

VALE OF GLAMORGAN  
UNITARY DEVELOPMENT PLAN  
**REPORT ON THE OBJECTIONS**

November 2000

Tollgate House  
Houlton Street  
BRISTOL  
BS2 9DJ

The Chief Executive  
The Vale of Glamorgan Borough Council

Dear Sir

**VALE OF GLAMORGAN UNITARY DEVELOPMENT PLAN:  
REPORT ON THE OBJECTIONS**

1. I, together with my Assistant Inspector Dr.David Robins BA.PhD.FRTPI, was appointed by the Secretary of State for the Environment, Transport and the Regions to hold a public inquiry into objections to the deposit draft of the Vale of Glamorgan Unitary Development Plan. The inquiry was held between Wednesday 2 June 1999 and Wednesday 5 January 2000. A pre-inquiry meeting was held on Tuesday 9 March 1999 to make necessary procedural arrangements. I attach my report which contains my recommendations on the action which the Council should take in respect of all the objections which the Council asked me to consider.

2. The plan was prepared by the Vale of Glamorgan Borough Council as a result of the provisions of the Local Government (Wales) Act 1994. The plan will supersede the approved South Glamorgan Structure Plan Proposals for Alteration No.1 1989 and the approved Mid-Glamorgan Structure Plan (Incorporating Proposed Alteration No.1) 1989 for the area previously administered by the Ogwr Borough Council. It will also supersede the following adopted local plans: the Barry Local Plan 1983, the Barry/Penarth Coastal Area Local Plan 1983, the East Vale Local Plan 1987, the Cowbridge Local Plan 1986 and the Ogwr Local Plan 1995.

3. The plan was placed formally on deposit between 2 April and 13 May 1998 and during this period 1301 representations were received of which 1100 were duly made objections. Following their consideration of the objections to the Deposit Plan, the Council published two statements of proposed changes in January 1999 and April 1999. Where changes to the Deposit Plan have been proposed by the Council but have not been formally advertised, as in the case of the Further Proposed Changes and those submitted at the inquiry, it will be for the Council to pursue them at the modification stage.

4. The Council in respect of the Deposit Plan and the Proposed Changes received some 1600 representations, made by 376 individual respondents. Of these a total of 260 representations expressed support, 6 expressed comments which did not amount to objection, 95 were made in respect of Supplementary Planning Guidance which is not for my consideration and 21 were deemed by the Council to be not duly made. Of the remaining 1218 objecting representations, which were made by 308 individual objectors, some 77 were unconditionally withdrawn leaving 1141 objections to be dealt with. Within this latter figure were 202 objections which were only conditionally withdrawn and which are therefore dealt with in this report. Some 227 objections, arising from 70 objectors, were heard at the Inquiry, the remainder being dealt with by means of written representations. As this is a report into the objections to the Plan only brief reference is made to the many representations made in support of the Plan proposals. I make no reference in the report to any elements of the Plan which were subject solely to supporting representations.

5. During the Inquiry I held one "round table" session to deal with the issues relating to the requirement for housing land and the adequacy of its proposed supply. At this session, objectors took part in a discussion with the Council under my chairmanship which probed the arguments, estimates, forecasts and assumptions related to this topic and also provided the background to my subsequent consideration of site specific objections. Given the importance of these matters to overall plan strategy these are dealt with in Chapter 1 under the heading of "The Strategy and Strategic Policy 3".

## **Main Issues**

6. The main strategic policy issues dealt with in my report concern the Sub-Regional Context of the Plan, the Housing Requirement, Development in the Countryside, Green Wedges, Green Belt and Special Landscape Areas (SLAs). Other main issues concern Economic Development and Tourism, Transport, Retailing, Sport and Recreation, Minerals, Waste Management and Community and Utility Services.

### **The Sub-Regional Context**

7. I have concluded that the plan and its guiding principles promote, as far as is possible within a UDP, sustainability and sustainable practices in encouraging the re-use of brownfield sites, the location of employment and housing on the transport corridors of the Waterfront Strip. I have however concluded that there is little in the Part I policies, and their justification, or in the text, as proposed to be changed, which explains comprehensively the manner in which the Council intends to promote the major growth in this strategy area.

### **The Housing Requirement**

8. In terms of housing demand I have concluded that the migration assumptions underlying the Council's projections have led to a significant underestimate of the housing requirement. Taking this together with the fact that I consider that there has also been some undercounting in the housing supply and that there is a need for a contingency allowance, I have concluded that provision should be made for about 6079 new dwellings for the period 1998-2011. Given that I estimate that the total dwelling supply at 1998 is some 4975 I have further concluded that the Council should make additional provision for some 1104 dwellings sites.

9. From consideration of the allocated sites I consider that HOUS1(17) should be deleted and further allocations made of 100 and 150 dwellings at HOUS1(1) and HOUS1(20) respectively. I have also concluded that further allocations could be satisfactorily made in response to site specific objections at Barry (C2.5 and C2.6), Rhoose (C19.3), Llandough Fields (C13.4) and Cowbridge (C7.1 and C7.4). Such allocations would broadly satisfy the housing requirement. It is however for the Council to determine whether there are other more suitable sites that were not before me for consideration.

10. As I consider my other recommendations provide for a sufficient number of dwellings to be built during the plan period, and bearing in mind the need to give priority to development in the Waterfront Strip, I have not deemed there to be any current need for new settlements at Llandow and Tair Onen.

## Development in the Countryside

11. I have concluded that Policy ENV1 is not consistent with Government guidance and that the residential settlement boundaries so tightly constrain the Rural Vale settlements that even a modest amount of development would be unlikely to be provided for. I have therefore concluded that Policy HOUS2 should be amended to include provision for development involving ‘infilling’ and ‘small-scale rounding-off’ at the edge of residential settlement boundaries where it is consistent with the provisions of Policy HOUS9.

## Green Wedges, Green Belt and Special Landscape Areas

12. Given the limited areas defined as Green Wedges and the lack of SLA designations in the Eastern Vale I conclude that insufficient protection is afforded to the wider areas of countryside between and adjacent to Cardiff, Penarth, Dinas Powys and Barry against inappropriate development. I have therefore concluded that a Green Belt should be designated for this area. I also conclude that the lack of Special Landscape designations within the plan is a major omission which should be rectified.

## Economic Development and Tourism

13. I have concluded that Policy EMP2 be deleted and that the two sites designated in it be reallocated under Policy EMP1. In the case of the Pencoedtre Special Employment Site I have also recommended that the site be allocated equally between mixed housing on the one hand and Classes B1 and B8 Business Use on the other. I have not discerned any convincingly supportable justification for Policy EMP12 and have recommended its deletion.

14. I have supported the Council in the plan’s most controversial site specific proposal for retail development involving the HTV/Policy EMP1(20) site at Culverhouse Cross where I have concluded that Policy EMP1(20) be deleted. With regard to this proposal I have concluded that there is no good or reliable evidence of need for a retail proposal of the size proposed. I have also concluded that there is good evidence to indicate that significant harm would be caused to the vitality and viability of town centres within the Vale if such a proposal were to be included in the plan.

## Transport

15. Though the Transport Plan will be concerned with transport services rather than with the fixed installations which are the subject of the UDP, there is clearly need to consider their complementary nature. In the circumstances, the fact that the Transport Plan is to be published at a later date renders rather tentative the consideration of parts of Chapter 6. I have noted the divergence from national policy in the lack of any targets for the proportions of movement by various modes. On parking, I consider regard should be given to early revision of the plan in response to the revised regional parking guidelines which I understand are in preparation.

16. I have also concluded that the Llyswoorney Bypass, Policy TRAN2(i), should be deleted from the plan and replaced by the link road between the A48 and the B4270 at Cowbridge to be provided as part of the development of a housing site (C7.1) at Cowbridge.

## Retailing

17. I have supported the proposals for the redevelopment of Barry Town Centre, having

examined the disputed impact on Central Park of the scheme which had outline planning permission before the start of the inquiry. In my view it offers the only logical location for the much needed revitalisation of the town centre. I have also supported the Council's change of stance on the type of retailing at Barry Docks consistent with its grant of outline planning permission for retail development in November 1999.

## Sport and Recreation

18. In view of the deficit in playing field provision in various localities I have recommended the inclusion of a statement of intent to attempt to remedy the deficit by seeking hitherto unidentified potential recreation sites.

19. While, consistent with my recommendation on retailing in Barry Town Centre, I have agreed with the Council regarding the alienation of recreational land at Central Park, Barry, I have expressed concern regarding consultation procedures which I consider should be clarified in the supporting text.

20. With regard to golf facilities I have found the Council's calculation of a need for 1.1 additional golf courses an unhelpful statistic. I also have not been persuaded of the substitution of 'need' for 'demand' in reference to the provision for that sport; in my view the Council's Proposed Change, which I have not recommended, confuses desire with necessity.

21. On cycling I have recommended an explanation in the supporting text of the choice of cycle route proposals, the constraints militating against any fuller programme, and, in the interest of pedestrian safety and given the scope for conflict, the broad principles against which the appropriateness of opening footpath routes to bridle and cycle traffic will be assessed.

## Minerals

22. I encountered some difficulty in considering objections to Chapter 9 in that most of the hard information about mineral sites and some aspects of mineral working was published only as Supplementary Planning Guidance which was not formally subject to the procedure of objection and inquiry. In my view it should be an integral part of the plan and be treated as an Annex.

23. Because the general embargo in Policy MIN4 on mineral working in various types of defined location is in my opinion too strict a constraint and disregards the extent to which sites may be capable of restoration to their original quality I have recommended an appropriate modification.

24. I have differed from the Council in regarding a minerals development control check list as a suitable policy subject. I also consider it important to clarify in the plan the potential scope and limitations of agreements as defined in national policy. However, since they can apply to any development I consider it more useful to do this in Part 1 of the UDP.

25. While Policy MIN4 seeks to safeguard areas designated for special protection it fails to distinguish between the appropriate levels of constraint to be applied over a wide and differing range of features. I have concluded that further attention requires to be paid to this.

26. I have concluded that Ewenny, Argoed and St Andrews quarries should be identified in Policy MIN9.

## Waste management

27. I have been concerned at the somewhat sparse treatment of waste management in the plan. However, I accept that fuller consideration of this subject by the Council is dependent on the forthcoming publication of the Strategic Waste Management Assessment for the South Wales Region. In view of the relationship of the planning regime to the waste management regime I consider that further thought should be devoted to waste issues when the regional background is established, to review urgently Chapter 10 of the plan in advance of the time horizon for the revision of the plan as a whole. I have considered that fuller reference should be made to the hierarchy of waste disposal within an atmosphere of waste minimisation and that time-limited targets should be set for the various methods of waste disposal, notwithstanding that final disposal may continue to take place outside the authority's boundary. The lacuna in the plan regarding land raising as a mode of waste disposal is noted.

## Community services

28. I have concurred with inclusion of a policy dealing exclusively with Barry College Annex, an institution of a kind which appears to be unique in the borough. I have also recommended inclusion of the proposed additional policy and text on burial land.

## Format and Scope of Report

29. I have structured this report so that it broadly follows the order of the plan itself and have, in the interests of reduced reporting time, adopted an issues-based reporting style rather than one in which the cases of the objectors and the Council are reported in full in separate sections. Objections made in writing are given equal weight to those made orally at the Inquiry. I append to the Table of Contents of this report, a glossary of the abbreviations used and a List of Appendices. The report extends to 3 Volumes and an Appendix. Included in the Appendix Volume is: (A) a list of those Appearing at the Inquiry; (B) an Index of duly made objections, and (C) lists of Core and Inquiry Documents. These Appendices were produced for me by the Programme Officer using the Council's database and further sets can be obtained from him. A full set of all documents can be found in the Local Plan Library.

30. For all Chapters except that related to Housing, the report is based upon a 3 element numbering system to reflect Chapter, Section and Paragraph in that order. The Housing Chapter differs from this in that, because of its greater size, I have found it necessary, in the interest of clarity, to introduce an additional structural reference. This distinguishes between objections related to "A" The Housing Policies; "B" The Allocated Sites; "C" Other Site Specific Matters. These letters are inserted in the reference in place of the usual Chapter number. The structure of the Section and Paragraph numbers remains as in the other Chapters of the report. To simplify consideration of the report I have grouped the "Site Specific Matters" under the headings of the appropriate settlements which are set out in alphabetical order. The reference numbers of the objections and of the supporting representations relating to each particular policy or paragraph are set out at the start of each section of this report. Also at the start of each Section I have indicated if the objection involves the consideration of a Proposed Change.

31. Where particular elements of the Deposit Plan have been subject to objections (whether

resulting in a Proposed Change or not) these are considered in this report. Where the proposed changes have themselves been subject to objections, these objections are also considered. Where changes have been proposed by the Council for reasons other than objections to the Deposit Plan and have not themselves been subject to objections, these matters are not before me and I make no comment on their merits. Objections involving the Appendices and the Proposals Map are covered in conjunction with the relevant Section of the plan.

32. This consideration of some policies and paragraphs of the Deposit Plan and the Proposed Changes, but not of others, derives from my remit to consider only those aspects of the plan which are the subject of duly made objections. It is an inevitable consequence of the statutory procedures relating to UDP preparation and may lead to inconsistencies and incongruities between individual elements of the plan which it is not within my remit to address. It is for the Council, at modification stage, to ensure that any inconsistencies and incongruities which result from this inevitably partial appraisal are identified and resolved.

33. Unless otherwise stated any reference to Government Policy as set out in Circulars or planning policy guidance relates to those operating in Wales and that were extant at the close of the inquiry. The Council will no doubt wish to have regard to any subsequent revisions to Government policy which may occur before the adoption of the plan.

34. Finally I would like to record my appreciation to all the helpful participants in the Inquiry. In particular that of my Programme Officer, Mr Mike Gatehouse who performed his duties with meticulous attention to detail and with great efficiency and good humour in sometimes difficult circumstances and to Mrs Sara Knevett who assisted during the holiday period. My sincere thanks also go to my colleague Inspector, Dr David Robins, who, in sharing with me the numerous tasks and varied work involved in the consideration of the many and complex objections made to the plan, has made an extremely significant and valuable contribution to the production of this report.

Yours faithfully

C Cardinal DipTP.MRTPI.

**VALE OF GLAMORGAN UNITARY DEVELOPMENT PLAN:  
REPORT ON THE OBJECTIONS**

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## CHAPTER 1 - INTRODUCTION

### 1.1 Policy 00GEN - General Policy Matters

**Explanatory Note:** The representations identified as comments do not constitute specific objections and whilst, along with the supporting representations, they have been taken into account they are not subject of detailed consideration. Representation 251.1 has been taken into account in my consideration of objections made to Paras.4.1.1 and 4.1.5 of the plan. With regard to representation 359.1, the Council have made clear that there are no saved policies from previous local plans. The general objection made by the Welsh Office, concerning the applicability of criteria to the policies of the plan, has been taken into account by the Council throughout the plan and incorporated into the plan through the Proposed Changes. These Proposed Changes are dealt with under the relevant policy heading and add clarification to applicability of the criteria of the policies and, as such, this objection is Conditionally Withdrawn.

#### *Comments*

3.1	Civil Aviation Authority	Consultation at Planning Application Stage
4.1	Valuation Office Agency	General acknowledgement.
49.1	Commission for Racial Equality	Equal Opportunities.
56.1	Health and Safety Executive	General supportive comments.
251.1	FairFax, Mr John Alan	Consultation process
244.36	Welsh Office	Definition of use classes
359.1	Friends of the Earth Cymru	Transfer of existing policies into UDP.

#### *Supporting Representations*

293.15	Welsh Water-Dwr Cymru	Water/sewerage infrastructure for proposed development sites.
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#### *Conditionally Withdrawn Objections*

244.35	Welsh Office	Relevance of criteria to all policies
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#### *Maintained Objections*

230.18	Cardiff County Council	Clarification of the word "unacceptable". Wording of general policy.
238.35	Country Landowners Association	
359.18	Friends of the Earth Cymru	

## ISSUES

### 1.1.1 Whether:

- (i) policy justification from the Housing Topic paper should be included in the text of Part 2 of the plan;
- (ii) the use of the word '*unacceptable*' throughout the plan requires further clarification;
- (iii) the use of the word '*permitted*' should be removed or qualified with the term '*Subject to Other Policies in this Plan*'.

## CONCLUSIONS:

### Issue (i)

1.1.2 I have concluded later in my report that an explanation of the derivation of the housing requirement should be included in the reasoned justification for Policy 3. This may well require material from the Housing Topic paper to be used.

### Issue (ii)

1.1.3 The Council considers, reasonably in my view, that the policies which contain the word '*unacceptable*' seek to prevent development whose effects upon the environment, in its general sense, are neither beneficial nor negligible but are potentially damaging.

**Issue (iii)**

1.1.4 Policies should be expressed in positive terms and be as precise as possible. The use of the suggested phrase '*Subject to Other Policies in this Plan*' is superfluous, as every planning application has to be considered against every plan policy.

**RECOMMENDATION:**

**REC.1.1      I recommend that no modification be made to the plan.**

## 1.2 Supplementary Planning Guidance (SPG)

### *Supporting Representations*

265.3 Cardiff & Vale Access Team Support for inclusion of disabled access in plan.

### *Conditionally Withdrawn Objections*

237.1 Countryside Council for Wales.(CCW)

### *Maintained Objections*

249.2	House Builders Federation	Issue dates of SPG
265.4	Cardiff & Vale Access Team	SPG on Access for the disabled.
360.26	Friends of the Earth (Penarth Area)	Request for additional consultation on SPG's
360.39	Friends of the Earth (Penarth Area)	
263.5	Rhondda Cynon Taff CBC	Special Landscape Areas

## ISSUE

1.2.1 The extent to which reference should be made in the plan to SPG.

## CONCLUSIONS:

1.2.2 SPG is non-statutory guidance, which supports the general policies of the plan. The weight to be accorded to such SPG depends on the extent to which it has undergone a process of public consultation. It does not form part of the plan and I have not therefore considered its form and content. SPG is often subject to change and may, over the period of the plan, involve new matters being considered. Reference in the Introduction to the plan to SPG should be confined to an explanation of its purpose and its non-statutory status. Reference to the subjects already covered, and those likely to be produced within the plan period, should be made in a new Appendix to the plan. This Appendix should make clear the non-statutory nature of SPG and the extent to which it has undergone, or is likely to be the subject of, public consultation. Consequently, as it does not form part of the plan, I make no general recommendations on the subjects that should be considered as SPG or on its form and content. My general conclusions with regard to Special Landscape Areas (SLA's) are set out in Chapter 3 of my report.

## RECOMMENDATIONS:

**I recommend that the plan be modified by:**

**REC.1.2 the deletion of Para.1.2.4;**

**REC.1.3 the inclusion of a new Appendix to make clear the non-statutory nature of SPG and the extent to which it has undergone, or is likely to be, the subject of, public consultation.**

## 1.3 Non Statutory Documents

### *Conditionally Withdrawn Objections*

237.2

Countryside Council for Wales

Omission of reference to Countryside Strategy and LA21 Strategy.

### *Maintained Objections*

360.25

Friends of the Earth (Penarth Area)

Additional information on the status of non statutory documents

## ISSUE

1.3.1 Whether additional information should be included concerning the status of non-statutory documents set out in Para.1.3.5 and PCA002.

## CONCLUSIONS:

1.3.2 The inclusion of the list of documents as set out in Para.1.3.5 of the “*Introduction*” to the plan does little to clarify their relevance or their status. I consider therefore that Para.1.3.5 should be deleted. Reference should be made to such documents at appropriate points in the supporting text where the relevance and status of such documents to a specific policy could be better and more fully explained.

## RECOMMENDATION:

**I recommend that the plan be modified:**

**REC.1.4 by the deletion of Para.1.3.5.**

## 1.4 Environmental Appraisal

**Explanatory Note:** Objection 249.1 is dealt with in relation to objections made to the UDP Strategy later in this Chapter. Matters concerned with appraisal which are related to sustainability are dealt with in association with sustainable practices under Policy2.

*Maintained Objections*

275.1	Terry Adams Limited	Approach to waste management.
1.2	Thomson, Mr John D.	{Carbon dioxide emissions}

### ISSUES

1.4.1 Whether:

- (i) this section of the plan should be amended to take into account the appraisal made of the Waste Management Strategy;
- (ii) Para.1.4.1, or the plan in general, should enlarge upon the directive concerning carbon dioxide emissions.

### CONCLUSIONS:

#### Issue (i)

1.4.2 While I have a degree of sympathy with the objector concerning the very broadly overarching nature of Para.1.4.1 of the plan I note, firstly, that the plan is consistent with the Council's adopted 1988 Waste Management Strategy. Secondly, the Council's commitment to achieve standards of waste handling commensurate with national and European practice is clear from Para.2.8.1. Thirdly, the present situation in the Borough is an interim one pending the forthcoming publication of the Environment Agency's regional Waste Management Assessment. At the same time I am mindful that a distinction must be drawn between matters subject to the planning regime and those subject to control under other legislation. Although I recognise that substantial progress may be made before the formal review of the UDP becomes due I do not consider it practical in the present circumstances to modify Para.1.4.1. However, I examine this matter in more detail in Chapter 10.1 in relation to similar representations.

#### Issue (ii)

1.4.3 The plan sets out in Para.1.4.1 the intention to promote sustainable practices and recognises the importance the Government attaches to the reduction of carbon dioxide emissions. Policy 2 sets out the Council's strategic objectives in relation to sustainable development which form the basis of Part II policies. In that it is not the function of the plan to regulate development for other than land use planning reasons, policies directly related to the reduction of carbon dioxide emissions would be inappropriate.

### RECOMMENDATION:

**REC.1.5 I recommend that no modification be made to the plan.**

## 1.5 The Guiding Unitary Development Plan Principles

**Explanatory Note:** Objections concerning the application of the precautionary principle are dealt with as part of my considerations of Policy ENV27.

### *Maintained Objections*

275.2

Terry Adams Limited

Paragraph 1.7.2 - wording.

360.40

Friends of the Earth (Penarth Area)

### ISSUE

1.5.1 Whether reference to the precautionary principle is correctly defined and appropriate for inclusion within the section entitled “*The Guiding Unitary Development Plan Principles*”.

### CONCLUSIONS:

1.5.2 Whilst the Council accepts that the definition in the plan of the precautionary principle could be better defined, it is considered that the principle itself is a fundamental component of the guiding principles of the plan. The use of the precautionary principle is an approach that is accepted as good practice within the DoE’s publication: ‘*Environmental Appraisal of Development Plans - A Good Practice Guide*’. I agree with the Council that PCA003 provides a definition which I consider is both necessary for inclusion within the plan and one which, in essence, is consistent with those provided in the Maastricht Treaty and in the publication: ‘*the DoE : the UK Strategy (1995)*’.

### RECOMMENDATION:

**I recommend that the plan be modified by:**

**REC.1.6 the inclusion of PCA003.**

## 1.6 The Strategy and Strategic Policy 3

**Explanatory Note:** As a number of objections are made to the regional/sub-regional context of the plan and that these objections are closely related to the housing strategy of the plan, I have dealt with both these matters within this section of my report. Identification of the housing requirement was the principal main subject of the Housing Round Table Session at the inquiry. This matter is also closely related to the consideration of the objections to Part 1 Policy 3 of the UDP as proposed to be changed and to the principles, but not the site specific matters, underlying Policy HOUS 1. However, the proper consideration of these policies also necessarily involves the consideration of issues deriving from matters associated with "*The Guiding UDP Principles*", "*The Strategy*" and "*Section 2.2*" of the plan and the Housing Topic Paper prepared by the Council. Consequently, the issues for consideration have been produced bearing in mind the objections made to matters covered by these sections of the plan and the supporting documentation. These include objections made to: Paras.1.4 and 1.8, PCA004 and Policy 3 - Housing allocation.

I have considered the issues under the following general headings:

- The Housing Strategy;
  - Sub-Regional Context
  - Strategic Alternatives
- Housing Demand
  - The Population and Household Forecasts
  - Demolitions
  - Vacancies
- Housing Supply
  - Land Availability Figures
  - Range and Choice
  - Maintenance, Rehabilitation and Improvement
  - Policy HOUS1 Sites
  - Contingency
  - General Summary
- The Housing Requirement

### *Maintained Objections to the Sections 1.4 and 1.8 of the Introduction of the plan*

192.1	Persimmon Homes (Wales) Ltd.	Sub-regional planning issues
249.1	House Builders Federation	Environmental Appraisal/ applicability to the South Wales region
249.3	House Builders Federation	Clarification of UDP overall strategy

### **PCA004**

249.20	House Builders Federation	Section of regional guidance requires updating
263.6	Rhondda Cynon Taff CBC	
360.41	Friends of the Earth (Penarth Area)	
173.29	Campaign for Protection of Rural Wales	
173.30	Campaign for Protection of Rural Wales	

### **Strategic Policy 3 - Housing and PCA004**

#### *Supporting Representations*

240.1	Bebb, Mr & Mrs N	Reusing existing housing stock
263.1	Rhondda Cynon Taff CBC	Support for proposed housing need figure.

