

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

**CONTENTS**

**(This Volume Bold)**

**VOLUME 1**

<b>CHAPTER 1</b>	<b>INTRODUCTION</b>
<b>CHAPTER 2</b>	<b>STRATEGIC POLICIES AND THEIR JUSTIFICATION</b>
<b>CHAPTER 3</b>	<b>ENVIRONMENT</b>

**VOLUME 2**

<b>CHAPTER 4</b>	<b>HOUSING</b>
	PART A - Policies
	PART B - The Allocated Sites
	PART C - Site Specific Matters

**VOLUME 3**

<b>CHAPTER 5</b>	<b>ECONOMIC DEVELOPMENT AND TOURISM</b>
<b>CHAPTER 6</b>	<b>TRANSPORTATION</b>
<b>CHAPTER 7</b>	<b>RETAILING</b>
<b>CHAPTER 8</b>	<b>SPORT &amp; RECREATION</b>
<b>CHAPTER 9</b>	<b>MINERALS</b>
<b>CHAPTER 10</b>	<b>WASTE MANAGEMENT</b>
<b>CHAPTER 11</b>	<b>COMMUNITY &amp; UTILITY SERVICES</b>

**VOLUME 4**

**APPENDICES**

<b>APPENDICES</b>	<b>(A) LIST OF APPEARANCES</b>
	<b>(B) INDEX OF DULY MADE OBJECTIONS</b>
	<b>(C) DOCUMENTS</b>
	(1) CORE DOCUMENTS
	(2) INQUIRY DOCUMENTS

## CONTENTS

### (This Volume Bold)

#### VOLUME 1

#### CHAPTER 1 - INTRODUCTION

1.1	Policy 00GEN - General Policy Matters .....	1.1
1.2	Supplementary Planning Guidance (SPG) .....	1.3
1.3	Non Statutory Documents .....	1.4
1.4	Environmental Appraisal.....	1.5
1.5	The Guiding Unitary Development Plan Principles.....	1.6
1.6	The Strategy and Strategic Policy 3 .....	1.7
	The Housing Strategy; .....	1.9
	Housing Demand .....	1.12
	Housing Supply .....	1.14
	The Housing Requirement.....	1.19

#### CHAPTER 2

#### STRATEGIC POLICIES AND THEIR JUSTIFICATION

2.1	Policy 1 Environment.....	2.1
2.2	Policy 2 - Environment .....	2.2
2.3	Policies 1 and 2 (Environment) - Justification.....	2.5
2.4	Policy 3 - Housing and its Justification.....	2.6
2.5	Policies 4, 5 and 6 -Economic Development and Tourism .....	2.7
2.6	Policy 7 - Improvements to Transportation Network.....	2.10
2.7	Policies 9 and 10 – Retailing.....	2.11
2.8	Policy11 - Sport and Recreational Facilities .....	2.13
2.9	Policy14 - Community and Utility Services.....	2.14

#### CHAPTER 3 - ENVIRONMENT

3.1	Omissions and General Considerations.....	3.1
3.2	- Objectives .....	3.3
3.3	Policy ENV1 Development in the Countryside (including HOUS2, HOUS3, HOUS8 and HOUS9).....	3.4
3.4	Policy ENV2 - Agricultural land.....	3.11
3.5	Policy ENV03 - Green Wedges (including Green Belt and Special Landscape Areas).....	3.13
3.6	Policies ENV4 and ENV5 - Coastal Policies (including The Glamorgan Heritage Coast and The East Vale Coast).....	3.21
3.7	Policy ENV6 - Water Resources .....	3.25
3.8	Policy ENV7 - Small Scale Rural Conversions .....	3.26
3.9	Policy ENV8 Development Involving Horses .....	3.29
3.10	Policy ENV9 Conservation of the Countryside .....	3.30
3.11	Policy ENV10 - Protection of Landscape Features .....	3.32
3.12	Policy ENV11 - Woodland Management.....	3.33
3.13	Policies ENV12, ENV13, ENV14 and New Policy ENV .....	3.34
	3.13.1 Policy ENV12 International Areas .....	3.34
	3.13.2 Policy ENV13 National sites .....	3.35
	3.13.3 Policy ENV14 Local sites.....	3.36
	3.13.4 - Additional Policy ENV XX Protected Species .....	3.37
	3.13.5 Paragraphs 3.4.53 to 3.4.57 .....	3.38

3.14 Policy ENV15 Protection of Built and Historic Environment .....	3.39
3.15 Policies ENV16 and ENV17 .....	3.40
3.16 Policies ENV 18 and ENV 19 .....	3.42
3.17 Policy ENV22 - Conservation and Enhancement of Open Space .....	3.44
3.18 Policy ENV23 - Regeneration of Urban Areas .....	3.45
3.19 Policy ENV24 - Contaminated Land and Unstable Land .....	3.46
3.20 Policy ENV25 -Design of new developments.....	3.47

## VOLUME 2

### CHAPTER 4 - HOUSING

#### PART A - Policies

A.1 Policy HOUS00 - General Housing Objections and Omissions of Policy .....	4.2
A.2 Policy HOUS1 - Residential Allocations .....	4.3
A.3 Policy HOUS2 - Additional Residential Development.....	4.3
A.4 Policy HOUS3 - Dwellings in the Countryside.....	4.3
A.5 Policy HOUS4 - New Settlements .....	4.4
A.6 Policy HOUS5 - Agricultural or Forestry Dwellings.....	4.6
A.7 Policy HOUS7 - Replacement and Extension of Dwellings in the Countryside.....	4.7
A.8 Policy HOUS8 - Additional Residential Development.....	4.8
A.9 Policy HOUS9 - Residential Development within Settlement Boundaries.....	4.9
A.10 Policy HOUS10 - Conversion of Large Dwellings.....	4.11
A.11 Policy HOUS11 - Nursing Homes .....	4.12
A.12 Policy HOUS13 - Affordable Housing .....	4.13
A.13 Policy HOUS14 - Affordable Housing in the Rural Vale.....	4.14
A.14 Policy HOUS15 - Gypsy Caravans .....	4.16

#### PART B - The Allocated Sites

B.1 Policy HOUS1(1) - Barry Waterfront .....	4.18
B.2 Policy HOUS1(2) - Harbour Road Barry .....	4.20
B.3 Policy HOUS1(3) - Pencoedtre North East Barry .....	4.21
B.4 Policy HOUS1(7) - Penarth Haven, Penarth.....	4.22
B.5 Policy HOUS1(8) - Cogan Hall Farm, Penarth .....	4.23
B.6 Policy HOUS1(10) - Redwood Close, Boverton.....	4.24
B.7 Policy HOUS1(12) - Cowbridge Road and The Saw Mill, Ystradowen.....	4.25
B.8 Policy HOUS1(13) - Rhoose Point .....	4.27
B.9 Policy HOUS1(16) - Adjacent St.Michael's Church, Colwinston.....	4.28
B.10 Policy HOUS1(17) - St.John's Well, St.Athan.....	4.29
B.11 Policy HOUS1(20) - White Farm, Barry.....	4.31

#### PART C - Site Specific Matters

C1 Aberthin - Court Farm.....	4.35
C2 Barry.....	4.36
C2.0 General.....	4.36
C2.2 Barry - Highlight Farm/ Highlight Lane .....	4.38
C2.3 Barry - Land to the North of Pleasant View .....	4.39
C2.4 Barry-Merthyr Dyfan.....	4.40
C2.5 Barry - Palmersvale Business Centre.....	4.41
C2.6 Barry - Pencoedre, North East Barry .....	4.43
C2.7 Barry- Land to the north of Port Road .....	4.44
C2.8 Barry- Port Road/Five Mile Lane .....	4.45
C2.9 Barry - Ty Verlons.....	4.46

C2.10 Barry - Land to the rear of St James Crescent .....	4.47
C3 Bonvilston - Land between The Village Hall and Church Cottage.....	4.48
C4 Broughton.....	4.49
C5 Colwinston .....	4.50
C6 Corntown - Land adjacent to Corntown Court.....	4.51
C7 Cowbridge.....	4.52
C7.0 General.....	4.52
C7.1 Cowbridge - Darren Farm.....	4.54
C7.2 Cowbridge - Slade Farm.....	4.58
C7.3 Cowbridge - Llanblethian Farm.....	4.59
C7.4 Cowbridge - Land at the edge of the Northern Settlement Boundary .....	4.60
C7.5 Cowbridge - Land adjacent Llanblethian Farm.....	4.62
C8 Dinas Powys.....	4.63
C8.0 General.....	4.63
C8.1 Dinas Powys - Cardiff Road.....	4.64
C8.2 Dinas Powys - Cross Common.....	4.65
C8.3 Dinas Powys - Eastbrook.....	4.65
C8.4 Dinas Powys - Southra.....	4.67
C8.5 Dinas Powys - Caerleon Road and Rhuddlan Way.....	4.68
C8.6 Dinas Powys - St.Andrews Road and Westra.....	4.69
C9 East Aberthaw .....	4.70
C10 Ewenny.....	4.71
C11 Llanbethery .....	4.72
C12 Llancarfan.....	4.73
C13 Llandough .....	4.74
C13.0 General.....	4.74
C13.1 Llandough - Cogan Pill Road.....	4.75
C13.2 Llandough - Corbett Road.....	4.76
C13.3 Llandough - Sites at Leckwith Road and Llandough Hill.....	4.77
C13.4 Llandough - Llandough Fields.....	4.79
C14.1Llandow - Land to the West of the Railway Line, OS0626 .....	4.81
C14.2Llandow - New Village Proposal .....	4.83
C15 Llanmaes .....	4.84
C15.0 General.....	4.84
C15.1 Llanmaes – land north of the village.....	4.85
C15.2 Llanmaes – land north east of the village.....	4.86
C15.3 Llanmaes – land west of the village.....	4.87
C16 Llantwit Major/Boverton.....	4.88
C16.0 General.....	4.88
C16.1 Llantwit Major - Land at Eglwys Brewis Road/Llantwit Major Bypass.....	4.89
C16.2 Llantwit Major/Boverton - OS Field 3759.....	4.90
C16.3 Llantwit Major/Boverton- Land to south of the Boverton.....	4.91
C16.4 Llantwit Major/Boverton - Land to the South.....	4.93
C16.5 Llantwit Major/Boverton - Field 3968.....	4.94
C16.6 Llantwit Major/Boverton - Land to the north of Boverton.....	4.95
C16.7 Llantwit Major/Boverton- Plasnewydd Farm.....	4.96
C17 Michaelston-le-Pitt.....	4.97
C18 Ogmere-by-Sea .....	4.98
C19 Rhoose.....	4.99
C19.0 General.....	4.99
C19.1 Rhoose - Fonmon Road, Font-y-gary.....	4.100
C19.3 Rhoose - Land between Porthkerry Road and Rhoose Point.....	4.101
C19.4 Rhoose - Lower Farm.....	4.102
C20 Siginstone – Part OS 1848 .....	4.104
C21 Southerndown.....	4.105
C21.1 Southerndown - Land East of Southerndown House.....	4.105
C21.2 Southerndown - Great House Yard.....	4.106

C22 St Andrew's Major – .....	4.107
C23 St.Athan.....	4.108
C23.1St.Athan - Allotments - Eglwys Brewis.....	4.108
C23.2St.Athan - West House Farm.....	4.110
C24 St Brides Major .....	4.111
C24.0 General.....	4.111
C24.1 St Brides Major - Area to the South.....	4.111
C24.2 St Brides Major - New Vicarage and adjoining land.....	4.112
C24.3 St Brides Major - Penylan Farm.....	4.113
C25 St Nicholas .....	4.114
C25.0 General.....	4.114
C25.1 St Nicholas - Land off Ger y Llan.....	4.114
C25.2 St Nicholas - Part OS 0913 and 1415, Duffryn Lane.....	4.115
C26 Sully .....	4.116
C26.0 General.....	4.116
C26.1 Sully – Land east of Swanbridge Road and north of Lavernock Road.....	4.117
C26.2 Sully – Beach Road.....	4.118
C26.3 Sully - Land East of Sully Road.....	4.119
C27 Tair Onen – New Village Proposal .....	4.120
C28 The Downs .....	4.121
C29 Tre-Aubrey .....	4.122
C30 Treoes - Ty Mawr Farm .....	4.123
C31 Trerhyngyll – OS 7084, 7100, and 7200 .....	4.124
C32 Twyn-yr-Odyn.....	4.125
C33 Welsh St Donats .....	4.126
C34 Wenvoe .....	4.127
C34.0 General.....	4.127
C34.1 Wenvoe - Land to the North of the Residential Settlement Boundary.....	4.128
C34.2 Wenvoe - Land between Port Road and Old Port Road.....	4.129
C34.3 Wenvoe - Land to the South of the Residential Settlement Boundary.....	4.130
C35 West Aberthaw - The Boys Club of Wales Site .....	4.131
C36 Wick .....	4.132
C36.0 General.....	4.132
C36.1 Wick - Sites to the south and north of Green Isaf.....	4.133
C36.2 Wick- Lilla Cottage.....	4.134
C36.3 Wick - Land adjacent to the North-Western Boundary.....	4.135

## **VOLUME 3**

### **CHAPTER 5 ECONOMIC DEVELOPMENT AND TOURISM**

<b>5.1 Policy EMP/TOUR00 - General and Omissions .....</b>	<b>5.1</b>
<b>5.2 Policy EMP1 - Land for Employment Uses .....</b>	<b>5.3</b>
<b>5.3 Policy EMP1 (Site6) - Hayes Lane .....</b>	<b>5.7</b>
<b>5.4 Policy EMP1 (Site8) - Hayes Wood.....</b>	<b>5.8</b>
<b>5.5 Policy EMP1 (Site18) -</b>	
<b>West Point Industrial Estate &amp; Llandough Sidings, Penarth Road .....</b>	<b>5.9</b>
<b>5.6 Policy EMP1(20) - Vale Gate &amp; HTV, Culverhouse Cross.....</b>	<b>5.10</b>
<b>5.7 Policy EMP1 (Site 21) - Land to the North of Rhoose.....</b>	<b>5.18</b>
<b>5.8 Policy EMP2 - Special Employment Sites .....</b>	<b>5.19</b>
<b>5.9 Policy EMP2(1) – Pencoedtre .....</b>	<b>5.21</b>
<b>5.10 Policy EMP2(2) - Miskin) .....</b>	<b>5.23</b>
<b>5.11 Policies EMP3 and EMP4</b>	
<b>New Business &amp; Industrial Development General Industry .....</b>	<b>5.25</b>
<b>5.12 Policy EMP5 - Protection of Land for Employment Uses .....</b>	<b>5.28</b>
<b>5.13 Policies EMP6 and EMP7</b>	

<b>Developments Involving Hazardous Substances</b>	
<b>Development Adjacent to Hazardous Industrial Uses .....</b>	<b>5.29</b>
<b>5.14 Policy EMP8 - Agricultural Service Industries .....</b>	<b>5.30</b>
<b>5.15 Policy EMP9 and PCF029</b>	
<b>Agricultural Enterprise and Associated Development .....</b>	<b>5.31</b>
<b>5.16 Policy EMP10 - Non-Conforming Business and Industrial Uses .....</b>	<b>5.32</b>
<b>5.17 Policy EMP12 - Cowbridge Cattle Market .....</b>	<b>5.33</b>
<b>5.18 Policy TOUR 1 - New Hotels in the Countryside .....</b>	<b>5.36</b>
<b>5.19 Policy TOUR 4 - Caravan, Chalet and Tent Sites .....</b>	<b>5.37</b>
<b>5.20 Policy TOUR 5 - Non-Residential Tourist Attractions .....</b>	<b>5.38</b>
<b>5.21 Implementation .....</b>	<b>5.39</b>

## CHAPTER 6 - TRANSPORTATION

<b>6.1. Policy TRAN00 - General or Omissions .....</b>	<b>6.1</b>
<b>6.2. Policy TRAN 1 Strategic highways .....</b>	<b>6.4</b>
<b>6.3. Policy TRAN 1(i): The Airport Access Road .....</b>	<b>6.6</b>
<b>6.4. Policy TRAN 1(ii): The Barry Waterfront to Cardiff Link .....</b>	<b>6.10</b>
<b>6.5. Policy TRAN 2 Local highways .....</b>	<b>6.12</b>
<b>6.6. Policy TRAN 3 Rail Development .....</b>	<b>6.15</b>
<b>6.7 Policy TRAN 4 Interchange at Rail Stations .....</b>	<b>6.17</b>
<b>6.8. Policy TRAN 5 Redundant Rail Routes &amp; Facilities .....</b>	<b>6.18</b>
<b>6.9. Policy TRAN 6 Rail Freight .....</b>	<b>6.19</b>
<b>6.10 Policy TRAN 7 Cardiff International Airport .....</b>	<b>6.20</b>
<b>6.11. Policy TRAN 8 Cycling development .....</b>	<b>6.21</b>
<b>6.12. Policy TRAN 9 Parking .....</b>	<b>6.23</b>
<b>6.13. Para. 6.5.2 .....</b>	<b>6.25</b>

## CHAPTER 7 RETAILING

<b>7.1. Policy SHOP00 Retailing policies in general or omission of policy .....</b>	<b>7.1</b>
<b>7.2. Policy SHOP1 The shopping environment of district centres .....</b>	<b>7.3</b>
<b>7.3. Policy SHOP2 New and improved shopping facilities .....</b>	<b>7.4</b>
<b>7.4. Policy SHOP3 Retail development .....</b>	<b>7.5</b>
<b>7.5. Policy SHOP4 Retail warehousing in Barry Waterfront .....</b>	<b>7.7</b>
<b>7.6. Policy SHOP5 Ground floor uses in primary shopping areas .....</b>	<b>7.8</b>
<b>7.7. Policy SHOP11 Upper floors in town and district shopping centres .....</b>	<b>7.9</b>
<b>7.8. Policy SHOP12 New retail development outside district shopping centres .....</b>	<b>7.10</b>

## CHAPTER 8 SPORT & RECREATION

<b>8.1. Policy REC00 Sport &amp; Recreation policies in general or omission of policy .....</b>	<b>8.1</b>
<b>8.2. Policy REC1 Protection of existing recreational facilities .....</b>	<b>8.3</b>
<b>8.3. Policy REC3 Provision of open space within new residential developments .....</b>	<b>8.4</b>
<b>8.4. Policy REC5 New playing field provision .....</b>	<b>8.5</b>
<b>8.5. Policy REC6 Childrens play facilities .....</b>	<b>8.8</b>
<b>8.6. Policy REC7 Sport and leisure facilities .....</b>	<b>8.9</b>
<b>8.7. Policy REC8 Golf courses and golf driving ranges .....</b>	<b>8.11</b>
<b>8.8. Policy REC9 New golf related developments .....</b>	<b>8.14</b>
<b>8.9. Policy REC10 Development of allotment land .....</b>	<b>8.15</b>
<b>8.10. Policy REC11 Informal public open space and country parks .....</b>	<b>8.16</b>
<b>8.11. Policy REC12 Public rights of way and recreation routes .....</b>	<b>8.18</b>
<b>8.12. Policy REC13 Sailing .....</b>	<b>8.23</b>

