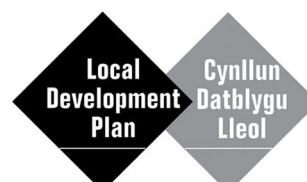


Hearing
Session
26A

Miscellaneous Matters

26th January 2017

Vale of Glamorgan Council Examination Statement



Hearing Session 26a: Miscellaneous Matters

1. Welcome, Introduction and Procedural Matters

2. Affordable Housing Provision

- a. **Is the approach to affordable housing reasonable in light of the available evidence, with particular regard to viability assumptions relating to: benchmark land values relative to available transactional data; contingency, site opening up costs, abnormals; and S.106 costs (with particular regard to the differences between the requirements that informed the evidence submitted at Hearing 6 and the requirements of the most up to date Planning Obligations SPG).**

2.1 The Council's approach to Affordable Housing was discussed at the LDP Examination Hearing Session 6, held on 28th January 2016. Having heard the evidence provided by the house building industry, the Inspector requested that the Council undertake a review of its viability evidence in respect of a number of elements within its affordable housing viability appraisal. The Council undertook this review and provided a detailed response which is set out in the Council's Hearing Session 6 Action Points Statements.

2.2 Following a review of the viability appraisal, and considering the revised evidence the Council has maintained its position in respect of the Plan's policy requirements for the provision of affordable housing. Conversely, the development industry maintains their objections to the following elements of the viability evidence. The Council's response to these matters is set out below and is provided within the context of the work undertaken by the Council in response to the Action Points set by the Inspector.

Benchmark Land Values Relative to Available Transactional Data

2.3 The Council's review of land value benchmarks (LVB) is contained within its Hearing Session 6 Action Point 3 Statement. As part of this review the Council drew upon transaction information contained within confidential viability appraisals submitted by developers as well as transactional information for recently disposed land (for residential purposes) in Council ownership, and are summarised as follows:

- Brownfield land in Barry East has been sold at around £500,000 / ha,
- Brownfield land in Barry West at around £1m / ha,

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- Part brownfield land in Penarth and Dinas Powys sub market area at around £1.3m / ha,
- Greenfield land in the Rural and East Vale area has ranged from £860,000 / ha to £1.5m / ha, and
- Greenfield land in the Rural and South Coast area has sold for £1.4m/ ha.

2.4 At the Hearing Session, the Home Builders Federation (HBF) offered to assist the Council in its review of LVB by providing the Council with transactional data. Accordingly the Council approach the HBF requesting this but no information was provided at the time of the Council's review. Notwithstanding, the HBF in their representation to the Council's Action Point Statement and Matters Arising Changes consultation have now provided transactional information on land sales within the Vale of Glamorgan (see table below).

Sub market	Average Sale Price Per Hectare
Rural	£1,976,511
Rural (excluding Cowbridge)	£1,710,993
East Vale	£2,098,378
Penarth	£1,750,999
Rural South & Coast	£1,635,655
Barry East	£1,083,041
Barry West	No sites
Vale Average	£1,709,262.00

Source: HBF MAC Consultation Response

2.5 The figures quoted in the table above are stated to be 'net' and therefore do not provide a direct comparison with figures quoted elsewhere, and these figures cannot be verified by the Council. There are no details of when these transactions took place or what the prevailing policy / section 106 or other site constraints were, or if they were greenfield or brownfield land. Therefore, in isolation these figures should be treated with caution and cannot be easily used to inform the evidence base.

2.6 The RICS guidance Viability in Planning is very clear, as is evidenced in the developers' own submissions, that the benchmark should take account of policy impacts. Therefore quoting 'average sales per hectare' (as for example the Barratt David Wilson and Acorn submission does) is contrary to established guidance.

2.7 The submissions by the HBF and by other developer representatives including NLP fail to make the key distinction between residual value and land value. Residual value is the figure that emanates from the calculations used to underpin policy development and land

value, whilst it may sometimes coincide with residual value, is in principle something very different and is driven by interactions in the market. These 'interactions' are a function of agencies involved in long and short term decision making, and are a function of agencies who are sometimes well informed and sometimes less well informed. The policy making process is rational and hence residual value, not land value is the appropriate basis.

2.8 Since collating the Council's previous evidence (in the Action Point statement), the Council has received more viability appraisals (on a confidential basis as part of planning applications) as follows:

- Brownfield land in Penarth and Dinas Powys sub market area: £1,515,151/ha and £1,208,281/ha
- Greenfield land in the Rural and South Coast area: £917,582

The HBF figures vary quite significantly from the Council's own evidence submitted directly by developers on current sites, which calls into question the reliability of the HBF figures.

2.9 In order to utilise transactional data effectively to identify an appropriate LVB, careful and detailed analysis is needed of each transaction to determine the associated development costs of a scheme, the policy context and the land value premium sought by the land owner. Other than those individual development appraisals (submitted as part of planning applications) used by the Council to comprise its own transactional evidence set out above, the development industry has not provided more robust and transparent transactional evidence to the Council to support their case.

2.10 It was noted in the Council's Action Point response that many of the sites used in our own transactional evidence (including the higher value sites) exchanged in a different policy context where the level of affordable housing provided ranged from 10-30% and it would be expected that the land value receipt would be higher than in a policy context of 30-40% affordable housing. The Council consider that there needs to be a balance struck between the need to provide realistic values that reflect the market and land owner's reasonable expectations, against the national policy drive to deliver more affordable housing through the planning system which will inevitably drive down land values to a certain extent. Therefore, the Council stands by its methodology in considering an 'uplift' from alternative use value as an appropriate land value benchmark

subject to a reality check. This approach has been endorsed elsewhere throughout Wales and many LDPs have been adopted on this basis. Inspectors have acknowledged this, for example the RCT CIL Inspectors report states: “CIL will inevitably filter through to affect underlying land values and that influence is clearly not yet apparent in the limited transactional data available.” The same must be concluded on LDP policy change which is legitimate.

- 2.11 With regard to LVB, the Council was directed by the Inspector in his Action Point to “consider benchmark land values assumed in other LDPs and CIL Examinations to set the context for market conditions”. At the hearing session the development industry stated that Cardiff’s LDP viability evidence should be included in the review, a point which has been repeated in representations to the MAC consultation. However, the Council contend that Cardiff would not be a good comparable due to difference in the structure of the housing market and land supply side when compared to the Vale of Glamorgan. For example, Cardiff has a number of very large strategic allocations (ranging from 2,000-7,000 dwellings) on the edge of the City; compared to the Vale of Glamorgan’s LDP allocations. The Council did do a comparison with viability evidence for Monmouthshire, Caerphilly, RCT, and Conway as set out in the Action Point response, which supports the Council’s stance.
- 2.12 In comparing with other areas, an analysis against house prices was set out in the Council’s statement which showed for the Vale of Glamorgan a LVB of £706,033 per hectare at the top of the market (Rural) in the Vale, and £481,795 per hectare at the bottom (Barry East).
- 2.13 There have been some concerns about the approach adopted with respect to the LVB adopted by the Council, promoted by Andrew Golland Associates (AGA) in their report. It is important to emphasise that the Council have had to be positive in their approach to providing a solution here. The representations have provided no content for LVBs based on neighbouring authorities. Therefore it should be accepted that the data is limited with respect to other authorities.
- 2.14 Ultimately a more straightforward ‘explanation’ may be needed. One which refers to the uplift achievable from agricultural and green field land (most sites in the Vale). Guidance from the WAG on viability is limited. However, the English NPPF refers to a ‘competitive’ return to land owners and developers. The competitive return to developers has been accommodated to the satisfaction of the industry by including a 20% return. The question is then whether there is a ‘competitive’ land owner return. The HCA

guidance is clear that a return of between 10 and 20 fold agricultural value is viable. Agricultural values in the Vale are maximum £20,000 per hectare. This means a LVB assuming a 20 fold increase of circa £400,000. This is in line with the DCLG report on green field site viability.

2.15 In response to Action Point 8, the Council revisited its site viability assessment. The results shown in the table below indicate that at 40% affordable housing within the three higher value areas there exists a substantial amount of headroom above a reasonable LVB, demonstrating viability in these areas. This reflects the high sales values in these areas. In the three lower value areas the residual values are lower, but still indicating that the affordable housing policy requirements of 35% and 30% with these areas are viable albeit more challenging than the higher value areas of the Vale.

Residual land value by sub-market area (£/ha)	Sub-market	% of Affordable Housing						
		20%	25%	30%	35%	40%	45%	50%
	Rural	£2.01	£1.81	£1.61	£1.41	£1.21	£0.98	£0.78
	East Vale	£1.69	£1.52	£1.33	£1.15	£0.97	£0.76	£0.58
	Penarth & Dinas Powys	£3.40	£3.14	£2.86	£2.57	£2.29	£1.99	£1.71
	Rural South & Coast	£0.97	£0.84	£0.69	£0.55	£0.41	£0.25	£0.11
	Barry West	£1.11	£0.96	£0.81	£0.66	£0.51	£0.34	£0.19
	Barry East	£0.60	£0.47	£0.34	£0.22	£0.09	-£0.05	-£0.18

Source: VOGC Hearing Session 6, Action Point 8 Response

Contingency, Site Opening Up Costs and Abnormals

2.16 At the hearing session a number of commentators considered that the Council had not made adequate provision for abnormal costs and contingencies within the appraisal and the Inspector requested that the Council provide further clarification on these matters and the assumptions used (Hearing Section 6 Action Point 5 refers).

2.17 In response, the Council reviewed recent viability appraisals undertaken within the South East Wales area (notably Monmouthshire and Cardiff CIL Viability Studies) which

indicated that these studies used the BCIS base build cost, with a 15% allowance for external works, consistent with the approach adopted in the Council's 2014 viability appraisal. However, for the Vale of Glamorgan the build costs of £1,183 per sq.m for flats and £1,001 for houses are notably higher than that adopted in Cardiff and Monmouthshire. The cost assumptions utilised within the viability appraisal for the Vale of Glamorgan are the highest and therefore indicate a more precautionary approach to setting policies having regard to viability.

2.18 It is important at this juncture to return to the question of why representations from the development industry have suggested that land value benchmarks are higher than the Council have proposed. One likely explanation, is that development costs are significantly below those calculated using the BCIS, feeding therefore higher bids for land and hence a perceived 'problem' in delivering sites where Section 106 is required. It should be noted by the Inspector that in this, and every Local Plan Examination foregoing, the HBF and the industry have been requested to provide construction costs. This, they have resolutely refused to do. This is also the case with the examination in the Vale.

2.19 Therefore, it should be noted that BCIS costs are likely to overstate actual costs in the case of larger developments by volume house builders since BCIS are drawn largely from smaller and housing association schemes building to DQR or other similar standards. Volume house builders in particular can construct to a much cheaper rate than the BCIS. The individual viability appraisals submitted to the Council in recent years (on a confidential basis) support this.

2.20 In their response to the Council's Action Point Statement (5), Barton Wilmore (on behalf of David Wilson, Barratt and Acorn Properties), have raised an objection to the Council's review of abnormal and contingency allowances, stating that: *“External works are not the same as site abnormalities. External works are off plot works such as internal access roads and hard and soft landscaping. An allowance should also be made for abnormalities, which can include (but not limited to): Ground contamination /consolidation /demolition; If there is a need for the ground to be remediated/consolidated, this will necessitate a raft foundation, which is a significant additional cost, and very common on development sites in Wales; If ground has been remediated, then a capping layer of inert safe material will need to be applied, which has to be imported in; If gas pipes are present at the site, then gas membranes will be required at significant cost; Drainage and onsite attenuation; and Land profiling, particularly on hilly areas will attract extra*

costs for cut and fill to ensure the foundations can be accommodated. Again raft foundation will be required here.”

2.21 AGA, who have carried out the majority of viability work in Wales, stresses that examinations have always concluded that policy development work should be based on ‘normal’ development conditions. This was the position previously established with the HBF. Policy cannot be set up on ‘abnormal’ conditions because otherwise the starting points for policy and thereafter negotiations at development management stage will be too low. Policy development is about trying to find a reasonable and justified starting point. Therefore the Council does not accept that these ‘abnormals’ should be used as the basis to set policy. They are unique to individual sites and not common in the Vale of Glamorgan generally, particularly having regard to the type of sites allocated under Policy MG 2. In the Vale typically sites are subject to few development constraints, and opening-up costs are more than often limited to normal external costs. Indeed these matters were discussed at the individual site sessions, where site promoters confirmed that the allocated sites were not subject to significant constraints and were deliverable within the Plan Period.

2.22 Where site specific constraints and abnormals such as contamination occur then this should be taken into account in the land value negotiations which would be lower for constrained sites than standard benchmark values. The policy allows for a flexible approach to individual site viability issues which may result from particular site ‘abnormals’. There should be an expectation that such matters are also reflected in the land value. It would be inappropriate to artificially apply ‘abnormal’ costs to all sites and therefore reduce affordable housing requirements for the majority of sites where such ‘abnormal’ costs are not apparent.

2.23 Barton Wilmore (on behalf of David Wilson, Barratt and Acorn Properties) also note that the Development Viability Appraisal requirements identified in Affordable Housing Draft Supplementary Planning Guidance (September 2016), includes abnormals and for consistency the approach used by the Council for policy setting should also include abnormals. This is not accepted by the Council. The SPG has been prepared to deal with site specific viability matters at detailed planning application stage, where such matters can be fully evidenced and taken into account – such cases represent unusual circumstances rather than the norm. Therefore, the SPG includes abnormal / exceptional development costs as inputs into site specific viability appraisal and states: *“Any developer buying a site would be expected to undertake a proportionate amount of due*

diligence work to ensure that the price paid for the land reflects the prevailing conditions. Whilst the following may be considered as 'abnormal costs' the Council would expect the land transaction price to reflect these costs: • demolition works - included in external works and infrastructure • noise bunds • knotweed removal • decontamination • archaeological and ecological surveys [...] It is entirely appropriate that such matters be considered on a site specific viability appraisal but not appropriate for policy setting in the LDP.

2.24 The HBF in their representations state that: *"There is no mention of contingencies in this section which was also raised at the inquiry session. RICS FINANCIAL VIABILITY IN PLANNING 2012 states section E.3.2.3.4 In all costs, the inclusion of a contingency allowance to cater for the unexpected is essential. Further we note that within the Peter Brett study for Cardiff's LDP affordable housing viability study a 5% contingency was added to the BCIS costs".*

2.25 In response to the above objections, the Council maintains its position in respect of build costs, contingencies and abnormals, which is based upon sound best practice. The purpose of including contingency has not, in the Council's view, been properly justified. The Council may be prepared to accept this on a site by site basis, subject to the applicant explaining its purpose, but it does not believe that it is justified for the purposes of policy development. Contingency is included within development appraisals to take account of what might happen given certain circumstances occurring. If these occur on the cost side, then allowance should also be made on the revenue side.

2.26 The items which objectors have argued as 'abnormals' are often actually mainstream costs in the form of external works and infrastructure costs. There is an allowance (15%) made for this in the viability assessment works (as discussed above), which is an industry standard figure that has been tested through developer workshops across England and Wales. Whilst it is accepted that in some instances these costs will be higher, these are exceptional cases and therefore should not be used to set policy at a strategic level.

