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**Adroddiad i Cyngor Bro  
Morgannwg**

**Report to Vale of Glamorgan  
Council**

gan:

**Richard E. Jenkins BA(Hons) MSc MRTPI**

**Arolygydd a benodir gan Weinidogion Cymru**

**Dyddiad: 25/05/17**

by:

**Richard E. Jenkins BA(Hons) MSc MRTPI**

**an Inspector appointed by the Welsh Ministers**

**Date: 25/05/17**

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PLANNING AND COMPULSORY PURCHASE ACT 2004 (AS AMENDED)

SECTION 64

**REPORT ON THE EXAMINATION INTO THE  
VALE OF GLAMORGAN  
LOCAL DEVELOPMENT PLAN  
2011 - 2026**

Plan submitted for examination on 24 July 2015

Focused Change Representations Submitted and Inspector Appointed: 15 September 2015

Examination hearings held between: 19 January 2016 and 20 April 2016

Further hearings held between: 24 January 2017 and 1 February 2017

Cyf ffeil/File ref: LDP/Z6950/2015/515479

## **Abbreviations used in this Report**

BIR	Building Integrated Renewables
DAM	Development Advice Maps
DCWW	Dŵr Cymru Welsh Water
DQR	Development Quality Requirements
FMAC	Further Matters Arising Change
HRA	Habitats Regulations Assessment
IMAC	Inspector proposed Matters Arising Change
LVIA	Landscape and Visual Impact Assessment
LDP	Local Development Plan
LPA	Local Planning Authority
MAC	Matters Arising Change
NRW	Natural Resources Wales
NAR	Northern Access Road
PHM	Pre-Hearing Meeting
PPW	Planning Policy Wales
REA	Renewable Energy Assessment
SA	Sustainability Appraisal
SEA	Strategic Environmental Assessment
SLA	Special Landscape Area
SOA	Strategic Opportunity Area
TAN	Technical Advice Note
UDP	Unitary Development Plan
WBG Act	Well-being of Future Generations (Wales) Act 2015
WG	Welsh Government
WSP	Wales Spatial Plan

## Non-Technical Summary

This report concludes that, subject to the recommended changes set out in Appendix A, B and C, the Vale of Glamorgan Local Development Plan 2011- 2026 (LDP) provides an appropriate basis for the planning of the Vale of Glamorgan up to 2026. The Council has sufficient evidence to support the strategy and has shown that it has a realistic prospect of being delivered. A number of changes are needed to meet legal and statutory requirements and to ensure that the Plan is sound. These do not alter the thrust of the Council’s overall strategy and do not undermine the Sustainability Appraisal (SA). The main changes can be summarised as:

- Inclusion of a statement on how the Welsh language has been taken into account;
- Delineation of settlement boundaries at ‘*Minor Rural Settlements*’ and other amendments to settlement boundaries, reflective of national policy;
- Revised housing requirement figure of 9,460 dwellings and clarification on the composition of that figure;
- Amendments to housing supply, including a reduced reliance on windfalls;
- New/ extended residential allocations to correct a previous over-reliance on windfalls: *Land West of Pencoedtre Lane, Barry; Upper Cosmeston Farm, Penarth; Land adjacent to Oak Court, Penarth; and Former Eagleswell Primary School, Llantwit Major.*
- Updates to housing allocation figures to reflect the most up to date evidence;
- Deletion of the proposed phasing of housing developments;
- Amendments to the Authority-wide target for affordable housing;
- Deletion of the requirement for all affordable housing to be constructed to DQR standards, increased flexibility regarding on site provision of affordable housing to reflect national policy and clarification regarding tenure split requirements, again with increased flexibility for negotiation on a site by site basis where viability issues are demonstrated;
- Deletion of the Gypsy and Traveller allocation at Hayes Road and the inclusion of a new allocation for 2 pitches at Llangan;
- Improvements to the Gypsy and Traveller policy framework to better reflect the legislative requirements/ national policy, with closer links to the Monitoring Framework;
- Amendments to the policy framework relating to the St. Athan – Cardiff Airport Enterprise Zone, embedding the masterplan principles within the statutory Plan;
- Extension of Policy MG9.4: ‘*Atlantic Trading Estate*’;
- Amendments to the policy framework relating to employment proposals/ protection of employment sites, reflective of national policy;
- Amendments to Policy MD4: ‘*Community Infrastructure and Planning Obligations*’ to reflect viability issues and wider legislative and national policy requirements;
- Revisions to the policy framework relating to natural environment to reflect national policy;
- Revisions to the retail policy framework, reflective of national policy;
- Identification of Garwa and Ruthin Quarries as specific sites for minerals working and wider updates to the minerals policies to ensure consistency with national policy;
- Improvements to the waste strategy, including a new policy to reflect national policy;
- Clarification regarding renewable energy targets and the identification of local search areas for solar energy;
- Various improvements to Development Management policies to enable the effective implementation of the Plan’s aims and objectives and to ensure consistency with national policy;
- Updates to site specific details and infrastructure requirements at Appendix 5 & 6;
- Revisions to the Monitoring Framework to provide a more robust framework within which the Plan’s success can be monitored.

Almost all of the recommended changes have been put forward by the Council in response to matters discussed during the examination. With the recommended changes, the Plan satisfies the requirements of section 64(5) of the 2004 Act and meets the tests of soundness.

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Appendix A: Schedule of Matters Arising Changes (MACs) proposed by the Council

Appendix B: Schedule of Further Matters Arising Changes (FMACs) proposed by the Council

Appendix C: Schedule of Inspector proposed Matters Arising Changes

## 1 Introduction

- 1.1. Under the terms of Section 64(5) of the Planning & Compulsory Purchase Act 2004 (the Act), the purpose of the independent examination of a Local Development Plan is to determine:
  - a) whether it satisfies the requirements of sections 62 and 63 of the Act and of the regulations under section 77; and
  - b) whether it is sound.
- 1.2. This report contains the assessment of the Vale of Glamorgan Local Development Plan 2011- 2026 (from here referred to as “the LDP” or “the Plan”) in terms of the above matters, along with recommendations and the reasons for them, as required by section 64(7) of the Act.
- 1.3. The submitted LDP has been prepared pursuant to the Act and the Town and Country Planning (Local Development Plan) (Wales) Regulations 2005. The Town and Country Planning (Local Development Plan) (Wales) (Amendment) Regulations 2015 came into force in August 2015. These amend the previous regulations although, as the changes relate primarily to Plan revision procedures and the alternative site stage, they have not had any bearing on the conduct of this examination.
- 1.4. Chapter 2 of Planning Policy Wales (PPW) (Edition 9, November 2016) has been updated in response to the new regulations and a new LDP Manual<sup>1</sup> has also been published. These documents include the new tests of soundness which are: whether the Plan fits; whether the Plan is appropriate; and whether the Plan will deliver. The LDP was prepared and representations had been submitted within the context of the older tests. Nevertheless, there has been ample opportunity through the examination for representations to be made within the framework set by the new tests and, in any event, the principles behind the new tests have not significantly changed. I am therefore satisfied that those participating in the process have not been prejudiced by this change.
- 1.5. Since the purpose of the examination is to determine whether the Plan is sound I have recommended changes in this report only where there is a clear need to amend the Plan in the light of the legal requirements and/or the tests of soundness. These binding changes are numbered in **bold type** in this report and set out in full in Appendices A, B and C. I am satisfied that these changes are in line with the substance of the overall Plan and its policies, and that they do not undermine the Sustainability Appraisal (SA) and the other participatory processes that have been undertaken.
- 1.6. All duly made representations, including those raised orally at the examination hearings have been considered. However, given the focus of the examination on main issues, this report does not refer specifically to the individual representations made in each case. Matters raised by representations are referred to only where it is considered that they raise substantive issues concerning the Plan’s soundness. Moreover, changes sought by representors

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<sup>1</sup> Local Development Plan Manual – Edition 2 (2015)

are only subject of a recommended change where I have found, on the basis of the available evidence, that such a change is necessary to make the Plan sound.

- 1.7. A number of representors have proposed alternative sites to those allocated within the Plan, most notably for housing development. What is required of Local Planning Authorities (LPAs) in preparing an LDP is that they produce a strategy, policies and allocations that are sound. There are likely to be a number of ways that an Authority could meet the needs of its community, each of which may be sound in their own right. Some may consider that the allocations in the Plan do not present the best solution, but I may only recommend changes where they are necessary to make the Plan sound. Indeed, it is the Council’s Plan and I am unable to improve what is an otherwise sound plan. For this reason, I have only made specific reference to alternative sites within this Report where it has been necessary to conclude on the overall soundness of the Plan.

#### *Post-Deposit Focussed Changes*

- 1.8. Prior to submission of the LDP for examination the Council made a number of ‘Focussed and Minor Changes’ to the Deposit Plan<sup>2</sup>. At the Pre-Hearing Meeting (PHM), the Council confirmed that the Plan it wished to be examined was the Deposit LDP as modified by the ‘*Schedule of Focussed and Minor Changes*’<sup>3</sup>. Since these changes have been consulted on and the SA has been revisited, I accepted them as part of the submitted LDP. Therefore, the Deposit Plan as modified by the ‘*Schedule of Focussed and Minor Changes*’ formed the starting point for the examination into the Plan’s soundness.

#### *Post-Submission Matters Arising Changes (MACs)*

- 1.9. During the examination, a number of additional changes were proposed by the Council. For the purposes of the examination, these changes have been referred to as ‘Matters Arising Changes’ (MACs) or ‘MAP MACs’ where they propose amendments to the Proposals Map. The MACs<sup>4</sup>, including MAP MACs, were subject to a formal 6 week public consultation between 16 September and 28 October 2016 and the SA was also reassessed as part of this process<sup>5</sup>. The responses to the consultation exercise were considered and additional hearing sessions were held for some topics<sup>6</sup>. Further amendments were considered necessary following on from the discussions at those hearings and these have been referred to and advertised as ‘Further Matters Arising Changes’<sup>7</sup> (FMACs). As with the MACs, the term ‘MAP FMACs’ has been used to identify those FMACs which relate to changes to the Proposals Map. The FMACs were consulted on between 17 February and 31 March 2017<sup>8</sup> and the SA was again reassessed<sup>9</sup>. I have had regard to the representations raised

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<sup>2</sup> Submission Documents: SD01 and SD02

<sup>3</sup> Submission Document: SD04

<sup>4</sup> Examination Document: ED57

<sup>5</sup> Examination Document: ED58

<sup>6</sup> Examination Document: ED66

<sup>7</sup> Examination Document: ED75

<sup>8</sup> Examination Document: ED78

<sup>9</sup> Examination Document: ED76

through these processes and I am satisfied that such changes do not alter the general thrust of the LDP strategy.

- 1.10. Almost all of the MACs and FMACs put forward by the Council are needed to make the Plan sound. However, in a small minority of cases such changes have been put forward which, although providing helpful additional clarity and precision, are not strictly required to make the Plan sound. These changes are not the subject of a binding recommendation, although I understand the Council’s wish to incorporate them. A limited number of other changes raise soundness concerns in their own right. Such changes have been clearly outlined within the Report and have not been recommended.
- 1.11. The MACs and FMACs numbered in **bold type** in this report are those changes put forward by the Council that are subject to a binding recommendation. These MACs and FMACs are also numbered in bold in the Appendices. The recommended MAP MACs and MAP FMACs are also clearly set out within this report in bold type, with a corresponding note within the appendices. The recommended changes are necessary to achieve Plan soundness. Changes advanced by the Council which are not required in order to make the Plan sound are only mentioned in the report where they are relevant to my conclusions and recommendations.
- 1.12. Appendix C sets out the binding Inspector proposed Matters Arising Changes (IMACs). These are not proposed by the Authority, but are rather changes that I have imposed to ensure that the Plan is sound. These changes do not undermine the SA, SEA and HRA processes undertaken and neither do they compromise the Plan’s strategy.

#### *Consequential Amendments*

- 1.13. Following on from the consultation on the ‘*Schedule of Proposed Focussed and Minor Changes*’, it became apparent that a number of consequential amendments to the Plan were necessary. Whilst referred to as ‘Consequential Amendments’, these changes included alterations to elements of the Plan’s reasoned justification to reflect the policy changes made through the proposed Focussed and Minor Changes. Whilst the Council had prepared a schedule of such changes<sup>10</sup>, they have either been superseded or otherwise incorporated within the MAC and FMAC schedules and are not, therefore, recommended within this report.

#### *The ‘Adopted’ Plan*

- 1.14. The changes to the Plan proposed through **MAC2- MAC19, MAC21- MAC28, MAC31** and **FMAC2- FMAC3** collectively improve the Plan’s clarity by providing factual updates to the opening sections of the Plan. This includes setting out the most up to date position, whilst also ensuring that the Plan is read as an ‘adopted Plan’ as opposed to one that is still in preparation. They are therefore recommended.

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<sup>10</sup> Examination Document: ED08.4

- 1.15. Nevertheless, in the interest of ensuring that the final adopted version of the Plan is usable and accurate, I authorise the Council to amend any outstanding typographical or factual errors arising from the changes made during the examination, together with any other presentational matters or consequential amendments flowing from the MACs (including MAP MACs), FMACs (including MAP FMACs) or IMACs. This may include policy numbering and cross-references, map title and key amendments, site area or numerical changes and paragraph numberings.

## **2 Procedural Requirements**

- 2.1. The LDP has been prepared in accordance with the Delivery Agreement<sup>11</sup>, as revised by agreement with the Welsh Government (WG). It has also been undertaken in broad compliance with the Community Involvement Scheme (CIS), which has been satisfactorily demonstrated through the Consultation Report<sup>12</sup>. Concern has been expressed that the Council failed to fully consider and satisfactorily respond to the representations submitted at the various stages of Plan preparation. However, whilst I can understand the concerns advanced, I am satisfied that the general thrust of the CIS has been complied with and that participants have not been prejudiced by the processes undertaken.
- 2.2. The Deposit Plan and the subsequent amendments to that document have all been advertised and consulted upon. The Plan complies with the requirements of the Town and Country Planning (Local Development Plan) (Wales) Regulations 2005 (as amended) in this respect.
- 2.3. The Plan has been subject to SA, incorporating Strategic Environmental Assessment (SEA)<sup>13</sup>. The SA provides a summary of the strategic alternatives considered, including reasons why they were not selected. The Council has also clarified the scoring technique utilised within the SA for assessing the Plan’s policies, including the assessment of cumulative effects<sup>14</sup>. Changes arising from the examination process have also been subject to SA/ SEA<sup>15</sup>. I am satisfied that the SA/SEA process undertaken is robust and that it satisfies both the procedural and legal requirements.
- 2.4. In accordance with the Habitats Directive<sup>16</sup> a Habitats Regulations Assessment (HRA) of the Plan has been undertaken and reviewed as necessary in light of the changes put forward during the examination<sup>17</sup>. The HRA Screening Report concluded that there was potential for likely significant effects on a number of the identified European sites as a result of the quantum and / or location of the development proposed. Likewise, further screening identified that four main areas of impact may have the potential for significant in combination effects on the integrity of the identified European sites.

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<sup>11</sup> Submission Document: SD13

<sup>12</sup> Submission Document: SD08.1 – SD08.5

<sup>13</sup> Submission Documents SD09 and SD10

<sup>14</sup> Council’s Response to Action Point 1 of Hearing Session 1

<sup>15</sup> Examination Documents: ED58 and ED76

<sup>16</sup> European Union Habitats Directive (92/43/EEC)

<sup>17</sup> Submission/ Examination Documents: SD11; SD12; SD41; SD42; ED59; and ED77



- 2.5. Nevertheless, such concerns were taken forward into Appropriate Assessment (AA), which ultimately concluded that the Plan and its allocations would not have any likely significant effects on European sites, either alone or in combination, if recommended policy safeguards were incorporated into the Plan. On this basis, having considered the suite of Policies proposed through the Plan, I am satisfied that the implementation of the Plan would not result in any significant effects upon the integrity of the European sites within the Plan area or adjacent areas, either alone or in combination with other plans or projects.
- 2.6. The Public Sector Equality Duty requires the Council to have due regard to the need to eliminate discrimination, promote equality of opportunity and foster good relations between different communities. The Council has undertaken and publicised an Equality Impact Assessment of the LDP<sup>18</sup> to ensure that such issues have been taken into account throughout the Plan preparation process. I am satisfied that this process ensures that the LDP promotes equality and diversity and does not adversely affect or discriminate against any people who are protected under the Equality Act 2010.
- 2.7. The Planning (Wales) Act 2015 sets out a series of legislative changes to deliver reform of the planning system in Wales to ensure that it is fair, resilient and enables development. Moreover, the Well-being of Future Generations (Wales) Act 2015 (the WBFG Act) sets out a duty to improve the economic, social, environmental and cultural well-being of Wales, in accordance with the sustainable development principle. As the Plan was submitted prior to April 2016, it does not have to directly correlate with the well-being goals identified in the WBFG Act. However, I have had regard to the updated legislative framework and considered the ways of working set out at section 5 of the WBFG Act. The Council has also demonstrated<sup>19</sup> that the Plan aligns with the identified well-being goals. Indeed the Plan, as modified, will contribute towards improving the economic, social, environmental and cultural well-being of Wales and, in this respect, I am satisfied that it complies with the overarching principle of achieving sustainable development.
- 2.8. Edition 9 of PPW was issued at an advanced stage of the examination, with paragraph 2.1.5 stating that LDPs should have at least 10 years of the plan period remaining upon adoption. In this case, the Plan would run until 2026. Nevertheless, it has taken a number of years to get the Plan to submission, with further delays necessary through the examination process. As such, and bearing in mind the urgent need for an up to date development plan to facilitate and guide growth within the area, it makes no sense, in my view, to find the Plan unsound on the basis that the remaining period falls short of that requirement.

### *Conclusion*

- 2.9. Based on the foregoing, I conclude that the procedural and legal requirements have been complied with.

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<sup>18</sup> Submission Document: SD17

<sup>19</sup> Council Statement for Hearing Session 26A

### **3 The Vision, Objectives and Overall Strategy**

#### *The Vision*

- 3.1. The Plan adopts the Community Strategy’s vision. When considered in isolation, this element appears generic and lacks spatial emphasis. Nevertheless, this alone does not render the Plan unsound, specifically when paragraph 4.3 of the Plan goes on to expand upon the vision by identifying four specific aims for the LDP, consistent with the principal issues identified through the Spatial Profile set out in Section 3 of the Plan.
- 3.2. The key issues, challenges and opportunities that need to be addressed if the vision is to be realised include: maximising regeneration opportunities in Barry; managing housing supply effectively to provide a range of good quality affordable homes in sustainable locations; capitalising on the opportunity presented by the designation of the St. Athan- Cardiff Airport Enterprise Zone; providing a range of employment sites to meet local need and promote opportunities to diversify the rural economy; reducing out-commuting by providing opportunities for new housing, retail and employment development in accessible locations; improving and enhancing key transport links to and within the Vale of Glamorgan; supporting retail centres and retaining retail expenditure by providing opportunities for new retail development; and managing the natural, coastal and built environment for future generations and maximising tourism and visitor potential.

#### *The Objectives*

- 3.3. The Plan lists 10 objectives which seek to deliver the identified vision. The first relates to sustainable communities whilst the second and third seek to mitigate against climate change and promote sustainable forms of transport respectively. Objective 4 relates to the protection of the Vale’s historic, built and natural environment, whilst objective 5 seeks to protect community facilities. Objective 6 relates to retail centres and objectives 7 and 8 respectively relate to housing and the economy. Objective 9 promotes tourism whilst objective 10 promotes the sustainable use and management of natural resources. These objectives broadly align with the main issues set out in Section 3: ‘*The Spatial Profile of the Vale of Glamorgan*’, build on the identified vision and set a clear context for the LDP Strategy.

#### *The Development Strategy*

- 3.4. The development strategy comprises four key elements. These are:
  - (i) *To promote development opportunities in Barry and the ‘South East Zone’;*
  - (ii) *To promote St. Athan as a Key Development Opportunity;*
  - (iii) *To promote Cardiff Airport as an Employment and Transport Opportunity;*  
*and*
  - (iv) *To enable further housing and associated developments within other sustainable settlements.*

These key components are supplemented by the LDP ‘Settlement Hierarchy’ which sets out which settlements are considered to be capable and suitable for growth over the plan period. Policy SP1: ‘*Delivering the Strategy*’ and Policy SP2: ‘*Strategic Sites*’ collectively provide the strategic policy framework for delivery of the Strategy.

- 3.5. ‘The South East Zone’, which provides the focus for the first component of the strategy, incorporates Barry, Dinas Powys, Llandough (Penarth), Penarth and Sully. Collectively this area offers a broad range of facilities and services, including a choice of transport links to the wider region. Barry provides for a focal point within the ‘South East Zone’ comprising the administrative centre of the Vale of Glamorgan. Indeed, in recognition of its role within the South East Wales Capital Region, Barry is identified as a ‘Key Settlement’ within the Wales Spatial Plan (WSP)<sup>20</sup>. It is within the ‘South East Zone’ that the majority of the Vale of Glamorgan’s population is currently accommodated. Moreover, the most up to date Local Housing Market Assessment (LHMA) (2015)<sup>21</sup> illustrates that the highest levels of affordable housing need within the administrative area are within the area of Penarth and Llandough, followed closely by Barry<sup>22</sup>. On this basis, I am satisfied that the principle of promoting development opportunities within this area is soundly based.
- 3.6. The second component of the strategy which identifies the St. Athan area as a ‘Key Development Opportunity’ reflects the area’s potential for delivering regional benefits. Indeed, it is consistent with its status as a ‘Strategic Opportunity Area’ within the WSP and complements the ‘St. Athan – Cardiff Airport Enterprise Zone’ status which was designated in September 2011. The LDP recognises the potential opportunities at St. Athan, including the benefits that development could bring to the wider region. The Plan specifically allocates the St. Athan part of the Enterprise Zone as a land use allocation in an attempt at facilitating and maximising opportunities for new inward investment and economic growth, particularly in the aerospace and defence sectors. In recognition of such aspirations, the strategy allocates a number of strategic housing allocations within the area to support the proposed employment growth.
- 3.7. The third component of the strategy recognises the strategic importance of Cardiff Airport and allocates land to the east of the airport as part of the wider ‘St. Athan - Cardiff Airport Enterprise Zone’. This strategically located flagship site is consistent with WG aspirations for the site and is intended to stimulate inward investment and consolidate the role of the Vale of Glamorgan within the Capital Region. The Plan seeks to maximise opportunities at the Enterprise Zone by encouraging new employment opportunities for those business and employment uses catering specifically to the needs of the aerospace and other high tech manufacturing industries.
- 3.8. Although arguments have been advanced that the developments at St Athan and Cardiff Airport are overly optimistic and not grounded in reality, the Strategic Opportunity Area status and Enterprise Zone designation are important and weighty considerations in Plan preparation. I address the issue

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<sup>20</sup> Submission Document: SD111 - People, Places, Futures: The Wales Spatial Plan (2008 Update)

<sup>21</sup> Examination Document: ED17

<sup>22</sup> Council’s Response to Action Point 6 of Hearing Session 1, Table 1

of deliverability later in this report, but I am satisfied that the Council has worked in partnership with a variety of organisations to ensure that the Plan’s proposals complement other Plans for the region. Indeed, the approach advocated by the LDP is necessary to ensure that the economic aspirations for the area are realised.

