedule of conditions being imposed. [Doc 4] The permission should ensure that the subsequent construction of the site was substantially what was shown in the amended masterplan with a maximum of 95 executive houses and only 80 golf lodges. There should not be an intensification of the number of houses on the development or the establishment of a residential precedent on adjoining land due to the grant of outline planning permission. There should be no diversion of the overhead power lines that cross the site.

123. The Penllergare Trust pointed out that the Country Park was used by an increasing number of visitors who took advantage of the layout of the 1833 drive and other contemporary walks which were designed to maximise views out, particularly to the east. [Doc 3] A favoured destination was the site of the former gentry dwelling of Nydfwch and this gave a view looking north-east across the park to the application site. Regard should be had to the impact of the proposal on these views. It should be noted that Policy EV23 of the UDP in describing appropriate development within the green wedge refers to essential facilities for outdoor sport and recreation. In the amplification for Policy HC29 it states that ancillary development for new golf courses should be limited to essential facilities, such as clubhouse and changing rooms.
124. The Countryside Council for Wales provided detailed comments on the original environmental statement and further comments on the addendum. [Doc 6] The conservation management of the SSSI could be positively addressed through appropriate planning conditions and Section 106 agreement. There was no objection to the grant of planning permission provided the nature conservation and landscape concerns are addressed by the suggested conditions and planning agreement.
125. The Environment Agency Wales also commented on the Environmental Statement and addendum [Doc 7]. There was no objection to the grant of planning permission provided appropriate conditions/planning agreement covered the concerns they had expressed. In particular, as the provision of the connection to a public sewer was reliant on easements to traverse land outside the applicant's control, then a Section 106 requirement in relation to it was necessary. Consideration should be given to use of a Sustainable Drainage System (SuDS) option and good reasons given if implementation was impossible. The agreed Construction Environmental Management Plan would need to be embodied in a planning condition.
126. The deletion of reference to a private on site treatment plan was welcomed, as was suggested condition 20. However the suggested deletion of the words "an agreed point.....system" in the conditions should not be made, as control over the connection can only be assured through a planning condition.
127. The Sports Council for Wales supported the development pointing out that when considering golf courses, the level of unmet demand for golf across Wales was 9.7%. The City and County of Swansea had a higher than average level of unmet demand for golf at 13.7% . [Doc 5] Priority areas for new courses included an 18 hole golf course in Swansea. It was worth noting that the 'Ryder Cup effect' was likely to produce an increased interest in golf which could potentially increase participation rates among residents in Wales as well as through golf tourism, an important contributor to the Welsh economy. The development could provide a timely contribution to meet the unmet levels of demand in Swansea and an opportunity to increase golf tourism in Wales.
128. The Wales Tourist Board considered the project fitted in with its Golf Tourism Strategy and had nothing further to add to their comments on the application sent to the Council by letter dated 28 August 2004. [Doc 8]
129. Neath Port Talbot County Borough Council offered no objections, but drew attention to the existence of ancient woodland and the SSSI on the site. [Doc 9] Carmarthenshire County Council acknowledged notification of the application but made no comment. [Doc 10] Cadw responded to the questionnaire with the information that the application did not relate to or

involve demolition or works to a listed building and the site did not fall within a Conservation Area and indicated it did not intend to submit any further information. [Doc 11]