## **CHAPTER 9 MINERALS**

<b>9.1. Policy MIN00 Minerals policies in general or omission of policy .....</b>	<b>9.1</b>
<b>9.2. Marine dredged sand .....</b>	<b>9.3</b>
<b>9.3. National planning guidance .....</b>	<b>9.4</b>
<b>9.4. Policy MIN1 Mineral Exploration .....</b>	<b>9.5</b>
<b>9.5. Policy MIN2 Release of limestone reserves .....</b>	<b>9.6</b>
<b>9.6. Policy MIN3 Protection of further limestone resources.....</b>	<b>9.7</b>
<b>9.7. Policy MIN4 New or extended mineral working sites .....</b>	<b>9.9</b>
<b>9.8. Policy MIN5 Preferred order of release of reserves .....</b>	<b>9.12</b>
<b>9.9 Policy MIN6 Buffer zones .....</b>	<b>9.15</b>
<b>9.10 Policy MIN7 Restoration and after-care.....</b>	<b>9.17</b>
<b>9.11 Policy MIN9 Derelict sites .....</b>	<b>9.19</b>
<b>9.12 Policy MIN11 Mineral-related industry at ports .....</b>	<b>9.21</b>

## **CHAPTER 10 WASTE MANAGEMENT**

<b>10.1 Policy WAST00 Waste management policies in general or omission of policy .....</b>	<b>10.1</b>
<b>10.2.Policy WAST1 Waste management facilities.....</b>	<b>10.4</b>
<b>10.3.Policy WAST3 Disposal of special waste.....</b>	<b>10.6</b>
<b>10.4.Policy WAST4 Waste disposal on agricultural land .....</b>	<b>10.8</b>

## **CHAPTER 11 COMMUNITY & UTILITY SERVICES**

<b>11.1 Policy COMM00 general or omission of policy .....</b>	<b>11.1</b>
<b>11.2. Policy COMM1 Llandough Hospital.....</b>	<b>11.2</b>
<b>11.3. Policy COMM2 Reuse of redundant hospitals .....</b>	<b>11.4</b>
<b>11.4. Policy COMM3 Provision of schools .....</b>	<b>11.8</b>
<b>11.5. Library Provision .....</b>	<b>11.9</b>
<b>11.6. Community halls .....</b>	<b>11.10</b>
<b>11.7. Utility Services - general.....</b>	<b>11.11</b>
<b>11.8. Public sewage treatment .....</b>	<b>11.13</b>
<b>11.9. Telecommunications.....</b>	<b>11.14</b>
<b>11.10 Policy COMM5 Wind generators and farms</b>	
<b>Policy COMM6 Other renewable energy schemes .....</b>	<b>11.16</b>
<b>11.11. Cemeteries .....</b>	<b>11.17</b>

## **VOLUME 4**

### **APPENDICES**

APPENDIX A      LIST OF THOSE APPEARING AT THE INQUIRY

APPENDIX B      INDEX OF DULY MADE OBJECTIONS

APPENDIX C      LIST OF DOCUMENTS  
                         (1) CORE DOCUMENTS  
                         (2) INQUIRY DOCUMENTS



## **ABBREVIATIONS**

ALC	Agricultural land classification
AAR	Airport Access Road
BT	British Telecommunications plc
CCW	Countryside Council for Wales
CIA	Cardiff International Airport
CPRW	Campaign for the Protection of Rural Wales
DETR	Department of the Environment, Transport, and the Regions
FoE Cymru	Friends of the Earth (Cymru)
FoE Penarth	Friends of the Earth (Penarth)
FRCA	Farming and Rural Conservation Agency
HSOP	Housing Strategy Operational Plan
JHLAS	Joint Housing Land Availability Study
MPA	Minerals Planning Authority
PGW	Planning Guidance Wales
PIZ	Public Information Zone
PPG	Planning Policy Guidance
PG(W)PP	Planning Guidance (Wales) Planning Policy 1996
SAS	Surface Access Strategy
SEWUDPLG	South East Wales Unitary Development Plans Liason Group
SLA	Special Landscape Area
SPG	Supplementary Planning Guidance
SWIFT	South Wales Integrated Fast Transit Strategy
TAN	Technical Advice Note
TENS	Trans European Network budget
WDA	Welsh Development Agency
WO	Welsh Office

## CHAPTER 5 ECONOMIC DEVELOPMENT AND TOURISM

### 5.1 Policy EMP/TOUR00 - General and Omissions

**Explanatory note:** PCF036 satisfactorily meets the objection by Cardiff Bay Development Corporation, which is Conditionally Withdrawn. I deal with the objections by the Welsh Development Agency and Woodwise Ltd in section 5.3.

*Supporting representation*

271.6	Llantwit Major Chamber of Trade	{Encouragement of hotels/guest houses, B & B's, camping & caravan sites.}
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*Conditionally withdrawn objection*

217.7	Cardiff Bay Development Corporation	{Cardiff Bay Barrage}
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*Maintained objections*

5.1	Orange Personal Communication Services Ltd	{Omission of policy to encourage home based working}
33.6	Barry Town Council	{Specific tourism Policies required.}
122.2	Woodwise Ltd.	{Proposed expansion of Woodwise site near Cowbridge.}
287.7	Welsh Development Agency	{Redundant land at Aberthaw A Station.}

#### Para 5.3

*Supporting representation*

238.18	Country Landowners Association	{Support for objectives set out in paragraph 5.3.}
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### ISSUES:

#### 5.1.1. Whether:

- (i) the Plan should incorporate a policy on home-based employment and teleworking;
- (ii) the Plan adequately recognises the significance of tourism to the future vitality and prosperity of Barry;
- (iii) the Plan should indicate the future use of redundant land at Aberthaw A Power Station;
- (iv) land for the expansion of Crossway Industrial Estate should be identified.

### CONCLUSIONS:

#### Issue (i)

5.1.2. Provided that the activity takes place in a building that remains primarily residential, home-based employment or teleworking are not subject to planning control. However, the growing significance of these kinds of employment in rural areas is recognised in the amendment of Policy ENV1 by PCD002, by Policy ENV7 and, in the case of activity involving farm diversification, the proposed additional Policy EMP8. I do not consider any further change necessary.

#### Issue (ii)

5.1.3. I consider paragraphs 5.4.65 and 5.4.66 of the draft Plan make adequate reference to the encouragement of tourist development at Barry Island, the provision of high quality visitor facilities in the Waterfront area, and the strengthening of links between these areas and the town centre. A specific policy is not required.

#### Issue (iii)

5.1.4. As no proposal has been made by the existing owners of the redundant land at Aberthaw Power Station the identification of a future use is premature. However, it will fall to be considered in the context of the location of the site in the coastal zone and its proximity to neighbouring land uses. In the circumstances I discern no justification to change the Plan.

**Issue (iv)**

5.1.5. This site-specific objection is identical with that to Policy EMP 1 which I deal with below.

**RECOMMENDATION:**

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

**REC.5.1. the insertion in paragraph 5.1.7 of ‘commercial/business’ after ‘retail and convenience facilities’.**

## 5.2 Policy EMP1 - Land for Employment Uses

**Explanatory note:** Objections by Marley plc, ABP Grosvenor Waterside Developments Ltd, and the Welsh Office are Conditionally Withdrawn in response to PCF001. Objections by the Environment Agency are withdrawn in response to PCF003, PCF004, PCF007, PCF009, PCF011, and PCF012. Objections by Penarth Town Council and Welsh Water are Conditionally Withdrawn in response to the insertion of factual information. I support all of these changes relating to the table of employment sites forming the Policy and the explanatory descriptions of individual sites identified by the respective objectors. PCN016 satisfies 215.3. At the inquiry the Council agreed that the Para.5.4.9 be amended to accommodate objection 218.2.

I deal with the objection by Sir Geraint Rhys Williams concerning land adjoining the Robert Bosch site at Miskin under Policy EMP2 - Land for special employment uses: Site 2 - Land to the South East of M4 Junction 34 (Bosch, Miskin). Save for the objection by the Welsh Development Agency, which relates to the table in Policy EMP1, I treat all other objections as site specific in Sections 5.3 to 5.7.

General objections concerning the risk of flooding are made to Policies EMP1, EMP1(Site2), EMP1(Site3), EMP1(Site15) and to PCF002, PCF003, and PCF011. I deal with these below. Objections concerning the allocation of the Palmerston Industrial Estate and Llandough Fields for housing are considered in Part C of the Housing Chapter.

### *Conditionally withdrawn objections*

215.1	Marley PLC.	{Omission of land for employment use}
215.3	Marley PLC.	{Omission of land for employment use}
218.2	ABP	
234.2	Penarth Town Council	
244.18	Welsh Office	{Employment Sites}
247.10	Environment Agency	{Proximity of landfill site}
247.12	Environment Agency	{Restriction of surface water run-off}
267.6	ABP - Grosvenor Waterside Developments Ltd	{ Barry Waterfront.}
293.12	Welsh Water-Dwr Cymru	{Sewerage system at Barry Chemical Complex.}

### *Supporting Representations*

57.4	Blue Circle Industries Plc	{Policy HOUS 1 (13) & EMP 1 (14) - SUPPORT.}
271.4	Llantwit Major Chamber of Trade	{Development at Llandow.}

### *Maintained Objections*

13.2	Cowbridge Local History Society	{Llandow T.E and Vale Business Park}
122.2	Woodwise Ltd.	{Proposed expansion of Woodwise site}
166.1	Llyswoorney Community Association	{Transport infrastructureLlandow Trading Estate}
169.2	Thomas O W	
227.8	Thomas Mr and Mrs	
270.32	Plaid Cymru	
344.2	Church In Wales	
352.1	Woodwise Ltd	{Proposed expansion of Woodwise site}

## EMP1(Site2)

### *Supporting Representations*

293.5	Welsh Water-Dwr Cymru	{Watermain at Barry Business Park.}
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### *Maintained Objections*

247.11	Environment Agency	{Risk of flooding on site}
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## Proposed Change PCF002

### *Maintained Objections*

247.85	Environment Agency	
290.9	Safer Group	
376.3	Friends of the Earth Barry	

## EMP(Site3)

### *Conditionally Withdrawn Objections*

293.11	Welsh Water-Dwr Cymru	{Sewerage system at Barry Chemical Complex.}
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## Proposed Change PCF003

### *Supporting Representations*

247.67	Environment Agency	{Support for the Proposed Change}
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*Maintained Objections*

290.11	Safer Group
376.2	Friends of the Earth Barry

**EMP1(Site15)**

*Supporting Representations*

293.6	Welsh Water-Dwr Cymru	{Watermain at Sully Moors Road, Barry.}
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*Conditionally Withdrawn Objections*

247.13	Environment Agency	{Proximity of a landfill site}
293.13	Welsh Water-Dwr Cymru	{Foul flow from land at Sully Moors Road, Barry.}

**Proposed Change PCF011 - EMP1.15**

*Maintained Objections*

290.4	Safer Group
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**ISSUES:**

5.2.1. Whether:

- (i) further development at The Vale Business Park and Llandow Trading Estate should not be permitted before the construction of a Llysworney bypass;
- (ii) land at the Heritage Business Park should be allocated for employment uses;
- (iii) land west of the Cardiff International Airport should be allocated for employment uses;
- (iv) Site 15 (Sully Moors) Employment Site should extend over the track bed of the adjoining former railway;
- (v) additional land for employment use should be allocated at Barry Docks;
- (vi) land at Sully Glebelands allocated for recreational development should alternatively be allocated for employment development;
- (vii) the Crossways Employment Site, including land known as ‘The Paddocks’, should be allocated as an employment site under Policy EMP 1;
- (viii) amendments should be made to Policies EMP1, TOUR4 and to PCF002, PCF003, PCF011 and PCF035 to make clear the potential risk of flooding.

**CONCLUSIONS:**

**Issue (i)**

5.2.2. The Council acknowledges the need for a bypass of Llysworney as proposed in Policy TRAN2(i) and continues to bid for national funding of the design and preparatory works. The objectors raise various detailed concerns about the impact of traffic on Llysworney and the layout of local roads which I deal with in relation to that Policy. On the relationship of Policy TRAN1 schemes to this scheme I accept that the Plan does not intend to imply competition or the assignment of a lower priority, particularly as the resources required would be more modest and would emanate from sources somewhat different from those relevant to the Policy TRAN1 schemes.

5.2.3. Both the Vale Business Park and Llandow Trading Estate provide opportunities to create employment on brownfield land in a rural area. It is not in my view practical to preclude modest incremental expansion or the implementation of outstanding valid planning permissions in these locations; I consider it could give a wrong signal to those responsible for the generation of employment. I agree, however, with the Council that the development of the largest plot to the south of the Vale Business Park should be deferred pending the construction of both a roundabout access from the B4270 and the amelioration of the traffic problems of Llysworney. That is expressed in the addition to paragraph 5.4.25 proposed in PCF013, which I support.

### Issue (ii)

5.2.4. The Heritage Business Park is a wedge-shaped area located about 1 km north west of the centre of Llantwit Major between the B4265 road and the Vale of Glamorgan railway. It is bordered on its west by open fields. In addition to land in use for existing employment activities its northern part comprises open land subject to Policy ENV1, the site being outside the settlement boundary of Llantwit major. The function of the Plan is to indicate proposed uses and not existing ones. My conclusions below are therefore concerned with the undeveloped part of the site.

5.2.5. Topic Paper 2, the Council's examination of the land requirement for employment uses, estimates a need for 110 to 110 ha over the Plan period. In the Borough as a whole, 216.2 ha are allocated, of which 150 ha are for general employment in Business Use Classes B1, B2, and B8. The allocated land does not include land in existing employment use. The major sites the plan identifies at Llandow Trading Estate and the Vale Business Park are within 3km of the objection site. In the circumstances I consider there is sufficient land allocated without any need for further land at the objection site.

5.2.6. On the basis of the interpretation of a planning permission granted in 1990 for the change of use of agricultural buildings to a workshop and the store the objector and the Council dispute the planning status of the northern part of the site. However, its resolution is not a matter which it is appropriate to settle through the process of formulating the UDP. The fact is that this is a relatively small site which either in view of the allocation of sufficient land elsewhere is not required for employment use or, alternatively, if it already enjoys business use it is not appropriate to identify.

### Issue (iii)

5.2.7. The objection is one of several by which the objectors seek in various alternative ways the allocation for development of parts of their land east of Fonmon village on the grounds that it is urban fringe land of poor agricultural quality with no special landscape or other natural features. In the case of this Policy, in view of the strategic function of Cardiff International Airport the allocation of an area of 18 ha east of the village and adjoining a conceptual village bypass line from the B4265 to Port Road/Fonmon Road. the area for business Class B1, B2, and B8 uses is sought for airport related uses or a major inward investment.

5.2.8. I observe that the area between the airport and Fonmon remains totally open and rural; there is no shortage of land allocated for airport-related activity; and the objectors state that the objection site would not be developed either until the demand for existing airport-related land had been exhausted or a major inward investment opportunity had been identified. In my view the approach is purely speculative in that there is no need to allocate the objection site, nor has any major inward investment been identified which could not be satisfied from allocated land. The objectors explicitly recognise the Plan's principle of concentrating development on the waterfront strip from Penarth to Rhose, including the airport. In my view the objection land lies clearly outside that concentration zone in open countryside where its allocation for business use is inappropriate.

### Issue (iv)

5.2.9. The objector advocates strengthening the Policy to prevent Site 15 (Sully Moors) Employment Site extending over the track bed of the adjoining former railway. The boundary shown on the Proposals Map is quite clear; encroachment by the Employment Site over former railway land is not proposed and I consider no amendment of the Policy is required.

### Issue (v)

5.2.10. The allocation of land for employment uses at Barry Docks is increased from 7.0 to 13.1 ha in the table comprising Policy EMP1 by PCF001 and the consequent amendment of paragraph 5.4.9 by PCF004. I consider these changes appropriately meet the objection by the Welsh Development Agency.

#### **Issue (vi)**

5.2.11. Planning permission has already been given for playing field use of the objection land at Sully Glebelands. In the absence of evidence of any shortfall in the extent of land allocated for employment use I support the identification of the objection land for leisure use under Policy REC5(ii).

#### **Issue (vi)**

5.2.12. I am satisfied that in the locality of the objection site sufficient land for employment use is allocated under Policy EMP1 at the former Llandow airfield about 1.5 km distant.

#### **Issue (vii)**

5.2.13. The Council does not dispute that the land currently occupied by Woodwise is an established employment site but, correctly in my view, does not consider it necessary for such land to be identified as a Policy EMP1 site.

5.2.14. Leaving aside the matter concerned with the established use certificate, the adjacent area known as “The Paddocks” is outside any recognised settlement and has the appearance and character of pastureland within the open countryside. Policy EMP1 currently identifies excess of 20ha of employment land at Llandow and, as such, there is clearly no need for additional land to be allocated between Cowbridge and Llantwit Major. Expansion of the existing employment uses in this area would therefore lead to an unwarranted intensification of development into the open countryside which the Council are rightly resisting.

5.2.15. The fact that an established use certificate may exist on the site does not legitimise the use of the land or justify the inclusion of this site within a Policy EMP1 allocation within the plan. Consequently, in that the Council questions whether “The Paddocks” should have been identified as having an established use, this is a matter which may need determination elsewhere.

5.2.16. The objector indicates that the reasoning behind the expansion of the existing employment development is to facilitate the establishment of a new and safer access to the existing site. The Council accepts that the existing access is poorly laid out and that a new access may be beneficial. However, although this situation would need to be judged on its merits under the criteria attached to Policy EMP3 through the normal development control process, it does not justify the allocation of the site in the plan under Policy EMP1.

#### **Issue (viii)**

5.2.17. Paragraphs 5.4.8 and 5.4.20 as proposed to be changed provide clear and concise guidance on development constraints with regard to flooding. Paragraph 5.4.7 is proposed to be changed under FPCF001 to reflect the advice provided by the Environment Agency and Para.5.4.63 is prepared in accord with Government Guidance. I am satisfied therefore that other wording changes proposed by objectors are unnecessary.

### **RECOMMENDATIONS:**

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

**REC.5.2. PCF001, PCF002, PCF003, PCF007, PCF009, PCF011, PCF012, PCF013, FPCF001 and PCF004 save for the omission of reference to nature conservation matters;**

**REC.5.3. The insertion in paragraph 5.1.7 of ‘commercial/business’ after ‘housing, retail’.**

### 5.3 Policy EMP1 (Site6) - Hayes Lane

**Explanatory note:** The Environment Agency's objection is withdrawn conditional upon the adoption of PCF019, which I support.