- 3.9. The final element of the strategy relates to the identification of other sustainable settlements capable of accommodating residential and associated development. This approach is based on the sustainability credentials of each settlement, as defined in the ‘Settlement Hierarchy’, and seeks to ensure that the benefits associated with development are filtered across the administrative area, including parts of the rural Vale of Glamorgan. Whilst the specific details of the Settlement Hierarchy are considered below, I am satisfied that the approach of allocating development on the basis of scoring criteria, such as that set out in the Council’s amended ‘Sustainable Settlements Appraisal’<sup>23</sup>, is consistent with national policy and is in all other respects sound.

#### *The Settlement Hierarchy*

- 3.10. The ‘Settlement Hierarchy’ identifies those settlements which are considered to be sustainable and thereby capable of accommodating growth over the Plan period. Four categories of settlement have been established, based on the assessment set out in the amended ‘Sustainable Settlements Appraisal’ Background Paper. These include: the ‘*Key Settlement*’ of Barry; ‘*Service Centre Settlements*’; ‘*Primary Settlements*’; and ‘*Minor Rural Settlements*’.
- 3.11. The ‘Sustainable Settlements Appraisal’ utilises scoring criteria to reflect the availability and proximity of facilities and services within or near to settlements which meet the day to day needs of its residents. Access to sustainable transport has also been scored as it reduces the necessity to travel by private car, with frequency and reliability of services taken into account. In order to make such assessments, walking, cycling and commuting distances to various facilities and services have been considered, bearing in mind the specific circumstances of each route. Analysis has also been undertaken in respect of the functional relationships of settlements with other relevant socio-economic and qualitative aspects in an attempt to build upon the initial scoring of settlements which had been quantitatively ranked. This provides for a well-balanced and cogent piece of evidence that is suitable for identifying the settlement groupings that have been used to distribute growth across the plan period.
- 3.12. The ‘*Key Settlement*’ of Barry sits at the top of the hierarchy. As a consequence, it has been allocated some 2,394 dwellings, reflecting the fact that it is, and will continue to be, an important hub for social and economic activity. This is also reflective of the fact that Barry is identified as a ‘*Key Settlement*’ within the WSP and is consistent with the identification of the town as the most sustainable location within which to promote development, as set out in the strategic priorities (referred above). The operational port of Barry is also recognised within the WSP as an important gateway of trade, servicing the regional economy and supporting existing manufacturers and industry.

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<sup>23</sup> Council’s Response to Action Point 4 of Hearing Session 1

- 3.13. On this basis I consider the level of growth proposed within Barry to be proportionate, with the comprehensive redevelopment of Barry Waterfront being widely promoted to assist in meeting the wider regeneration objectives for the area. Other housing and employment sites have also been allocated to meet the identified needs, as set out later in this report.
- 3.14. The second tier of the hierarchy comprises the settlements of Cowbridge, Llantwit Major and Penarth. Although very different in character, they perform similar roles and have been designated as ‘*Service Centre Settlements*’, collectively accounting for some 2,262 dwellings. Each of these settlements has significant resident populations, good public transport provision, employment opportunities, established town centres and a wide range of cultural, educational and community facilities and services. These settlements are largely sufficient to serve the daily needs of local residents and also act as hubs for smaller settlements located nearby. It is therefore appropriate that these ‘*Service Centre Settlements*’ have been designated as such.
- 3.15. The settlements of Dinas Powys, Llandough (Penarth), Rhoose, St. Athan, Sully and Wenvoe would collectively account for some 2,905 dwellings. These settlements have been designated as third tier ‘*Primary Settlements*’ within the settlement hierarchy. Notwithstanding the strategic role attributed to St. Athan, each of these settlements plays an important role in meeting housing need and providing key facilities and services for local residents, as well as those residing in surrounding rural areas. Indeed, the ‘*Primary Settlements*’ provide facilities such as primary schools, convenience stores, food and drink outlets, employment opportunities and public transport facilities and, for this reason, I am satisfied that collectively they are capable of accommodating a considerable proportion of the growth proposed, whilst also contributing towards delivering the general aims of the strategy.
- 3.16. The lowest tier of the settlement hierarchy comprises the ‘*Minor Rural Settlements*’. With the exception of Culverhouse Cross, these settlements include those rural villages that play an important role in underpinning sustainable rural communities. These villages tend to be either located alongside the strategic highway network or within relatively close proximity to larger towns or villages identified within the settlement hierarchy. Each of the ‘*Minor Rural Villages*’ accumulated between 5 and 16 points as part of the ‘*Sustainable Settlements Appraisal*’, usually for incorporating services such as places of worship, community halls, small scale retail uses and recreational facilities. Some of the villages accrued points due to their proximity to employment opportunities, whilst others incorporate primary schools serving wider catchment areas. Notwithstanding such matters, many of these ‘*Minor Rural Settlements*’ are functionally linked, weighing in favour of some growth over the Plan period, not least to help sustain rural services.
- 3.17. Concerns have been raised that the level of growth proposed within the ‘*Minor Rural Settlements*’ is disproportionate to the size of the existing settlements, whilst others referred to the fact that growth within such villages would inevitably require the need to travel to the Key, Service Centre or Primary Settlements and therefore fall foul of the sustainability principles set out in the Plan’s own objectives and in national policy. Likewise, arguments have been advanced that the Plan and its associated evidence fails to justify the

implications of the change in strategy from the previous LDP, which was ultimately withdrawn in 2010. Specifically, concern has been raised in relation to the sustainability implications of directing a larger proportion of the proposed development to those ‘*Minor Rural Settlements*’.

- 3.18. Nevertheless, the previously withdrawn LDP is not before me and, as my role is limited to examining the soundness of the submitted version of the Plan, I see no merit in comparing the original strategy with that submitted for examination. Notwithstanding this, the Council has justified the approach advocated in relation to the ‘*Minor Rural Settlements*’<sup>24</sup> and, on this basis, I am satisfied that growth in these areas would strike an acceptable balance between sustaining rural facilities and services and adhering to the sustainability principles that underpin national policy<sup>25</sup>. The development proposed in the ‘*Minor Rural Settlements*’ would only comprise some 11% of the overall growth and that figure would fall to less than 9% if the on-going development at Culverhouse Cross is excluded from the calculations. I do not consider that such a quantum of development would be disproportionate to the overall level of growth, particularly given the important contribution those settlements make to the rural Vale. For this reason, I conclude that this element of the plan is sound.

#### *Greenfield Development and the Loss of Agricultural Land*

- 3.19. PPW states that previously developed land should, wherever possible, be used in preference to greenfield sites, particularly those of high agricultural or ecological value<sup>26</sup>. However, the same document also goes on to recognise that not all previously developed land is suitable for development. Within this context, and bearing in mind the level of growth required to make the Plan sound, I am satisfied that the Council has sought to reuse previously developed land where it would contribute to the delivery of the Plan’s aims, objectives and overall development strategy.
- 3.20. Specifically, the Council has clarified that 19 of the allocated housing sites are, at least in part, located on previously developed land, whilst a number of the employment allocations also meet the definition of ‘brownfield’ land. The mixed use site at Barry Waterfront demonstrates the Council’s commitment to the regeneration of previously developed sites where they could make a meaningful contribution to the strategic aims of the Plan.
- 3.21. Numerous representors argue that the Council has failed to allocate suitable ‘brownfield’ sites. However, whilst a number of previously developed sites have not been allocated, a significant proportion of those ‘brownfield sites’ submitted as alternative sites have already been included within the identified settlement boundaries. This means that the Plan would not unnecessarily preclude otherwise acceptable development in such locations and, given the scale and deliverability concerns relating to many of these sites, I agree with the Council’s position that such sites would be better dealt with as windfall developments. Indeed, the Plan incorporates a windfall allowance in

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<sup>24</sup> Council Response to Action Point 5 of Hearing Session 1

<sup>25</sup> PPW, Paragraph 4.7

<sup>26</sup> PPW, Paragraph 4.9

recognition of the potential contribution of such sites and, as such, I do not consider the Council’s position to be unsound in this respect.

- 3.22. Other larger ‘brownfield sites’, such as those near Llandow, have also been promoted for development over the Plan period. However, whilst the allocation of such sites would satisfy national policy’s preference for the development of previously developed sites it would be difficult, by virtue of their isolated position relative to existing facilities and services, for such sites to be developed without contravening the sustainability principles that underpin national policy. I recognise that a ‘new settlement’ in such locations could provide the infrastructure to support future residents of the area, but there has been limited evidence to suggest that such schemes would be deliverable within the Plan period. Notwithstanding this, such an approach would inevitably fail to comply with the strategy that the Council wishes to deliver.
- 3.23. Based on the foregoing, I am satisfied that the release of greenfield land is necessary to deliver the required growth. Nevertheless, to be fully compliant with national policy, considerable weight should be afforded to the protection of the best and most versatile agricultural land of Grades 1, 2 and 3a. PPW is clear that such best and most versatile agricultural land should only be developed where there is an overriding need for the development, and either previously developed land or land in lower agricultural grades is unavailable, or where available lower grade land has an environmental value recognised by landscape, wildlife, historic or archaeological designation which outweighs agricultural considerations<sup>27</sup>.
- 3.24. The Council has demonstrated through its Background Paper: *Agricultural Land Classification (2015)*<sup>28</sup> that only a modest proportion of the allocations within the Plan would impact on such best and most versatile agricultural land. Indeed, the majority of allocated sites either have no agricultural land grading or their classification has already been addressed through development management processes. Concerns were raised at the hearings that the modest loss of such land had not been justified in accordance with the requirements of PPW and, in response, the Council has provided additional information<sup>29</sup>. On the basis of this information, I am satisfied that the Plan meets the requirements of national policy. Indeed, on the balance of the evidence available, I conclude that the benefits of retaining the land in agricultural use would not outweigh the advantages of the developments proposed.
- 3.25. The Plan’s position in relation to the protection of the best and most versatile agricultural land would be further strengthened by the introduction of **MAC81**. This change amends Policies MD1: ‘*Location of New Development*’ by including best and most versatile land within the assessment criteria, whilst **MAC86** would provide for a similar policy test under Policy MD8: ‘*Environmental Protection*’. These changes are necessary to ensure that development management decisions are made in accordance with the requirements of national policy and are therefore recommended.

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<sup>27</sup> PPW, Paragraph 4.10

<sup>28</sup> Submission Document: SD19

<sup>29</sup> Council Response to Action Point 10 and 12 of Hearing Session 1

### *The Welsh Language*

- 3.26. The Well-being of Future Generations (Wales) Act 2015 and the Planning (Wales) Act 2015 have relatively recently updated the legislative position in relation to the Welsh language. Indeed, the former sets the goal of achieving a Wales with a vibrant culture and thriving Welsh language whilst the Planning (Wales) Act makes it mandatory for all LPAs to consider the effect of their LDP on the Welsh language and also ensures that the Welsh language is a material consideration in the determination of planning applications.
- 3.27. Whilst the transitional and saving provisions associated with such legislation mean that the requirements are not entirely applicable to this Plan, the general thrust of the legislation is reflected in national policy. Specifically, the policy framework set nationally requires all LPAs to include within the reasoned justification to their development plans a statement on how they have taken into account the needs and interests of the Welsh language. The Council has provided clarification on how the Welsh language has been taken into account in Plan<sup>30</sup> preparation and **MAC20** provides a summary of this within the Plan.
- 3.28. Specifically, the Council has concluded that the implementation of the Plan would not have an adverse effect on the linguistic balance of the area, citing the fact that only some 8.2% of the population could speak, read or write Welsh according to 2011 census data. Indeed, this is below the national average and significantly below the 70% figure referred to in the WG’s Welsh Language Strategy 2012 - 2017 entitled ‘*A Living Language: A Language for Living*’ (2012). Likewise, the Equalities Impact Assessment<sup>31</sup> has been undertaken as part of the Plan preparation process and this does not identify the need for any change to the Plan as a result of the effect on the Welsh language. Accordingly, no specific policies relating to the Welsh language are deemed to be required within the Plan.
- 3.29. On this basis, I am satisfied that the effect on the Welsh language has been fully explored and I am also satisfied that the Plan’s proposals would not have a detrimental impact upon the Welsh language or materially affect the linguistic balance of the area. Therefore, subject to the recommended change, the Plan is sound in this respect.

### *Conclusion*

- 3.30. Subject to the recommended changes, I conclude that the vision, objectives and overall development strategy are consistent with national planning policy and the WSP and otherwise soundly based.

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<sup>30</sup> Council Response to Action Point 13 of Hearing Session 1

<sup>31</sup> Submission Document: SD17



## 4 Housing Provision

### *Housing Requirement*

- 4.1. PPW<sup>32</sup> is clear that the latest WG local authority level Household Projections for Wales should form an important part of the plan’s evidence base. However, such household projections only provide estimates of the future numbers of households that would be required should past trends continue or if assumptions about household characteristics and composition are realised. Indeed, such projections do not take into account local or national policy considerations and assumptions relating to matters such as migration and household formation rates which can significantly influence the outcomes. In this regard, it is for the Council to consider whether the various elements of the WG projections are appropriate for their local area and, if not, undertake a modelling exercise which can be clearly evidenced to justify a departure.
- 4.2. The Deposit Plan was prepared at a time when the latest WG household projection was the 2008 based data which identified a need for some 9,943 dwellings over the plan period. This information was tested locally by the LPA, with various options considered, and the Council ultimately considered that a housing requirement figure of 9,950 new dwellings was the most suitable level of growth in light of the available evidence.
- 4.3. The updated 2011 based WG household projections were issued in February 2014, after the publication of the Deposit Plan. These projections identified a need for a significantly lower figure than that identified within the Deposit LDP. Specifically, the 2011 based projections identified a need for 5,778 dwellings over the Plan period using the Principal Projections or some 7,399 dwellings if a 10 year average migration trend was utilised<sup>33</sup>. Either way, both figures are significantly below the 9,950 requirement identified within the Deposit Plan.
- 4.4. The Council reassessed its housing need in light of these new projections, but did not significantly reduce its overall housing requirement. However, a modest reduction was included, with Policy SP3: ‘Residential Requirement’ of the submitted Plan outlining a housing requirement figure of some 9,500 dwellings to 2026.
- 4.5. As a result of matters arising from the Hearings, **MAC32**<sup>34</sup> now proposes to amend the housing requirement figure to 9,460 dwellings. The same MAC also adds clarity to the Plan by amending the reasoned justification to Policy SP3 to explain the main components of the housing requirement figure, as amended. Specifically, the housing requirement figure of 9,460 comprises:
- **7,399 dwellings** which represents the baseline figure derived from the 2011 based WG projections (using the 10 year average migration trend);
  - **1,602 dwellings** to reflect the economic aspirations over the Plan period, including those anticipated at the strategic employment sites; and

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<sup>32</sup> PPW, Paragraph 9.2.2

<sup>33</sup> Submission Document: SD23

<sup>34</sup> Action Point 3 of Hearing Session 2 and 3

- **459 dwellings** to reflect the high levels of unmet affordable housing need, as identified within the most up to date LHMA<sup>35</sup>.
- 4.6. The baseline figure of 7,399 stems from the 2011 based WG household projections, assuming the 10 year average migration rate. It is notable that new household projections were issued by the WG in March 2017. However, given the advanced stage of the Examination and the urgent need for an up to date development plan within the area, I do not consider that it would be beneficial to reopen discussions surrounding such matters, not least because of the significant delays that would have on the timetable for adopting the Plan.
- 4.7. Some objections were raised to the use of the 10 year migration data emanating from the 2011 based projections, with many representors favouring the shorter term trends used in the Welsh Government’s ‘Principal Projection’. However, I agree with the Council that it would not be appropriate for the Plan to be based solely on recessionary data and, in this respect, the 10 year trends clearly go some way to account for the depressed levels of migration during the years prior to the base date of the projections. Indeed, I was informed at the Hearings that more recent mid-year estimates indicated an increase in such figures, thereby supporting the decision to base the figures on longer term patterns.
- 4.8. It has been argued by representatives of the development industry that the Council’s housing requirement calculations should not be based on the household formation rates utilised within the 2011-based projections. Specifically, it has been submitted that the increase in average household size by 2026 from 2.13 as suggested in the 2008 based projections to 2.20 in the 2011 based projections is a direct consequence of the economic recession. Specifically, it is contended that the economic downturn has resulted in a significant number of residents being unable to leave their family home, resulting in what are effectively ‘concealed households’.
- 4.9. It has been accepted by most parties that the 2011 based household formation rates should be utilised for the period between 2011 and 2016. However, numerous representations have suggested that the housing requirement calculations for the years 2016 - 2026 should be based on formation rates affiliated with the 2008 based projections. Alternatively, some parties have advocated the use of household formation rates that sit somewhere between those utilised in the 2008 and 2011 based projections.
- 4.10. In response to such matters, the Council submitted additional evidence to support the approach advocated<sup>36</sup>. Indeed, that evidence demonstrates that the formation rates used are consistent with longer term trends extending back to 1991. Moreover, the comparison with past trends has also shown that the 2008-based projections had a lower average household size as a starting point in 2011 which, in turn, resulted in a higher predicted average at 2026. Notwithstanding this, I have not seen any robust evidence to suggest that

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<sup>35</sup> Examination Document: ED17, Figure 88

<sup>36</sup> Council Response to Action Point 1 of Hearing Sessions 2 and 3

household size is likely to return to the levels forecast under the 2008 based projections within the plan period, particularly given that there is now less than 10 years remaining to 2026.

- 4.11. I am content that the evidence indicates that a typical 4% vacancy rate is appropriate for the Vale of Glamorgan and, on this basis, I am satisfied that the statistical assumptions made in respect of the housing requirement figure are soundly based. Any significant changes to such patterns over the coming years would be best dealt with via Plan review.
- 4.12. PPW<sup>37</sup> is clear that other policy considerations, including what the plan is seeking to achieve, links between homes and jobs, the findings of an LHMA and matters relating to viability and deliverability, are important factors in deciding upon the level of growth for the Plan period. Within this context, the Council considers that the baseline housing requirement figure of 7,399 should be supplemented by an allowance of some 1,602 dwellings to account for the proposed economic growth over the plan period.
- 4.13. The additional 1,602 dwellings is based on evidence undertaken by BE Group on behalf of the Council<sup>38</sup>. Specifically, this evidence highlights that, given the scale of the economic aspirations at the strategic employment sites, a strategy of solely relying on the baseline housing figure derived from the WG trend based projections would result in a significant misalignment between employment and housing provision. Indeed, it is clear that without such an allowance the proposed economic strategy would be heavily reliant on in-commuting which would fundamentally undermine the Plan’s sustainability credentials.
- 4.14. The figure of 1,602 additional units is based on a robust assessment of the additional housing likely to be required as a result of the strategic employment allocations. Specifically, BE Group considered the projected changes in the working age population and the implications of an increased workforce over the plan period. Whilst it concluded that the additional households projected from local employment opportunities would be included within the WG projections, the ‘Strategic Employment Sites’ would require an additional 1,540 households, which equates to some 1,602 dwellings. Whilst this approach does not intrinsically link new job opportunities to homes, it does go some way to align such considerations, whilst also maximising the economic opportunities offered by the Enterprise Zone and supporting the Vale’s role within the wider City Region. I am therefore satisfied that this approach is soundly based.
- 4.15. The final component of the housing requirement figure relates to the allowance designed to reflect the high levels of unmet affordable housing need. PPW<sup>39</sup> is clear that affordable housing need is an important consideration in Plan preparation and, for this reason, I am satisfied that including such an allowance within the calculations is appropriate in principle. Nevertheless, concerns were raised at the Hearings, particularly in relation to the evidence supporting the allowance which appeared to represent an

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<sup>37</sup> PPW, Paragraphs 9.2.2

<sup>38</sup> Submission Document: SD26

<sup>39</sup> PPW, Paragraph 9.2.2

arbitrary figure. In response, the Council provided a paper<sup>40</sup> to justify the figure proposed and, through this paper, the allowance was reduced to 459 dwellings, as reflected in **MAC32**. This figure is based on the annual backlog of need identified which is defined within the LHMA as the current number of households who are in housing need and unable to meet the needs in the market.

- 4.16. Whilst the figure would clearly assist in meeting plan objectives, it would not mean that the identified affordable housing need would be satisfied over the plan period. As such, some parties have asserted that the allowance should be more ambitious. However, to increase the allowance to reflect the backlog over two or more years would require a substantial number of new housing allocations that would clearly conflict with the plan’s environmental objectives. Moreover, having regard to the plan’s already ambitious housing targets, such an approach would raise serious deliverability concerns. Indeed, PPW<sup>41</sup> recognises deliverability as an important consideration within the context of plan preparation and this is further underlined by the tests of soundness. For these reasons, I am satisfied that the allowance of 459 dwellings is both reasonable and appropriate on the balance of the competing priorities.
- 4.17. On the basis of the aforementioned components, the plan would deliver some 9,460 new dwellings over the Plan period. This would require a significant increase in house building rates from an average of approximately 468 dwellings per annum over the last 15 years to an average annual build rate of approximately 631<sup>42</sup> dwellings to 2026. Whilst clearly optimistic I am satisfied that, in light of the substantial evidence of housing need, this figure strikes an appropriate balance and is consistent with national policy. Indeed, it would be contrary to national policy for the Plan to stifle growth purely on the basis of the 2011 based trend projections, not least because they emanate from a recessionary period. Moreover, I am satisfied that the Plan adequately balances economic and housing aspirations with the need for the plan to be realistic and deliverable.

#### *Housing Supply*

- 4.18. As amended by **MAC41**<sup>43</sup>, Policy MG1: ‘*Housing Supply in the Vale of Glamorgan*’ seeks to provide for a total of 10,408 new dwellings to meet the requirement of 9,460 dwellings over the plan period. The supporting text to this policy includes a table which has also been amended by the same MAC to provide an up to date and detailed breakdown of how the overall supply figure is calculated. This includes:
- 182 dwellings – the proportion of the supply that comprises sites with extant planning permission at the base date of the Plan;
  - 1,701 dwellings – the level of housing anticipated to come forward as windfall development from large and small sites (comprising 840 large windfall sites and 861 small sites); and

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<sup>40</sup> Council Response to Action Point 2 of Hearing Sessions 2 and 3

<sup>41</sup> PPW, Paragraph 9.2.2

<sup>42</sup> Paragraph 5.43 of Policy SP3: ‘*Residential Requirement*’, as amended by MAC32

<sup>43</sup> Action Point 5 of Hearing Session 2 and 3

- 8,525 dwellings – the level of housing that will be delivered through the plan’s land-use allocations (8,525 dwellings).
- 4.19. The contribution from sites with an extant planning permission at April 2011 has increased by a single unit to reflect an error in the submitted version of the plan, whilst the contribution from land-use allocations has been increased to reflect the most up to date and accurate position<sup>44</sup>.
- 4.20. The windfall element of the supply includes the development of unallocated sites of 10 or more units and those ‘small sites’<sup>45</sup> comprising less than 10 units. In response to a request for further information<sup>46</sup>, the Council prepared a housing trajectory in advance of the hearing sessions to aid understanding of how such matters have been calculated. However, having considered that information and fully discussed the matters at Hearing Sessions 2 and 3, concerns were raised in relation to how the level and distribution of the windfall sites would be delivered over the plan period<sup>47</sup>.
- 4.21. Specifically, whilst the submitted information relating to windfalls was based on past trends between 2006 and 2011, the proposed average annual delivery rate by this means was approximately 163 units, amounting to a total of 2,448 dwellings over the plan period (comprising 1,587 large windfalls and 861 small sites). It was clear however that such figures were significantly above the equivalent data for the years since the base date of the Plan (2011- 2015) which accounted for a combined annual average figure of approximately 116 units (comprising an annual average of 57 dwellings from large windfalls and 59 dwellings from small sites)<sup>48</sup>. Indeed, it is clear from the evidence that a number of relatively large windfall developments delivered between 2006 and 2011 may well have skewed the overall picture. Furthermore, despite being based on an average of past rates, it remained unanswered at the hearings why the initial trajectory illustrated a windfall rate that increased so significantly as the plan period progressed.
- 4.22. In response to such concerns<sup>49</sup>, the Council was tasked with updating the trajectory and overall supply figures to incorporate a more realistic windfall allowance. As set out above, the updated windfall calculation for large and small sites amounts to some 1,701 dwellings over the plan period, based on the 10 year trend that preceded the plan period. The Council has not apportioned such a contribution as a flat annual rate across the whole plan period. Instead, actual delivery rates for large windfall sites have been recorded for the period between 2011- 2016, with 70 dwellings per annum for the remaining years of the plan. Whilst the 70 unit allowance is above the rate identified for the years since 2011, the Council point to the fact that, at April 2016, there are a number of consented large windfall sites that are likely to deliver more than the typical annual average. It is also material that such a rate is representative of longer term trends. In terms of small sites, actual completions have been utilised for the period to 2016, with the remaining

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<sup>44</sup> As required by Action Point 4 of Hearing Session 2 and 3

<sup>45</sup> As referred in Technical Advice Note 1: Joint Housing Land Availability Studies (TAN1)

<sup>46</sup> Examination Document: ED03

<sup>47</sup> Action Point 5 of Hearing Sessions 2 and 3

<sup>48</sup> Council’s Statement for Hearing Sessions 2 and 3

<sup>49</sup> Council’s Response to Action Points 5 and 6 of Hearing Sessions 2 and 3

years of the plan being based on the remainder of the annual average. Whilst not an exact science, I am satisfied that such an approach is sound.