2.27 The Council's experience to date in respect of sites allocated within the LDP that have received planning permission, is that few sites have been affected by abnormal costs and where this has been the case, the Council has negotiated with the developer in respect of the level of section 106 contributions and affordable housing.

Section 106 Costs (with particular regard to the differences between the requirements that informed the evidence submitted at Hearing 6 and the requirements of the most up to date Planning Obligations SPG)

- 2.28 Finally, in respect of section 106 costs, at Hearing Session 6 representations were made by the development industry objecting to the Council's application of a £10,000 allowance within its viability appraisal for s106 / CIL costs. They argued that this allowance should be increased to reflect some recent s106 contributions required by the Council. The Council submitted evidence (ED20) of all section 106 agreements entered into between 2011-2016, which identified that the average s106 contribution equated to around £6000 per unit, demonstrating the £10,000 provides a realistic and generous allowance to cover these matters.
- 2.29 In response to the MAC Schedule Consultation, representations have been submitted by the development industry in relation to the Council's review and publication of its Draft Planning Obligations SPG (ED63). The Draft SPG sets out the s106 contributions that the Council shall seek, where necessary and reasonably required to ensure that facilities/infrastructure is in place to accommodate the new development. The purpose of the draft SPG is primarily to update the existing adopted Planning Obligations SPG (adopted in 2012) to reflect inflationary costs and the Council's revised affordable housing thresholds, set out in the LDP (as amended by Focussed Changes and Matters Arising Changes). The draft SPG consultation was undertaken at the same time as the LDP MAC Consultation, therefore representors have raised this matter for the attention of the Inspector in relation to the Council's viability evidence review.
- 2.30 The following representations summarise the content that has been raised from the development industry. The HBF in their representation state: *"The HBF would draw the attention of the Inspector to the Draft Planning Obligations SPG this will set the S106 contributions for the Plan period and affect any of the allocated or windfall sites which have not yet been granted planning consent. The table below indicated the contributions per dwelling as identified by the SPG, as can be seen this comes to a significantly higher total than the £10,000 currently being used by the Vale to carry out its viability assessments."*

S106 Requirement	Cost per dwelling
Sustainable Transport	£2,200 per residential unit
Education and School Transport	£13,203
Open space	£2,552 per dwelling
Community Facilities	£1,208
Public Art	£1000 1% of build costs based on average house cost £100,000 to build.
Total	£20,163
Administration	£403 2% of the total financial contribution being sought under the agreement, or 20% planning fee.
Total / Dwelling S106 Cost	£20,566

Source: HBF MAC Consultation Response

“Although evidence has been submitted by the Council with regard to S106 contributions (see Action point 8) these mainly date from 2014 when the earlier SPG would have been used as the basis for negotiation. More recent experience from Developers is that much higher figures than the £10,000 currently being used are becoming the norm on allocated housing sites.” NLP and Barton Wilmore put forward similar arguments that a higher figure of circa £20,000 per plot should be used.

2.31 In response, the Council contend that the approach to affordable housing is reasonable in light of the available evidence, with regard to viability assumptions relating to Section 106 costs. The viability evidence which considered £10,000 per dwelling as an average for planning obligations is reasonable. **Appendix 1** provides an updated summary of Section 106 Agreements signed between January 2011 and January 2017, which demonstrates that the average s106 cost per dwelling during this period is £6,375.85. The Council has also provided an average s106 cost per dwelling for the last 2 years (2015-17), equalling £7,408.51. Both averages are significantly lower than the £10,000 allowance.

2.32 The Council recognises that there are a limited number of developments within the table which marginally exceed the £10,000 allowance, for example, application reference 2014/00460/FUL – land adjacent to St. Josephs School, Sully Road, Penarth and application reference 2014/01424/FUL – land of St. Brides Road, Wick. This is mainly in light of limited capacity in the schools which serve these developments, and the need to provide the necessary additional capacity for future occupiers. However, there are also developments, such as application 2015/01129/FUL land at The Rectory, Wenvoe, which fell significantly below the £10,000 allowance.

2.33 It is worth noting that the sites whereby s106 contributions have been agreed in excess of the £10,000 per dwelling allowance are currently under construction, demonstrating site deliverability.

2.34 The tabularised list of section 106 contributions that the representations have referred to is located at page 8 of the draft SPG. This table is not prescriptive, and has been taken out of context. The purpose of the table within the SPG seeks to set out a condensed summary of the Council's development thresholds and formulae for calculating obligations, rather than providing developers with a prescriptive 'shopping list' of the Council's required obligations.

2.35 The Council consider that the policies set out in the LDP and the obligation requirements set out in the draft SPG should be the starting point, and represent a 'worst case scenario' to a certain extent as they assume no capacity in local schools, no open space on site, inadequate community facilities locally to meet needs etc. Under LDP Policy MD 4, the Council will only request contributions based upon current need and the evidence contained within the Council's relevant Background Papers, which will be reviewed during the course of the LDP, and updated where necessary. Therefore, in reality most developments do not pay all the contributions and as such the Council considers it is more appropriate to use an average based on actual s106 costs that have occurred in the Vale of Glamorgan in recent years. The cost increases in the latest SPG are inflationary and not significant. In view of the substantial buffer (approximately 25%) between the average value of recent s106 agreements (circa £7.5k) and the assumption of £10,000 used, it is not considered necessary to increase this allowance any further for the purpose of high level viability testing for policy setting.

Conclusion

2.36 The Council consider that the viability assessment has demonstrated that in most circumstances developers will be able to meet all of the requirements set out in Policy MG4 in relation to Affordable Housing, and Policy MD4 in relation to Community Infrastructure and Obligations. Indeed, objectors to the Council's viability review have not provided any credible alternative evidence that indicates that the Council's affordable housing requirements are not deliverable, e.g. stalled sites. Whereas the Council in its Action Point statement provided evidence of recent planning permissions where developers have met the affordable housing requirements of the emerging LDP and sites

are being delivered. This evidence is provided below and has been updated to reflect the position at December 2016.

<p>Rural Housing Submarket</p> <p>MG 2(20) - Land to the north and west of Darren Close, Cowbridge Outline approved (2014/01505/OUT) for 475 dwellings. S106 signed 12/06/16. 40% affordable housing on site.</p> <p>Windfall Development- Land to the South of Craig Yr Eos Avenue, Ogmere by Sea. Full permission approved (2015/0016/FUL). Residential development for 20 dwellings. 40% Affordable housing approved 03/09/2015</p> <p>MG 2(43) Land to the East of St Nicholas Approved under 2015/00249/FUL for 100 dwellings pending s106 agreement. 40% Affordable housing (35% on site 5% off site contribution) approved 6th October 2016.</p> <p>Land to the east of Mink Hollow, St. Nicholas. Approved under 2015/00662/FUL for 17 dwellings, pending s106 agreement. 40% Affordable housing approved 3rd November 2016</p>
<p>Penarth & Dinas Powys Housing Submarket</p> <p>MG 2(27) - Land off Caerleon Road, Dinas Powys Approved under 2014/00282/OUT (70 dwellings) pending s106 agreement. 40% affordable housing agreed.</p> <p>MG 2(29) Land at Cross Common Road Approved under 2015/00392/OUT pending s106 agreement. 40% affordable housing (70:30 social rented/intermediate tenure split) on site.</p> <p>MG 2(31) Land north of Leckwith Road Approved under outline application 2014/01401/OUT pending s106 agreement. 40% affordable housing on site.</p> <p>MG 2(46) - Land west of Swanbridge Road, Sully Part of site approved under outline application 2013/01279/OUT for 350 dwellings pending s106 agreement. 40% affordable housing on site.</p>
<p>Barry East Housing Submarket</p> <p>MG 2(10) - Land to the east of Pencoedtre Lane Outline approved under 2008/01531/OUT. Reserved matters approved under 2010/01225/RES (67 dwellings) completed on site. 30% affordable housing delivered on site.</p> <p>MG 2(12) - Ysgol Maes Dyfan 2015/00075/FUL (47 dwellings) – S106 signed 28/5/15 – under construction. 2015/00076/FUL (34 Dwellings) – S106 signed 26/6/15 - under construction. 30% affordable housing (80:20 social rented/intermediate tenure split) on site.</p>

2.37 In conclusion, the Council consider sufficient viability testing has been undertaken to date to demonstrate that the Council's proposed approach to affordable housing set out

in Policy MD4 is reasonable. The viability testing has been done using robust assumptions, which have been set out in the Council's evidence. Therefore the Council is confident that its approach is reasonable and appropriate in the context of the prevailing housing market in the Vale of Glamorgan.

b. Is the Plan sufficiently explicit that negotiation on a site by site basis will be acceptable in instances where it can be satisfactorily demonstrated that the affordable housing requirements adversely affect development viability?

2.38 Yes the Council is of the opinion that both relevant policies (MG 4 and MD 4) as worded, alongside the written justification are explicit that negotiation on a site by site basis will be acceptable in instances where it can be satisfactorily demonstrated that the affordable housing requirements adversely affect development viability.

2.39 Policy MG4 (Affordable Housing) states that "THE PROVISION OF AFFORDABLE HOUSING WILL BE NEGOTIATED ON A SITE BY SITE BASIS, TAKING INTO ACCOUNT THE EVIDENCED VIABILITY OF THE DEVELOPMENT". It also states that the SPG provides guidance on viability and the circumstances under which contributions may be varied or reviewed. Furthermore, Paragraph 6.30 (MAC 49) states: "*tenure mix can be considered on a case by case basis where evidence suggests that the Council's preferred mix is not appropriate or deliverable or local evidence of need indicates an alternative mix would be more appropriate.*"

2.40 Paragraph 6.33 (as amended by MAC 49) states that: "*Where it is demonstrated that there are proven economic circumstances that impact upon the delivery of the affordable housing, for example where market circumstances have changed or where existing use values prevent the policy target being achieved, the Council may negotiate the level, type, tenure and nature of on-site provision or where appropriate, off-site provision. In instances where a financial contribution in lieu of affordable housing provision is considered to be acceptable, the most appropriate use of this funding will be determined by the Council. This could include the provision of affordable housing on land in ownership of the Council or an RSL or improvements to existing affordable housing, or may allow the Council to use funding to provide affordable housing in areas of greatest need.*"

2.41 Policy MD4 (Community infrastructure and Planning Obligations) (as amended by MAC84) clearly allows developers the ability to demonstrate that site specific constraints

impede viability. It states: “WHERE APPROPRIATE AND HAVING REGARD TO DEVELOPMENT VIABILITY, THE COUNCIL WILL SEEK TO SECURE NEW AND IMPROVED COMMUNITY INFRASTRUCTURE, FACILITIES AND SERVICES APPROPRIATE TO THE SCALE, TYPE AND LOCATION OF PROPOSED DEVELOPMENTS THROUGH THE USE OF PLANNING OBLIGATIONS....” Supporting paragraph 7.23 states: “*The Council accepts that it may not always be possible for developers to satisfy all the planning obligation requirements. Where this is proven to be the case, the Council will need to consider what the planning obligation priorities will be for that particular development, having regard to the site location and the local needs in the vicinity. This will be considered on a site by site basis having regard to the statutory tests.*” Furthermore, new supporting paragraph 7.24 provides a process for the Council to prioritise planning obligations, in the event that the developer has demonstrated that the development cannot deliver all of the Council’s planning obligation requirements because of viability constraints.

2.42 At set out above, it is very clear that the policies and reasoned justification are explicit that negotiation on a site by site basis will be acceptable in instances where it can be satisfactorily demonstrated that the affordable housing requirements adversely affect development viability.

c. Is Policy MG4 sufficiently clear regarding the requirement for on-site provision of affordable housing, with specific reference to the changes proposed through MAC49 (Policy wording and paragraph 6.31)?

2.43 In their representations to MAC49, the HBF, Barton Wilmore and NLP have raised an objection to the wording of Policy MG4, indicating that the use of the word “shall” within the headline paragraph of the policy removes the provision of flexibility from the Policy, and contradicts the supporting written justification to the policy. Barton Wilmore also state that the wording of Policy MG4 restricts the ability to address changes in affordable housing need over time and therefore affordable houses may not be delivered in areas of need based upon the evidence at the time of the permission. To address this, the representors request that the policy be re-worded to “will normally be provided on site”.

2.44 In response, the Council considers the use of the wording “shall be provided” in the new policy text (MAC 49 refers) reflects the thrust of national planning policy which indicates a preference for the delivery of on-site affordable housing, stating that affordable housing “will normally take the form of on-site affordable housing

contributions” (PPW, paragraph 9.2.17) and national guidance in TAN 2 which states *“The strong presumption is that affordable housing will be provided on the application site so that it contributes to the development of socially mixed communities”* (paragraph 5.4). The policy wording is appropriate in the context of this “strong presumption” which is endorsed by the Council in an area like the Vale of Glamorgan where the affordable housing need is acute (as set out in the latest Local Housing Market Assessment).

2.45 However, the supporting text to Policy MG 4 at paragraph 6.31 states: *“The Council’s preference will always be for on-site delivery of affordable housing, however, where appropriate, the Council may allow a proportion of the affordable housing to be delivered off site or through the provision of commuted sums to facilitate affordable housing in areas of greatest need, affordable housing on land in ownership of the Council or an RSL or improvements to existing affordable housing, or may allow the Council to use funding to provide affordable housing in areas of greatest need.”* This provides the flexibility that the development industry is seeking. Also, as set out in the response to part ‘b’ above, the policy and supporting text provides sufficient flexibility to reflect development viability issues associated with affordable housing.

d. Is the requirement for affordable housing to meet DQR Standards consistent with national policy/ locally justified (paragraph 5.51)?

2.46 At Hearing Session 6, the LDP policies and proposals on affordable housing were discussed including the Council’s requirement (set out at paragraph 5.51) for all affordable housing to meet the Welsh Government’s Development Quality Requirements (DQR). The HBF in representations to the Deposit LDP raised the following objection in respect of the reference to DQR at paragraph 5.51: *“Policy SP 4 Para 5.51 requires all new affordable housing to be built to DQR standards, it should be made clear that this only relates to housing delivered using WG housing grant. DQR takes up more space and costs more so would affect densities on site and site viabilities. Although not referred to in the plan we are also aware that the Council in recent S106 agreements have asked for affordable housing produces to achieve the WHQS standards. This again may have an impact on the viability of sites.”*

2.47 The Council’s statement in response to Hearing Session 6 Action Point 12 sets out the Council’s reasons and justification on this matter to maintain its position in respect of requiring all affordable housing to be constructed to DQR standards. Accordingly, this matter was not the subject of a Matter Arising Change. The HBF have objected to this

stance. However, the Council is satisfied that its response to Hearing Session 6 Action Point 12 provides a robust justification for this stance.

2.48 The Council wish to reiterate that within the Vale of Glamorgan the Council has for many years, as a matter of practice, sought all social rented (and in most cases Intermediate tenure) affordable housing secured through the planning system to be DQR compliant, including that not supported by Social Housing Grant (SHG) which is most cases. The fact that this has been achieved in practice in the Vale of Glamorgan demonstrates that the requirement is deliverable and appropriate in this context. However, as set out earlier, where developers are able to demonstrate that the requirement for DQR would have an adverse impact on viability then the percentage affordable housing requirement can be renegotiated.