*Supporting representation*

174.9 Glamorgan-Gwent Archaeological Trust Ltd. {Policy EMP 01 .06 - Support.}

*Conditionally withdrawn objection*

247.15 Environment Agency {Proximity to landfill site}

### RECOMMENDATION:

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

**REC.5.4. the inclusion of PCF019.**



## 5.4 Policy EMP1 (Site8) - Hayes Wood

**Explanatory Note:** PCF006 appropriately responds to the objection made.

### Para 5.4.13

*Maintained Objections*

287.4

Welsh Development Agency

{Physical connection between Hayes Wood site &  
Atlantic Trading Estate.}

### RECOMMENDATION:

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

**REC.5.5. the inclusion of PCF006.**

## **5.5 Policy EMP1 (Site18) - West Point Industrial Estate & Llandough Sidings, Penarth Road**

**Explanatory note:** Objection is made proposing the allocation of this site for housing. I deal with this matter in Chapter 4 at Section C14.4 under the heading Llandough Fields.

Maintained objection  
217.2

Cardiff Bay Development Corporation {Llandough Fields and employment uses}

## 5.6 Policy EMP1(20) - Vale Gate & HTV, Culverhouse Cross

**Explanatory notes:** Site EMP1(20) is identified within the plan as a 6.9 hectare site required to meet the expansion needs of the media industry. It was indicated within the plan that consents for the site will be subject to the expansion of the HTV site for media industry only. PCF014 amends the plan by deleting the employment use of the site and including this under Policy ENV3 as a Green Wedge. Whilst this course of action would both satisfy objection 228.3 and make reference to the water main referred to under objection 293.7 unnecessary, it is objected to under objection 274.3.

This latter objection proposes that Site EMP1(20), together with the site occupied by their existing premises, be allocated for retail use under a new Policy SHOP13, be removed from the provisions Policy ENV3, and be cross-referenced to a revised Policy TRAN1. In the event that such a course of action is not recommended it is suggested that Site EMP1(20) should persist as an employment allocation and that PCF014 not be accepted.

Further objections are made concerning land at Culverhouse Cross which I deal with here. Objection 12.2 proposes that Site EMP1(20) be extended to include Greenwood Quarry and the surrounding land. Objections 94.1 and 273.1 propose the exclusion of land adjacent to the existing Marks and Spencer and Tesco sites from Green Wedge Designation. My considerations and conclusions concerning these matters should be read in conjunction with my conclusions concerning the principles of Green Wedges, Green Belt and Special Landscape Areas in Chapter 3.

### *Conditionally Withdrawn Objections*

293.7	Welsh Water-Dwr Cymru	{Watermain near Valegate and HTV Culverhouse Cross.}
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### *Maintained Objections*

12.2	Thomas, Mr B.C	
94.1	Trustees of W.V.Thomas Trust	
228.3	Wenvoe Community Council	
273.1	Boots Properties	{Objection to Policy ENV3.}
274.3	United News & Media Plc	{Objection to Policy EMP 01 - site number 20.}
274.7	United News & Media Plc	
274.8	United News & Media Plc	
274.9	United News & Media Plc	

## Proposed Change PCF014 - EMP1.20

### *Maintained Objections*

274.5	United News & Media Plc
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## ISSUES:

### 5.6.1. Whether:

- (i) a need can be demonstrated for Site EMP1(20) and the existing HTV site to be allocated for retail purposes under a new Policy SHOP13 cross referenced to a revised Policy TRAN1;
- (ii) if the need for retail development on Site EMP1(20) is not demonstrated, PCF014 should be accepted;
- (iii) Site EMP1(20) should be extended to include Greenwood Quarry and surrounding land;
- (iv) land adjacent to the existing Marks and Spencer and Tesco sites should be excluded from Green Wedge Designation.

## CONCLUSIONS:

### Issue (i)

5.6.2. No objection was made as to the aims of the strategy or the objectives of the plan by the objector. The Council accepted at the inquiry that, if the need for the proposed development could be established and if no negative impact could be attributed, it was necessary to apply the sequential test. However, whilst it was also accepted that there was no other location within the Vale of Glamorgan

where a development of the size proposed could be situated, the Council considered that need could not be demonstrated, on either a sub-regional or local basis for the scale of retail development that would follow the re-allocation of the HTV site and the adjoining EMP1(20) site. Moreover, not only does the Council consider there to be no need for such a development but, if it were to go ahead, it would have a significant and detrimental impact upon the district and town centre retail opportunities that the plan seeks to protect. In the Council's view, Site EMP1(20) should remain undeveloped, provide a rural backdrop for Culverhouse Cross and, as far as is possible, a rural setting for Wenvoe.

5.6.3. I intend to deal with this issue under the following headings: The Retail Strategy of the Plan; The Draft Regional Strategy; The Surveys, Need and Impact; and Other Considerations. Other considerations related to this issue include matters related to: The Airport Access Road (Policy TRAN1); Agricultural Land; Green Wedge Policy (Policy ENV3)/Landscape and Accessibility/Sustainability.

#### The Retail Strategy of the Plan

5.6.4. Paras 7.1.17 and 7.1.18 of the plan recognised, as far back as 1988, that retail facilities in the Vale were inadequate and that expenditure was leaking from the Vale, especially to Cardiff City Centre. Para. 7.1.19 of the plan indicates that in 1994 a further study had confirmed that the retention of comparison goods expenditure within Barry was poor with significant outflows occurring to Cardiff and increasingly to Culverhouse Cross. The strategy of the plan seeks to maximise opportunities for residential, employment, transport, retail and leisure development within the urban areas of the Waterfront Strip. Such a strategy reflects planning guidance set out within PGW and it is significant that Culverhouse Cross does not lie within this strategy area. Policies 9 and 10 provide strategic guidance in relation to retailing, where Policy SHOP3 sets out four sites for retail development and SHOP12 is a criteria-based policy for the assessment of all new retail developments outside existing town and district shopping centres. One of these sites lies in the Barry Waterfront.

5.6.5. The objector suggests that despite the fact that the Barry Waterfront site has had planning permission for in excess of ten years, it has failed to gain acceptance in the market. This however is not borne out by evidence adduced by the Council which clearly shows that the retailing site has only been fully marketed since Spring 1999 and that market demand for the residential and retail elements of the scheme has been considerable. Moreover, the Council also anticipates that work will commence on the Town Hall site in Barry early in the year 2000. Both of these schemes are in accord with the plan's strategy to concentrate development opportunities in the urban areas of the Penarth to Rhose coastal strip. There can be no doubt however that a substantial development at Culverhouse Cross is not consistent with such a strategy and can only be justified against clear evidence of need as required under Policy SHOP12.

5.6.6. The plan's retail strategy is consistent with advice given in para.10.2.11 of PGW which also indicates, at para.10.2.16, that it is unlikely that opportunities exist at present in Wales for new regional shopping centres with more than 50,000m<sup>2</sup> of gross floorspace. Whether the proposal would involve Culverhouse Cross becoming a new regional shopping centre is a matter of conjecture dependant on the manner of definition. What is not in dispute however, is that the Culverhouse Cross shopping centre would consist of about 86,000m<sup>2</sup> gross should the proposed development proceed. The proposal, subject of the objection, consists of 36,231m<sup>2</sup> of non-food retail, 3499m<sup>2</sup> for Class A3 use and 9290m<sup>2</sup> of leisure use. I calculate that, of the 86,000m<sup>2</sup> gross floorspace, around 64,200m<sup>2</sup> would be comparison goods floorspace, and that such gross floorspace would represent about 48,150m<sup>2</sup> of net floorspace.

#### The Draft Regional Strategy

5.6.7. It is agreed that there is currently no regional planning strategy for Wales or for the South East Wales sub region. Apart from the guidance given in PGW, additional guidance is to be found in the Draft Strategic Planning Guidance for South East Wales produced by SEWUDPLG. As yet, this

latter guidance is only at the consultation stage. Although greater weight has to be given to Government Guidance set out in PGW, some weight can be attached to this guidance due to the fact that it represents the views of all the local planning authorities in the sub-region.

5.6.8. Para.4.5 of the Draft Regional Guidance indicates that there is currently 1,000,000m<sup>2</sup>. of existing retail floor space in the sub-region and that there is extant planning permission for a further 240,000m<sup>2</sup>. REC.R4 of this guidance states: “*Changes in the scale and nature of out-of-centre retail developments should be controlled to prevent their incremental growth into centres exerting an impact on the retail hierarchy and having traffic and other environmental impacts significantly different to those originally envisaged.*” Para.4.20 of the Draft Guidance indicates that major out-of-centre developments have been shown to change over time and “*As in the case of Culverhouse Cross*” have been prone to substantial growth and changes in the characteristic of goods sold.

5.6.9. Simple consideration of the above figures shows an expected increase of at least 24% in overall regional floorspace. The expected growth of retail spending given by URPI long term trends shows an annual increase of 3.3% for comparison goods and 1.4% for convenience goods. Such figures indicate that it would take approximately 9 years for overall growth in spending to increase by 24% not taking into account any likely improvements in retail efficiency in terms of turnover per sq.ft or in new methods of retailing such as internet shopping. I am therefore satisfied that the Council’s view, that the region has broadly adequate retail floorspace which is also evenly distributed throughout it, is soundly based. Moreover, it is clear that care has to be taken, as set out in REC4 of the Draft Regional Guidance, to ensure that the scale and nature of Culverhouse Cross does not result in its incremental growth into a centre which would exert an impact on the retail hierarchy.

5.6.10. In the absence of any agreed or stated regional need for additional retail space, the Council is correct in its approach that it should be considering within the plan the needs of its own residents and not the provision of retail opportunity for the sub-region. The approach taken by the Council to the regional shopping hierarchy is also realistic. It accepts that Cardiff is at the head of the retail hierarchy in the sub-region and, given the close proximity and accessibility of this centre to residents of the eastern Vale does not seek to compete with it. To accord with this approach the Council has attempted to provide a wide range and choice of retail development within the Vale, located in accord with the spatial strategy of the plan. Such a course of action is compatible with REC4 of the Draft Regional Guidance. Notwithstanding the above, I am also in agreement with the Council that the plan should not be considering the provision of retail opportunity for the sub-region without adequate consultation with other authorities.

## The Surveys

5.6.11. I now have regard to the retail surveys carried out by the objector and the Council. The objector suggests that there is an identifiable need in the sub-region and that impact in the Vale would be negligible. The Council approaches its survey from the point of view of local need and expresses the view that any such needs, as were identified, could be met by natural evolution. In terms of the overall regional available expenditure, it is accepted by the Council that, at the year 2006 in the 12 zones of the objector’s identified catchment area, the available expenditure would be of the order of £2,520m.

5.6.12. Using the survey data, the objector considers that some 107,306m<sup>2</sup> of retailing could be supported in the sub-region by 2006. However, although the forecasts of need and impact are based on a household survey of 1026 valid responses, I do not accept that the distribution of the headroom floorspace derived from this expenditure provides a sufficiently reliable base on which confident decisions on these matters can be made. Whilst the household survey carried out by the objectors was accepted by the Council as a valid survey producing a 95% overall confidence limit, it considered that the small sample taken lead to unacceptable distortions of the spending distribution. This view is confirmed, when comparing the objectors survey to that of the Council, by the estimated high turnover figures for Barry and Penarth and a low turnover figure for Culverhouse Cross taken together with a seemingly unrealistic spending pattern. In terms of the spending pattern, it is clearly illogical

to suggest that there would be no spending in Barry by residents of Cowbridge whilst at the same time suggesting that £2.5m would be spent in Barry by Cwmbran residents.

5.6.13. The scale of such potential distortions is well illustrated in the letter from the Council to the objector's consultants dated 11 October 1999. The Council's analysis of the NOP survey indicates that, when using the objector's own survey figures and taking into account the 95% confidence limits, the interpretation of these limits would result in an unacceptable spread of estimated spending within the centres in the catchment area. When applied to spending in Barry, it illustrates that there could only be a 95% confidence that spending in Barry lies between £23.7 million and £64 million. A similar wide range of spending figures would result with the other centres in the catchment area. As a result I have little confidence in the interpretation of the objectors' survey and impact analysis.

5.6.14. Further indication of the flaws in the use of the objector's survey results is illustrated when considering the estimates of expenditure flow (comparison goods) to Culverhouse Cross. This is indicated to be £12,417,416. The 1997 gross floorspace (comparison goods) at Culverhouse Cross is calculated by the Council as being 15,454m<sup>2</sup> gross floorspace. This compares to 11,590m<sup>2</sup> net floorspace and would indicate a trading figure of £1,071/m<sup>2</sup> per annum. This is unrealistically low when compared to the figure of £3,343/m<sup>2</sup> used by the objector in estimating the surplus expenditure for the Barry and Penarth town centres. This latter figure, if substituted for Culverhouse Cross, would indicate a turnover of £51,662,722.

5.6.15. This also leads me to the view that the estimate of an additional £79.9m of trade estimated as being likely to flow to the proposed net floorspace is far too low. In that such trade is estimated to result from an average trading/floorspace figure of £2,918.45/m<sup>2</sup> this also is considerably less than the figures used by the objector for Barry and Penarth. The use of similar figures as used to estimate the headroom expenditure would indicate that the proposed new floorspace for Culverhouse Cross would produce some £90.8m of trade and the total centre when including all of the committed floorspace would produce some £160,965,450 of trade.

5.6.16. Given also that the floorspace in a new centre such as that proposed by the objector is likely to trade at considerably greater efficiency than either Barry or Penarth, I can have little confidence in the assessment of impact made by the objector. In this respect, for example, if similar figures were taken as used by the objector in the calculation of the surplus expenditure available to Cardiff, i.e. £5148/m<sup>2</sup>, the proposed new floorspace would produce £139.9m of trade on its own without the existing floorspace. This illustrates the critical importance of the figures used in such calculations and the considerable range of results that can be produced from seemingly small differences in the initial assumptions.

5.6.17. The objector pointed to aberrations produced by the Council's household survey. Whilst these aberrations were accepted there is no doubt that the higher sample size, i.e. 4000 responses from residents within the Vale, provides a greater level of statistical confidence in the pattern of money flows to the shopping centres of the Vale. The Council also accepted that its survey did not consider the movement of shoppers into the Vale from residents outside its boundaries and consequently no assessment had been made of total available expenditure. It is clear, therefore, that direct comparison cannot be made between the results of the two surveys. However, from the objector's survey, it is clear that spending in the Vale town centres from persons resident outside the Vale is likely to be very small. Given this situation, I consider the effect of this on the Council's findings are unlikely to be as significant as is suggested by the objector.

5.6.18. Consequently, given the higher sample size, I am satisfied that the Council's survey provides a more reliable basis for the consideration of the spending distribution within the Vale and hence a more reliable forecast of the impact on local centres. Although criticism was made of the approach taken by the Council in the use of the "Furness" trip distribution model I see no reason why such a model should not be used in the analysis of a matrix of shopping trips related to spending. In my view, the principles underlying the analysis of traffic and shopping trips are likely to involve similar analyses of trip matrices.

## Need and Impact

5.6.19. I have indicated above that I have little confidence in the translation of the objector's survey into retail need and impact in the Vale. The Council's survey findings and analyses can be more confidently used, notwithstanding that it uses as a measure of "reasonable choice" a comparison of residents' spending rate per available square foot at stores within easy reach with national averages of spending rates. The Council indicates that the impact of the proposed development could be as high as 24% on Barry and Llantwit Major and 27% on Cowbridge. The Council, however, accepted that if there were to be growth in the order of 3.3%, the centres of Barry, Cowbridge and Penarth would recover the base position in about 8 to 9 years. However, there is no certainty that such growth will occur.

5.6.20. There are, other than the Cardiff City centre, a number of large retail parks easily available to Vale residents and further retail growth in the sub-region is likely to occur. Given the initial impact of the proposed growth at Culverhouse Cross, it is difficult to envisage how the Vale's centres would be able to generate sufficient growth to recover from and combat the initial impact of the proposed development. Moreover, a development having such an initial impact on the smaller centres of the Vale does not comply with the objectives of the plan as set out Para.7.3.2 which are not objected to. Such objectives are consistent with the draft regional guidance, and the Council's approach in attempting to ensure that development complies with such objectives does not represent a narrow anti-competitive approach as suggested by the objector. Consequently, I conclude that an impact of the order of 24% would be so significant as to adversely affect the vitality and viability of the existing town centres of the Vale.

5.6.21. In conclusion therefore, having regard to the above, I consider that Council has shown that there is no good or reliable evidence of need and that there would be significant harm caused by the impact of such a development on the town centres of Barry, Penarth, Cowbridge and Llantwit Major. As such I am satisfied that the application of the sequential test is not necessary and that insufficient need has been demonstrated for Site EMP1(20) and the existing HTV site, to be allocated within the plan for retail purposes.

## Other Considerations

### The Airport Access Road (AAR)

5.6.22. I have concluded in Chapter 6 that there is a need for the AAR to be retained within the plan. The Council accepts that the AAR is necessary both for the support of the Cardiff International Airport (CIA) and for the regeneration of the Barry Waterfront Strip in accordance with the plan's strategy. It is also accepted that it would have a beneficial effect on the congestion currently experienced at the Culverhouse Cross Interchange. Although the Council indicated that it could not finance the AAR, it adduced evidence to show that a recent report of the Economic Development, Planning, Transportation and Highways Committee to the Vale of Glamorgan Council was requesting a course of action by the National Assembly for Wales. This illustrates that there is some activity being undertaken by the Council to attempt to secure the necessary finance.

5.6.23. At the inquiry, on behalf of the objector, the sum of at least £12m was offered towards the construction of the AAR as it was suggested that without the road there can be no significant development at Culverhouse Cross and without the Culverhouse Cross development there can be no road. Consequently, the objectors consider the provision of a substantial contribution towards the AAR through the grant of planning permission for retail development on the HTV site is "classic" enabling development. However, until such time as the cost of the AAR has been agreed between the parties and the cost of an access to the objection site similarly agreed, it is not possible to judge whether the offer is realistic or acceptable in terms of WO Circular 13/97. This is a matter, as are matters of highway and detailed architectural design, for detailed consideration when the outstanding planning application is considered.

5.6.24. Notwithstanding the importance of this offer and the opportunity such finance would provide,

the harm that would be caused to the vitality and viability of the town centres of the Waterfront Strip by the promotion of such large scale retail facilities at Culverhouse Cross is overriding. It is for the National Assembly for Wales to determine the weight to be given to the contribution made by better access to the CIA towards the national and regional economy when considering the Council's approach for grant.

#### Agricultural Land

5.6.25. The Council accepts that the survey submitted on behalf of the objector is a fair assessment of the agricultural land position. This indicates that the land at issue is agricultural land of Grade 3a and 3b and that 51% of the site is non-agricultural. Policy ENV2 seeks to protect land of grades 1, 2 and 3a from development and of the remaining 49% of the undeveloped site, 7.1ha is Grade 3a and 2.0ha is Grade 3b. This indicates that 78% of the undeveloped site is Grade 3a which requires protection from development.