- 4.23. As a consequence of the changes to the windfall calculations, it was clear that the overall housing supply would fall short of that required to successfully meet the housing requirement identified in Policy SP3 whilst also allowing for a reasonable contingency. The Council proposes to meet this shortfall via new residential allocations in the ‘Key Settlement’ of Barry and the ‘Service Centre Settlements’ of Penarth and Llantwit Major. These new sites include: an extension to allocation MG2.11: ‘*Land west of Pencoedtre Lane, Barry*’ to accommodate an additional 97 dwellings; an extension to site MG.23: ‘*Land at Upper Cosmeston Farm, Penarth*’ to accommodate an additional 341 dwellings; a new site referenced MG2.XX: ‘*Land adjacent to Oak Court, Penarth*’ to provide for approximately 145 dwellings; and another new site at MG2.XXA: ‘*Former Eagleswell Primary School, Llantwit Major*’ to provide for some 72 dwellings (**MAC42**).
- 4.24. Whilst the suitability of these sites as residential allocations will be addressed subsequently in this report, allocating land is necessary to meet the identified need and would provide certainty to both communities and prospective developers. Subject to these changes, and based on the most up to date evidence of progress at each of the allocated sites, the Plan’s allocations would account for some 8,525 new dwellings over the plan period (**MAC41** and **MAC42**).

#### *Delivery*

- 4.25. The provision of 10,408 dwellings to meet the housing requirement of 9,460 ensures that a contingency of some 10% is built into the strategy. Having considered the deliverability of the housing sites as a whole, as well as the proportion of sites already benefiting from the grant of planning permission, I consider that the allowance is appropriate. Indeed, whilst national policy does not specify a figure for such an allowance, it is generally accepted that 10% should be the starting point, with local deviations based on the extent of deliverability concerns.
- 4.26. Taking into account completions to date, the Plan’s aim of delivering 9,460 new homes equates to the delivery of some 631 dwellings per annum. This rate of delivery is optimistic relative to previous growth levels of around 468 dwellings per annum over the last 15 years. Nevertheless, given the degree of scrutiny over the deliverability of the allocated sites and the generally good market areas within which the allocations are located, I see no reason why the scale of growth cannot be achieved to deliver the identified housing needs.
- 4.27. PPW<sup>50</sup> is clear that LPAs must ensure that sufficient land is genuinely available or that it will become available to provide a continuous five year supply of housing land. The Council’s final housing trajectory<sup>51</sup> incorporates changes to the housing supply described above and demonstrates that such a

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<sup>50</sup> PPW, Paragraph 9.2.3

<sup>51</sup> Council’s Response to Action Points 4, 6, 7, 8, 9 and 10 of Hearing Sessions 2 & 3 (Amended September 2016)

requirement would be likely to be met for those years that can be accurately represented at this stage of the process.

- 4.28. The submitted version of the Plan advocated phasing of housing developments, with the release of land released in five year periods. It was proposed that priority be afforded to ‘brownfield’ and committed sites and those sites that would deliver key infrastructure. However, how such an approach would work in practice was unclear and recent JHLAS reports indicated that completion rates since the start of the plan have been slower than anticipated. Furthermore, with only 9 years of the Plan period remaining, it would be difficult to justify withholding the release of otherwise suitable and sustainable sites in light of the compelling and immediate need for housing within the area. Indeed, such arbitrary phasing runs contrary to the general thrust of national policy set out in PPW and would have the potential to hinder the Council’s chances of maintaining a five year land supply.
- 4.29. Collectively, **MAC41, MAC44 - MAC47, MAC100** and **MAC166** delete the proposed phasing from the Plan and update the plan in respect of its delivery and implementation. These changes are necessary for soundness. Notwithstanding this, the fact that some allocations have more constraints or infrastructure requirements than others would mean that there would inevitably be a natural form of phasing built into the Plan and this is demonstrated by the gradual release of housing as illustrated in the housing trajectory.
- 4.30. Given that the housing requirement figure incorporates an allowance of 1,602 new dwellings to account for the proposed economic growth at the proposed ‘Strategic Employment Sites’, some parties have advocated that levels of growth, particularly within the St. Athan area, should be phased relative to the delivery of the Enterprise Zone. However, the allocations in this area comprise strategic allocations that are not only designed to meet local housing needs, but are also allocated to reflect the importance of the St. Athan ‘Strategic Opportunity Area’ identified under Policy SP2. Indeed, the availability of new homes could play an important part in the attraction of inward investment and, in some cases, will play an important role in cross subsidising key infrastructure associated with the economic aspirations for the Enterprise Zone. As such, and bearing in mind the requirements to maintain a continuous 5 year land supply for housing, I am satisfied that the Council’s position, as amended through the MAC process, is one that is sound.

### *Conclusion*

- 4.31. Based on the foregoing I am satisfied that the housing land supply is sufficient to meet the identified requirement of 9,460 houses over the plan period. Whilst the rate of delivery would be challenging, it has been clear through the examination that there is a high level of demand within what is generally a desirable area. Subject to the recommended changes, I am satisfied that the Council have satisfactorily demonstrated that the allocations can provide the numbers of housing required to meet the identified need and that the contribution from windfalls is realistic and appropriate. The housing trajectory also indicates that a 5 year housing land supply will be achievable over the plan period. Finally, the level of contingency built into the housing strategy adequately reflects the deliverability concerns.

- 4.32. For these reasons I am satisfied that, subject to the aforementioned recommended changes, the Council’s approach to housing provision is sound.

## 5 Housing and Mixed Use Allocations

### *The Allocation Process*

- 5.1. The allocation process started through the candidate site process, whereby prospective developers, land owners and other interested parties were invited to submit sites for a variety of land uses. Submitted sites were compiled into a register and subsequently assessed in accordance with the site assessment methodology set out in the Findings of the Site Assessment Process Background Paper<sup>52</sup>. Specifically, a three stage process was adopted which firstly involved an assessment in respect of whether or not the sites would deliver the spatial strategy. The successful sites were then considered in light of environmental and physical constraints before, finally, being assessed against the sustainability objectives set out within the SA.
- 5.2. Concerns have been raised in relation to the site selection process. However, whilst such processes are inevitably subjective, I am satisfied that the general approach is reasonable, clear and transparent. Indeed, the staged approach is a common methodology for undertaking such exercises and I am satisfied that it is both logical and appropriate.
- 5.3. **MAC42** updates the housing allocation table under Policy MG2: ‘*Housing allocations*’ to reflect the most up to date information in terms of the specific contribution from the allocated housing sites. It also includes the new sites allocated following the submission of the Plan, whilst **MAC43** provides factual updates to the reasoned justification to Policy MG2.

### *The ‘Key Settlement’ of Barry and the Strategic Housing Sites*

- 5.4. As the ‘Key Settlement’, Barry incorporates a number of housing allocations, including the strategic mixed use allocation at Barry Waterfront<sup>53</sup>. The Barry Waterfront site represents a significant regeneration opportunity and is critical for the delivery of the growth aspirations for Barry. Whilst the majority of the site lies within zone B, part of the site is located within zone C2 as defined by the most up to date Development Advice Maps, where national policy states that highly vulnerable development should not be permitted<sup>54</sup>. Nevertheless, as the site is in excess of 48ha, I am satisfied that the site is large enough for the development to be delivered in compliance with the requirements of national policy. Notwithstanding this, the previously developed site already has the benefit of outline planning permission for up to 2,000 dwellings, with a Flood Consequences Assessment (FCA) concluding that the site can be acceptably managed.
- 5.5. The site itself is being developed in phases, with the West Pond area currently under construction. As a previously developed site a number of barriers to

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<sup>52</sup> Submission Document: SD39

<sup>53</sup> Policy MG2.1: Barry Waterfront and Policy MG3: Strategic Site at Barry Waterfront

<sup>54</sup> Technical Advice Note 15: Development and Flood Risk (2004)



development will need to be overcome, with various infrastructure requirements necessary. Nevertheless, I have seen nothing to suggest that such matters are insurmountable, with the housing land supply trajectory<sup>55</sup> indicating that the site will be completed by 2024 - 25.

- 5.6. The other allocations within Barry<sup>56</sup> comprise a suitable mix of previously developed and greenfield sites, largely consolidating development within the town or logically extending the built form. Site MG2.11<sup>57</sup>, which comprises Council owned land which is surplus to the requirements of Bryn Hafren Comprehensive School, is proposed for extension by **MAC42** and **MAP MAC02**, and will now provide for some 137 units. A number of the allocations within Barry have already been completed or are currently under construction and, given the levels of need within the area, I am satisfied that there is a realistic chance of the sites being delivered within the plan period. The allocations are therefore sound.
- 5.7. The Plan also incorporates ‘Strategic Housing Sites’ within the St. Athan and Llantwit Major areas, reflecting the importance of St Athan as a key development opportunity in accordance with the overarching strategy. MG2.2<sup>58</sup> comprises a greenfield allocation although it does represent a logical extension to St. Athan. At the time of the Hearing, the eastern part of the site had planning permission for 100 dwellings, with construction underway. Whilst a number of constraints have been identified, including costs associated with water and sewerage infrastructure, the evidence suggests that they would not be insurmountable, with the trajectory forecasting that the development would be complete by 2024.
- 5.8. Similarly, whilst there are records of great crested newts, bats and dormice within the vicinity of MG2.3<sup>59</sup>, the evidence indicates that such matters could be adequately addressed at the planning application stage. Delivery costs relating to water supply and sewerage are identified as being medium to high although I have not seen anything to indicate that this would render the site unviable. The greenfield site adjoins the existing built form and, on the balance of the evidence available, it would appear reasonable to forecast the 250 dwellings coming forward by 2025.
- 5.9. MG2.4<sup>60</sup> represents a previously developed site that is being promoted for development by the WG as it is no longer required for leisure or military purposes. There are no significant constraints to its development, with ecological matters and infrastructure requirements capable of being addressed at the planning application stage. It is anticipated that the site will be delivered within the Plan period and I have no reason to dispute the forecasts set out in the trajectory.
- 5.10. MG2.5<sup>61</sup> represents a large greenfield site capable of delivering some 255 dwellings. A small part of the site along the northern boundary lies within the

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<sup>55</sup> Council’s Response to Action Points 4, 6, 7, 8, 9 and 10 of Hearing Sessions 2 & 3 (Amended September 2016)

<sup>56</sup> Sites MG2.8; MG2.9; MG2.10; MG2.11; MG2.12; MG2.13; MG2.14; MG2.15; and MG2.16

<sup>57</sup> Site MG2.11: Land to the west of Pencoedtre Lane

<sup>58</sup> MG2.2: Land at Higher End, St Athan

<sup>59</sup> MG2.3: Land at Church Farm, St Athan

<sup>60</sup> MG2.4: Former Stadium Site, St Athan

<sup>61</sup> MG2.5: Land to the East of Eglwys Brewis, St. Athan

C2 flood zone although, given the scale of the area, it is clear that the site can be developed without the need for any highly vulnerable development or access points to be located within such areas. Likewise, whilst the evidence indicates that critically endangered plant species may act as a constraint to development, the net developable area has been suitably reduced to take account of those areas that would be affected. Ecological surveys will need to be undertaken at the planning application stage and I am advised that hydraulic modelling assessment and works associated with Dŵr Cymru Welsh Water (DCWW) assets would be necessary. Nevertheless, nothing indicates that such matters are insurmountable with the site forecast for delivery from 2020.

- 5.11. Whilst allocated as two separate allocations, MG2.6<sup>62</sup> and MG2.7<sup>63</sup> are within close proximity and would be collectively capable of delivering some 465 dwellings. The allocations do not currently incorporate an existing defensible boundary to the north, with the northernmost boundary defined by the new ‘Northern Access Road’ (NAR) proposed under Policy MG16.14. The development of the sites would clearly extend the built form into what is currently countryside north of Eglwys Brewis Road. However, the sites are being actively promoted by the WG, providing confidence that they will be delivered within the Plan period. They would also facilitate the delivery of the NAR which would significantly improve access to the ‘Aerospace Business Park’ from the B4265. Indeed, whilst some representors have questioned the need for the development of the NAR, evidence submitted at the hearings indicated that it would be essential to the effective delivery of the economic aspirations at the northern element of the Enterprise Zone whilst also providing the opportunity for residential development within close proximity to the proposed employment uses.
- 5.12. For the purposes of the LDP, both MG2.6 and MG2.7 are classified as part of Llantwit Major given their close physical and functional relationship with the town, including Boverton. Indeed, the new access via the NAR would represent an opportunity to improve sustainable connections to Llantwit Major town centre and the railway station, thereby satisfying the sustainability principles that underpin national policy.
- 5.13. Both MG2.6 and MG2.7 lie partially within the C2 flood zone. However, the Council has confirmed that the site density has been reduced to 20 dwellings per hectare on MG2.6 and 24 dwellings per hectare on MG2.7 in order to allow sufficient flexibility in site design and layout. The Council has also confirmed that the site is capable of being developed at the levels proposed without any highly vulnerable development within the flood risk areas<sup>64</sup>. It has also confirmed that access and egress can be achieved without contravening national policy relating to flood risk. All other constraints could be dealt with through the planning application process. As such, and bearing in mind the contribution these sites would make to the delivery of the Plan’s aims and objectives, I am satisfied that they are soundly based.

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<sup>62</sup> MG2.6: Land adjacent to Froglands Farm, Llantwit Major

<sup>63</sup> MG2.7: Land between the Northern Access Road and Eglwys Brewis Road, Llantwit Major

<sup>64</sup> Council’s Response to Action Point 1 of Hearing Session 4

*The ‘Service Centre Settlements’*

- 5.14. Cowbridge incorporates four housing allocations that would provide for some 646 dwellings. MG2.20<sup>65</sup> is by far the largest of the allocations comprising some 475 dwellings. A hybrid planning application<sup>66</sup> encompassing the proposed construction of a new link road connecting the ‘Cowbridge bypass’ (A48) with Llantwit Major Road and a residential led mixed use development had been granted planning permission by the time the site was discussed at Hearing Session 8.
- 5.15. A number of representations have raised concerns regarding the scale of the ‘Darren Farm’ development. However, I am satisfied that the level of growth is acceptable, not least because of the acute housing need within the area and the relative close proximity of the site to the facilities and services on offer within Cowbridge. Moreover, the site forms a logical extension to the town, with relatively few development constraints. The impact on the local highway network has been a particular point of contention to some objectors, although it seems clear to me that the associated link road will improve congestion within the town centre, whilst other local transport initiatives, alongside landscape mitigation measures, can be delivered through the planning application process.
- 5.16. The development at MG2.17<sup>67</sup> is now complete and, whilst MG2.18<sup>68</sup> has not yet progressed, it represents a suitable previously developed site that would be located within a sustainable location. Site MG2.19<sup>69</sup> would provide for some 130 residential units on a 4.3ha site, with pre-application activity suggesting a willingness to deliver within the plan period. The Council have set out their reasoning for the change in status of the site and the impact on the landscape<sup>70</sup> and, on this basis, I am satisfied that a full and robust balancing exercise has been undertaken. Indeed, whilst the site was designated as an SLA within the adopted Unitary Development Plan (UDP), the site clearly offers the opportunity for much needed housing provision on a site that abuts the existing built form. Any adverse landscape impacts would be limited to the immediate environs which already exhibit an urban fringe character as a result of the existing development located on the ridgeline and the nearby sewage works. Detailed design and landscaping could effectively minimise such impacts. Vehicular access to the site could be dealt with through the planning application process, whilst the realignment of St. Athan Road will act as a wider benefit of the development. On this basis, I consider the allocation to be soundly based.
- 5.17. In addition to the aforementioned strategic sites, it is proposed that Llantwit Major would accommodate approximately 291 residential units over the Plan period. Site MG2.21<sup>71</sup> would represent a logical extension to the existing built form, with planning permission granted for 149 dwellings. Site MG2.22<sup>72</sup>

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<sup>65</sup> MG2.20: Land to the north and west of Darren Close

<sup>66</sup> Ref: 2014/01505/OUT

<sup>67</sup> MG2.17: Cowbridge Comprehensive Lower School

<sup>68</sup> MG2.18: Cowbridge Comprehensive Sixth Form Block, Aberthin Road

<sup>69</sup> MG2.19: Land adjoining St.Athan Road, Cowbridge

<sup>70</sup> Council’s Response to Action Point 2 of Hearing Session 8

<sup>71</sup> MG2.21: Plasnewydd Farm, Llantwit Major

<sup>72</sup> MG2.22: Land adjacent to Llantwit Major Bypass

incorporates site constraints, including those relating to flood risk, protected species and the potential for noise disturbance from the Vale of Glamorgan Railway to the north. However, the Council’s evidence indicates that such constraints can be adequately addressed through the planning application process and I have little evidence to suggest otherwise. The site would consolidate development south of the railway line and the submission of a full planning application demonstrates a commitment from the developer to deliver the site within the plan period.

- 5.18. **MAC42** and **MAP MAC01** propose a new housing allocation at the former Eagleswell Primary School in Llantwit Major<sup>73</sup>. The site represents previously developed land that is surplus to the educational requirements of the Council and would provide for approximately 72 dwellings. The allocation would contribute to the housing supply figures and thereby assist in meeting the Plan’s objectives.
- 5.19. As amended by the MAC process, some 860 dwellings would be allocated to Penarth. MG2.24<sup>74</sup> has the benefit of planning permission for the construction of 74 units and, whilst development had not commenced at the time of my site visit, the allocation appears to be logical and appropriate with few development constraints. Site MG2.25<sup>75</sup>, which comprises a previously developed site, would represent an efficient use of land in a desirable area. Such circumstances, along with the lack of development constraints suggest that these sites would be deliverable within the Plan period.
- 5.20. The largest of Penarth’s allocations would be MG2.23<sup>76</sup>, which would be extended by **MAC42**, **MAP MAC03** and **MAP MAC39**. As amended, the site would provide for approximately 576 dwellings and a number of objections have been lodged against the proposal, most notably in relation to the scale of the allocation, the change in status of the land from its former Green Wedge status (**MAP MAC05**), the impact on the coast and ecological designations and the overall effect on the local highway network. Nevertheless, such matters need to be balanced against the acute housing need within the area and, whilst the greenfield allocation would extend the existing built form into what is currently countryside, it would form a logical extension to the existing built form.
- 5.21. I explain in subsequent sections of this report why I am satisfied that the Council’s strategic approach to highways is justified<sup>77</sup>. The wider benefits of the proposal, including the provision of a new primary and nursery school, a community facility and approximately 1 ha of strategic public open space weigh in favour of the development. It is also the intention to retain a connection corridor along the former railway embankment which runs through the site. Based on the arguments advanced, I am satisfied that the allocation, as amended, is soundly based.

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<sup>73</sup> MG2.XXA: Former Eagleswell Primary School, Llantwit Major

<sup>74</sup> MG2.24: Land adjoining St. Josephs School, Sully Road

<sup>75</sup> MG2.25: Headlands School, St Augustine’s Road, Penarth

<sup>76</sup> MG2.23: Upper Cosmeston farm, Lavernock

<sup>77</sup> Council’s Response to Action Point 5 of Hearing Session 17

- 5.22. **MAC42** and **MAP MAC04** propose a new allocation at the land adjacent to Oak Court, Penarth<sup>78</sup> to provide for approximately 145 residential units. Whilst the site comprises greenfield land, it was included within the settlement boundary of the submitted version of the Plan. The residential use of the site would be consistent with the uses of surrounding land and, whilst the site incorporates some development constraints, nothing leads me to believe that they would prevent the site from coming forward within the plan period. The changes are therefore recommended.

*The 'Primary Settlements'*

- 5.23. The plan makes provision for some 438 dwellings through four residential allocations in Dinas Powys despite the Council’s own transport evidence indicating highway capacity issues. Indeed, the Council’s Highway Impact Assessment (HIA)<sup>79</sup> found that the main Cardiff Road that runs through Dinas Powys and Cardiff / Penarth in the east, and Barry to the west, would experience increased traffic and potentially congestion at peak times. In particular, it identifies four junctions within, or close to, Dinas Powys that would be operating at capacity at 2026<sup>80</sup>.
- 5.24. Despite such concerns, the Council has highlighted that<sup>81</sup> Dinas Powys is located within the south east zone that is critical to the success of the LDP strategy. Indeed, the most up to date LHMA indicates a need for some 780 affordable homes over the plan period<sup>82</sup>. Dinas Powys is also one of the more sustainable settlements within the Vale of Glamorgan and remains the highest ranked 'Primary Settlement'<sup>83</sup>, reflective of the availability of local facilities and services and its range of public transport options. Specifically, the village incorporates two railway stations offering a rail service every 15 minutes, whilst regular bus services run frequently throughout the day. The village is also located on the National Cycle Network (NCN), with improvements proposed through the plan’s transport strategy.
- 5.25. PPW and TAN18<sup>84</sup> encourage the creation of transport hierarchies which promote walking, cycling and public transport above car borne trips and, given the broad range of facilities and services to meet the day to day needs of the residents, along with the practical and viable alternatives to the car, I am satisfied that there is a realistic opportunity for a modal shift towards more sustainable modes of transport. Indeed, coupled with the high levels of housing need, it is clear that the level of growth would bring wider benefits to the area. The scale of growth in Dinas Powys is, therefore, justified.
- 5.26. Site MG2.28<sup>85</sup> was under construction at the time of my site visit and will deliver 18 dwellings. Sites MG2.27<sup>86</sup> and MG2.29<sup>87</sup> comprise greenfield sites and both have the benefit of planning permission. Neither of the sites have

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<sup>78</sup> MG2.XX: Land adjacent to Oak Court, Penarth

<sup>79</sup> Submission Document: SD64

<sup>80</sup> Junctions 7, 8, 9 and 10

<sup>81</sup> Council’s Response to Action Point 2 of Hearing Session 9

<sup>82</sup> Examination Document: ED17, Table 6.2.2

<sup>83</sup> Council’s Response to Action Point 4 of Hearing Session 1 – Sustainable Settlements Update (2016)

<sup>84</sup> Technical Advice Note 18: Transport

<sup>85</sup> MG2.28: Land at Ardwyn, Pen-y-Turnpike

<sup>86</sup> MG2.27: Land off Caerleon Road, Dinas Powys

<sup>87</sup> MG2.29: Land at Cross Common Road

insurmountable constraints and there is no reason why they cannot be effectively delivered through the development management process, in accordance with the timescales set out in the housing land supply trajectory.