3. Development and Flood Risk

a. Are the site allocations consistent with national policy relating to flood risk? Does the Plan incorporate sufficient information to demonstrate that this is the case?

3.1 In response to the Inspector's Action Point 1 of Hearing Session 4, the Council prepared a position statement with Natural Resources Wales (NRW) in respect of those site allocations affected by flooding. The position statement sets out for each site a justification for the inclusion of the site within the plan and provides an assessment against the justification criteria as set out in TAN15. The position statement also included details on mitigation and deliverability controls e.g. reduced site densities that will be imposed to ensure that the sites affected were sufficient in scale to accommodate the level of growth identified under Policy MG2.

3.2 The Council notes the objection from Welsh Government to MAC 43 which stated:

"It is noted that the additional text proposed for many of the allocations which refers to NRW advice is not compatible with TAN15. The principle that all the sites comply with TAN15 should be clearly demonstrated at the plan making stage. TAN15 clearly sets out that Class C3 residential development should not be located within areas subject to C2 Flood Risk. To enable the proposed allocations to remain within the plan the local authority should be in a position to clearly demonstrate that the developable area is not subject to C2 flood risk issues. At this present time this still remains unclear in some instances, for example MG2(5). The Welsh Government is seeking clarification that the land outside of that identified as being within C2 Flood Risk is sufficient in scale to accommodate the level of growth proposed. This should also include demonstration of the ability to access/egress sites too."

3.3 Having received this objection, the Council has entered discussions with Welsh Government on this matter and accepts that the position on those sites affected by flooding could be clarified further within the Local Development Plan. Therefore the Council would propose the following additional text be included at the Appendix 5 (individual site details) of the sites listed below:

'In identifying the site for development, the Council has considered the extent of zone C2 flooding on the site and has reduced the net developable area of the site accordingly. The scale of the identified zone C2 flooding is such that

access and egress from the site can be achieved outside Zone C2 flood areas. The flood areas are included within the site boundaries which represent logical physical boundaries to the site, but these areas will only be suitable for less vulnerable development such as amenity open space.'

3.2 **Housing Sites**

MG2 (1) Phase 2 Barry Waterfront

MG2 (5) Land to the East of Eglwys Brewis

MG2 (6) Land adjacent to Froglands Farm, north of Llantwit Major

MG2 (7) Land between new Northern Access Road and Eglwys Brewis Road

MG2 (21) Plasnewydd Farm, Llantwit Major

MG2 (27) Caerleon Road

MG2 (29) Land at Cross Common Road

MG2 (32) Llandough Landings

3.3 **Employment Sites**

MG9 (1) & (11) Land to the south of Junction 34 M4 Hensol (Strategic Employment Site)

MG9 (3) Aerospace Business Park, St Athan

MG9 (4) B & C Atlantic Trading Estate

MG9 (5) Land at Ffordd Y Millenium, Barry

MG9 (7) Hayes Road, Sully

3.4 Further and in response to the Welsh Government's specific query seeking clarification that those sites affected by zone C2 flooding are capable of accommodating the levels of growth proposed and that access and egress will not be constrained, the Council would confirm that the proposed site densities reflect the net developable areas and that as set out in the various Council Hearing Statements, where zone C2 flooding has been identified, site densities have been reduced accordingly. Particular concern was raised in respect of site MG2 (7) Land between new Northern Access Road and Eglwys Brewis Road and the Council would confirm that, as set out in our Hearing Session 7 statement, approximately 3.3 hectares were taken off the site area to take account of the potential nature conservation constraints and partial C2 flood zone leaving a net developable area of 12.5 hectares. With a density of 30 dph this provides the 375 dwellings proposed in the MG2 allocation.

3.5 Welsh Government has confirmed to the Council that they are satisfied that the approach set out above addresses their concerns and that if the changes were made to the LDP it would overcome their objection (see ED71).

b. Is the approach to the identification of waste management sites consistent with national policy relating to flood risk, with particular reference to Policy MG9 and the definition of highly vulnerable development in TAN15?

3.6 The Council's approach to identifying the suitable locations for in-building waste management facilities is set out within the Council's response to Hearing Session 13, Action Point 16. In response to this Action Point the Council made Matters Arising Changes to Policy MG 9 to identify which allocated employment sites were considered potentially suitable for waste management facilities. Of these, 2 sites are affected by Zone C1 or C2 flooding as identified on the 2015 Development Advice Maps, namely:

- MG9 (4) Atlantic Trading Estate
- MG9 (7) Hayes Road, Sully

The plan at **Appendix 2** to this statement provides a map illustrating flood zone C2 areas and the relevant employment allocations.

3.7 TAN 15, Figure 2, sets out the development categories for the consideration of flood risk. The definition of 'highly vulnerable development' includes especially vulnerable industrial developments (e.g. power stations, chemical plants, incinerators) and waste disposal sites. Highly vulnerable development should not be considered in areas within flood Zone C2. Figure 2 also identifies 'less vulnerable development' as including general industrial, employment, and commercial development, excluding waste disposal sites. At paragraph 5.2 it elaborates: *"Highly vulnerable development [...] includes those industrial uses where there would be an attendant risk to the public and the water environment should the site be inundated."*

3.8 TAN 15 paragraph 10.5 advises that

"where appropriate the Plan should include site specific policies and proposals for development and flood risk. Allocations should only be made in zone C if it can be justified that a development/use has to be located there in accordance with section 6 and if the consequences of locating development are acceptable, in accordance with section 7 and appendix 1. Local planning authorities will need to fully explain and

justify the reasons for allocating a site within zone C in the relevant reasoned justification for the allocation. Alternately this may be achieved by including zone C on the proposals map, if appropriate”.

- 3.9 The Council’s response to Hearing Session 4, Action Point 1, sets out the justification for the policy MG 9 site allocations that are effected by flooding. This resulted in additional clarification text being added to Appendix 6 (Employment Site Details) for the following two employment sites that are identified as ‘suitable locations’ for waste management facilities in Strategic Policy SP8 (Waste Management):

MG 9 (4) Atlantic Trading Estate; (MAC223) and

MG9 (7) Hayes Road, Sully; (MAC226)

- 3.10 The additional site details text added to Appendix 6 and proposed in the Council’s response to Hearing Session 4, Action Point 1, states that:

“NRW have advised that the site may be affected by flooding, with some parts being identified as being within Development Advice Map Zone C1 / C2. All development proposals within this allocation will be required to demonstrate that they accord to national policy relating to flood risk as set out in TAN15. A site specific FCA / An updated site specific FCA must be submitted if any part of the planning application site falls within an area identified as being at risk of flooding.”

- 3.11 In addition, whilst generally suitable for most forms of development (TAN 15, Section 9 Summary of Policy Requirements), reference to areas of flood zone B and the need to demonstrate that future proposals satisfy the requirements of TAN15 has also been added to Appendix 6 for site MG 9 (5) Land at Ffordd y Mileniwm; (MAC224) which is also identified as suitable for waste management facilities.

- 3.12 With regards to employment sites MG9 (4) and MG7 (7) that are partially located within flood zone C2, TAN15 at paragraph 10.8 advises that such sites should not be allocated for highly vulnerable development. The Council accepts that these sites are in appropriate for highly vulnerable developments such as waste incinerators. However, it is considered that there are a range of waste management facilities and processes that could fall within the less vulnerable development category that may be considered appropriate due to the impacts and risks associated with flooding being similar to general industrial uses. The Plan’s policy framework allows for a flexible approach where the specific impacts of development types can be considered at the development management stage.

- 3.13 In this respect, the Plan does not specify the waste facilities that would or would not be acceptable on allocated employment sites but instead through Strategic Policy SP8 identifies a range of locations where in-building waste management solutions may be suitable. The reasoned justification at paragraphs 5.84 and 5.86 clarifies that proposals for waste management facilities will be assessed against Policy MD20 (Assessment of Waste Management Proposals) and all other relevant LDP policies. This would include Policies MD1 (Location of New Development) and MD8 (Environmental Protection) which also require consideration of flood risk in the assessment of any future planning application.
- 3.14 In this respect, TAN 21 paragraph 3.22 advises that:
- “Where necessary criteria based policies may be used to identify what types of facility may be acceptable as part of a specific allocation or as part of indicating which employment sites may be suitable for waste uses. It is expected that facilities for recycling and remanufacture can be appropriately accommodated on many general employment sites, providing suitable access and transportation is available, however there may be site specific reasons for these being located elsewhere. The take up of sites by waste management users should be monitored as part of annual monitoring of local development plans and will provide useful evidence on trends and activities in an area”.*
- 3.15 In-building waste management facilities is a broad term which can include a range of facilities, including for example; waste transfer stations for the sorting and transporting of materials, waste treatment or processing facilities, temporary waste storage facilities or waste incineration facilities. This broad definition is reflected at Appendix 1 of the LDP (Glossary of Terms) where in-building waste management solutions are defined *“as waste management facility for the handling, treatments and recycling of waste undertaken within a building and the operation is similar to general industrial processes and includes waste transfer, composting and incineration facilities”*.
- 3.16 Furthermore, the term ‘waste’ covers a large range of products, from inert glass and wood to more hazardous substances such as solvents and chemicals, i.e. some waste materials are more environmentally sensitive than others. Therefore, it is very possible that a proposal for waste management would not have an unacceptable impact on the public or water environment if the site were inundated i.e. the impact anticipated by TAN 15 in defining waste disposal sites as ‘highly vulnerable development’. Therefore, it is not considered appropriate or necessary to apply a

total exclusion of waste management facilities from these sites partially affected by the C2 flood zone.

- 3.17 Figure 1 below demonstrates the extent of partial C2 flood zone coverage on Policy MG9 allocated employment sites that are identified in Strategic Policy SP8 (Waste Management). As referenced above, this demonstrates that the majority of sites lie outside of the C2 flood zone with two of the six allocated employment sites partially within flood zone C2, specifically sites MG9 (4) Atlantic Trading Estate (plots B and C) and MG9 (7) Hayes Road, Sully. Appendix 2 to this statement also provides a map illustrating flood zone C2 areas and the locations identified in Strategic Policy SP8. Those sites partially affected by C2 flooding (namely sites MG9 (4) plots B and C and MG9 (7)) represent 30% (10.54ha in total) of the employment sites identified for waste management facilities listed in Figure 1. However, the table shows that the actual C2 flood zone coverage affects approximately 3.7% of all the land on allocated sites identified as suitable for waste management facilities.

Figure 1 – C2 Flood Zone Coverage on MG9 Employment Sites

Allocated Employment Sites Suitable for Waste Management Facilities	Site Area (Ha)	C2 Flood Zone Area on the site
Atlantic Trading Estate – MG 9 (4) Plot A	4.5	0
Atlantic Trading Estate – MG 9 (4) Plot B	0.7	0.163
Atlantic Trading Estate – MG 9 (4) Plot C	2.34	0.48
Atlantic Trading Estate – MG 9 (4) Plot D	0.90	0
Atlantic Trading Estate – MG 9 (4) Plot E	0.7	0
Land at Ffordd y Mileniwm – MG 9 (5)	8.9	0
Hayes Lane, Barry – MG9 (6)	1.4	0
Hayes Road, Sully – MG9 (7)	7.5	0.683
Hayes Wood, Barry – MG9 (8)	1.9	0
Llandow Trading Estate MG9 (9)	6.8	0
Total:	35.64	1.326

- 3.18 Furthermore, as the plan at Appendix 2 illustrates, the areas affected by C2 flood zone are at the extremities of these relatively large sites, demonstrating that parts of the sites not affected by flooding could feasibly be used for waste management facilities and comply with national policy.

- 3.19 Notwithstanding this approach and to ensure compliance with TAN 15 it suggested that that additional wording is added at Appendix 6 of the Plan to clarify the range of acceptable development types within the allocated B2/B8 uses classes for sites that partially lie within flood zone C2 as follows:

MG9 (4) Atlantic Trading Estate

Suggested text to be added to paragraph 3 in Appendix 6 (MG 9(4)) following the text inserted as part of Hearing Session 4, Action Point 1 (MAC 223):

In particular, plots B and C to the south west of the allocation lie within flood zone C2 where proposals for highly vulnerable industrial developments such as power stations, chemical plants, incinerators and waste disposal sites will not be appropriate in accordance with national policy contained within TAN 15. Proposals for general industrial, employment, and utilities infrastructure or other industrial developments similar in nature that fall within the less vulnerable development category may be considered acceptable subject to application of the TAN 15 justification test, including acceptability of consequences.

MG9 (7) Hayes Road, Sully

Suggested text to be added to paragraph 3 in Appendix 6 (MG 9(7)) following the text inserted as part of Hearing Session 4, Action Point 1 (MAC 226):

As the site allocation lies partially in flood zone C2, highly vulnerable industrial developments such as power stations, chemical plants, incinerators and waste disposal sites will not be appropriate in accordance with national policy contained within TAN 15. Proposals for general industrial, employment, and utilities infrastructure or other industrial developments similar in nature that fall within the less vulnerable development category may be considered acceptable subject to application of the TAN 15 justification test, including acceptability of consequences..

- 3.20 Additional text to clarify the C2 flood zone constraints is also suggested for inclusion in the reasoned justification to Policy SP8 (Waste Management) as follows.

Amend Paragraph 5.84 to read:

5.84 Policy SP8 identifies the Council's preferred locations for in-building waste facilities, which have had regard to the site selection guidance contained in national

planning policy. This advises that local planning authorities should in the first instance examine whether existing class B2 and major industrial sites could adequately accommodate new waste management facilities in order to support the network of integrated waste management facilities set out within the Collections, Infrastructure and Markets (CIM) Sector Plan. Atlantic Trading Estate, the Operational Port of Barry Docks and Llandow Trading Estate satisfy this guidance and have sufficient capacity to meet the future requirements of the area. ~~It should be noted that these locations either~~ **The identified locations at Barry and Llandow** accommodate existing waste management facilities or have extant planning permissions for such facilities. In order to provide further flexibility, Policy SP8 also identifies existing Class B2 'general industrial' and B8 'storage and distribution' (and similar) employment sites, as being suitable locations for additional waste management facilities consistent with national planning guidance. Several such sites are allocated within the plan and are identified within Policy MG9 (Employment Allocations). **It should be noted that parts of Barry Docks and Atlantic Trading Estate lie within flood zone C2 where highly vulnerable developments defined in TAN 15 will not be appropriate. This restricts the range of potential uses on allocated employment sites MG9 (4) at Atlantic Trading Estate and MG9 (7) Hayes Road, Sully and Appendix 6 provides further site specific details.** Proposals for new waste management facilities will be considered against the preferred locations set out in Policy SP9 and the criteria under Policy MD20 (Assessment of Waste Management Proposals).

- 3.21 While it is acknowledged that a new incinerator facility may be required within the South East Wales region the Plan does not identify a specific land allocation for such a facility but provides a flexible approach to support the development of a network of integrated waste management facilities across the region.
- 3.22 With regards to the implications of meeting the requirements for waste management over the Plan period the Council has considered the ability of the Plan to assist in providing a network of integrated waste management facilities as required by the Collections, Infrastructure and Markets Sector Plan. As part of this the Council has considered the availability of sites for highly vulnerable development that lie outside of flood zone C2.
- 3.23 Given the extent of C2 flood zone coverage and the range of alternative sites in Barry and Llandow the Council is satisfied that there is sufficient flexibility within the Plan's

allocations to support the provision of a network of integrated waste management facilities where proposals in the highly vulnerable development category are required.