5.6.26. Whilst the Council does not argue that the loss of Grade 3a land would outweigh the need for retail allocation of the site if such a need were established, there is no doubt that the site should be considered in accordance with Government guidance contained within para.5.2.1 in PGW. This guidance indicates that: *"Land in grades 1,2,and 3a should only be developed exceptionally if there is an overriding need for the development...."* The presence of higher quality agricultural land within the locality does not affect the interpretation of such guidance. I am satisfied, given my conclusion that a retail need has not been demonstrated for the proposed allocation, that Grade 3a agricultural land should be protected from development. This adds weight to my conclusion that the site should not be allocated for retail purposes.

#### Landscape and Policy ENV3

5.6.27. My consideration of the principles underlying the matters involved with landscape and the inclusion of part of the objection site as lying within a Green Wedge identified under Policy ENV3 is largely covered by my conclusions set out in Chapter 3. I have concluded there 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 have also recommended the deletion of Policy ENV3(iii). However, whilst such a conclusion is consistent with the views of the objector concerning the value of Green Wedges, I also conclude that the designation of a Green Belt to the extent of that suggested in the Draft 1995 Local Plan is necessary. The countryside area to the north of Barry to the M4 Motorway and west of Wenvoe and Culverhouse Cross lies within this area and includes the undeveloped part of the objection site. There is no doubt that this is an area of open countryside that is under considerable pressure for development. This area is clearly an area, although unsuitable 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.

5.6.28. There is now, as there has been in the past, significant pressure for development in the Culverhouse Cross and Wenvoe areas. This pressure has led in the past to the development of Culverhouse Cross largely through the appeal process. This has resulted in the development of an established retail/commercial location with a plethora of development around it at the base of the ridge. Consequently, when taken as a whole, the area does not provide a pedestrian friendly environment, it being developed around a major road intersection with a considerable number of parking areas related to isolated, but large, retail developments. In design terms, the centre provides good indication why planning by appeal should be avoided through the proper consideration of up-to-date development plans.

5.6.29. Although I agree with the objector's own description of the HTV site as being ugly and an eyesore, I do not consider that this on its own justifies the development of the open land to its rear. The objection proposal would clearly include the undeveloped part of the objection site should there be no justification to retain Site EMP1(20) in employment use (see Issue (ii) below). This undeveloped part of the objection site comprises 9.9ha of land located to the south and west of the existing HTV studios and is currently used for agricultural purposes. Of this land, some 6.9ha were



allocated under Policy EMP1(20) for media industry use. In landscape terms, however, I consider the whole of the 9.9ha site to be an attractive open undeveloped area of countryside that provides an attractive rural backdrop to development at Culverhouse Cross.

5.6.30. It is important that the openness of this land should be retained and consequently development kept as far away as possible from the base of the ridge. The fact that additional landscaping would reduce the impact of any proposed new building cannot override the effective loss of openness that would result from the development in such a sensitive area on the edge of Cardiff. Whilst I accept that the proposal may not create visual coalescence either between Wenvoe or the hamlet of Twyn-yr-Odyn, there is no doubt that the openness that currently exists between these areas would be reduced. Such a reduction in openness can only lead to greater pressures for further developments.

#### Accessibility

5.6.31. It is accepted that Culverhouse Cross has good road access and adequate car parking facilities and that there are some 47 bus services per day to the centre along routes operating in the Vale of Glamorgan. Similarly, however, Cardiff City Centre has good road access and some 171 bus services per day operate from the Vale of Glamorgan to Cardiff. In addition, however, both Barry and Penarth have good rail services to Cardiff. Consequently, given that I have also concluded that Culverhouse Cross is not a pedestrian friendly centre, I consider that it is likely to remain mainly dependent on car borne trade. This indicates that any further development of it is likely to result in the diversion of trips presently being made by public transport to Cardiff City Centre, both from the Vale of Glamorgan and from other parts of the catchment area.

5.6.32. With regard to the overall accessibility of the centre to residents of the Vale of Glamorgan, I am also persuaded by the Council's evidence that such a large development is also likely to lead to an increase in the average shopping trip length. In reaching this conclusion I have had regard to the fact that the analysis submitted to the inquiry was carried out on a straight-line "crow's flight" basis. However, I consider the method sufficiently reliable to indicate that considerable additional mileage on shopping trips would be generated by the residents of the Vale of Glamorgan. I do not consider, therefore, that the retail proposal is as sustainable, even taking into account the employment generated, as is the Council's strategy which involves the desire to maintain and enhance the existing town centres whilst recognising the role of Cardiff City Centre as the regional shopping centre.

#### Issue (ii)

5.6.33. The objector argues that the principle of development on Site EMP1(20) has been established by the provisional allocation of land within the plan for media use. I do not accept this argument. The decision to originally allocate this site in the plan for media use was made by the Council in response to representations made on behalf of HTV having regard to the very special case put forward for the modernisation of the media industry in the area. Such a special case did not, at that time, involve the intention of HTV to relocate. Nor was it indicated at that time that the future space requirements of the industry would be likely to reduce to the current levels. Whilst the lesser space requirements of the industry were clearly illustrated to me at the site visit this is not good reason for the further extension of the site for retail purposes.

5.6.34. Neither is the fact that the existing HTV buildings are now considered unsuitable good reason for either supporting a change of use of the existing site to retail use or the retention of Site EMP1(20) in employment use. Moreover, no allocation of Site EMP1(20) for employment use has been included in any previous adopted local plan. I conclude, therefore, that there is no good reason for the site to be retained either for media or general employment use having regard to the sensitive nature of the site in the landscape and the overriding need to protect the openness of the area. The fact that the Council's Development and Tourism Manager, whose responsibility is limited to economic development, had no objection to that use on the site does not override the other planning considerations I have identified.

### Issue (iii)

5.6.35. The objector contends that the area of employment Site EMP1(20) should be extended to include Greenwood Quarry and surrounding land. For the landscape reasons I have set out in my considerations of issues (i) and (ii) above I consider the need to restrict development within the open countryside is overriding.

5.6.36. The Council indicates that Greenwood quarry is defined on the Proposals Map as a “*Derelict Site*”, i.e “*a Minerals site being restored*”, and is therefore subject to Policy MIN9. Restoration will therefore be sought to return the site from its current brownfield nature to its previous use as agriculture. Greenwood Quarry is not however identified as such within Policy MIN9 and should be added to those other derelict sites so listed.

### Issue (iv)

5.6.37. For the reasons I have set out in Chapter 3 I have recommended that the area surrounding Culverhouse Cross, outside the existing development limits, should be designated Green Belt. Whilst this would avert the need for Green Wedges to be designated under Policy ENV3 for this area, for the same reasons I have set out in connection with the landscape matters involved with Issue (i) above I consider the openness of the area should be protected from development.

5.6.38. The larger objection site, which encompasses the smaller site being promoted by objector 273, measures approximately 13ha in area, is currently used for grazing and slopes downwards from west to east and south to north. Although the site is relatively well screened at ground level from the A48 it is clearly visible from Culverhouse Cross and surrounding areas. In landscape terms, however, I consider the whole of the site to be an attractive open undeveloped area of countryside that provides an attractive rural backdrop to development at Culverhouse Cross. The fact that the site would not extend development any further west along the A48 than has already been established by the retail park opposite is not good reason to promote the development of such open land.

5.6.39. It is important that the openness of this land should be retained and consequently development kept as far away as possible from the base of the ridge associated with the rising section of the A48 known as the Tumble. The fact that additional landscaping would reduce the impact of any proposed new building cannot override the effective loss of openness that would result from the development in such a sensitive area on the edge of Cardiff. Whilst I accept that the proposal would not lead to coalescence between Culverhouse Cross and other settlements, there is no doubt that the openness that currently exists would be reduced. Such a reduction in openness can only lead to greater pressures for further developments and should be avoided.

## RECOMMENDATIONS:

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

**REC.5.6. PCF014;**

**REC.5.7. the insertion of Greenwood Quarry in Policy MIN9**

## 5.7. Policy EMP1 (Site 21) - Land to the North of Rhoose

**Explanatory note:** The insertion of a reference to water main diversion by PCF015 in paragraph 5.4.2 appropriately meets the objection by Welsh Water-Dwr Cymru, which is Conditionally Withdrawn.

*Conditionally Withdrawn Objection*

293.8

Welsh Water-Dwr Cymru

{Watermain at site north of Rhoose (off Rhoose Road).}

### RECOMMENDATION:

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

**REC.5.8. the inclusion of PCF015.**

## 5.8 Policy EMP2 - Special Employment Sites

**Explanatory Note:** PCF016 clarifies the term “*special employment purposes*” and such clarification has lead to the conditional withdrawal of objection 244.19. I further consider this matter below before dealing with the site-specific objections concerning the two sites at Miskin and Pencoedtre identified in the plan. FPF017 clarifies the position with regard to a water-main that crosses the Pencoedtre site and satisfies objection 293.9 which is Conditionally Withdrawn. Further, subsequent to the inquiry session with regard to the Pencoedtre site, the Council has agreed amendments to the plan. These amendments are set out in detail within a letter (with enclosed plan) to the objector dated 4 October 1999. These amendments indicate that the allocated employment land would have an area of 12.4ha and the extent of a buffer zone. The buffer zone is described: “*Approximately 2.5ha (30metres) of woodland is retained as a Buffer Zone. In addition 1.1ha of ancient woodland is protected along with a buffer along the A4050 and Barry Docks link Road.*” The objector does not accept the proposed extent of this Buffer Zone and I deal with the matter below in addition to the objection concerning its proposed allocation for housing. The Council also indicates that the objector’s land is not affected by the requirements of Policy REC11.

<i>Conditionally Withdrawn Objections</i>		
244.19	Welsh Office	{Clarification of special employment purposes}
<i>Maintained Objections</i>		
340.3	Randolph & Forest Enterprise, Mr D J	{Proposed deletion of Special Employment Site designation at Pencoedtre.}
359.31	Friends of the Earth Cymru	{Impact of economic development on the environment}

### Proposed Change PCF016

<i>Maintained Objections</i>	
376.5	Friends of the Earth Barry

## ISSUES:

5.8.1. Whether:

- (i) there is a need for Special Employment sites to be allocated within the plan;
- (ii) the second sentence of PCF016 should be amended to make clear the deficiencies of the sites;

## CONCLUSIONS:

### Issue (i)

5.8.2. The Council argues that Policy EMP2 is designed to provide land for employment use in accordance with the guidance set out in PGW, in particular Paras.10.1.4 and 10.1.6. Para.10.1.4 indicates that: “*Sites to support economic development, especially large scale inward investment, should be identified and brought forward in development plans...*”. Para.10.1.6 indicates that “*local authorities should aim to ensure that there is sufficient land available which is readily capable of development and well served by infrastructure. They should also ensure that there is a variety of sites available to meet differing needs.*”. The sites are seen to be part of a balanced portfolio of sites including general sites, a direct motorway related site (Miskin) for large users and another special employment site (Pencoedtre) aimed at other mobile prestige investments.

5.8.3. Whilst I see no harm in the allocation of sites to cater for large-scale investment, “*Special Employment*” as a designation is not recognised by the Use Classes Order 1987 and is a confusing term. Few prospective employment developments fall to be considered as “*Special*” and the designation of land for such purposes could well be counter-productive in the attraction of large-scale or mobile prestige investment which, in any case, usually lie within the B1, B2 or B8 categories. Moreover, no such term is used within Government guidance or within the Draft Regional Guidance produced by SEWUDPLG.

5.8.4. In addition, the priority for locating inward investment is now to utilise regenerated land within Cardiff Bay and Barry Waterfront. Consequently, I see no need for such a designation in the

plan under a separate Policy EMP2. Reference to such matters as the appropriateness of sites to cater for large-scale or mobile prestige employment uses can be limited to the explanatory text of the individual site description under Policy EMP1.

**Issue (ii)**

5.8.5. The need to provide special employment sites is not disputed by this objector but concern is expressed with regard to the greenfield nature of the sites as well as their accessibility with regard to public transport, walking and cycling. Both sites currently fall within Assisted Areas, even though the proposals issued on 15 July 1999 exclude the majority of Barry. Their greenfield nature is recognised in the supporting text of the plan.

5.8.6. The accessibility of the sites is good in terms of their general location to the CIA and the national motorway and rail networks. Miskin is located adjacent to the M4 at junction 34 and also the South Wales main railway line. Pencoedtre is however less well related to such networks but has access to frequent bus services to Cardiff, Barry and the CIA, and is close to planned local residential development. However, the Pencoedtre site, because of its more limited accessibility to the national transport network, has more the quality of a local employment site than that of a strategic employment site. The Integrated Transport Strategy referred to by the objector appears to refer to that produced by a former authority and which is not adopted by the Council. As such it carries no weight.

5.8.7. Policy EMP3 sets out the criteria by which proposals for business and commercial development are assessed and while the Council may have the ability to impose conditions on planning permissions, contributions by means of planning obligations are subject to the provisions of Circular 13/97. Each application should therefore be treated on its merits and it would be unreasonable to place demands, such as the need to guarantee major investment in non-car transport modes, on developers prior to the receipt of planning applications.

5.8.8. Given the above, I do not consider it necessary to amend the Miskin and Pencoedtre sites in the manner the objector suggests.

**RECOMMENDATION:**

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

**REC.5.9. the deletion of Policy EMP 2.**

## 5.9 Policy EMP2(1) - Site 1 – Pencoedtre

**Explanatory note:** The objections by the Environment Agency and Welsh Water-Dwr Cymru are Conditionally Withdrawn subject to the adoption of PCF017, inserting references to water supply and sewerage (para 5.4.32), which I support.

### *Conditionally Withdrawn Objections*

293.9	Welsh Water-Dwr Cymru	{Watermain at Pencoedtre Special Employment Site.}
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### *Maintained Objections*

21.1	Forest Enterprise	{Buffer Zone at Pencoedtre North East Barry}
22.1	Messrs Randolph Trust,	{Buffer Zone at Pencoedtre North East Barry}
340.2	Randolph & Forest Enterprise, Mr D J	{Proposed reduction of woodland buffer zone.}
340.4	Randolph & Forest Enterprise, Mr D J	{Request for residential devt on Special Employment Site at Pencoedtre.}

## ISSUE

5.9.1. Whether the site is suitable for allocation as an employment site;

## CONSIDERATIONS

5.9.2. It is accepted by the Council that the Pencoedtre site is not suitable or large enough in the context of the provision of a single large investment site, but is more suitable for a number of high quality businesses in a prestigious setting. I have concluded above that the site is more suitably considered as a local employment site than as a strategic employment site. In this respect the site has long been regarded as essentially part of a comprehensive mixed use development of North East Barry which, with the need to consider infrastructure requirements, has led to a long lead time for the development of the site. Moreover, the Council also recognises within the plan, and within PCF017, that considerable investment is required in both transportation and infrastructure in terms of extensive and costly off-site main laying.

5.9.3. Given such limitations I do not consider that the site can be classed as being available for the type of mobile prestigious employment that may require a more immediate site. Moreover, the Council recognises that the location of the site is sensitive given its woodland setting. From observation at my site visit I am in agreement with the Council but consider that its sloping nature is also likely to add even more difficulty and cost to its development for employment purposes. Notwithstanding this conclusion I have taken into account that the area has been the subject of a comprehensive study and forms part of a comprehensive development strategy for North-East Barry. This strategy involves a development which should have the potential to be virtually self contained, offering not only housing but shopping facilities schools and recreation opportunities as well as employment. Such a mixed development is appropriate for an area that lies on the periphery of the town.

5.9.4. Having regard to the above I consider that land for employment is appropriately allocated within this area. However I consider the extent of such allocation to be far more questionable. Currently it is intended that the plan should provide for some 12.4ha of employment land on a sloping and sensitive site in woodland landscape. When taken together with Site EMP1(13) the total area set aside for employment in this area would be some 15ha. Given the promotion of sites at Cardiff Bay, Cardiff Gate and the considerable provision and range and choice of employment land that is already made within the plan, I consider that the development of such a sensitive and difficult site is unlikely within the plan period. In my view, a smaller employment land allocation would be more appropriate in this setting. The Council has recognised that the location would be more suitable for a number of high quality businesses. It seems to me therefore that two smaller but prestige sites for B1 and B8 uses involving an allocation of about 7ha in total, one associated with Site EMP1(13) and another adjacent to the shopping centre, would be more suitable. The detailed location of such sites would, however, require further consideration as part of a revised development brief where site levels and the costs and provision of infrastructure could be more fully considered.

5.9.5. The Council does not dispute that the site is physically capable of being developed for housing. The site also lies within the Waterfront Strip where its development for housing would provide an addition to the range and choice of sites consistent with the plan's overall strategy. In that I have also previously determined that there is an under-allocation of housing land within the plan, I consider that a limited additional housing allocation should be made on this site to reflect the sensitive and woodland nature of the site.

5.9.6. However, given the need to minimise the landscape impact of any development on the site, I consider that an overall density of 30 dwellings per ha suggested by the objector is too high. Given a lesser density, and making provision for some additional informal recreational space that may be required under the provisions of Policy REC11, the extent of the buffer zones away from the perimeter of the site could be reduced. I consider that a mixed housing development of around 20-25 dwellings per ha on about 7ha of the remaining part of the objection site would be an appropriate allocation.

5.9.7. Whilst the location of such an allocation on the site would need to be confirmed as part of a new development brief, I consider that it could reasonably accommodate about an additional 135 dwellings. Moreover, it would not be unreasonable, in order to ensure the implementation of the development of the area within the plan period, to expect that the employment land would be serviced and made readily available for any mobile prestige employment that may require an immediate site.

## RECOMMENDATIONS

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

**REC.5.10. the re-allocation of the Pencoedtre Special Employment Site for about 7ha of mixed housing land under Policy HOUS1 and about 7ha of Class B1 and B8 employment use under Policy EMP1, details to be considered as part of a revised development brief for the area;**

**REC.5.11. PCF017.**

## 5.10 Policy EMP 2 (Site 2) - Land to the South East of M4 Junction 34 (Bosch, Miskin)

**Explanatory note:** The objections by the Environment Agency and Welsh Water-Dwr Cymru are Conditionally Withdrawn subject to the adoption of PCF018, inserting references to water supply and sewerage (para 5.4.33), which I support.

### *Supporting representation*

239.1	Robert Bosch Ltd.	{Support for application shown on proposals map.}
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### *Conditionally withdrawn objections*

247.14	Environment Agency	{Proximity to landfill site}
293.14	Welsh Water-Dwr Cymru	{Sewerage system on land to the south east of M4 junction 34.}

### *Maintained objection*

289.1	Williams, Sir Gareth Rhys	{Robert Bosch alternator plant.}
354.1	Williams, Gareth Rhys	{Robert Bosch alternator plant.}

## ISSUE:

5.10.1. Whether there are archaeological or ecological constraints on the allocated land which justify the allocation of additional or alternative land.