- 5.27. Site MG2.26<sup>88</sup> would incorporate some 300 dwellings, a community facility and public open space. A community health resource centre was under construction at the time of my site visit and it was submitted at Hearing Session 9 that the marketing and disposal of the Council owned site has been authorised, with a planning application expected later in the year. The site was formally designated as a Green Wedge in the adopted UDP, although in light of the evidence of housing need, the Council proposes to reduce the Green Wedge designation through the LDP. I am satisfied that the Council has undertaken a thorough balancing exercise in this respect. Some objections have been raised given the fact that part of the site has historically been safeguarded for the Dinas Powys bypass. However, for reasons set out below, that does not comprise an LDP proposal and does not, therefore, necessitate the deletion of the allocation.
- 5.28. Llandough (Penarth) has also been identified as a ‘Primary Settlement’ and, as such, incorporates three housing allocations which amount to some 258 dwellings. MG2.30<sup>89</sup> comprises a largely undeveloped and partially wooded site that would be capable of accommodating approximately 130 residential units at a reduced density to reflect the varied levels across the site and the extent of tree coverage which would need to be considered in respect of both landscape and biodiversity impacts. Other constraints and infrastructure requirements would be best dealt with through the development management process, although there is nothing to suggest that the development could not be brought forward before 2026.
- 5.29. Site MG2.32<sup>90</sup> represents a vacant previously developed site allocated for approximately 120 dwellings. The site lies partially within the C1 flood zone, although I am satisfied that it meets the requirements of PPW and TAN15. Specifically, the site would support the LPA’s strategy by providing important housing provision within an area identified as having the highest level of affordable housing need in the most recent LHMA. Moreover, the potential consequences of flooding at the previously developed site have been considered and NRW have confirmed that they can be effectively managed in accordance with national policy requirements. Meanwhile, the location of DCWW assets on site, ecology and matters relating to archaeology can be dealt with at the planning application stage, with nothing to indicate that they would prevent the effective delivery of the site.
- 5.30. Site MG2.31<sup>91</sup> has been approved for 8 dwellings. The allocation is part of a larger development that incorporates an additional parcel of land located opposite the site that is currently used as a car sales centre. This element of the scheme has been omitted from the allocation boundary to reflect the fact that the business is a going concern and, given the uncertainty associated with that particular element of the scheme, I am content that the approach

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<sup>88</sup> MG2.26: Land at and adjoining St. Cyres School, Murch Road

<sup>89</sup> MG2.30: Land south of Llandough Hill/ Penarth Road

<sup>90</sup> MG2.32: Llandough Landings

<sup>91</sup> MG2.31: Land north of Leckwith Road

advocated is sound. There are no insurmountable constraints to the development of the allocation with the anticipated completion of the site within the immediate years following adoption.

- 5.31. The allocations in Rhoose make provision for some 787 dwellings, with 700 granted planning permission at MG2.33<sup>92</sup> and 87 dwellings nearing completion at MG2.34<sup>93</sup>. Whilst the works had not commenced at MG2.33 at the time of my site visit, site constraints have been addressed through the application process and adequately resolved. **MAP MAC31** amends the site allocation to include those parcels of land to the west of the site, accurately reflecting land ownership boundaries and those associated with the approved planning permission.
- 5.32. Whilst site MG2.46<sup>94</sup> was previously allocated as a ‘Reserve Site’ in the Deposit LDP, the ‘Proposed Focussed and Minor Changes’ amended its status to a housing allocation under Policy MG2. Numerous concerns have been raised in relation to the proposed allocation although, since the hearings, the Council has granted outline planning permission, subject to a section 106 agreement, for the construction of up to 350 dwellings on the northern part of the site.
- 5.33. It is clear from the Committee Report relating to that grant of planning permission<sup>95</sup> that the Council considers that matters relating to highway safety, drainage, ecology and sewerage infrastructure have been adequately addressed, whilst matters relating to the loss of agricultural land and flood risk are considered to comply with national policy. Based on the information before me, I have no reason to disagree with such conclusions. Significant concerns have been raised in relation to the effect of the development upon local heritage assets, particularly the 5 Grade II listed buildings within the vicinity of the site. However, such buildings would be protected by the legislative requirement<sup>96</sup> to have special regard to the desirability of preserving the buildings or their settings or any features of special architectural or historic interest which they possess and, on this basis, I see no reason why such matters cannot be achieved through detailed and sensitive design, with the site contributing to the local land supply as anticipated in the housing land supply trajectory.
- 5.34. Finally, the ‘Primary Settlement’ of Wenvoe incorporates a single allocation<sup>97</sup> which is currently under construction and able to deliver some 132 dwellings within the Plan period.

#### *The ‘Minor Rural Settlements’*

- 5.35. Concerns have been raised regarding the scale of development proposed at both Bonvilston<sup>98</sup> and St. Nicholas<sup>99</sup>, with 120 dwellings and 117 dwellings

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<sup>92</sup> MG2.33: Land north of the railway line Rhoose

<sup>93</sup> MG2.34: Land south of the railway line Rhoose

<sup>94</sup> MG2.46: Land West of Swanbridge Road in Sully

<sup>95</sup> Council’s Response to Action Point 1 of Hearing Session 8

<sup>96</sup> Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990

<sup>97</sup> MG2.35: Land to the west of Port Road, Wenvoe

<sup>98</sup> MG2.37: Land to the east of Bonvilston

<sup>99</sup> MG2.43: Land to the east of St. Nicholas

being proposed respectively<sup>100</sup>. Specifically, concerns were raised in relation to the scale of the proposals relative to the existing size of the villages, with particular reference to the impact on their character. Wider concerns were also submitted in relation to the justification for the scale of growth relative to the availability of facilities and services, whilst matters relating to highway and landscape impact have also been canvassed.

- 5.36. MG2.43 would extend to the east of St. Nicholas, broadly in line with the existing properties on the southern side of the A48. It would also extend northwards from the A48, reflecting the existing development pattern of St. Nicholas. Likewise, whilst MG2.37 would represent a somewhat more elongated development, it would infill those parcels of land that lie between the existing properties fronting the A48, whilst also extending in a northerly direction. Both developments would be largely viewed within the context of the existing built form and, given the presence of listed buildings and the respective conservation areas, would need to be considered within the context of the legislative requirements of the Planning (Listed Buildings and Conservation Areas) Act 1990. The Council has justified the development in this respect<sup>101</sup> and I have no reason to undermine the conclusions reached. Indeed, matters relating to detailed design, layout and density could be satisfactorily addressed at the planning application stage, with detailed design policies, including that relating to density requirements<sup>102</sup>, sufficiently flexible to enable site by site consideration where necessary.
- 5.37. The ‘Minor Rural Settlements’ incorporate relatively limited facilities and services, hence their position within the settlement hierarchy. However, I am satisfied that the Council has demonstrated that St. Nicholas and Bonvilston enjoy important functional relationships with surrounding settlements<sup>103</sup>, thereby increasing their sustainability credentials. The settlements are located some 1.5km apart and are connected by an existing pedestrian footway. Notwithstanding this, both St. Nicholas and Bonvilston were amongst the higher scoring ‘Minor Rural Settlements’ and the development proposed would go some way to help sustain the facilities and services within the wider community whilst also meeting the identified housing need.
- 5.38. I recognise concerns raised at the transport session that the junction at Culverhouse Cross is operating over capacity. However, whilst I shall deal with such matters in some detail under subsequent sections of this report, I am generally satisfied that the Council has justified<sup>104</sup> the strategy in light of the findings of the HIA<sup>105</sup>. Notwithstanding this, the development at Bonvilston would go some way to improve the local highway network through the proposals under Policy MG16.18 and both settlements are located on the strategic highway corridor along the A48, with frequent public transport links. Given the strength of the market area I am satisfied that all other constraints would not impinge on site delivery.

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<sup>100</sup> As amended by MAC42

<sup>101</sup> Council Response to Action Point 1 of Hearing Session 11

<sup>102</sup> Policy MD7: Housing Densities

<sup>103</sup> Council Response to Action Point 1 of Hearing Session 11

<sup>104</sup> Council’s Response to Action Point 5 of Hearing Session 17

<sup>105</sup> Submission Document: SD64: Highways Impact Assessment



5.39. Whilst not a typical rural settlement, Culverhouse Cross has been classified as a ‘Minor Rural Settlement’ for the purpose of the LDP, with site MG2.39<sup>106</sup> providing some 224 dwellings which are currently under construction. Similarly, MG2.38<sup>107</sup> in Colwinston, MG2.44<sup>108</sup> in Wick and both MG2.41<sup>109</sup> and MG2.42<sup>110</sup> at Ogmore have the benefit of planning permission and are currently under construction. Part of MG2.45<sup>111</sup> in Ystradowen is also under construction and I see no reason why the remainder of the site cannot be delivered within the plan period. The site at ‘The Garden Emporium’ in Fferm Goch<sup>112</sup> has now been completed, contributing 40 dwellings to the overall land supply. MG2.36<sup>113</sup> in Aberthin would provide a modest supply of some 20 dwellings, with matters pertaining to pedestrian and highway safety, as well as the impact on the Conservation Area, recently been found to be satisfactory through development management processes.

### *Conclusion*

5.40. The individual constraints and requirements associated with the housing allocations are set out in Appendix 5 of the Plan which would be amended by **MAC167 - MAC216** and **FMAC51 - FMAC54**. Whilst such information indicates that many of the sites are subject to constraints, the evidence suggests that they can be resolved through the development management process. I am therefore satisfied that the anticipated delivery rates set out within the housing land supply trajectory are realistic in light of the available evidence.

5.41. Based on the foregoing, I am satisfied that the housing and mixed use allocations, as amended by the recommended changes, represent sound development proposals.

## **6 Affordable Housing Provision**

### *Affordable Housing Need*

6.1. The Plan’s strategy for dealing with affordable housing is underpinned by the most up to date LHMA (2015)<sup>114</sup>. The approach adopted in that assessment is consistent with the methodology promoted at a national level and in this respect I am satisfied that it represents a robust basis upon which to plan for delivery to 2026. The calculations of the affordable housing requirement in that assessment indicate that there is a net annual need for 559 affordable dwellings per annum for the years 2015 - 2020, comprising 331 social rented, 115 low cost home ownership and 113 intermediate rented dwellings. **MAC33** would add clarity to the Plan by setting out such information within the reasoned justification to Policy SP4: ‘*Affordable Housing Provision*’.

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<sup>106</sup> MG2.39: ITV Wales, Culverhouse Cross

<sup>107</sup> MG2.38: Land to rear of St David’s Church in Wales Primary School, Colwinston

<sup>108</sup> MG2.44: Land off St. Brides Road, Wick

<sup>109</sup> MG2.41: Ogmore Residential Centre

<sup>110</sup> MG2.42: Ogmore Caravan Park

<sup>111</sup> MG2.45: Land off Sandy Lane, Ystradowen

<sup>112</sup> MG2.40: The Garden Emporium, Fferm Goch

<sup>113</sup> MG2.36: Land adjoining Court Close, Aberthin

<sup>114</sup> Examination Document: ED17

### *Affordable Housing Provision*

- 6.2. The submitted Plan sought to provide 2,914 affordable housing units although **MAC33** amends that figure to 3,252 units to reflect the most up to date position in light of the matters set out above under the Housing Provision section. This figure is indicative of the affordable homes likely to be secured through the planning system, including contributions from committed sites, allocated sites and anticipated windfall developments. **MAC33** adds clarity to the Policy and is therefore recommended.
- 6.3. Policy MG4: ‘*Affordable Housing*’ sets out the affordable housing requirements for each of the settlements identified within the settlement hierarchy. Specifically, 30% affordable housing would be sought on residential developments resulting in a net gain of 5 or more units in Barry, with that figure rising to 35% affordable housing in Llantwit Major, Rhoose and St. Athan. 40% affordable housing would be sought on developments of one or more dwellings, or the conversion of existing buildings resulting in a net gain of two or more dwellings in the following locations: Cowbridge; Dinas Powys; Llandough; Penarth; Sully; Wenvoe; the ‘Minor Rural Settlements’; and the rural Vale of Glamorgan. Whilst I shall deal with the details of the viability evidence below, I am generally satisfied that these policy requirements reflect the Council’s most up to date evidence.
- 6.4. The Council propose to use the settlement boundaries, as defined on the Proposals Map, as the starting point for implementing the spatially differentiated approach to affordable housing delivery, with sites outside of such boundaries being classified as the ‘Rural Vale of Glamorgan’<sup>115</sup>. This approach is clarified by a proposed change to the reasoned justification (**MAC49**). Concerns had been raised regarding this approach, with some representors suggesting that the use of housing market areas would form a more robust mechanism for spatially defining the policy. Nevertheless, whilst I recognise that the approach advocated would produce some anomalies, particularly for development schemes located just outside defined settlements, the policy remains flexible enough to enable site by site negotiations where concerns relating to viability can be demonstrated. Notwithstanding this, the Plan’s strategy would indicate that residential proposals outside of settlement boundaries would be limited in number and the alternative approach of utilising housing market areas would bring with it its own set of anomalies in any case. The approach advocated is therefore considered to be one that is pragmatic and sufficiently flexible.
- 6.5. FMAC6 and FMAC7 propose to amend Policy MG4 and paragraph 6.30 of the associated reasoned justification respectively to require all affordable housing to be constructed to the latest Development Quality Requirement (DQR) standards. **FMAC4**, deletes the requirement from paragraph 5.51 of the reasoned justification to Policy SP4 given that it is now proposed that the requirement is elevated to the policy wording of Policy MG4. DQR standards are not an explicit requirement of national policy, although the WG has recently consulted on making such requirements mandatory. However, from the evidence available, it would appear that the consultation related to Part 4

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<sup>115</sup> Council’s Response to Action Point 7 of Hearing Session 6

of the Housing (Wales) Act 2014 which permits Welsh Ministers to set mandatory standards where public subsidy is available. I am not aware of any change at the national level arising from that consultation and, in any event, it is clear that the policy requirement for all affordable dwellings to meet such standards would go beyond national policy. I do not consider this policy approach has been locally justified. As a consequence **FMAC4** is recommended, but **FMAC6** and **FMAC7** are not recommended within this report as they raise fundamental issues of soundness.

- 6.6. **MAC49** and **FMAC6** collectively seek to update the wording of Policy MG4 to clarify the Council’s approach to on-site provision of affordable housing. Indeed, subject to these changes, the approach would be consistent with national policy. However, as I have already set out above that **FMAC6** is not recommended, I will ensure that the policy changes relating to on site delivery are imposed through **IMAC1**. **MAC49** also seeks to clarify that the required tenure mix of affordable housing would usually be 70% social rented and 30% intermediate properties. Some concerns have been raised about this approach, particularly given that the latest evidence of need from the LHMA (2015)<sup>116</sup> indicates that approximately 60% of the annual housing need is for social rented compared to 40% intermediate housing (ie. approximately 60:40). Nevertheless, the evidence of need set out in the LHMA only represents a snapshot in time, with previous iterations illustrating a split closer to 80:20.
- 6.7. In addition to this, it is clear that the proposed 70:30 tenure mix would target the most acute housing needs by favouring the delivery of social rented accommodation and thereby targeting those least able to meet their housing needs within the market. The evidence before me indicates that the success of intermediate tenures can be restricted by the need to access finance and secure a cash deposit whilst, in the more marketable areas of the county, properties remain beyond the reach of many households in housing need, even with a 30% discount from the market value. It is also notable that, even if the LDP affordable housing target is delivered, only a proportion of the overall housing need would be satisfied. As such, it is unlikely that there would be an over provision of social rented accommodation. On this basis, I am satisfied that the approach advocated is one that is reasonable and appropriate, not least because the Plan explicitly allows for consideration on a site by site basis where evidence indicates that the required mix is not supported by local evidence.
- 6.8. Policy MD11: ‘*Affordable Housing in Rural Areas*’ provides an affordable housing exception sites policy, as referred to in PPW<sup>117</sup> and TAN2<sup>118</sup>. **MAC89** proposes to amend the policy so that it does not only apply in rural areas. It also provides a definition of ‘local need’. These changes, and the other amendments incorporated within that MAC, ensure consistency with national policy and also add clarity and precision to the plan. The proposed changes are therefore recommended.

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<sup>116</sup> Examination Document: ED17

<sup>117</sup> PPW, Paragraph 9.2.23

<sup>118</sup> Technical Advice Note 2: Planning and Affordable Housing, Paragraph 10.13

### *Viability and Deliverability*

- 6.9. Concerns were raised at Hearing Sessions 6 and 26A regarding the assumptions used within the Council’s Viability Update Report 2014<sup>119</sup>. Specifically, concerns were raised that the benchmark land values assumed in the assessments would be insufficient to incentivise landowners to sell land, which could have potential implications for housing delivery within the area. In response, the Council considered the assumptions used in other LDPs and CIL Schedules, as well as available transactional data, to act as a ‘sense check’<sup>120</sup>. The analysis of other LPA evidence indicated that a range of approximately £482,000 per hectare for the lower market areas and around £706,000 per hectare at the top of the market would be appropriate for the Vale of Glamorgan. The market information generally indicates that land values of between £490,000 and £1.5m per hectare had historically been achieved, with developers referring to sales of up to £2m. Nevertheless, it is not disputed that such market transactions would have been exchanged under a different policy context.
- 6.10. Following such concerns, the Council revised its viability appraisal<sup>121</sup>. This exercise indicated that residual land values in the higher value areas of the Vale of Glamorgan are clearly in excess of the comparable range of £450,000 to £700,000 per hectare, as referred above. The residual land values in the mid to lower value areas are lower, even when the lower affordable housing percentage requirements are taken into account. However, this is reflective of the lower land value benchmarks applicable in these areas. Notwithstanding this, the policy requirements are still demonstrated to be viable. The lowest value area of Barry East would be more challenging. However, when considered within the context of the limited number of allocations within this area, as well as the fact that sites MG2.10: *Land to the East of Pencoedtre Lane* and MG2.12: *Ysgol Maes Dyfan* have already been delivered at 30% affordable housing, I am satisfied that the approach appears reasonable, with sufficient flexibility built into the policy framework to allow for negotiation where viability issues are demonstrated.
- 6.11. In response to other concerns, the Council also undertook a review of current sale values in the market to inform the updated viability appraisal<sup>122</sup>. This review considered a range of new and second hand transactions, taken from HM Land Registry information. In comparison to the values used in the 2014 viability appraisal, the values have changed to varying degrees depending on the sub market area<sup>123</sup>. Nevertheless, I am satisfied that the methodology adopted and the assumptions used are reasonable and appropriate for calculating broad sales values, with the outcome of the process broadly reflecting the comments made by the development industry. For these reasons, I consider the updated assumptions to represent a sound basis for considering wider issues of viability.

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<sup>119</sup> Submission Document: SD24

<sup>120</sup> Council’s Response to Action Point 3 of Hearing Session 6

<sup>121</sup> Council’s Response to Action Point 8 of Hearing Session 6

<sup>122</sup> Council’s Response to Action Point 4 of Hearing Session 6

<sup>123</sup> Council’s Response to Action point 4 of Hearing session 6

- 6.12. Developer profits have been assumed at 20% and the build costs assumed for the purposes of assessing viability are broadly compliant with the 2016 BCIS data, with an additional 15% allowance applied for external works. The most recent viability assessment also includes a cost assumption of £3,000 per unit for houses and £1,000 per unit for flats to cover sprinkler costs<sup>124</sup> which is reasonable given the evidence set out in the WG’s independent cost benefit analysis<sup>125</sup>. I consider such assumptions to be entirely appropriate.
- 6.13. Concerns had been raised by the development industry because stand-alone allowances for site opening up costs, contingencies and abnormal costs have not been factored into the Council’s viability assessment. However, given the scale and nature of the allocations within the Plan, I agree with the Council that such allowances should not be factored in to the assessment as a matter of course. Indeed, logic dictates that abnormal requirements should not form the basis of policy development, not least because an affordable housing strategy based on a worst case scenario would fail to satisfy the ministerial priority of maximising affordable housing delivery in areas of need. There will clearly be instances where opening up costs will be greater than that anticipated under the BCIS data plus 15%. However, I have not seen any robust evidence to indicate that such costs would be comparable to the large scale housing allocations in Cardiff’s LDP for example and, in any event, I am satisfied that the policy framework is sufficiently flexible to enable such matters to be considered within the context of development viability on a case by case basis if indeed it becomes an issue.
- 6.14. The Council’s viability assessment includes an allowance of £10,000 per dwelling for Section 106 costs. The Council submitted evidence at Hearing Session 6 to demonstrate that such an allowance would be sufficient<sup>126</sup> and confirmed that the average cost of planning obligation requirements between the years 2015 - 2017 has been approximately £7,408 per dwelling<sup>127</sup>.
- 6.15. Nevertheless, a number of representatives of the development industry have indicated that the new Planning Obligations SPG is approximately 30% more onerous than the corresponding document serving the adopted UDP and that the assumed £10,000 allowance is, therefore, insufficient. Moreover, a significant proportion of the development industry has submitted that £20,000 per dwelling would be a more appropriate assumption to inform the viability testing. However, it was confirmed at Hearing Session 26A that the £20,000 allowance advanced by the development industry had been calculated on a worst case scenario and, for the same reasons as those set out above in relation to abnormal costs, I do not consider such an approach to represent an appropriate basis for policy development. Indeed, a 30% increase on the average contribution rates over recent years (£7,408) would indicate that £10,000 is a reasonable assumption to make. It is inevitable that there will be examples where obligations will exceed that assumed in the viability testing. However, site by site negotiation would be the most appropriate way for such matters to be addressed, with affordable housing or other planning obligation requirements falling away or being reduced as appropriate.

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<sup>124</sup> Council’s Response to Action Point 6 of Hearing Session 6

<sup>125</sup> Examination Document: ED81

<sup>126</sup> Examination Document: ED20

<sup>127</sup> Council’s Statement to Hearing Session 26A

### *Conclusion*

- 6.16. I am satisfied that the evidence supports the levels of affordable housing being sought at the respective areas. Subject to the recommended changes, the strategy for delivering affordable housing is sound.