Conditions and Obligations

130. The Council and applicant had agreed a draft set of conditions that needed to be imposed in order for the proposal to be acceptable and in the event that permission was granted. [Doc 51] A Section 106 agreement had been negotiated and executed by the applicant, Council and those with an ownership interest in the application site. [Doc 52] The conditions and agreement sought to meet the concerns that had been expressed by the Council and other interested parties as well as to provide the mechanisms that would ensure delivery of all aspects of the proposal.
131. Condition 1 was intended to relate the permission to the illustrative masterplan. Condition 2 was considered necessary by the Council as a strong framework was needed to take the design statement one step further. It reflected the approach used in the SA1 development where a raft of agreed matters helped form the reserved matters submission and brought the whole development forward in a consistent and comprehensive way. Condition 3 was intended to take the planning strategy and develop it further due to the complexity. It bound the enabling development to the leisure development and would ensure the development was carried out in a proper way so that the various phases came on stream in accordance with the agreed phasing. The applicant considered there might be some duplication of the section 106 agreement, but did not resist the condition.
132. Condition 4 arose out of the discussions with and concerns of the CCW and EAW regarding the SSSI. It was necessary to protect the integrity of the SSSI both in the construction phase and later operation of the proposal. Condition 5, 6, and 7 were needed to provide for reserved matters.
133. Conditions 8 and 9 were required by statute. Condition 10 was needed to ensure the socio-economic benefits were delivered and permanent housing was not established. It was suggested by the applicant that the word 'tourist' would be better than 'holiday'. Condition 11 was needed to ensure the property was limited to the need that justified it. Condition 12 provided for landscaping and Condition 13 was needed to avoid the environmental damage to the development that Japanese Knotweed would cause. Conditions 17 to 19 were considered necessary to ensure the proper protection of the interests they related to.
134. Condition 20 reflected the comments and advice of EAW and Welsh Water who felt the words 'at an agreed point of adequacy on the public sewerage system' should be included. No agreement had yet been reached between the developer and the water authority on the point of connection. It was considered by the applicant that it could be subjected to an unfair cost in connecting to the point downstream where the sewer was overloaded by other development if the words were included, whereas it wished to connect to another point where a drain was adequate rather than requisition a sewer. It was sufficient to require the approval of the Council to the works and the quoted words were not necessary.
135. Conditions 21 to 27 were needed for the protection of the environment and public safety. Conditions 28 and 31 were needed for highway safety and Conditions 29 and 30, 32 and 34 in the interests of providing alternative means of transport to the private car and sustainability. Condition 33 would avoid undue impact from light sources.
136. It was accepted during discussions that for consistency and precision, where the word 'agreed' was used in the suggested conditions it should be replaced by the word 'approved'

and the word 'approved' qualified by the words 'in writing' where this had been omitted. It was also accepted that in the interest of certainty the words 'This permission shall relate to' should be replaced with the words 'The development hereby permitted shall accord with'.

Conclusions

The references in curved brackets relate to the appropriate paragraphs in the sections above.

137. The proposal accords closely with the allocation in Proposal H5 and Policies R18 and R19 of the Local Plan. (14) The SSSI was not defined at the time of adoption and was not part of the application site for that permission.(73) However, although it is included in the present application site, it is not proposed to develop any part of it (28) and its inclusion permits effective management and protection through the requirements of conditions/planning agreement.(50) The plan must be looked at holistically and any conflict with policies when looked at in isolation is overridden by the allocation for both golf course development and enabling housing. It is clear that the proposal is supported by the Local Plan. This follows the grant of planning permission for a similar complex in 1984 and the concept of development of a golf course with associated recreation facilities, made commercially viable by associated housing, as well as a hotel and holiday log-cabins identified in the Lower Llan Valley Development Brief.
138. The Structure Plan does not specifically acknowledge the development supported by Proposal H5 in the Local Plan and no mention is made of it in the text. However, there is reference in the key diagram to a new tourism/recreation complex in the locality (21). I appreciate that this description could apply to the proposal, but there is specific reference to a country park being created on the Penllergaer Estate in paras 12.14 and 12.35 of the Explanatory Memorandum and Policy TRS6 provides for this.(101). In the light of this and the absence of any reference to a golf/tourism resort with enabling housing (which would be a major tourist development) anywhere in the Structure Plan text, I consider the reference in the key diagram relates to the country park rather than the development contemplated by Proposal H5 and Policies R18 and R19 of the Local Plan so it cannot be treated as a specific allocation recognised in the Structure Plan.
139. The site lies within a green wedge designated in the Local Plan and although it is to be regarded as urban fringe, para 11.26 of the Structure Plan makes it clear that development in the urban fringe should not materially affect the character of the countryside.(78) Moreover, it states that development which is urban in nature (and it gives as an example golf courses with hotels and executive houses) should be treated as development in the open countryside. Where the urban fringe overlaps with areas such as green wedge or SSSI the policies established for those areas should take precedence.
140. Structure Plan Policy C4 permits appropriate uses of land associated with recreation in the green wedge and Policy C5 does the same in relation to open countryside for rural recreation and tourism development. I do not consider the former extends to the type of development now proposed as its commentary excludes from the definition of appropriate uses those which require significant new built development and the commentary to the latter considers the tourism exception that could arise relates to small scale tourism, a category that in my view cannot include a major development such as the application scheme.
141. Policy TRS10 deals specifically with golf courses and opposes them in the open countryside except where they do not have an adverse effect on the landscape or ecology and do not result in the loss of good quality agricultural land. (19) The quality of the agricultural land on the site does not exceed Grade 3b and this only on some 9ha. I agree the loss of this land would have a minimal effect on agricultural viability (77). The package of measures proposed would avoid harm to ecology. The proposal would undoubtedly change the character of the site, but it has been shown that there would only be filtered and intermittent views of the