## CONCLUSIONS:

5.10.2. The object of the site allocation of 54.3 ha is to accommodate mobile prestige investment of regional importance. It lies, together with the existing Bosch alternator factory, immediately southeast of junction 34 of the M4 motorway and northwest of the Cardiff-Bridgend railway line. A water treatment works adjoins its southeast corner. The major 32ha objection site consists of pasture immediately east of the allocated site reaching as far as and rising to the Grosfaen – Peterston-super-Ely road. The objector considers there are archaeological or ecological constraints which prevent the implementation of the proposal for the allocated land and that its development would be contrary to the nature conservation objectives of Policies ENV12 and ENV13.

5.10.3. So far as concerns the archaeological interest I note that a scheduled ancient monument shown on the OS map as an unnamed circular motte is located hard by the railway and the western corner of the Bosch works. However, given the separation of the feature from the allocated land by the substantial intervening industrial building I find it difficult to conjecture any use of the proposed site which could affect it.

5.10.4. As to the ecological interest a short length of the southern boundary of the allocated site follows the boundary of the linear Ely Valley SSSI, which was notified on account of the occurrence of monkshood (*aconitum anglicum*), on the banks of the river and adjacent ditches. However, no question of conflict with Policy ENV12 arises since the site is not one of international importance. So far as concerns Policy ENV13 I note that a development brief would precede any consideration of proposals for development of the allocated site. I conclude that, as advised by the Countryside Council for Wales, development could include sympathetic management of the SSSI without significant detriment to its ecology or the unacceptable sterilisation of developable industrial land.

5.10.5. In addition to the land east of the allocated site a plan in the objector's representations shows 3 parcels of land to the west and south west of the Bosch factory. The objection land to the southwest of and alongside the railway is in part bordered by and in part lies within the SSSI. A substantial part of that to the southwest of the railway and west of the Llantrisant-Pendoylan road is within the SSSI and the SSSI bisects the tract of land between the Junction 34 roundabout and the railway. Even apart from questions of access all of these areas of land are more closely affected by the SSSI than the allocated site.

5.10.6. In accordance with my recommendation above on Policy EMP2 I consider the allocated site should be re-allocated under Policy EMP1.



**RECOMMENDATIONS:**

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

**REC.5.12.** the inclusion of PCF018 and that the site be re-allocated under Policy EMP1.

## 5.11 Policies EMP3 and EMP4 New Business & Industrial Development General Industry

### *Supporting Representations*

237.46 Countryside Council for Wales {Support for policy EMP 3}

### *Conditionally Withdrawn Objections*

244.20 Welsh Office {Commercial and industrial activities within residential areas}  
247.16 Environment Agency {Additional risks provided by new business and industrial development}

### *Maintained Objections*

205.4 Bro Taf Health Authority {Redundant hospital sites}  
214.2 Llandough Hospital & Community NHS Trust {Redundant Hospitals}  
270.33 Plaid Cymru {Expansion of Barry Chemical Complex.}  
356.16 Harmer Partnership {Industrial development in the countryside.}  
359.32 Friends of the Earth Cymru {Impact of economic development on the environment}

### **Proposed Change PCF019**

#### *Supporting Representations*

247.73 Environment Agency {Support for the Proposed Change}

#### *Maintained Objections*

290.7 Safer Group  
376.6 Friends of the Earth Barry

### **Proposed Change PCF020**

#### *Maintained Objections*

290.3 Safer Group

### **Policy EMP4 - General industry**

#### *Conditionally Withdrawn Objections*

244.21 Welsh Office {Competition between developers}  
247.17 Environment Agency {Risk provided by industrial pollution}

### **Proposed Change PCF022**

#### *Supporting Representations*

247.74 Environment Agency {Support for the Proposed Change}

#### *Maintained Objections*

290.2 Safer Group

## **ISSUES:**

### 5.11.1. Whether

- (i) the Policy should make explicit cross-reference to Policy COMM2 in respect of the reuse or redevelopment of redundant hospitals;
- (ii) further development at Barry Chemical Complex should be dependent on the improvement of fire services;
- (iii) criterion (i) of the Policy should be broadened to recognise the need of an industry to locate or expand in the countryside;
- (iv) preference should be expressed for industries serving local needs;
- (v) criteria vi, viii and ix should be reworded to ensure greater protection of adjacent land users from the potential effects of new business and industrial development;
- (vi) PCF019 should be further expanded by extended reference to types of disamenity.

## **CONCLUSIONS:**

### **Issue (i)**

5.11.2. In the inquiry session on Hensol Hospital the Council agreed to incorporate reference to Policy COMM2 in criterion (i) of the Policy as requested by Bro Taf Health Authority. In view of

the special consideration given elsewhere in the Plan to the redevelopment or reuse of redundant hospitals generally I consider that a logical and helpful addition to this Policy.

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

5.11.3. The objection is expressed in very general terms and in addition to its concern with the fire service speculates on the effect on the tourist industry of the appearance of recently-built chimneys at the Complex. Although the Plan is a land use instrument and not a statement on the operation of emergency services, such organisations, amongst others, are consulted in the event of applications for planning permission being received and their views are material considerations in the determining of applications. Proposals for certain types of development are additionally subject to mandatory Environmental Assessment. I consider the Plan allows appropriate concern for fire risk.

5.11.4. There is clearly a high degree of subjectivity in considering the appearance of development, some kinds of which may necessarily include large and in some locations possibly overly intrusive structures. In such cases it behoves the Council to approach proposals in the light of the advice in PGW that local planning authorities should reject obviously poor designs, at the same time bearing in mind that size does not inevitably correlate with an unacceptable appearance. In the circumstances I consider the Policy makes ample provision for taking account of the matters which concern the objector and no change is justified.

5.11.5. The objection site defined as 'Barry Chemical Complex' in Policy EMP1 is not within the existing complex but is separated from it by a freight rail track and service reservoirs. I note and support the Council's suggestion that in the interest of clarity the area of land described in Policy EMP1(Site 3) be included within the Barry Docks (Site 2) designation.

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

5.11.6. The question is whether the policy effectively recognises cases either in which a countryside industrial location is essential or where the expansion of an existing industrial or business enterprise is involved. Because the scale of any such development could fall outside the modest range of use through conversion for which Policy ENV7 provides, I consider that in the interest of preventing sporadic development in the countryside this Policy should remain unchanged. In the circumstances it seems to me appropriate that such cases should be considered on their merits in the light of Policy ENV1 and any relevant individual material factors. That does not deny the opportunity to demonstrate the extent to which a proposal would benefit the rural economy or enhance or maintain the environment. The objector's specific references to mineral working and activities associated with agriculture are dealt with in Chapter 9 of the Plan and in Policies EMP8 and EMP9 respectively. In the circumstances I find no reason to change Criterion (i).

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

5.11.7. The notion that preference be given to industries serving local needs arises from the objector's concern to challenge any relationship between the quality of the elements of the national road network in the Borough and economic prosperity. In practice, however, it appears to me that even if such a distinction between local and other needs could be made it would be unreasonable to exercise and impossible to enforce through planning control.

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

5.11.8. The need for Policy EMP3 is not disputed. The Policy, as proposed to be changed by PCF019 and PCF020, reflects the guidance given in PGW at paras.4, 10 and 16. The Policy when taken together with Policies EMP6, EMP7 and ENV27 provides adequate control over inappropriate new business and industrial development. The objectors' suggested amendments to PCF019 and PCF020 do not improve the enforceability or effectiveness of the policy.

#### **Issue (vi)**

5.11.9. The objection embraces 3 groups of changes sought, comprising the addition of various types of disamenity to criterion (vi), the addition of adjacent sites, public highways and spaces to criterion (viii), and the insertion of qualificatory words and addition of 'hazardous accident' to criterion (ix). It

appears to me that the items which the objector wishes to add to criterion (vi) are already adequately covered by various criteria in the Policy as proposed to be changed by PCF019. The second set of requested changes is appropriately covered by criteria (iv) and (ix). I do not accept that the Policy would be more helpfully explicit if '*significantly*' were to replace '*unacceptably*' in criterion (ix) and '*risk*' in that criterion is a term of wide applicability which already includes that of hazardous accidents. I find no justification to change the Policy in response to this objection.

## **RECOMMENDATIONS:**

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

**REC.5.13.** The addition to criterion (i) of the Policy of 'or COMM2 (REDUNDANT HOSPITALS)' after 'ENV7 (RURAL BUILDINGS)';

**REC.5.14.** the deletion from Policy EMP1 of 'Barry Chemical Complex' (Site 3) and the addition of its area to 'Barry Docks' (Site 2).

**REC.5.15.** the inclusion of PCF022.

## 5.12 Policy EMP5 - Protection of Land for Employment Uses

**Explanatory note:** The objections by Marley plc and ABP - Grosvenor Waterside Developments Ltd are Conditionally Withdrawn subject to the adoption of PCD002 (see Chapter 3 of the Plan) and PCF001 respectively. I agree with both of those changes elsewhere in this report

*Conditionally withdrawn objections*

215.2	Marley PLC.	{Redevelopment of existing employment sites}
267.7	ABP - Grosvenor Waterside Developments Ltd	{Employment sites at Barry Waterfront.}

*Maintained objection*

356.17	Harmer Partnership	{Varied uses on business parks / industrial estates.}
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### ISSUE:

5.12.1. Whether the Policy should allow the establishment of activities not in Business Classes B1, B2 and B8 on land allocated for employment use.

### CONCLUSIONS:

5.12.2. The objector regards the safeguarding of land allocated for occupation exclusively by activities in Business Classes B1, B2 and B8 as unduly restrictive, citing factory shops, leisure facilities and Class A3 outlets providing local ancillary services as examples of other types of potentially permissible activity. However, bearing in mind the clear support in PGW of sites for industrial development in the face of uses that could be located elsewhere I consider it appropriate to support this Policy's provisions. That does not prevent applications for permission for alternative forms of development being considered on the basis of the material considerations which, amongst any other relevant matters, may include whether the proposal is ancillary to and compatible with the allocated business use of the land.

### RECOMMENDATION:

**REC.5.16. I recommend that no modification be made to the plan.**

### 5.13 Policies EMP6 and EMP7 Developments Involving Hazardous Substances Development Adjacent to Hazardous Industrial Uses

**Explanatory Note :** The objection by the Welsh office is Conditionally Withdrawn subject to the adoption of PCF024 and PCF025, with which changes I concur. The objection by FoE Penarth to Policy EMP7 is identical to their objection to Policy EMP 6.

#### Policy EMP6

<i>Supporting representation</i>		
247.53	Environment Agency	{Development involving hazardous substances}
<i>Conditionally withdrawn objection</i>		
244.22	Welsh Office	{Environmental Assessments}
<i>Maintained objections</i>		
290.1	Safer Group	{Clarification of Policy EMP 6.}
360.7	Friends of the Earth (Penarth Area)	{Hazardous Materials}

#### Policy EMP7

<i>Supporting representation</i>		
247.54	Environment Agency	{Pollution control}
<i>Conditionally withdrawn objections</i>		
244.23	Welsh Office	{Development causing pollution}
<i>Maintained objection</i>		
360.8	Friends of the Earth (Penarth Area)	{Hazardous Materials}

#### Proposed Change PCF025

<i>Maintained objection</i>		
290.6	Safer Group	

#### ISSUE:

5.13.1. Whether the plan should include various additional provisions in the interest of public safety

#### CONCLUSIONS:

5.13.2. The concern of objectors with regard to public safety comprises the definition of buffer zones around hazardous industrial undertakings, the imposition of conditions on the transport of hazardous materials, mandatory risk assessment of such activities, contributions to the fire service, and emergency planning.

5.13.3. The general town planning approach to the development of potentially hazardous industry is appropriately noted in paragraph 5.4.39 of the Plan. However, the Plan is a land use document and cannot prescribe practices and procedures for matters which fall to be dealt with under other legislation either by the Council or by other agencies.

#### RECOMMENDATION:

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

**REC.5.17. the inclusion of PCF024 and PCF025.**

## 5.14 Policy EMP8 - Agricultural Service Industries

**Explanatory note:** This Policy is proposed to be deleted and a replacement policy inserted by PCF027 and PCF027, further amended by FPCF004 and FPCF005. New explanatory paragraphs are proposed as PCF028. Those changes appropriately remove the rigorous constraint on economic development in the countryside which is the theme of the Policy in the deposit draft Plan and the objections by the Welsh Office and Mr Pain are consequently Conditionally Withdrawn.

*Conditionally withdrawn objection*  
244.24 Welsh Office

{Application of constraints to agricultural service industries}

*Maintained objection*  
356.8 Harmer Partnership

{Promotion of agricultural service industries.}

### Proposed Change PCF026

*Conditionally withdrawn objections*  
373.1 Pain, Mr. D.A.

### Proposed Change PCF027

*Supporting representation*  
173.28

Campaign for Protection of Rural Wales {Support for revised Policy EMP 8 subject to the insertion of historical}

*Maintained objection*  
356.33 Harmer Partnership

## ISSUES:

### 5.14.1. Whether:

- (i) the Policy is unduly restrictive;
- (ii) the proposed revised Policy should admit the conversion of redundant farm buildings to residential use.

## CONCLUSIONS:

### Issue (i)

5.14.2. The original objection related to the rigorous restriction of agricultural service industry, contrary to national advice that economic diversification in rural areas be fostered. I regard that as overcome by the more liberal proposed changes to the Policy and addition of explanatory text.

### Issue (ii)

5.14.3. Harmer Partners' objection is sustained because the conversion of redundant farm buildings to residential use, applications for which are more likely to occur than for the specified uses, is not recognised in PCF027 and FPCF004. However, Policy ENV7 enunciates the criteria for residential development in the open countryside. It is in my view consistent with national policy that it be treated differently from the encouragement given to development for commercial, industrial or recreational uses in the interests of the diversification of rural employment as distinct from the sporadic spread of residential development.

## RECOMMENDATIONS:

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

**REC.5.18. the inclusion of PCF026 and PCF027, as further amended by FPCF004 and FPCF005;**

**REC.5.19. the inclusion of PCF028.**

## 5.15 - Policy EMP9 Agricultural Enterprise and Associated Development

**Explanatory note:** The objections by Glamorgan-Gwent Archaeological Trust Ltd and the Welsh Office are conditionally withdrawn subject to the adoption of PCF029, with which I concur.

*Conditionally withdrawn objections*

174.10	Glamorgan-Gwent Archaeological Trust Ltd.	{Omission of archaeological importance from policy EMP 6.}
244.25	Welsh Office	{Constraint on agriculture}

*Maintained objections*

227.9	Thomas, Mr & Mrs D	{Development at Fonmon Road}
356.15	Harmer Partnership	{Opportunities for farm diversification.}

### ISSUE:

5.15.1. Whether:

- (i) land east of Fonmon Road should be allocated for recreational development;
- (ii) the Policy is sufficiently supportive of farm diversification schemes.

### CONCLUSIONS:

#### Issue (i)

5.15.2. The objection is one of several by which the objectors seek the development of their land at Fonmon Road, in this case on the grounds that it is urban fringe land of poor agricultural quality with no special landscape or other natural features and could contribute to the deficiency in recreational land. In my view their objection overlooks the clear purpose of the Policy which is to encourage agricultural diversification by allowing uses ancillary to farming. I consider the development of the land as proposed would clearly intrude in the open area between the airport and Fonmon and would threaten the clear distinction of both that settlement and the open countryside from the urban development at Font-y-gary.

#### Issue (ii)

5.15.3. The objector submits that planning permission be given for proposals which support the economic viability of the farm unit. In my view the intention of the Policy is further and adequately interpreted by the new policy proposed as a replacement for Policy EMP8, together with its accompanying text.

### RECOMMENDATION:

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

**REC.5.20. the inclusion of PCF029.**



## 5.16 Policy EMP10 - Non-Conforming Business and Industrial Uses

**Explanatory note:** The objection by the Welsh office is conditionally withdrawn subject to the adoption of PCF032 with which I concur.

*Supporting representation*

246.10 Llandow Community Council

{Atlantic Trading Estate}

*Conditionally withdrawn objection*

244.26 Welsh Office

{Need for environmental assessments}

### RECOMMENDATION:

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

**REC.5.20. the inclusion of PCF032.**

## 5.17 Policy EMP12 - Cowbridge Cattle Market

**Explanatory Note:** I deal here, in addition to Policy EMP12, with objections made to Policies TRAN9, and omissions of policy under TRAN00 and REC00 which concern the Cattle Market.

### *Maintained Objections*

13.3	Cowbridge Local History Society	{Objection to land reserved for cattle market}
37.3	Millar, Mr Luke	{Objection to land reserved for cattle market}
40.5	Allin, R.D.	{Objection to land reserved for cattle market}
40.7	Allin, R.D.	{TRAN00}
40.9	Allin, R.D.	{REC00}
52.12	Cowbridge with Llanblethian Town Council	{Objection to land reserved for cattle market}
123.1	Chamberlain, Mr A J R	
159.5	Penllyn Community Council	
176.2	Cobourne, D V	{Objection to land reserved for cattle market}
250.1	Philip Jones Food Markets	{Objection to land reserved for Cattle Market}
253.1	Tennant, Mrs Jane	{Objection to land reserved for Cattle market}
253.3	Tennant, Mrs Jane	{TRAN00}
254.1	Keep Cowbridge Special	{Objection to land reserved for cattle market}

## ISSUES:

### 5.17.1. Whether:

- (i) there is a need to ensure that a new site for the Cowbridge Cattle Market is allocated within the plan period;
- (ii) the site allocated within the plan for the relocation of the market is suitable, and;
- (iii) if so, whether the existing site should be re-allocated for an alternative use within the plan.

## CONCLUSIONS:

### Issue (i)

5.17.2. The Council accepts that Cowbridge is a market town and that the loss of the market would remove this historic link. It indicates, however, that it would be unreasonable to expect that the market would remain in the town in perpetuity and that there is little direct evidence that the existence of the market and its operation twice a week now contributes measurably to the town's viability. No evidence is adduced by the Council to support such an assertion and Policy ECON12 of the previous Vale of Glamorgan Local Plan Deposit Draft expressed an aim to retain the market facility within the town. The market operators objected to such a policy indicating that it may not be feasible to retain the market and that consideration had to be given providing an alternative site.

5.17.3. While the loss of the cattle market would undoubtedly change the character of the town it is clear that the existing site has an inherent number of problems which would require considerable investment to bring it up to modern standards. The 40-year-old cattle market facilities are split from the more recent sheep market by a busy public highway and, being located at the edge of the town centre, its accessibility is poor for the larger heavy goods vehicles that are used to transport cattle. Matters such as pen design, raceways, flooring slopes and coverings are all in need of change and reconstruction. The Council also refers to new hygiene and animal welfare standards and whilst there would appear to be no new regulations on the horizon I accept, if the market were to be replaced, that such facilities would need to be updated and lairage facilities provided. This indicates to me that a new market may well be required at some stage.