## **7 Gypsy and Traveller Accommodation**

### *Permanent Gypsy and Traveller Accommodation*

- 7.1. During plan preparation the Council commissioned an independent study to assess the level of need for permanent and transit gypsy and traveller sites over the plan period<sup>128</sup>. In brief, whilst it concluded that it was not necessary to make provision of a transit site, 18 permanent pitches were identified as necessary to meet the needs over the plan period. In response to such evidence of need, the Council sought to allocate land at Hayes Road Sully for the purposes of accommodating the 18 permanent Gypsy and Traveller pitches. At the time of Hearing Session 16, the Hayes Road site was occupied on an informally tolerated basis.
- 7.2. Nevertheless, it became clear through the examination that part of the Hayes Road site, including the only vehicular access to and from the site, is located within a zone C2 floodplain. In this respect, whilst the Council argued that the findings of a flood consequences assessment demonstrated that the risks and consequences of flooding could be acceptably managed, national planning policy clearly requires a sequential approach to the location of development, with the principle objective of moving away from flood defence and mitigation towards a more positive avoidance of development in such areas<sup>129</sup>. TAN15<sup>130</sup> is clear that highly vulnerable development should not be permitted within zone C2 and WG Circular 30/2007 states that gypsy and traveller sites should not be located in areas at high risk of flooding given the particular vulnerability of caravans. In this respect, there is no doubt that the allocation would be in conflict with national policy relating to flood risk. Accordingly, **MAC50** and **MAP MAC111**, which would delete the allocation, are necessary for soundness.
- 7.3. By the time of Hearing Session 16 the Council had reached an advanced stage in preparing a new Gypsy and Traveller Accommodation Assessment (GTAA)<sup>131</sup>. This updated assessment reflected the various requirements of the Housing (Wales) Act 2014<sup>132</sup>, whilst also incorporating the most up to date guidance emanating from the WG<sup>133</sup>. The Council clarified at Hearing Session 16 that it did not anticipate the findings of the new GTAA to be substantially different to the previous needs assessment, although it was agreed that it would be necessary for the Council to update its LDP evidence base upon its completion, with consideration given to the implications this would have on the

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<sup>128</sup> Submission Document: SD32

<sup>129</sup> PPW, Paragraph 13.2.3

<sup>130</sup> TAN15, Paragraph 6.2

<sup>131</sup> Council’s Response to Action Points 2, 4, and 5 of Hearing Session 16 (Appendix A)

<sup>132</sup> Sections 101, 102 and 103 Housing (Wales) Act 2014

<sup>133</sup> Examination Document: ED38

Plan<sup>134</sup>. The updated GTTA has since been approved by Welsh Ministers with modifications<sup>135</sup>.

- 7.4. The new GTAA identifies a need for 20 additional pitches by 2026. However, in terms of providing for such needs, the Council points to WG guidance which enables local authorities to include households on tolerated sites within the current residential supply if the occupiers of the site have been provided the assurance that no planning enforcement action will be taken against the site within the subsequent 5 year period<sup>136</sup>. Despite the aforementioned flood risk concerns at the Hayes Road site, the occupiers of that site have since been issued with written confirmation from the Council that, for a period of 5 years, no enforcement action will be pursued in respect of the breach of planning control at the site<sup>137</sup>. Accordingly, for the purposes of LDP preparation, the Hayes Road site forms part of the short term residential supply. Indeed, with the longer term needs being satisfactorily incorporated into the Monitoring Framework, as amended by **MAC103**, **MAC139** and **FMAC36**, the approach meets the tests of soundness.
- 7.5. As a direct consequence of the 18 pitches at Hayes Road forming part of the short-term residential supply, the immediate need to be addressed through the Plan relates to two residential pitches. In accordance with the requirements of the Housing (Wales) Act, **MAC50** and **MAP MAC112** seek to make provision for this short term need through the allocation of a two pitch Gypsy and Traveller site at Llangan. The site is currently within the Council’s ownership and has been occupied by a single Gypsy and Traveller family for a period dating back to 1994 on a tolerated basis. The proposal seeks to formalise the current occupation of the site, whilst also providing for the remaining single pitch requirement.
- 7.6. Concerns have been raised regarding the suitability of the Llangan site as a Gypsy and Traveller allocation given its countryside location. However, whilst it is approximately 7.5km from the main ‘Service Centre Settlement’ of Cowbridge, it is within relatively close proximity to the ‘Minor Rural Settlement’ of Fferm Goch. As such, and bearing in mind the scale of the allocation, I do consider it to run counter to the overall spatial strategy advocated in the LDP. Notwithstanding this, national policy set out in WG Circular 30/2007<sup>138</sup> does not preclude sites in rural or semi-rural settings, specifically clarifying that the over rigid application of national and local policies that seek a reduction in car borne travel would not be appropriate. In light of such advice, I am satisfied that the location of the site relative to facilities and services does not render the proposal unsound.
- 7.7. A significant amount of information has been submitted in relation to the complex planning history at the allocation site. To summarise, planning permission was granted at the site for its use as a single family Gypsy and Traveller site in 1994, although that decision was challenged in the High Court. The Council subsequently became owners of the site and, following a local

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<sup>134</sup> Action Point 2 of Hearing Session 16

<sup>135</sup> Examination Document: ED80

<sup>136</sup> Examination Document: 38 (Paragraph 146)

<sup>137</sup> Examination Document: ED51

<sup>138</sup> Welsh Government Circular 30/2007: ‘Planning for Gypsy and Traveller Sites’

government reorganisation in 1996, issued a unilateral undertaking to the applicant in the High Court challenge, stating that the Council would use its best lawful endeavours to remove from the site, at the earliest possible date, whether by legal proceedings or other lawful means, the occupier of the site and any other person who then occupies the site and to prevent their return.

- 7.8. The Council’s subsequent decision to issue proceedings to take possession of the land was stayed pending a legal challenge, with a Judicial Review taking place in 1997. This led to the quashing of the planning permission. I am informed that the Council considered recommencing eviction proceedings although, after legal advice, cancelled such plans having considered the lack of alternative accommodation available for the occupants, the best interests of the children and the extent of the interference with the occupants’ human rights. A number of representors claim that the unilateral undertaking is still extant, whilst the Council’s legal advice indicates that the undertaking is not operative, with large parts of the undertaking effectively discharged by the process set out above.
- 7.9. The extent to which such matters render the allocation unsound was extensively debated at Hearing Session 25, with objectors contending that a legal challenge would follow should a second family occupy the site following the adoption of the LDP. However, any such challenge would need to be advanced outside of the LDP process. I recognise that such matters could impact upon the delivery of the site, which has clear implications for the soundness of the allocation. However, the legal arguments are complex, with little common ground between the parties. As such, there is considerable doubt as to whether or not a legal challenge would in fact be forthcoming and, even if it was, whether it would be successful.
- 7.10. For this reason, I do not consider such a matter to justify the deletion of the site from the Plan. Indeed, a threat of a legal challenge to a development allocation is not uncommon at such examinations and does not necessarily justify its omission. Furthermore, should a legal challenge be successful, the Monitoring Framework, as amended by **MAC139** and **FMAC35**, would ensure that such matters would need to be expeditiously dealt with. Notwithstanding this, for reasons addressed in some detail below, I am also satisfied that the Plan’s policy framework relating to proposals for Gypsy and Traveller accommodation is sufficiently robust and flexible to assist the Council in meeting its statutory duties under the Housing (Wales) Act 2014 should the site not be delivered as anticipated.
- 7.11. A number of representations have been submitted in relation to the suitability of the Llangan site to cater for two separate families. Specifically, representors have submitted that the approach of mixing Gypsy and Traveller families is unsound, with the existing occupier of the site advancing personal circumstances to justify independent accommodation on a segregated site. Nevertheless, the site is large enough for the proposed pitches to be designed so that they are independent from one another if necessary. Notwithstanding this, it is important to note that an LDP simply provides for a land use allocation which does not extend as far as a planning permission for a specific family or families. Indeed, any personal circumstances, or indeed any other material circumstances, that would justify relocating to or from the site would need to be considered in detail at the planning application stage. If



accommodation on the site is demonstrated not to be suitable to the particular needs of a Gypsy and Traveller family, alternative accommodation would need to be considered within the criteria based approach provided by Policy MD18: ‘*Gypsy and Traveller Accommodation*’, as well as the policy framework set nationally.

- 7.12. Other concerns have been raised in relation to: the effect on the Llangan Conservation Area; the effect on the Upper and Lower Thaw Valley SLA; the ability to achieve a safe access to the site; and the ability to achieve satisfactory drainage. However, given the distances from the Llangan Conservation Area I am satisfied that, subject to detailed design, the site could be brought forward with a neutral impact on the designation. Similarly, an SLA does not preclude development from coming forward, with detailed design capable of being addressed at a planning application stage. It is clear that access and drainage works would need to be improved for the site to meet WG guidance. However, a single pitch has been occupied on the site since 1994 and the LDP proposals would not significantly intensify its use in real terms. Moreover, despite significant anecdotal evidence being submitted at the Hearing, I have not seen anything from the highway authority or a statutory undertaker to indicate that such matters could not be adequately resolved through the development management process. For these reasons, and having fully considered all matters raised, I conclude that the allocation is sound.

#### *Transit Sites and Travelling Showpeople*

- 7.13. No immediate need has been identified in the most up to date GTAA for a transit site within the Vale of Glamorgan area. However, it has been recommended that the Council should continue to monitor the number of unauthorised encampments and consider the use of short-term toleration or Negotiated Stopping Arrangements to deal with short-term transient stops. **MAC50** proposes to set out such matters within the reasoned justification to Policy MG5: ‘*Gypsy and Traveller Site*’. Similarly, the evidence indicates that there is no requirement for the Council to make provision for the seasonal accommodation needs of travelling showpeople and I have no reason to contest such conclusions.

#### *Gypsy and Travellers – The Policy Framework*

- 7.14. Policy MG5 sets the policy framework for the delivery of the Gypsy and Traveller allocation at Llangan. In addition to the changes referred above, **MAC50** ensures that Policy MG5 is reflective of the most up to date legislative position. It also adds clarity by referring to the most up to date GTAA and by specifying the exact number of pitches that the plan seeks to make provision for in the short term. Meanwhile, **FMAC8** clarifies that the process for meeting the longer term need (ie. after 2021) is set out in the Monitoring Framework. Subject to these changes I am satisfied that Policy MG5 represents a sound policy.
- 7.15. National policy is clear that LDPs should incorporate a development management policy to ensure that there is a supportive policy position should

any additional need arise through the plan period<sup>139</sup>. Subject to the changes proposed through **MAC97** and **FMAC11**, I am satisfied that Policy MD18 meets such requirements. In particular, the changes remove the requirement for applicants to demonstrate a local need for the accommodation as such a requirement would run counter to the definition set out in Circular 30/2007<sup>140</sup>. The specific requirement to demonstrate that the accommodation requirements cannot be met on the Llangan allocation has also been removed, recognising the fact that material circumstances could indicate that the site at Llangan may not be suitable for the particular needs of all Gypsy and Traveller families. The policy does state that there would be a preference for accommodation needs to be met on the allocated site, on existing sites or on sites within existing settlements. However, as this is simply a preference, and not a policy requirement, I am satisfied that it is consistent with national policy and not unduly restrictive. On this basis, I am satisfied that Policy MD18 represents a sound criteria based approach for considering proposals for new Gypsy and Traveller accommodation.

### *Conclusion*

- 7.16. Subject to the recommended changes, I am satisfied that the Plan meets the legislative requirements of the Housing (Wales) Act 2014 and represents an otherwise sound approach for dealing with the needs of Gypsies and Travellers over the Plan period.

## **8 Economy & Employment, including Allocated Employment Sites**

### *The Employment Strategy*

- 8.1. The Plan seeks 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. In particular, it seeks to maximise the opportunities presented by its location within the Capital Region and capitalise on the designation of the St Athan – Cardiff Airport Enterprise Zone. The strategy for delivering such aims includes the allocation of a number of local employment sites amounting to around 54.68ha (net) and three strategic employment sites amounting to approximately 314ha (net). The Plan therefore allocates a total of 369ha (net) for employment uses (**MAC34**).
- 8.2. The Plan’s local employment provisions derive originally from the 2013 Employment Land and Premises Study<sup>141</sup>, prepared by BE Group. This study provided a forecast of employment land requirements utilising a number of recognised methods, but ultimately recommended that the Plan’s employment land requirements should be based on the long term historic take up forecast. Using that methodology, the evidence indicated a need for some 53ha of local employment land over the period 2011- 2026. Further advice was provided by BE Group in May 2015<sup>142</sup>. This Study provided further justification regarding the methodology used, clarified the impacts of the economic downturn and considered the relationship between employment growth and household need.

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<sup>139</sup> WG Circular 30/2007: 'Planning for Gypsy and Traveller Caravan Sites', Paragraph 25

<sup>140</sup> WG Circular 30/2007: 'Planning for Gypsy and Traveller Caravan Sites', Paragraph 3

<sup>141</sup> Submission Document: SD38

<sup>142</sup> Submission Document: SD26

Having considered all of the evidence, I am satisfied that the assumptions used in this respect are sound and that the evidence is sufficiently robust and flexible to underpin the Plan’s employment strategy.

- 8.3. In addition to the local employment sites, the Plan also allocates three regionally important sites: Site MG9(1)/MG11: ‘*Land South of Junction 34, M4, Hensol*’; Site MG9(2)/MG10: ‘*Land adjacent to Cardiff Airport*’ (which is part of the wider St Athan and Cardiff Airport Enterprise Zone); and Site MG9(3)/MG10: ‘*Aerospace Business Park, St Athan*’ (also part of the Enterprise Zone). Given the scale, location and regional importance of these sites, as well as the specialist type of employment uses being promoted, the sites have been sensibly identified separately within the hierarchy as ‘Strategic Employment Sites’.
- 8.4. The level of growth proposed at the ‘Strategic Employment Sites’ is derived from the employment growth forecast set out in Section 6 of the 2015 Employment Land and Premises Study<sup>143</sup>. For the allocations covered by the Enterprise Zone, the study utilises information on rates and job creation provided by the Welsh Government. The site South of Junction 34, Hensol has been informed by economic forecasting submitted in support of the planning application at the site, together with those estimates assumed at the Enterprise Zone. Such evidence was further supported by the draft Strategic Development Framework prepared by the Enterprise Zone board<sup>144</sup>.
- 8.5. The evidence base indicates that up to 2,500 jobs could be created at the Cardiff Airport and St Athan Enterprise Zone by 2026, with a maximum of 3,110 jobs created on the Hensol site. Coupled with up to 5,000 jobs anticipated at the local employment sites, the strategy seeks to deliver between 7,610 and 10,610 jobs to 2026<sup>145</sup>. Meeting such targets will be challenging. However, the methodologies and assumptions used in calculating such figures are soundly based and I have not seen anything in terms of robust evidence to counter such forecasts.
- 8.6. Some concerns have been raised that the LDP Strategy does not intrinsically link new job opportunities to homes. Nevertheless, I am satisfied that the evidence base robustly assesses the additional housing that is likely to be required as a result of the employment allocations. Moreover, the evidence has been updated to consider the WG’s 2011 based population and household projections. In this respect, the evidence supporting both the housing and employment strategies is consistent and complementary, with the housing supply figures incorporating an allowance of 1,602 dwellings to account for the growth anticipated as a result of the ‘Strategic Employment Sites’.

### *Strategic Employment Allocations*

#### *Policy MG10: The St Athan - Cardiff Airport Enterprise Zone*

- 8.7. Land adjacent to Cardiff Airport and Port Road in Rhoose (77ha) and land at the Aerospace Business Park in St. Athan (305ha) is allocated for the

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<sup>143</sup> Submission Document: SD26

<sup>144</sup> Examination Document: ED13

<sup>145</sup> Submission Document: SD26

development of 382ha of strategic employment land (Class B1, B2, and B8) as part of the St. Athan - Cardiff Airport Enterprise Zone, which was designated by WG in 2011. The Enterprise Zone is one of six Enterprise Zones recently designated in Wales and is focused on the aerospace and defence sectors. The delivery of the Enterprise Zone will be guided by a Masterplan for the area, prepared by WG. **MAC55** would update Policy MG10 to clarify the key elements of the Masterplan, thereby embedding such requirements within the statutory development plan. Such changes are recommended.

- 8.8. The land at Cardiff Airport (Policy MG9.2) would be a focus for inward investment and would consolidate the role of the Vale of the Glamorgan within the Capital Region. The site is not allocated to meet local market demand for general industrial or office uses, but rather to accommodate business and employment uses catering specifically for the needs of the aerospace industry and high tech manufacturing. I am advised that there are plans to create an ‘airport city’, taking the form of a business destination for local and international businesses including quality office accommodation, specialist education, training facilities and leisure developments. General B1, B2 and B8 industrial development will therefore not be acceptable on this site.
- 8.9. The development of this strategically important site will be guided by the Masterplan. For the Cardiff Airport Gateway Development Zone, this will include: B1, B2 and B8 uses which related to appropriate manufacturing and research and development industries; the extension of Porthkerry Country Park<sup>146</sup>; the provision of an energy centre; and the provision of sustainable transport infrastructure, including consideration of a route for a potential rail link to Cardiff Airport. The Masterplan would determine the phasing for the allocation. **MAC55** would update the Plan in this respect.
- 8.10. The allocation of the ‘Aerospace Business Park’ (Policy MG9.3) also provides a significant opportunity for economic development of regional importance. This part of the Enterprise Zone comprises the buildings and runway of MOD St. Athan and an existing ‘Aerospace Business Park’. The WG owns the site and is preparing a Masterplan, with 22ha of the site to be retained by the MoD for military purposes.
- 8.11. The site is allocated specifically for aerospace related development that will be expected to meet strategic rather than local needs. The development will include: the refurbishment of the existing 70,000sqm hanger; the erection of new and replacement buildings, airfield operational facilities and structures, to the north and south of the runway; and the development of a business park for aviation support services marketed to civilian aviation companies. The success of the proposals is likely to depend upon the effective delivery of the following: The Northern Access Road<sup>147</sup>; the proposed highway improvements on the B4265<sup>148</sup>; and the new housing developments within the St Athan area<sup>149</sup>.

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<sup>146</sup> Policy MG25: ‘Public Open Space Allocations’ refers

<sup>147</sup> Policy MG16.14

<sup>148</sup> Policy MG16.15

<sup>149</sup> Policy MG2

- 8.12. A small part of the ‘Aerospace Business Park’ is located within the C2 flood zone. However, it only accounts for approximately 1% of the overall area and the justification criteria within TAN15 has been satisfied in this respect. Similarly, whilst water and sewerage infrastructure costs for the site are considered medium to high, given the scale of the development proposed, I am satisfied that they would not prevent delivery within the anticipated timescales. There is no reason to believe that the other known site constraints could not be satisfactorily addressed through the development management process.
- 8.13. Concerns have been raised regarding the deliverability of the economic aspirations for the St. Athan area. Nevertheless, the WG are heavily involved in the marketing and delivery of the site, with the Enterprise Zone representing a key economic priority for the plans of the south east Wales City Region. PPW states that LPAs should support national, regional and local economic policies and strategies<sup>150</sup>, whilst the LDP tests of soundness require LDPs to be consistent with other plans. On this basis, I consider it to be entirely appropriate that the Plan builds on the ‘Strategic Opportunity Area’ status within the WSP and its designation as an Enterprise Zone by allocating the land as a ‘Strategic Employment Allocation’. The allocations are therefore sound.

*Policy MG11: ‘Land South of Junction 34 M4, Hensol’*

- 8.14. The employment uses allocated under MG11: ‘Land to the South of Junction 34 M4, Hensol’, relate to the former Bosch factory and surrounding land, south of Junction 34 of the M4 near Hensol. This site is partially located within the C2 flood zone as defined by the DAMs, although the inclusion of the site is justified and based on robust evidence. Indeed, the site is essential for delivering the Plan’s economic objectives and would further support the economic objectives for the wider City Region. The site incorporates the existing employment land adjacent to the M4 and Natural Resources Wales (NRW) have indicated that the consequences of flooding can be acceptably managed in accordance with TAN15 criteria. Notwithstanding this, the illustrative masterplan for the development indicates that the hotel, which comprises the only highly vulnerable development as defined by TAN15, would be located to the north western part of the site which is located outside of the area of known flood risk.
- 8.15. Concerns have been raised as to the number of negative SA results attributed to the allocation of this site. However, clarification has been provided in this respect<sup>151</sup>. The site represents an existing employment site of regional strategic importance which was reflected in its flagship status as identified within the Council’s ‘Employment Land and Premises Study’<sup>152</sup> (2013). The site also benefits from planning permission for a development comprising up to 151,060sqm of Class B1, B2 and B8 uses; a Hotel/Residential Training Centre (Class C1/C2); ancillary uses within Classes A1, A2, A3; 30.5ha of green infrastructure (incorporating landscaping and water balancing areas), access and servicing areas, car parking, drainage and access, provision of

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<sup>150</sup> PPW, Paragraph 7.1.3

<sup>151</sup> Council’s Response to Action Point 1 of Hearing Session 5

<sup>152</sup> Submission Document: SD38

utilities infrastructure, including an energy centre<sup>153</sup>. **MAC56** would amend Policy MG11 to reflect this information.

- 8.16. The evidence supporting the allocation, including the planning statement, masterplan, conservation strategy and the other documents associated with the grant of planning permission demonstrate that the site can be delivered with suitable mitigation measures<sup>154</sup>. The iterative SA process also indicates a significant improvement compared to earlier appraisals, with potential negative effects appropriately considered. Indeed, when considered alongside the various development management policies within the plan, it is clear that the proposal could be delivered to assist in the delivery of the region’s economic needs whilst minimising harm to environmental objectives. I therefore consider that the allocation represents a sound proposal and is necessary to deliver the economic aspirations of the Plan and indeed those of the wider City Region.

#### *Local Employment Allocations*

- 8.17. It is proposed through **MAC54** and **MAP MAC07**, that part of site MG9.4: ‘*Atlantic Trading Estate*’ be extended, increasing the overall scale of the allocation from approximately 7.3ha to around 9.14ha. The land identified for inclusion within the allocation constitutes a clearly defined area of undeveloped land within the heart of the Atlantic Trading Estate and its allocation would clearly enhance the deliverability of the site.
- 8.18. The site is partially located within the C2 flood zone. However, it is not anticipated that the development on what is largely previously developed land would comprise highly vulnerable development as set out in TAN15. The allocation would contribute to the delivery of the Plan’s economic objectives and would support Barry’s position as a ‘Key Settlement’. Indeed, it would offer potential for the exploitation of the strategic rail network and an important coastal location, whilst also supporting on-going regeneration initiatives within the area. Notwithstanding this, given the scale of the land allocated, any new development could clearly be located away from the modest areas affected by the C2 flood designation. The site, as extended, has no insurmountable constraints and is otherwise available to deliver the Council’s economic objectives within the plan period.
- 8.19. MG9.5: ‘*Land at Ffordd y Mileniwm*’ represents a previously developed site that would be allocated for B1, B2 and B8 uses. It has relatively few development constraints, with the Council’s Employment Land Delivery Paper (July 2016) indicating that the site could be delivered within 2- 5 years<sup>155</sup>. I have no reason to contest such information. Similarly, MG9.6: ‘*Hayes Lane, Barry*’ and MG9.8: ‘*Hayes Wood, Barry*’ represent previously developed sites with no insurmountable constraints. The site owners are actively progressing options for the sites and, on this basis, I have no reason to dispute the Council’s forecast of delivery within the next 5 years.

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<sup>153</sup> Examination Document 27, Planning Ref: 2014/00228/EAO

<sup>154</sup> Examination Documents: ED18.01 to ED18.12

<sup>155</sup> Council’s Response to Action Point 8 of Hearing Session 5

- 8.20. Site MG9.7: ‘Hayes Road, Sully’ is located on an historic landfill site and is partially located within the C2 flood zone. However the development proposed is not classified as highly vulnerable and the evidence suggests that the development of the site could satisfy the justification tests set out in TAN15. Concern was raised at the hearings that, without cross subsidy from higher value non B-class uses, the site would be rendered unviable. However, **MAC54** seeks to extend the permitted uses at the allocation to B1 and B8 and the site proponent has clarified that this would enhance the marketability of the site. Subject to this change, there do not appear to be any insurmountable constraints to the development of the site. It is therefore reasonable to conclude that the site is likely to be delivered over the plan period.
- 8.21. Site MG9.9: ‘Llandow Trading Estate’ is allocated for B1, B2 and B8 uses and, whilst the site is subject to a number of constraints, the evidence does not indicate that they would render the development unviable. As such, I consider a longer timeframe for delivery of 6- 10 years to be realistic. Likewise, it is not clear whether the large allocation at site MG9.10: ‘Vale Business Park’ is subject to any current development proposals and for this reason a similar timeframe for delivery should be assumed. Nevertheless, there is nothing to indicate that the identified geological, ecological and archaeological issues cannot be overcome within the life time of the plan.
- 8.22. Site MG9.11: ‘Land South of Junction 34 M4, Hensol’ represents a 6.64ha local employment site that sits within the wider strategic allocation referred above. The land is proposed specifically for B1 and B2 uses in the relatively recent planning approval at the site, with a 6-10 year delivery timescale appearing realistic.