- 3.24 With regard to the appropriateness of the locations for in-building waste management facilities in general, TAN 21 (Waste) at paragraph 3.19 advises that *“Advances in technology and the introduction of new legislation, policies and practices mean that many modern in-building facilities externally appear similar to any other industrial building and internally contain industrial processes or energy generation that may be no different to other modern industrial activities in terms of their operation or impact. For this reason, many general employment sites and major industrial areas are likely to be suitable locations for waste facilities but this will depend on a variety of local factors, including the nature of existing users and the strategy adopted for particular employment sites”*.
- 3.25 Therefore, the Council considers that the flexible approach provided by the Plan and the policy framework is consistent with national policy and advice contained within TAN 21 relating to Waste Planning and TAN 15 regarding flood risk.
- 3.26 Finally, whilst located outside of allocated employment land it is noted that a recent planning consent has been granted on Wimborne Road in Barry Docks for the recycling of incinerator bottom ash (IBA) to produce aggregates (IBAA) and the recovery of metal which lies within the existing employment site MD16A(1) (Application reference 2015/00360/FUL refers). Whilst this is currently not being progressed by the operator, it remains an extant consent.
- 3.27 In addition, a proposal for a wood fired renewable energy plant at David Davies Road/Woodham Road at Barry Docks has also recently gained planning consent and is currently under construction (application 2015/00031/OUT refers). Whilst each proposal will be considered against the Plan’s policy framework and national policy, it is considered that these recent planning consents for incinerator facilities at Barry Docks supports the case for the locations identified within Strategic Policy SP8.

4. Is the general methodology/strategic approach to the delineation of the settlement boundaries at Minor Rural Settlements logical and appropriate?

- 4.1 In response to Action Point 3 of Hearing Session 12 the Council defined settlement boundaries around the Minor Rural Settlements included in the settlement hierarchy, namely: Aberthin, Bonvilston, Colwinston, Corntown, Culverhouse Cross, East Aberthaw, Ewenny, Fferm Goch, Graig Penllyn, Llanccarfan, Llandow, Llanmaes, Llysworney, Ogmored by Sea, Pendoylan, Penllyn, Peterston Super Ely, Sigingstone, Southerndown, St Brides Major, St Nicholas, Treoes, Wick and Ystradowen. The background, reasoning and plans of the settlement boundaries are contained within the Council's Action Point response detailed above, including the support for the use of settlement boundaries in national policy.
- 4.2 During the Matters Arising Changes consultation a number of representations were received regarding the inclusion and exclusion of undeveloped parcels of land on the edge of settlement boundaries or other sites, some of which were previously submitted as alternative sites and candidate sites (for example at Llanmaes and Sigingstone). These representations did not raise fundamental or new concerns regarding the Council's approach to delineating settlement boundaries but promoted specific sites for the inclusion within identified settlement boundaries. The Council is confident that the approach taken in reviewing and delineating the identified settlement boundaries is robust and justified. Proposals for the future development of these sites would be considered under relevant policies of the Plan including the revised Policy MD 5 (Development within Settlement Boundaries) (MAC 85).
- 4.3 In this respect, the approach detailed in the Council's Hearing Session 12, Action Point 3 response, advises that boundaries have been drawn around the existing built development within each settlement and include residential properties, community and other buildings. At the fringes of the settlements the Council has sought to identify permanent, robust and logical boundaries which represent the physical limits of the settlement on the ground such as highways, garden curtilages, enclosures etc. This analysis was done on the basis of desk top and on-site survey analysis undertaken by consultants on behalf of the Council in summer 2016. The boundaries have been drawn close to the existing built form so that new development in these settlements will be limited to housing allocations (where applicable), infill or redevelopment of plots within the boundary, and rounding-off at the edge of settlement where it closely relates to the settlement and satisfies the criteria set out in the relevant development management policies. Farm complexes at the edge of

settlements have been excluded because these relate in use, scale and form more closely to the countryside. Therefore, in reviewing and identifying settlement boundaries for Minor Rural Settlements the appropriateness and impact of fringe 'rounding off' sites has been considered alongside the Plan's development management policies.

4.4 In applying this approach to identify settlement boundaries the following practical steps were undertaken:

- A desktop analysis of the Minor Rural Settlements to identify initial boundaries (based on O.S. map base, historic boundaries e.g. UDP HOUS 2 settlement boundaries where applicable, and relevant planning application history);
- Site visits were carried out on each of the identified settlements to walk the proposed boundary (as far as is reasonably practical from public viewpoints, public footpaths and on Council owned land);
- A review of the minor rural settlement was undertaken to identify any constraints that might affect the location of the boundary and to clarify, where necessary, any on site findings. This included using aerial photography where it was not possible to view sites from the ground.
- A review of relevant planning policies and recent planning history to inform any boundary changes and confirm on site findings (for example, new development not identified with a planning application).
- Written summary of each settlement boundary was produced including justification/reasoning for the inclusion/omission of boundaries based upon; the context and setting, physical constraints, LDP housing allocations and recent planning history.
- Final boundaries agreed by Council Officers and lead Member and published in MAC Schedule.

4.5 The Council therefore considers that the settlement boundaries defined around the minor rural settlements have been based upon a consistent and robust methodology which reflects the extent and nature of the minor rural settlements.

5. MD16A: Protection of Existing Employment Sites - What is the rationale for including HMS Cambria within the Existing Employment Site identified by at Policy MD16A: (3) Atlantic Trading Estate, Barry?

5.1 Boundaries of existing employment sites have not been identified in previous Development Plans and in response to Hearing Session 5, Action Point 10, the Council has reviewed all existing industrial and employment land within the Vale of Glamorgan.

5.2 The identification of existing employment sites has sought to include all existing employment type uses including B-class uses and other commercial, industrial or sui generis uses that provide jobs or support economic development and which form part of established industrial areas. This has extended to the logical inclusion of ancillary uses for leisure or training on established industrial estates (D1 and D2 uses) as well as other employers. This approach is considered to be appropriate due to the range of uses found in established industrial areas which fall outside of narrow B1, B2 and B8 uses classes. The Council has therefore sought to include ancillary or quasi employment uses that provide jobs or support economic development, including for training and education and armed forces uses.

5.3 In this respect, Planning Policy Wales (Section 7) and TAN 23 (Employment Development, paragraphs 1.1.1 and 1.1.4) state that:

Planning Policy Wales (PPW) defines economic development broadly so that it can include any form of development that generates wealth, jobs and income. In producing development plans or determining planning applications local planning authorities need to bear in mind that traditional business use, classes B1-B8, only account for part of the activity in the economy. It is important that the planning system recognises the economic aspects of all development and that planning decisions are made in a sustainable way which balance social, environmental and economic considerations...

PPW advises that economic land uses include the traditional employment uses (Class B in the Use Classes Order) as well as retail, tourism and public services. This list is not exhaustive and amongst other activities, economic land uses also include agriculture, energy generation and other infrastructure.

5.4 Therefore, it is considered that the approach to include 'sui generis' armed forces uses for training and education is appropriate and line with national policy.

Furthermore, the approach to include HMS Cambria is consistent with the Council's approach to identify other 'sui generis' armed forces uses at MOD St Athan (Policy MD16A (13) refers) which itself contains a broad range of uses including those for training and education.

- 5.5 Atlantic Trading Estate in Barry is a large industrial estate adjoining the coast which contains a broad range of industrial, commercial and associated employment uses that have developed over a long period of time. The HMS Cambria site itself adjoins a storage and distribution, tank cleaning and tachograph vehicle service business, which are located immediately to the north west. To the south west the site adjoins units 8 and 10 of Atlantic Trading Estate which comprise B2 general industrial and B8 storage warehousing. The site also adjoins an allocated employment site (MG9 (6) Hayes Lane, Barry) to the north which is also accessed from the same road.
- 5.6 According to the MAC representation made by Geraint John Planning on behalf of the landowner, the site was previously occupied by the Royal Naval Reserves as a training facility, which has been identified by the Ministry Defence as surplus to requirements. They argue that the site's previous use was predominantly residential in nature. Whereas the Council would contend that the residential use was ancillary to the main use of the site as a naval training facility. The representation refers to a recent pre-application submission to the Council (ref 2016/00059/PRE). These submissions included Sales particulars which stated "a number of former residential properties have been extended and converted to classrooms, offices, messrooms, drill deck, conference room, stores and ancillary accommodation" which would support the Council's stance that the existing use is more akin to 'employment' use than anything else.
- 5.7 The objector is seeking to promote the site for residential purposes. The HMS Cambria site has not been included within the settlement boundary for Barry that includes the Bendricks area as it was considered to form part of the established industrial area and is too detached from surrounding residential developments. In contrast, the LDP residential allocation MG2 (16) referred to adjoins the existing residential development that forms part of the Bendricks area and is located within the proposed settlement boundary. This residential allocation however is located approximately 230 meters to the north of the HMS Cambria site and the allocated employment site MG9 (6) separates the two sites. The only other existing residential development in this area is located to the east which comprises the former Sully

Hospital, a grade 2* listed building that has undergone conversion and which is set within the Coed-yr-Hayes woodlands.

- 5.8 In this respect the Council's Hearing Session 12, Action Point 1 response at paragraph 17 stated:

17. The Deposit LDP proposals map currently excludes the operational dock, Barry Chemical Complex and Atlantic Trading Estate from the Barry settlement boundary. Unlike other parts of Barry, this area is entirely industrial in nature (with the exception of The Bendricks – see paragraph 12 above) and would be unsuitable for additional residential development. It is considered that the inclusion of this area within the Barry settlement boundary would create uncertainty amongst existing users, local residents and prospective developers as to the future use of this area. All of these areas combined constitute a large expanse of land to the south of the main settlement of Barry comprising a significant industrial operation and consequently it is not considered appropriate or justified to include this large extent of employment land within the Barry settlement boundary because of the expectation that such a designation could create that redevelopment under Policy MD 5 is acceptable and a resultant pressure for residential development which would not be appropriate. Nevertheless, it should be noted that following discussions at hearing session 5, these areas will now be identified as existing employment areas on the proposals map and safeguarded under a new employment policy in the Plan (Action Point HS5/AP10 refers). This approach is considered to be more appropriate than including the area within the Barry settlement boundary.

- 5.9 To define logical boundaries of existing employment sites and premises for the purpose of Policy MD 16, physical features were used such as perimeter fencing, car parks, depots, roads, railway lines, woodlands, rivers and the coastline where appropriate. The use of the coastline and the woodlands that adjoin the Hayes Point development in this case are considered to form logical boundaries to Atlantic Trading Estate given the historic armed forces and training uses on the site. To exclude HMS Cambria would leave an established developed site (last used for a quasi employment use) outside of the identified industrial area and located in the countryside as defined under the Plan's policies. Designation of the site as an existing employment site provides certainty as to the likely acceptable uses at this location and future redevelopment proposals can be assessed against policy MD16A.

Therefore, no change is considered to be required to ensure the soundness of the Plan.

6. Are the settlement and allocation boundaries proposed for MG2 (46): Land West of Swanbridge Road Sully (as amended by PM MAC 36) consistently defined?

- 6.1 At Hearing Session 1 it was noted that the Deposit LDP Proposals Map excluded housing allocation MG2 (46) Land West of Swanbridge Road from the settlement boundary for Sully and this was inconsistent with the approach for other proposed housing allocations. The Council subsequently amended the settlement boundary for Sully to include the allocation as detailed within Hearing Session 1, Action Point 14 and Hearing Session 12, Action Point 1 responses (MAP MAC 36 refers).
- 6.2 In defining settlement boundaries the Council has sought to identify logical, permanent and robust boundaries which represent a distinct physical edge to a settlement by using features such as highways or garden curtilages in line with the methodology set out above in response to question 4. In particular, the approach has identified boundaries that are drawn close to the existing built form so that new development in these settlements will be limited to housing allocations (where applicable), infill or redevelopment of plots within the boundary, and rounding-off at the edge of settlement where it closely relates to the settlement and satisfies the criteria set out in the relevant development management policies (e.g. the criteria set out under Policy MD5 – Development Within Settlement Boundaries). In this respect, the potential impact of rounding off development has been considered in identifying whether or not to include potential ‘rounding off’ sites. Farm complexes at the edge of settlements have been excluded as these relate (in scale and form) more closely to the countryside beyond the settlement rather than the settlement themselves.
- 6.3 In respect of site MG2 (46) Land West of Swanbridge Road Sully, the allocation boundary and settlement boundary shown on the Proposals Map both follow Cog Road and Swanbridge Road that bound the north and east of the allocated site but they excludes the undeveloped parcel of land in the north east corner at the Cog Road and Swanbridge Road junction and situated between ‘Elm Cottage’ to the west and ‘Nicells’ to the east. This undeveloped grass paddock has been excluded from both the site allocation and the proposed settlement boundary.
- 6.4 In defining both the site allocation and the settlement boundary for site allocation MG2 (46), the Council has been mindful of its obligations under the relevant legislation and the guidance prepared by the Welsh Government to protect not just listed buildings but the setting of listed buildings. Where a development proposal affects a listed building or its setting, the primary consideration is the statutory

requirement to have special regard to the desirability of preserving the building, or its setting, or any features of special architectural or historic interest which it possesses. As set out within the Council's Hearing Session 8, Action Point 1 response, in preparing the Development Plan and in allocating land for development, the Local Planning Authority must have regard to these duties under the Planning (Listed Buildings and Conservation Areas) Act 1990.

6.5 In this respect, in the immediate vicinity there are a number of Grade II listed buildings, namely 'Nicells' and 'Cog House', which this undeveloped parcel of land provides the setting for. In particular, 'Nicells' is located immediately adjacent to the parcel of land to the south east and 'Cog House' is located to the north and directly opposite on Cog Road. The converted 'Cog Farm' buildings opposite (identified in Plan 1 of Hearing Session 8, Action Point 1) are also Grade 2 listed and provide an important contribution towards the group of listed buildings that surround the Cog Road / Swanbridge Road junction.

6.6 In regard to the open space that has been excluded from the settlement boundary and site allocation, the Historic Assets Site Appraisal in Hearing Session 8, Action Point 1, states at paragraph 4.3:

There is an open paddock directly to the north of the Nicells, and this lies outside of the allocated site. It is considered that the retention of this green space would contribute appreciably to the continued setting of Nicells (in the foreground from Sully Road and to the side/rear from Cog Road and Swanbridge Road. This area would also continue to contribute positively to the setting of the cluster of buildings north of Cog Road, since it would form the foreground to those views from Swanbridge Road, on the approach to Cog.

6.7 In addition, one of the reasons stated by Cadw for the listed building designation of 'Nicells' is its group value with other listed items at Cog Farm and Home Farm. Therefore, it is considered that the future development or landscaping of this land would have a negative impact on the setting of the listed buildings immediacy adjacent and the group of listed buildings that surround the Cog Road / Swanbridge Road junction. Its inclusion within the site allocation or settlement boundary could provide a degree of uncertainty in this regard, and imply that development may be acceptable.

6.8 Therefore, it is considered that using the field boundary as the settlement boundary at this location is justified and provides a logical boundary for both the residential

allocation and settlement boundary as it provides clarity regarding the acceptability for future development proposals.