5.17.4. However, notwithstanding the above, the Council could give no indication of when and if

such a facility would be required beyond that it is increasingly likely to be required. As such I am not convinced, given the importance of the market to the identity of Cowbridge that the need to identify a new site is of great urgency. It is clear that such a proposal is controversial and has not been subject of any meaningful public participation. In my view there is sufficient time between now and the next review of the plan for the implications of such a course of action to be more fully considered.

#### Issue (ii)

5.17.5. The Council proposes that a new market be located at a new site at St.Mary Hill under Policy EMP12. This site, which is some 4.1ha in extent, lies in the countryside in a highly open and visible location notwithstanding that it would not “*stand alone*” being adjacent to the Marley Tile Company site. Such a large greenfield site is seen to be necessary in order that appropriate lairage can be provided on pasture land away from residential development.

5.17.6. While I accept that this proposed site is better located in terms of the national and regional motorway network I was not convinced, from observation at my site visits, that the more local access along the unclassified Ruthin Road was suitable for the establishment of such a comprehensive facility. I do not accept that only smaller vehicles driven by local farmers and travelling at lower speeds would be likely to use the access route from and to the A48. This provides the most likely access from the Rural Vale as a whole and the Council has put forward little evidence upon which its conclusion can be soundly based. The unclassified nature of the road and the fact that there are no schemes to upgrade the highway add weight to my conclusion that the traffic implications of the proposed site have not been fully considered.

5.17.7. Given that the proposed location lies in open countryside little appraisal has been undertaken of the intended scale of the buildings, their effect on the landscape, the specific grading of the agricultural land and the means and construction of the access onto Ruthin Road. Moreover it appears that few other alternatives have been fully considered which may well be better related to Cowbridge and which would not undermine its status as a market town. I conclude therefore, that insufficient evaluation has been undertaken of this open countryside site to incorporate it as an allocation within the plan.

#### Issue (iii)

5.17.8. The Council’s view that: “*until the market moves from the current site, it is inappropriate to reallocate this land for any other purpose*” adds weight to my conclusion above that the allocation of a new market site is unnecessary at this time. There appears to be no certainty about the market operator’s intentions and, given also that the current lease on the site has some eleven years to run, there appears little need to allocate an alternative site at this stage. However, notwithstanding such a conclusion, the existing cattle market occupies an important site at the edge of Cowbridge town centre and its development demands detailed consideration when there is more certainty about the availability of the site.

5.17.9. Several objectors have suggested various alternative uses for the site in the event of its availability. However, such proposals can only be fully evaluated, and their impact on amenity and the Conservation Area be fully assessed, when and if the market operators either decide to vacate the site, or are prepared to initiate such studies themselves along with the Council as owners of the site. At that time it would be appropriate for consideration to be given to the allocation of an alternative site within the plan.

5.17.10. The Council indicates that any planning application submitted for the site, be it for housing, retail, public open space, recreational use or car parking, would be assessed against the relevant policies contained within the Plan. However, it clearly lies within the power of the Council to promote the development of the site in the event of the market owners wishing to vacate the site. I cannot, therefore, see any reason why, at the appropriate time, the future of the existing site, and the allocation of a new site, should not be determined as part of a process of detailed appraisal and open consultation with the public.

### **Summary**

5.17.11. Having regard to the above, I conclude that whilst a need may exist for the relocation of the market further consideration should be given to the effect of its removal from Cowbridge. I have also concluded that insufficient evaluation has taken place of the site allocated in the plan and that, with respect of any alternative use of the existing site, this should be determined as part of a detailed appraisal and open consultation. Consequently I conclude that Policy EMP12 should be deleted.

### **RECOMMENDATION:**

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

**REC.5.21. the deletion of Policy EMP12.**

## 5.18 Policy TOUR 1 - New Hotels in the Countryside

### *Supporting representations*

174.11	Glamorgan-Gwent Archaeological Trust Ltd.	{Support for recognition of archaeological interests.}
178.2	Welsh Tourist Board	{Support for criteria on countryside hotel development.}
237.47	Countryside Council for Wales	{Support for Policy TOUR 1}

### *Maintained objections*

208.2	Cottrell Park Golf Club Ltd.	{Prohibition of new hotels in the countryside}
356.12	Harmer Partnership	{New development associated with leisure activities in the countryside.}

### **Proposed Change PCF033**

#### *Maintained objection*

350.2	Barry College	{Redevelopment of Barry College Annex}
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## **ISSUES:**

5.18.1. Whether:

- (i) the Policy should not exclude new hotels in the open countryside;
- (ii) the policy is inconsistent with Policy COMM2.

## **CONCLUSIONS:**

### **Issue (i)**

5.18.2. PGW advises the strict control of new building in the open countryside while encouraging the conversion to alternative commercial or recreational uses of existing buildings in such localities. It also encourages appropriate tourist related development in new destinations including small-scale tourism-related developments in rural areas. To my mind Policy TOUR1 reflects that advice and is also in line with the advice in TAN13 on the use of redundant buildings and the compatibility of hotels with neighbouring uses. On the other hand, the alteration of the Policy by PCF033 in citing Policies HOUS2 and HOUS8 does not exclude new hotels from rural areas since they may be permissible within settlement boundaries. I am not aware of evidence that guests would stay longer in more isolated establishments, as an objector claims. Since new buildings in the open countryside would be likely to be obtrusive and, in terms of access, sited with generally less concern for sustainability I am not persuaded that good design and planning in such locations would be more achievable in the interest of local communities than that of those located within settlements. Amendment of the policy as suggested by the objectors would be counter to the overall aims to reduce the need for travel and to concentrate development in the south east part of the Borough.

### **Issue (ii)**

5.18.3. The objection relates to the reuse of the Annex of Barry College which is located in open countryside north west of the town. Policy COMM2 was clearly devised to deal with the possible future of another two very large identified hospitals rather than as a policy of general application. The Council has proposed an additional policy dealing specifically with the reuse and redevelopment of Barry College Annex which I deal with in Chapter 11. For the reasons that I support Policy TOUR1 as proposed to be changed I do not consider the special case of Barry College justifies a lessening of the constraints it imposes.

## **RECOMMENDATION:**

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

**REC.5.22. the inclusion of PCF033.**

## 5.19 Policy TOUR 4 - Caravan, Chalet and Tent Sites

**Explanatory note:** The objection by the Environment Agency on flood risk is suitably met by PCF034; and that by FoE Barry by the supporting text in PCF035 .

### *Supporting representations*

174.12	Glamorgan-Gwent Archaeological Trust Ltd.	{Support for recognition of archaeological interests.}
178.5	Welsh Tourist Board	{Support for caravan/chalet/tent site criteria.}
237.48	Countryside Council for Wales	{Support for Policy TOUR 4}

### *Conditionally withdrawn objection*

247.18	Environment Agency	{Areas of unacceptable flood risk}
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### **Proposed Change PCF034**

#### *Supporting representation*

247.75	Environment Agency	{Support for the Proposed Change}
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### **Proposed Change PCF035**

#### *Supporting representation*

247.76	Environment Agency	{Support for the Proposed Change}
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#### *Conditionally withdrawn objection*

376.7	Friends of the Earth Barry	
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#### *Maintained objection*

290.5	Safer Group	{response to Environment Agency development control consultation}
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## **ISSUE:**

5.19.1. Whether in determining applications for planning permission the Local Planning Authority should be required to state reasons for not accepting the advice of the Environment Agency.

## **CONCLUSIONS:**

5.19.2. Although the Safer Group's objection is motivated by recent experience of local flood events the Environment Agency is already consulted on development involving flood risk. Its advice is, amongst that of others, a material consideration in determining planning applications. The addition suggested by the objector is not a statutory requirement and would add no materially greater force to the Policy as proposed to be changed by PCF034.

## **RECOMMENDATION:**

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

**REC.5.23. the inclusion of PCF035.**

## 5.20 Policy TOUR 5 - Non-Residential Tourist Attractions

**Explanatory note:** As the objection by Mr Gareth Davies essentially relates to residential development I deal with it as an omission site in Chapter 4.

*Supporting representation*

174.13	Glamorgan-Gwent Archaeological Trust Ltd.	{Early consultation on major tourist attractions.}
178.6	Welsh Tourist Board	{Support for criteria on non-residential tourist attractions.}

*Maintained objection*

277.2	Davies, Gareth	{Use of scheduled monument in Llantwit Major in return for residential development}
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### Proposed Change PCF036

*Supporting representation*

217.13	Cardiff Bay Development Corporation	{New sentence at paragraph 5.4.67 is acceptable}
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*Maintained objection*

360.48	Friends of the Earth (Penarth Area)	{References to Penarth as a leisure destination}
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### ISSUE:

5.20.1. Whether PCF036 requires further elaboration.

### CONCLUSIONS:

5.20.2. Foreseeing the completion of the Cardiff Bay Barrage, PCF036 recognises the potential future attraction of Penarth as a leisure destination. FPCF006 expands that commentary with reference to the likely concomitant problems of access and range of modes of movement. In my view it adequately covers the issues raised by FoE Penarth.

### RECOMMENDATION:

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

**REC.5.24- the inclusion of FPCF006.**

## 5.21 Implementation

**Explanatory note:** The references to Barry College and Blue Circle at Rhoose Quarry inserted by PCF037 and PCF038 respectively satisfy the objections by the Welsh Development Agency. I concur with both of them.

### Para 5.5.2

<i>Maintained objection</i>		
287.5	Welsh Development Agency	{Barry College.}

### Para 5.5.4

<i>Maintained objection</i>		
287.6	Welsh Development Agency	{Blue Circle at Rhoose.}

### Proposed Change PCF038

<i>Maintained objection</i>		
376.9	Friends of the Earth Barry	{Addendum to PCF038}

### ISSUE:

5.21.1. Whether a note on Barry Action should be added to paragraph 5.5.4.

### CONCLUSIONS:

5.21.2. The addendum proposed is a judgmental statement redolent of a parochial feud and in my view would not assist users of the Plan.

### RECOMMENDATION:

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

**REC.5.25. the inclusion of PCF038.**



## CHAPTER 5 ECONOMIC DEVELOPMENT AND TOURISM

5.1 - Policy EMP/TOUR00 - General and Omissions .....	1
5.2 - Policy EMP1 - Land for Employment Uses .....	3
5.3 - Policy EMP1 (Site6) - Hayes Lane .....	7
5.4 - Policy EMP1 (Site8) - Hayes Wood .....	8
5.5 - Policy EMP1 (Site18) - West Point Industrial Estate & Llandough Sidings, Penarth Road.....	9
5.6 - Policy EMP1(20) - Vale Gate & HTV, Culverhouse Cross .....	10
5.7. Policy EMP1 (Site 21) - Land to the North of Rhoose .....	18
5.8 - Policy EMP2 - Special Employment Sites.....	19
5.9 - Policy EMP2(1) - Site 1 – Pencoedtre .....	21
5.10 - Policy EMP 2 (Site 2) Land to the South East of M4 Junction 34 (Bosch, Miskin).....	23
5.11 - Policies EMP3 and EMP4 New Business & Industrial Development General Industry.....	25
5.12 - Policy EMP5 - Protection of Land for Employment Uses.....	28
5.13 - Policies EMP6 and EMP7 Developments Involving Hazardous Substances Development Adjacent to Hazardous Industrial Uses .....	29
5.14 - Policy EMP8 - Agricultural Service Industries .....	30
5.15 - Policy EMP9 and PCF029 Agricultural Enterprise and Associated Development.....	31
5.16 - Policy EMP10 - Non-Conforming Business and Industrial Uses.....	32
5.17 - Policy EMP12 - Cowbridge Cattle Market.....	33
5.18 - Policy TOUR 1 - New Hotels in the Countryside.....	36
5.19 - Policy TOUR 4 - Caravan, Chalet and Tent Sites .....	37
5.20 - Policy TOUR 5 - Non-Residential Tourist Attractions.....	38
5.21 - Implementation .....	39

## CHAPTER 6 - TRANSPORTATION

### 6.1. Policy TRAN00 - General or Omissions

**Explanatory notes:** Objection 228.3 raises matters of general application and I therefore deal with it here. I consider objection 40.7 under policy EMP12. FPCF002 inserting an additional policy on the land use implications of bus services satisfactorily meets the objection by Bridgend County Borough Council which is Conditionally Withdrawn. It is proposed to be identified as **Policy TRAN7 – Strategic Public Transport**. Its inclusion necessitates renumbering of the existing Policy TRAN7 and subsequent policies in this chapter.

#### *Conditionally withdrawn objections*

124.6	Bridgend County Borough Council	{Omission of policy on buses}
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#### *Maintained objections*

37.5	Millar, Mr Luke	{Additional car parking.}
40.7	Allin, R.D.	{Parking in Cowbridge}
86.3	Peterston-Super-Ely Community Council	{Transport strategy - greater amplification.}
122.1	Woodwise Ltd.	{Minor highway improvement}
158.2	St. George's & St. Brides-super-Ely	{Rural road surface conditions.}
158.3	St. George's & St. Brides-super-Ely	{Lack of rural public transport services.}
159.4	Penllyn Community Council	{Minor road improvements}
237.51	Countryside Council for Wales	{Policy omission on new road design and protection of minor roads.}
270.1	Plaid Cymru	{Sustainable development.}
359.8	Friends of the Earth Cymru	{Lack of integrated approach to transport policy.}

#### Para 6.1

#### *Maintained objection*

226.3	Penarth Section Cardiff Cycling Campaign
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### ISSUES:

#### 6.1.1. Whether:

- (i) there should be a policy for the improvement and maintenance of minor roads;
- (ii) the Plan embraces the principles of sustainable development and integrated transport and whether its provisions should be amplified;
- (iii) the Plan should deal with rural transport services;
- (iv) the Plan deals appropriately with car parking provision in Cowbridge.

### CONCLUSIONS:

#### Issue (i)

6.1.2. Woodwise Ltd argue for the improvement of the B4270 at Cross Inn and opposite the Crossway Industrial Estate. While the Council deems the schemes included in the Plan to be those of the highest priority, additional schemes are to be considered in the forthcoming Local Transport Plan. Penllyn Community Council argues for the inclusion of various local road improvements and St Georges & St Brides-super-Ely Community Council pleads for an urgent repair policy on rural lanes. It is not customary for Part 2 of a UDP to include proposals for minor road improvements which involve little land take, if any, beyond the highway. In my view paragraph 6.4.10 adequately signifies the Council's intention to carry out such works with respect to environmental and safety concerns. The Council is responsible as a highway authority for carrying out road maintenance but that is not a planning matter and is inappropriate for inclusion in the UDP.

6.1.3. It is not clear why the Countryside Council for Wales asks for a policy on new road design and the protection of minor roads. The design of new roads is subject to the existing regulations for environmental assessment. I discern no justification for changing the Plan.

**Issue (ii)**

6.1.4. Peterston-Super-Ely Community Council require explicit reference in the Plan to the provision of better public transport services from villages north of the A48 to Cardiff and Barry in the form of improved bus services and a railway halt at Peterston-Super-Ely. The matter of bus services, including their financial support by the Council, and rail services is a matter for the forthcoming Local Transport Plan. While additional railway stations are proposed I agree with the Council that further stops could impair the quality, and therefore the attraction, of the service overall.

6.1.5. The detailed objections submitted by FoE Cymru rests on measures to deter car use, the establishment of priorities for different types of road user, traffic management with bus and cycle lanes, including facilities for the cycle commuter, a reassessment of the road programme with the objective of transport integration, and clarification of the function of Cardiff International Airport. An overall objective of road safety is advocated, as is the setting of car parking limits in the larger urban areas. Plaid Cymru considers car use dominates the Plan's policies to the detriment of sustainable development.

6.1.6. In my view much of what objectors seek is not only inherent but also patent in the Plan which is infused with many references to the relationship between development and access to public transport, walking or cycling within a context of sustainability and encouragement to change from car use to other modes of movement. The function of the UDP is to encourage and make more attractive through the control of the pattern of development the use of more socially acceptable forms of transport rather than to be coercive. While the appropriate location of new development can reduce travel distances between residence, workplace, recreation and shopping it is necessary to bear in mind that the majority of the development which will exist at the end of the plan period exists already. It should also be remembered that choice in mode of travel is also influenced by fiscal and pricing policies as well as those regulating land use.

6.1.7. As the Plan is essentially concerned with land requirements, its site-specific proposals for cycleways are confined to routes which have no new land-use implications. As for parking, the plan contains no provision for additional off-street spaces anywhere and on-street parking is a traffic management issue rather than a planning matter. The viability of smaller town centres would be likely to suffer in favour of out-of-centre retail outlets if on-street parking were not available.

6.1.8. I consider an overall policy of deterrence of car use to the extent that objectors appear to imply is impractical, given the widely held irreversible aspiration for flexible mobility, and that, given the rural nature of much of the Borough, there is a practical limit to the extent to which it is realistic to plan for the transfer of a high proportion of journeys from car to other modes. In any case, restraint of cars in towns and the development of public transport services are essentially matters for the Local Transport Plan and the SWIFT strategy. That does not inhibit the search for better integration of public transport within the whole pattern of movement of which the UDP's concern with land use and development is operationally only part.

6.1.9. While I consider road safety an indisputable community objective it seems to me it is something to be achieved by education and detailed highway design rather than for the means of achieving it to be decreed in detail in a development plan. I refer to specific road schemes under Policies TRAN1 and TRAN2, to rail facilities under Policies TRAN3 and TRAN4, Cardiff International Airport under Policy TRAN7, to cycling under policy TRAN8, and to car parking standards under Policy TRAN9. While I am generally satisfied, subject to my detailed discussion of its specific transport provisions below, that the principle of sustainability underlies the UDP, I consider that greater credibility would attach to the Plan if it were to state targets for the various modes of movement of people and goods in line with national advice.

**Issue (iii)**

6.1.10. Various objectors maintain that policies for bus and train services should be included in the Plan. However, the UDP is a land use plan which is concerned only with the land use implications of providing public transport services and not with the services themselves. It is for the Council's forthcoming Local Transport Plan to deal with the provision of public transport services. I am nevertheless mindful that the UDP supports the location of development where it can be served by public transport.

**Issue (iv)**

6.1.11. To relieve car parking congestion in Cowbridge and support the town centre's vitality and viability it is argued that the existing cattle market and other sites should be allocated for either parking or housing. Whether the cattle market be relocated during the Plan period is a matter I consider under Policy EMP12 in Chapter 5. However, the reuse of its site would have to be assessed together with alternative needs in the light of the UDP policies.

**RECOMMENDATIONS:**

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

**REC..6.1. the inclusion of FPCF002, to be identified as Policy TRAN7, and the consequent renumbering of the existing Policy TRAN7 and subsequent policies; and**

**REC.6.2. by the incorporation of targets for the proportions of movement by the various transport modes.**

## 6.2. Policy TRAN1 Strategic highways

**Explanatory note:** I deal here only with general objections raised in relation to strategic highways. I refer in the general issues above to the question of whether the UDP proposals comprise an integrated land use and transport system. I note that the objection by FoE Cymru is identical to that made to Policy TRANOO which I refer to above. Objections related to the site specific schemes in Policy TRAN1(i) and (ii) are examined later.