#### *Maintained Objections*

19.2	Randolph, Mr&Mrs D	Policy 3 - Wording
126.11	Bellway Estates	Policy HOUS 3 - wording.
173.2	Campaign for Protection of Rural Wales	
192.2	Persimmon Homes (Wales) Ltd.	"Flawed" housing requirement figures.
192.3	Persimmon Homes (Wales) Ltd.	{Over optimistic housing figures require re-appraisal.}
192.4	Persimmon Homes (Wales) Ltd.	Housing development outside the south-east area of the Vale.
192.5	Persimmon Homes (Wales) Ltd.	Housing development outside the south-east area of the Vale.

203.1	William Johns-Powell Settlement Trust	Windfall sites
207.1	Harry, Mrs R	Dinas Powys
209.1	Kelsall, Mr & Mrs Ian	Windfall sites
210.1	Traherne, Lt.Col. R L	Windfall sites
213.1	Wm. Powell & Sons Ltd.	Windfall sites
227.1	Thomas, Mr & Mrs D	
230.1	Cardiff County Council	
232.16	Land Division, Welsh Development Agency	
242.1	Thomas, R. & Mooney, R., Messrs	Redevelopment of suitable sites throughout the borough
246.1	Llandow Community Council	Dwelling requirements
246.8	Llandow Community Council	Dwelling requirements
249.5	House Builders Federation	Objection to Policy 3.
249.10	House Builders Federation	{Objection to Policy HOUS 1.}
251.2	FairFax, Mr John Alan	{Location of new dwellings}
251.6	FairFax, Mr John Alan	
264.1	Barratt South Wales	Additional housing sites.
286.1	Llanmoor Homes	{Objection to Policy HOUS 01 as too many allocation in SE of Vale}
331.2	Marcross Holdings Limited	
335.2	Turberville, Mr Picton	{Justifications for additional residential development in the Vale.}
340.1	Randolph & Forest Enterprise, Mr D J	Meeting the needs associated with major development & in-migration
342.2	Anstee Trustees	{Request for additional land for residential use.}
356.10	Harmer Partnership	New dwelling requirement.
359.4	Friends of the Earth Cymru	{Housing land requirement.}

## Section 2.2

### *Maintained Objections to Para 2.2.3*

246.16	Llandow Community Council	{Number of vacant dwellings in the social sector}
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### *Conditionally Withdrawn Objection to Para.2.2.5/PCC002*

244.2	Welsh Office	{Amendment to Justification Policy}
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### *Maintained Objections to Para.2.2.8*

126.10	Bellway Estates	{Greenfield housing allocations.}
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### *Maintained Objections to Para.2.2.8*

19.4	Randolph, Mr&Mrs D	{Additional release of greenfield sites for residential development.}
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## ISSUES

1.6.1 I consider the main issues to be:

- (i) whether the housing requirement has been formulated in a manner which adequately takes into account the current extent of National and Sub-Regional guidance, having regard to Government guidance and the extent to which there is a need to take into account the Cardiff housing market;
- (ii) whether the housing and economic strategies of the plan are compatible;
- (iii) whether the proposed housing strategy and the identified requirement is consistent with current Government advice and the guiding principles of the plan which support the principle of sustainability and the re-use of brownfield land;
- (iv) the extent to which alternative strategies have been considered, including: (a) the need to move from a "predict and provide" approach, towards a "monitor and manage" approach; (b) the introduction of policies to increase urban densities; (c) the use of a sequential approach to housing allocation; and (d) an approach which properly reflects the identifiable local needs of individual areas;
- (v) whether Policy 3 is confusing and poorly related to Part II policies;
- (vi) whether the population forecasts used provide the most appropriate method of forecasting housing demand, having particular regard to the use of a net nil in-migration assumption bearing in mind the impact of the Cardiff housing market;
- (vii) the extent to which an allowance for future demolitions should be taken into account in the demand calculations;

- (viii) the extent to which existing vacant or underused property could assist in the provision of the housing requirement and the action that would be necessary for the Council to adopt in order to achieve a reduction in the existing vacancy rate;
- (ix) whether: (a) the figures for past completions and sites with the benefit of planning permission are up-to-date and accepted; (b) the allowance made for future conversions, change of use and windfalls involves a double counting of small sites; (c) the allowance made of 76 completions per annum based on a 5 year average would be more adequately based upon the longer term average of past trends from 1991 i.e 86 per annum; and (d) the allowance made within the source of supply of the small sites under 10 within the HOUS 1 schedule should be deleted;
- (x) whether the proposed range and choice of housing sites is sufficient to achieve the housing objectives of the plan as expressed in Para.4.3.1 and the need to ensure a 5 year housing supply throughout the plan period, having regard to: the availability of sites outside of the Barry, Penarth and Rhose area; the provision of large sites; and the justification for the specified ceiling of 2ha proposed in Policy 3(v);
- (xi) whether measures involving maintenance, rehabilitation and improvement of the existing stock referred to in Policy 3(iv) contribute to the dwelling requirement and whether it is appropriate in the consideration of the housing requirement to have regard to the Housing Strategy Operational Plan;
- (xii) whether the sites allocated within Policy HOUS 1 are likely to be available within the plan period and the extent to which the capacity of local settlements/systems has been taken into account;
- (xiii) whether: (i) sufficient flexibility is built into the housing requirement figures to ensure that the supply of housing land is not exhausted before the end of the plan period; and (ii) the extent, and means by which, such a contingency, if any, should be expressed in the plan.

## CONCLUSIONS:

### The Housing Strategy;

### The Sub-Regional Context

#### Issue (i)

1.6.2 The Council considers that the Plan seeks to achieve the housing needs of the resident population and also achieve a balance between population and employment. The Strategy is, therefore, considered: to reflect Welsh Planning Guidance; and to contribute towards the achievement of the goals of sustainable development, a primary principle of the Plan. Although there is no formal Regional Planning Guidance in Wales, the Plan has been formulated within the only sub regional guidance available. In this respect the Council points to REC.H1 of the Draft Strategic Planning Guidance for S E Wales produced by SEWUDPLG. Whilst no overall control totals are proposed for the region, REC.H1 suggests that the region should provide for a house building rate of 4635 dwellings per annum on the basis of the residual requirement from current plans. The Draft Guidance notes indicate that the total land supply for new housing in S E Wales exceeds the residual requirement from current plans and illustrates that there is an adequate supply of land. This overall figure however masks differences between areas of the region, and the Council considers that it is providing slightly more than its proportional share of dwellings per population for the region.

1.6.3 The Council also points to the fact that Cardiff County Council, a neighbouring authority, has also indicated that: *'it is aiming to provide for the growth of its population within its own boundary'*. In the absence of formal regional guidance the Council considers each local authority

within the S E Wales region should be approaching the development of its housing strategy in this way. Notwithstanding that the SEWUDPLG, which was established to fill the strategic planning vacuum in S E Wales, published draft strategic guidance in January 1999, this guidance has not been subject of any formal objection or inquiry process and has not therefore obtained any formal planning status. Moreover this guidance does not attempt to make any assessment of future housing demand or of how any new housing should be distributed. Given the fact that it is, as yet, only at the consultation stage some weight can be attached to this guidance due to the fact it represents the views of all the local planning authorities in the sub-region. However greater weight must be given to Government Guidance which promotes the development of the S Wales coast.

1.6.4 Notwithstanding the lack of formal Regional Guidance, advice exists in PP(W)PP 1996 and PGW where the 1996 guidance shows the Barry/Rhoose area (The Waterfront Strip) as one of only three 'Major Growth Areas' in Wales and PGW continues the assumption that economic development will focus on the coasts of South and North Wales as well as in the Assisted and Development Areas (Paras.10.1.3 & 10.1.4). The Council relies on the fact that PGW states that '*Local Authorities should aim as far as practical, to balance the employment and population in order to enable people to live near work*'. However, there is little in the Part One Policies and their justification, or in the text as Proposed to be Changed, which explains the manner in which the Council intends to promote the Major Growth Area of Barry/Rhoose.

1.6.5 Moreover, there is little in the plan which illustrates how this growth area relates to the major redevelopment of the Cardiff Bay Area, or to the wider regional problems of the S W Valleys and to the wider implications of Objective 1 funding in such areas. Government Guidance clearly indicates that the Vale of Glamorgan has a definite role to play in meeting the wider strategic needs of the region. This is not made clear in the plan in that Para.1.8.6 of PCA004 only refers to the allocations as being intended to provide for the needs of the indigenous population of the Vale. Consequently I consider that PCA004 does not adequately represent Government Guidance and further explanation of the strategic context of the plan should be added to the Strategy Section of the Introduction to the plan as proposed to be changed. The nature and extent of such amendments are, however, bound together with the consideration of matters concerning housing demand and supply, which I consider below. There is however a lack of Regional Guidance in terms of properly appraised control figures for population and housing for authorities in S E Wales which I do not consider is adequately addressed in SEWUDPLG. It is difficult, therefore, for the Council, or others, to assess whether the plan makes the most sustainable contribution to accommodating the development needs of the South East Wales Region.

1.6.6 Whilst the Council's approach, which attempts to rectify the imbalance between jobs and residents which currently exists, appears outwardly to be logical and consistent with Government advice, I consider that the proposed strategic solution put forward has practical implications which cannot be ignored. In my view insufficient recognition has been given by the Council of the fact that the Vale of Glamorgan is included as part of a wider travel to work area. The importance and effect of Cardiff on this travel to work area cannot be under-estimated in that the daily outflow of 10,500 trips to work that occurs from the Vale is largely due to the importance of Cardiff as a source of employment for Vale residents. Given also the fact that the plan seeks to develop the role of public transport and improve road access between the eastern part of the Vale and Cardiff, I consider any attempt to restrict or only plan for a net nil in-migration within the plan period is unrealistic. Such a conclusion is also reinforced by the undoubted attractiveness of the Eastern Vale as a place to live given its close proximity to the Cardiff Bay employment area and Cardiff City Centre. Furthermore the definition, within Government Guidance, of the Waterfront Strip of the Eastern Vale, i.e. '*... urban locations especially the heavily populated coastal strips in SWales*', as a focus for economic development implies its continued promotion as a Growth Area for both housing and employment. I conclude therefore that housing growth in the plan period should not be restricted purely to that generated by existing residents of the plan area and that, over the plan period, a higher level of inward migration should be allowed for than has been incorporated into Council's population projections.

## Issue (ii)

1.6.7 Whilst the Council's aim of balancing employment and population is laudable, the extent to which this is realistic, in an area that is clearly a dormitory area for Cardiff, must be questionable. The Council maintains that the take-up of employment land requires no associated housing demand allocation because it is a fundamental principle of the plan to achieve this balance. This implies that out-commuters from the Vale will switch to new jobs within the plan area as the allocated land for employment is taken up. This approach is far too simplistic in that housing is a part of the infrastructure of economic growth. As such, increasing employment in the Vale will also be likely to create pressure for both inward migration and additional commuting into the Vale. Clearly this, when taken together with the high demand that already exists for housing in the area, would result in increased competition in the housing market which could well disadvantage those on lower incomes and result in longer travel to work patterns. As a consequence, economic growth would be artificially constrained and the major aims of the plan compromised. In reaching this conclusion I have had regard to the view expressed by one objector that the plan should be based on assumed outward migration from the Vale. I consider, however, that such an approach is unsustainable if regeneration of the Waterfront Strip is to be attained by means of focussing economic growth in this area as is required by Government guidance.

## Strategic Alternatives

### Issue (iii)

1.6.8 The proposed housing strategy, in the absence of detailed Regional Guidance, has to be assessed against the fact that the Waterfront Strip should be treated as a focus for economic development. Consequently, having regard to my conclusions above, I consider the housing strategy compromises both the economic aims of the plan and the advice in PGW in not providing for a sufficient level of in-migration and thereby housing growth in the Waterfront Strip. Notwithstanding this situation I am, however, satisfied that the plan's aims and proposals for the promotion and regeneration of employment within the Waterfront Strip are consistent with the guiding principles set out in Section 1.7.

1.6.9 Moreover, the guiding principles of the plan promote, as far as is possible in a Unitary Development Plan, sustainability and sustainable practices. The policies of the plan encourage: the re-use of brownfield sites; the location of development with consideration of the precautionary principle; the encouragement of high standards of design; and the development of an energy efficient land use/transportation strategy.

1.6.10 Objection is made to the fact that the plan seeks to allocate only some 55% of new housing upon brownfield sites and, as such, has not embraced sustainability objectives given the Government's 60% target set out in PPG3. Furthermore, objection is also made that the Council should have regard to a need to apply a sequential test concerning the release of land for housing. However, no brownfield land target is set out in PGW and the Council's approach is consistent with the advice given in Para.9.1.2, which indicates only that: "...local authorities should take account of ...reclaimable or reclaimed urban land...". It is clear to me also that the Council have placed a considerable amount of emphasis on such a policy. In my view the plan cannot be criticised for the fact that it does not reach a higher target when there is no formal target for brownfield development in Wales. Similarly, as yet, there is no formal advice about the use of the sequential test in housing and the Council's method of approach to its housing allocation is consistent with current Government advice. To restrict, as suggested by one objector, further housing development to brownfield sites alone would not only be unrealistic but would be contrary to Government guidance aimed at providing an appropriate range and choice of sites. Assuming that the need to amend the migration assumptions and the identified housing requirement will be taken into account, I am satisfied that the plan and its guiding principles is consistent with current Government advice concerning sustainability

and the use of brownfield land.

#### Issue (iv)

1.6.11 It is accepted that the need to move from a "*predict and provide*" approach, towards a "*monitor and manage*" approach has been endorsed by PPG11. However such an approach is not encompassed by the guidance given in PGW and there are as yet no mechanisms by which it can be applied to the preparation of statutory plans. Therefore, notwithstanding that there may be advantages in planning for uncertainty through a process of strategic choice, the Council's adopted approach has followed acceptable principles. This adopted approach is based to a large extent on initial forecasts of population converted to housing forecasts and allocations, which can be effectively monitored and managed through annual Housing Land Availability studies and then reviewed if necessary.

1.6.12 Consequently, having regard to the above, I do not accept that Policy 3 of the plan should be amended to indicate that: "*Housing Policy will no longer be based on predict and provide, but on the plan, monitor and manage Approach*" as suggested by an objector. Neither do I consider that the allocation of additional housing sites should be left for consideration under "*Local Housing Strategies*" to be developed in partnership with local communities. Such an approach could only lead to unacceptable uncertainty, and would be contrary to the need for the plan: "*to give developers and the public certainty about the type of development that will be permitted at a given location.*", PPW Para.3.5.2.

1.6.13 The Council accepts that it may be appropriate to use higher densities on some allocated sites, as long as detriment to residential amenities is not caused. In this respect it points to Policy HOUS10, which allows for the conversion of large dwellings into small self-contained dwelling units, as being indicative of its acceptance of higher densities in appropriate circumstances. However whilst the Council also accepts that a new policy advocating higher densities could be incorporated into the plan, I am of the view that it may be more appropriate to include reference to this matter as one of the housing objectives identified in Para.4.3.1. I reach this conclusion due to the fact that no study has been undertaken to identify which sites, if any, are appropriate for such treatment.

#### Issue (v)

1.6.14 Policy 3 reflects the advice contained in Planning Guidance (Wales) "Unitary Development Plans" (1996) (PPW(UDP)) para.15, which states: "*Part I of the UDP should indicate the overall provision to be made for housing, employment and other major land uses in the area as a whole, identifying the broad locations for development, and areas where policies of restraint may be appropriate.*". Para.17 of this guidance indicates that the reasoned justification for Part I policies should be located in Part II. I have concluded above that further explanation of the strategic context of the plan should be added to the Strategy Section of the Introduction to the plan as proposed to be changed. Given such further explanation I am satisfied that Policy 3 should indicate the overall housing provision to be made and that it properly relates to the Part II policies of the plan.

## Housing Demand

### The Population and Household Forecasts

#### Issue vi)

1.6.15 SEWUDPLG points out that local authorities in Wales are given the responsibility for determining the scale of new housing required and have the responsibility to determine and justify appropriate population and household projections to reflect their plan strategy and policy objectives. It is also recognised that there are numerous methods which can be used to forecast population which

are all based on varying assumptions concerning births, deaths, migration and policy. It is significant in this respect that the WO have not formally published any trend-based population and household projections since the 1994 based data, due to misgivings about some of the statistical methodology previously adopted (*para.1(iii) of the commentary on the 1994 based projections*). Illustrative of the difficulties in forecasting is that the Chelmer Model takes 1991 population figures as its base rather than the 1996 estimate and the Registrar General shows 876 more 15-24 year olds in the Vale than the Council's figures.

1.6.16 The Council has based its forecast on the average of two projections. Projection One is based upon a net in-migration of 127 persons per annum between 1981 and 1996. Projection Two is based on a net out-migration of 70 persons per annum between 1991 and 94 increased to ensure that the totals are consistent with the known total for Wales. Over the plan period Projection One assumes a net annual in-migration of 127 persons per annum whilst Projection Two a net out-migration of 123 persons per annum. In taking an average of two trends over the past 15 years, the Council has doubled the effect of the migration period 1991-94 and has assumed broadly neutral migration over the plan period.

1.6.17 1991-94 was a period of recession with little house building and, as a consequence, the use of migration figures from this period in Projection Two would tend to lead to the forecasts underestimating in-migration and overestimating the older age groups. Moreover, given the totally different assumptions used in the forecasts, the Council's assertion that both of the two projections are equally valid and that the most reliable projection is taken to be the average of the two is not convincing. Projection Two produces a scenario that represents the Vale as an area of low demand with a declining population. This is not only at variance with long term past trends and high levels of demand for housing but inconsistent with the policies which aim to promote economic growth in the Waterfront Strip. I consider that any projection used should reflect, in its assumptions, the overall aims and strategy of the plan.

1.6.18 I conclude therefore that the approach taken by the Council in not encouraging a net in-migration of younger age groups is neither a correct assumption for forecasting housing demand in the Vale nor is it consistent with the implementation of the economic growth strategy implied in PGW. In my view Projection One would seem to take a more realistic approach to migration, which at the same time produces a result more consistent with the need to regenerate the Waterfront Strip. For these reasons and for reasons I have set out above, I conclude that housing growth in the plan period should not be restricted purely to that generated by existing residents of the plan area and that the migration assumptions used in Projection One are more indicative of the regeneration strategy proposed by the major economic development policies of the plan. As such I consider that the housing requirement has been underestimated and should be based on the results of Projection One which gives a dwelling requirement of 8612 (1991-2011) i.e. approx.6500 (1996-2011).

## Demolitions

### Issue (vii)

1.6.19 The Council has assumed no demolitions in the application of the demand model. This, it considers, enables consistency with regard to the application of the methodology in housing completions and housing land supply data, which deals only in the net figure of completions after the effect of demolitions in the overall supply is subtracted. Although the calculation of housing supply also includes changes of use from residential to other uses the number of residential demolitions which do not result in a change of use that requires planning permission is considered to be insignificant.

1.6.20 Objectors point out that a more robust way of calculating demolitions is to include them as part of demand rather than supply and I have some sympathy with this view. Difficulty with

the Council's approach can be illustrated in the fact that if no new build is proposed then no demolitions will be recorded. Moreover there is no discussion in the plan concerning the likely extent of demolitions required in connection with unfit dwellings in the Borough. In this respect the Housing Strategy Operational Plan (HSOP) indicates that some 10% of the housing stock is unfit.

## Vacancies

### Issue (viii)

1.6.21 The vacant housing rate used by the Council is some 3.75% of the total, remaining constant over the plan period. The latest available data, i.e. from the Finance and IT Dept (Council Tax) summarising the vacancies registered on the Council Tax register for April 1999, indicates a snapshot reading of 3.6%. Such a snapshot figure indicates that the Council's assumptions concerning vacancies are broadly acceptable. I accept the view expressed by an objector that vacancies contribute to urban decay and that every effort should be made to achieve a reduction of the vacancy rate to 1%. However, in practice such a reduction would be difficult to achieve given that the HSOP identifies 10% of the housing stock as unfit.

1.6.22 There is no indication within the plan, in the HSOP, or in evidence adduced at the inquiry, which indicates that the Council has a major housing rehabilitation strategy designed to significantly ameliorate vacancy problems. Furthermore, given the aging housing stock it appears to me to be likely that new vacancies could well be created at a greater rate in the future than in the past. In that there is no way such an increase could be forecast the Council accepts that there is a need to monitor this component of the housing requirement. Moreover, although the Council refers to the fact that the Housing Section of the plan encourages the reduction of the vacancy rate, it is accepted that there are no policies in the plan that actively steer development towards such an end. Therefore whilst I accept, for the purposes of calculating the housing requirement, that the 3.75% figure is a reasonable but minimum assumption, I consider that reference should be made in the plan to the need to monitor and review this constituent of the requirement.

## Summary - Housing Demand

1.6.23 Government Guidance on general housing policy is set out in PGW Paras.9.1.1 to 9.1.9. Para.9.1.3 states: "*Plans should indicate the scale of provision to be made in terms of net additions to the total housing stock explaining how figures are derived and the assumptions that underlie them, and setting out the allowances made for conversions and change of use, new buildings, small sites and windfall sites, and losses from demolition.*". I have determined above, in the consideration of the housing demand issues, that I consider the Council's migration assumptions have led to a significant underestimate of the housing requirement. I also consider that derivation of the housing requirement from the projections is not clearly stated within the reasoned justification for Policy 3 as required by Government guidance.

## Housing Supply

### Land Availability Figures (Para.4.1.12 of the UDP)

### Issue (ix)

1.6.24 With regard to the land availability figures the Council indicates that the latest trends/information has been used where possible to illustrate the current situation, even though the

land study had not been undertaken for 1999. Although the accuracy of the system used was considered to be unquestionable, in that the figures are merely factual, the Council accepted that it would be happy to use the 1998 Joint Housing Land Availability Study (JHLAS). Given the general acceptance of the JHLAS I consider that in the interest of clarity the Council should use these figures, which have been agreed by authorities throughout the Region.

1.6.25 Objection has been made that the ‘supply’ table in the Council’s Appendix 15(Housing Round Table) appears to involve the double counting of those sites up to 10 units with planning permission and I have some sympathy with this view. It is usual practice to make an assessment of existing supply of 10 units or more based on agreed land study information. To this is then added a single allowance for the contribution from small sites based on previous completions. In addition to the allowance for the anticipated completions from small sites the Council also includes 340 small sites with consents. This is clearly a double count of the same sites as they will need consent before they can come through as completions.

1.6.26 In its calculation of land supply the Council has included an allowance of 76 units per annum for future conversions, change of use and windfalls which was derived from the panel’s Report into the South Glamorgan Structure Plan (1996). However the Panel, in accepting such a figure, made it clear that this figure had to be taken as “*subsuming the small sites figures*” and that “*there would be nothing beyond small sites in the Vale*”. It is clear therefore that this category should include small sites and is further indication of the double counting identified above. The contribution of small sites over the first three years of the plan period has totalled 506. However, whilst this equates to 168 per annum it is recognised that the contribution of such sites is likely to be less towards the end of the plan period. I consider the 76 units per annum used by the Council to be a reasonable estimate. Such a conclusion is made taking into account the fact that the 1998 JHLAS made allowance for a contribution of 480 new dwellings over 5 years from small sites (96 per annum). Rather than the average of the 76 and 96 figures as suggested by an objector, a 21% reduction in the 96 per annum figure is entirely reasonable given the Council’s restrictive approach towards the delineation of settlement boundaries and housing development in the countryside.

1.6.27 The Council has accepted that the category “Sites without planning consent or under 10 units within Policy HOUS1” appears confusing and has suggested that it would be better phrased “*Sites which did not have the benefit of planning consent at 1/4/97 which are contained in Policy HOUS1*”. The Council indicates that this is the title given to this particular section in Appendix 4 of the plan and is attached at Appendix 17 of its Housing Round Table proof. However, whilst Appendix 4 refers to all sites, Appendix 17 refers only to sites of over 10 dwellings. In my view, to ensure consistency and avoid additional double counting, small sites of fewer than 10 should not be allocated within the HOUS1 schedule, as these will also be accounted for in the small site allowance.

## Range and Choice

### Issue (x)

1.6.28 The range and choice of housing sites throughout the Borough has to be considered against the overall housing strategy of the plan. This strategy and the housing objectives of the plan are set out in Chapter 4 of the plan where it is indicated that the policies for housing in the Vale have been formulated having regard to present and future requirements. Also taken into account is the scale of development, which has taken place over the past twenty to thirty years, and the need to protect the Vale from inappropriate future development. Consideration of these factors has led the Council to guide new housing development to appropriate locations where environmental impact will be minimised. Consequently the majority of the new dwelling requirement is to be located within and adjoining the existing urban areas of the Waterfront Strip accommodating as much as possible on brownfield sites.