proposal from outside viewpoints (44) and where it would be visible it would be seen against a backdrop of woodland or through existing vegetation (44). The visual impact of the buildings has been contained by their location (44). I accept the agreed position that the impact of the proposal on visual amenity would be minor (44 & 112).

142. Policy TRS10 further provides that development of golf courses on derelict or underused land of marginal agricultural value within or adjoining urban areas will be supported, except where there are overriding local planning, environmental or highway objections. The application site is underused (77) and of marginal agricultural value (95) and falls within this description and I consider a golf course alone in this location could comply with Policy TRS10. Indeed the supporting text to the policy identifies an unsatisfied demand for 1.5 golf courses in Swansea and 0.8 in the Lliw Valley. (102) This proposal would contribute significantly to meeting this demand. The proposal, however, is for more than simply a golf course and I do not consider the other facilities provided in the clubhouse, the lodges or the executive housing fall within the scope of the policy.
143. Although the application site does not lie within one of the specific locations mentioned in Policy TRS3, it is of general application and it would enhance the attractiveness of the Valleys as a tourist destination and contribute to the local economy. (19 & 76) The non golfing recreational use and holiday lodges would, therefore, fall within the scope of the policy and derive support from it.
144. The housing element of the proposal would be remote from other settlements and does not fall within the ambit of housing permitted by Local Plan Policy H6. In the Structure Plan, Policy C5 presumes against development in the open countryside except in certain categories, none of which apply to the housing contemplated in the application. Policy TRS4 promotes improved access to and enjoyment of the countryside but, in the case of the proposal, this would be a side effect rather than a prime purpose. I do not consider, given the variety of tasks they would be used for (89) that the proposed site bus service can be considered to enhance public transport or link with existing public transport networks in a significant way. The housing would be, in my judgement, highly dependent on the use of the private car and in this sense cannot be considered a particularly sustainable form of development in the sense contemplated in Policy EQ1. In coming to this conclusion I accept that there would be adequate parking and provision for pedestrians and cyclists and in technical highway terms it would, with proper design, be in compliance with transport policies such as T7, T11, T12, T13, T14 and T15
145. I am satisfied that the disposition of the various elements of the proposal means it would have little effect on such ancient woodland that exists on site and I find no conflict with Policy EQ5 of the Structure Plan. (49) The package of measures suggested and capable of being provided for through conditions and planning agreement has been examined by the appropriate consultation bodies and found to be acceptable. With these in place, I am satisfied that there would be no harm to nature conservation interest on the site if the scheme were to go ahead. Indeed the long term protection of the SSSI and remains of ancient woodland (46-49 & 132) would be positive benefits and I find no conflict with Policy EQ6. Similarly archaeological interests would be properly treated (133) and there would be no conflict with Policy EQ7. The proposal does seek to respect the visual appearance and nature conservation value of the area (44 & 45) and in this sense complies with Policy EQ4.
146. The allocation of the site for the development proposed in the Local Plan must be regarded in development plan terms, as somewhat historic. The most recent part of the development plan is the Structure Plan and in my view this does not allocate the site for development. The golf

course element of the proposal complies with some of its policies and the lodges are generally in accord with the thrust of the tourism policies. But the large multi-facility clubhouse and the housing do not comply with any Structure Plan policies. Looked at overall I consider the proposal does not comply with the Structure Plan.