### *Conditionally withdrawn objection*

267.8	ABP - Grosvenor Waterside Developments Ltd	{Policy TRAN1 Barry Waterfront.}
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### *Maintained objections*

33.7	Barry Town Council	{Line of Airport Road and Barry Waterfront to Cardiff}
226.4	Penarth Section Cardiff Cycling Campaign	{Compatibility with national policy}
238.24	Country Landowners Association	{Acknowledgement of paras 5.18 - 5.20 in "Modernising Planning" document.}
244.27	Welsh Office	{Inadequate information relating to highway schemes}
270.2	Plaid Cymru	{Congestion on A4055.}
359.33	Friends of the Earth Cymru	{Requirement for an integrated land use and transport system}

## ISSUES:

### 6.2.1. Whether:

- (i) reference should be made to paragraphs 5.18 - 5.20 of *Modernising Planning*;
- (ii) the information relating to highway schemes is adequate;
- (iii) the strategic highway proposals are consistent with national policy and local transport strategy.

## CONCLUSIONS:

### Issue (i)

6.2.2. Not only is *Modernising Planning* not a Welsh Assembly document, as the objector acknowledges, but it is a consultation document and does not have the status of government policy. It is therefore inappropriate to give weight to it in the context of this report. The objector has cited it as an objection to various other parts of Chapter 6 of the UDP and I do not propose to comment further below.

### Issue (ii)

6.2.3. The text provides no explanation of the differing portrayal of the 2 major road schemes on the Proposals Map, nor does it indicate when they are likely to be implemented. The lack of information on the proposed on-line improvements across North Barry in association with the Airport Access Road inhibits informed response to the proposal. The landtake for the Dinas Powis bypass section of the Barry Waterfront – Cardiff link has been decided and is defined on the draft Proposals Map. On the other hand the precise landtake for the Wenvoe section of the Airport Access Road is now proposed as PCN005.

6.2.4. The alignment for Phase 2 of the Airport Access Road is undecided and although paragraph 6.4.2 of the UDP asserts it would remove through traffic and improve environmental and safety problems in the existing residential area of North Barry I observe that no specific improvement in that locality is assumed. I note that TENS funds which the Council now has to hand will largely be used to investigate options for the alignment of the road with a view to identifying a preferred route.

6.2.5. While the Council is confident that both of the major schemes are capable of implementation during the plan period I note that the question of funding, for which the Council continues to submit bids, is the responsibility of the objector in this case. The objector give no indication that the schemes

cannot be funded during the Plan period. More specific issues related to the Airport Access Road are dealt with under Policy TRAN 1.01 below.

**Issue (iii)**

6.2.6. It is asserted that this Policy

- (a) contradicts both national transport policy and those UDP policies concerned with cycling and pollution;
- (b) unreasonably encourages car use in paragraph 6.4.2, to the detriment of any potential rail link to the airport;
- (c) fails to recognise the propensity of new road schemes to generate additional traffic; and
- (d) fails to take account of the 1995 South Glamorgan Structure Plan and the South Glamorgan Transport Strategy.

6.2.7. This set of objections appears to me to be borne of an unrealistic stance on car and road use. I support the UDP in its recognition of the need for an adequate strategic road network bearing in mind the practical constraints on the likely capacity of the public transport network and services. Paragraph 6.4.2 rightly acknowledges in my view the conceivable resultant benefits to public transport, cyclists and pedestrians of the strategic road proposals. Furthermore, the proposed changes to Policy TRAN8 which I consider below strengthen in particular the Council's support for cycling. I find the question of rail access to the airport suitably dealt with at paragraph 6.4.13. As the further documents cited have not been adopted it is inappropriate for me to consider any relation between them and the UDP.

**RECOMMENDATION**

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

**REC.6.3. the inclusion of PCN005.**

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### 6.3. Policy TRAN1(i): The Airport Access Road

**Explanatory Note:** Objection 274.2 is dealt with in connection with an objection made concerning the non-allocation of the HTV site Culverhouse Cross in Chapter 5. Objector 230 unconditionally withdrew the highway design aspects of its objections at the inquiry. My conclusions on the AAR have to be read in conjunction with my conclusions on Policy TRAN1 above.

*Supporting representation*

271.7	Llantwit Major Chamber of Trade	{Airport link road and Barry Waterfront to Cardiff link road.}
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*Maintained objections*

82.1	Dodd, Mr C.C.	{Speculative benefits of road}
130.2	Open Spaces Society	{Opposition to airport link road.}
155.4	Ramblers Association	{Preference to upgrade present route}
230.7	Cardiff County Council	{Culverhouse Cross intersection}
230.25	Cardiff County Council	{Culverhouse Cross intersection}
252.1	Chairman L.M & Vale Cycle T.C.	{Cycle route along A4050.}
274.2	United News & Media Plc	{Objection to Policy TRAN 1.}
291.4	Colwinston Community Council	{Proposal for additional Airport Access Road}
360.20	Friends of the Earth (Penarth Area)	{Objection to the Airport Access Road}

### ISSUES:

#### 6.3.1. Whether:

- (i) there is sufficient justification to include Policy TRAN1(i), the Airport Access Road (AAR), within the plan;
- (ii) a proposal for an alternative Airport Access Road should be adopted;
- (iii) whether there is need for an additional access road to the airport from the west.

### CONCLUSIONS:

#### Issue (i)

6.3.2. FoE Penarth presented no technical evidence of their own to the inquiry. In so far as they objected to the proposed AAR on design and safety grounds they relied upon the evidence of Cardiff County Council (CCC). CCC, whilst maintaining an environmental objection, unconditionally withdrew such evidence at the inquiry and consequently little significant evidence was adduced which supported the objector's case in this respect. Although the objector makes reference, in written closing submissions, to the fact that the letter of withdrawal refers to continuing concerns about the junction with the A4232 it was made clear at the inquiry that the withdrawal of the CCC objection was unconditional. No evidence of their own was produced by the objectors in respect of noise levels or air pollution and in these respects the objectors rely on analysis of figures produce by the Council.

6.3.3. The Independent Safety Appraisal Auditor accepts the layout as being within the requisite safety standard and the Police have indicated that they see no major problems with either the junction layout or the means of enforcing the proposed speed restrictions. Although the objectors indicate that there is sufficient doubt in the Council's methodology and interpretations to show that a counter case is plausible I do not share this view. Matters raised by the objector concerning the Cardiff International Airport (CIA) are not part of a duly made objection and as such are not considered.

6.3.4. Objectors assert that the proposal for the AAR should not be included within the plan since it cannot be shown that the proposal is consistent with the Local Transport Plan (LTP) and the Surface Access Strategy (SAS) for the CIA. The LTP is emerging and it is incumbent on the Council to ensure its consistency with the UDP. The SAS is a matter for the Airport Transport Forum and will also need to be consistent with UDP policy. Consequently I am satisfied that the inclusion of the AAR within the plan is not premature. The plan, as proposed to be changed by PCN005, in making reference to the AAR under Policy 7 in Part I and including additional justification in Part II, is

consistent with Government guidance set in para.8.1.6 of PGW. The fact that PGW makes no reference to a road to CIA is irrelevant to the proposals now made in the plan. I have found no reason to conclude that the Council has not carried out the correct procedures at each stage of scheme development according to the practices and regulations in force at that time.

6.3.5. Contrary to the objector's view I am satisfied that the Council undertook appropriate public consultation notwithstanding that officers of CCC had declined the offer of an exhibition and a letter drop within its boundary. This exhibition consisted of the proposed alternative alignments and the Stage 2 Report of the Environmental Assessment had been completed and was available for inspection. The views of those parties attending an advertised exhibition had been reported to Council Committees and it had been shown that a majority of persons who commented supported the route proposed. It was accepted that the intersection with the Ely Link Road had not been included within the exhibition, as it had not been designed at that stage. However in that CCC had withdrawn their highway design objection it is clear that such a solution is now considered suitable in traffic engineering terms. The Council indicated that consideration of a number of schemes and Environmental Assessment and Cost Benefit Analysis had concluded that the route proposed best met the stated objectives. No evidence was submitted to contradict this assertion.

6.3.6. Para.6.4.2 of the plan sets out the objectives that the AAR is meant to achieve. The objector proposes nothing by way of any alternatives for meeting objectives that are central, not only to the economic role of the CIA but to the general development and transport strategy of the plan. Nothing was adduced by the objector which would suggest to me that the development of the AAR would not: assist in the regeneration of Barry; reduce the congestion at Culverhouse Cross; provide environmental and highway improvements in the village of Wenvoe; and support improvements to the existing highway for pedestrians cyclists and public transport. It is significant also that FPCG001 indicates that land will be protected and provision made for the development of facilities for bus operations between CIA, Barry, Wenvoe and Culverhouse Cross and that measures to reverse the modal split in favour of public transport were ongoing. This taken together with the Council's commitment to the South Wales Integrated Fast Transit Strategy (SWIFT) is a good indication of the Council's positive approach towards the enhancement of the role of public transport for journeys to/from Cardiff.

6.3.7. Whilst the validity of the figures advanced by the Council's highway engineer was questioned by the objector, no alternative figures were advanced to support this assertion. In that the figures criticised were the same figures which had been provided to and accepted by the WO in support of Transport Grant Submission, I have little confidence in the objectors' criticisms. Moreover the COBA9 cost benefit exercise carried out by the Council as required in the Transport Grant Submission has also been totally accepted by the WO. The Council also indicates that, in traffic modelling, the induced and suppressed traffic demand had been incorporated into the model. As such, I consider the figures used by the Council to be as realistic as is possible in such an exercise and, in that grants have been made on the basis of such figures, I find no reason to dispute them. The WO has financed work by the Council on the design of the road since 1996 and the scheme is the top priority in its submission to the National Assembly for Wales for Transport grant for 2000/01. Work is also proceeding on the environmental impact assessment and engineering investigations of various routes for Phase 2 of the AAR. This work is also being funded by both Transport Grant and the EC TENs programme. Clearly therefore, matters of funding are being actively considered.

6.3.8. With regard to environmental issues, the Council indicated that, following further clarification of the noise mitigation measures proposed, CCC no longer maintained its objection on the grounds of increased noise levels. Whilst I accept that a number of properties would be in a worse noise environment than previously, this is an inevitable consequence of such a scheme. However I am satisfied, as demonstrated by the Council's consultant, that given the mitigation measures put forward that properties in Cardiff would benefit from a better noise environment than if the scheme were not to go ahead and traffic merely increased at predicted rates. Moreover traffic noise in Wenvoe would also decrease.



6.3.9. It was not disputed by the Council that, in the event of nothing being done, the levels of some pollutants would rise above prescribed limits by 2005 and that the guidelines have changed since the planning application was made. Even though it was accepted that the AAR would cause a small increase in air pollution levels in its immediate vicinity it is also clear however that improvements in air quality would be experienced in Wenvoe. The importance of such matters is accepted but, as with the effect of legislation protecting ecological habitats, this is a matter that should be determined at the planning application stage.

6.3.10. CCC, whilst agreeing in principle to the proposed scheme and withdrawing the highway design aspects of its objections, maintained its objection to the detailed alignment being included within the plan because of the traffic and environmental impact of the junction proposals on residents in the Caerau area of Cardiff. However in that the noise objection, which was considered to be the most difficult to overcome, has been resolved to the satisfaction of that objector I consider that the other matters raised including detailed matters concerning visual intrusion and traffic vibration are matters for consideration at the planning application stage.

6.3.11. The land-take of the proposals is proposed to be included on the Proposals Map under PCN005. Whilst I recognise that this implies a major road junction with the A4232 just inside the Cardiff boundary I am satisfied that this proposed change represents the current position in terms of the design of the junction. The fact that amendments may be required to the detailed junction design at the planning application stage should not preclude the identification of the most certain alignment of the AAR on the Proposals Map.

6.3.12. I have had regard to the fact that other objections relate to the environmental impact of the scheme as a whole. Although the Environmental Appraisal Response Report No.7 indicates that the AAR may have a significant impact on the environment its impact is proposed to be mitigated in response to the Environmental Assessment commissioned by the Council. It does not traverse an Area of Outstanding Natural Beauty. Though it is suggested the funds for its construction could better employed in other public services that is not an option as it will be supported by an earmarked grant. The benefits of its construction derive from computer modelling and are not merely speculative. They include the opportunity for traffic calming and improved bus services on the old road when through traffic is eliminated. The value of the AAR as a vital component of the highway network and to the economic development of CIA should not be underestimated.

6.3.13. Cycling interests state a preference for the former rail track as a cycle route rather than changes in the A4050 consequent on the construction of the Airport Access Road. However, the A4050 can be re-engineered to provide cycle routes, including a cycle route to Trelai Park, traffic calming and public transport improvements for the benefit of local users. In my view that offers a more comprehensive range of benefits than the objector's suggestion.

6.3.14. Having regard to the above I conclude that sufficient justification has been shown by the Council for the inclusion within the plan of Policy TRAN 1(i) and PCN005.

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

6.3.15. It is maintained that the traffic flow could be improved by upgrading the present route where it is impeded by 5 roundabouts in about a mile. The proposal for a new route is held inconsistent with the use of a former railway route compared with the opportunity for recreational use which would thereby be foregone. I note, however, that the preferred route, including a new alignment north of Port Road in preference to the dualling of that road, was the favoured subject of public consultation; it would avoid the demolition of dwellings alongside the existing road; it would confer environmental and road safety benefits on residents of Wenvoe; and it would afford scope to relieve congestion at the Culverhouse Cross interchange. In any case the proposed road is shown on the Proposals Map running parallel to rather than along the disused Barry – Pontypridd railway route. I conclude that the alternative suggested route does not offer the advantages of that proposed in the UDP.

6.3.16. I note that a feasibility study of improved rail links to the Airport, including a dedicated rail spur, is in the Council's current application for Transport Grant.

**Issue (iii)**

6.3.17. A further suggested alternative is a road to the Airport from the M4 at Miskin. In this case investigations have shown that though traffic volumes approaching from the west are not insignificant they do not justify a new road. It would be environmentally damaging to the Rural Vale and fail to contribute to the alleviation of congestion at Culverhouse Cross. I find the UDP proposal preferable.

**RECOMMENDATION:**

**REC.6.4. I recommend that no modification be made to the plan.**

## 6.4. Policy TRAN1(ii): The Barry Waterfront to Cardiff Link

**Explanatory note:** The insertion by PCN001 of TRAN1 (ii) on Proposals Map 1 satisfactorily meets the objection by ABP - Grosvenor Waterside Developments Ltd.

### *Supporting representation*

262.2 Dinas Powys Community Council {Delivery of freight to Barry.}

### *Withdrawn objection*

230.8 Cardiff County Council {Increased traffic on Casrdiff highway network}

### *Maintained objections*

9.1	Power, Mr S	{Policy TRAN1 (ii) Unsustainable}
156.1	Lewis, John H.	{Excessive traffic speeds converging upon the Square, Dinas Powys.}
173.11	Campaign for Protection of Rural Wales	{General objections to link road.}
252.3	Chairman L.M & Vale Cycle T.C.	{Major road development}
294.1	Friends of The Earth (Penarth Area)	{Objection to proposed new road between Penarth and Dinas Powys.}
360.19	Friends of the Earth (Penarth Area)	{Objection to the Barry Waterfront to Cardiff link}

## ISSUES:

6.4.1. Whether:

- (i) there is a need for the link road and whether Policy TRAN1 (ii) is sustainable;
- (ii) alternative solutions are feasible.

## CONCLUSIONS:

### Issue (i)

6.4.2. The Barry Waterfront to Cardiff Link Road proposal serves 2 objectives: to link the redevelopment area at Barry Waterfront with Cardiff and the strategic road network and also to relieve Dinas Powis of through traffic using the A4055. FoE Penarth regards the road as contrary to Agenda 21 and the Road Traffic Reduction Act and also as an unacceptable destructive threat to the rural environment, in particular to the leisure opportunities afforded by the landscape along its route. They consider the scheme would ‘trash’ the countryside, is not supported by financial and environmental assessments, and that an alternative solution should be investigated.

6.4.3. I have no doubt of the substantial emerging and potential attraction of the Barry Waterfront area as a major location for retail, leisure and employment uses as well as residential development. I consider the link road meets the criteria for schemes requiring modest investment and should be eligible for funding from the Borough’s transport grant. It would offer the opportunity to provide dedicated facilities for safer bus, cycle and pedestrian traffic in contrast with current conditions on the only present route, the A4055. The western end of the link has not been designed in detail and is therefore not depicted on the Proposals Map.

6.4.4. I recognise that without detailed survey information the current leisure significance of this tract of countryside cannot be fully assessed. I nevertheless accept that its importance for walkers is likely to be local compared with Cosmeston Country Park and the Glamorgan Heritage Coast. Indeed, compared with the Country Park access to the area is largely limited to 3 main public rights of way. Nevertheless, I consider the road would undoubtedly impact adversely in both visual and general environmental terms in a locally-designated Green Wedge both in the intimate verdant countryside of Pop Hill and in the narrow wedge of open land between Murch and Morristown which at one point is little more than 100m in width between residential curtilages.

6.4.5. The potential impact of the proposal would, however, be reduced by its restriction to a single carriageway (as signified by FPCG1, to which no objection has been made) and it would be subject to

a preceding Environmental Impact Analysis to take account of any landscape, nature conservation or archaeological considerations, all of which are referred to in unspecific terms by objectors. On the basis that no major constraints of those kinds are identified and that appropriate mitigation measures can be considered consequent upon the formal analysis I find no overriding adverse factor sufficient to outweigh the advantages to be derived from the road and justify deleting the proposal from the UDP.

**Issue (ii)**

6.4.6. As to the effect on Dinas Powis I find objectors' detailed alternative suggestions of a lower speed limit, traffic calming and weight restrictions there unsatisfactory as a complete substitute for the road proposal. There is in my view an overwhelming priority need to reduce the volume and speed of through traffic and in particular to divert transiting heavy vehicles. I consider the proper use of traffic management measures on the A4055 through Dinas Powis would be after the opening of the proposed link road when flows on the existing road would be lighter and, so far as concerns measures which are not self-policing by the nature of their design, I consider there would be a more realistic prospect of their observance. Such details are a matter for the Local Transport Plan.

6.4.7. The suggestion that, until the new road is built, heavy goods vehicles not requiring access to Dinas Powis, Sully or Penarth be routed by means of a weight restriction order on the A4055 to the A4050 and A4232 roads instead would involve a substantial diversion. In the absence of information on the volume of heavy goods traffic transiting Dinas Powis I have no basis on which to recommend further investigation of this idea. However, I do not consider such a measure a substitute for the link road proposal. In the meantime I note that freight movement will be subject to detailed examination in the Local Transport Plan.