1.6.29 Furthermore, the Council’s strategy of reclamation and redevelopment of existing

vacant land in urban areas is focussed upon the proposed comprehensive redevelopment of sites at Barry Waterfront, Penarth Haven and Rhose Point. However, whilst these sites are considered to provide for new house building throughout the plan period, the Council recognises that some housing allocations will need to be made elsewhere to accommodate demand and to provide for a range and choice.

1.6.30 In the Rural Vale, the larger settlements of Rhose, St Athan, Wenvoe and Ystradowen are settlements identified to accommodate “infilling” and “rounding-off” subject to meeting several criteria. In recent years Cowbridge and Llantwit Major have accommodated a great deal of new housing development and, in view of the existing residential commitments within these towns, it is not intended to allocate any further land for residential use. It is considered that such allocations would adversely affect the setting and character of these settlements. Development in the countryside, i.e. outside the settlement boundaries of the settlements identified in Policies HOUS2 and HOUS8, will not be permitted unless it is essential for: (i) agriculture, forestry, minerals, utilities or infrastructure; (ii) appropriate recreational use; or (iii) the conversion of existing rural buildings under Policy ENV7. I have some reservations about such a restrictive policy which I consider below and within my consideration of the site specific objections made.

1.6.31 Objection is made that the majority of the sites allocated in Policy HOUS1 are located in the coastal strip area, which is peripheral in relation to most of the Vale. It is pointed out, on the basis of the data included in Appendix 4 of the plan, that the identified housing sites provide a potential for 4236 dwellings of which only 342 (i.e. 8.1%) relate to the Rural Vale. This low figure has, however, to be considered not only against the housing strategy in the Rural Vale but against the proportion of population living in the Vale. The Council points out that approximately 70% of the Vale’s population is resident within the urban areas of the Penarth to Rhose Waterfront Strip resulting in only some 30% being resident in the rural Vale. I accept, given this proportion, that the Waterfront Strip cannot be described as being peripheral to the Vale’s population and I also consider that the allocations made are consistent with the strategy set out in the plan. I have, however, concluded above that the allocations made in the plan are based upon a considerable underestimate of the demand and, to a lesser extent, an overestimate of the supply. This has a number of consequences for the housing allocations and policies of the plan.

1.6.32 House-building rates between 1981 to 1998 averaged 506 per annum and have only fallen below 415 per annum twice in the last 20 years and, despite the period of recession in the early 1990’s, the average build rate 1991 to 1998 has been 440 per annum. The Council accepts that the average build rate over the first three years of the plan equates to 439 units per annum and that the achievement of the housing requirement only requires an average of 387. However, although the Council considers that the housing requirement figure is based on the needs of the Vale’s demographic change and not past build rates, I have concluded above that the manner in which the population projections have been averaged significantly underestimates the housing requirement.

1.6.33 This leads me to conclude that the higher build rate is the more likely. If the land is developed at this expected higher rate, only six sites will remain after 2002, resulting in limited choice/availability due to the allocated sites being developed ahead of the projected demand. Nothing would remain by way of small/medium size sites and as such, if further development sites did not come forward, the 5-year supply would not be able to be met. This adds weight to my conclusion above and indicates to me that after 2002 there would be only limited choice and availability of sites and little would remain by way of small/medium sized sites.

1.6.34 As a consequence of this and the fact that 50% of all allocated land is represented by only four sites, I consider that the range and choice of sites likely to be available towards the end of the plan period will be limited. The rectification of this situation is a matter to which I give further attention in my consideration of the objections made to the housing policies and the site-specific matters related to the flexibility of identified settlement boundaries throughout the Vale. Broadly, however, in relation to settlement boundaries, I have concluded, supported by many objections throughout the inquiry, that these have been defined restrictively and in my view the Council has produced little evidence to contradict such objections. The fact that the Council considers these to be

logical boundaries depends on the underlying reasoning and criteria used in their definition. Although the Council considers that Policies HOUS2 and HOUS8 in conjunction with the allocations under HOUS1 will provide sufficient and sustainable land within the Rural Vale no significant evidence is produced which indicates to me that this will be the case. Such reasoning and criteria are not set out in the plan.

1.6.35 In that the area outside the coastal belt is not considered to be a growth area neither is it, other than the Heritage Coast, an area of national policy restraint. The Council points to the fact that studies to determine affordable housing need, including mixed housing types, are possible throughout the Rural Vale. Consequently, if such need is shown, it is considered that the plan enjoys enough flexibility through its affordable housing policies to accommodate it. Further flexibility is considered to exist in terms of conversions and exceptions. Notwithstanding the Council's view I do not consider that the Council has sufficiently identified the extent to which the areas enclosed by the proposed settlement boundaries would provide an adequate number of "*infill*" and "*rounding-off*" sites to cater for the modest amount of development suggested for the Rural Vale.

1.6.36 Moreover, I am mindful that there should be sufficient opportunity for the rural Vale to sustain its own natural growth whereby too restrictive an approach to the definition of settlement boundaries can only frustrate such an aim. Such a situation is also likely to lead to uncertainty and to planning by exception, which should be avoided in the development plan process. However, although objection has been made that all reference to settlement boundaries should be removed from the plan, I consider them to be a useful planning tool if the control of unwarranted development in the countryside is to be managed effectively. Such boundaries, however, can only be effective if they are seen to be compatible with the overall objectives of the plan for development in the countryside and the details of the policies concerned with the '*infill and rounding-off*' of settlements. I deal with these related matters in relation to the objections made to the related ENV and HOUS policies.

1.6.37 Objection is made that there is no justification for the 2ha threshold figure set out in Policy 3(v). The Council indicates that this figure originally derives from the SGSP First Alteration and its explanatory memorandum and was carried forward to the Replacement SP with the support of the Panel. Whilst this figure has been carried forward to the plan without written justification it is considered by the Council that the figure is '*tried and tested*' and therefore acceptable. No reasoning is set out in the plan for such a figure and I am of the view that the consideration of whether or not a site is acceptable is dependent only upon the assessment of it against the policies of the plan. I do not accept therefore that there is any need for such an arbitrary size constraint to be included in Policy 3.

## Maintenance, Rehabilitation and Improvement

### Issue (xi)

1.6.38 Measures involving maintenance, rehabilitation and improvement of the existing stock referred to in Policy 3(vi) can contribute to the dwelling requirement through the reduction of the vacancy rate. Whilst I have concluded above that there are no policies in the plan that actively steer development to such an end, I consider that it is still appropriate that mention should be made in Policy 3(vi) of the effect that such measures could have in relation to housing supply. I have also concluded that mention should be made in the plan of the need to monitor and review vacancies. The Council indicates that as part of such monitoring, consultation between all Council Departments would normally take place and, therefore, consideration would automatically be given to the Housing Strategy Operational Plan.

## Policy HOUS 1 Sites

### Issue (xii)

1.6.39 The Council expects that all of the sites allocated within Policy HOUS 1 are likely to be developed within the plan period although no justification for this view is incorporated within the plan. Several objectors were of the view that the development of the larger allocated sites may run beyond the plan period especially where they are not under the direct control of house builders. It was also indicated that there could be a failure of some sites being brought forward due to infrastructure constraints and that there could also be changes in site numbers at the detailed stage. Should such a situation materialize, given the high annual building rate envisaged, this would plainly affect the availability of land in the first half of the plan period.

1.6.40 Consequently, notwithstanding the fact that a large number of HOUS1 sites have the benefit of planning permission, I consider that there is a measure of uncertainty in the implementation of the allocations that needs to be recognised in the housing requirement. Although I have some sympathy with the view expressed by an objector that more attention should have been paid to capacity studies of settlements, the Council has not undertaken this approach. Whilst I am satisfied that such studies will need to be undertaken in association with the determination of affordable housing need throughout the Vale, it is clear to me that such an approach cannot be entertained now without unjustified delay.

## Contingency

### Issue (xiii)

1.6.41 I have concluded above that there is insufficient flexibility built into the housing requirement figures to ensure that the supply of housing land is not exhausted before the end of the plan period. I have also concluded that the range and choice of sites is likely to be limited especially towards the latter periods of the plan. Given these conclusions, I consider that some measure of flexibility should be built into the housing requirement that cannot be provided by increasing densities alone.

1.6.42 Several objectors suggest that as formal flexibility allowances of 10% have often been used elsewhere in other plans it should be applied in this case. Another suggestion made is that a contingency site should be identified only as part of the ongoing monitoring of the plan. Whilst I accept that the latter view may have merit in terms of the “*monitor and manage*” approach, given the problems associated with formal statutory reviews of development plans, I consider such an approach would lead to unacceptable uncertainty and is unworkable at the moment. Consequently I consider that a 10% contingency figure should be incorporated into the housing requirement. Such an allowance reduces the need for contingency sites and if the extra allowance is not taken up, then there is no compromise to the regeneration strategy.

## Summary - Housing Supply

1.6.43 I have concluded that the Council’s housing supply calculations have involved a measure of double counting with regard to the small sites. Consequently some 340 of the sites of under 10 units with planning permission and some 12 units in respect of the Policy HOUS1 sites without planning permission should be deducted from the Council’s 1998 supply calculations. In that I have also concluded that there is uncertainty concerning the implementation of all of the allocated HOUS1 sites and that the range and choice of sites after 2002 will be limited, I consider that a contingency allowance of 10% should be built into the housing requirement figure.

## The Housing Requirement

1.6.44 Taking into account my conclusions above, the adoption of the Projection 1 population projections would produce a 1991-2011 dwelling requirement of 8612 which, when taking into account housing completions 1991-1998 of 3086, would result in a residual demand of 5526. Adding to this figure the 10% contingency allowance I consider that demand for the period 1998-2011 would be 6079.

1.6.45 Regarding housing supply, and taking into account the double counting I have identified, there were at 1/4/98 some 3878 housing units with planning consent on sites of over 10 units. Some 109 units are estimated to be able to be provided on sites of over 10 units on Policy HOUS1 sites without planning consent and some 988 sites are estimated to come forward from conversions, change of use and windfalls. This represents a total supply as at 1/4/98 of some 4975 housing units.

1.6.46 I conclude therefore that the Council should make provision for the allocation of a further 1104 dwelling units under Policy HOUS1 over and above the allocations made in the Deposit Plan and that provision is made in total for about an additional 6079 dwellings between 1998 - 2011.

1.6.47 From consideration of the Policy HOUS1 Sites (See Section 4.2) I have determined that the Policy HOUS1(1) site at Barry Waterfront should be able to accommodate about an additional 100 dwellings and that under Policy HOUS1(20) the site at White Farm about another 150 dwellings. I have however concluded that the 45 dwellings on the Policy HOUS1(17) site at St Athan should be deleted. This results in an additional 185 housing sites leaving a further 919 sites to be allocated within the plan.

1.6.48 I have also concluded that further allocations should be made in response to site specific objections at Barry (C2.5 and C2.6), Rhoose (C19.3), Llandough Fields (C13.4) and Cowbridge (C7.1 and C7.4). Such allocations would broadly satisfy the housing requirement and provide sufficient contingency, flexibility and range of choice within the plan period. It is, however, for the Council to consider whether alternative sites not considered within my report are more suitable.

## RECOMMENDATIONS:

**I recommend that the plan be modified by:**

**REC.1.7 the inclusion, within the Strategy Section of the Introduction to the plan, of further explanation of the strategic context within which the plan is set beyond that proposed in PCA004;**

**REC.1.8 the amendment of Policy 3:**

**(a) to indicate that “land will be made available for an additional 6079 dwellings between 1998 - 2011”;**

**(b) to delete the words “*not exceeding 2 hectares*” from 3(v);**

**REC.1.9 the inclusion within the reasoned justification for Policy 3 of an explanation of the derivation of the housing requirement;**

**REC.1.10 the inclusion within the housing objectives at Para.4.3.1 of a new objective: “to encourage higher densities wherever such development is practical and in scale and keeping with its surroundings.”.**

## CHAPTER 2

### STRATEGIC POLICIES AND THEIR JUSTIFICATION

**Explanatory Note:** Within this chapter I deal with the objections made to Part 1 Strategic Policies and their justification which is set out in Part II of the plan.

#### 2.1 Environment - Policy 1

*Supporting Representations*

173.1	Campaign for Protection of Rural Wales	{Support for Green Belt Policy}
237.3	Countryside Council for Wales	{Support for protection and enhancement of rural vale.}

*Maintained Objections*

359.3	Friends of the Earth Cymru	{Protection of undeveloped land.}
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#### ISSUE

2.1.1 Whether Policy 1 should be amended to delete reference to the land classification system.

#### CONCLUSIONS:

2.1.2 PGW Para.5.2.1 indicates the classification of land that constitutes the best and most versatile agricultural land, which should be protected as a national resource. Policy 1, whilst including reference to the best and most versatile land, also sets out a number of other conservation factors which may well include the conservation of undeveloped and poorer marginal land that is more important in terms of biodiversity or landscape importance. Consequently I consider that there would be no significant advantages in deleting reference to the land classification system from the policy. To delete such a reference would be contrary to Government guidance.

#### RECOMMENDATION:

**REC.2.1 I recommend that no modification be made to the plan.**

## 2.2 Environment - Policy 2

Supporting Representations		
242.2	Thomas, R. & Mooney, R., Messrs	Redevelopment of derelict land sites
Conditionally Withdrawn Objections		
237.4	Countryside Council for Wales	
Maintained Objections		
376.10	Friends of the Earth Barry	
359.2	Friends of the Earth Cymru	{Sustainable development.}
359.48	Friends of the Earth Cymru	{Plan appraisal}
359.26	Friends of the Earth Cymru	{Sustainability/development control}
359.27	Friends of the Earth Cymru	{Environmental Capacity}
359.53	Friends of the Earth Cymru	{Monitoring}
360.9	Friends of the Earth (Penarth Area)	{Sustainable Development}
226.10A&B	Penarth Section Cardiff Cycling Campaign	{Sustainable development.}

### ISSUE

#### 2.2.1 Whether:

- (i) the approach taken in the plan towards the principle of sustainable development is too superficial;
- (ii) the approach taken in the plan towards the appraisal of sustainability matters is appropriate;
- (iii) sufficient attention is given in the plan to the monitoring process;
- (iv) criterion (iv) of Policy 02 as proposed by PCB002 should be amended to interpret design in its widest sense.

### CONCLUSIONS:

#### Issue (i)

2.2.2 PGW, at para.3.1.1, sets out a basic principle for the planning system which indicates that: ‘The planning system regulates the development and use of land in the public interest. It should reconcile the needs of development and conservation and secure economy, efficiency and amenity in the use of land, and protect natural resources thereby contributing to sustainable development.’ Para.3.2.1 sets out the Government’s vision of sustainable development based on 4 broad objectives. Para.3.2.1 defines the key role of the planning system as: ‘to provide homes, investment and jobs in a way which is consistent with the principle of sustainable development. Development plans should be consistent with this principle’.

2.2.3 The plan embraces, at Paras.1.7.1 and 1.7.2, guiding principles which set out social, economic and environmental objectives to promote sustainable development and are broadly consistent with the five primary goals illustrating the broad meanings of the “*Brunland*” definition. These principles are sufficient to indicate to me that the plan has been considered from the outset in a manner consistent with the principles of sustainability. Such principles are in my view totally consistent with the main aims of “*A better quality of life*” Cm4345. Notwithstanding my recommendation above, that the strategy section of the plan (Section 1.8) should be expanded to give further explanation of the strategic context of the plan, this section sets out a strategy which I consider is generally consistent with the guiding principles of sustainability as set in the plan.

2.2.4 PGW makes it clear that the development plan cannot include non-land use related matters or those covered by other legislation. Whilst the plan can make a contribution to sustainable development it is not, and cannot be, a sustainability document. The Council has indicated that it is to prepare SPG on Sustainable Development and I consider that such an approach is necessary to show how such broad considerations are built into the monitoring of the plan. Consequently I consider that further explanation of how the Council intends to approach the appraisal and monitoring

of sustainability matters should be incorporated into this section of the plan.

2.2.5 The objections made, concerning the approach taken by the plan towards sustainability, are in my view based on a fundamental misconception that the plan can do more than reconcile the conflicting demands of development and conservation as expressed in para.3.1.1 of PGW. Such fundamental misconception invalidates much of the detail put forward by an objector in proposing the adoption of an approach to defining and delivering sustainability. Having regard to the above, I conclude that the plan which represents the land use policy framework for the Vale of Glamorgan for the period to 2011, makes an appropriate contribution to sustainable change.

2.2.6 In reaching this conclusion I have had regard to six new policies put forward to define sustainable development (Ref. Objection 359.2). These, whilst they may be more applicable to the conceptual approach put forward by the objector towards sustainability, are not appropriate for inclusion within a development plan. Policy A is unnecessary as it only consists of a set of principles that underlie the policies already embraced in Strategic Policy 2. Policy B denies the approach taken towards the land use allocations, many of which are committed. Furthermore many of the policies included in the plan are of a protective and controlling nature, which by implication will introduce environmental capacity considerations. Policy C would not provide sufficient certainty and lacks clarity. Policy D lacks clarity and the main thrust of the suggested policy is already covered by Policy ENV27. Policy E restates the commitment already given in the plan (Para.1.5.5) to the preparation of a monitoring framework, and is an intention rather than a policy. Policy F is a broad statement of intent rather than a policy and a development plan cannot commit to introducing new policy areas at will. The objector also suggests that the plan should clarify the status and meaning of Sections 54A and 70(2) of the Town and Country Planning Act 1990 (as amended). Such clarification of planning law and its status is unnecessary within a development plan.

2.2.7 Objection is made that a specific policy should be introduced into the plan that allows the overriding application of ‘*precautionary refusal*’, or the application of ‘*precautionary conditions*’ on planning permissions where it appears to be warranted. Although the objector has suggested wording for such a policy, I consider that the Council’s amended policy ENV27 is consistent with the precautionary principle and is considerably less vague than that suggested by the objector. The suggested policy involving ‘*public concern*’ is unnecessary, as any representation made by the public is a material consideration in the determination of a planning application. Objection is also made that the plan should introduce a set of detailed development control criteria. The Council considers such a suggestion laudable and some of the suggestions made have been incorporated into proposed changes associated with Policy ENV25 and I deal with this in more detail under that policy. In general however, the degree of detail suggested by the objector is more appropriate for consideration in the proposed SPG on sustainability. Objections made to the application of sustainability principles as they affect other policies of the plan these are dealt with under the specific policy headings.

2.2.8 Having regard to the above, I consider that the Council’s general approach in the plan towards the principle of sustainable development is both adequate and consistent with Government advice as set out in PGW.

## Issue (ii)

2.2.9 The Council commissioned independent consultants (Baker Associates- co-authors of the *Good Practice Guide*, DOE 1993) to carry out an objective and thorough appraisal of the UDP. The appraisal at para.1.9 makes clear that: “*Environmental Appraisal contributes to the examination of a plan as a tool of sustainable development but it stops short of sustainability appraisal because it not overtly intended to examine the integration of economic and social issues which must be part of achieving sustainable development*”. The appraisal concludes that: “*The strongest parts of the plan are the identification and promotion of a strategy which embraces much of what is commonly held to be good practice on contributing to sustainable development, and the subsequent high level of conformity with the strategy in other parts of the plan.*”. I am in agreement with the Council that the appraisal process which has been used is not only consistent with para.11 of PGW but is a comprehensive and well structured document which has been used by the Council to shape emerging policy. The objectors’ criticisms of the process used, and suggested use of Strategic Environmental

Assessment (SEA), again illustrates the fundamental misconception that the plan can do more than reconcile the conflicting demands of development and conservation. I am, therefore, satisfied that the approach taken in the plan towards the appraisal of sustainability matters is appropriate.

**Issue (iii)**

2.2.10 It is accepted by the Council that the plan should have a clear monitoring framework and such a commitment is set out in Para.1.5.5. Although the objector points to the DETR paper “*Monitoring Progress*” the indicators set out in this paper are very wide ranging and many cannot be influenced by land use planning. Moreover the performance indicators themselves are still being tested and the Council has indicated that such research will be useful to it in establishing the framework to assess changes to the plan. I have however already concluded above that further explanation of how the Council intends to approach the monitoring of sustainability matters should be incorporated into the plan.

**Issue (iv)**

2.2.11 Policy 2, as proposed to be changed, sets down four criteria which embrace protection and improvement of the environment together with the prudent use of resources. The objector has suggested re-wording of criterion (iv) i.e. “*...environment in the wide sense through high standards of design for energy economy, water economy/reuse, waste minimization and recycling, reclaimed materials in construction and reclamation of brownfield land*”. In my view, however, all the elements which make up the proposed rewording are included within the other criteria of the policy and would add nothing significant to the scope and interpretation of the policy.

**RECOMMENDATIONS:**

**I recommend that the plan be modified by:**

**REC.2.1 the inclusion of PCB002;**

**REC.2.2 the addition to Section 2.1 of an explanation of how the Council intends to approach the appraisal and monitoring of sustainability matters.**

## 2.3 Environment Policies 1 and 2 - Justification

**Explanatory Note:** Para.2.1.4 is proposed to be changed by the Council under PCC001. This proposed change adequately covers the omission set out in objection 237.8.

### Para 2.1.1

#### *Maintained Objections*

238.1	Country Landowners Association	{Paragraph 2.1.1 - wording.}
249.4	House Builders Federation	{Relocation of Justification for Part 1 Policies}

### Para 2.1.4- PCC001

#### *Conditionally Withdrawn Objections*

237.8	Countryside Council for Wales
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## ISSUES

### 2.3.1 Whether:

- (i) a new strategic policy should be included to achieve integration across all areas of policy for the rural areas;
- (ii) the “*justification for Part I policies*” currently in Part II of the plan should be relocated to Part I

## CONCLUSIONS:

### Issue (i)

2.3.2 Whilst agreeing in principle with the contents of Para.2.1.1 the objector considers that the use of the word “*environmental*” places an emphasis on the protection of the countryside at the expense of economic and social activity. A new policy is suggested which is considered to be necessary to achieve sustainable development through the integration of all areas of policy for the rural areas.

2.3.3 However, as all of the areas raised in the suggested new “*Strategic Policy*” are covered elsewhere in the plan, such a policy, which in essence is of an administrative nature, would be unnecessary duplication.

### Issue (ii)

2.3.4 Para.18 PGW indicates that Part II should consist of: “ ... *c. a reasoned justification of the general policies in Part I and of the policies and proposals in Part II...*”

## RECOMMENDATION:

**I recommend that the plan be modified by:**

**REC.2.3 by the addition of PCC001.**

## **2.4 Policy 3 - Housing and its Justification**

**Explanatory Note:** Objections made to Policy 3 and Section 2.2 are considered in Chapter 1 under the Section concerned with “The Strategy” within the Introduction.

## 2.5 Policies 4, 5 and 6 -Economic Development and Tourism

**Explanatory Note:** PCC003 adds clarification to the word “*strategic*” in Para.2.3.3 and satisfies objections 237.5 and 237.9, which were Withdrawn Conditionally. PCB005 is proposed to be changed to recognise the contribution likely to be made from sites not specifically allocated in the plan. This satisfies objection 267.1, which was Withdrawn Conditionally.

### Policies 4 and 5

Conditionally Withdrawn Objections Policy 05  
267.1 ABP - Grosvenor Waterside Developments Ltd {Busns.& industrial land uses Barry Wtfront}

#### *Conditionally Withdrawn Objections Para.2.3.3/PCC003*

237.5 Countryside Council for Wales  
237.9 Countryside Council for Wales

#### *Maintained Objections*

173.3 Campaign for Protection of Rural Wales  
232.15 Land Division, Welsh Development Agency  
359.5 Friends of the Earth Cymru {Allocation of land for employment}  
359.6 Friends of the Earth Cymru {Provision of larger sites for inward investment.}  
356.29 Harmer Partnership {Protection of business/industrial sites from alternative.}

### Policy 6 - Economic Development and Tourism

#### *Supporting Representations*

178.1 Welsh Tourist Board {Support for tourism developments}

#### *Maintained Objections*

359.7 Friends of the Earth Cymru {Sustainable tourism strategy.}

## ISSUE

### 2.5.1 Whether:

- (i) the manner in which the plan estimates and allocates employment land compromises sustainability;
- (ii) (a) the logic of Policy 4 should be better expressed as an aim to make available land; and (b) that the text in Part II of the plan be amended to take account of employment opportunities with adjoining authorities;
- (iii) the following addition be made to Policy 4: “This land will be provided by the redevelopment of suitable sites and the use of “brownfield sites”;
- (iv) Policy 5 should be amended by the replacement of the words “*identified in*” with “*provided for*”; to delete “*and will be protected from alternative uses*”; and to add a new criterion: “(vii) *not to be released for alternative uses if this would harm the range and choice and quality of business and industrial sites*”;
- (v) Policy 6 should be deleted and a new policy on sustainable tourism included which should reflect local capacity constraints.