147. The emerging UDP is at a stage where little weight may be attached to its policies (21 & 81) and it does not mention the proposed development. Whilst it is argued that the Council's commitment to the application proposal has been sustained, it is surprising that it is not catered for in the UDP. Nevertheless, I do not consider the failure to mention the development can be decisive given the early stage of the UDP and that this inquiry gives an opportunity to judge the development's acceptability in terms of the existing development plan, national guidance and other material considerations.
148. The Wales Spatial Plan recognises the Swansea Bay Area has the potential to become a key driver of the Welsh economy, accommodating sustainable population and employment growth. Heritage, landscape and activity tourism and leisure uses should be sustainably developed, particularly in areas in need of regeneration. (91) The actions defined in the WSP to support these propositions include the remediation of contaminated land and pollution associated with industrial legacy, and increasing levels of economic activity. The financial projections show that this proposal would achieve such economic benefits, but the sustainability of the housing element is questionable.
149. Planning Policy Wales advises that new housing development should be well integrated with and connected to the existing pattern of settlements, avoiding a fragmented pattern of development. While a well designed housing development on the lines proposed would be capable of meeting many of the individual requirements of PPW, TAN12, TAN15 and TAN18, there remains a fundamental clash with the above advice. In spite of the provisions of buses and other elements of the proposed travel plan, I consider the housing would be largely serviced by the use of the private car. It must be remembered that PPW states that new house building in the open countryside, away from established settlements should be strictly controlled and presumes against inappropriate development in the green wedge.
150. The golf course and sport and recreational elements of the proposal enjoy support from both the development plan and national guidance and together with the lodge accommodation could be provided in line with the advice in Chapter 11: Tourism, Sport and Recreation of PPW, with TAN13 and TAN16. The positive nature conservation benefits and proposed protective elements of the scheme mean it would not conflict with guidance in Chapter 5: Natural Heritage of PPW or TAN5 and the layout of development and conditions ensure there is no conflict with Chapter 6: Historic Environment of PPW. There would be no adverse effect on agricultural holdings and thus no conflict with Paragraph 2.8 of PPW or TAN6 in this respect.
151. There is a clear need for a golf facility of this type in this part of Wales (76) and the meeting of this need and the consequent benefits to golfing in Wales that the proposal would bring are even more desirable given the forthcoming Ryder Cup competition. (59) The evidence on financing and deliverability on the part of the applicant is convincing. I accept that the earlier Deloitte Report did not have the benefit of all the information now available and prefer the evidence now presented (67 & 70). The phasing programme is realistic and shows that deliverability of the scheme in its entirety is achievable. The economic benefits of the proposal are considerable and accord with the guidance in Chapter 7 of PPW (22). I attach great weight to these positive benefits of the scheme.

152. The proposed golf academy is another major benefit to the locality in terms of the opportunity to increase participation in golf and the encouragement to sporting activity with consequent benefits to the health and well being of participants is a significant consideration (82). The mechanism for ensuring this takes place as an integral part of the development appears to me to be an effective one with the necessary financial guarantees put in place through the Section 106 agreement.
153. The acceptability of the proposal is clearly dependent on a balancing exercise between its socio-economic benefits and the harm in terms of conflict with the objectives of the Structure Plan and national guidance due in particular to the housing element of the scheme. The proposal would meet an acknowledged need for golfing and tourist facilities, both in the short term (in respect of the forthcoming Ryder Cup) and the long term (given the likely growth in interest in golf and the increased tourism/recreation facilities). The scheme would be a major economic generator providing substantial employment (65- 67).
154. The proposed academy is an innovative feature, which would have positive social, educational, sporting and health benefits. This feature, together with the nature of the golf facilities would provide for a more diverse participation in golf than the usual members' club as well as a more broad based recreational facility catering for non golfing visitors. The long term future of the SSSI would be improved by proper management and avoidance of vandalism fly tipping/vehicle dumping as well as the removal of the results of these activities in the past. There would be adequate separation and protection from the impacts of the development, both during construction and occupation. (46-48) There would also be some remediation of the effects of previous industrial use of the land (87), although in this respect I consider the signs of previous use have been well assimilated and I do not consider it can be considered to be previously developed land as defined in PPW.
155. The proposal would result in the creation of a housing enclave in the countryside largely reliant on use of the private car. There would be an obvious change in the character of the site arising from the creation of the golf course as well as the built elements. But the visual impact would be well contained as the amended masterplan through relocation of parts of the development has taken advantage of the topography and woodland cover to ensure that the built elements of the development would not be prominent and their visual impact limited. It would have negligible impact on the enjoyment of views from the adjacent historic garden and its essential setting. The site should also be looked at in the context of its surroundings in that it is a "contained" site with housing to the south, the villages of Llanyfelach and Penllergaer to the east and west and the A48/M4 to the north with recent and future employment and business development close to it on the Velindre Tinplate Site (85).
156. In balancing these competing interests, I am conscious that there is a long standing historic commitment to a proposal of this sort on the site, which the Council continues to overwhelmingly support (119). Whilst the housing element conflicts with the more recent Structure Plan and national policies the site is an allocation in the still operative Local Plan. There is a substantial body of support for the golfing and tourism elements of the application from local and national policies and from the relevant advisory bodies. In balancing the benefits against the harm to policy it must be borne in mind that the housing is an integral enabling part of the development and the benefits would not be realised unless the scheme proceeds as a whole. The agreed minor or moderate landscape and visual impact in views from the surrounding land also need to be borne in mind. Weighing these considerations against the considerable benefits to tourism, to the local economy, to nature conservation, and the social, educational and health benefits from the golfing facilities including the academy, I conclude that the balance of advantage lies in favour of these proposals. I conclude that a