#### *Policy Framework*

- 8.23. **MAC34** would add clarity to the Plan by amending Policy SP5: ‘Employment Requirements’ to reflect the most up to date employment requirements to be delivered through the Plan period. This change is recommended.
- 8.24. Policy MG9: ‘Employment Allocations’ sets out the employment allocations within the Plan, differentiating between the strategic allocations and the local employment sites. **MAC54** would add clarity to the Plan by updating the figures within the policy to reflect the correct gross/ net floor areas. The same change also clarifies which of the sites would be suitable for waste management purposes in accordance with the waste strategy and which sites would be constrained by national policy relating to flood risk.
- 8.25. Appendix 6 of the Plan sets out the specific details of each of the employment allocations, including the specific planning requirements for each site. The changes proposed through **MAC218- MAC230** and **FMAC54- FMAC56** improve the accuracy of such information and are therefore recommended.
- 8.26. **MAC93** deletes the submitted version of Policy MD15: ‘New Employment Proposals’ and replaces it with a new policy with the same title. Subject to the changes proposed therein, the Policy meets the tests of soundness and would complement the other employment policies, as amended by the MAC and FMAC processes.

- 8.27. Collectively, **MAC94** and **MAC95** replace the submitted version of Policy MD16: ‘*Protection of Employment Land and Premises*’ with two separate policies entitled Policy MD16: ‘*Protection of Allocated Employment Sites*’ and Policy MD16A: ‘*Protection of Existing Employment Sites and Premises*’. Subject to these changes, the policy would appropriately differentiate between the Plan’s allocations and the existing employment sites, with proportionate criteria provided for the consideration of alternative proposals at the latter. Such changes would be consistent with the requirements of national policy. Proposed Policy MD16A would identify those existing employment sites considered worthy of protection whilst **MAP MAC08 - MAP MAC30** would define such sites on the Proposals Map. Subject to these changes, the policies provide adequate protection for such uses to enable the Plan’s economic aspirations to be realised.
- 8.28. Some representations have submitted that the existing employment sites included within Policy MD16A should not be protected as such. Others propose amendments to the delineation of the boundaries of such sites. Nevertheless, having regard to the evidence available, I am satisfied that the policy strikes an appropriate balance between providing the necessary protection for employment sites and providing flexibility where such sites are no longer worth protecting. I am also satisfied that the general methodology utilised in defining the sites, as clarified at Hearing Session 26A, is soundly based.
- 8.29. Policy MD17: ‘*Rural Enterprise*’ provides a policy framework for proposals that promote rural enterprise. **MAC96** would amend this policy to update various references to other policies and is, therefore, necessary. Nevertheless, criterion 2 of the policy provides an “and/ or” policy test. To be effective, the policy test should simply be “or”. A change is, therefore, necessary to ensure the policy would be implemented as intended. As the matter has not been satisfactorily addressed through the MAC or FMAC processes, I shall recommend the amendment as an Inspector proposed change (**IMAC2**). I am satisfied that this does not affect the general thrust of the strategy and I am also satisfied that it does not undermine the SA and other preparatory processes undertaken.

### *Conclusion*

- 8.30. Subject to the aforementioned recommended changes, the employment strategy is sound.

## **9 Transport and Infrastructure**

### *Transport Strategy*

- 9.1. A number of concerns have been raised regarding the robustness of the Council’s Highway Impact Assessment (HIA)<sup>156</sup>, with some representations contending that it does not adequately reflect the growth proposed through the Plan. However, whilst I acknowledge that the housing and employment growth assumptions utilised within the study do not completely match the

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<sup>156</sup> Submission Document: SD64



figures proposed within the final version of the Plan, the figures sit within a range that is representative of the levels of growth proposed by the housing and employment strategies. As such, I am satisfied that the document is sufficiently robust in this respect to have informed the Plan.

- 9.2. Concerns have been raised regarding the number of housing allocations located within close proximity to highway junctions recorded as being at or over capacity. The HIA examined the potential increase in road use as a result of the planned housing developments, specifically examining existing and future peak hour flows and capacity of all of the main and arterial highway links and junctions within the Vale of Glamorgan. Indeed, by the end of the Plan period, the HIA anticipates that some 15 link roads and 19 junctions would be projected to be above capacity<sup>157</sup>. As expected, these roads are largely located within the eastern Vale along the key transport corridors connecting the Vale of Glamorgan with Cardiff, either via the A4050 and Culverhouse Cross or via Dinas Powys and the Barons Court Junction.
- 9.3. The growth proposed through the Plan would clearly add to existing highway pressures. However, such matters were extensively discussed at the Hearings and I am satisfied that the Council has effectively weighed such matters against other material considerations. Indeed, in light of the available evidence relating to housing need, including that which indicates that the need is most acute in the settlements of Barry and Penarth, followed by Cowbridge, Dinas Powys, Llantwit Major, Rhoose and Sully<sup>158</sup>, it is clear that a zero or reduced growth option would not be acceptable. Moreover, it cannot be ignored that such highway pressures are an inevitable consequence of the existing functional relationship with Cardiff<sup>159</sup>. Indeed, even if the Council was to propose an alternative spatial strategy, such key highway nodes would still see high levels of inward and outward traffic flows given that they represent the few points of connection to Cardiff.
- 9.4. Notwithstanding this, the Plan makes substantial efforts to minimise such impacts<sup>160</sup>. Specifically, the housing and employment strategies would work together to reduce out-commuting and I have already set out above that the settlement strategy is appropriately based on a 'Sustainable Settlements Appraisal'<sup>161</sup> that focuses development in areas with relatively good access to facilities and services. The Plan is also supportive of a modal shift towards more sustainable modes of transport, with many of the settlements affected by such highway capacity issues benefiting from public transport options. The transport initiatives proposed through the Plan would also serve to increase the attractiveness of sustainable modes of transport and would otherwise assist in alleviating existing congestion. On this basis, I am satisfied that the transport strategy is consistent with the advice contained within national planning policy which specifically endorses walking and cycling above public transport, and public transport before borne trips.

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<sup>157</sup> Tables 5.2 and 5.3 of the SD64

<sup>158</sup> Examination Document: ED17

<sup>159</sup> Council's Response to Action Point 5 of Hearing Session 17

<sup>160</sup> Submission Document: SD63

<sup>161</sup> Council's Response to Action Point 4 of Hearing Session 1

### *Specific Transport Initiatives*

- 9.5. Policy SP7: '*Transportation*' provides the strategic policy framework for the transport initiatives proposed over the plan period, specifically setting out the key priorities for the delivery of strategic transportation infrastructure. **MAC36** and **MAC37** would update this policy to refer to the Local Transport Plan, whilst also updating factual matters and providing clarity through amendments to the reasoned justification to the policy. Subject to the proposed changes the initiatives are sufficiently clear and identified on the Proposals Map wherever possible. Policy MG16: '*Transport Proposals*', allocates the land necessary to deliver such infrastructure. **MAC61- MAC65** would provide factual updates and improve the clarity of that Policy.
- 9.6. Policy SP7.1 and Policy MG16.13 propose a new Barry Island Link Road which comprises a key element of the Barry Waterfront development proposals. Policy SP7.2 and Policy MG16.14 propose a new Northern Access Road (NAR) at the St. Athan Enterprise Zone. As set out above, the evidence indicates that this scheme is critical to the successful delivery of the strategic employment objectives. Policy SP7.3 and Policy MG16.16 relate to improvements to the A4226 between Weycock Cross Barry and Sycamore Cross A48 ('Five Mile Lane'). At the time of the Hearings, works were expected to commence in 2017. Improvements to the B4265 at Gileston- Old Mill, as proposed by Policy SP7.4 and Policy MG16.15, have been completed.
- 9.7. It is understood that the junction improvements proposed under Policy MG16.17 have now been delivered as part of the development at MG2.29: '*Land at Cross Common Road*'. Similarly, improvements north of the A48 at Bonvilston, as proposed by Policy MG16.18, would be required as part of the development at MG2.37 in Bonvilston. **MAP MAC119** would rectify an error in the submitted version of the Plan by defining the route of MG16.18 on the Proposals Map. The link road between the A48 and Llantwit Major Road in Cowbridge, as proposed by Policy MG16.19, is to be delivered as part of the residential allocation at Darren Farm in Cowbridge<sup>162</sup>.
- 9.8. **MAC36** and **MAC61** would respectively amend Policy SP7.5 and Policy MG16.6 to refer to the '*Modernisation of the Valley Lines*'. These changes better reflect the long standing commitment from WG to improving the rail line. Policy SP7.6/ MG16.1 propose the '*National Cycle Network Route 88*'. **MAC36** would provide clarification that the route illustrated in the Proposals Map is indicative and subject to further detailed feasibility work unless otherwise indicated, whilst the **MAP MAC113- MAP MAC118** would update the Proposals Map accordingly. Such changes are necessary to provide certainty and to avoid planning blight. Policy SP7.7 and Policy MG16.1- 5 would provide various cycle routes that would improve the cycling offer within the area.
- 9.9. Policy SP7.8 and Policy MG16.12 would collectively provide a 'Park and Ride' facility at Cosmeston. A number of representors contend that this proposal would fail to alleviate traffic congestion within the area given that the principal problem relates to travelling patterns to and from Cardiff. Nevertheless, whilst I acknowledge its location to the south of Penarth, it would clearly

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<sup>162</sup> Policy MG2.20

provide an alternative mode of transport to that of the private car for the residents of south Penarth, whilst also providing an alternative option for residents of Sully and Barry. Concerns have been raised regarding the deliverability of the scheme. However, whilst a feasibility exercise had not been undertaken at the time of the Hearing, the site is Council owned and I have not been made aware of any insurmountable constraints to its delivery. Ultimately, it is the Council’s intention for such a scheme to provide a bus service across the Cardiff- Penarth barrage.

- 9.10. In an attempt to improve the offer of sustainable modes of transport, Policy SP7.9, Policy MG16.7-11 and Policy MG16.20 seek to collectively provide bus priority measures at various locations across the Vale of Glamorgan, alongside a bus interchange at Barry Docks. I have not seen any evidence to indicate that such proposals would fail to provide an improvement to the bus network within the Plan period and, for this reason, I am satisfied that they would complement the overall transport strategy.
- 9.11. A number of representations have indicated that alternative transport schemes are necessary to ensure that the Plan’s transport strategy is sound. In particular, concerns have been raised regarding the omission of the Dinas Powys Bypass from the Plan. Nevertheless, despite forming part of previous development plans, I have not been provided with any information that would indicate that such a proposal is likely to receive the necessary political support and funding to enable it to be delivered within the Plan period. Indeed, the Council remains of the view that, whilst the provision of a by-pass would partially address through traffic issues, it would not address the primary issues which cause the congestion, including the constraints imposed by the Merrie Harrier and Barons Court junctions.
- 9.12. Such matters were extensively discussed at the Hearings, including the possibility of safeguarding an area of land to enable the scheme to be delivered should it receive political support and funding in the near future. Nevertheless, PPW is clear that infrastructure proposals should only be included within LDPs if they are realistic and likely to be implemented during the plan period to assist in keeping blight to a minimum<sup>163</sup>. Indeed, in light of the lack of certainty regarding any such scheme, I am satisfied that it should not be defined within the Plan. I note the fact that part of the area safeguarded within previous development plans would be sterilised by an allocated housing site. However, given the fact that the land between Dinas Powys and Penarth would be protected by countryside policies and a Green Wedge designation, I have no reason to dispute the Council’s contention that an alternative route could be designed if necessary.
- 9.13. The same principles regarding certainty and planning blight are equally applicable to the other transport initiatives submitted by representors. On this basis, I am satisfied that the Council’s transport strategy is soundly based.

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<sup>163</sup> PPW, Paragraph 2.15.2- 2.15.3

### *Infrastructure Requirements*

- 9.14. The Plan is supported by a ‘Draft Infrastructure Plan’<sup>164</sup>, which identifies the infrastructure that would be required to meet the growth anticipated through the Plan, and an ‘Infrastructure and Site Deliverability Statement’<sup>165</sup>. Appendix 5 of the Plan sets out the individual requirements for each of the residential allocations and Appendix 6 sets out the requirements for each of the employment allocations. **MAC167- MAC217** and **FMAC51- FMAC54** would update the information contained within Appendix 5 to ensure that it accurately reflects the current situation. Similarly, Appendix 6 would be amended by **MAC218- MAC230** and **FMAC54- FMAC56**. The changes proposed would ensure that the site requirements would be clearly and correctly identified within the statutory development plan.
- 9.15. Policy MD4: ‘Community Infrastructure and Planning Obligations’ provides a policy basis for the Council to seek contributions from developers to fund necessary improvements to community infrastructure. **MAC84** would amend the Policy to refer to the most up to date policy and guidance. It would also make specific reference to development viability to reflect the fact that such matters would be a material consideration in the development management process. The same change would also refer to the legislative context set by Section 106 of the Town and Country Planning Act (as amended) and the Community Infrastructure Levy (CIL) Regulations 2010 (as amended), whilst also setting out the Council’s intention of adopting a CIL schedule following the adoption of the LDP.
- 9.16. There was some discussion at Hearing Session 4 as to whether the community infrastructure requirements should be prioritised. Ultimately the Council has decided not to prioritise such requirements, but through **MAC84** it has sought to ensure that the reasoned justification to the Policy differentiates between ‘Essential Infrastructure’ that would be necessary to enable a development to come forward and ‘Necessary infrastructure’ that would be needed to mitigate the impacts of a developments or to provide affordable housing in accordance with policy requirements. Such an approach would assist in those circumstances where the totality of such requirements would impact on development viability. The approach advocated is, therefore, sound.

### *Water and Sewerage Infrastructure*

- 9.17. A number of the plan’s allocations have constraints relating to water and sewerage infrastructure. However, DCWW have been engaged throughout the plan preparation process and Appendix 5 of the Plan, as amended, outlines the particular issues associated with each of the individual allocations.
- 9.18. DCWW’s Capital Investment Programme is undertaken through a rolling Asset Management Programme (AMP) which seeks to fund large scale utility infrastructure works. Currently, DCWW are implementing AMP6 which runs from 1<sup>st</sup> April 2015 to 31<sup>st</sup> March 2020. DCWW has advised that there is one major growth scheme contained within the AMP6 Capital Investment

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<sup>164</sup> Submission Document: SD65

<sup>165</sup> Submission Document: SD25

Programme that is of relevance to the Plan. This is at Cowbridge Waste Water Treatment Works and is anticipated to be completed in March 2018. DCWW has also confirmed that a scheme for improvements to Colwinston Sewage Pumping Station will form part of the AMP6 investment programme. Such works will inevitably impact on delivery timescales. However, I have not seen anything to suggest that developments within these areas could not be delivered within the Plan period.

- 9.19. In considering the requirements for their AMPs, DCWW requires certainty in terms of growth areas and site development proposals. An adopted LDP would provide such certainty but it is unlikely that all of the issues identified by DCWW will receive funding through the rolling AMP programmes. Nevertheless, this does not mean that development on sites in these areas will be prevented from progressing. Developers can either fund improvements themselves via the planning obligations process or enter into a requisition process to provide the infrastructure to bring forward development in advance of any regulatory investment. Indeed, DCWW has advised that their AMP funding via the Regulatory Settlement envisages that, on a strategic level, approximately 60% of their total investment on growth must be derived from developer contributions through the requisition process.
- 9.20. Based on the likely infrastructure improvement required for each allocation, DCWW has provided a broad indication of the level of costs expected<sup>166</sup>. These costings are based on a low, medium or high categorisation, with nothing suggesting that the allocated sites would be undeliverable. Indeed, whilst it may be a requirement for developers to contribute to the provision of such infrastructure, such requirements are not abnormal when bringing forward large development sites. Indeed, the evidence indicates that there is no reason why a combination of improvements through AMP investment, developer contributions and the requisition process would not be sufficient to ensure that the allocated sites are delivered within the timescales prescribed in Appendix 5. I recognise that there may be instances where development viability will be challenging. However, as set out above, the viability evidence indicates that the proposals are likely to be financially viable and, in circumstances where they are not, the policy framework would be sufficiently flexible to facilitate delivery.
- 9.21. **MAC101** provides updated factual information regarding DCWW’s Final Water Resources Plan to 2040 and therefore adds clarity to the Plan.

*Conclusion*

- 9.22. Subject to the changes recommended in this Report, I am satisfied that the Plan’s approach to transport and infrastructure provision is soundly based.

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<sup>166</sup> Council’s Response to Action Point 2 of Hearing Session 4

## 10 Settlement Boundaries and Green Wedge

### *Settlement Boundaries*

- 10.1. The defined settlement boundaries will play a central role in the effective delivery of the Plan’s strategy. Amongst other things, **MAC85** would amend Policy MD5: ‘*Developments within Settlement Boundaries*’ to explicitly set out their role within the development plan. The same change would also ensure that proposals for small scale rounding off for affordable housing would be dealt with under Policy MD11: ‘*Affordable Housing in Rural Areas*’. Similarly, **FMAC10** would amend the reasoned justification of the policy to clarify that development outside of settlement boundaries will only be permitted where it accords with the advice contained within PPW. These changes add clarity to the Plan and ensure consistency with national policy.
- 10.2. The proposed settlement boundaries have been defined following a combination of survey work and desk top exercises. In particular, consideration was given to the appropriateness of the existing UDP settlement boundaries relative to current LDP proposals, with every effort made to ensure that they follow defined physical features. Nevertheless, it became apparent through the hearings that the submitted Proposals Map incorporated a number of errors relating to the settlement boundaries, including inconsistencies between the settlement and allocation boundaries. **MAP MAC32** and **MAP MAC36- MAP MAC38** rectify such errors by amending the settlement boundaries on the Proposals Map to reflect the boundaries of the housing allocations.
- 10.3. As amended, the Plan consistently uses the term ‘settlement boundary’ as opposed to ‘residential settlement boundary’, reflecting the fact that such boundaries should incorporate settlements and not just residential developments. In a direct response to this change, **MAP MAC32- MAP MAC35** amend the settlement boundaries defined on the Proposals Map to ensure that some built up areas of Barry and Llandough are incorporated within the identified boundaries. Notwithstanding this approach, the Council has justified the exclusion of a number of large scale industrial areas that do not relate physically or functionally to the settlement identified within the settlement hierarchy<sup>167</sup>. I am satisfied with the approach advocated. Indeed, to include such areas could create uncertainty to the users of those sites and would not therefore serve a useful planning purpose.
- 10.4. The ‘Minor Rural Settlements’ identified within the submitted version of the Plan did not benefit from any settlement boundaries. Indeed, it was submitted that, with the exception of the identified land use allocations, development within such areas would be controlled via the criteria based approach set out in Policy MD6: ‘*Development within Minor Rural Settlements*’. However, given the concerns raised at the hearings, particularly in relation to the need to provide certainty to both local communities and prospective developers, it was agreed that each of the ‘Minor Rural Settlements’ should incorporate settlement boundaries.

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<sup>167</sup> Council’s Response to Action Point 1 of Hearing Session 12

- 10.5. As a consequence of this change in approach, Policy MD6 would be deleted by **MAC85**, with development proposals within such areas now proposed to be covered by Policy MD5. Such an approach would provide greater clarity for the users of the plan and are therefore necessary for soundness. **MAC30** would update Section 5: ‘*LDP Strategy*’ to reflect such references to settlement boundaries and the necessary changes to the Proposals Map would be implemented by **MAP MAC40- MAP MAC63**. With the exception of the housing allocations located within the ‘Minor Rural Settlements’, the new settlement boundaries have been drawn relatively closely to the existing built form. Given the scale and nature of these settlements I consider this approach to be consistent with the general thrust of national policy.
- 10.6. The amended approach to settlement boundaries would mean that, outside of the allocated sites, development within the ‘Minor Rural Settlements’ would be limited to typical infill or rounding off. I have not seen anything to suggest that such an approach would fundamentally alter the assumptions used in relation to windfall developments over the plan period. In fact, I consider that the inclusion of settlement boundaries would provide certainty to potential developers and members of the communities alike and would, therefore, serve to prevent any unintended consequences of the policy based approach that was advocated through the submitted version of the Plan.
- 10.7. A number of representations have sought further changes to the defined settlement boundaries to either include or exclude specific sites. However, having regard to the evidence available, I do not consider that the necessity for such changes is so fundamental that the Plan would be unsound without them. Indeed, the general approach to defining such boundaries is consistent, clear, logical and appropriate.

#### *Green Wedges*

- 10.8. Through Policy MG18: ‘*Green Wedges*’, the Plan seeks to designate seven areas of Green Wedge, including: 1) *Land between Dinas Powys, Penarth and Llandough*; 2) *Land north west of Sully*; 3) *Land north of Wenvoe*; 4) *Land south of Bridgend*; 5) *Land between Barry and Rhoose*; 6) *Land south of Penarth to Sully*; and 7) *Land between Rhoose and Aberthaw*. **MAC67** would amend the reasoned justification to that Policy to refer explicitly to a presumption against inappropriate development within such areas, consistent with the advice set out in national planning policy.
- 10.9. PPW<sup>168</sup> sets the framework within which Green Wedges should be planned for, specifically stating that they may be justified where land is required to serve the same purpose as a Green Belt, but without the same level of permanence. Within this context, PPW is clear that the purpose of a Green Wedge is to: *prevent the coalescence of large towns and cities with other settlements; manage urban form through controlled expansion of urban areas; assist in safeguarding the countryside from encroachment; protect the setting of an urban area; and assist in urban regeneration by encouraging the recycling of derelict and other urban land*<sup>169</sup>.

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<sup>168</sup> PPW, Section 4.8

<sup>169</sup> PPW, Paragraph 4.8.3

- 10.10. Consistent with the requirements of national policy, the Council was required through the examination to demonstrate why it considered that normal planning and development management policies would not provide the necessary protection. In doing so, it has referred to the significant development pressures within the areas proposed as Green Wedge, as well as the cumulative harm that has been caused in recent years by incremental developments. It has also referred to the considerable threat of coalescence of settlements should the proposal not be implemented. Such matters are set out within the Green Wedge Background Paper<sup>170</sup>.
- 10.11. Within this context, I am satisfied that the additional layer of protection that would be provided by the presumption against inappropriate development in a Green Wedge would serve a useful planning purpose in the proposals advanced in this case. Specifically, it would give priority to maintaining the openness of the respective areas and would thereby provide a level of protection beyond that offered by the other planning and development management policies contained within the Plan. Indeed, such designations would complement the other LDP policies and would meet the purposes of such a designation, as described in PPW.
- 10.12. Policy MG18.1 would designate the land between Dinas Powys, Penarth and Llandough as a Green Wedge with the principal purpose of preventing coalescence. Given the development pressure within this area and the close proximity of the settlements, the designation is clearly justified. Indeed, the sensitivity of the area to new development is confirmed by the evidence based document relating to the designation of Special Landscape Areas (SLAs)<sup>171</sup>. Some concerns have been raised regarding the fact the designation has been reduced in size relative to the corresponding UDP designation. However, this is reflective of the principal purpose of preventing coalescence, with the key areas retained within the designation. Some representations have been submitted in an attempt to amend boundary details. However, from what I have seen, heard and read, I am satisfied that the boundaries are logical and appropriate having regard to obvious defensible boundaries within the area.
- 10.13. Land to the north west of Sully is designated as a Green Wedge by Policy MG18.2. This is considered necessary given the combination of the particular sensitivities of the area and the extent of development pressures. This is supported by the latest Visual and Sensory aspect LANDMAP assessment which recommends as an immediate action, the restriction of development within the wider area to maintain the tranquillity and openness of the land around Cog Moors. Some representations have questioned the appropriateness of the delineation of the boundaries of the designation. However, I am satisfied that permanent features have been utilised appropriately, with the B4267 representing the primary boundary to the south west, the dismantled railway line to the north east, the settlement boundary for Sully to the south east and existing employment uses to the north west.