## CONCLUSIONS:

### Issue (i)

2.5.2 The Council recognises that there is no precise estimation method of the job requirement and has adopted an approach towards employment allocations which attempts to ameliorate the problems of out-migration and the resultant environmental and financial costs by allocating land for the employment needs of the indigenous population. I have considered previously in my conclusions on the Strategy its relationship to the wider sub-regional relationships that exist in the Vale. I have concluded that PCA004 does not adequately represent Government Guidance and that the Strategy Section of the Introduction to the plan should include further explanation of the strategic context within which the plan is set.

2.5.3 Notwithstanding this deficiency, the plan follows the advice contained in PGW in setting out

to provide and protect land for employment and tourism related development. It provides for a range and choice of sites the majority of which, contrary to the objectors' contention, are not suitable for large-scale development. Most of the employment sites in the plan are located within or adjacent to built up areas, providing for relatively easy access by public transport and/or cycling. A number of such sites are brownfield sites or represent extensions to existing employment areas. Such locations are entirely consistent with guidance given in PGW. The two largest employment sites included in the plan are at Miskin and Cardiff International Airport and contribute to the range and choice of sites available.

2.5.4 The plan does not, in my view, place too great an emphasis on large companies or warehousing development and its policies provide guidance for the consideration of planning applications for employment related development which embrace such sustainability issues as locational criteria and environmental protection. Whilst the objector suggests that the plan should move beyond a simple interpretation of the approach suggested in PGW, it is also accepted that the plan clearly follows the conventional approach stressed within such guidance. To move beyond such an approach, which I consider to be compatible with the main aims incorporated in "*A better quality of life*" Cm4345, is not necessary and again illustrates the objectors' misconceived view of the function of the plan. Consequently I conclude that Policy 4 does not compromise sustainability and is consistent with Government Guidance as expressed in PGW.

#### **Issue (ii)**

2.5.5 It is necessary to make estimates of the total amount of land to be allocated in the plan in order to ensure that a wide range and choice of sites is available for both the expansion of indigenous industry and for the attraction of possible inward investment. To express Policy 4 as an aim would lead to uncertainty and lack of clarity. I have considered relationships with adjacent authorities in my consideration of "*The Strategy*" within Chapter 1.

#### **Issue (iii)**

2.5.6 I have concluded above, for the reasons set out, that Policy 4 does not compromise sustainability. Consequently, I am satisfied that the amendment suggested by the objector is not only unnecessary but would prevent the development of non-brownfield sites which may be strategically important to the Vale of Glamorgan and South East Wales thereby reducing the range and choice of sites available for differing purposes.

#### **Issue (iv)**

2.5.7 The words "*identified in*" make it clear that any proposal must comply with that proposed use of the site as stated in the plan. The deletion of the reference to protection of the site would be inconsistent with the need, as expressed in para.10.1.8 of PGW, to protect sites proposed for industrial development from housing or retail development. Reference to range and choice is also referred to in Policies EMP1 and EMP2 and, as such, I consider that the suggested additional criterion is neither necessary nor appropriate.

#### **Issue (v)**

2.5.8 I share the objector's concern that the employment benefits of the tourism sector need to be balanced with protecting the local environment and safeguarding the needs of local communities. However the importance of ensuring that tourism developments are based on sustainable considerations is emphasized in various paragraphs of the plan, notably at Para.5.1.16. Para.5.1.16 is, in my view, consistent with the advice given in Para.12.1.1 of PGW which, whilst encouraging tourism, promotes the need to safeguard the environment and the interests of local communities.

2.5.9 In seeking to balance economic and environmental considerations, Policy 6 clearly indicates that proposals having a high impact on the environment would be unlikely to be regarded as sustainable. Moreover, I consider that Policies TOUR1, TOUR 2, TOUR3, TOUR4 and TOUR5 all reflect a sustainable approach and set out detailed criteria by which tourism-related developments would be assessed. The detailed criteria within these policies make unnecessary the need for a

separate “*code of practice*” as suggested by the objector or the need for environmental capacity to be defined within the policy. The environmental capacity of the location of any proposal will need to be assessed if the criteria of the policy are to be complied with.

**RECOMMENDATION:**

**I recommend that the plan be modified by:**

**REC.2.4      the acceptance of PCC003 and PCB005.**

## 2.6 Policy 7 - Improvements to Transportation Network

### *Maintained Objections*

226.1	{Penarth Section Cardiff Cycling Campaign}
232.14	{Land Division, Welsh Development Agency}

## ISSUES

### 2.6.1 Whether:

- (i) the proposed strategic highway schemes are consistent with national policies and the South Glamorgan Structure Plan and contradict the UDP policies to encourage cycling, the improvement of air quality, and sustainable development;
- (ii) the policy should clearly state the aims of the plan regarding transportation.

## CONCLUSIONS:

### Issue (i)

2.6.2 Improvements to the transportation network announced in Policy 7 include provision for a range of modes of travel, both private and public, motorised and non-motorised. They focus on routes which serve the main population concentration in the Borough and include schemes to encourage cycle and pedestrian movement which are followed up in greater detail in Part 2 of the Plan. Notwithstanding comments on comparisons with other draft plans, which I note have not been adopted, the objector's only firm request is that 'Strategic Highway and' be deleted from the Policy. I do not support the Council's Member/Officer Group's decision to propose that deletion in that highway improvements of strategic importance are required.

### Issue (ii)

2.6.3 The question is whether the Policy should clarify the Council's outlook on transport or merely serve as an index to the Part 2 policies. I sympathise with the objector's advocacy of a policy expressed in terms spelling out the social objectives and cross-border and regional strategies underlying the transport proposals and seeking contributions from developers for transport improvements. However, such an approach is not required by national guidance and I am satisfied that the Policy serves as an adequate link between the overall provisions for housing, employment and other main land-using activities cited in the Part 1 Policies.

## RECOMMENDATIONS

**REC.2.5 I recommend that no modification be made to the plan.**

## 2.7 Policies 9 and 10 – Retailing

**Explanatory Note:** Harmer Partnership’s objection to Policies 9 and 10 are identical. The objection by Marks & Spencer plc to Policy 10 is Conditionally Withdrawn subject to the adoption of PCB011. I agree with that change which eliminates a potentially contentious word.

### Policy 9

*Maintained objection*

356.30	Harmer Partnership	{New shopping facilities in existing town centres.}
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### Policy 10

*Conditionally withdrawn objection*

276.1	Marks & Spencer Plc	{Objection to ‘highly’ in Policy 10.}
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*Maintained objections*

267.2	Associated British Ports	{Classification of Barry Waterfront as a retail location}
356.31	Harmer Partnership	{New shopping facilities in existing town centres.}
359.9	Friends of the Earth Cymru	{Out of centre retail sites.}

## ISSUES

### 2.7.1 Whether:

- (i) the Policies should recognise ‘planned’ as well as existing shopping town, district and village shopping facilities;
- (ii) Policy 10 should require the provision of shops to be focussed on urban centres;
- (iii) the treatment of Barry Waterfront in respect of the Policies requires clarification.

## CONCLUSIONS:

### Issue (i)

2.7.2 Policies 9 and 10 are firmly and appropriately rooted in the national policy to protect the vitality and viability of the existing town and district centres identified in paragraph 2.5.4 of the Plan. The Plan adds an additional criterion of attractiveness and introduces measures of environmental quality and the perception of safety assessed by the occurrence of crime. The sequential test is to be applied to new shopping development, with existing town and district centre sites as the most preferred and out of town sites as the least preferred. However, since no new town or district centres are proposed in the Plan, nor have any been proposed by way of objection, I consider the Policies provide an adequate framework for the consideration of proposals for retail development.

### Issue (ii)

2.7.3 In my view Policy 10 clearly indicates the preference for siting new retail development in existing town, district or village shopping centres. Contrary to the objector’s claim that the change in emphasis sought would remove the need to consider out-of-centre sites it seems to me that would not inhibit the coming forward of such proposals. I consider Policy 10 rightly includes the criteria for the consideration of out-of-centre locations, consistently with the national advice on the sequential approach to retail development. It necessarily provides guidance on how to test any proposals which might arise in a way enabling the Council to secure the protection of existing facilities consistently with the identical goals of both the Plan and the objector.

**Issue (iii)**

2.7.4 I share the objector's uncertainty regarding the status of Barry Waterfront. The Council states that it regards it as an edge-of-centre site. However, to my mind that is inconsistent with the specific references to the location in Policies SHOP 2, SHOP3, and SHOP 4 and its acknowledged role, unique in the UDP, as complementary to the existing town centre. I consider that wording distinctly indicates a complementary rather than competitive role which is attested by the changes which I support in the text of paragraphs 7.1.12 and 7.4.16. For the sake of consistency I therefore support the objector's proposal to insert reference to Barry Waterfront in Policy 10. I refer in Chapter 7 to the objector's proposal of less restrictive wording of paragraphs 7.1.12 and 7.4.16 consequent on the grant of outline planning permission for a foodstore in November 1999.

**RECOMMENDATIONS:**

**I recommend that the plan be modified by:**

**REC.2.6 the inclusion of PCB011;**

**REC.2.7 the insertion in Policy 10 of 'including the Waterfront, Barry,' after 'existing town and district centres'.**

## 2.8 Policy 11 Sport and Recreational Facilities

### *Supporting Representations*

237.6 Countryside Council for Wales

### *Maintained Objections*

359.10 Friends of the Earth Cymru (Need for recreation sites.)

## ISSUE

2.8.1 Whether ‘*demand*’ should be replaced by ‘*need*’ in criterion (i).

## CONCLUSIONS:

2.8.2 PCB012 proposes the change which the objector seeks on the ground of sustainability. I concur with the proposed change.

## RECOMMENDATION:

**REC.2.8 I recommend that the plan be modified by PCB012.**

## 2.9 Policy 14 - Community and Utility Services

### *Maintained Objections*

241.1	Swalec	{Wording of supporting text.}
359.13	Friends of the Earth Cymru	{Wording of Policy 14.}

### *Maintained Objections to Para.2.9.2 and PCC004*

50.1	British Telecommunications Plc.	{Objection to the requirement for underground cables}
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## ISSUES

### 2.9.1 Whether:

- (i) the reference in paragraph 2.9.2 to underground cables in areas designated for their landscape/townscape importance should be deleted;
- (ii) the Policy should incorporate wording alternative to ‘permitted’.

## CONCLUSIONS:

### Issue (i)

2.9.2 So far as concerns development by utility services PCC004 announces the intention to achieve a balance between their interests on the one hand and the environmental objectives of the Plan on the other. A requirement to place cables underground in areas designated for their landscape/townscape importance is cited as an example of the minimisation of environmental effects. Contrary to the inference drawn by statutory undertakers in their objections I do not interpret the reference as establishing an invariable mandatory requirement but rather as a form of development to be sought where possible. I acknowledge that undergrounding is subject to a substantial initial cost differential, such cables are more susceptible to damage, their cost of repair is higher, both financially and in terms of the installation time required, they disturb a greater surface area, and require conspicuous apparatus at points where lines go underground. Nevertheless, in my view the policy and proposed revision to paragraph 2.9.2 accord with the balance of interests set out in national guidance and I find no justification to change it further.

### Issue (ii)

2.9.3 The use of ‘*permitted*’ in the wording of policies accords with the national advice that policies be expressed in positive terms and be as precise as possible. The suggestion that ‘*subject to other policies in the Plan*’ be inserted is superfluous as all proposals fall to be considered in relation to whatever policies are relevant.

## RECOMMENDATION:

**REC.2.9 I recommend that no modification be made to the plan.**

## CHAPTER 3 - ENVIRONMENT

### 3.1 Omissions and General Considerations

**Explanatory Note:** PCD001 updates the Para.3.1.4 and satisfies objection 237.10 which is Conditionally Withdrawn. PCD029 and PCD033 propose the inclusion of a new Policy and reasoned justification concerning protected species as requested under objection 237.38. Further amendment is suggested by the objector concerning: (i) objection 237.38 involving the replacement of the word “relocation” by “mitigation” and (ii) objection 237.75 to include reference in the policy to planning conditions and obligations. The Council does not oppose such changes and the objector has Conditionally Withdrawn the objections subject to such changes being made at the modification stage. However, in that objection 237.75 is a duly made objection to PCD029, I deal with the matter below. PCD036 adds further clarity to the reasoned justification and adequately covers objection 244.1. PCD030 and PCD032 also add clarity to the plan but are not subject of objection.

Objections concerning the omission of a policy on Green Belt are dealt with under Policy ENV3 as are objections made to the omission of a policy on Special Landscape Areas. Objections concerning the omission of general policies on Sustainability are dealt with under Strategic Policy 2. Objections concerning the omission of policies on noise and light pollution are dealt with under Policy ENV27 and those concerning the omission of performance indicators and targets under Policy ENV25.

#### *Supporting Representations*

238.2	Country Landowners Association	{Sustainable development.}
238.3	Country Landowners Association	{Support for paragraph 3.1.2}

#### *Conditionally Withdrawn Objections*

237.10	Countryside Council for Wales	
237.75	Countryside Council for Wales	{Welcome new policy on protected species but wish to see addition}
237.38	Countryside Council for Wales	{Omission of policy relating to protected species}
244.11	Welsh Office	{Conservation areas and review of boundaries.}

#### *Maintained Objections*

1.1	Thomson, Mr John D.	{Omission of policy on atomic/biological/chemical threat}
37.1	Millar, Mr Luke	{Production of SPG for Cowbridge and Llanblethian}
40.1	Allin, R.D.	{Cowbridge and Llanblethian conservation area}
176.1	Cobourne, D V	{Old Grammar School Cowbridge}
226.10A	Penarth Section Cardiff Cycling Campaign	{Chapter fails to emphasise sustainability}
237.23	Countryside Council for Wales	
238.4	Country Landowners Association	{Paragraph 3.1.3 - wording.}

### ISSUES:

#### 3.1.1 Whether:

- (i) the plan should include a clear statement of intent regarding Council owned property;
- (ii) the new policy proposed under PCD029 should be expanded to include reference to planning conditions and obligations;
- (iii) the plan should include a policy on atomic/biological/chemical threat;
- (iv) more emphasis should be given to sustainability in the Environment chapter.
- (v) Para.3.1.3 should be amended to include reference to the changes that will occur as a result of Common Agricultural Policy reform.

## **CONCLUSIONS:**

### **Issue (i)**

3.1.2 Objectors point to the re-use of the Old Grammar School and the lack of SPG for the Cowbridge and Llanblethian Conservation Area as being examples of the need for a statement to be included in the plan concerning Council owned property. The Council owns a range of land and property and it is unnecessary for specific statements to be made within the plan concerning such specific property holdings. Any development proposals for such properties are covered by all the policies of the plan. Para.3.4.73 of the plan indicates that the required SPG is to be prepared and is not a matter for my further consideration.

### **Issue (ii)**

3.1.3 It is inappropriate to refer to conditions and planning obligations within the new policy in that these are administrative matters. Consequently I do not agree with the Council's indicated acceptance of the objectors suggested addition of a second part to the new policy put forward under PCD029. Such matters should be restricted to the reasoned justification of the Policy and PCD031 adequately deals with this matter.

### **Issue (iii)**

3.1.4 The inclusion of such a policy within a land use plan is inappropriate.

### **Issue (iv)**

3.1.5 The emphasis given to sustainability in the plan is considered under Strategic Policy 2. The policies in the Environmental Chapter seek to protect environmental capital or to minimize adverse impacts. Sustainability is therefore implicitly taken into account in this Chapter.

### **Issue (v)**

3.1.6 The general introduction to the Environment Chapter discusses the pressures on rural areas as a whole and refers to sustaining the agricultural base. It is not necessary to add more detail.

## **RECOMMENDATIONS:**

**I recommend that the plan be modified by:**

**REC.3.1 the inclusion of PCD001.**

**REC.3.2 the acceptance of PCD029 subject to the replacement of the word "relocation" by the word "mitigation";**

**REC.3.3 the inclusion of PCD030, PCD031, PCD032 and PCD033.**

## 3.2 - Objectives

**Explanatory Note:** The objector agrees in principle with the objectives and the objection made is more a comment which was Conditionally Withdrawn. Para.5.1.10 of the plan illustrates the Council's agreement with the objector.

*Supporting Representations*

237.11 Countryside Council for Wales

*Conditionally Withdrawn Objections*

238.5 Country Landowners Association

{Promotion and maintenance of healthy rural economy needs.}

## RECOMMENDATION:

**REC.3.4 I recommend that no modification be made to the plan.**

### 3.3 Policy ENV1 Development in the Countryside (including HOUS2, HOUS3, HOUS8 and HOUS9)

**Explanatory Note:** A substantial number of objections to Policy ENV1 are also associated with objections made to site specific matters concerning the definition of settlement boundaries under the Housing Policies. I have dealt with site-specific aspects of these objections within Chapter 4 Part 4C “Site Specific Matters” of my report. PCD002, PCD003 and PCD004 include references to the acceptability of the diversification of farmsteads, the re-use of redundant hospital sites and affordable housing. FPCD001 and FPCD002 refer to the acceptability of the development of waste management facilities in the countryside. These are all uses appropriate to a rural area and satisfy objections 205.3, 214.1, 215.4, 244.3 and 275.14.

In that the principles underlying Policies HOUS2, HOUS3, HOUS8 and HOUS9 have a direct bearing on housing development in the countryside I deal with the objections made to the principle of those policies here.

#### Policies ENV1, HOUS1, and HOUS8

##### *Supporting Representations*

50.2	British Telecommunications Plc.	{Policy ENV01 support.}
222.1	Lafarge Redland Aggregates Ltd.	
237.12	Countryside Council for Wales	
241.2	Swalec	{Support for Policy ENV1}
270.8	Plaid Cymru	{Support for Policy ENV1}

##### *Conditionally Withdrawn Objections*

215.4	Marley PLC.	{Redevelopment or reuse of established employment premises}
244.3	Welsh Office	{Farm Diversification}
244.4	Welsh Office	{Definition of 'Countryside'}

##### *Maintained Objections*

11.1	J.C.W. Construction	{Policy ENV1 Treoes Village Boundary}
17.1	Thomas, Mr G.R	{Colwinston Settlement Boundary}
19.1	Randolph, Mr&Mrs D	{Countryside definition too restrictive}
54.1	Boland, Mark	
86.1	Peterston-Super-Ely Community Council	{Policy ENV 01 (I) - modification.}
111.3	Evans, Mr David	
112.2	Jones & El-Khatib, Mr	
112.5	Jones & El-Khatib, Mr	
113.3	Reader, J & R	
113.4	Reader, J & R	
126.9	Bellway Estates	{Policy ENV 1 (Para. 3.4.1) - wording.}
128.1	Rees Esq., R H	
160.2	Griffiths, L R	{Exclusion of land near Trerhyngyll from UDP housing}
205.3	Bro Taf Health Authority	{Reuse or redevelopment of redundant hospital sites}
205.6	Bro Taf Health Authority	{Reuse or redevelopment of redundant hospital sites}
207.5	Harry, Mrs R	{Development in the open countryside}
208.1	Cottrell Park Golf Club Ltd.	{Tourism in the countryside}
210.2	Traherne, Lt.Col. R L	{Development in the open countryside}
214.1	Llandough Hospital & Community NHS Trust	{Reuse of redundant hospitals}
214.16	Llandough Hospital & Community NHS Trust	
224.1	Williams, Mrs K	
225.1	Charles, Mr & Mrs M	
227.2	Thomas, Mr & Mrs D	
227.7	Thomas, Mr & Mrs D	
232.12	Land Division, Welsh Development Agency	
248.2	Westbury Homes Holdings Ltd.	{Identification of new settlement}
249.6	House Builders Federation	{Amendments to settlement boundary.}
249.7	House Builders Federation	{Development in the open countryside}
286.3	Llanmoor Homes	{Proposed residential development at Boverton / Llantwit Major.}
286.4	Llanmoor Homes	{Proposed residential development at Boverton / Llantwit Major.}
307.2	Williams, Mrs J.K.	{Amendment to settlement boundary of Llantwit Major to include further land for residential development}
311.1	Gibbons, Mr P	{Development outside settlement boundary.}
356.22	Harmer Partnership	

## Proposed Change PCD002

### Maintained Objections

275.14 Terry Adams Limited

## Policy HOUS2

115.3	Leer, Mr A G	
168.2	Thomas, Herbert R.	{Amend Policy HOUS 2 to promote greater range and choice of dwellings. Aberthin}
171.1	Rawlings, Mrs J	{Limited opportunities for village growth - many infill sites already taken up.}
193.1	Llewellyn, Davies, Messrs GC	{Infill and rounding off}
206.1	Earlcourt Properties	
206.2	Earlcourt Properties	
209.3	Kelsall, Mr & Mrs Ian	{Development in villages}
210.7	Traherne, Lt.Col. R L	
213.2	Wm. Powell & Sons Ltd.	
213.3	Wm. Powell & Sons Ltd.	
246.15	Llandow Community Council	{Information regarding foul sewerage systems}
257.2	England, Messrs M & N	{Restrictive nature of Policy HOUS 2.}
339.1	Perons, Roderick	{Policy HOUS 02 - wording.}
345.1	Hodges, Mr D T	{Infill development in rural villages.}
349.1	Trustees of Dunraven Estates	{Request for infill provision in Policy HOUS 2.}

## Policy HOUS3

### Supporting Representations

237.39	Countryside Council for Wales	{Support for Policy HOUS 3}
246.7	Llandow Community Council	{Llandow and residential allocation}

### Maintained Objections

115.2	Leer, Mr A G	
207.7	Harry, Mrs R	{Housing development on settlement boundaries.}
210.8	Traherne, Lt.Col. R L	{Housing development in the open countryside}
227.6	Thomas, Mr & Mrs D	
228.5	Wenvoe Community Council	
249.11	House Builders Federation	{Residential infill and rounding off}
251.4	FairFax, Mr John Alan	{Housing in villages}
355.1	University of Wales	{Policy HOUS 3 - wording.}
356.22	Harmer Partnership	{Infill development within small villages.}
356.23	Harmer Partnership	{Small scale residential development in countryside villages.}

## ISSUES:

### 3.3.1 Whether:

- (i) Policies ENV1, as proposed to be changed, HOUS2, HOUS3 and HOUS8 are too restrictive and contrary to Government Guidance;
- (ii) Policy ENV1, as proposed to be changed, should facilitate appropriate tourism uses being accommodated within the countryside.
- (iii) garden areas within residential curtilages can be properly regarded as countryside under Policy ENV1
- (iv) Policy ENV1 should be amended to ensure the protection of the countryside from the construction of unsightly agricultural buildings

## CONCLUSIONS:

### Issue (i)

3.3.2 The Council has, for the purposes of Policy ENV1, identified countryside as land lying outside the identified settlement boundaries of the main towns and villages. In that reference is made within para.5.1.1 PGW to both “*countryside*” and “*open countryside away from existing settlements*”, several objectors consider that Policy ENV1 should be amended to reflect such a distinction. However this is not only unnecessary but would, if included within the policy, lead to confusion and uncertainty in the application of Policy ENV1. It would also require a further unnecessarily complex definition of urban and village fringes to be made within the plan, as would be the case if reference to the urban fringe was made in Policy HOUS8 as suggested by an objector. The

plan rightly in my view makes no such distinction and only delineates the boundaries of settlements that are considered to lie outside the definition of countryside. Neither do I consider that it is necessary to await the outcome of a landscape survey before the delineation of settlement boundaries. Moreover, it is not appropriate for this policy or Policy HOUS8 to make reference to the need to secure environmental improvements for the appearance of settlements on the urban fringe.

3.3.3 The inclusion of the two terms, “*countryside*” and “*open countryside*”, in para.5.1.1 of PGW makes clear that the countryside does not consist of solely open areas of land. The guidance accepts that the countryside exists on a number of levels, i.e. areas of countryside adjacent to and within settlements and hamlets and wider open landscapes. The need to protect all such areas from inappropriate development is clearly expressed and as such their protection should be given the same weight. I am therefore satisfied that Policy ENV1 and its reasoned justification in referring only to “*countryside*” accords with Government guidance.

3.3.4 However, as written, Policy ENV1 expresses a presumption against development in the countryside that is not present in Government guidance outside the approach taken to Green Belts. In fact, when taken together with Policy HOUS3, I consider that the Council’s approach to housing within the countryside is seemingly an attempt to apply as restrictive an approach as that which would be applied within Green Belts. As such the Council’s approach does not reflect the guidance expressed in para.5.1.1 PGW that: “*infilling or minor extensions to existing settlements may be acceptable*”. Consequently I do not consider that the policy, as worded, is consistent with Government guidance.

3.3.5 In reaching such a conclusion I am mindful that the approach of the Council to the definition of the settlement boundaries, and to its appraisal of development proposals within settlements, is critical to the proper and reasonable control of development in the countryside. In this respect Policies HOUS2 and HOUS8 have to be read in conjunction with Policy ENV1 and my conclusions concerning the overall housing land supply. I have concluded previously when considering the plan’s general strategy that I do not consider the areas enclosed by the proposed settlement boundaries would provide an adequate number of “*infill*” and “*rounding-off*” sites to cater for the modest amount of development in the Rural Vale that is suggested to be likely by the Council.