grant of permission with the imposition of conditions and the obligations in the Section 106 agreement is justified.

157. Turning then to the conditions discussed at the inquiry (130-135), I accept the need for all those discussed for the reasons given. I have however rewritten the suggested conditions where necessary in the interests of accuracy, precision and consistency and renumbered them as suggested conditions 8 and 9 should be at the beginning. In addition to the agreed alterations (136) I do not consider the words "at an agreed point of adequacy on the public sewerage system" are necessary in condition 20 on the draft list. Sufficient control is exercised by the requirement for details to be submitted to and approved by the Council. I do not agree with the applicant's suggestion that 'tourist' should replace 'holiday' in condition 9 on the draft list; 'holiday' is a standard term that is clear and readily understood. I also consider the qualification "unless otherwise agreed in writing with the local planning authority", which appears in several conditions is unnecessary. The matters it seeks to qualify seem to me to be necessary actions and I can find no justification for setting them aside. Condition 4 on the draft list is contradictory in its timing provision and I have omitted the requirement for approval before reserved matters are applied as it seems to me that this was not intended.

Recommendation

158. I recommend that planning permission be granted subject to the conditions listed in the Annex.

T J Morgan

INSPECTOR

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Rory Clarke Counsel, instructed by Solicitor to the Council
He called
Mr R Jones BA(Hons) BTP Principal Planning Officer with the Council
MRTPI

FOR THE APPLICANT:

Anthony Porten Queens Counsel instructed by RPS Planning
He called
Mr G Soltys BSc(Hons) Founding Partner, Soltys Brewster Consultants
DipLA MLI MIH
Mr I Bulleid BSc(Hons) Director, Impetus Golf and Leisure Ltd.
Dr. T Stevens BA MSc PhD Principal Consultant, Stevens & Associates
MILAM FTS IAAPA
Mr R Bettany BSc(Hons) Director, Ralph Bettany Associates Ltd
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Mr L Powell BSc(Hons) Director RPS Planning
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INTERESTED PERSONS:

Mr T Watkins Member & Past Captain Swansea Bay Golf Club, 18
Greenfield Place, Lloughor, Swansea SA64 6 QH
Mr R Speht City Councillor, 78 St Helen's Avenue, Swansea SA1
4NN
Mr R Lewis City Councillor,

DOCUMENTS

- Document 1 Lists of persons present at the inquiry
Document 2 Notification of Inquiry and circulation list together with press notices

RESPONSES TO NOTIFICATION AND ADDENDUM

- Document 3 Letters from Penllergare Trust 29 November 2005 & 9 May 2006
Document 4 Letter from Llangyfelach Community Council
Document 5 Letter from Sports Council Wales 17 May 2006
Document 6 Letter fro Countryside Council for Wales 16 April 2006
Document 7 Letter from Environment Agency Wales 17 May 2006
Document 8 Letter from Wales Tourist Board 12 December 2005
Document 9 Letter from Neath Port Talbot Council 28 November 2005
Document 10 Letter from Carmarthenshire County Council 24 April 2006
Document 11 Cadw Questionnaire 19 December 2005