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<sup>170</sup> Submission Document: SD40

<sup>171</sup> Submission Document: SD36



- 10.14. Policy MG18.3 designates a Green Wedge north of Wenvoe, reflective of the considerable development pressures within and around Culverhouse Cross and Wenvoe. The designation has been reduced in size relative to previous designations within the vicinity. However, the Council has justified this on the basis that the Airport Access Road has not materialised, thereby resulting in a material change in circumstance to the east of Wenvoe. The designation is sound on this basis.
- 10.15. Land south of Bridgend is designated as a Green Wedge by Policy MG18.4. Although coalescence with southern Bridgend is unlikely, the area remains under significant pressures from development both from Bridgend and its associated employment area to the south east, as well as from the settlements of Corntown and Ewenny. This, in combination with the openness of the land and its function in providing a setting for Ewenny Priory justify the retention of the Green Wedge in its current form. The boundary of the designation has been amended relative to the UDP designation to remove existing structures to the south east and **MAP FMAC02** would also amend the boundary to exclude existing buildings. Representations have suggested that other properties should be excluded in the interests of consistency. Nevertheless, it is not a requirement for all properties to be excluded from such a designation and, given the extent of the properties involved, and the specific circumstances of the development permitted at Ewenny Priory Estate, I am satisfied that the approach advocated within the Plan is one that is sound.
- 10.16. Land between Barry and Rhoose has been designated as a Green Wedge through Policy MG18.5. The evidence supporting the Plan indicates that the designation is justified in this location because of the development pressures arising from the fact that it represents one of the few realistic long term opportunities for expansion of Barry if coalescence with the settlements to the east of the town is to be avoided. Indeed, coupled with the proximity of the land to Cardiff Airport and the St. Athan Enterprise Zone, it is clear that these significant development pressures are unlikely to reduce over the plan period. The general openness of the majority of the land supports such a designation and, bearing in mind the threat of coalescence with developments to the west, I am satisfied that a Green Wedge is justified. I recognise that the boundary of the designation has been amended relative to that of the UDP Green Wedge to account for the proposed Enterprise Zone. However, given the clear economic benefits associated with such a proposal, I am satisfied that the change represents a legitimate policy decision.
- 10.17. A number of representations have objected to the Green Wedge proposal, with significant representations proposing the omission of the land south west of Weycock Cross<sup>172</sup>. In terms of background, the land south west of Weycock Cross was allocated for residential use and omitted from the proposed Green Wedge designation in a previous version of the LDP. However, that Deposit version of the Plan was subsequently withdrawn and the Council now proposes to reinstate the Green Wedge designation, leading to claims from the development industry that the Council has had an ambivalent attitude towards this particular part of the designation. Nevertheless, the Council has explained through the Examination the policy decisions that led to a change in

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<sup>172</sup> Alternative Site AS(N)59

strategy<sup>173</sup> and I do not consider such matters to render the current proposal to be unsound. Indeed, the balancing of competing objectives is a subjective task and, given that the housing needs are now proposed to be met on different sites, I do not consider it unreasonable that the site is reinstated as a Green Wedge, providing it meets the tests set out in PPW.

- 10.18. The representations seeking the removal of the site from the designation have largely been submitted within the context of national policy which states that the boundaries of such designations should be chosen carefully using physical features and boundaries to include only the land which is necessary to keep it open in the long term<sup>174</sup>. Specifically, it has been submitted that the land does not form part of the plateau farmland that is central to the character of the area and that the sense of openness is already compromised by the presence of existing developments within the area.
- 10.19. Nevertheless, whilst I acknowledge the presence of the existing developments located to the north west of site, which include a hotel, restaurant and various other buildings, they clearly comprise an isolated cluster of buildings and do not, therefore, represent the extent of the existing urban form. Indeed, having regard to the wider context of the designation, I consider the boundaries of the existing residential development and the A4226 to represent logical defensible boundaries. I note the substantial debate regarding the extent to which the land relates to the plateau farmland. However, one of the principal purposes of designating the Green Wedge is to prevent coalescence between Barry and the built form to the south and west of the designation. The Weycock Cross site is clearly located between the west of Barry and the land proposed as an Enterprise Zone and, for this reason, I am satisfied that including the land within the designation would serve to assist in the legitimate aim of retaining a sense of openness and preventing coalescence. For this reason, I consider the proposal to be sound.
- 10.20. Land south of Penarth to Sully would be designated as a Green Wedge via Policy MG18.6. This extensive area of Green Wedge has not been previously designated as such, but I am satisfied that it would serve a useful planning purpose by preventing the coalescence of settlements, managing urban form, safeguarding the countryside from encroachment and by protecting the setting of built up areas. Indeed, such matters should be considered within the context of the considerable development pressures within the area. **MAP MAC05** would amend the boundary of the designation to take account of the extended housing allocation at Upper Cosmeston Farm, Lavernock<sup>175</sup>. However, as set out above, I am satisfied that a robust balancing exercise has been undertaken in this respect. The change is therefore recommended.
- 10.21. Finally, Policy MG18.7 proposes a Green Wedge between Rhoose and Aberthaw. The designation has been substantially reduced relative to the UDP designation given the fact that the majority of the land covered by the UDP designation comprises land covered by an extant planning consent for mineral extraction. Indeed, this area of land is indirectly protected by a Minerals Buffer Zone which would serve to prevent coalescence. However, given the

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<sup>173</sup> Council’s Response to Action Point 1 of Hearing Session 21

<sup>174</sup> PPW, Paragraph 4.8.7

<sup>175</sup> MG2.23

pressure for development that has been experienced in and around Rhoose and at Cardiff Airport, I am satisfied that the Green Wedge to the north of Rhoose remains justified to protect the openness of the countryside and the setting of the settlements of Rhoose and Fonmon.

### *Conclusion*

- 10.22. Subject to the aforementioned changes, all of which are recommended, I am satisfied that the approach to dealing with settlement boundaries and green wedges is sound.

## **11 Built and Natural Environment**

### *Built Environment*

- 11.1. Policy SP10: ‘*Built and Natural Environment*’ seeks to preserve and, where appropriate, enhance the built and natural environment and heritage of the Vale of Glamorgan. **MAC40** would amend criterion 1 of the policy to ensure that the policy test would cover the architectural and/ or historic qualities of all buildings, including locally listed buildings and groups of buildings. It would also amend the reasoned justification to clarify that statutory listed buildings would be considered under the provisions of Policy MD9: ‘*Historic Environment*’ and the separate legislative provisions. This change makes clear the intentions of the policy, is consistent with the national policy context and is otherwise soundly based.
- 11.2. Policy MD9 requires development proposals to protect the qualities of the built and historic environment through a criteria based approach. Given that the potential impact on archaeological features is a particular issue for a number of the Plan’s allocations, it was agreed at Hearing 14 that the policy should be amended to take account of such matters. Accordingly, **MAC87** seeks to provide an additional criterion to Policy MD9 to require development proposals to preserve or enhance archaeological remains, whilst also providing additional clarification within the reasoned justification. As amended, the policy is consistent with the wider legislative context relating to such matters and the requirements of PPW.

### *Natural Environment*

- 11.3. The Council has appropriately adopted a precautionary approach to nature conservation at allocated sites and this is reflected in the Council’s Position Statement agreed with Natural Resources Wales (NRW)<sup>176</sup>. Indeed, there is nothing to suggest that the delivery of the allocated sites cannot be achieved in accordance with national policy requirements relating to nature conservation. In terms of the policy framework relating to such matters, the strategic position would be set by Policy SP10. However, it became clear at the Hearings that the policy framework set by Policy MG19: ‘*Sites of Importance for Nature Conservation*’ and Policy MD10: ‘*Promoting Biodiversity*’ had significant shortcomings. In order to address such concerns, it is

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<sup>176</sup> Council’s Response to Action Point 3 of Hearing Session 7

proposed that the overall approach to nature conservation and biodiversity is reconfigured.

- 11.4. Firstly, whilst Policy SP10 would remain the strategic policy for such matters, **MAC68** would delete the submitted version of Policy MG19 in its entirety. The same change would insert a new Policy MG19 entitled '*Sites and Species of European Importance*'. Subject to the amendments proposed, the policy would provide a suitable policy framework for the consideration of European protected sites and species that would be consistent with the legislative requirements relating to such matters and the policy approach set out nationally. Sitting under this would be a new Policy MG19A, proposed through **MAC69**. That would provide protection for '*Nationally Protected Sites and Species*'. **MAC70** proposes another new Policy MG19B that would provide a policy framework relating to '*Sites of Importance for Nature Conservation (SINC), Regionally Important Geological and Geomorphological Sites and Priority Habitats and Species*'. Finally, **MAC88** would amend the submitted version of Policy MD10: '*Promoting Biodiversity*'. The changes proposed would ensure that the policy framework would provide a more balanced and proportionate approach to the protection and promotion of such interests, whilst also ensuring consistency with national policy. In addition to this, **MAP FMAC03** would update the Proposals Map to provide a factual correction to SINC 289.
- 11.5. Policy MG17: '*Special Landscape Areas*' would designate six areas as Special Landscape Areas (SLA). These include 1) *Castle Upon Alun*; 2) *Upper and Lower Thaw Valley*; 3) *Ely Valley and Ridge Slopes*; 4) *Nant Llancarfan*; 5) *Dyffryn Basin and Ridge Slopes*; and 6) *Cwrt-Yr-Ala-Basin*. The areas have been identified through the methodology devised by the former Countryside Council for Wales, now NRW, in collaboration with a consortium of local authorities in South East Wales, using LANDMAP data<sup>177</sup>. I am aware that some small areas of SLA designations would extend into the boundaries of some of the Minor Rural Settlements. However, I am satisfied that the methodology utilised for defining SLAs is sound and, given the minor nature of such instances, I do not consider it to be necessary to recommend a change in this respect, not least because PPW is clear that SLA designations should not preclude otherwise acceptable development. I acknowledge that some SLA designations have been reduced in scale relative to the corresponding UDP designations to account for the LDP housing allocations. However, I am satisfied that, in such circumstances, a robust balancing exercise has been undertaken and that the amendments are justified. Therefore, subject to the changes proposed through **MAC66**, which would make clear the requirement for Landscape and Visual Impact Assessments (LVIA), the approach to SLAs is sound.
- 11.6. Policy MG24: '*Glamorgan Heritage Coast*', as amended by **MAC77**, ensures that an appropriate level of protection is afforded to land within the Glamorgan Heritage Coast designation. The change would improve the effectiveness of the Policy by ensuring that the approach to development within the 'Minor Rural Settlements' of Ogmore and Southerndown is clear. Subject to the

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<sup>177</sup> Submission Documents: SD35, SD36, SD37

changes proposed, the policy would be consistent with the framework set by national policy.

### *Conclusion*

- 11.7. On the basis that the Plan should be read as a whole and alongside national planning policy, I am satisfied that the approach to the Built and Natural Environment, as amended by the recommended changes, satisfies the tests of soundness.

## **12 Retail**

- 12.1. The Retail Study, as supplemented and updated<sup>178</sup>, provides for a quantitative and qualitative assessment of the provision of convenience and comparison goods in the authority area. Such evidence indicates that the identified need for both convenience and comparison floorspace would be met, with a significant amount of new convenience floorspace provided for at existing centres and the Barry Waterfront development, and the provision of comparison floorspace accommodated within the Barry Waterfront Development and the existing retail centres of Barry, Penarth, Llantwit Major and Cowbridge. Concerns have been raised regarding the robustness of the needs assessment. However, with partial updates in 2009, 2011 and 2013, alongside the clarification provided through the Examination<sup>179</sup> and a lack of robust evidence to the contrary, I am satisfied that it is sufficiently robust to inform the Plan.
- 12.2. Policy SP6: ‘Retail’ sets out the Council’s strategic approach to retailing over the plan period. **MAC35** amends this Policy to reflect the most up to date figures for the provision of both comparison and convenience floorspace, whilst **MAC48** updates the retail figures set out in Policy MG3: ‘Strategic Site at Barry Waterfront’. Retail provision within the Vale of Glamorgan is largely concentrated within Barry town centre and Penarth, Cowbridge and Llantwit Major District Centres, with a more local service offered at the smaller local and neighbourhood centres. The Policy reflects this situation by seeking to ensure the continued vitality, viability and attractiveness of such centres.
- 12.3. Policy MG12: ‘Retail Hierarchy’ sets out the hierarchy of retail centres<sup>180</sup>, with the ‘Town Centre’ of Barry at the top followed by the ‘District Centres’, ‘Local Centres’ and ‘Neighbourhood Centres’. **MAC57** removes the ‘Edge of Centre’ and ‘Out of Town’ centres from the retail hierarchy to better reflect national policy, with the role played by both edge and out of town centres being clarified within the reasoned justification and under Policy MG13: ‘Edge and Out of Centre Retailing Areas’. The ‘Town Centre’ of Barry and the identified ‘District Centres’ are clearly marked on the Proposals Map, with the extent of the local and neighbourhood centres set out at Appendix 8 of the Plan. This is clarified within the reasoned justification by **MAC57**. Subject to the changes proposed I am satisfied that the hierarchy is consistent with national policy and soundly based.

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<sup>178</sup> Submission Document: SD54 & Council’s Response to Action Point 1 of Hearing Session 15

<sup>179</sup> Council’s Response to Action Point 1 of Hearing Session 15

<sup>180</sup> Submission Documents: SD59 and SD21

- 12.4. Policy MG13 sets out the plan’s position in relation to edge of centre and out of centre retailing activity. Subject to **MAC58**, which amongst other things introduces a reasoned justification to the policy, I am satisfied that the policy is sufficiently clear and that the requirements are consistent with national policy.
- 12.5. Policy MG14: ‘*Non A1 Retail Uses within Town and District Retail Centres*’ sets out a range of criteria that would be used to assess proposals for non-A1 uses within the identified Town and District Centres. The submitted version of this policy sets out that such changes of use would only be permitted where they would not result in more than 25% of the primary shopping frontages comprising non-A1 retail uses (criterion 1) and not more than 50% in secondary frontages (criterion 2). However, as the proportion of non-A1 uses in all of the primary shopping frontages currently exceeds the 25% threshold proposed by criterion 1, **MAC59** increases the policy requirement to 35%. That represents a more reasonable policy in light of the existing situation.
- 12.6. The Council has provided evidence to justify the retention of the percentage requirements<sup>181</sup> for secondary frontages within Town and District Centres, although other changes proposed by **MAC59** would be necessary to ensure the effective implementation of the policy. Specifically, the proposed amendments to the criteria would aid clarity, whilst the marketing requirements that were previously set out in the reasoned justification would be explicitly referenced within the policy wording. Such changes are necessary for soundness, as is the proposed deletion of the references to tertiary frontages (**MAC59**, **MAC231** and **FMAC1**) which have no policy implications in practical terms.
- 12.7. Similar to Policy MG14, the submitted version of Policy MG15: ‘*Non A1 Retail Uses within Local and Neighbourhood Retail Centres*’ would provide protection to A1 uses within Local and Neighbourhood Centres. However, further to concerns raised at Hearing Session 15<sup>182</sup>, **MAC60** substantially amends the policy by providing different policy requirements for Local and Neighbourhood Retail Centres, with a maximum 50% non-A1 uses being permissible within Local Centres, along with the requirement for appropriate marketing and an assessment of the concentration of such uses. In Neighbourhood Centres, however, the approach would focus on whether or not the proposed use would have an unacceptable impact on the vitality, attractiveness and viability of the centre through issues relating to the concentration of non-A1 uses, the creation of dead frontages and impacts on amenity. Such an approach has been adequately justified and is consistent with national policy.
- 12.8. In addition to the aforementioned changes that are necessary for soundness, the Council has proposed an amendment to the District Centre boundary in Cowbridge through **MAP MAC109** and an amendment to Barry Town Centre boundary through **MAP MAC110**. These changes correct previous errors on the submitted version Plan and are therefore recommended.

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<sup>181</sup> Submission Document: SD59 & Council’s Response to Action Point 4 of Hearing Session 15

<sup>182</sup> Action Point 5 of Hearing Session 15

- 12.9. Representations have been submitted in support of a new supermarket on the outskirts of Llantwit Major. Specifically, it has been submitted that the plan fails to provide for the main shopping needs of the residents of Llantwit Major which fundamentally impacts on the sustainability credentials of the plan’s spatial strategy. However, since the Retail Planning Study was prepared, some 330sqm of convenience floorspace has been granted planning permission within the Llantwit Major retail planning zone, thereby significantly reducing the convenience headroom.
- 12.10. Notwithstanding this, whilst substantial evidence has been submitted in support of the proposal, the proposed site is located on the outskirts of Llantwit Major, some distance from the defined District Centre. As such, I have little information before me to assess the implications of such an allocation on the vitality and viability of existing centres. As such, and on the balance of the evidence available, I am not satisfied that the retail allocation sought has been thoroughly justified as a Plan allocation. Nevertheless, should evidence become available to support such a proposal, a scheme could be progressed through the plan period in accordance with the sequential approach set out in national policy and the provisions of Policy MG13, referred to above.

*Conclusion*

- 12.11. Subject to the recommended changes, the Plan’s Retail Strategy is sound.

### **13 Minerals**

- 13.1. National policy relating to minerals is set out in Chapter 14 of PPW and is supplemented by Minerals Technical Advice Note 1: Aggregates (2004) (MTAN1) and Minerals Technical Advice Note 2: Coal (2009) (MTAN 2). The South Wales Regional Aggregates Working Party (SW RAWP) prepared a Regional Technical Statement (RTS) dated 2008 and this has now been superseded by the RTS 1<sup>st</sup> Review, dated 2014. This document outlines the important matter of supply and demand for the South Wales region, specifically setting out the strategy for the provision of aggregates.
- 13.2. The RTS 1<sup>st</sup> Review states that the total apportionment for the Vale of Glamorgan calculated over a 25 year period was 27.25 million tonnes of crushed rock (1.09mt per annum), of which the Vale had 13.7 million tonnes of permitted reserves (at December 2010). This suggests that the resulting shortfall of some 13.55 million tonnes would need to be addressed by new allocations within the LDP. Nevertheless, the submitted version of the plan indicated that, at October 2014, the landbank for hard rock was 33.5 years, giving a landbank of 18.5 years available at 2026. It was therefore submitted that the Council had sufficient reserves to satisfy the requirements of the RTS. Such conclusions were objected to by the industry, with the principal concerns being the way in which the Council has dealt with the calculations relating to industrial limestone and dormant sites.
- 13.3. Starting with the issue of industrial limestone, it is critical to the provision of aggregates across the south east region that each Council adopts the same methodology. Specifically, it is imperative that the Plan’s land bank

calculation excludes limestone extracted for non-aggregate use. Such matters were discussed in depth at Hearing Session 13 and the Council has, with the exception of the extent of the reserve at Ruthin Quarry, agreed with the industry the contribution each site should make to the aggregate landbank.

- 13.4. In respect of the reserves at Ruthin Quarry, the industry has submitted that only 50% of the reserve should be considered as aggregate and therefore included within the landbank, with the remaining 50% being classified as non-aggregate. Nevertheless, the Council has submitted evidence to support the position that 100% of the reserve should be considered as aggregate<sup>183</sup>. Indeed, letters from previous owners of the quarry as well as an extract from a Local Quarry Plan Survey Report indicate that the site would be unsuitable for cement manufacture.
- 13.5. In contrast, whilst the Mineral Products Association and the current quarry owners maintain their position that only 50% of the reserve should contribute to the aggregate landbank, limited information has been submitted to support this stance. Indeed, evidence submitted in support of their position states, amongst other things, that whilst information about magnesium versus calcium content can be gained, there is insufficient information for a modern reserve assessment as a raw material for cement manufacture. Before concluding that the proposed 50:50 split would be appropriate, it also goes on to state that additional information is required, including a full suite of oxides and metals to ensure that the materials used would be compliant with current cement quality and emissions standards and that a more detailed assessment, including modern chemical analysis, is required in advance of any submission of revised quarry designs.
- 13.6. In this respect, whilst I accept that Ruthin Quarry has potential to form an integral part of non-aggregate supply, it is clear that a robust and full modern reserve assessment has not been carried out in support of this position. As such, I consider that there is insufficient evidence to support the contention that 50% of the reserve will be brought forward for non-aggregate purposes. Indeed, if robust evidence was to be prepared to support such a position, it could realistically feed into the Plan’s monitoring and review processes. Accordingly, I endorse the Council’s stance that the entire reserve should contribute to the landbank, taking the total aggregate reserve to approximately 31.962 million tonnes.
- 13.7. With regards the inclusion of dormant sites, the Ministerial Clarification Letter CL-05-14 is clear that permitted reserves at dormant sites should be excluded from land bank calculations, except where it can be demonstrated that such sites offer a realistic prospect of contributing to a future supply of aggregate during the LDP period, in which case the reserves may be offset against wider requirements. In this respect, and in response to concerns raised at the Hearing Session 13, reserves at Argoed Isha Quarry have been excluded from the landbank figures. This reflects the fact that there are a number of constraints that would make it unlikely that it would contribute to the supply of aggregate within the plan period.

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<sup>183</sup> Council’s Response to Action Points 1, 3 and 4 of Hearing Session 13



- 13.8. The planning permissions at Ruthin and Garwa Farm, which count towards the landbank, are subject to time limits requiring a cessation of mineral extraction by the end of 2017 and the 2019 respectively. The owners have since signalled their intention to seek planning permission to extend the workings at both sites and the Council has clarified that, without prejudice, there is no clear in-principle policy reason why the proposed consolidated application should be refused. Nevertheless, as a planning permission has not yet been obtained **MAC76** would identify Garwa and Ruthin Quarries as specific sites for mineral working within the LDP. This would be achieved through the introduction of a new Policy MG23A: ‘*Specific Sites for Mineral Working*’, whilst **MAP MAC65** and **MAP MAC66** would update the Proposals Map accordingly. These changes add clarity to the Council’s strategy and would ensure the plan meets the needs identified at the regional level. As such they are recommended for soundness.
- 13.9. On the basis of the foregoing, I find that the RTS strategy, which incorporated an apportionment of 27.25 million tonnes for the Vale of Glamorgan to 2026, would not be undermined by the LDP. Whilst the Council is departing from the 13.55 million tonnes allocation identified in Table 5.3 of the RTS, this is based on up to date and precise information, as permitted by paragraph 1.8 of that document. Indeed, based on the Council’s landbank reserve at July 2016 (31.962 million tonnes) and the 10 year average production figure, the Vale of Glamorgan landbank for hard rock aggregate was 40.7 years, giving a 30.7 year landbank at 2026. Meanwhile, reserves of hard rock for non-aggregate production are sufficient for 19.8 years supply.
- 13.10. Policy SP9: ‘*Minerals*’ sets out how the Council will ensure that the local and regional need for the provision of a continuous supply of minerals will be achieved through the Plan period. **MAC39** would amend the Policy to better reflect the approach set out in national policy relating to the issue of safeguarding minerals resource from permanent development, whilst also updating the policy to reflect the changes proposed through the MAC process, including the allocation of Garwa Farm and Ruthin quarries. These changes add clarity to the Council’s minerals strategy and are therefore necessary to ensure a sound plan.
- 13.11. **MAC71** ensures that the wording of Policy MG20: ‘*Development in Minerals Safeguarding Areas*’ is consistent with the approach to safeguarding set out in national policy. Notwithstanding this, concern was raised at Hearing Session 13 about whether the Plan’s allocations are consistent with the general approach to safeguarding. Specifically some 1.6% of the safeguarded limestone is affected and some 1.5% of the safeguarded sand and gravel.
- 13.12. In response, the Council has set out its rationale for the allocations that lie within safeguarded areas<sup>184</sup>. On the basis of this evidence, I am satisfied that the Council has undertaken a thorough balancing exercise, weighing the impact on resource availability against other considerations, including: the overriding need for development to meet housing and employment needs; the sustainability credentials of certain sites adjoining settlements with a high number of facilities and services; the availability of appropriate alternative

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<sup>184</sup> Submission Document: SD22 & Council’s Response to Action Point 8 of Hearing Session 13

sites; the likely impact on the resource given the likelihood of sterilisation; and any relevant extant planning permissions. On this basis, I am satisfied that the strategic approach to safeguarding is sound.