3.3.6 The Council’s housing strategy allocates the major new housing within the coastal strip and recognizes that new residential development in rural areas is often unsustainable. Notwithstanding this strategy, the Council accepts that there should be limited growth in some towns and villages within the Rural Vale. As such, settlement boundaries have been delineated under Policy HOUS8 within which there is a general presumption in favour of “*infilling*” and small site development i.e. “*rounding-off*”. Under Policy HOUS2, development is limited to “*infilling*” only within the identified settlement boundaries. Only four of the larger rural villages are identified in Policy HOUS8 as being suitable to accommodate “*infilling*” and “*rounding-off*”. However, the Council has not sought to justify within the reasoned justification the appropriateness of the settlements as included under Policies HOUS2 or HOUS8. Moreover it has produced no detailed settlement capacity studies to identify the factors of form and capacity, including such features as drainage, public transport, services etc., to which it points as having being used in its formulation of these policies. This constitutes a major omission from the plan. It is not sufficient for the Council, as it is indicated, to: “*...simply state where the Council considers development in the rural area of the Vale is and is not acceptable*”.

3.3.7 I have concluded previously, supported by many objections throughout the inquiry, that these settlement boundaries have been defined tightly around settlements. From an examination of the settlement boundaries it is clear to me that they have been so tightly drawn around the built-up areas within settlements as to cause an unnecessary degree of restraint. Moreover the Council refers to “*rounding-off*” as being accommodated within the larger settlement boundaries whereas this is a term which implies limited extension to the periphery of a settlement as long as certain safeguards are applied. To my mind the settlement boundaries, as defined, more readily only accommodate the consolidation of development within their boundaries by “*infill*” rather than allow for “*rounding-off*”.

3.3.8 The Council considers these to be logical boundaries but whether this is the case depends on the underlying reasoning and criteria used in their definition. Such reasoning and criteria are not set out in the plan and I was not convinced at the inquiry that the Council had made any reasonable estimate of the extent of housing development that may come forward in the Rural Vale by means of either “*infilling*” or “*rounding off*”. It was also clear that little guidance could be given by the Council as to where, within the settlement boundaries, such development could be accommodated. Consequently I am not convinced by the Council’s approach which has effectively ruled out consideration of the “*rounding-off*” of settlement boundaries.

3.3.9 The Council makes no reference within Policies HOUS 2 and HOUS8 to “*rounding-off*” and relies on the word “*may*” in the phrase “...or minor extensions to existing settlements may be acceptable, ..” within para.5.1.1 of PGW to justify its restrictive approach. Such an approach is not justified given the arbitrary and tight manner in which settlement boundaries have been defined and the fact that no settlement capacity studies have been carried out. Such studies may have defined better the environmental capacity of a settlement to accommodate or limit further development and better justify the approach towards the word “*may*” in Government guidance. In that such an approach has not been adopted it is not sufficient for the Council, without adequate further justification, to adopt a policy that determines minor extensions to existing settlements to be unacceptable. Consequently, having regard to the above, I consider that some reference to the acceptability of the “*rounding-off*” of settlements should be accommodated within both HOUS2 and HOUS8.

3.3.10 Policy HOUS9 sets out specific criteria for protecting the local environment and, given such safeguards, I cannot accept that it is appropriate to either tightly delineate settlement boundaries so as to exclude “*rounding-off*” or to exclude parts of the residential curtilages from within them. In reaching this conclusion I have also taken into account that substantial parts of settlements often lie outside the defined settlement boundaries, as often do substantial areas which, from a functional point of view, clearly form integral parts of the villages. As such I consider it to be likely that any limited “*infill*” and “*rounding-off*” development within the settlement boundaries as allowed under the policies of previous plans has already been largely exhausted. Only some 22 rural villages are identified as being able to accept additional housing development other than when justified in the interests of agriculture or forestry. Furthermore this additional housing is restricted to “*infilling*”. Given the Council’s approach to the delineation of settlement boundaries within these settlements, I consider that not even a modest amount of housing development is likely to occur during the plan period within the Rural Vale under the housing policies of the plan.

3.3.11 Although it would be desirable for such settlement boundaries to be amended to reflect a local capacity which has been identified and justified in the plan such a course of action would be impractical and too onerous a task for the Council before the next major review of the plan. Consequently I consider, in that both policies are inherently the same, that Policies HOUS2 and HOUS8 should be combined under a single new Policy HOUS2. This new policy should make clear that, as long as the criteria in Policy HOUS9 are satisfied, small scale “*rounding-off*” of settlement boundaries will be acceptable other than where it would affect a Green Belt or Green Wedge designation, whether the proposal lies within it or immediately at its edge. Consequential amendments will also need to be made to the heading and scope of Policy HOUS9 to make clear that its criteria should be used to evaluate all proposals made under Policy HOUS2.

3.3.12 Policy HOUS3 should be revised to indicate that, subject to the provisions of the recommended single New Policy HOUS2, the erection of new dwellings in the countryside will be restricted to those that can be justified in the interests of agriculture and forestry. It should also be made clear, within the reasoned justification to Policy HOUS2, that “*small scale rounding off*” should constitute no more than five dwellings. Proposals for new residential development ancillary to recreational or tourism related developments would need to be assessed on their merits under Policies ENV1, ENV7 and TOUR1.

## Issue (ii)

3.3.13 PCL001 revises Policy COMM2 (Chapter 11) by setting criteria for the reuse or redevelopment of redundant hospitals. PCF033, amending Policy TOUR1 (Chapter 5) specifies the criteria under which proposals for hotels involving the conversion or extension of existing buildings in locations outside settlement boundaries will be considered. As both Hensol and Sully Hospitals occupy extensive sites outside settlements it is in my view illogical to omit buildings subject to Policies COMM 2 and TOUR 1 from the permissible categories in Policy ENV1. Citation as an additional category under Policy ENV1 would be consistent with the reference to Policy COMM2 in PCD004, save for the insertion of '*redevelopment*' in the new paragraph to be inserted. I consider those changes consistent with the protection of the countryside which Policy ENV1 fosters.

3.3.14 The objection on the part of golfing interests is a more comprehensive one, ostensibly to allow tourism uses in the countryside on an altogether wider basis though it springs more specifically from the interests of Cottrell Park Golf Club which I also refer to in relation to Policies TOUR1 and Policies REC7, 8 and 9. I consider the addition to Policy ENV1 of a permissible category of 'appropriate tourism uses' inappropriate; it could open the countryside to development of a scale harmful to its environmental qualities and innate rural character.

3.3.15 Policies ENV1, EMP7, and EMP8 provide ample scope to consider proposals for small scale tourism uses and while Policy TOUR5 does not preclude such uses it nevertheless seeks to safeguard the integrity of the traditional countryside. Bearing in mind that proposals for development fall to be assessed under all the relevant policies of the Plan I find no compelling reason to add tourism recreational uses to category (ii) of Policy ENV1.

3.3.16 While the objector links PCD008 with the objection to Policy ENV1 the former is allied to the Green Wedge Policy ENV3 as explanatory text. Exception is taken to the expression '*limited nature of the operations permissible*' as introducing a more severe restriction on recreational development than Policy ENV1. As the Council explains that the wording is intended to refer to the range of types of development rather than its extent I consider that should be clarified by substituting '*range*' for '*nature*' in PCD008.

## Issue (iii)

3.3.17 I have indicated above that I do not consider it appropriate to exclude residential curtilages from settlement boundaries. In reaching this conclusion I have had regard, as an example, to the Council's view expressed in relation to two objections which have referred to this issue. Firstly, in the case of an objection related to the delineation of the Southerndown settlement boundary, the Council indicated that there were three main objectives involved. These were: "*1) to protect the settlement from unnecessary development by ensuring only "infill and "rounding-off" development occurs; 2) to provide certainty for prospective developers as to where future residential development will be allowed and; 3) to ensure that residential development does not encroach into the countryside*". Secondly, in the case of an objection to the Dinas Powys settlement boundary, the Council states, in addition the above objectives, that: "*the settlement boundary has been tightly drawn around the existing built-up area in order to maintain the setting and character of Dinas Powys*". It is also indicated by the Council that larger garden plots and land to the rear of houses are often excluded to prevent what the Council feels is inappropriate development which could occur if the land was included within the residential settlement boundary.

3.3.18 No reference to the above objectives is made in the reasoned justification of the Policies ENV1, HOUS2 or HOUS8 nor is any mention made to the setting and character of specific settlements. However, notwithstanding such omissions, I consider that the Council has attributed a wider than necessary policy basis to the definition of residential settlement boundaries, which not only lacks reasoning in the plan but is also is unjustified. In my view, the delineation of settlement boundaries should be restricted to the definition of the extent of the countryside around settlements. In attempting to exclude what it considers to be inappropriate development, the Council clearly has attempted to interpret and apply in an arbitrary manner other policies of the plan. Although the Council expresses the view that settlement boundaries also provide certainty to developers and others,

such certainty can only be justified if the reasoning underlying its proposals is plainly set out in the plan.

3.3.19 Policy HOUS9 sets out specific criteria for protecting the local environment and, given such safeguards, I cannot accept that is appropriate neither to so tightly delineate settlement boundaries as to exclude “infill”, “rounding-off” or to exclude residential curtilages without adequate reasoned justification within the plan. PCN009 adheres to this principle. Consequently, it seems to me that logical residential settlement boundaries around settlements that are considered as being outside a countryside designation, should include the land which is being used for residential purposes within such settlements. If it is considered that land within such areas should be protected from development then reference to the appropriate policy should be made both within the reasoned justification in the plan and on the Proposals Map. The Council’s approach is, in my view, subjective and manipulative and as a result the settlement boundaries are often illogical.

#### **Issue (iv)**

3.3.20 Matters concerning policies to control the sale and sub-division of farm holdings and viability of farm businesses are not appropriate matters for consideration within the plan. Policy EMP9 seeks to ensure, where planning permission is required for agricultural buildings, that development is essential for agricultural purposes, specifically designed for agricultural purposes and compatible with surrounding landscape/land uses/structures. I consider therefore that it would be an unnecessary duplication to amend Policy ENV1 to make reference to such matters.

### **RECOMMENDATIONS:**

**I recommend that the plan be modified by**

**REC.3.5 the rewording of Policy ENV1 to read:**

**“Within the delineated countryside permission will only be granted for: i) development which is essential for agriculture, horticulture or forestry or other development including mineral extraction, waste management, utilities or infrastructure for which a rural location is essential; ii) appropriate recreational use; iii) the re-use or adaptation of existing buildings, particularly to assist the diversification of the rural economy; iv) development which is approved under other policies of the plan”;**

**REC.3.6 the addition of PCN009, PCD002, PCD003, PCD004 subject to the insertion of ‘or redevelopment’ after ‘re-use’, and PCD005 subject to the amendments set out in FPCD001 and FPCD002;**

**REC.3.7 the rewording of Policy HOUS2 to read:**

**“Housing infill, small-scale development and redevelopment which meets the criteria listed in Policy HOUS9 will be permitted within the settlement boundaries of the following; :**

**urban settlements of:**

**Barry, Cowbridge with Llanblethian, and Llantwit Major;**

**rural settlements of:**

**Aberthyn.....Wick (list amended to include Rhose, St Athan, and Ystradowen but excluding Wenvoe )**

**Favourable consideration will be given, other than within areas identified as Green Wedges, to small-scale development which constitutes the “rounding-off” of the edge of settlement boundaries where it can be shown to be consistent with the provisions of Policy HOUS9 and particularly criterion (i);**

**REC.3.8** the amendment of the reasoned justification to Policy HOUS2, to make clear that “small-scale rounding-off” should constitute no more than five dwellings.

**REC.3.9** the deletion of Policy HOUS8 and the inclusion of the relevant reasoned justification to Policy HOUS8 within the reasoned justification of the revised Policy HOUS2;

**REC.3.10** the revision of residential settlement boundaries to include the residential curtilages of the residential buildings included within them;

**REC.3.11** the amendment of Policy HOUS9 to read:

**“RESIDENTIAL DEVELOPMENT CRITERIA - POLICY HOUS2 SETTLEMENTS**

Subject to the provisions of Policy HOUS2, development will be permitted which is within or closely related to the defined settlement boundaries provided that it meets all the following criteria: (i)....(vi)”

**REC.3.12** the amendment of Policy HOUS3 to read:

“Subject to the provisions of Policy HOUS2 (the recommended single New Policy HOUS2) the erection of new dwellings in the countryside will be restricted to those that can be justified in the interests of agriculture and forestry.”

**REC.3.13** the consequential amendment of the reasoned justification to Policy HOUS3 and PCE035

**REC.3.14** the consequential amendment of the reasoned justification and PCD008, deleting ‘nature’ and inserting ‘range’ in the latter.

### 3.4 Policy ENV2 - Agricultural land

**Explanatory Note:** I support PCD006 which meets the Welsh Office objection to the omission of landscape, nature conservation, historic or archaeological statutory designations as overriding considerations in the case of any proposed development of agricultural land which is not of the best and most versatile quality.

#### *Supporting Representations*

173.4	Campaign for Protection of Rural Wales	{Need to update agricultural land classifications to include smaller sites.}
237.13	Countryside Council for Wales	{Policy ENV 2 support}
270.9	Plaid Cymru	{Support for Policy ENV 2.}

#### *Conditionally Withdrawn Objections*

244.5	Welsh Office	{Protection of high quality agricultural land}
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#### *Maintained Objections*

222.2	Lafarge Redland Aggregates Ltd.	
227.3	Thomas, Mr & Mrs D	
356.6	Harmer Partnership	{Protection of good quality agricultural land.}

### Proposed Change PCD006

#### *Maintained Objections*

173.17	Campaign for Protection of Rural Wales	{Failure of revised Policy to take account of non statutory designations}
275.13	Terry Adams Limited	

### ISSUES:

#### 3.4.1. Whether

- (i) agricultural land quality should be a mandatorily overriding criterion;
- (ii) the Policy should recognise the possibility of restoring land to high quality after mineral and waste development;
- (iii) the Policy should express a preference for the development of land of less than Class 3a quality equal to that accorded brownfield land, subject to safeguards on locations adjacent to settlements;
- (iv) the Policy should refer to all landscape, nature conservation, historic or archaeological designations.

### CONCLUSIONS:

#### Issue (i)

3.4.2 I find the first sentence of the Policy unreasonable in that its invariable requirements exceed national policy in PGW which states that considerable weight should be given to protecting higher quality land from development. In order that there be scope to recognise exceptional and overriding need I consider that '*save where exceptional overriding need can be demonstrated*' be added to the first sentence.

#### Issue (ii)

3.4.3 The wording of the Policy appears to overlook the need for minerals, which can only be worked where they occur and in some cases will underlie agricultural land of the best and most versatile quality. Protection from development should not extend to where there is the possibility after development of restoration to high agricultural quality. Although paragraph 3.4.5 refers to irreversible development and Policy ENV 1(i) and paragraph 3.4.2 realistically acknowledge the need for minerals I find the exclusive tone of this Policy insufficiently consistent with those statements and

also with Policy MIN 4 as proposed to be amended. In addition to the changes proposed in PCD006 I therefore consider it appropriate to insert '*irreversible*' before '*development*' in the first sentence of the Policy.

3.4.4 The objection by Terry Adams Ltd also includes waste disposal in this issue. However, I consider the Plan is correct in not recognising the location imperative applicable in the case of mineral deposits and I support the distinction between higher and lesser grade agricultural land in Policy WAST 4.

**Issue (iii)**

3.4.5 It is alleged that the protection afforded by the Policy disregards the present economic health of the agricultural industry and the situation regarding marginal farming enterprises located in urban fringe areas. It is claimed that in such areas as the land north of Fontygary on Fonmon Road development could have a beneficial effect on the landscape and townscape. However, I consider the Plan affords sufficient land for development while simultaneously protecting the best agricultural land during the plan period, in accordance with the national policy in PGW. To equate lower quality agricultural land with brownfield land would be to disregard many other material considerations in play in developing open countryside land compared with land previously developed. In the particular case of land at Fontygary cited by an objector I note that the development of nearby land has already been refused on appeal.

**Issue (iv)**

3.4.6 PCD006 was advocated by the Welsh Office. In my view it establishes an important distinction concerning the degree of protection to be accorded features meriting conservation. I do not consider that devalues the protection afforded features of lesser significance by Policies ENV 9, 10 and 11 and the proposed additional policy on protected species.

**RECOMMENDATIONS:**

**I recommend that the plan be modified by**

**REC.3.15 the insertion of '*irreversible*' before '*development*' and the addition of '*save where exceptional overriding need can be demonstrated*' in the first sentence of Policy ENV 2; and**

**REC.3.16 the inclusion of PCD006.**

### 3.5 Policy ENV3 - Green Wedges (including Green Belt and Special Landscape Areas)

**Explanatory Note:** Within this section I deal with matters which concern the underlying principles and objectives of Green Wedge designation within the plan. Closely related to such designations are issues that have been raised in objections concerning the principle of Green Belt and Landscape designations. As such I deal with those objections within this section. Matters associated with these objections that concern detailed and site specific matters affecting the boundaries of Green Wedges are dealt with in Chapter 4 Part 4C Site Specific Matters.

#### *Supporting Representations*

158.4	St. Georges & St. Brides-super-Ely	{Green wedge support}
237.14	Countryside Council for Wales	{Policy ENV 3 support}
237.15	Countryside Council for Wales	{Para 3.4.10 support}
240.3	Bebb, Mr & Mrs N	{Green wedges and protection of the countryside}
270.4	Plaid Cymru	{Support for green belt and wedges}

#### *Conditionally Withdrawn Objections*

228.4	Wenvoe Community Council	{Policy ENV 3 wording}
276.2	Marks & Spencer Plc	{Justification required for a green belt}

#### *Maintained Objections*

8.3	Perkins, Mr Jason	{White Farm should be classified as green wedge}
9.2	Power, Mr S	{Policy ENV3 wording}
19.5	Randolph, Mr&Mrs D	{Green Wedge}
29.2	Welsh Water	{Llandough Settlement Boundary}
33.1	Barry Town Council	{Extension of green wedge to incorporate Barry's urban fringe}
51.1	Symonds, Mr Ian	{Objection Green Wedge Policy}
94.1	Trustees of W.V. Thomas Trust	
112.3	Jones & El-Khatib, Mr	
173.5	Campaign for Protection of Rural Wales	{Green wedge extension west of Barry/east Rhooose}
173.30	Campaign for Protection of Rural Wales	{Green wedge extension west of Barry/east Rhooose}
204.1	Northway Bros Ltd.	{Effect of green wedge on Dinas Powys}
207.6	Harry, Mrs R	{Boundary of green wedge}
208.9	Cottrell Park Golf Club	
210.3	Traherne, Lt.Col. R L	{ exclusion of the Downs from green wedge}
228.9	Wenvoe Community Council	
230.2	Cardiff County Council	{Green Belt omission}
230.4	Cardiff County Council	{Policy ENV3 wording}
232.11	Land Division, Welsh Development Agency	
238.6	Country Landowners Association	{Objection to Policy ENV 3.}
249.8	House Builders Federation	{Policy ENV3 wording}
263.2	Rhondda Cynon Taff CBC	{Policy ENV3 wording}
273.1	Boots Properties	{Green wedges north and east of Wenvoe.}
274.1	United News & Media Plc	{Objection to green wedge boundary.}
343.2	Lakin, Mr C	{Proposed exclusion of land adj to airport access road from Green Wedge.}
347.1	Cole, Mr J	{Proposed exclusion of land north of Wenvoe from green wedge.}
351.1	Ryan, Mr P	{Proposed residential development in Cornstown.}
356.4	Harmer Partnership	{Green Wedge designation}
359.14	Friends of the Earth Cymru	{Green Wedge extended to include ecological buffer zones}
360.18	Friends of the Earth (Penarth Area)	{Proposal for a Green Belt}

#### **SLA's**

33.4	Barry Town Council	{Reinstate SLA's}
52.2	Cowbridge with Llanblethian Town Council	{Omission of SLA policy}
228.6	Wenvoe Community Council	{Reinstate SLA's}
230.3	Cardiff County Council	{Omission of Policy on SLA's}
246.2	Llandow Community Council	{Areas of high quality landscape on Proposals Map}

#### **PCD007 and PCD009**

##### *Maintained Objections*

173.31	Campaign for Protection of Rural Wales
376.11	Friends of the Earth Barry
274.4	United News & Media Plc

## ISSUE:

- 3.5.1 Whether further consideration should be given within the plan to the designation of a Green Belt, the inclusion of Special Landscape Areas and Green Wedges.

## CONCLUSIONS:

### Background

3.5.2 The Council considers that the management of urban form through the plan period will be achieved through the implementation of Policies ENV1, ENV3, HOUS2, HOUS8 and HOUS3 of the plan. Whilst the plan contains no specific policy relating to the designation of a Green Belt it is considered that such a designation is not specifically excluded for future revisions. The Council's position is set out in Paras.3.4.9 and 3.4.10 of the plan as proposed to be changed under PCD009. In the Council's opinion the designation of a Green Belt or the inclusion of a policy requiring designation prior to a sub-regional study being conducted would be inappropriate and premature. Para.3.4.10 as proposed to be changed indicates that proposals for designation may be considered as part of the 1st Review of the Plan subject to such a regional study.

3.5.3 Government guidance in PGW encourages local planning authorities in the more heavily populated parts of Wales which are subject to very significant pressures for development to seriously consider the needs for Green Belts. Following on from the Panel's recommendation at the South Glamorgan Structure Plan EIP, discussion about establishing a Green Belt around Cardiff has taken place within the SEWUDP Liaison Group. The EIP Panel had concluded that:

*"Accordingly, while favouring a Green Belt in principle, the Panel concludes that the provision to this effect should be deleted from the plan. A sub-regional exercise is necessary not merely to create the sub-regional context for a Green Belt but to identify all the key areas to be included after assessment of the scale and distribution strategy for long term development.*

*There is, however, sufficient of merit in what is proposed to warrant inclusion in the plan, as an addition to Policy EV1, of a broad provisional policy on the following lines:*

- (1) prevent the coalescence of Cardiff, Penarth, Dinas Powys and Barry, and the erosion of the remaining open country between Cardiff and Newport;*
- (2) preserve the setting of the main urban areas in the County;*
- (3) conserve those areas of countryside forming a vital amenity and recreational resource for the people in the urban areas.*

*An addition to the Explanatory memorandum for EV1 could explain that this policy represents a provisional one pending decisions on a Green Belt in the context of a sub-regional study in association with all adjoining local authorities in the post reorganisation situation."*

3.5.4 Clearly these conclusions were considered by the Liaison Group which has now published its findings. At the time of the inquiry, however, this study had not been revised in the light of consultations and has no statutory status. Nevertheless in that it has been produced jointly by authorities in the sub-region, it provides the latest considered view of sub-regional matters. The Group concluded that a Green Belt designation around Cardiff could play an important role in the longer-term development of the region as a whole. However, in the absence of a regional study addressing both constraint and growth issues across S.E.Wales it was not considered appropriate to propose a continuous Green Belt around the city. It was recommended that, at the first stage, only those areas where longer term development was most unlikely to be favoured would be identified as Green Belt. In order to establish the need for and permanence of further Green Belt designations, the Liaison group intends to undertake its own Regional Development Study (REC.GB3).

## Draft Regional Guidance

3.5.5 REC.GB1 of the Draft Strategic Guidance proposed the establishment of two of three areas identified as being undesirable for the acceptance of growth. The Leckwith Escarpment within the Vale was identified as the third such area in that it contributes to the landscape setting of Cardiff. Notwithstanding such identification, the Council points to the fact that the Leckwith Escarpment is not included within REC.GB1 and that RECS.GB4 and 5 propose interim arrangements for the management of urban form through the designation of SLA's and Green Wedges. Whilst I accept that this is the case, Policy GB2 of the Draft Strategic Guidance indicates that: *"to provide further protection of Cardiff's setting, SLA's or their equivalents will be designated within and beyond the County of Cardiff. This will include the high ground which forms the setting to the urban area of the City"*.

3.5.6 Whilst referring in the reasoned justification to the Caerphilly Mountain Project *"in particular"* REC.GB4 itself refers to the setting of Cardiff in general. In my view, therefore, the Leckwith Escarpment clearly falls to be considered under this recommendation having previously been identified as part of the setting of the City. REC.GB4 also indicates that a number of co-ordinated anti-coalescence and landscape protection measures will be introduced. Such measures are indicated as being necessary, not only to complement Green Belt designation around Cardiff but also to protect other sensitive areas of South East Wales from inappropriate development. REC.GB5 indicates that Green Wedges will be applied to prevent urban coalescence. Unlike Green Belt these latter designations would only initially subsist for the duration of the plan. Green Wedges are intended to prevent urban coalescence whilst SLA's relate to the character of the land and both can play a positive role in protecting current open land around Cardiff before any study on regional development needs is completed.