- Document 12 Application form and plan
Document 13 Amended application plan (Drawing No HG.02.55.OS Rev 0)
Document 14 Statement of Common Ground
Document 15 Addendum to statement of common ground (agreed agricultural land classification evidence – Julia A Tindale (BSc MISoilSci)
Document 16 Letter NAW to Council notifying call-in 9 May 2005

CORE DOCUMENTS PREPARED FOR INQUIRY

- Document 17 Documents accompanying proof of evidence G Soltys CD1 – CD22
Document 18 Environmental Statement (July 2004)
Document 19 Non Technical Summary (July 2004)
Document 20 Environmental statement Appendix A
Document 21 Appendix B1 Preliminary Environmental statement
Document 22 Appendix B2 Winter Ecological Surveys
Document 23 Appendix B3 Ecological Surveys
Document 24 Appendix B4 Ecological Surveys Phase 1 (July 2004)

Document	25	Appendix B5 Input to preliminary Geo Environmental Appraisal (July 2004)
Document	26	Appendix B6 Contribution to EIA (July 2004)
Document	27	Appendix B7 Landscape and Visual Assessment (July 2004)
Document	28	Appendix B8 Socio Economic Rationale and Impact (July 2004)
Document	29	Appendix B9 Archaeological Desk Based Assessment (July 2004)
Document	30	Appendix B10 Transportation Implications of the Development (July 2004)
Document	31	Ecological Surveys Phase 2 (October 2004)
Document	32	Ecological Surveys Phase 2 Appendices and Plans (October 2004)
Document	33	Design Statement (October 2005)
Document	34	Report on Contaminated Soils (Blandford Consulting September 2005)
Document	35	Addendum to Environmental Statement and amended masterplan (April 2006)
Document	36	Phase 1 Ecological Survey (Fig 3.1 of addendum to ES)
Document	37	Appendix 3 Supplementary Species Data for Vegetation Survey (with ES)
Document	38	Erratum sheet to addendum to Environmental Statement
Document	39	Addendum to Design Statement
Document	40	Regulatory Plan to go with Doc 39 (Dwg no. 0311603/GA/PI/002)
Document	41	Southern Lliw Valley Local Plan (1986)
Document	42	West Glamorgan Structure Plan (1996)
Document	43	Lower Llan Valley Development Brief (1984)
Document	44	Swansea Unitary Development Plan (Deposit 2005)
Document	45	Golf in Wales (Sports Council for Wales 1999)
Document	46	Golf Development Wales Development Plan (2002)
Document	47	Golf Tourism in Wales (Wales Tourist Board 2002)
Document	48	Developing a Golf Tourism Strategy for Wales (2000)
Document	49	Formal Submission to Host Ryder Cup
Document	50	Committed to Green Handbook
Document	51	Draft Planning Conditions June 2006
Document	52	Executed Section 106 agreement

Document	53	Summary Proof of evidence Gary Soltys
Document	54	Proof of Evidence Gary Soltys
Document	55	Proof of Evidence (including summary) Mr I Bulleid
Document	56	Proof of evidence (including summary) Mr R Bettany
Document	57	Proof of Evidence (including summary) Dr T Stevens
Document	58	Proof of evidence (including summary) Mr L Powell
Document	59	Appendices to Mr Powell's proof
Document	60	Statement of evidence (including summary) Mr R Jones
Document	61	Planning permission 2/2/80/0657/01 3 December 1984
Document	62	Plan showing proposed access
Document	63	Aerial photograph showing reduction in green wedge proposed in UDP
Document	64	Objection to green wedge proposal from CPRW
Document	65	Extract from UDP Proposal Maps showing extent of SSSI
Document	66	Spare copy amended indicative masterplan Dwg. No. 0311603/GA/PI/001