- 13.13. Given the justification for allocating within safeguarded areas, **MAP MAC06**, **MAP MAC67- MAP MAC108** and **MAP FMAC01** seek to remove the relevant minerals safeguarding areas from the site allocations and settlement boundaries. **MAC72** would amend the reasoned justification to Policy MG20 to make it clear that prior extraction would not need to be considered on allocated sites and **MAC56** would delete the requirement under Policy MG11 for the strategic employment site at Junction 34 of the M4, Hensol to be subject to the provisions of Policy MG20. Such changes are necessary in the interest of achieving a clear and logical plan and to ensure that Policy MG20 is implemented as intended.
- 13.14. Minerals buffer zones have been identified around mineral working sites, in accordance with national policy. Policy MG21: ‘*Buffer Zones*’ provides the relevant policy framework. **MAC73** amends this Policy to clarify how the policy would be applied in instances where a proposed development would be located within an existing built up area which has already encroached upon the buffer zone. This change provides a degree of flexibility to the policy, reflective of the general advice within national policy. The same change also amends the reasoned justification to clarify the situation should an application for a quarry extension be submitted. This is also consistent with national policy.
- 13.15. Through Policy MG22: ‘*Dormant Mineral Sites*’, the Council proposes to prevent further mineral extraction by serving prohibition orders at long dormant mineral sites. **MAC74** lists those quarries to which the policy would apply. This provides certainty to all concerned and provides an opportunity to ensure that restoration is undertaken where appropriate. It is notable that the list of long dormant minerals sites excludes Argoed Isha. This reflects the fact that the evidence suggests that, subject to the approval of a new scheme of works, it has potential to be reworked in the future.
- 13.16. MAP MAC64 proposes to remove Argoed Isha from the Proposals Map. However, the Council has since clarified that this was erroneously included as a MAC, with MAP FMAC04 seeking to reverse that change. Nevertheless, retaining the site on the map as a proposal of Policy MG22 would conflict with the fact that it has been removed from the list of dormant mineral sites where the Council proposes to serve prohibition orders. **IMAC3** clarifies this by amending Policy MG22 to explain that, whilst Argoed Isha is identified as a dormant minerals site, a prohibition order will not be served given the potential for the site to be reworked in future. This change does not alter the general thrust of the policy, but does provide greater clarity to the situation. In order to retain the site on the Proposals Map, MAP MAC64 and MAP FMAC04 are not recommended. Subject to the other changes which are recommended, the Council’s strategy for dealing with inactive sites is consistent with that set out in national policy<sup>185</sup>.

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<sup>185</sup> PPW, Paragraph 14.7.14

- 13.17. Policy MG23: ‘*Mineral Working*’ is amended by **MAC75**. That change clarifies the scope of the policy by amending the policy title to refer to ‘*Mineral Working (including Oil and Gas Extraction)*’ whilst also making it clear that recycled material and secondary aggregates should be prioritised over new primary extraction. These changes accord national policy<sup>186</sup>.

#### *Conclusion*

- 13.18. Subject to the changes recommended in the preceding text, the Plan’s approach to dealing with minerals is sound.

## **14 Waste**

- 14.1. The waste planning policy framework set at the national level has changed significantly since the publication of the revised TAN21<sup>187</sup> and the more recent updates to PPW. Specifically, the revised TAN21 replaced the previous requirement for plans to provide for the land use requirements of the Regional Waste Plan (RWP) with monitoring arrangements to assess the capacity of the region against the Collections, Infrastructure and Markets Sector Plan (CIM Sector Plan) tonnage figures. The CIM Sector Plan approach is based on providing for likely future capacity across the region, with a requirement for additional waste management facilities capable of handling between 421,000 and 871,000 tonnes by 2024-2025 within the south east region.
- 14.2. The Waste Monitoring Report for South East Wales had not been completed at the time of the Hearings, although an ‘Interim Progress Report: *Waste Planning Monitoring for South East Wales*’<sup>188</sup> had been submitted. This concludes that there is no further need for landfill capacity within the South East region. Furthermore, it considers that proposals for further residual waste treatment should be carefully assessed to ensure that it would not result in overprovision. On this basis, I am satisfied that the publication of the final waste monitoring report is unlikely to necessitate any changes to the LDP’s proposals. Nevertheless, should there be a material change in circumstances, I am satisfied that the Plan’s Monitoring Framework, as amended by **MAC158**, and the waste monitoring arrangements undertaken at a regional level are sufficiently flexible to ensure that sufficient capacity is provided.
- 14.3. Policy SP8: ‘*Sustainable Waste Management*’ would provide the strategic policy framework for the Plan’s waste strategy, supporting the provision of a network of integrated waste management facilities which assist in meeting the waste management capacity identified in the national CIM Sector Plan. It identifies Atlantic Trading Estate, the operational port of Barry Docks and Llandow Trading Estate as locations suitable for the development of in-building waste management solutions. **MAP MAC08, MAP MAC09, MAP MAC15** and **MAP MAC30** would ensure that these sites are adequately referenced on the Proposals Map<sup>189</sup>. Subject to these changes, I am satisfied that the plan provides sufficient clarity in this respect.

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<sup>186</sup> Minerals Technical Advice Note 1: Aggregates, Paragraph 34

<sup>187</sup> Technical Advice Note (TAN)21: ‘*Waste*’ (2014)

<sup>188</sup> Council’s Response to Action Point 13 of Hearing Session 13

<sup>189</sup> Council’s Response to Action Point 15 of Hearing Session 13

- 14.4. Subject to **MAC38**, Policy SP8 also clarifies that open air facilities would be permissible on the class B2 and B8 employment sites identified in Policy MG9: ‘*Employment Allocations*’. Following concerns raised at the hearings, the Council has clarified which of the employment allocations are suitable for waste management purposes<sup>190</sup> and this is reflected in Policy MG9, as amended by **MAC54**. This adds clarity to the Council’s strategy for facilitating waste management facilities and, based on the evidence available, I am satisfied that the sites are capable of accommodating such uses whilst complying with the requirements of national planning policy.
- 14.5. **MAC38** would amend the reasoned justification to Policy SP8 by deleting all references to the now superseded South Wales Regional Waste Plan and replacing it with information regarding the CIM Sector Plan approach. Moreover, **FMAC5** would amend the reasoned justification of the same Policy to clarify the situation at the sites with flood risk constraints. Appendix 6, as amended, would provide further clarity in this respect and I am satisfied that the approach meets the requirements of national policy.
- 14.6. Notwithstanding the strategic function Policy SP8 would perform in relation to the Council’s waste strategy, the submitted plan lacked a suitable development management policy that could be used for the purposes of assessing waste management proposals that might arise during the plan period. To address this omission, **MAC99** includes a new policy entitled Policy MD20: ‘*Assessment of Waste Management Proposals*’. This policy would ensure consistency with the requirements of the Waste Framework Directive and TAN21, whilst also ensuring consistency with the Plan’s overarching development and waste strategies. It would, therefore, provide a necessary framework for the consideration of waste management proposals.
- 14.7. In addition to the creation of new policy MD20, **MAC82**<sup>191</sup> proposes to include an additional policy test under the revised Policy MD2: ‘*Design of New Development*’. This would ensure that new developments provide adequate facilities for the collection, composting and recycling of waste materials, whilst also adopting a positive approach to developments that seek to incorporate re-used or recyclable materials into new developments. The proposed change would add clarity to the development management process and is therefore recommended.

### *Conclusion*

- 14.8. Subject to the aforementioned recommended changes, the waste strategy meets the tests of soundness.

## **15 Other Development Management and Policy Considerations**

- 15.1. Policy MD1: ‘*Location of New Development*’ sets out a series of policy tests for development proposed on unallocated sites. In response to concerns raised at the hearings, **MAC81** amends this policy to ensure that it could be effectively implemented through the development management process, whilst also

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<sup>190</sup> Council’s Response to Action Point 16 of Hearing Session 13

<sup>191</sup> Council’s Response to Action Point 14 of Hearing Session 13

ensuring consistency with national policy relating to development and flood risk and the protection of the best and most versatile agricultural land.

- 15.2. Subject to the changes recommended within this report, I am satisfied that the plan is compliant with national policy relating to flood risk. The Council has satisfactorily demonstrated<sup>192</sup> that those sites affected by C1 and C2 flood zones, as defined by the most up to date Development Advice Maps (DAMs), are in accordance with the requirements of PPW (13.3) and TAN15 (10.8). **MAC42** and **MAC54** would amend Policy MG2: ‘*Housing Allocations*’ and Policy MG9: ‘*Employment Allocations*’ respectively to identify those housing and employment sites that are affected by flooding related issues. As I have already set out above, such site specific issues are set out in full at Appendix 5 and 6, as amended through the MAC and FMAC processes.
- 15.3. Given the considerable degree of overlap between Policy MD2: ‘*Place Making*’ and MD3: ‘*Design of New Developments*’, **MAC82** effectively merges the policies into a new Policy MD2 entitled ‘*Design of New Developments*’. This approach avoids potential conflict between the submitted versions of the policies whilst also ensuring consistency with national policy. Subject to the changes proposed, the policy would represent a sound development management policy tool.
- 15.4. As submitted, Policy MD5 set out the policy framework for ‘*Development within Key, Service Centre and Primary Centre Settlement Boundaries*’, whilst Policy MD6 provided a criteria based approach for considering ‘*Development within Minor Rural Settlements*’. However, I have already set out above that it is now the intention that ‘*Minor Rural Settlements*’ would incorporate settlement boundaries. As a consequence of this change, Policy MD6 would be deleted by **MAC85**, with development proposals within such areas now proposed to be covered by Policy MD5, which would be amended to refer to ‘*Development within Settlement Boundaries*’. Such an approach provides a more simplistic approach to guiding development and would therefore provide much needed certainty to users of the Plan. **FMAC10** would ensure consistency with national policy by explicitly stating that development would only be permitted outside of the defined settlement boundaries where it would comply with Paragraph 9.3.2 of PPW.
- 15.5. Policy MD7: ‘*Housing Densities*’ would set a framework within which housing densities could be controlled through development management processes. The Policy would require minimum densities of 30 dwellings per hectare in ‘*Key*’, ‘*Service Centre*’ and ‘*Primary Settlements*’, whilst a minimum of 25 dwellings per hectare would be required at ‘*Minor Rural Settlements*’. Nevertheless, the Policy would provide sufficient flexibility to enable site by site negotiation where the required densities would have an unacceptable impact on the character of the area, be unrealistic or unreasonable having regard to site constraints, or where the residential use is a subordinate element of a wider scheme. Likewise, higher densities would be permitted where they would reflect the character of the area and not unacceptably impact upon local amenity. I am therefore satisfied that this represents a sufficiently flexible and robust policy.

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<sup>192</sup> Council’s Response to Action Point 11 of Hearing Session 1

- 15.6. Policy MD12: ‘*Conversion and Renovation of Rural Buildings*’ would provide a policy framework for the consideration of proposals that seek to convert or renovate rural buildings. **MAC90** amends the wording of this Policy to add greater clarity to its requirements. Amongst other things, the change would require a marketing exercise to be undertaken for residential conversions. The details of such marketing requirements would be set out within the reasoned justification to the policy. **MAC90** also deletes superfluous and onerous elements of the reasoned justification and, on this basis, I am satisfied that the Policy, as amended, is soundly based.
- 15.7. Policy MD13: ‘*Dwellings in the Countryside*’ sets out specific policy requirements for replacement dwellings and extensions to dwellings in the countryside. Subject to **MAC91**, which amends the reasoned justification of the policy to provide a definition of countryside and a cross reference to national policy relating to ‘Rural Enterprise Dwellings’ and ‘One Planet Developments’, I am satisfied that the policy would provide for a robust criteria based policy that would be consistent with the general thrust of national policy.
- 15.8. Policy MD8: ‘*Environmental Protection*’ would ensure that development proposals would not result in any unacceptable impact on people, residential amenity, property and/ or the natural environment. **MAC86** would amend the policy to better reflect national policy, whilst also adding significant detail to the reasoned justification. Such changes add clarity to the policy and are therefore recommended.
- 15.9. Updated guidance relating to Renewable Energy Assessments (REAs) was published by the WG in September 2015<sup>193</sup>, with a Ministerial Letter sent to all Chief Planning Officers was issued on 10 December 2015. This advice advocates a positive approach to planning for renewable energy generation, specifically requiring LPAs to incorporate the findings of REAs within LDPs. Indeed, the advice indicates that opportunities for local authority wide renewable energy schemes should, wherever possible, be illustrated on LDP Proposals Maps.
- 15.10. In response, the Council has prepared an updated REA Background Paper<sup>194</sup>, with key changes made to the wind and solar energy assessments. **MAC29** updates Objective 2<sup>195</sup> of the Plan to set out the opportunities identified within the most recent REA, with particular reference to standalone solar PV developments, small clusters of wind energy potential, biomass and micro generation including Building Integrated Renewables (BIR). Moreover, to satisfy the requirements of national policy, the same change would also set out monitoring targets to meet 21.19% of protected electricity demand and 1.48% of projected heat demand within the Vale of Glamorgan through renewable sources by 2026. This is also reflected in the Plan’s Monitoring Framework, as amended by **MAC109** and **FMAC18**.

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<sup>193</sup> Welsh Government Planning for Renewable and Low Carbon Energy – Toolkit for Planners (September 2015)

<sup>194</sup> Council’s Response to Action Point 8 of Hearing Session 18

<sup>195</sup> Paragraph 4.6

- 15.11. The updated REA provides for a more proportionate approach to the mapping of constraints for wind energy and includes a full assessment of the potential for solar energy. As the identified wind cluster areas fall outside of the ‘local authority scale’<sup>196</sup>, the Plan correctly does not propose to identify them on the Proposals Map. The maps erroneously proposed through MAP MAC120- MAP MAC122 are not, therefore, recommended. Nevertheless, **MAC98** would make various changes to Policy MD19: ‘*Low Carbon and Renewable Energy Generation*’, specifically including aviation safeguarding as a development constraint. The other changes proposed by **MAC98** would add clarity to the Plan by replacing ambiguous and superfluous references, clearly setting out the requirements of the policy, including the requirement for LVIAs, and otherwise updating the text to reflect the findings of the most up to date REA.
- 15.12. The REA has also identified six potential solar energy areas, consistent with the constraints mapping exercise set out in the aforementioned WG Renewable Energy Toolkit. Whilst some constraints clearly lie outside of the scope of the assessment undertaken, the approach advocated provides for a positive approach to the consideration of such matters, with detailed matters to be dealt with through development management processes. Reflective of this, **MAC80** incorporates a new Policy MG27: ‘*Local Search Areas for Solar Energy*’, with the extent of such areas capable of providing opportunities within the ‘local authority wide’ scale plotted as local areas of search on the Proposals Map through **MAP MAC123- MAP MAC128**. Such an approach is based on cogent evidence and is consistent with the approach advocated by the WG. As such, these changes, as well as **FMAC9** which provides factual corrections, are recommended.
- 15.13. The submitted version of the plan sought to require new developments to provide public open space, although the exact standards were only referenced within the Monitoring Framework. **MAC83** specifies such standards within policy. Specifically, new Policy MD2A: ‘*Provision for Open Space*’ would set out the required standards. Such requirements comply with the widely accepted Fields in Trust benchmark standards<sup>197</sup>, as referenced in TAN16<sup>198</sup>. This policy effectively supersedes the final sentence of Policy MG25: ‘*Public Open Space Allocations*’ and paragraph 6.149 of supporting text which are deleted by **MAC78**.
- 15.14. Policy MG25: ‘*Public Open Space Allocations*’ sets out the land allocated for the provision of open space and recreational facilities. However, **MAC78** deletes the open space allocation at ‘*ITV Wales Culverhouse Cross*’<sup>199</sup> given that the most up to date evidence indicates that it does not represent an appropriate location for such a use and that sufficient facilities are provided in nearby Wenvoe. Conversely, **MAC78** adds an area of open space at ‘*Land at Upper Cosmeston Farm, Lavernock*’. This reflects the proposals to extend Policy MG2.23, as set out above, through **MAC42, MAP MAC03** and **MAP MAC39**.

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<sup>196</sup> Over 5MW and up to 25MW for onshore wind

<sup>197</sup> Fields in Trust: Planning and Design for Outdoor Sport and Play (2008)

<sup>198</sup> Technical Advice Note 16: Sport, Recreation and Open Space

<sup>199</sup> Linked to Policy MG2.39

- 15.15. The open space proposed to be provided at the ‘*Land East of St. Nicholas*’<sup>200</sup> is also deleted via **MAC78**. This reflects the fact that the local school playing fields at St. Nicholas were erroneously omitted from the initial audit of open space. Concern has been raised that the school playing fields at St. Nicholas are not available to the general public and locked during certain times of the day. Nevertheless, the Council has demonstrated<sup>201</sup> that the principle of including school playing fields within the audit of public open space accords with national policy<sup>202</sup>. Notwithstanding this, the Council has confirmed that, whilst access to the open space at St. Nicholas Primary School is not always possible, it is made available to the general public outside of school hours for recreational use.
- 15.16. Policy MG7: ‘*Provision of Community Facilities*’ allocates land for the future development of new community infrastructure at: *Barry Waterfront (as part of mixed use); St. Cyres (as part of mixed use); Ogmore Residential Centre; and at Cosmeston Farm (as part of mixed use)*. **MAC52** deletes the list of settlements where additional community facilities would be sought, with new text stating that additional facilities may be sought based on the most up to date evidence of need. This is supplemented by revisions to the reasoned justification which cross refer to the latest evidence base. Such an approach would improve the effectiveness of the Policy and is therefore recommended.
- 15.17. Subject to **MAC51**, which provides a factual update to the associated reasoned justification, Policy MG6: ‘*Provision of Educational Facilities*’ allocates land for the development of new schools. Similarly, Policy MG8: ‘*Provision of Health Facilities*’ safeguards land for the future development and expansion of Llandough Hospital for health related uses. **MAC53** would update the reasoned justification to Policy MG8 to ensure that cross references to other policies reflect the changes made through the Examination process.
- 15.18. Policy SP11: ‘*Tourism and Leisure*’ provides the strategic policy framework for proposals which promote the Vale of Glamorgan as a tourism and leisure destination, whilst Policy MG26: ‘*Tourism and Leisure Facilities*’ would allocate land at ‘*Barry Island Pleasure Park*’, ‘*Land at Nell’s Point, Whitmore Bay*’ and ‘*Land at Cottrell Park Golf Course*’ for tourism related development. **MAC79** proposes to make minor amendments to the reasoned justification. However, as such matters are not necessary for soundness, that change is not recommended within this Report. Subject to **MAC92**, which seeks to ensure that cross references to other policies within the Plan are accurate, Policy MD14: ‘*Tourism and Leisure*’ would provide a sound criteria based policy for dealing with proposals for tourism related uses.
- 15.19. **MAC159 - MAC162** and **FMAC50** provide factual updates to the glossary of terms set out in Appendix 1, reflecting changes recommended in this Report. **MAC163** deletes the out dated list of SPG set out in Appendix 2. **MAC164 - MAC165** would update Appendix 3 to reflect recent changes to the designated and defined nature conservation sites. Appendix 4, which set out the proposed phasing, would be deleted by **MAC166**. As set out above, Appendix 5, as amended by **MAC167 - MAC217** and **FMAC51 - FMAC54**, would incorporate

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<sup>200</sup> Linked to Policy MG2.43

<sup>201</sup> Council’s Response to Action Point 7 of Hearing Session 18

<sup>202</sup> TAN16



a useful schedule of site specific details for each of the housing allocations. Similarly, Appendix 6, as amended by **MAC218 - MAC230** and **FMAC54 - FMAC56**, would provide a list of requirements relating to the allocated employment sites. **MAC231** would remove references to the tertiary shopping frontages set out in Appendix 7, whilst **MAC232** would update Appendix 10 to set out the distribution of scheduled monuments. Finally, factual amendments to the list of supporting documents set out under Appendix 11 would be made via **MAC233 - MAC234**. These changes add clarity and would improve the effectiveness of the Plan.

### *Conclusion*

- 15.20. Subject to the recommended changes, the Plan is sound in respect of the aforementioned policy considerations.

## **16 Plan Monitoring and Review**

- 16.1. It became clear through the Examination that, as submitted, Section 9: ‘*Measuring Success*’ did not set out a robust framework within which to measure the success of the Plan’s proposals. Specifically, a number of the indicators, targets and assessment triggers identified were imprecise and incapable of effectively monitoring the delivery of development. In response, the Council sought to amend the Monitoring Framework through the MAC and FMAC processes.
- 16.2. **MAC102** and **FMAC12** would update the preamble to the framework, effectively explaining the methodology proposed and the legislative framework that underpins such processes. Specifically, the changes would implement a colour coded system that would identify the extent of any divergence from the monitoring target. The colour coded categories range as follows: *Continue Monitoring (green)*; *Training Required (blue)*; *SPG/ Development Briefs required (purple)*; *Policy Research (yellow)*; *Policy Review (amber)* and *Plan Review (red)*. This approach provides for a robust methodology within which to monitor the success of the Plan’s proposals.
- 16.3. Given the extent of changes necessary to ensure a sound monitoring framework, **MAC103** would delete the submitted framework in its entirety. This would be replaced by a new monitoring framework proposed through **MAC104- MAC158**, with further changes proposed through **FMAC13- FMAC49**. As amended, the revised framework would adequately provide for targets and trigger points for each of the core indicators, whilst also providing an extensive and wide ranging list of local indicators that would enable the effective monitoring of the Plan’s policies.
- 16.4. Therefore, subject to the recommended changes, the Plan provides a robust mechanism to monitor success, whilst also providing a clear strategy for establishing whether the individual policies or proposals need to be reviewed, or indeed whether the Plan would need to be reviewed in its entirety. This adds flexibility to the Plan’s strategy. On the basis of the foregoing, I conclude that the Plan’s monitoring and review mechanisms are sound.

## **17 Overall Conclusions**

17.1. I conclude that, subject to the binding recommended changes identified in this report, the Vale of Glamorgan Local Development Plan 2011- 2026 satisfies the requirements of section 64(5) of the 2004 Act and meets the tests of soundness set out in PPW.

*Richard E. Jenkins*

INSPECTOR