3.5.7 It is clear to me, therefore, that the Leckwith Escarpment is an area which the Liaison Group felt might eventually and appropriately form part of a Green Belt. Although previously this area was included within the Consultation Draft UDP as a SLA, such a designation has now been omitted from the plan. Whilst it is not disputed by the Council that SLA and Green Wedge designations were considered by the Liaison Group as appropriate measures of protection pending a Regional Development Study, the Council indicates that such a designation was not expressly required in the case of the Escarpment. As such it is considered that the Policies ENV1, ENV9, ENV10 and ENV11 of the plan afford more than adequate protection for the Escarpment during the plan period.

3.5.8 There is however no doubt in my mind that the Leckwith Escarpment plays a major part in providing a distinctive landscape setting to Cardiff. It forms the high ground to the west of Cardiff and is clearly visible from a large part of it. The Council's own LANDMAP landscape study indicates that it is a unique and coherent area whose slopes face Cardiff and are visually part of the Cardiff area. Whilst this study has only been adopted by the Council as a source of information and analysis and as a foundation for other work, its findings are accepted by Cardiff CC in respect of this area. My own observations at my site visits confirm the conclusions of the study and I consider some form of special protection is necessary for this area in advance of the proposed Regional Development Study.

3.5.9 The Council's view that the existing policies of the plan are sufficient to control development in such areas underestimates the development pressures that will be experienced over the period of the plan. Such a view also overestimates the likely success of normal development countryside policies in protecting such significant areas. Para.7.1.2 of PGW states: *"The general policies controlling development in a countryside apply in a Green Belt but there is, in addition, a general presumption against development which is inappropriate in relation to the purposes of the designation."* The purpose of a Green Belt is set out in para.7.1.4 of PGW. I have concluded earlier that Policy ENV1 should be amended to exclude reference to an unjustified presumption against development in the countryside and as such there is no doubt that such an amended policy cannot offer the same protection to the openness of the countryside as would Green Belt designation. The

Council at the inquiry also accepted that additional protection is afforded by the presumption against inappropriate development within Green Belts.

## SLA's

3.5.10 In the Council's opinion, the combination of Policies ENV1 and ENV3 of the plan achieve the above objectives. However, having regard to my views above concerning Policy ENV1 of the plan and REC.GB2 of the Draft Strategic Guidance, I do not consider this to be the case. I recognise, given the advice in para.5.3.5 of PGW, that the primary policy control of for any areas to be included within a local countryside designation should be Policy ENV1. However the Council's study "Landscapes Working for the Vale of Glamorgan" is clearly intended to help define SLA's and is intended to be used in the development control process. As such, the lack of SLA designation is a major omission from the plan, given also its importance in helping with the interim protection of areas that may be considered as Green Belt in the future. Moreover, the EIP Panel had clearly recognised the need for comprehensive interim policy measures to be provided for the areas between Cardiff, Penarth, Dinas Powys and Barry. I concur with this view and consider the designation of Green Wedges, which extend over only a limited extent of the open areas that exist between these settlements, is insufficient protection for these open countryside areas which are clearly subject to considerable development pressure.

3.5.11 Para.5.3.5 PGW indicates that: *"Local planning authorities should only maintain or extend local countryside designations where there is good reason to believe that normal planning policies cannot provide the necessary protection."* Given the absence of detailed consideration of Green Belt issues and SLA's, I consider that the plan in relying on Policies ENV1, ENV3, ENV10 and ENV11 is deficient and unlikely to afford the necessary protection to the openness of the countryside throughout the Vale. Whilst the Council considers that the inclusion of a policy identifying SLA's would be premature, without such a policy the plan fails to meet its major environmental objective which demands that areas important for landscape and nature conservation are recognised. Moreover the Draft Strategic Guidance indicates at para.8.17 that: *"While SPG would prove a useful vehicle to establish landscape classifications as interim material considerations, since the boundaries would be defensible and can be contested at Inquiry the opportunity exists to incorporate the designations into the development plan."* Such public scrutiny is essential for major development plan policy and, for the reasons I have set out above, I am of the opinion that SLA's should be considered as an integral part of the current development plan process and not as SPG.

3.5.12 I consider, therefore, that there is an essential need for such policy to be included in the plan. Consequently, I do not consider it to be sufficient for the Council to rely on a first review of the plan before SLA policy is included within it. In reaching this conclusion I have had regard to the Council's view that the lack of any comprehensive landscape survey for the Vale, the need for consistency within the sub-region and the emergence of the LANDMAP methodology were the overriding reasons for the omission of such policy. It is significant however that, whilst no continuous Green Belt has been defined, the other authorities bordering Cardiff have identified substantial protection areas around its boundary. Newport CBC has identified an area of Green Belt which is supplemented by a substantial Green Wedge in the 1998 Consultation Draft of its UDP. Caerphilly CBC has identified the northern slopes of the Caerphilly Mountain as SLA in its 1998 Consultation Draft UDP and Rhondda Cynon Taff CBC has defined SLA's in the deposited Taff Ely Local Plan which was been the subject of public inquiry in 1999. I consider it to be essential that the Vale considers and operates similar protection policies. Not to do so will put significant open areas within the Vale at risk from development pressure.

## Green Wedges

3.5.13 With regard to the principle of Green Wedges, the Council indicates that such a designation under Policy ENV3 is an urban containment mechanism intended to restrict the spread of built environment beyond designated settlement boundaries and allocated sites. It aims to provide an

extra layer of protection to those areas where it is considered that development pressure exists or will exist during the fifteen years of the plan. It is designed to protect the openness of land but not to identify or protect areas of landscape quality or of ecological importance. Policy ENV3 has four objectives: a) to protect undeveloped land from speculative development; b) to prevent urban coalescence between and within settlements; c) to maintain the setting of built up areas; and d) to ensure that development does not prejudice the open nature of the land.

3.5.14 Whilst I accept that there is no one National accepted methodology for the designation or definition of Green Wedges, I do not accept that para.7.1.3 PGW indicates that their function should be that similar to Green Belts. In my view, contrary to the views of one objector, I do not consider that Green Wedges can provide the same protection to an area as a Green Belt in that the presumption against inappropriate development should not be included in such a policy. Para.7.1.3 only indicates that green wedges/barriers are usually used with other normal planning and development control measures and no reference is made to them, in themselves, satisfying all the functions of a Green Belt. Moreover the Draft Regional Guidance REC.GB5 outlines a model policy for the designation of Green Wedges that makes it clear that they have been identified only in order to prevent coalescence between and within settlements. As such I also do not agree with an amendment suggested by an objector that Green Wedges should be extended to include ecological buffer zones.

3.5.15 Whilst the Council considers that it should determine how best to integrate this guidance into development plan preparation it would be unfortunate and confusing if the functions of such areas were not to be approached in a coordinated manner. I consider therefore that the references in Policy ENV3 as proposed to be changed: “*to protect vulnerable open land and to protect the setting of built up areas*” should be deleted if such Green Wedge policy is used. The setting of a built-up area is a qualitative judgement that should be justified within the plan for any particular settlement. Also, without a far greater area of designation within the plan, the reference to vulnerable land may well give the impression that land outside such Green Wedges is not vulnerable to development pressures.

3.5.16 Given the limited areas designated as Green Wedges and the lack of SLA designations in the eastern Vale, I consider that insufficient protection is given in the plan to the wider areas of countryside between Cardiff, Penarth, Dinas Powys and Barry. Furthermore, I do not consider that the policies and reasoned justification within the plan illustrate sufficiently the importance of the Leckwith Escarpment to the setting of Cardiff. Consequently, notwithstanding that the Council considers the approach set out in Paras.3.4.9 and 3.4.10 to be fully supportive of the aims and objectives of Green Belt designation in the sub-region I do not consider this to be the case. In my view, major amendment needs to be made to the plan in order to ensure that an adequate package of coordinated anti-coalescence and landscape protection measures exist which will adequately defend the openness in the eastern Vale from the significant development pressures that exist.

3.5.17 In reaching this conclusion I am, however, mindful that settlements in the Waterfront Strip will also be subject to considerable development pressure given its identification as a growth area. I consider therefore that the green wedge designation could usefully be used to ensure that coalescence does not take place between Barry, Rhoose and St.Athan. Although such designation is not permanent and would need to be reviewed at the next review of the plan it would provide an additional level of protection against coalescence what is likely to become more sensitive to development pressure.

## Green Belt Designation

3.5.18 Objection is also made supporting a previous proposal for the designation of a wider Green Belt than purely the Leckwith Escarpment. Such a suggestion was made in the former South Glamorgan Area and included under Policy ENV16 of the Vale of Glamorgan Local Plan Deposit Draft 1995 as amended. However, in that the designation of such a Green Belt within the former South Glamorgan area was subject of detailed consideration at the Replacement Structure Plan Examination in Public (EIP) held in 1995, I have set out above the conclusions of the EIP Panel.

Argument was also made at the inquiry for extending the boundary further west than the Draft Local Plan suggested to include an area of the Thaw Valley up to the old Aberthaw to Cowbridge railway line. However no significant justification was made for such a large extension, other than the fact that any area of Green Belt so designated should be a substantial and effective area, and take into account the LANDMAP study in course of consideration by the Council. I do not, however, consider that sufficient justification has been made for the inclusion within a Green Belt of the wider area including a part of the Thaw Valley. Little evidence was adduced to suggest that the development pressures that exist in this area cannot be contained by normal countryside and landscape policies.

3.5.19 I consider however that there is sufficient justification for a wider area of Green Belt or Green Wedge, similar to the area included in the 1995 Draft Local Plan, to be designated. Such designation is necessary to prevent the coalescence of Cardiff, Penarth, Dinas Powys and Barry, and to protect the openness of the countryside to the west of Cardiff. Whether it is appropriate for this to be designated within this plan or left to a later review of the plan is now considered.

3.5.20 Argument is made that such a revision to the plan should not be made at a modification stage or within UDP's. While I appreciate the major importance of such a Green Belt designation in the sub-region, I consider that at whatever stage such a proposal is made in the development plan process, it will be controversial. Moreover, para.7.1.1 of PGW encourages local planning authorities to seriously consider the need for Green Belts and indicates in para.7.1.3 that these should be established through development plans. The fact that a modification inquiry would almost certainly be required for such a proposal would ensure that full and proper scrutiny of it would occur. Furthermore it is clear that comprehensive protection proposals are currently being brought forward in UDP's by other authorities adjacent to Cardiff. I do not, therefore accept that such an amendment should be ruled out at this stage of the plan's development.

3.5.21 It is of essential importance however that any such proposal is consistent with sub-regional policy where it exists. It is clear that the Liaison Group have considered and accepted only the concept of the need for a Green Belt associated with Cardiff and have left the designation of detailed boundaries to UDP's. In this respect also I have considered above the importance of and lack of policies to protect Leckwith Escarpment and consider therefore there is adequate justification for Green Belt policy to be considered further within the Vale. Such consideration should however take into account all the purposes and functions of Green Belts as they affect the Vale.

3.5.22 An objector suggests that Green Belt designation is not necessary in that policies such as properly justified Green Wedges will prevent any threat of coalescence. An essential characteristic of Green Belts is their permanence, and Green Wedges, as also recognised by that objector, do not have this attribute in that they would be subject to review in future UDP's. Consequently, it is clear that Green Wedges on their own do not offer the same certainty as would Green Belt policy. Moreover, there are other purposes of Green Belts which are not encompassed by Green Wedges. These include the protection of the setting of an urban area e.g. Leckwith Escarpment and Cardiff, and the need to safeguard the countryside from encroachment. This is, and will become even more important on the construction of the Airport Access Road and the Cardiff to Barry Waterfront Link Road when the areas between the individual settlements and these highways will become under even greater pressure for development. It has been clearly recognised that the larger areas of countryside between and adjacent to Cardiff, Penarth, Dinas Powys and Barry are already under considerable development pressure and also require such protection. Clearly, also, a factor exacerbating this pressure is the continuing development of Cardiff Bay that immediately abuts the Cardiff boundary with the Vale.

3.5.23 Of great importance, however, is the need to ensure that the longer-term need for development land is taken into account and I recognise that such a study is to be progressed through a Regional Development Study to be carried out by the Liaison Group. However I consider the implementation of a Green Belt, as suggested in the Draft Local Plan but leaving out the urban areas of Penarth, Dinas Powys, Sully, Wenvoe and Culverhouse Cross, would not compromise such a Regional Study. I reach this conclusion in that I consider the long term development of the Waterfront Strip in the eastern Vale would not be affected. The Waterfront Strip is described within

the plan as being within the urban areas from Penarth to Rhose and including Cardiff International Airport and, as such, a large part of its area would be outside the proposed designation.

3.5.24 Moreover, the only part of the Waterfront Strip lying within such a proposed designation would be the open area between Penarth, Dinas Powys and Barry where it is recognised that development pressure exists and where protection from development is already held to be necessary. The implementation of a Green Belt designation would also positively promote the recycling of derelict and other urban land in the settlements of the Waterfront Strip. Such action is not only a major objective of the plan but is a nationally recognised purpose of a Green Belt. In proposing the inclusion of the larger countryside area to the north of Barry to the M4 Motorway and west of Wenvoe and Culverhouse Cross there is no doubt that this is an area of open countryside which is also under considerable pressure for development. It is clearly an area, although not suitable for Green Wedge designation, where the openness of the countryside and its location on the fringes of Cardiff demand additional long term protection whether or not SLA designation is justified over the whole or part of the area.

## **Conclusions**

3.5.25 Having regard to the above, I conclude that the plan is deficient in its lack of SLA designation, and that the limited extent of Green Wedge designation would afford insufficient protection for the countryside areas of the eastern Vale. I also conclude that the designation of a Green Belt along the lines of that suggested in the Draft 1995 Local Plan is necessary. It would: provide the necessary protection for the setting of Cardiff and the open countryside areas on its fringes; prevent the coalescence of significant urban settlements in the eastern Vale; provide more certainty in the plan; and would significantly assist urban regeneration in the Waterfront Strip without compromising the longer term development of the sub-region. For these reasons I do not consider there to be any useful purpose to be gained by delaying Green Belt designation for this area until the next Review of the plan.

## **RECOMMENDATIONS:**

**I recommend that the plan be modified by:**

**REC.3.17 the inclusion of a new section including the policy and reasoned justification for Special Landscape Areas;**

**REC.3.18 the deletion of Policies ENV3(i), (ii) and (iii);**

**REC.3.19 the amendment of Policy ENV3 to exclude the words: “to protect vulnerable open land and to protect the setting of built up areas”**

**REC.3.20 the inclusion of a Green Belt designation to be based on the suggestion in the superseded Vale of Glamorgan Local Plan Deposit Draft, amended to exclude the areas within the urban settlement boundaries of Penarth, Llandough (Penarth), Dinas Powys, Sully, Wenvoe and the area of Culverhouse Cross, and subject to any amendments of these boundaries recommended in response to other objections made to the plan.**

**REC.3.21 the inclusion within the plan of a further set of policies which refer to “Development within the Green Belt” based on the provisions of Section 7.2 of PGW;**

**REC.3.22 the inclusion within the housing section of the plan of a policy for the control of: “Housing Development within the defined urban settlements and villages within the Green Belt” to read:**

**“Within the Green Belt settlements of Penarth, Dinas Powys, Llandough (Penarth), Sully and Wenvoe, residential development will not be permitted which involves the**

extension of the urban area outside the identified settlement boundaries. In the Green Belt villages of Peterston-Super-Ely and St Nicholas residential development will be restricted to infilling only within the identified settlement boundaries”;

**REC.3.23** the consequential amendment of the reasoned justification and PCD008.

**REC.3.24** the inclusion of Green Wedge designations in the areas between Barry, Rhoose and St.Athan.

### 3.6 Policies ENV4 and ENV5 - Coastal Policies (including The Glamorgan Heritage Coast and The East Vale Coast)

**Explanatory Note:** Within this section I deal with the general objections made to the principles underlying the policies concerned with the Coastal Zone. Several objections are made proposing development at certain specific sites in settlements within the Coastal Zone and I deal with these in relation to the individual settlements concerned. PCD010 clarifies the position with regard to development affecting the setting of the Heritage Coast and satisfies objection 237.17 that is Conditionally Withdrawn. PCD011, 012, 014 and 015 add clarification to Policy ENV5 and its reasoned justification by recognising that the coast from Lavernock point eastwards is both a Special Protection Area and a possible Special Area of Conservation. These proposed changes fully satisfy objections 218.4 and 244.6.

#### Policy ENV4 and PCD010

<i>Supporting Representations</i>		
237.16	Countryside Council for Wales	{Support for Policy ENV 4}
<i>Conditionally Withdrawn Objections</i>		
237.17	Countryside Council for Wales	{Support for paras 3.4.11 to 3.4.15 - request for additional protection of Heritage Coast.}
<i>Maintained Objections</i>		
192.6	Persimmon Homes (Wales) Ltd.	{Re-evaluation of Heritage Coast boundaries.}
209.2	Kelsall, Mr & Mrs Ian	{Remote Zones on Heritage Coast}
271.1	Llantwit Major Chamber of Trade	{Amendment to Heritage Coast boundary.}
315.1	Lucas, Gareth	{Amend Heritage Coast boundary to include land south of Llantwit Major.}
359.15	Friends of the Earth Cymru	{Heritage Coast and sea level rise}
360.5	Friends of the Earth (Penarth Area)	{Public Access to the Coastal Zone}

#### Policy ENV5 and PCD011

<i>Supporting Representations</i>		
235.1	National Power PLC	
237.18	Countryside Council for Wales	{Support for Policy Env 5}
173.18	Campaign for Protection of Rural Wales	{Support for revised Policy ENV 5}
<i>Conditionally Withdrawn Objections</i>		
218.4	ABP Associated British Ports (South Wales)	
244.6	Welsh Office	{Development and coastal location}
<i>Maintained Objections</i>		
33.2	Barry Town Council	{Define developed and undeveloped areas of coastal zone}
126.4	Bellway Estates	
170.1	Thomas Esq., R.J.	
232.10	Land Division, Welsh Development Agency	
242.3	Thomas, R. & Mooney, R., Messrs	{Redevelopment of derelict land sites on the coastline.}
359.16	Friends of the Earth Cymru	{Heritage Coast and sea level rise.}
360.6	Friends of the Earth (Penarth Area)	{Coastal Management Plan omission}
360.22	Friends of the Earth (Penarth Area)	{Objection to East Vale Coastal Zone policy}
33.14	Barry Town Council	{Concern over undeveloped areas of East Vale Coast}
360.45	Friends of the Earth (Penarth Area)	
376.16	Friends of the Earth Barry	

#### ISSUES:

##### 3.6.1 Whether:

- (i) the Coastal Zone policies follow Government guidance;
- (ii) there is a need for a Coastal Management Plan to be prepared before any development proposals are decided;
- (iii) a re-evaluation of the Heritage Coast boundaries should be carried out;
- (iv) there is conflict between Policies HOUS2 and ENV4;
- (v) Policy ENV5(ii) is too restrictive;

- (vi) a new criterion should be added to Policy ENV5 concerning the reclamation of derelict or redundant sites.

## CONCLUSIONS:

### Issue (i)

3.6.2 The plan follows Government guidelines as set out in paras.6.1 and 6.3 of PGW in that a Coastal Zone is defined and planning policies which aim to protect and enhance the character and landscape are included in the plan. For the purposes of the plan the Coastal Zone of the Vale of Glamorgan is defined as land adjacent to the coast between the Ogmere and Ely rivers. The zone includes areas of both undeveloped areas of coastline such as the Glamorgan Heritage Coast, Porthkerry and Lavernock and the developed areas such as Barry and Penarth. Policies ENV4 and ENV5 are framed to ensure that the Coastal Zone is protected and that development at the coast is both necessary and appropriately conceived.

3.6.3 With regard to the boundaries of the Coastal Zone, the Council indicate that a boundary located about 1km from the coast was used as an initial guide which has now been translated into those now shown on the Proposals Map. Although PCD013 is intended to add further clarification with regard to the undeveloped coast it is, nevertheless, still confusing. In my view PCD013 should be amended to explain further how the boundary was finally determined and the reference to 1km omitted.

3.6.4 Also, in that Policy ENV5 makes a clear distinction between developed and undeveloped coast, clear distinction should be made on the Proposals Map between the two different areas ensuring also that areas proposed for development are designated as developed coast. This would make clear which levels of restriction would apply in specific areas such as the Barry Waterfront, Barry Island, Rhose and the developmentally sensitive stretches of the coast. The fact that parts of the undeveloped coast may have a more intricate mixture of developed and open land does not outweigh the need to ensure clarity and the proper application of Policy ENV5.

### Issue (ii)

3.6.5 The Council accepts that ideally a comprehensive Coastal Management Plan should be prepared but, correctly in my view, points to the fact that this is not a matter for a UDP. Similarly references to standards protective of health, which are dealt with under other legislation, are not matters for consideration here. Whilst it is accepted by the Council that a management plan for the Cardiff Bay area should be prepared this is also considered to be a matter that should not be dealt with in the plan. In that such a management plan would necessarily deal with matters of coastal protection, coastal erosion, flooding, public access and footpath maintenance, it is only necessary that the principles of such matters are included in the plan. The Council indicates that a number of consortia have been set up to coordinate and prepare Shoreline Management Plans and that Policy REC12 includes reference to the need for a continuous coastal path and numerous coastal access improvements.

3.6.6 Whilst a comprehensive Coastal Management Plan could complement and support Policies ENV4 and ENV5, it is not a pre-requisite. Policies ENV4 and ENV5 as proposed to be amended by PCD011 seek to channel development towards developed and brownfield land and safeguard open land. Consequently, I consider they provide a sufficient policy background for the protection and consideration of development within the Coastal Zone and, in referring to flooding risk, adequately take into account any problems of sea level rise. As such, it is unnecessary for a temporary embargo to be placed on development within this area until management plans have been prepared.

### Issue (iii)

3.6.7 The Glamorgan Heritage Coast was one of three pilot Heritage Coast areas identified within Great Britain to conserve the natural undeveloped character of the coast. The project was set up in 1973, and the boundaries were identified in 1976, after an extensive public participation exercise, by a joint working party of the four former constituent authorities and the then Countryside Commission. This designation has been carried forward into various development plans and is recognised in Section 6 of PGW. Given the nationally recognised importance of the Heritage Coast, I am of the same view as the Council, i.e. it would be entirely wrong to modify a part of the boundary without a comprehensive review being undertaken of the whole coastal strategy.

3.6.8 There is a continuing and fundamental need to conserve the undeveloped character of the Heritage Coast and the Council's recent landscape study recognises it as one of the most outstanding landscapes within the Vale. Consequently, in that I have found no reason to promote additional development within this area I do not consider such a review of the boundaries to be necessary at this time. Whilst there are areas of land within the designation that slope downwards towards the towns and villages and which do not form a backdrop when viewed from the coast, this does not decrease the importance of such areas as part of the Heritage Coast. The land forming part of the Hoddnant Valley at Llantwit Major provides such an example as does the land adjacent to Colhugh Park in the same town.

3.6.9 I have also had regard to the fact that an objector has proposed the inclusion of Ranny Bay (Lavernock Point) to Sully Island as Heritage Coast. However, given the above and the fact that it is already afforded protection by its designation as a Site of Special Scientific Interest, it would not be appropriate to define this small length of coast in this way.

### Issue (iv)

3.6.10 An objector points to the fact that the settlement of Ogmores-by-Sea is listed in Policy HOUS2 indicates that a degree of residential development is to be expected as it cannot be regarded as a "remote zone". This is considered to be in conflict with Policy ENV4. Other objectors have pointed to the need for the boundaries of the Heritage Coast to be amended in the vicinity of Llantwit Major in order to accommodate development. The Council however points out, as has been demonstrated over the years, that the fact a settlement is included within the Heritage Coast designation does not preclude some development taking place. I am in agreement with this view and, although I recognise that the Heritage Coast designation adds an additional level of protection from development over and above these policies, I consider this to be appropriate given its landscape importance. I have, however, recommended a change to Policies ENV1 and HOUS2. Although such changes make clear that small-scale extensions to settlement boundaries may be considered subject to meeting the criteria of Policy HOUS9, it is appropriate that the importance of the landscape of the Heritage Coast is recognised in the consideration of any development proposals. Having regard to the above I do not consider Policy ENV4 to be in conflict with Policy HOUS2.

### Issue (v)

3.6.11 Objectors point to the wording of Policy ENV5(i) as being too restrictive. The Council considers such wording to be desirable in order to protect the undeveloped coast and to ensure that a coastal location is necessary for any development. Para.11 of TAN14 "Coastal Planning" is referred to which indicates that: "Development Plans should not provide for development on the coast which does not require a coastal location". Such advice is also clearly supported in para.6.2 of PGW and, as such, I see no reason to recommend the deletion of, or change to, Policy ENV5(i).

3.6.12 Conversely one objector considers that Policy ENV5 contains the presumption that the whole of the East Vale coastal area is available for such development as boat related activities or car parks for access to the sea. I do not accept this view. The policy is designed to protect the undeveloped coast and to direct appropriate new coastal development towards that part of the coast that is already developed. Moreover, Policy ENV5 has to be read in conjunction with other protective

policies in the plan, e.g. Policy ENV12, and strikes an adequate balance between development and protection/conservation.