ANNEX

1. The development shall commence within 5 years of the date of this permission or before the expiration of 2 years from the date of approval of the last of the reserved matters to be approved, whichever is later.
2. Applications for approval of reserved matters shall be made to the local planning authority before the expiration of three years from the date of this permission.
3. The development hereby permitted shall accord with the disposition of land uses and the areas of each as specified in the 'Indicative Masterplan' submitted with the addendum to the Environmental Statement and identified as Soltys Brewster drawing no. 0311603/GA/PI/0001.
4. Prior to the submission of any application for approval of reserved matters, a Development and Design Masterplan for the whole site shall be submitted to and approved by the local planning authority. The Development and Design Masterplan shall be in accordance with the mix and disposition of land uses specified in the 'Indicative Masterplan' submitted with the addendum to the Environmental Statement and identified as Soltys Brewster drawing no. 0311603/GA/PI/0001. The Development and Design Masterplan shall include a Vision Statement; site appraisal (landscape and topography, visual impacts, key views, environmental/ecological constraints); planning and design principles (settlement pattern and layout, plot size and development density, building heights, building design and materials, means of enclosure and landscaping, designing out crime considerations); land use distribution; access and movement to and through the site; service and infrastructure. The approved Development and Design Brief shall thereafter form a structural basis for the future development of the site.
5. Prior to the submission of any application for approval of reserved matters a programme for the phasing of the proposed development shall be submitted to and approved in writing by the local planning authority. The agreed phasing programme shall accord with the Planning Strategy contained in the Section 106 obligation pursuant to this planning permission. The development shall be carried out in accordance with the approved phasing programme.
6. An Ecological and Environmental Management Plan shall be submitted to and approved in writing by the Local Planning Authority. It shall describe the management and monitoring obligations both during construction and post completion of the development and include management proposals for the Penplas Grasslands SSSI and areas of woodland within the site. The construction element of the Ecological and Environmental Management Plan shall be submitted to and approved in writing by the local planning authority prior to development commencing. The post construction element of the Ecological and Environmental Management Plan shall be submitted to and approved in writing by the local planning authority within 6 months of the development commencing. The Ecological and Environmental Management Plan shall thereafter be implemented in accordance with the approved details.
7. Details of the siting, design and external appearance of the buildings and the means of access thereto, hereinafter called ' the reserved matters' of each phase of the

development shall be submitted to and approved in writing by the local planning authority before any development of that phase commences.

8. The applications for approval of reserved matters in respect of each phase shall be accompanied by details of the existing and proposed levels for that part of the development indicating its relationship to the adjoining land and all ground remodelling proposed.
9. The applications for reserved matters shall be substantially in accordance with the approved Development and Design Masterplan, the approved phasing programme and the approved Ecological and Environmental Management Plan and the development shall be thereafter carried out in accordance with the approved details.
10. The chalets shall be used for holiday accommodation only and shall not be occupied by any person or persons as their main or sole place of residence.
11. The accommodation to be provided for the green keeper shall be occupied solely by a green keeper employed on the golf course and any resident dependents.
12. Details of all hard and soft landscaping works shall be submitted to and approved in writing by the local planning authority as part of the reserved matters. The scheme shall clearly identify trees and hedgerows to be removed and all new tree planting. The development as approved shall be completed in accordance with the approved details and the approved phasing programme. Any trees, shrubs or plant material which die, become seriously damaged or diseased within 5 years of planting shall be replaced by trees, shrubs or plants of similar size and species to those already planted, unless the local planning authority gives written approval to any variation.
13. A detailed scheme for the eradication of Japanese Knotweed on the site shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved phasing programme.
14. Details and samples of all external finishes of every aspect of the built development shall be submitted with reserved matters applications and approved in writing by the local planning authority prior to that part of the development commencing. Development shall be carried out in accordance with the approved details.
15. Details of all means of enclosure within the site shall be submitted to and approved in writing by the local planning authority in accordance with the approved phasing programme. The means of enclosure shall be constructed in accordance with the approved details.
16. Full details of mitigation measures detailed within the Environmental Statement and specified within the Ecological and Environmental Management Plan for each part of the development shall be submitted to and approved in writing by the local planning authority prior to that part of the development commencing. The agreed mitigation measures shall be implemented in accordance with the approved phasing programme.