- 6.9 It is noted that the existing dwellings on the southern and western sides of Cog Road and Swanbridge Road are included in the proposed settlement but excluded from the residential allocation. This is in line with the methodology applied and set out in question 4 above to identify settlement boundaries where all existing dwellings and curtilages have been included. The approach to exclude existing dwellings from residential site allocations is consistent with the Plan's other residential allocations such as site MG2 (2) Land at Higher End St Athan and (11) Plasnewydd Farm, Llantwit Major. Furthermore, it is considered their inclusion within the site allocation is not necessary for the delivery of the site allocation. Notwithstanding this, the inclusion of these existing dwellings within the settlement boundary would allow any future planning applications for residential development or amended schemes for the site allocation to be considered on their own merits and against the Plan's policy framework. Therefore, it is considered that no changes are considered to be required to ensure the soundness of the Plan.

7. Does the Plan comply with the advice relating to the tests of soundness set out at Section 8.2 of the Local Development Plan Manual, with specific reference to:
- a. Whether the Plan has regard to well-being goals, as specified by the Well-being of Future Generations (Wales) Act; and
 - b. Whether it has regard to the Welsh National Marine Plan.

7.1 As set out in the Council's Hearing Statement to Session 1: Plan Preparation, Vision, Objectives and Strategy and the pre-hearing meeting, the Council believes that the plan meets the tests of Soundness as set out in paragraph 8.2 of the LDP Manual Edition 2 August 2015.

7.2 In respect of **Test 1**, the Council considers that the plan has been prepared with due regard for higher order plans, programmes and policies as well as those plans prepared by neighbouring authorities. In respect of **Test 2**, the Council believes that it has demonstrated that the plan is based on an extensive and robust evidence base, has considered a range of strategy alternatives and is a clear, logical and balanced approach to future development within the Vale of Glamorgan. In respect of **Test 3**, the Council believes that the plan will be effective in achieving its objectives and that the site allocations and infrastructure requirements detailed within it are both viable and deliverable within the timeframes of the plan and that appropriate monitoring mechanisms have been incorporated to ensure that the plan is capable of reacting to unforeseen conditions or circumstances.

7.3 Specifically in relation to the Well-being of Future Generations (Wales) Act and the Welsh National Marine Plan the Council would advise as follows:

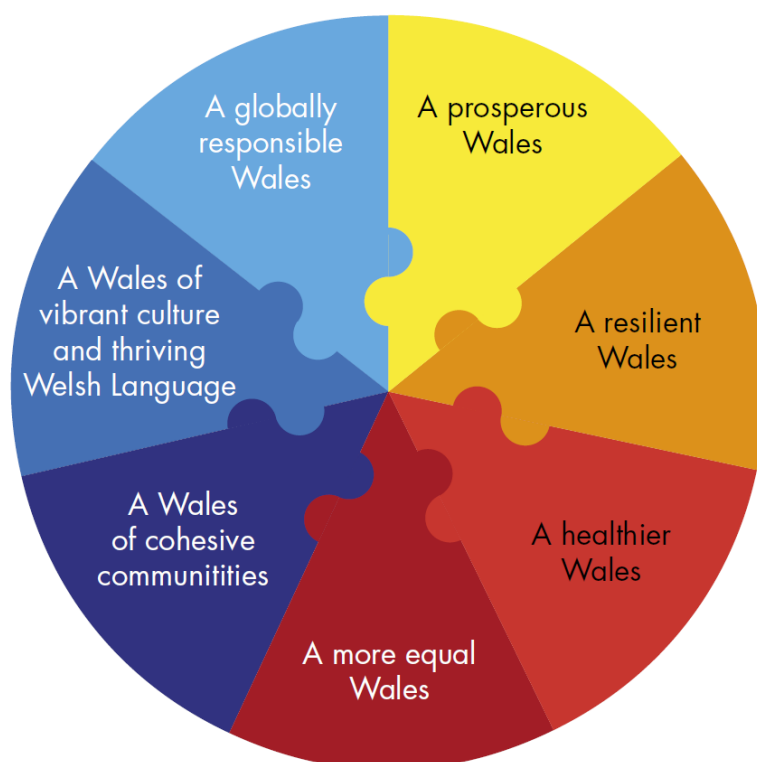
Well-being of Future Generations (Wales) Act

7.4 The Wellbeing of Future Generations (Wales) Act came in force in April 2015, and places a duty on public bodies detailed within the Act to think more about the long term, work better with people and communities and each other, look to prevent problems and take a more joined-up approach.

7.5 Under the Act public bodies (including the Vale of Glamorgan Council) need to make sure that when making their decisions they take into account the impact they could have on people living their lives in Wales in the future.

7.8 The Act introduces in legislation the principle of sustainable development, which means that we ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs.

7.9 The Act puts in place seven well-being goals that public bodies must work to achieve and take into consideration across all their decision-making:



7.10 The Planning (Wales) Act 2015 introduced a requirement for any statutory body carrying out a planning function and to exercise those functions in accordance with the principles of sustainable development as set out in the Well-being of Future Generations (Wales) Act 2015. As such the planning system is considered to be a key component in the delivery of sustainable development in Wales and in positively contributing to the well-being goals.

7.11 The seven well-being goals ('the goals') show the kind of Wales we want to see. Together they provide a shared vision for the public bodies listed in the Act to work towards. They are a set of goals; the Act makes it clear the listed public bodies must work to achieve all of the goals, not just one or two. The goals are listed below.

Goal	Description of the goal
A prosperous Wales	An innovative, productive and low carbon society which recognises the limits of the global environment and therefore uses resources efficiently and proportionately (including acting on climate change); and which develops a skilled and well-educated population in an economy which generates wealth and provides employment opportunities, allowing people to take advantage of the wealth generated through securing decent work.
A resilient Wales	A nation which maintains and enhances a biodiverse natural environment with healthy functioning ecosystems that support social, economic and ecological resilience and the capacity to adapt to change (for example climate change).
A healthier Wales	A society in which people's physical and mental well-being is maximised and in which choices and behaviours that benefit future health are understood.
A more equal Wales	A society that enables people to fulfil their potential no matter what their background or circumstances (including their socio economic background and circumstances).
A Wales of cohesive communities	Attractive, viable, safe and well-connected communities.
A Wales of vibrant culture and thriving Welsh language	A society that promotes and protects culture, heritage and the Welsh language, and which encourages people to participate in the arts, and sports and recreation.
A globally responsible Wales	A globally responsible Wales. A nation which, when doing anything to improve the economic, social, environmental and cultural well-being of Wales, takes account of whether doing such a thing may make a positive contribution to global well-being and the capacity to adapt to change (for example climate change).

7.12 Accordingly, the Council has assessed the emerging Vale of Glamorgan Local Development Plan against the seven Well-being goals contained within the Act. Table 1 (overleaf) provides an assessment of the LDP against the seven well-being goals contained within the Well-being of Future Generations Act (2015). The assessment indicates that the objectives and policies contained within the emerging LDP are compatible with and positively contribute towards the Well-being goals.

Table 1: Assessment of the Vale of Glamorgan Local Development Plan against Well-being Goals

Well-being Goal	How does the LDP contribute to this goal	Relevant LDP Policies
<p>A prosperous Wales: An innovative, productive and low carbon society which recognises the limits of the global environment and therefore uses resources efficiently and proportionately (including acting on climate change); and which develops a skilled and well-educated population in an economy which generates wealth and provides employment opportunities, allowing people to take advantage of the wealth generated through securing decent work.</p>	<p>Strategic LDP Objectives</p> <p>Objective 1: To sustain and further the development of sustainable communities within the Vale of Glamorgan, providing opportunities for living, learning, working and socialising for all.</p> <p>Objective 2: To ensure that development within the Vale of Glamorgan makes a positive contribution towards reducing the impact of and mitigating the adverse effects of climate change.</p> <p>Objective 6: To reinforce the vitality, viability and attractiveness of the Vale of Glamorgan’s town, district, local and neighbourhood shopping centres.</p> <p>Objective 8: To foster the development of a diverse and sustainable local economy that meets the needs of the Vale of Glamorgan and that of the wider South East Wales Region.</p> <p>Objective 10: To ensure that development within the Vale of Glamorgan uses land effectively and efficiently and to promote the sustainable use and management of natural resources.</p> <p>The LDP contains policies that protect finite resources and promote low carbon technologies and sustainable use of energy. Elsewhere the plan identifies sites for employment to encourage economic development, whilst also safeguarding existing employment sites to ensure sustainable supply of employment resources.</p> <p>The LDP identifies sites for the provision of additional educational provision necessary to support the additional growth identified over the lifetime of the LDP (2011-26), alongside promotion of community facilities.</p>	<p>Strategic Policies SP1, SP2, SP5, SP6, SP7, SP8, SP9.</p> <p>Managing Growth Policies MG1, MG2, MG3, MG6, MG9, MG10, MG11, MG12, MG13, MG14, MG15, MG16, MG23, MG26, MG27.</p> <p>Managing Development Policies MD1, MD5, MD7, MD8, MD14, MD15, MD16, MD16A, MD17, MD19.</p>
<p>A resilient Wales: A nation which maintains and enhances a bio diverse natural environment with healthy functioning ecosystems that support social, economic and ecological resilience and the capacity to adapt to change (for example climate change).</p>	<p>Strategic LDP Objective</p> <p>Objective 4: To protect and enhance the Vale of Glamorgan’s historic, built, and natural environment.</p> <p>The LDP contains specific policies that protect the natural environment and biodiversity, particularly where designated or protected sites, habitats or species are concerned. Efficient use of resources, renewable, low or zero carbon technologies are promoted and inappropriate development in flood zones is precluded</p>	<p>Strategic Policies SP1, SP10</p> <p>Managing Growth Policies MG17, MG18, MG19, 19A, 19B, MG22, MG24, MG27.</p> <p>Managing Development</p>

		<p>Policies MD2, MD8, MD9, MD10.</p>
<p>A healthier Wales: A society in which people’s physical and mental well-being is maximised and in which choices and behaviours that benefit future health are understood.</p>	<p>Strategic LDP Objective</p> <p>Objective 1: To sustain and further the development of sustainable communities within the Vale of Glamorgan, providing opportunities for living, learning, working and socialising for all.</p> <p>Objective 4: To protect and enhance the Vale of Glamorgan’s historic, built, and natural environment.</p> <p>Objective 5: To maintain, enhance and promote community facilities and services in the Vale of Glamorgan.</p> <p>Objective 7: To provide the opportunity for people in the Vale of Glamorgan to meet their housing needs.</p> <p>Objective 8: To foster the development of a diverse and sustainable local economy that meets the needs of the Vale of Glamorgan and that of the wider South East Wales Region.</p> <p>Objective 9: To create an attractive tourism destination with a positive image for the Vale of Glamorgan, encouraging sustainable development and quality facilities to enrich the experience for visitors and residents.</p> <p>The LDP contains policies to provide homes, education, employment, recreation and community facilities which contribute towards people’s physical and mental well-being.</p> <p>The LDP contains policies that protect the natural environment and biodiversity, which contribute towards people’s physical and mental well-being.</p>	<p>Strategic Policies SP1, SP3, SP4, SP10, SP11</p> <p>Managing Growth Policies MG1, MG2, MG4, MG5, MG6, MG7, MG8, MG9, MG10, MG11, MG13, MG14, MG15, MG21, MG24, MG25, MG26</p> <p>Managing Development Policies MD1, MD2, MD2A, MD4, MD5, MD11, MD12, MD18.</p>
<p>A more equal Wales: A society that enables people to fulfil their potential no matter what their background or circumstances (including their socio economic background and circumstances).</p>	<p>Strategic LDP Objective</p> <p>Objective 1: To sustain and further the development of sustainable communities within the Vale of Glamorgan, providing opportunities for living, learning, working and socialising for all.</p> <p>Objective 5: To maintain, enhance and promote community facilities and services in the Vale of Glamorgan.</p> <p>Objective 7: To provide the opportunity for people in the Vale of Glamorgan to meet their housing needs.</p> <p>Objective 8: To foster the development of a diverse and sustainable local economy that meets the needs of the Vale of Glamorgan and that of the wider South East Wales Region.</p> <p>The LDP contains policies to provide homes, education, employment, recreation and community facilities which enables</p>	<p>Strategic Policies SP1, SP3, SP4.</p> <p>Managing Growth Policies MG1, MG2, MG4, MG5, MG6, MG7, MG9, MG10, MG11</p> <p>Managing Development Policies MD2A, MD4, MD11, MD18.</p>

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	people to fulfil their potential no matter what their background or circumstances.	
<p>A Wales of cohesive communities: Attractive, viable, safe and well-connected Communities.</p>	<p>Strategic LDP Objectives</p> <p>Objective 1: To sustain and further the development of sustainable communities within the Vale of Glamorgan, providing opportunities for living, learning, working and socialising for all.</p> <p>Objective 3: To reduce the need for Vale of Glamorgan residents to travel to meet their daily needs and enabling them greater access to sustainable forms of transport.</p> <p>Objective 4: To protect and enhance the Vale of Glamorgan’s historic, built, and natural environment.</p> <p>Objective 5: To maintain, enhance and promote community facilities and services in the Vale of Glamorgan.</p> <p>Objective 6: To reinforce the vitality, viability and attractiveness of the Vale of Glamorgan’s town, district, local and neighbourhood shopping centres.</p> <p>Objective 7: To provide the opportunity for people in the Vale of Glamorgan to meet their housing needs.</p> <p>The LDP contains policies that promote viable and vibrant communities that are safe well-connected. This includes the identification of a hierarchy of sustainable settlements, policies that promote new and safeguard existing service and facilities, alongside key infrastructure and sustainable transport modes.</p>	<p>Strategic Policies SP1, SP6, SP7, SP10.</p> <p>Managing Growth Policies MG1, MG2, MG4, MG5, MG7, MG12, MG13, MG16, MG17.</p> <p>Managing Development Policies MD1, MD2, MD2A, MD4, MD5, MD8, MD9, MD10, MD11, MD12, MD13, MD14, MD18.</p>
<p>A Wales of vibrant culture and thriving Welsh language: A society that promotes and protects culture, heritage and the Welsh language, and which encourages people to participate in the arts, and sports and recreation.</p>	<p>Strategic LDP Objectives</p> <p>Objective 1: To sustain and further the development of sustainable communities within the Vale of Glamorgan, providing opportunities for living, learning, working and socialising for all.</p> <p>Objective 4: To protect and enhance the Vale of Glamorgan’s historic, built, and natural environment.</p> <p>Objective 5: To maintain, enhance and promote community facilities and services in the Vale of Glamorgan.</p> <p>The LDP contains policies to promote and protect the Vale of Glamorgan’s heritage and which enables development that encourages people to participate in the arts and sports and recreation.</p>	<p>Strategic Policies SP1, SP10</p> <p>Managing Growth Policies MG6, MG7, MG17, MG25.</p> <p>Managing Development Policies MD2A, MD4 MD8, MD9.</p>
<p>A globally responsible Wales: A nation which, when doing anything to improve the</p>	<p>Strategic LDP Objective</p> <p>Objective 2: To ensure that development within the Vale of Glamorgan makes a positive contribution towards reducing</p>	<p>Strategic Policies SP1.</p> <p>Managing Growth</p>

<p>economic, social, environmental and cultural well-being of Wales, takes account of whether doing such a thing may make a positive contribution to global well-being.</p>	<p>the impact of and mitigating the adverse effects of climate change.</p> <p>Objective 8: To foster the development of a diverse and sustainable local economy that meets the needs of the Vale of Glamorgan and that of the wider South East Wales Region.</p> <p>Objective 10: To ensure that development within the Vale of Glamorgan uses land effectively and efficiently and to promote the sustainable use and management of natural resources.</p> <p>The LDP will ensure that the Vale of Glamorgan maximises the contribution it makes towards meeting the national targets for renewable energy generation and the reduction of carbon, whilst also seeking to protect environmental features such as biodiversity and natural resources. In doing so the LDP shall contribute to the enhancement of global wellbeing.</p>	<p>Policies MG5, MG19, 19A, 19B, MG23, MG25, MG27.</p> <p>Managing Development Policies MD1, MD4, MD8, MD9, MD10, MD19, MD20.</p>
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7.13 The above table demonstrates how the LDP objectives and policies align with the well-being goals. The Council considers that the level of growth and the locations of new development allied to the overall objectives, strategic, managing growth and managing development policies of the Vale of Glamorgan LDP will directly contribute to the achievement of wellbeing goals. The plan will seek to ensure that new development is located in appropriate and complimentary locations that will enable the economy of the Vale of Glamorgan to prosper by improving access to housing, health, job opportunities and education whilst maintaining its environmental and cultural assets. Achieving these objectives will directly contribute to the health and well-being of the population.