**Issue (vi)**

3.6.13 The Council points to Policy 2(iii) and Policy ENV23 as generally favouring the reclamation of derelict and degraded land but considers that the main thrust of Policy ENV5 is to protect the undeveloped parts of the East Vale coast. Furthermore it is considered that there is no sound logical reason to make such sites an exception to the necessity and impact tests. In that the East Vale coast has a number of such sites, I consider that it would defeat the purpose of the policy to exclude these policy constraints which have been developed taking into account Government guidance. In this respect Government advice indicates that development within a Coastal Zone should be restricted to that which requires a coastal location and Policy ENV5 is consistent with that advice. Moreover, development of derelict and redundant sites, whilst restricted in the Coastal Zone, is not ruled out should the criteria of the policy be satisfied.

**RECOMMENDATIONS:**

**I recommend that the plan be modified by:**

**REC.3.25 the acceptance of PCD010, PCD011, PCD012, PCD014 and PCD015;**

**REC.3.26 the amendment of Para.3.4.17 to make clear how the boundary of the Coastal Zone was finally determined;**

**REC.3.27 the amendment of the Proposals Map to make a clear distinction between developed and undeveloped coast.**

### 3.7 Policy ENV6 - Water Resources

**Explanatory Note:** The insertion of quarrying operations in paragraph 3.4.22 by PCD017 meets satisfactorily a suggestion by the Environment Agency.

*Supporting Representations*

237.19	Countryside Council for Wales	{Support for Policy ENV 6}
247.45	Environment Agency	{Protection of the water environment}

#### Para.3.4.22

*Supporting Representations*

247.43	Environment Agency	{Development affecting volume of water}
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*Maintained Objections*

52.1	Cowbridge with Llanblethian Town Council	{Para. 3.4.22 - wording.}
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#### Proposed Change PCD013

*Conditionally Withdrawn Objections*

376.15	Friends of the Earth Barry
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*Maintained Objections*

360.46	Friends of the Earth (Penarth Area)
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#### Proposed Change PCD017

*Supporting Representations*

247.57	Environment Agency	{Support for the Proposed Change}
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#### ISSUE:

3.7.1 The adequacy of paragraph 3.4.22 regarding flood protection.

#### CONCLUSIONS:

3.7.2 Cowbridge with Llanblethian Town Council seeks to reword paragraph 3.4.22 as a firm embargo on development not protected by flood prevention measures or which would exacerbate flood risk. I do not consider, however, that such a change in the supporting text would either be consistent with or give greater weight to the Policy.

#### RECOMMENDATION:

**REC.3.28 I recommend that no modification be made to the plan.**

### 3.8 Policy ENV7 - Small Scale Rural Conversions

#### *Supporting representation*

174.1 Glamorgan-Gwent Archaeological Trust Ltd. {Policy ENV 7 support}

#### *Conditionally withdrawn objections*

237.20 Countryside Council for Wales {Policy ENV 7 wording}

244.7 Welsh Office {Policy ENV 7 wording}

#### *Maintained objections*

50.3 British Telecommunications Plc. {Amendment to criteria (iii) ENV07}

86.2 Peterston-Super-Ely Community Council {Policy ENV 07 (IV) - Objection}

168.3 Thomas, Herbert R. {Policy ENV 7 wording}

210.4 Traherne, Lt.Col. R L {Policy ENV 7 wording}

228.10 Wenvoe Community Council {Policy ENV 7 wording}

240.4 Bebb, Mr & Mrs N {Policy ENV 7 wording}

242.5 Thomas, R. & Mooney, R., Messrs {Policy ENV 7 wording}

291.6 Colwinston Community Council {Policy ENV 7 wording}

356.20 Harmer Partnership {Policy ENV 7 wording}

359.17 Friends of the Earth Cymru {Policy ENV 7 wording}

#### **Proposed Change PCD018**

##### *Maintained objections*

210.10 Traherne, Lt.Col. R L

242.6 Thomas, R. & Mooney, R., Messrs

356.32 Harmer Partnership

#### **Proposed Change PCD019**

##### *Maintained objections*

242.7 Thomas, R. & Mooney, R., Messrs

360.47 Friends of the Earth (Penarth Area)

210.11 Traherne, Lt.Col. R L

### **ISSUES:**

#### 3.8.1 Whether:

- (i) the requirement of criterion (i) as proposed to be changed that a conversion form part of a significant group of residential buildings is appropriate;
- (ii) the protection of historic buildings by criterion (ii);
- (iii) there is necessity for criterion (iii);
- (iv) examples of recent conversions should be cited in the supporting text;
- (v) the consultation Plan's criteria relating to architectural and conservation interests should be included;

### **CONCLUSIONS:**

#### **Issue (i)**

3.8.2. The references to a significant group of buildings in PCD018 and to 3 or 4 dwellings in PCD019 have stimulated sustained objections on the ground that they have no foundation in national policy and that, bearing in mind the tendency for farmsteads to be relatively isolated from other dwellings, the cited number of dwellings in close proximity is arbitrary and inappropriate. I agree that the limitation is not supported by national policy and, moreover, I note that the possibility of converting more isolated buildings has been allowed on appeal. I agree with the Council that there may be localities not subject to Policies HOUS2 or HOUS8 where the conversion may be acceptable.

However, I consider that is something to be decided on the merits of individual proposals rather than the firm threshold set by PCD019. In the circumstances I consider criterion (i) should be deleted and not merely changed and that while PCD019 should replace the existing paragraph 3.4.25 its first sentence should be omitted. Given that degree of change I am satisfied that there is appropriate scope to assess proposals for residential re-use under this policy and in the light of Policy HOUS3 and the advice in Annex D of PPG7

3.8.3. I have a considerable degree of sympathy with the views of Peterston-Super-Ely Community Council regarding recent rapid and widespread changes in the rural landscape and their concern to stem the rash of relatively isolated replacement building in the open countryside consequent on the fragmentation of farms into small holdings requiring new dwellings and the passing of agricultural dwellings into alternative occupancy. However, their wish to make all agricultural development subject to express planning permission within very stringent constraints and, by implication, to allow no development for any other purpose exceeds what is permissible in terms of national policy. I am satisfied that, rigorously applied, the tests of Policy ENV7 and the other relevant policies of the Plan are adequate to prevent inappropriate adventitious development in the open countryside through the means of the conversion of existing buildings..

#### **Issue (ii)**

3.8.4. FoE Cymru assert that criterion (ii) carries insufficient weight in that financial expediency could prevail over the obligation to enforce the preservation of a listed building, resulting in the loss of its historic character. Furthermore, the objector holds rural conversions questionable since an overriding objective of the plan is the concentration of development within urban areas in the interest of sustainability.

3.8.5. I find an inherent contradiction in the objection, since its burden appears to be the secure preservation of historic buildings generally, irrespective of location. However, PGW makes clear that there is a presumption in favour of the preservation of listed buildings and that the requirement to obtain listed building consent for the alteration or extension of a building cannot be overridden by the provisions of the development plan. Nevertheless, buildings of architectural or historic value are protected in the Plan by Policy ENV15 as well as by the wider scope of criterion (ii) of Policy ENV7. I agree with the Council that for redundant farm buildings reuse remains the most realistic financially viable means to secure their retention. While that cannot be considered independently of the obligation to preserve those that are listed I agree that statutory control alone cannot guarantee their maintenance unaltered. I therefore regard criterion (ii) as necessary and appropriate.

#### **Issue (iii)**

3.8.6. BT plc seeks the deletion of criterion (iii) on the ground that it has no basis in national policy. However, the 1999 revision of PGW specifically advises in identical wording that the matters in criterion (iii) be taken into account in considering the conversion of buildings for business re-use. However, whereas those tests are specifically applied in PGW to re-use for business the Plan makes no such distinction. I therefore consider criterion (iii) should be reworded to apply to business use only in order to conform to the national policy standard.

#### **Issue (iv)**

3.8.7 FoE Penarth advocate the addition to PCD019 of a statement referring to recent conversions they consider unsatisfactory. It is not appropriate to use the Plan as a commentary on specific previous planning decisions nor is it clear how such an addition would help users of the Plan to interpret the Policy.

### **RECOMMENDATIONS:**

**I recommend that the plan be modified by:**

**REC.3.29 the acceptance of PCD018, subject to the omission of the whole of criterion (i);**

**REC.3.30** the insertion at the beginning of criterion (iii) of ‘In the case of a conversion to business use....’; and

**REC3.31** the acceptance of PCD019, subject to the omission of the first sentence.

### 3.9 Policy ENV8 Development Involving Horses

#### *Maintained Objections*

238.9	Country Landowners Association	{Wording of Policy ENV 8.}
357.1	Welsh St Donats Community Council	{Impact of horse related developments on the open countryside.}

#### ISSUES:

##### 3.9.1. Whether

- (i) criterion (ii) of the Policy requires qualification;
- (ii) paragraph 3.4.28 should predicate a more restrictive approach to development associated with keeping horses.

#### CONCLUSIONS:

##### Issue (i)

3.9.2. As is pointed out by the Country Landowners Association, ‘*detract*’ in criterion (ii) of the Policy is void of any consideration of the degree of detriment and could be used indiscriminately to refuse planning permission. I consider that adequately remedied by PCN021. Since that proposed change is not challenged it does not fall to me to make any recommendation.

##### Issue (ii)

3.9.3. I am not convinced that the restrictive tenor of the amendments to paragraph 3.4.28 advocating the grant of temporary planning permission and the use of possibly impermanent building materials as suggested by Welsh St Donats Community Council is appropriate. The explicitly negative presumption advocated is contrary to national advice. In my view the Policy as proposed to be changed by PCD021 and PCD022, taken together with such other policies of the Plan as may be relevant in particular cases, provides for the adequate consideration of matters related to the increasing and potentially detrimental volume of development relating to horses. I consider it properly reflects the national policy in PGW and Annex F of PPG7. Against that background I regard the changes sought by the objector as overly onerous.

#### RECOMMENDATION

**REC.3.32. I recommend that no modification be made to the plan.**

### 3.10 Policy ENV9 Conservation of the Countryside

**Explanatory note** I support FPCD003 which in amplifying paragraph 3.4.29 meets the Welsh Office concern about the definition of the urban fringe and the relation of this Policy to Policy ENV1 and the amendments proposed to be made to it and its supporting text. Matters concerning SLAs are dealt with under ENV3.

#### Policy ENV9

*Supporting representation*

237.21	Countryside Council for Wales	{Policy ENV 9 - Wording}
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*Conditionally withdrawn objection*

244.8	Welsh Office	{Definition of Urban Fringe}
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*Maintained objections*

155.3	Ramblers Association	{Update footpaths Map.}
227.4	Thomas, Mr & Mrs D	{Urban fringe development}
232.13	Land Division, Welsh Development Agency	{Prematurity of policy}
238.10	Country Landowners Association	{Allocation of resources}

#### Para 3.4.29

*Supporting Representations*

237.22	Countryside Council for Wales	{Support for paragraph 3.4.29}
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#### ISSUES:

##### 3.10.1 Whether:

- (i) the Policy should explicitly allow the possibility of development to achieve improvements to the character of the urban fringe;
- (ii) the Policy is premature pending the formulation of the Countryside Strategy;
- (iii) the Plan should include the management of footpaths and updating of the definitive map;
- (iv) the Plan should allocate resources for the maintenance and improvement of the countryside.

#### CONCLUSIONS:

##### Issue (i)

3.10.2. The fundamental objective of the Policy together with FPCD003 is to protect the character of the countryside by protecting it from inappropriate development, consistent with paragraph 5.5.1 of PGW. I interpret the objection as a plea for development in the urban fringe as the means of its improvement on the basis that such environments are not of the quality of the landscapes defined for protection. Bearing in mind the Council's expressed intentions to favour improvements in the countryside of the urban fringe, it seems to me that proposals for development there which do not result in its urbanisation are likely to be limited in number. I consider it wholly inappropriate to regard countryside areas which are not subject to specific protective designations as generally suitable for development; such an approach would be counter to the objective of conserving the countryside for its own sake. Indeed, as national advice points out, the quality of the countryside outside statutorily designated areas should be maintained or, where possible, enhanced while allowing for appropriate development to be accommodated. It follows that in the case of any individual proposal it is for the developer to demonstrate how his scheme would be consistent with the objectives of the Policy. In the circumstances I discern no need to change its terms.

##### Issue (ii)

3.10.3. As expressed in its objection, the Land Division of the Welsh Development Agency views all of the Environment policies as premature pending the adoption of the forthcoming Countryside Strategy which will be the subject of public consultation and be incorporated in Supplementary

Planning Guidance. However, notwithstanding my concern regarding the definition of a Green Belt, the lack of SLAs and the difficulties involved in the application of Green Wedges I am satisfied that the other policies in the plan are necessary to help protect the rural environment.

**Issue (iii)**

3.10.4. I deal with footpaths as rights of way under Policy REC12. The improvement of footpaths and review of the definitive map are to be considered in the forthcoming Countryside Strategy. I do not consider any change necessary in Policy ENV9.

**Issue (iv)**

3.x. The UDP has a land use planning function and is not a vehicle for allocating local public resources. The Landscape Study and the Countryside Strategy will identify the appropriate agencies and advocate a programme of activity, providing guidelines for those concerned with its implementation.

**RECOMMENDATIONS:**

**I recommend that the plan be modified by:**

**REC.3.33 the acceptance of FPCD003.**

### 3.11 Policy ENV10 - Protection of Landscape Features

**Explanatory note:** I support PCD023 and PCD024 which respond to the Countryside Council for Wales by extending the list of landscape features identified in policy ENV10 and paragraph 3.4.32. I also support PCD025 which responds to the Environment Agency by adding a reference in that paragraph to the culverting of watercourses.

*Supporting representations*

237.24	Countryside Council for Wales	{Support for Policy ENV 10}
247.46	Environment Agency	{Protection of landscape features}

#### Para 3.4.32

*Conditionally withdrawn objections*

237.25	Countryside Council for Wales	{Policy ENV 10 and paragraph 3.4.32 - wording}
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#### Proposed Change PCD023

*Supporting representation*

173.19	Campaign for Protection of Rural Wales	{Support for revised Policy ENV 10}
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#### Proposed Change PCD025

*Supporting representation*

247.58	Environment Agency	{Support for the Proposed Change}
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### RECOMMENDATION:

**I recommend that the plan be modified by:**

**REC.3.34 the acceptance of PCD023, PCD024 and PCD025.**

### 3.12 Policy ENV11 - Woodland Management

*Supporting Representations*

237.26 Countryside Council for Wales {Support for Policy ENV 11}

*Maintained Objections*

270.7 Plaid Cymru {Urban forests.}

#### Para 3.4.35

*Supporting Representations*

262.1 Dinas Powys Community Council {Possible urban area forest between Dinas Powys and Penarth.}

#### ISSUE:

3.12.1 Whether urban forests should replace removed tree cover, particularly alongside new highway schemes.

#### CONCLUSIONS:

3.12.3 The planting of urban forests by the Council to mitigate the effect of new highways is especially advocated in the case of the Green Wedge corridor between Dinas Powys and Penarth to mitigate the effect of the proposed Dinas Powys bypass. However, while proactive forestry by the Council is not strictly within the scope of the UDP the activity is generally permissible in the proposed Green Wedge corridor, which is itself an urban containment device, under Policy ENV1. While forest planting could undoubtedly mitigate sound and traffic pollution and significantly contribute to the quality of the landscape I consider those objectives would necessarily loom large in the detailed planning of the road scheme. I conclude that no modification of Policy ENV 11 is required.

#### RECOMMENDATIONS:

**REC.3.35 I recommend that no modification be made to the plan.**

### 3.13 Policies ENV12, ENV13, ENV14 and New Policy ENV

**Explanatory note** The 3 Policies in the draft Plan deal with nature conservation in a descending scale of geographical significance. An additional Policy is proposed by PCD029 referring to protected species and their habitats. Objections to Policy ENV12 by the Country Landowners' Association, the Countryside Council for Wales and the Welsh Office are Conditionally Withdrawn in response to PCD026, which I support. Objections to Policy ENV13 by the Campaign for the Protection of Rural Wales, Cardiff County Council and the Countryside Council for Wales are Conditionally Withdrawn in response to PCD027, with which I concur. Objections to Policy ENV14 by the Campaign for the Protection of Rural Wales, Cardiff County Council and the Welsh Office are conditionally withdrawn in response to PCD027, which I support. The objections to paragraph 3.4.37 and Appendix 2 by the Countryside Council for Wales are Conditionally Withdrawn in response to PCD030 and PCM002, as is that to paragraph 3.4.46 by the Cowbridge Local History Society. I support those changes.

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#### 3.13.1 Policy ENV12 International areas of nature conservation importance

*Supporting representation*

247.47	Environment Agency	{Protection of nature conservation interests}
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*Conditionally withdrawn objections*

238.11	Country Landowners Association	{Objection to policies ENV 12, 13 and 14.}
237.27	Countryside Council for Wales	{Clarification of Policy ENV 12}
237.66	Countryside Council for Wales	{Proposals map}
244.9	Welsh Office	{Consideration of development}

*Maintained objections*

52.3	Cowbridge with Llanblethian Town Council	{Nature conservation areas.}
246.3	Llandow Community Council	{Sites of International Nature Conservation Importance}
270.10	Plaid Cymru	{Wording of Policy ENV 12.}
359.19	Friends of the Earth Cymru	{Special Protection Areas / Special Areas of conservation.}

#### Proposed Change PCD026

*Supporting representation*

173.20	Campaign for Protection of Rural Wales	{Support for revised Policy ENV 12}
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#### ISSUES:

##### 3.13.1.1 Whether

- (i) sites of international significance should be shown on the Proposals Map;
- (ii) the wording of the Policy is overly permissive;
- (iii) the Policy pays appropriate regard to the administrative procedures affecting development within sites of designated or potential international significance.

#### CONCLUSIONS:

##### Issue (i)

3.13.1.2. Although PGW advises that nature conservation sites should be identified on plans they are listed in Appendix 2 as it is impractical to define all of them cartographically. While that reduces clutter on the Map the listing in the Appendix is in my view insufficient to identify the sites accurately. I consider that can be adequately remedied by adding the National Grid references to the locations on the list.

### Issue (ii)

3.13.1.3. PCD026, extending and clarifying the Policy, in my view responds appropriately to the fear expressed by Plaid Cymru that its terms are insufficiently robust to deter a determined developer. The proposed change conforms with the national advice in PGW which allows that development may be permissible where there are overriding material considerations or conditions can be imposed to prevent damaging impacts on features of international importance to nature conservation.

### Issue (iii)

3.13.1.4. The recasting of the policy by PCD026 clarifies the description of the types of sites to which it applies. It is not necessary for it to incorporate the detail of the administrative mechanisms by which development may be approved.

## RECOMMENDATION:

**I recommend that the plan be modified by:**

**REC.3.36 adding National Grid references to the locations identified in Appendix 2;**

**REC.3.37 the acceptance of PCD026 and PCM002.**

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### 3.13.2 Policy ENV13 National sites of nature conservation importance

#### *Supporting representation*

247.48	Environment Agency	{Protection of nature conservation interests}
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#### *Conditionally withdrawn objections*

173.6	Campaign for Protection of Rural Wales	{Determination of material considerations.}
230.5	Cardiff County Council	
237.28	Countryside Council for Wales	{Policy ENV 13 - Wording}

#### *Maintained objections*

52.4	Cowbridge with Llanblethian Town Council	{Nature conservation areas/Policy ENV 12&ENV 13 - wording.}
246.4	Llandow Community Council	{Sites of National nature Conservation Importance}
270.11	Plaid Cymru	{Wording of Policy ENV 13.}
359.20	Friends of the Earth Cymru	{Habitats Directive.}

### Proposed Change PCD027

#### *Supporting representation*

173.21	Campaign for Protection of Rural Wales	{Support for revised Policy ENV 13}
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## ISSUES:

### 3.13.2.1 Whether

- (i) sites of national significance should be shown on the Proposals Map.
- (ii) the wording of the Policy is overly permissive.
- (iii) the Policy pays due regard to the provisions of the Habitats Directive.

## CONCLUSIONS:

### Issue (i)

3.13.2.2. Although PGW advises that nature conservation sites should be identified on plans they are listed in Appendix 2 as it is impractical to define all of them cartographically. While that reduces clutter on the Map the listing in the Appendix is in my view insufficient to identify the sites

accurately. I consider that can be adequately remedied by adding the National Grid references to the locations on the list.

### Issue (ii)

3.13.2.3 PCD027, extending and clarifying the Policy, responds to the fears expressed by Plaid Cymru, together with the objections of Cardiff County Council and the Campaign for the Protection of Rural Wales, that its terms are insufficiently robust to deter a determined developer. The change conforms with the national advice in PGW which allows that development may be permissible where there are overriding material considerations or conditions can be imposed to prevent damaging impacts on features of national importance to nature conservation.

### Issue (iii)

3.13.2.4 The objection by FoE Cymru is common to Policies ENV13 and ENV14 and advocates that in view of the requirements of the Habitats Directive greater prominence be given to the protection of species rather than to sites as such. PCD029 inserts an additional Policy referring to protected species and PCD033 a new paragraph 3.4.42 which states the obligation incumbent on developers to comply with the statutory protection of designated species. While I consider those changes adequately respond to the objections it is appropriate that the new policy be expressed in positive terms. I deal with that further below in relation to the objection to the new policy by the Countryside Council for Wales.

## RECOMMENDATIONS:

**I recommend that the plan be modified by:**

**REC.3.38 adding National Grid references to the locations identified in Appendix 2;**

**REC.3.39 the acceptance of PCD027 and PCD033.**

.....

### 3.13.3 Policy ENV14 Local sites of nature conservation significance

#### *Supporting representations*

237.29	Countryside Council for Wales	{Support for Policy ENV 14}
247.49	Environment Agency	{Protection of nature conservation interests}

#### *Conditionally withdrawn objections*

173.7	Campaign for Protection of Rural Wales	{Determination of material considerations.}
230.6	Cardiff County Council	
244.10	Welsh Office	{Mitigation and compensation policies}

#### *Maintained objections*

52.5	Cowbridge with Llanblethian Town Council	{Nature conservation areas/ENV 12& ENV 13-wording.}
246.5	Llandow Community Council	{Sites of Local Nature Conservation Importance}
270.12	Plaid Cymru	{Wording of Policy ENV 14.}
359.21	Friends of the Earth Cymru	{Habitats Directive.}

### Proposed Change PCD028

#### *Supporting representation*

173.22	Campaign for Protection of Rural Wales	{Support for revised Policy ENV 14}
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### Proposed Change PCD029

#### *Supporting representation*

173.23	Campaign for Protection of Rural Wales	{Support for new Policy on Protected Species}
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### Para 3.4.37

#### *Conditionally withdrawn objection*

237.30	Countryside Council for Wales	{Amend references to SSSI's in paragraph 3.4.37}
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### Para 3.4.43

*Supporting representation*

237.31

Countryside Council for Wales

{Support and assistance in production of SPG on Biodiversity Action Plan.}

### ISSUES:

3.13.3.1. Whether

- (i) sites of national significance should be shown on the Proposals Map;
- (ii) the Policy is sufficiently differentiated from Policy ENV 13;
- (iii) the Policy pays due regard to the provisions of the Habitats Directive.

### CONCLUSIONS:

#### Issue (i)

3.13.3.2. Although PGW advises that nature conservation sites should be identified on plans they are listed in Appendix 2 as it is impractical to define all of them cartographically. While that reduces clutter on the Map the listing in the Appendix is in my view insufficient to identify the sites accurately. I consider that can be adequately remedied by adding the National Grid references to the locations on the list.

#### Issue (ii)

3.13.3.3 I support PCD028, extending and clarifying the Policy, which responds to the fears expressed by Plaid Cymru that its terms are insufficiently robust to deter a determined developer. I also consider it meets the objection by Cardiff County Council that Policies ENV 13 and ENV 14 are not sufficiently differentiated in respect of the degree of protection they afford and also the objection by the Campaign for the Protection of Rural Wales about the weight to be accorded to material considerations in the case of these sites. The change conforms with the national advice in PGW which allows that development may be permissible where there are overriding material considerations outweighing the local importance of the site or conditions can be imposed to minimise damaging impacts on features of local importance to nature conservation.

#### Issue (iii)

3.13.3.4. I deal above with the identical objection by FoE Cymru.

### RECOMMENDATIONS:

**I recommend that the plan be modified**

**REC.3.40 by adding National Grid references to the locations identified in Appendix 2; and**

**REC.3.41 the acceptance of PCD028.**

.....