17. Prior to the commencement of any works on site, a detailed mitigation plan for badgers and badger setts shall be submitted to and approved in writing by the local planning authority. The mitigation plan shall be fully informed by thorough surveys that substantiate the status of the setts and the territories and foraging areas of the badger clans present across the whole site.
18. No development shall take place until the applicant or their agents or successors in title have secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which records the archaeological value of all assets and buildings on the site; the scheme shall have been submitted to and approved in writing by the local planning authority before development commences.
19. No development shall commence until all archaeological features identified in Chapter 10 of the Environmental Statement have been fenced off (with notices attached to the fencing informing that no-one should enter). No work shall be undertaken within the fenced areas without the written consent of the local planning authority.
20. Development shall not commence until details of foul, surface and land drainage works have been submitted to and approved in writing by the local planning authority. The foul drainage shall be connected to the main sewerage system. The works shall be completed in accordance with the approved details and the approved phasing programme.
21. Development shall not commence until a scheme for the provision and implementation of a surface water regulation system has been submitted to and approved in writing by the local planning authority. The scheme shall be implemented prior to the construction of any impermeable surfaces draining to the system.
22. Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and hardstandings shall be passed through an oil interceptor designed and constructed to have a capacity and details compatible with the site being drained. Roof water shall not pass through the interceptor.
23. Development shall not commence until a site investigation has been undertaken to ascertain the presence of landfill gas and a report on the investigation including the results of the survey and recommendations regarding any structural precautions to be incorporated into buildings has been submitted to the local planning authority. Any precautions recommended in the report shall be implemented prior to any buildings being completed.
24. Development shall not commence until:
 - i. The application site has been subjected to a detailed scheme for the investigation and recording of contamination and a report has been submitted to and approved in writing by the local planning authority.
 - ii. Detailed proposals in line with current best practice for the removal, containment or otherwise rendering such contamination to have an

acceptable risk to the aquatic environment or human health have been submitted to and approved in writing by the local planning authority

25. For each part of the development, contamination proposals approved in accordance with condition 22 relevant to that part (or any part that would be affected by that part of the development) shall be carried out prior to or during such development as appropriate.
26. If during development works any contamination is encountered which was not previously identified and is derived from a different source and/or a different type to those included in the 'Contamination proposals' then revised contamination proposals shall be submitted for the approval of the local planning authority. If contaminants are found in areas previously expected to be clean, their remediation shall be carried out in line with the agreed 'Contamination proposals'.
27. No part of the development shall commence until a detailed method statement describing the works to be undertaken for that part of the development and details of any necessary pollution prevention measures during the construction phase are submitted to, and agreed in writing by the local planning authority and subsequently implemented. The method statement must identify as a minimum:-
 - i. All fuels, oils and chemical storage facilities;
 - ii. Details of surface water drainage arrangements to be installed to intercept and treat contaminated surface water run off;
 - iii. Details of measures to ensure there is no polluting discharge from haul roads and disturbed areas;
 - iv. Details of the nature, type and quantity of materials to be imported on-site.
28. Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound shall be at least equivalent to the capacity of the tank plus 10%, If there is multiple tankage, the compound shall be at least equivalent to the capacity of the largest tank, or the combined capacity of interconnected tanks plus 10 %. All filling points, vents gauges and sight glasses shall be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework shall be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets shall be detailed to discharge downwards into the bund.
29. The development shall not be brought into beneficial use until all off site roadworks have been completed in accordance with details to be submitted to and approved in writing by the Local Planning Authority and also in accordance with the approved phasing programme.
30. Prior to the beneficial occupation of the development, a Travel Plan, which shall include details of a transport system to link all parts of the site with the public transport corridor together with volume and frequency of service shall be submitted to and agreed in writing by the local planning authority and thereafter implemented in accordance with the approved phasing programme.

31. Two bus lay bys shall be constructed at bus stop locations in accordance with details to be submitted to and approved in writing by the local planning authority and in accordance with the approved phasing programme.
32. Prior to the beneficial occupation of the development, the developer shall provide a means of connection to the existing footway along the north side of the A48 in accordance with details to be submitted to and approved in writing by the local planning authority.
33. Details shall be submitted to and approved in writing by the local planning authority of suitable cycle parking provision for residents, occupiers and visitors of the development as a whole. The cycle parking shall be implemented in accordance with the approved details and the approved phasing programme.
34. Details of all proposed lighting and floodlighting shall be submitted to and approved in writing by the local planning authority before beneficial occupation of the development and thereafter implemented in accordance with the approved details and approved phasing.