Welsh National Marine Plan

7.14 The Welsh National Marine Plan will comply with the legislative framework for marine planning. Specifically:

- The Government of Wales Act (2006) which placed sustainable development at the heart of all Welsh Government policy making and introduced the requirement for Wales to act in accordance with EU Directives.
- The Marine and Coastal Access Act 2009 (MCAA) which introduced the requirement for marine planning and established Welsh Ministers as the Marine Planning Authority for Wales. The Marine Policy Statement agreed in 2011

outlined high level objectives for marine planning which have directed development of the National Marine Plan.

- The Maritime Spatial Planning Directive (EU Directive 89/2014) which established the framework for marine planning for all EU Member States in order to manage the increasing levels of marine activities being carried out. Under this directive, member states must have their marine plans in place by March 2021; and;
- The Well-being of Future Generations (Wales) Act 2015 which include the duty to use resources efficiently and proportionately, to maintain and enhance a bio diverse natural environment, to maximise the well-being of our communities and encourage full participation in society.

7.15 The Council would advise that the Welsh Government initially intended to have a draft of the Welsh National Marine Plan (WNMP) ready for formal public consultation during 2016. However, this timetable was amended in August 2016 when the Cabinet Secretary for Environment and Rural Affairs agreed for the Welsh Government to launch the formal consultation on the draft WNMP in mid to late 2017 once work to strengthen the marine economic policy and marine renewable energy policy is completed.

7.16 While Welsh Government have undertaken considerable preparatory work on the WNMP, and an early pre-consultation draft was made available during November 2015, the Council considers that it would be inappropriate to inform the LDP against the pre-consultation objectives of the WNMP until a more definitive consultation draft Welsh National Marine Plan is published (anticipated by Welsh Government to take place in mid to late 2017). Therefore, it is anticipated that the future draft and final versions of the WNMP will be considered as part of any future Plan reviews.

7.17 While the WNMP remains some way from formal adoption, the Council considers that the LDP reflects the principles of sustainability as expressed in the pre-consultation WNMP documentation in line with other high order plans, strategies and programmes of the Welsh Government. In this respect, it is considered that the location and scale of growth defined in the LDP will provide for the future housing, employment, educational and recreational needs of the Vale of Glamorgan while respecting, maintaining and where possible improving the social, economic, environmental and cultural well-being of the area.

8. Is the Plan consistent with national planning policy having particular regard to recent updates, including the publication of PPW Edition 9 (2016) and the revised TAN4: Retail and Commercial Development (2016)?

8.1 The latest revision of Planning Policy Wales (PPW) and revisions to Technical Advice Note (TAN) 4 - Retail and Commercial Development, were published by Welsh Government at the end of November 2016. The revised edition of PPW incorporates revised chapters on 'The Historic Environment' and 'Retail and Commercial Development', along with changes to take account of the provisions of the Planning (Wales) Act 2015 and the coming into force of the Well-being of Future Generations (Wales) Act 2015.

8.2 The main changes to PPW are set out in the Welsh Governments PPW, Edition 9, (November 2016) Summary of Changes document published at the same time. These changes and any relevant implications for the Local Development Plan are summarised and considered below.

PPW Chapter 2: Local Development Plans

8.3 Chapter 2, which deals with the Local Development Plan (LDP) process, has been updated to reflect changes in legislation, including provisions within the Planning (Wales) Act 2015. No changes are considered to be required to the LDP in this respect as the Plan's policies comply with national policy and legislation in this regard.

PPW Chapter 6: The Historic Environment

8.4 With regard to the Historic Environment, the Welsh Government's priority is for a well-protected and accessible historic environment that will contribute to the quality of life and place and enhance people's life chances. The Historic Environment (Wales) Act 2016 received Royal Assent on 21st March 2016. The Act forms part of a suite of legislation, policy, advice and guidance that aims to improve the protection and sustainable management of the Welsh historic environment. The revised chapter also reflects how the historic environment contributes to the Welsh Government's seven well-being goals for a sustainable Wales as set out in the Well-being of Future Generations (Wales) Act 2015.

8.4 The main changes to Chapter 6 of PPW are as follows:

Section 6.2 (Objectives) provides information on the reinforced objectives of the Welsh Government to ensure they meet the modern needs of effective management of the historic environment through the planning system. This included setting out a new objective to protect the Outstanding Universal Value of World Heritage Sites, making reference to the need to take into account climate change in decision making and ensuring there is a new emphasis on the positive management of change to historic buildings rather than the avoidance of harm. No further changes are considered to be required to the LDP in this respect as the Plan's policies are in line with these objectives.

Section 6.3 (Roles and Responsibilities in Wales' Historic Environment) provides updated information on the roles and responsibilities of those bodies that have a role in the historic environment ((including landowners and developers) and its relationship with the planning system. This included updating the role the Welsh Ministers through the Welsh Government's historic environment service (Cadw) with a specific reference to Conservation Principles and the need to respond to the whole historic environment, including historic character. It also updated the roles of other agencies, including local planning authorities, and in particular the new requirement under planning legislation to undertake pre-application consultation for certain types of development. These amendments are not considered to require further changes to the LDP.

Section 6.4 (Development Plans and the Historic Environment) provides updated information on how development plans should consider the historic environment including how up-to-date evidence on the historic environment should be used in Local Development Plans. This included referencing a need for the use of historic environment records during LDP preparation. The section also included updated references to new pre application procedures and roles and responsibilities. There are no implications resulting from these changes as the LDP and the evidence base is considered to be in line with this updated guidance.

Section 6.5 (Development Management and the Historic Environment) provides updated information on how development plans should consider the historic environment and provides updated information on consideration of the historic environment through the development management process. In particular, it strengthens the requirements for appropriate record and archive of archaeological remains during the consideration of development proposals impacting on them. The section also introduced a new aim to protect and enhance listed buildings, retaining

them in sustainable use. It also refers to the new requirement for Cadw to be consulted on all applications likely to affect a registered historic park or garden and the new arrangements relating to the register of historic landscapes. These amendments are not considered to require further changes to the LDP.

Paragraphs 6.5.29 and 6.5.30 (Enabling Development) provides updated information on how the historic environment should be considered through the development management process and provides new planning policy on enabling development that reflects existing practice and recognition made in Cadw's Conservation Principles document for development proposals which can deliver heritage benefit. It recognises that such proposals may be appropriate if the public benefits of preserving or enhancing an important historic asset decisively outweigh the harm to other material interests. The amendments to Section 6.5 are not considered to require further changes to the LDP.

- 8.5 In respect of development plans, PPW directs that LDPs should also set out proposals for re-use or new development affecting historic areas and buildings, which may assist in achieving the Welsh Government's objectives for urban and rural regeneration. LDPs must only identify locally specific policies in relation to the historic environment and where included, locally specific policies for the historic environment must be distinctive and only cover those heritage elements deemed as important considerations from a local planning perspective.
- 8.6 Within the LDP the protection of the historic environment is primarily contained within Policy MD9 – Historic Environment (as amended by MAC87) which seeks to ensure that the built and historic environment of the Vale of Glamorgan is protected and enhanced. This includes protection for conservation areas, listed and locally listed buildings and their settings, designated landscapes, historic parks and gardens and battlefields and archaeological sites of interest.
- 8.7 In addition to the primary Policy SP10 (Built and Natural Environment), other managing development policies of the plan place additional requirements of new development proposals to ensure the protection and enhancement of the historic environment. These include Policy MD1 (Location of New Development) which protects against unacceptable effects on the built environment, Policy MD2 (Design of New Development) which ensures that new development proposals positively contribute to the context and character of the surrounding built environment and protects existing features of townscape importance, and Policy MD5 (Development

within Settlement Boundaries) which ensures that development does not unacceptably impact on the local character of an area.

- 8.8 Therefore, while the LDP was prepared in line with earlier versions of PPW, the Council considers that the Plan in its current form (as amended by the Matters Raising Changes) is consistent with national planning policy and accords with the Welsh Governments objectives for the historic environment in Wales as set out in the updated Chapter 6 on the Historic Environment of PPW (Edition 9, November 2016).

PPW Chapter 10: Retail and Commercial Development and Technical Advice Note 4

- 8.9 The Welsh Government consulted on the revised TAN 4 Retail and Commercial Development and Chapter 10 of PPW during autumn 2015, and in November 2016 updated guidance was incorporated in to the latest revision of PPW (Edition 9, November 2016) and update to TAN 4 (November 2016) that was issued alongside PPW to provide further detailed technical guidance where appropriate. The revised objectives for retail planning policy emphasises the need for LDP policies to be framed by a retail strategy, identify a locally derived hierarchy of retailing centres, and include policies which have flexibility to respond to changes in retailing. A summary of the key changes in PPW and TAN4 is provided below. This is followed by consideration of how the LDP addresses the retailing objectives set out under national policy together with the consideration of any implications arising the from national policy updates.

- 8.10 The principal areas of change in PPW (Chapter 10) were:
- revised objectives for retail planning policy including the need for flexibility in responding to market changes;
 - stronger emphasis on the need for retail policies to be framed by a retail strategy in development plans which is complemented by masterplans and place plans to assist in the delivery of the strategy;
 - the requirement for development plans to set-out a hierarchy of centres using locally derived definitions;
 - clearer guidance on uses subject to the sequential test;
 - revised policies for dealing with new uses and centres undergoing change; and
 - a consistent approach to terminology.

8.11 TAN4 has been rewritten and now follows a similar structure as PPW Chapter 10. It provides further technical advice on the following topic areas:

- retailing objectives;
- centre hierarchies;
- retail strategies, masterplans and Place Plans;
- retail needs tests;
- the sequential test;
- retail frontages;
- changes of use and development management;
- Local Development Orders; and
- Indicators of vitality and viability.

8.12 Paragraph 10.3.1 of PPW sets out the key considerations and requirements in preparing LDPs which reflects the above changes. The following provides an assessment on how the Vale of Glamorgan LDP accords with the provisions set out in national policy:

- **establish a local retail hierarchy which identifies the nature, type and strategic role to be performed by retail and commercial centres**

8.13 Policy MG12 (as amended by MAC57) identifies the retailing hierarchy for the Vale of Glamorgan. Within the hierarchy centres are grouped within four categories, namely town, district, local and neighbourhood centres, each category reflecting the individual retail function of the centres relative to the level of services and facilities available and their accessibility by a range of transport modes. This hierarchy has been informed by qualitative assessments undertaken for each of the town, district, local and neighbourhood retail centres as detailed within the Council's submitted background evidence contained within the Town and District Retail Centres Appraisal (submission document SD59) and the Local and Neighbourhood Retail Centre Review (submission document SD21).

- **set out measures to reinvigorate particular centres, as appropriate, including linking to centre-wide strategies, master plans and place plans; and**
- **promote vibrant, attractive and viable retail and commercial centres.**

8.14 The LDP strategy for retailing has been informed by the appraisal of the town and district centres which examined their strengths and weakness and identified specific measures to enhance their attractiveness and viability. One such mechanism is the identification of primary and secondary frontages to manage the range and mix of retail offer within the retailing centres as set out in Policy MG14 (as amended by MAC 59). Additionally, retail centre boundaries have been drawn to facilitate other Council initiatives to regenerate retail centres. For example, Upper Holton Road previously identified within the Vale of Glamorgan UDP as district centre has been reclassified within the LDP as a local centre and the boundary redrawn to assist in the regeneration and redevelopment of the area as part of the Council's Castleland Ward Regeneration Programme.

8.15 Policies MG13 (as amended by MAC58) MG14 (as amended by MAC59) and MG15 (as amended by MAC60) establish the policy framework for managing change appropriate to each retail centre category contained within the retail hierarchy. These reference the need to consider the sequential test and impact assessments established within national planning policy and aim to ensure the vitality and viability of the established retail centres that offer the greatest accessibility, consistent with the sustainability principles set out in the Plans Strategy.

- **identify the boundaries of retail and commercial centres contained within the hierarchy on the proposals map;**

8.16 The boundaries of the Town and District retail centres contained within the LDP retail hierarchy are identified on the LDP proposals map. These are reproduced in greater detail within Appendix 7 of the Plan. Appendix 8 of the Plan also illustrates the Local and Neighbourhood retail centres which are much smaller in scale.

- **Allocate sites for retail and commercial centre uses where there is assessed to be a quantitative or qualitative need and where size and scale are in accord with the retail strategy. Sites should be identified using the sequential approach and, where appropriate, assessed for their impact on other centres;**

8.17 Strategic Policy 6 (as amended by MAC35) of the LDP identifies that the LDP makes provision for an additional 2,329 sq.m of comparison floorspace and 3,495 sq.m of convenience floorspace over the plan period. This additional floorspace has been accommodated through recently completed retail developments and will be met

through the continued regeneration at Barry Waterfront. Accordingly, 5,824 sq.m of retail floor space is allocated within the LDP at Barry Waterfront under Policy MG3 (as amended by MAC48).

8.18 The level of retailing need identified within the LDP has been informed by an assessment of quantitative need set out in the CACI Retail Planning Study (submission document SD54), and its findings reconfirmed through a review of retail provision as set out in the Council's Statement to Action Point 1 Hearing Session 15.

- **include a criteria based policy against which proposals coming forward on unallocated sites can be judged;**

8.19 The LDP policy framework directs new retailing proposals to existing centres identified within the Plan's retailing hierarchy and this is consistent with PPW "town centres first" approach (PPW, paragraph 10.1.4). Notwithstanding this, Policy MG13 (as amended by MAC 58) provides the criteria based policy by which new retailing proposals outside of existing centres will be judged.

- **set out policies for primary and secondary areas, where appropriate;**

8.20 Policy MG14 (as amended by MAC 59) sets out the policy framework for retail proposals located within the primary and secondary frontages identified within the LDP. This approach is in accordance with the advice provided within the Town and District Retail Centres Appraisal (submission document SD59).