### 3.13.4 - Additional Policy ENV XX Protected Species

#### PCD029

*Maintained objection*

237.75

Countryside Council for Wales

{addition to new policy}

### ISSUE

3.13.4.1. Whether the new policy should refer to planning conditions and obligations.

## CONCLUSIONS

3.13.4.2 In order to strengthen the provisions of the Policy in safeguarding protected species the Countryside Council for Wales advocates reference in it to planning conditions and obligations. While the Council's view is that is an administrative function and is covered by the policy and particularly by criterion (ii) I consider that matter would be better covered in Part I of the Plan as a general instrumental consideration relating to all development rather than as part of any specific Part II policy. Nevertheless, in my view it is appropriate to recast the proposed policy in a positive form which I shall recommend. So far as concerns criterion (ii), an admissible possibility which does not appear to be considered by the objector, it is technically conventional to refer to the translocation rather than the relocation of species.

## RECOMMENDATION

**I recommend that the plan be modified by:**

**REC.3.42 the acceptance of PCD029, but deleting 'Developments....demonstrated that:' and inserting 'permission will only be given for development which would destroy protected species or their habitats if it can be clearly demonstrated that:' and deleting 'relocation' and inserting 'translocation'.**

.....

### 3.13.5 Paragraphs 3.4.53 to 3.4.57

**Explanatory note:** Paragraphs 3.4.53 to 3.4.57 are an outline of Cowbridge's history, its character and its current planning problems. Cowbridge Local History Society's advocacy of greater detail about the Conservation Area is suitably met by PCD034 and the objection is Conditionally Withdrawn.

#### Para 3.4.53

*Maintained objection*

52.6

Cowbridge with Llanblethian Town Council

{Cowbridge Walled Town Study.}

#### Para 3.4.56

*Conditionally withdrawn objection*

13.1

Cowbridge Local History Society

{Greater detail regarding Cowbridge Conservation Area}

## ISSUE:

3.13.5.1 Whether reference should be made to the Cowbridge Walled Town Study.

## CONCLUSIONS:

3.13.5.2 Although the Cowbridge Walled Town Study was commissioned by the Council it was not subjected to public consultation and has not been adopted as planning policy. It is nevertheless clearly an important document supporting the Plan. I consider the reference to it proposed as PCD035, amplifying paragraph 3.4.56, appropriately meets the concern of the Cowbridge with Llanblethian Town Council.

## RECOMMENDATION:

**I recommend that the plan be modified by;**

**REC.3.43 the acceptance of PCD034 and PCD035.**

### 3.14 Policy ENV15 Protection of Built and Historic Environment

**Explanatory note:** PCD037 and PCD038 respond appropriately to objections to the omission of localities which might merit designation as Conservation Areas and Landscapes of Outstanding Historic Interest respectively. PCD039 suitably responds to a Welsh Office objection to the omission of mention of the relevant government Circulars.

#### *Supporting representations*

39.3	Llantwit Major Town Council	{Support for preparation of historic landscapes etc register}
174.2	Glamorgan-Gwent Archaeological Trust Ltd.	{General support}
237.32	Countryside Council for Wales	{Support for the inclusion of criterion (iii) in Policy ENV 15.}
263.3	Rhondda Cynon Taff CBC	{Talygarn Conservation Area}
270.13	Plaid Cymru	{Support for Policy ENV 15.}

#### *Conditionally withdrawn objections*

237.33	Countryside Council for Wales	{Revision of reference in paragraph 3.4.65.}
244.12	Welsh Office	{Reference to Welsh Office Circulars}

#### *Maintained objections*

238.12	Country Landowners' Association	{ statutory and non-statutory designations}
52.7	Cowbridge with Llanblethian Town Council	{Identify protected areas on Proposals Map}

### ISSUES:

#### 3.14.1 Whether:

- (i) areas of the built and historic environment to be protected should be shown on the Proposals Map.
- (ii) the Policy should distinguish between statutory and non-statutory designations in terms of the degree of protection it affords.

### CONCLUSIONS:

#### Issue (i)

3.14.2 Conservation Areas are existing commitments and not new proposals. Their boundaries are shown on other statutory documents and it is inappropriate to depict their extent on the Proposals Map.

#### Issue (ii)

3.14.3 While only a small proportion of historic sites are scheduled ancient monuments this Policy protects all sites. However, since each case falls to be treated on its merits I accept that in the event of proposals for development affecting any site it will rightly receive consideration commensurate with its status.

### RECOMMENDATION:

**REC.3.44 I recommend that no modification be made to the plan.**

### 3.15 Policies ENV16 and ENV17

**Explanatory note** I deal with these two policies together by reason of their tandem relationship to the development process. PCD040 appropriately meets the objections by Mr R D Allin and CPRW regarding the circumstances in which an archaeological field evaluation may be required and PCD041 similarly satisfies their concern that mitigation measures should be required to protect archaeological remains in the event of the grant of planning permission. The policy changes are supported and fully explained in the revision of paragraph 3.4.69 by PCD042, thereby satisfying the concern of the Glamorgan-Gwent Archaeological Trust Ltd to define more precisely an archaeological field evaluation.

#### Policy ENV 16 Archaeological Field Evaluation

##### *Conditionally withdrawn objections*

40.2	Allin, R.D.	{Policy ENV16 - wording.}
173.8	Campaign for Protection of Rural Wales	{

##### *Supporting representations*

174.3	Glamorgan-Gwent Archaeological Trust Ltd.	
270.14	Plaid Cymru	{Support for Policy ENV 16.}

##### *Maintained objections*

37.4	Millar, Mr Luke	{Policy ENV16 - wording.}
356.5	Harmer Partnership	{Archaeological evaluation of sites.}
359.22	Friends of the Earth Cymru	{Proposed additional protection of archaeological / cultural assets.}

#### Policy ENV17 Preservation of Archaeological Remains

##### *Supporting representations*

174.4	Glamorgan-Gwent Archaeological Trust Ltd.	
270.15	Plaid Cymru	{Support for Policy ENV 17.}

##### *Conditionally withdrawn objections*

40.3	Allin, R.D.	{Policy ENV17 - wording.}
173.9	Campaign for Protection of Rural Wales	{Strengthen wording to emphasise preservation of archaeological remains.}

##### *Maintained objections*

359.23	Friends of the Earth Cymru	{protection of archaeological / cultural assets.}
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#### Proposed Change PCD040

##### *Supporting representations*

173.24	Campaign for Protection of Rural Wales	{Support for revised Policy ENV 16}
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#### Proposed Change PCD041

##### *Supporting representations*

173.25	Campaign for Protection of Rural Wales	{Support for revised Policy ENV 17}
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#### Para 3.4.69

##### *Conditionally withdrawn objections*

174.5	Glamorgan-Gwent Archaeological Trust Ltd.	{Improved explanation of "archaeological field evaluation".}
174.6	Glamorgan-Gwent Archaeological Trust Ltd.	{Minor wording error.}

### ISSUES:

#### 3.15.1 Whether

- (i) an archaeological field evaluation is invariably necessary;
- (ii) the policies afford sufficient protection of the architectural heritage.

### CONCLUSIONS:

#### Issue (i)

3.15.1 Professional consultation is made through reference to the Glamorgan-Gwent Archaeological Trust. The degree of protection afforded to sites of archaeological interest should clearly depend on their importance. A field evaluation of a site may not always be required if a desk study reveals sufficient information against which to evaluate a proposal for development. Whether

*in-situ* preservation or preservation by record is appropriate will depend on the circumstances of a particular case. Since each case falls to be decided on its merits the policies cannot themselves identify the detailed procedures to be followed in safeguarding individual sites where development may be proposed. I am of the view that, subject to the important reservation I express below, the two policies, together with Policy ENV15, generally reflect the national policy in PGW and WO Circular 60/96 relating to these matters. Furthermore, the changes proposed in PCD040, PCD041 and PCD042 provide to my mind a welcome clarification of the Plan's requirements in response to objections. Nevertheless, neither the policies nor the explanatory text explicitly acknowledge the profoundly significant principle of national policy (1999 PGW 5.7.1) that where nationally important remains, whether scheduled or not, and their settings are affected by proposed development, there should be a presumption in favour of their physical preservation. I consider that that fundamental consideration should be incorporated in the Plan.

#### **Issue (ii)**

3.15.2 . The matters raised in the objection by Friends of the Earth Cymru have a wider orbit, seeking to require arrangements for the safeguarding of remains to be part of the planning application for development, the investigation of neighbouring land over which remains may extend, and approval of the provisions for funding archaeological work and the conservation of finds, with the latter being the responsibility of the developer. *In situ* preservation is claimed to be unrealistic and some unspecified remains are considered too important to be destroyed by development. In general I consider the objection is adequately met by the proposed changes to the Policies and paragraph 3.4.69 which in my view identify the appropriately practical degree of control which it is possible to exercise when archaeological remains are likely to be affected by development. However, there is no support in national policy for stronger protection than the presumption in favour of the preservation of important remains to which I refer above.

#### **RECOMMENDATIONS:**

**I recommend that the plan be modified by:**

**REC.3.45 the acceptance of PCD040, PCD041 and PCD042 and the inclusion of a presumption in favour of the physical preservation of important archaeological remains, whether scheduled or not, and their settings.**

### 3.16 Policies ENV 18 and ENV 19

**Explanatory note:** I deal with these policies together in view of their interrelationship. PCD043 satisfactorily meets the objection by CPRW by inserting reference to ponds and streams in Policy ENV18.

#### Policy ENV18 - Development in Conservation Areas

*Conditionally withdrawn objections*

173.10 Campaign for Protection of Rural Wales {

*Supporting representation*

270.16 Plaid Cymru {Support for Policy ENV 18.}

*Maintained objections*

24.1 Llancarfan Community Council {Development in conservation areas}

246.6 Llandow Community Council {Conservation Areas and the proposals map}

52.8 Cowbridge with Llanblethian Town Council {Requirement for Cowbridge Conservation Area Appraisal}

#### Policy ENV19 - Demolition in Conservation Areas

*Supporting representation*

270.17 Plaid Cymru {Support for Policy ENV 19.}

*Maintained objection*

359.24 Friends of the Earth Cymru {Reuse of traditional building materials.}

### ISSUES:

#### 3.16.1 Whether:

- (i) the timing of the Cowbridge Conservation Area Appraisal should be mentioned;
- (ii) the reuse of traditional building materials following the demolition of an unlisted building in a conservation area;
- (iii) the policy should be more rigorously prescriptive regarding design in conservation areas;
- (iv) Conservation Areas should be shown on the Proposals Map.

### CONCLUSIONS:

#### Issue (i)

3.16.2 . Paragraph 3.4.73 signifies that SPG will be published on the Cowbridge Conservation Area Appraisal. The publication of its precise timing as advocated by Cowbridge with Llanblethian Town Council is not itself a land use consideration and is therefore inappropriate for inclusion in the UDP.

#### Issue (ii)

3.16.3 Given the qualification ‘appropriate’ I consider PCD044, which elaborates Policy ENV19, suitably meets the concern of FoE Cymru regarding the reuse of traditional building materials in conservation areas.

#### Issue (iii)

3.16.4 . PGW advises the use of design briefs or SPG where more detailed guidance is appropriate. I consider the Council’s intention to devise SPG on this subject suitably meets the objection by Llancarfan Community Council.

**Issue (iv)**

3.16.5 . The designated Conservation Areas are an existing commitment, the boundaries of which are defined in other statutory documentation. Contrary to the objection by Llandow Community Council it is not appropriate to depict them on the Proposals Map.

**RECOMMENDATION:**

**I recommend that the plan be modified by:**

**REC.3.46 the acceptance of PCD043 and PCD044.**

### 3.17 Policy ENV22 - Conservation and Enhancement of Open Space

**Explanatory note:** I also deal under Policies SHOP 3 and REC 11 with the question of the approved alienation of Central Park, Barry, to other uses .

#### *Supporting Representations*

33.3	Barry Town Council	{Support for policy ENV22}
237.34	Countryside Council for Wales	{Support for Policy ENV 22}
247.50	Environment Agency	{Conservation and enhancement of open spaces}
270.20	Plaid Cymru	{Support for Policy ENV 22.}

#### *Maintained Objections*

52.9	Cowbridge with Llanblethian Town Council	{Amend policy ENV22 to include reference townscape value of open space}
85.3	Residents & Friends of Central Park	{Policy ENV 22 - wording.}
116.3	Kavanagh, Ms J	
132.1	House, Mr D.J.	{Enhancement and conservation of public open space.}
135.1	Nye, Raymond	{Enhancement and conservation of public open space.}
136.1	Hortop, George	{Enhancement and conservation pf public open space.}
137.1	Martinson, Brian	{Enhancement and conservation of public open space.}
360.14	Friends of the Earth (Penarth Area)	{Conservation and enhancement of public open space}

### ISSUES:

#### 3.17.1 Whether:

- (i) the amenity value of Central Park, Barry should be further recognized.
- (ii) the significance of open space to townscape quality in conservation areas should be further emphasised.

### CONCLUSIONS:

#### Issue (i)

3.17.2 In line with paragraph 12.2.2 of PGW Policy ENV 22 commits the Council to enhance the character of the character of the built environment and to protect the best features of the urban fabric. The Policy applies to all open space, complementing Policies ENV 18 and ENV 25 which relate to open space in conservation areas and new development respectively. Objectors' pleas for an elaboration of Policy ENV11 do not take account of the fact that the Council does not have the power to exercise the degree of control or management irrespective of ownership over all amenity and recreational open spaces which the wording of the objection implies. Their suggested amendment of the explanatory paragraph 3.4.82 would not in my view add greater weight to the Policy.

3.17.3 Though reference is made to 1963 legislation prohibiting building on Central Park the current situation is that a valid planning permission exists for its redevelopment for alternative use and cannot be revoked through the process of objection to the UDP.

#### Issue (ii)

3.17.4 Cowbridge with Llanblethian Town Council stresses the particular importance of open spaces to the quality of conservation areas. As that is already cited in paragraph 3.4.82 I consider no modification is required.

### RECOMMENDATION:

**REC.3.47 I recommend that no modification be made to the plan.**

### 3.18 Policy ENV23 - Regeneration of Urban Areas

**Explanatory note:** By drawing attention to possible archaeological interests in brownfield sites PCD045 suitably meets the objection by Glamorgan-Gwent Archaeological Trust Ltd. PCD047 provides a welcome and important cautionary cross-reference to waste issues in Chapter 10. PCN006 (Proposals Map) meets the objection by the Welsh Office to the omission of the Penarth and Barry dockland regeneration areas from the Proposals Map. Objections made concerning the Barry Waterfront are dealt with under my considerations of objections to Policy HOUS1(1).

*Supporting representation*  
270.21

Plaid Cymru  
{Support for Policy ENV23}

*Conditionally withdrawn objections*  
244.13 Welsh Office

{Reference to Penarth and Barry docklands  
regeneration proposals on map}

*Conditionally withdrawn objections*  
174.7

Glamorgan-Gwent Archaeological Trust Ltd. {Consideration of existing buildings/structures  
on brownfield sites.}

#### Proposed Change PCD047

*Supporting representation*  
247.60

Environment Agency

{Support for the Proposed Change}

#### RECOMMENDATION:

**I recommend that the plan be modified by:**

**REC.3.48 the acceptance of PCD045 and PCD047 (Paragraph 10.4.5).**

### 3.19 Policy ENV24 - Contaminated Land and Unstable Land

**Explanatory note:** The reference in PCD046 to the safeguarding of mitigation measures during infrastructural works for redevelopment appropriately satisfies the objection by the Environment Agency.

Supporting representations		
247.51	Environment Agency	{Contaminated sites}
270.22	Plaid Cymru	{Support for Policy ENV 24.}

**Maintained objection**

359.25	Friends of the Earth Cymru	{Vagueness of Policy ENV 24.}
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**Para 3.4.88**

Supporting representation		
247.44	Environment Agency	{Construction of development}

**Proposed Change PCD046**

Supporting representation		
247.59	Environment Agency	{Support for the Proposed Change}

**ISSUE:**

3.19.1 Whether the Policy is unduly vague.

**CONCLUSIONS:**

3.19.2 . FoE Cymru advocate considerable elaboration of the Policy, in particular requiring developers specifically to establish the mobility of pollutants on a site on the basis of a survey and risk assessment. However, in my view the wording of the Policy and the accompanying explanatory text in paragraph 3.4.88 are sufficiently explicit to cover the range of situations likely to be met in identifying the need for the remediation of contaminated land

**RECOMMENDATION:**

**I recommend that the plan be modified by:**

**REC.3.49 the acceptance of PCD046.**

### 3.20 Policy ENV25 -Design of new developments

**Explanatory Note:** PCD049 includes reference to plant species in landscaping schemes within Para.3.4.89 and adequately covers objection 237.36 which was Conditionally Withdrawn. Also included in this proposed change is reference to SPG. This satisfies the objection 249.9 and PCD048 fully includes the remaining suggestions made under this objection. The Council agrees that reference to “*semi-private spaces*” in criterion (iv) should be deleted. This, along with new references to waste management and crime and the inclusion of the word “*and*” at the end of criterion 9 satisfies part of objection 360.24 in providing greater clarity. All of these proposed changes further clarify the plan.

#### Para 3.4.89

##### *Conditionally Withdrawn Objections*

237.36	Countryside Council for Wales	{Para 3.4.89 - reference to choice of plant species in landscaping schemes.}
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#### Proposed Change PCD048

##### *Supporting Representations*

173.26	Campaign for Protection of Rural Wales	{Support for revised Policy ENV 25}
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#### Policy ENV25

##### *Supporting Representations*

232.9	Land Division, Welsh Development Agency	
237.35	Countryside Council for Wales	{Support for Policy ENV 25}
265.2	Cardiff & Vale Access Team	{Clarification of Policy ENV 25.}
270.23	Plaid Cymru	{Support for Policy ENV 25.}

##### *Maintained Objections*

37.2	Millar, Mr Luke	{Request Traffic criteria relating to design of new development.}
40.4	Allin, R.D.	{Policy ENV25 - additional development criteria required.}
249.9	House Builders Federation	{Design of new dwellings}
359.26	Friends of the Earth Cymru	{Sustainable development obligations.}
359.49	Friends of the Earth Cymru	{Omission of a policy on light pollution}
360.24	Friends of the Earth (Penarth Area)	{Objection to policy ENV25: Design of New Development}

#### ISSUE:

##### 3.20.1 Whether:

- (i) Policy ENV25 should be amended to include a new criterion concerning traffic generation, car parking, road safety, noise, smell or other amenity considerations;
- (ii) Policy ENV25 should be amended to focus more on sustainability-related criteria.
- (iii) the presumption in favour of development is wrong as expressed in the policy.

#### CONCLUSIONS:

##### Issue (i)

3.20.2 Policy ENV25 is a criterion-based design policy and the other considerations mentioned by objectors concerning this issue are all matters which are taken into account in other policies of the plan. For the same reasons neither do I consider that criterion (iv) needs amendment.

##### Issue (ii)

3.20.3 Objections are made which challenge the nature of Policy ENV25 in broad terms and detail. The fact that development proposals have to satisfy all the criteria attached to the policy, as proposed to be changed, ensures that it contributes towards the promotion of sustainability. The policy, as proposed to be changed, provides a full checklist of issues which should be taken into account in development proposals. Whilst it is suggested that a considerable number of detailed standards should be included in the plan, this is not the appropriate place for such detail. In this

respect I am satisfied that such detail can be covered by SPG given the Council's intention to prepare SPG on sustainability matters.

**Issue (iii)**

3.20.4 Policies in development plans should be expressed in as positive and as precise a manner as possible as indicated in para.10 PGW. The positive wording of the policy reflects the enabling and encouraging nature of this policy.

**RECOMMENDATION:**

**I recommend that the plan be modified by**

**REC.3.50 the addition of PCD048 and PCD049 but that reference to “*semi-private spaces*” in criterion (iv) be deleted.**

### 3.21 Policy ENV27 - Protection of Environmental Quality

**Explanatory note:** Policy ENV27 and its supporting text has been completely redrafted through PCD051 and PCD052. These amendments adequately cover objections 226.11 and 244.14 which are Conditionally Withdrawn in that they provide greater clarity. Moreover I am satisfied, in that these proposed changes include specific references to noise and light, that objections 359.49 and 359.53 are adequately covered. Objection 359.27 is further commented upon in my conclusions concerning Policy 2.

#### Policy ENV27

##### *Supporting Representations*

237.37	Countryside Council for Wales	{Support for Policy ENV 27}
247.52	Environment Agency	{Precautionary Principle}
270.25	Plaid Cymru	{Support for Policy ENV 27.}

##### *Conditionally Withdrawn Objections*

226.11	Penarth Section Cardiff Cycling Campaign	{Noise as environmental pollution}
244.14	Welsh Office	{Environmental assessments of planning applications}

##### *Maintained Objections*

238.13	Country Landowners Association	{Objection to Policy ENV 27.}
359.27	Friends of the Earth Cymru	{Application of the precautionary principle.}
359.49	Friends of the Earth Cymru	{Omission of a policy on light pollution}
359.54	Friends of the Earth Cymru	{Omission of policy relating to noise}
360.23	Friends of the Earth (Penarth Area)	{Request for clarification of the meaning of policy ENV27}

#### Proposed Change PCD051

##### *Supporting Representations*

173.27	Campaign for Protection of Rural Wales	{Support for revised Policy ENV 27}
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##### *Maintained Objections*

290.10	Safer Group	{Significant adverse effect}
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#### Proposed Change PCD052

##### *Maintained Objections*

290.8	Safer Group	{Pollution & industrial hazards}
376.12	Friends of the Earth Barry	

### ISSUES:

#### 3.21.1 Whether:

- (i) Policy ENV27, as proposed to be changed, is too widely drawn and should be re-drafted to include reference to environmental capacity ;
- (ii) Policy ENV 27, as proposed to be changed under PCD051, should be amended by :
  - (a) substituting “*have a significant adverse effect*” for “*unacceptable*”
  - (b) substituting “*health and safety*” to “*health or safety*”;
  - (c) inserting a new criterion “*from risk of accident leading to toxic emissions fire or explosion*”
- (iii) Policy ENV27, as proposed to be changed under PCD052, should be amended by:
  - (a) replacing “*pollution*” in the first sentence to “*pollution and industrial hazards*”;
  - (b) replacing “*pollution effects*” in the first sentence with “*polluting and industrial hazards*”
  - (c) adding “*COMAH Directive and Implementing Regulations*” to the list of legislation;
  - (d) replacing “*Inspectors*” in the fourth sentence with “*officers and non-governmental organisations concerned with industrial hazards*”.

## CONCLUSIONS:

### Issue (i)

3.21.2 It is accepted by the Council that Policy ENV27, as included in the plan, was very general and too vague and, consequently, it and the reasoned justification has been proposed to be changed under PCD051 and PCD052. The Policy as now proposed to be changed accords with the advice given in PGW para.16.2 and meets all of the objections made to the original policy. In reaching this conclusion I have had regard to the views of an objector who suggests a revised policy and reasoned justification. The suggested alternative is basically a conceptual approach which indicates that decision making is the identification of the capacity of economic, environmental and social systems such that it can be ensured that the direct and indirect effects of any development proposal would not breach such a capacity. However, whilst the motives underlying the objectors suggestions are valid, the proposed policy is neither clear nor concise and is too abstract to constitute a relevant and useful policy.

3.21.3 Moreover, whilst the plan does not explicitly use a capacity approach in its formulation, the criteria attached to the policies of the plan ensure that the capacity of relevant economic, environmental and social matters are implicitly taken into account in the consideration of development proposals. As such I consider that Policy ENV27, as proposed to be changed, is more positively expressed and provides greater clarity and certainty than does the amendment proposed by the objector. It is for the Council to decide its own approach to the preparation of the proposed SPG on sustainability, the required basis for which, I have concluded, should be set out within the Justification of Strategic Policy 2.

### Issue (ii)

3.21.4 I am sympathetic to the concerns of objectors, expressed at the inquiry about the proximity of the chemical complex at Barry to existing residents which it was made clear promoted the objections. However, I do not consider that the suggestions made for the re-wording of the policy would improve its enforceability or effectiveness. The word “*unacceptable*” is consistent with other policies in the plan and the use of the phrase “*health and safety*” is acceptable as one naturally affects the other. The risk of accident is covered by the policy as proposed to be changed by virtue of effect on safety. Moreover the phrase “*liable to have an unacceptable adverse effect on...*” is a much more sensitive test than that proposed by the suggested criterion.

### Issue (iii)

3.21.5 It is not appropriate to include reference to industrial hazards in this sentence. It is not possible to prevent the adverse effects of a hazard, as it is the possible resulting accident that has adverse effects not the hazard. This is clearly encompassed in the health and safety consideration within the policy. The Council accepts that the list of legislation in Para.3.4.97 is demonstrative rather than exhaustive. Given this situation, rather than adding to an incomplete list of legislation, I consider that reference to particular legislation should be deleted from the explanatory text. With respect to the inclusion of reference to “*Inspectors*” the Council is only able to implement the advice of the relevant regulatory authorities and, as such, this suggestion could not be implemented.

## RECOMMENDATION:

**I recommend that the plan be modified by:**

**REC.3.51 the addition of PCD051 and PCD052 subject to the deletion of reference to the particular legislation set out in the third sentence of PCD052**