- **develop policies which deal flexibly with changes to existing buildings; and**
- **Include policies relating to future development on existing retail sites to protect them from inappropriate development and to control and manage the release of unwanted retail sites to other uses.**

8.21 Policies MG14 (as amended by MAC59) and MG15 (as amended by MAC60) establishes the policy framework for managing change appropriate to each retail centre category contained within the retail hierarchy established in Policy MG12. Additionally, Policy MG13 (as amended by MAC58) sets out the framework for development proposals on edge and out of town centre retailing areas, with

consideration given to matters associated with the sequential test established within national planning policy.

- **Monitor the health of retail centres to assess the effectiveness of policies.**

8.22 Section 9 of the LDP contains the LDP monitoring framework which includes specific retail monitoring objectives under Objective 6: To reinforce the vitality and attractiveness of the Vale of Glamorgan's town, district, local and neighbourhood shopping centres (Monitoring Indicator reference 6.1 – 6.5). In addition to core indicators measuring major retail uses inside and outside of town and district centres this includes specific local monitoring targets and triggers associated with the management of retail proposals and policies which seek to enhance the vitality and viability of the existing centres identified within the LDP retail hierarchy.

8.23 Having considered the updated retail objectives in Chapter 10 of PPW (Edition 9), the evidence base and the LDP policy framework (as amended by the Matters Arising Changes), the Council considers that the Plan remains in accordance with national planning policy and there are no changes required in this respect ensure the soundness of the Plan.

9. Any Other Matters

- 9.1 The Council would make the Inspector aware of an incorrect Proposals Map amendment that was included in the Matters Arising Changes Schedule (MAP MAC 64, Page 405) which indicated the removal of the Argoed Isha dormant quarry site from the proposals map.
- 9.2 This change relates to Hearing Session 13, Action Point 10, to exclude Argoed Isha from the list of dormant sites where a Prohibition Order would be sought. The Action Point response amends Policy MG22 (Dormant Mineral Sites) but does not specify this mapping change. Whilst Argoed Isha is an inactive quarry that does not form part of the aggregates landbank, it is the only dormant quarry site that has been assessed as having potential for future reworking. Therefore, as with all other quarry sites with extant planning permission, it is intended that Argoed Isha remains identified on the proposals map as a dormant quarry.
- 9.3 The Council considers that the Plan's remaining policies would be sufficient to manage any future development surrounding the quarry (such as Policies MD1, MD8, MD12, and MD13). In the event of quarry reworking during the Plan period, this will be at a small scale and the potential impacts on surrounding development would be limited. Therefore, the Council would request that the Inspector disregard MAP MAC64 and that Argoed Isha quarry remains identified as a dormant quarry on the Proposals Map.

Appendix 1 - Summary of Section 106 Agreements Signed since January 2011 – Updated to 3rd January 2017 – Major Residential Development

Application Reference	Date Section 106 Signed	Address	Development Description	Details of Financial Contribution	Details of In-kind contributions	Total Amount Secured	Average Amount per Dwelling
2009/00813/OUT	21 June 2011	Former Emporium Garden Centre, Fferm Goch, Llangan, Cowbridge	Residential Development (12 units)	Sustainable Transport Contribution (£48,000), Public Art Contribution (1 percent of build costs), Public Open Space Contribution (£27,360)	Affordable housing (30%)	£75,360.00	£6,280.00
2009/01273/OUT	23 September 2011	Ogmore by Sea Caravan Park, Hazelwood, Ogmore by Sea	Outline application for redevelopment of caravan site for residential development, with associated open space	Communities facilities (£988.50 per dwelling *£98,850), Education (£4,661,80 per dwelling* £466,180), Public Open Space (£2,280 per dwelling* £228,000), Sustainable transport contribution (£2,000 per dwelling* £200,000)	30% affordable housing provision, 1% public art	£993,030.00	£9,930.30
2011/00067/FUL	26 September 2011	Theatre Royal, Broad Street, Barry	Construction of a new Extra-Care development, to provide 42 flats and associated communal and ancillary spaces	Sustainable transport contribution (£86,000), Public Open Space contribution (£46,200)	1% public art	£132,200.00	£3,147.60
2009/01368/OUT	28 November 2011	Land at St. Johns Well, St. Athan	Development of land at St. Johns Well for up to 100 dwellings, public open space and associated access	Community facilities (£110,000), Sustainable transport facilities (£100,000), POS maintenance (£60,000)	30% Affordable Housing on site (65% Social Rented), 1 x LEAP on site	£270,000.00	£,2,700.00
2009/00489/OUT	15 February 2012	Ogmore Residential Centre, Hazelwood, Off Main Road, Ogmore By Sea	Demolition of existing buildings and redevelopment of site for residential purposes 2013/00862/RES for approved 9/5/2014 for 70 dwellings.	Community Facilities (£988.50 per Dwelling £69,195), Education (£3930.95 per dwelling £275,166.50), Sustainable transport (£1666.67 per dwelling £116,666.90)	30% Affordable Housing, Public open space on site, traffic regulation orders, Highway works	£461,028.40	£6,586.12
2009/00946/OUT	02 March 2012	Land at Barry Waterfront adjacent to Dock No. 1, Barry	Development of vacant land at Barry Waterfront for residential (C3), retail (A1), cafes, bars and restaurants (A3), hotel (C1), offices (B1) and community and leisure uses (D1 and D2)	FIRST OBLIGATIONS: Sustainable transport facilities (£835,000), Highway contribution (£1,625,000), Public Open Space (£100,000), Community Facilities (£300,000), ADDITIONAL OBLIGATIONS (subject to viability): Off site highway works (£993,000), Sustainable Transport facilities (£800,000), Welsh Medium education (£956,100), school transport (£62,500), POS (£700,000), Community facilities (£500,000), Ecology compensation (£200,000), pollution monitoring (£12,000).	Development viability to be appraised at 500 dwelling or 5 year intervals. FIRST OBLIGATIONS: Off site Highway Works at Barry Island (worth £1,010,000), public open space on site including 13 x LAPs, 2 x LEAPS, 1 x NEAP, a temporary LEAP, maintenance of POS, a 210 place Primary School with Nursery on a 1.5ha site, Ecology mitigation works, 15% affordable housing on	£2,860,000	£1,430.00

Appendix 1 - Summary of Section 106 Agreements Signed since January 2011 – Updated to 3rd January 2017 – Major Residential Development

					site (split 12% social rented, 3% Intermediate) ADDITIONAL OBLIGATIONS (subject to viability): Up to 30% Affordable housing, 1% build costs for public art		
2011/01299/FUL	14 August 2012	Llantwit Major Social Club, Beach Road, Llantwit Major	Demolition of part of existing building and construction of 16 apartments (amendments to consented scheme).	Public Open Space (£10,000), Community Facilities (£10,000)	Public Art (1% build costs)	£20,000.00	£1,250.00
2011/01248/FUL	20 September 2012	Former Lower School, Town Mill Road, Cowbridge	Construction of 21 dwellings and all associated works	Public Open Space (£47,880), Education Contribution, (£81,008), Sustainable Transport Contribution (£42,000) Affordable House (£30,885)	Affordable Housing (6 units), Public Art (1% of build costs)	£170,888.00 (excluding affordable housing contribution)	£8,137.50 (excluding affordable housing contribution)
2012/01114/FUL	04 March 2013	Former Magistrates Court, Thompson Street, Barry	Demolition of former Magistrates Court to provide residential accommodation in the form of 52 affordable dwellings, commercial/retail development, access and landscaping	Public Open Space (£103,500)	100 percent Affordable Housing	£103,500.00	£1,990.30
2013/00778/FUL	11 November 2013	Former Marine Hotel, Barry Island	Conversion of former Marine Hotel, demolition of storage building, development of surrounding land for 20 affordable residential units, and associated works	Public Open Space (£43,000), Transport Contribution (£40,000)	Relocation of existing bus stop, Affordable Housing (100% social rented)	£83,000.00	£4,150.00
2012/00862/OUT	20 December 2013	Former Emporium Garden Centre, Fferm Goch, Llangan	Outline erection of 40 dwellings with associated access and landscaping. All matters reserved	Community facilities (£39,540), Education (£116,686), School transport (£39,000), Sustainable transport (£80,000), Play equipment (£15,000)	35% affordable housing, public art, public open space	£290,226.00	£7,255.65
2010/00686/EAO	16 January 2014	Land to the north of the railway line off Pentir Y De, Rhoose	Outline planning for the construction of up to 350 dwellings; the laying out of formal and informal open space, and changing rooms; new means of vehicular access onto Pentir Y De and associated infrastructure	Community facilities (£345,000), Education contribution (£1,115,387), Off-Site Highway contribution (£140,000), Public Art (1% minus £61,234), Sustainable Transport (£700,000),	30 percent affordable housing (80% social rented, 20% intermediate housing), 3 Local Areas for Play, a Neighbourhood Area of Play, Public Art (1 percent build costs minus £61,234), Multiuse Games Area and Changing Facilities,	£2,300,387.00	£6,572.50
2013/01165/FUL	28 March 2014	Old Station Yard, St. Athan	Demolition and redevelopment of former car park to provide 23 affordable dwellings, creation of public open space, access, and associated works	Sustainable Transport (£46,000)	100 percent affordable housing (all social rented)	£46,000.00	£2,000.00
2013/00856/OUT	31 March 2014	Land off Badgers Brook Rise, Ystradowen,	Residential development, comprising the erection of dwellings (up to 40) and garages and the construction of roads,	Community facilities (£39,540), Education (£347,906.48), Offsite Public Open Space	Public Art (1% build costs), no less than 2,216 Public Open	£494,211.91	£12,355.29

Appendix 1 - Summary of Section 106 Agreements Signed since January 2011 – Updated to 3rd January 2017 – Major Residential Development

		Cowbridge	footways, footpath and cycleway, drainage and services, landscaping and all associated building and engineering operations.	(£26,765.43), Sustainable Transport (£80,000)	Space, 35% Affordable Housing		
2013/00632/FUL	31 March 2014	Site of former quarry, Leckwith Road, Llandough	Construction of 25 residential units and associated works	Public Open Space (£19,437), Sustainable Transport (£50,000)	Public Art (1% build costs), 9 Affordable Housing units (36%)	£69,437.00	£2,777.48
2013/00378/FUL	31 March 2014	Land at Plasnewydd Farm, Cowbridge Road, Llantwit Major	Construction of 115 dwellings, informal open space, new means of vehicular and pedestrian access from Cowbridge Road and associated infrastructure	Community facilities (£113,677.50), Education Contribution (£222,729), Sustainable Transport Contribution (£230,000)	Affordable Housing (30% - 35 units), Public open space land including Childrens Play facilities (1xLAP, 1xLEAP), 1% for public art,	£566,406.50	£4,925.27
2013/01152/OUT	31 March 2014	Land Off Old Port Road, Culverhouse Cross (ITV)	Demolition of existing buildings and redevelopment of site for residential purposes. (NB 2014/01079/RES for 224 approved 12/03/2015)	Community facilities (£988.50 per Dwelling = £221,424), Education (£3,344.81 per Dwelling = £749,237.44), Sustainable Transport (£2,000 = £448,000), 11% Off Site Affordable Housing Contribution	More than 13.9 square metres of Childrens Play Space per Dwelling, Public Art (value of £50,000), Recreational Facilities (0.3 hectares of land), 24% Affordable Housing onsite	£1,418,661.40 excluding affordable housing contribution	£6,333.30 excluding affordable housing contribution
2013/00884/OUT	10 April 2014	Land to the West of Port Road, Wenvoe	Residential development for up to 140 dwellings with associated access, estate roads and public open space (NB 2014/00452/RES – 131 dwellings approved.)	10% Additional Affordable Housing contribution (£786,000), Community Facilities (£988.50 per Dwelling = £129,493.50), Education Contribution (£3,766.25 per Dwelling = £493,378.75), Public Open Space commuted sum (value calculated at time), Sustainable Transport (2,000 per Dwelling = £262,000)	25% Affordable Housing, Public Art (£20,000), Woodland Walk	£884,872.25 excluding affordable housing contribution	£6,754.75 excluding affordable housing contribution
2012/00937/FUL	15 May 2014	Land South of the Railway Line, Trem Echni, Rhoose Point, Rhoose	Proposed development of 87 No. residential units with associated public open space, landscaping, the creation of two new access points into the site from Trem Echni and diversion of the Public Right of Way	Community Facilities (£85,999), Education Contribution (£343,196), Environmental Mitigation Contribution (£15,000), Open Space Maintenance Contribution (£58,038), Public Art Contribution (£41,139), Sustainable Transport Contribution (£174,000 less Highway Works Costs)	Affordable housing (26 dwellings / 29%), 1% Public Art, Public Open Space	£717,372.00	£8,245.65
2014/00167/FUL	11 November 2014	Ardwyn, Pen Y Turnpike Road, Dinas Powys	Demolition of existing buildings, construction of 17 dwellings and associated works	Education contribution (£86,779.56), POS (£38,769.00), Sustainable transport (£34,000)	35% Affordable Housing, Public art (1% build costs),	£159,548.56	£9,385.20
2014/00224/FUL	28 November 2014	Porthkerry Road Methodist Church,	Proposal to convert the former Methodist Church and adjacent school	Affordable Housing (£22,000) Public open space (£5000)	None	£5,000 (excluding	£454.54 (excluding

Appendix 1 - Summary of Section 106 Agreements Signed since January 2011 – Updated to 3rd January 2017 – Major Residential Development

		Barry	into 11 residential houses, with associated gardens and parking			affordable housing)	affordable housing)
2014/00831/FUL	23 January 2015	Land at Plasnewydd Farm, Cowbridge Road, Llantwit Major	Construction of 149 dwellings, informal and formal openspace, new means of vehicular and pedestrian access from Cowbridge Road and associated infrastructure	Community Facilities (£147,286), Primary / Nursery education facilities (£295,654), open space (£77,520), sustainable transport (£298,000)	30% (45 units) Affordable Housing (36 SR units), Great Crested Newt mitigation measures, public open space, public art	£818,460.00	£5,493.00
2014/00193/FUL	02 March 2015	Former Post Office Sorting Office, Llanmaes Road, Llantwit Major	Development of 18 No affordable flats with associated parking and amenity areas	Public open space (£12,000)	100% Affordable Housing	£12,000.00	£666.66
2014/00055/FUL	31 March 2015	Redwood Close, Boverton, Llantwit Major	Construction of 12 new dwellings	Public Open Space Contribution (£9,120), Sustainable Transport (£12,000)	100% Affordable Housing (Social Rented)	£21,120.00	£1,760.00
2013/01257/FUL	14 April 2015	67-79, Dochdwy Road (Shopping Parade), Llandough	Renewal of application ref: 2007/00751/FUL; 18 self contained residential units over three storeys to replace demolished mix use building	Public open space contribution (£41,400)	100% affordable housing	£41,400.00	£2,300.00
2014/00550/OUT	14 May 2015	Land north of the railway line (west), Rhoose	Residential development (c. 350units) with associated access and associated works, to include public open space and land for a primary school (including the demolition of 46 Porthkerry Road and its associated outbuildings)	Highway works contribution (£20,000) Top-Up Highway Works Contribution (£120,000), Community Facilities (£988.50 per dwelling = £345,975), Education Facilities (£3712.65 per dwelling = £1,299,427.50), Sustainable Transport (£2000 per dwelling = £700,000)	30% affordable housing on site (80% social rented, 20% LCHO), Public Art on site (1% of build costs), Public Open Space scheme 1 x LEAP and 2 x LAPs, School Site (1 hectare)	£2,485,402.50	£7,101.15
2015/00075/FUL	28 May 2015	Ysgol Maes Dyfan, Gibbonsdown Rise, Barry	Redevelopment of the site for 47 dwellings, car parking and any associated works (Phase 1)	Community Facilities (£46,292.50), Education (£203,273.88), Public Art (£26,329), Public open space (£107,160.47), Sustainable Transport (£94,000)	30% Affordable Housing on site	£477,055.85	£10,150.12
2014/00242/FUL	02 June 2015	Land to the rear of St David's Primary School, Colwinston	Development of 64 residential dwellings, open space, sustainable urban drainage, vehicular and pedestrian accesses, landscaping and related infrastructure and engineering works	Affordable Housing Contribution (£519,124), Drainage Contribution payable to DCWW (£457,000), Education Contribution (£203,273.88), Off site Public Open Space (£46,008.12), Drainage and POS commuted sum (£80,000), Sustainable transport contribution (£128,000)	25% Affordable Housing on site, Public art to the value of £15,000, On site public open space and sustainable drainage,	£457,282.00 excluding affordable housing contribution and drainage contribution to DCWW.	£7,145.00 excluding affordable housing contribution and drainage contribution to DCWW.
						£914,282.00 excluding affordable housing contribution only.	£14,285.65 excluding affordable housing contribution

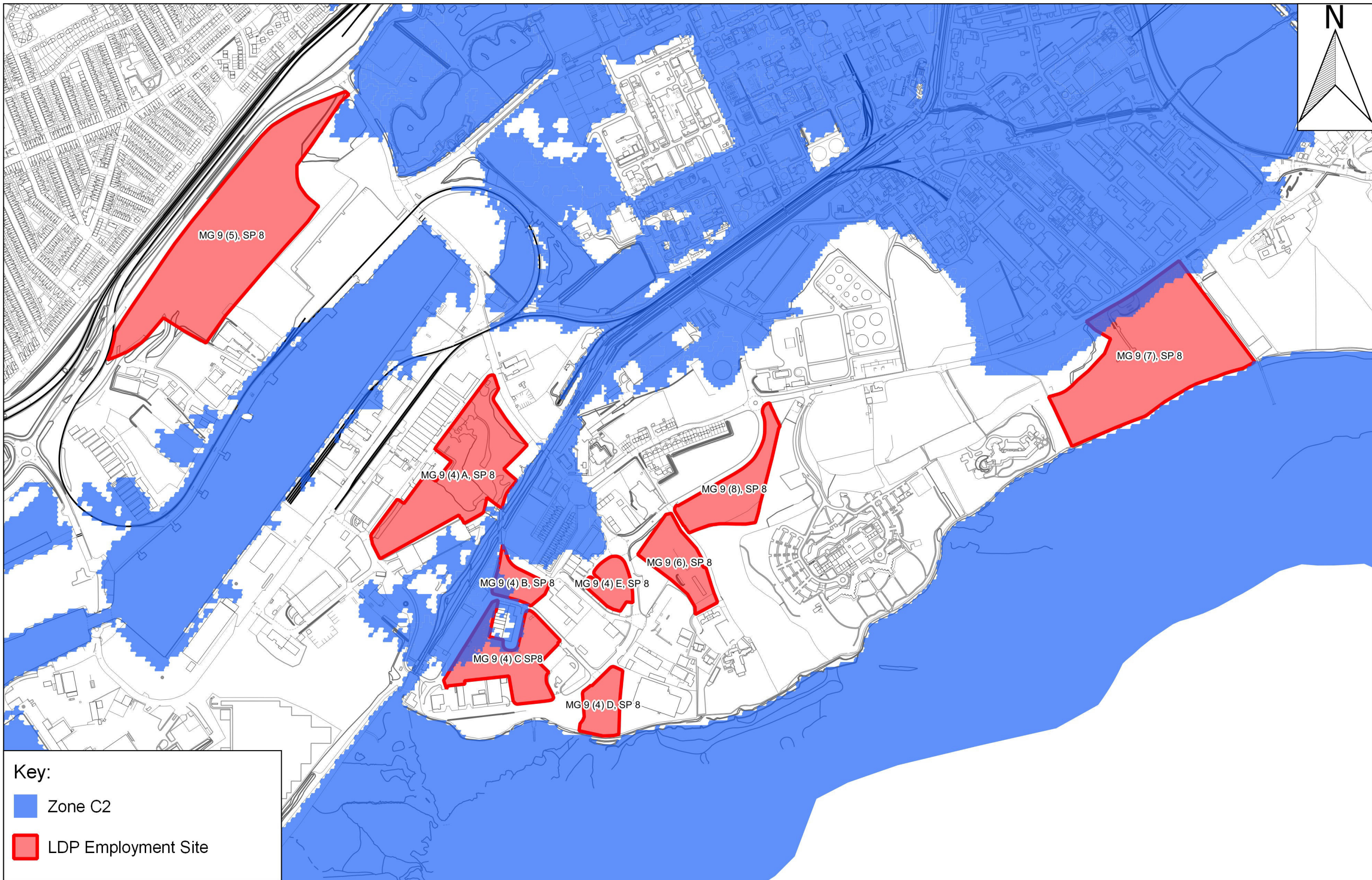
Appendix 1 - Summary of Section 106 Agreements Signed since January 2011 – Updated to 3rd January 2017 – Major Residential Development

2015/00076/FUL	26 June 2015	Ysgol Maes Dyfan, Gibbonsdown Rise, Barry	Redevelopment of the site for 34 dwellings, car parking and any associated works (Phase 2)	Community facilities contribution (£33,949), Education contribution (£101,636), Public Art contribution (£18,102), Public open space contribution (£77,520), Sustainable Transport contribution (£68,000)	30% affordable housing	£299,207.00	£8,800.20
2014/01424/FUL	18 November 2015	Land off St. Brides Road, Wick	Change of use of agricultural land to residential development (C3) including the development of 124 residential dwellings, public open space, landscaping, highway improvements and associated engineering works	Education (£1,270,588.40), Community Facilities (£122,574.00), Sustainable Transport (£248,000.00 minus the cost of footway link)	On site Public Open Space, Public Art (1% build costs), Sustainable Transport (Footway link); 35% on site affordable housing	£1,641,162.40	£13,235.18
2015/00095/FUL	30 November 2015	Ardwyn, Pen Y Turnpike Road, Dinas Powys	Construction of eighteen dwellings and associated works	Deed of Variation: Off site Affordable Housing £101,790, Education £101,242.82, Public Open Space £41,041, Sustainable Transport £36,000	Public Art (1% build costs), 35% affordable housing units	£178,283.82 (excluding affordable housing)	£9,904.65 Excluding affordable housing
2015/00566/FUL	1 st March 2016	Site of former Adult Training Centre, Woodlands Road, Barry	Erection of thirty residential units (Class C3) comprising twenty four one bedroom units and six two bedroom units, erection of bin/cycle store, amendment to existing access on Belmont Street, landscaping, car parking and associated works	Sustainable Transport (£29,955) Public Open Space (£68,400)	100% Affordable Housing	£98,355.00	£3,278.50
2015/00954/FUL	16 th March 2016	Bryneithin Home for the Elderly, St. Andrews Road, Dinas Powys	Construction of small retirement complex of [18units] two and three storey linked cottages and flats with communal resident and guest facilities, parking and garden areas	Affordable Housing (£571,235.00), Public Open Space (£41,040), Sustainable Transport (£36,000) Public Art (£15,012.00)		£92,052.00 (excluding affordable housing)	£5,114.00 (excluding affordable housing)
2014/00460/FUL	19 th May 2016	Land adjacent St. Josephs School, Sully Road, Penarth	Change of use of agricultural land to residential development (C3) [74 units]	Education (£686,929); Community Facilities (£73,149); Sustainable Transport (£148,000 less the costs sustainable transport works agreed by the Council)	35% Affordable Housing (21 social rented; 5 LCHO); Public Open Space - at least 1 LAP and 1 LEAP with at least 4 types of equipment; Footpath link from the site to entrance of St. Josephs RC Primary School; Public Art (1% build costs).	£908,078.00	£12,271.35
2015/00016/FUL	19 th May 2016	Land to the South of Craig Yr Eos Avenue, Ogmored by Sea	Residential development for 20 dwellings	Public Open Space (£45,600), Sustainable Transport (£40,000), Community Facilities (£19,770), Education (£86,779.56), School Transport (£19,500)	Public Art (1% build costs); 40% Affordable Housing (8 units) 75% social rented: 25% intermediate	£211,649.56	£10,582.50
2014/01505/OUT	12 th July 2016	Land at North West Cowbridge	Hybrid application- full application for the construction of a link road connecting Cowbridge bypass with Llantwit Major including	Sustainable Transport (£950,000) minus the costs of the Sustainable Transport Measures; Community Facilities (£200,000); Education (£4,131,866.76)	Public Open Space comprising of 5 Local Areas of Play, 2 Locally Equipped	£5,281,866.76	£11,119.72

Appendix 1 - Summary of Section 106 Agreements Signed since January 2011 – Updated to 3rd January 2017 – Major Residential Development

			footpaths/cycleways landscaping and associated engineering works. Outline permission for 475 residential units and mixed use development.		Areas of Play and 1 Neighbourhood Equipped Area of Play; delivery of a new link road from Cowbridge bypass and Llantwit Major Road; Public Art (to the value of £30,000); transfer of school site at nil cost; 40% affordable housing		
2015/01129/FUL	10 th November 2016	Land at The Rectory, Wenvoe	Development of 12 dwellings and associated infrastructure	Education £37,662.50, Affordable housing £50,112.00, Community Facilities £11,862, Public Open Space £10,197.84, Sustainable Transport £24,000	Affordable housing – 4 units	£83,722.34 (excluding affordable housing)	£6,976.87 (excluding affordable housing)
2015/00249/FUL	8 th December 2016	Land to the East of St. Nicholas	Development of 100 houses and associated open space vehicular and pedestrian access, landscaping and infrastructure, including the demolition of Emmaville	Sustainable Transport (£198,000), Community Facilities (£97,861.50), Education (£708,723.06) , Affordable Housing (5% - £418,066)	Affordable housing (35% on site), Public Open Space - 2 LAPs and 1 LEAP, Public Art (to the value of £63,073.00)	£1,004,584.50 (excluding affordable housing)	£10,045.85 (excluding affordable housing)
					Total secured	£26,689,810.75	
					Average s106 cost per dwelling		£6,375.85
					Average s106 cost per dwelling from January 2015 until January 2017		£7,408.51

Appendix 2 - C2 Flood Zone Plans for Employment Allocations identified for Waste Management Facilities



Key:

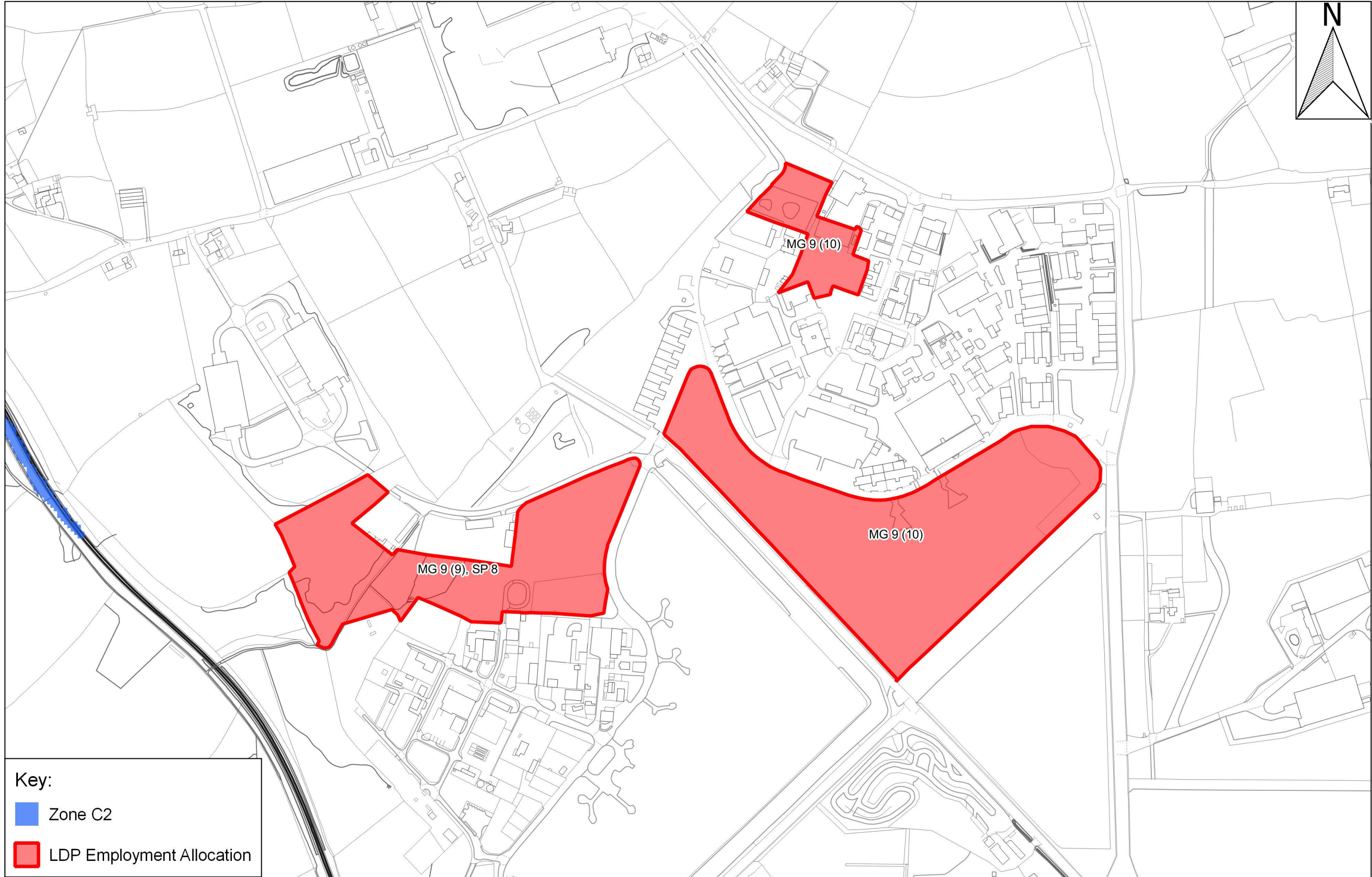
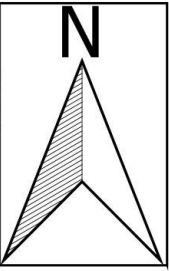
Zone C2

LDP Employment Site

Allocated Employment Sites at Barry

1:7,000

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Key:

 Zone C2

 LDP Employment Allocation

Employment Allocations, Llandow:
Llandow Trading Estate (MG 9 (9)) and Vale Business Park (MG 9 (10))

1:5,000

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