**RECOMMENDATION:**

**REC.6.5. I recommend that no modification be made to the plan.**

## 6.5. Policy TRAN2 Local highways

**Explanatory Notes:** Support for Llysworney bypass is expressed in the objection by Llysworney Community Association to Policy EMP 1, based on concern about the growth in heavy traffic likely to result from further industrial development at Llandow. My consideration of the Llysworney by-pass should be read together with my conclusions regarding housing development at Darren Close, Cowbridge in Chapter 4 Part C of my report. I refer under Policy TRAN1 above to the general objections made by FoE Cymru and the Country Landowners' Association on an integrated land use and transport system and *Modernising Planning* respectively. By inserting reference to Llantwit Major PCG002 satisfactorily meets the objection by Llandow Community Council which is Conditionally Withdrawn

### *Supporting representation*

271.8	Llantwit Major Chamber of Trade	{Support for Policy TRAN 2.}
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### *Maintained objections*

40.6	Allin R D	
126.1	Bellway Estates	
192.13	Persimmon Homes (Wales)ltd	
226.5	Penarth Section Cardiff Cycling Campaign	{Replace Boverton proposal by traffic calming}
238.25	Country Landowners Association	{paras 5.18 - 5.20 in "Modernising Planning" doc.}
252.2	Chairman L.M & Vale Cycle T.C.	
359.34	Friends of the Earth Cymru	{Neednt for integrated land use and transport system}
360.21	Friends of the Earth (Penarth Area)	{Delete Llysworney by-pass & Boverton relief road}

### Para 6.4.6

#### *Supporting representations*

324.1	Dinas Powys Road Safety Action Group	{Barry Waterfront to Cardiff Bay Link Rd - congestion relief in Dinas Powys.}
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### Para 6.4.7

#### *Conditionally withdrawn objection*

246.11	Llandow Community Council	{B4270 and Llantwit Major residents}
246.12	Llandow Community Council	{B4270 and Llantwit Major residents}

## ISSUES:

### 6.5.1. Whether:

- (i) a Llysworney by-pass is needed (Policy TRAN2 [i]);
- (ii) the Boverton relief road is needed (Policy TRAN2[iii]).

## CONCLUSIONS:

### Issue (i)

6.5.2. Three questions arise in the objections to the proposed Llysworney bypass: whether a bypass should be built at all; whether in the absence of a firm site-specific proposal the scheme should be included in the UDP notwithstanding the acknowledged need; and whether Bellway Estates' proposed western Cowbridge development would offer a reasonable alternative solution to the UDP proposal.

6.5.3. Llysworney Bypass would remove through traffic from the centre of the village, providing opportunity for traffic calming and environmental improvement; it would avoid the necessity for east – south west movements through Cowbridge; and it would avoid the transfer of heavy goods traffic to other roads. The proposal serves an important desire line for heavy goods traffic. Indeed, I note that proposals to bypass Llysworney have been current in some form since 1979 and I accept that the need to ameliorate the traffic situation in Llysworney is urgent.

6.5.4. Consistently with their approach to highway development under Issue (i) FoE Penarth allege that the scope for traffic management solutions has not been studied and that the financial and environmental costs of the scheme are high. The Llantwit Major and Vale Cycle Touring Club also support relatively minor measures on the existing road. Penarth Section Cardiff Cycling Campaign consider the proposal fails to take account of the South Glamorgan Transport Strategy and the 1995

Structure Plan; they claim it will increase the speed of vehicular traffic and should be replaced by traffic calming. Given the recorded daily 12-hour flow of 4,000 vehicles, 10% of which are heavy goods vehicles, it appears clear to me, however, that traffic calming alone would not remove heavy goods traffic nor much of its deleterious environmental effects, from the village. Furthermore, the Cycling Campaign's objection does not refer to the approved Structure Plan and the South Glamorgan Transport Strategy has not been adopted by the Council. The Council accepts that both the bypass and traffic calming measures on the existing road will be necessary to discourage the return of through traffic to the village.

6.5.5. In support of their case FoE Penarth draw attention to various detailed aspects of the Llysworney problem. While lorry noise may be alleviated to some extent by carriageway surface treatment that does not adequately remove the general disturbance caused by lorries continually passing through a rural conservation village. While the road is constricted both north and south of the village that can be addressed in the overall bypass scheme. However, as road maintenance is not a UDP issue its cost is outside the scope of this report.

6.5.6. The provision of bus and rail services is not a UDP issue but falls to be addressed in the local Transport Plan. FoE Penarth's notion that rail connection to Llandow could make a substantial contribution to solving the road problem at Llysworney I find fanciful. It does not appear to me to be based on any proper analysis of the traffic best carried by rail in terms of its characteristics, journey distance, ultimate distribution or of the capacity of the rail system.

6.5.7. I accept that problems at particular points of access identified by Penllyn Community Council require to be addressed when detailed design proposals are formulated but I do not consider them of sufficient difficulty to justify deleting the proposal. In their written representation the Community Council remark that a 2-mile link road from Llandow Industrial Estate to the western end of the proposed Airport Access Road would divert traffic passing Llangan school. However, as that suggestion is not part of the original duly made objection I do not propose to comment on it.

6.5.8. Support for the concept of the bypass is tempered by uncertainty as to its precise line, to the point that it is suggested the proposal be deleted if it cannot be more precisely defined. I note that the proposed bypass would not only relieve Llysworney of through traffic but would also improve access to the Llandow Industrial Estate. The Council affirms its agreement with Mr Allin that it does not intend to include any proposal for releasing land for development in order to fund the construction of the road. The scheme is included in the Council's current bid for funding from the Welsh Office but pending the certainty of funding no details have yet been devised in terms of up-to-date procedure requiring public consultation, consideration of alternative options and an environmental impact assessment of the alternative alignments before definition of a preferred option, as in the case of the Airport Access Road.

6.5.9. In connection with a proposal to build 145 houses at Darren Farm, Bellway Estates propose a link road between the A48 Cowbridge bypass and the B4270 Llantwit Major road. It would enable a weight restriction to be imposed in Llysworney village and remove up to 15% of traffic from Cowbridge town centre. However, compared with the proposed bypass, the Bellway Estates scheme would only partially solve the problems at Llysworney and it would not address problems of redirecting more traffic along the remainder of the B4270. At the same time I recognise that the implementation of the Bellway Estates proposal could prejudice funding from national sources of the proposed UDP scheme.

6.5.10. In that there have been, and still remain, considerable difficulties in obtaining funding for such a by-pass it seems to me that, on balance, the provision of the link road presents the best opportunity to considerably ameliorate the well known and long recognized traffic problems of Llysworney village. Whilst the construction of the link road and associated traffic management measures will not remove all through traffic from Llysworney, substantial benefits would be produced for both it and Cowbridge. Such benefits clearly outweigh any disadvantages and add weight to my conclusion that the development at Darren Farm should be accepted. I conclude that Policy

TRAN2(i) should be deleted and replaced by the inclusion of the link road between the A48 and B4270 at Cowbridge.

**Issue (ii)**

6.5.11. The proposed Boverton Relief Road would lessen the likelihood of accidents and reduce environmental problems by replacing the unsatisfactory alignment of the existing link to the Llantwit Major bypass. The general objections by FoE Penarth and Penarth Section Cardiff Cycling Campaign are similar to those they raise to the Llysworney bypass. Contrary to the claim by FoE Penarth I am not convinced that more modest measures offer a satisfactory solution in view of the recorded daily vehicle flow. In that connection I particularly reject FoE's concept of an existing dangerous corner as a traffic-calming device. In a wider context I find no reason to suppose that the road will adversely affect the character of the central area of Llantwit Major or the *Safe Routes to School* project.

6.5.12. Persimmon Homes support the concept of the relief road but consider its line should be precisely defined on the Proposals Map. They claim, that while the UDP should indicate firm and certain proposals likely to be implemented during the Plan period, failure to do so would cause unreasonable and unnecessary delay to otherwise acceptable development schemes.

6.5.13. The alignment was previously included in the deposit draft of the 1955 Vale of Glamorgan Local Plan. I agree it would now be misleading to define a precise line for the route in advance of the requisite procedure. The Council notes that it is possible that such relatively small schemes as the Boverton relief road might be accorded priority in its forthcoming Local Transport Plan. In the present circumstances I consider the proposal should remain in the text as Policy TRAN2(iii).

**RECOMMENDATIONS:**

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

**REC.6.6. the inclusion of PCG002;**

**REC6.7. the deletion of Policy TRAN2(i) and its replacement by the link road between the A48 and the B4270 at Cowbridge.**

## 6.6. Policy TRAN3 Rail Development

**Explanatory note:** The objection by ABP - Grosvenor Waterside Developments Ltd is met by PCG004 in relation to a station at Barry Waterfront. I concur with the change and the objection is Conditionally Withdrawn.

### *Supporting Representations*

182.6	Whittaker, Mr I	{Vale of Glamorgan Railway Line}
226.6	Penarth Section Cardiff Cycling Campaign	{Rail Policy Support}
249.15	House Builders Federation	{Support for vale of Glamorgan Railway Line}
271.9	Llantwit Major Chamber of Trade	{Support for Vale of Glamorgan Railway Line}
317.1	Williams, Mr K	{Support for further rail links}
318.1	Williams, Mrs V	{Support for Vale of Glamorgan Railway Line}

### *Conditionally withdrawn objection*

267.9	ABP - Grosvenor Waterside Developments Ltd	{Policy TRAN 3 wording}
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## PCG003

### *Maintained Objection*

376.8	Friends of the Earth Barry	{Additional railway stations}
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## Para 6.4.12

### *Maintained Objections*

287.1	Welsh Development Agency	{Regeneration and economic development benefits of a new station.}
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## ISSUES:

6.6.1. Whether:

- (i) additional station sites on the Vale of Glamorgan line should be added to Policy TRAN3;
- (ii) the regeneration and economic development benefits of a new station at Barry Waterfront should be acknowledged.

## CONCLUSIONS:

### Issue (i)

6.6.2. FoE Barry objected to PCG003, a clarifying single word change in Policy TRAN3, by suggesting more potential station locations on the Vale of Glamorgan line be added to criterion (i) of the Policy. I am in no doubt that Policies TRAN3 and TRAN4 and paragraphs 6.4.13 to 6.4.16 fittingly express the Council's commitment to restore a regular interval passenger service to the Vale of Glamorgan line. Contrary to FoE's apprehensions I am satisfied that suitable station facilities can be accommodated at Rhoose and Llantwit Major. I am inclined to agree with the Council that the low catchment population militates against station provision at Gileston and that it is practicable only to provide for one station for central Barry between Barry Docks and Barry Town. Against the background of ongoing discussion in which the Council is involved with the relevant bodies I am satisfied that the requisite information relative to the reopening to passenger traffic of the Vale of Glamorgan line is comprised in the UDP.

6.6.3. Provision for the disabled in development for rail transport is required by other legislation.

6.6.4. Objectors comment unfavourably on the unreliability and frequency of the existing services on the Barry Island and Penarth lines. Those matters, together with the standard and performance of rolling stock currently in service are at the discretion of the railway operating company and outside the scope of the UDP.



**Issue (ii)**

6.6.5. While PCG006 properly responds to the objection by the Welsh Development Agency it is not proposed to be inserted in the text at the right place. The objection refers specifically to the proposed station at Barry Waterfront, in which case the change should be inserted after paragraph 6.4.12 and PCG004.

**RECOMMENDATIONS:**

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

**REC.6.8. the inclusion of PCG004 and PCG006 immediately following that change in paragraph 6.4.12.**

## 6.7. Policy TRAN4 Interchange at Rail Stations

*Maintained objection*

359.35

Friends of the Earth Cymru

{Policy TRAN 4 wording}

### ISSUE:

6.7.1. Whether the Policy provides for an integrated approach to transport modes by providing for interchange at rail stations.

### CONCLUSIONS:

6.7.2. The possibility of this Policy allowing park-and-ride stations without facilities for cyclists, pedestrians, or buses is questioned. In my view the Policy is sufficiently explicit save for the '*and/or*' reference to cycling. I consider that satisfactorily remedied by the deletion of '*or*' in the first sentence by PCG005.

### RECOMMENDATION:

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

**REC.6.9. the inclusion of PCG005.**

## 6.8. Policy TRAN 5 Redundant Rail Routes & Facilities

### *Maintained Objections*

211.1	Vale Holiday Homes Ltd.	{Policy TRAN 5 wording - Development along redundant railway routes}
226.7	Penarth Section: Cardiff Cycling Campaign,	{Omission of map of redundant rail routes and prioritising of non-vehicular movement}
238.26	Country Landowners Association	{Acknowledgement of paras 5.18 - 5.20 in "Modernising Planning" doc.}

### ISSUES:

#### 6.8.1. Whether:

- (i) the Plan takes account of disturbance to property on a former railway line proposed as a recreation route;
- (ii) redundant rail routes should be shown on the Proposals Map;
- (iii) the transport policies should refer to paragraphs 5.18-5.20 of *Modernising Planning* (DETR).

### CONCLUSIONS:

#### Issue (i)

6.8.2. The objector asks that Policy TRAN5 be preceded by '*where feasible and appropriate*' and that the route between Talygarn and Cowbridge be deleted from the Proposals Map. I deal in relation to Policy REC12 with the argument underlying the objection together with other objections to the Aberthaw – Pontyclun recreation route. I concur with PCI024 which inserts an additional paragraph in Chapter 11 concerning this proposed recreational route.

#### Issue (ii)

6.8.3. Penarth Section Cardiff Cycling Campaign advocate that redundant railway routes be identified on the Proposals Map and public transport, cycling and pedestrian use should have priority over road/private vehicles in any proposal for their reuse. No comprehensive evidence of lines likely to become redundant was presented and I therefore regard this policy as a generic one. It appears to me that the objector's concern is already noted in paragraph 6.4.17. That said, I have reservations as to whether the aspirational priority indicated would invariably be the most practicable or desirable in the event of a railway track bed becoming available for other use. On balance I therefore consider no change is required.

#### Issue (iii)

6.8.4. I refer under Policy TRAN1 above to the general objection made by the Country Landowners' Association on *Modernising Planning*.

### RECOMMENDATIONS:

**REC.6.10. I recommend that no modification be made to the plan.**

## 6.9. Policy TRAN6 Rail Freight

*Maintained objection*

359.36

Friends of the Earth Cymru

{Rail Freight facilities}

### ISSUE:

6.9.1. Whether in the absence of site-specific proposals the development of rail freight facilities should be favoured.

### CONCLUSIONS:

6.9.2. The objective of the Policy is to encourage a shift of freight movement from road to rail. Its feasibility is clearly dictated by the existing and potential rail infrastructure and any relevant development must also clearly accord with the UDP policies as a whole. I do not accept the view that this Policy overrides other policies. It appears to me that while the wording of the Policy is adequate to forestall the objectors' fear that inappropriate development could be undertaken I agree with the objector that that of the Council's response is a clearer and therefore more preferable formula. While the objector suggests the site-specific identification of the Airport, the Vale Business Park and waste transfer stations I regard mention of those notional facilities as speculative in the absence of detailed supporting information.

### RECOMMENDATION

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

**REC.6.11. the deletion of the wording of the Policy and its replacement by:**

**'Developments which would attract a significant amount of freight movements will be favoured where access to existing or potential rail freight facilities is available'.**

## 6.10. Policy TRAN7 Cardiff International Airport

**Explanatory note:** Representations by FoE Cymru on the surface transport implications of the further development of the Airport were received after the end of the deposit period and were therefore not duly made.

*Maintained objections*

129.1	Harvey, J. K	{Airport expansion - impacts upon surrounding settlements.}
359.37	Friends of the Earth Cymru	{Development of Cardiff Wales Airport}

### ISSUES:

#### 6.10.1. Whether

- (i) the development of the Airport for all types of air traffic should be favoured;
- (iii) the plan takes sufficient account of the impact of the expansion of the airport on surrounding settlements.

### CONCLUSIONS:

#### Issue (i)

6.10.2. I received no conclusive evidence on the future magnitude and range of air traffic or of the likely physical development of ground facilities. It is in my view illogical to challenge the regional status of the airport on the ground that its benefits to the Borough are questionable. I agree with the Council that it is appropriate to treat the Airport as part of a wider network of air transport facilities where regionally provided services can reduce long distance ground access travel. The regulation of air traffic by either volume or type of goods carried is not the purpose of the UDP, which is concerned only with the implications of air travel for development on the ground. I am satisfied that Policy TRAN7 and its supporting text deals adequately, so far as it is currently possible to do so, with the further development of the Airport.

#### Issue (ii)

6.10.3. Acknowledgement is sought that, in the interest of the residents of Rhoose and other neighbouring settlements, expansion of the airport would be subject to environmental capacity constraints. However, since any such proposals would be subject to the normal procedures of development control, necessarily involving assessment of the impact on adjoining land uses, I do not consider any amendment of the Policy or its supporting text necessary.

### RECOMMENDATIONS:

**REC.6.12. I recommend that no modification be made to the plan.**

## 6.11. Policy TRAN8 Cycling development

**Explanatory note:** Objections to the Aberthaw-Pontyclun recreation route are dealt with under Policy REC12. FPCF004 reinstates the text in paragraph 6.4.24 previously proposed to be removed by PCG008. I support the reinstated text. Its reference to funding has an important bearing on the feasibility of the Council's intentions and its reinstatement meets the counter objection made by Penarth Section Cardiff Cycling Campaign. I consider it also meets the objection made by Llantwit Major & Vale Cycle Touring Club (issue [iii]).

### *Supporting Representations*

45.2	Marsden, Mr T	{Promotion of cycling facilities.}
59.1	Kipling, Joy	{Comprehensive cycle routes and highway provisions required.}
237.50	Countryside Council for Wales	{Policy support}
253.4	Tennant, Mrs Jane	{Cycle network}

### *Maintained Objections*

34.1	Seven Oaks Trout Fishery	{Aberthaw to Pontyclun recreation route}
95.2	D H Rees & Sons	{Aberthaw to Pontyclun recreation route}
96.2	J E Thomas & Son	{Aberthaw to Pontyclun recreation route}
97.1	Williams, Mrs P	{Aberthaw to Pontyclun recreation route}
98.2	Williams, Mr E	{Aberthaw to Pontyclun recreation route}
99.1	Llewellyn, Lindsay	{Aberthaw to Pontyclun recreation route}
100.2	John, Mrs P	{Aberthaw to Pontyclun recreation route}
101.1	Lowe, Mr R.D	{Aberthaw to Pontyclun recreation route}
102.1	Lewis, Mrs C	{Aberthaw to Pontyclun recreation route}
103.1	Radcliffe, Mr D	{Aberthaw to Pontyclun recreation route}
104.2	Morgan, Mr G	{Aberthaw to Pontyclun recreation route}
105.1	R E Brown & Sons	{Aberthaw to Pontyclun recreation route}
182.3	Whittaker, Mr I	{Aberthaw to Pontyclun recreation route}
106.1	Thomas, Dillwyn Rhys	{Aberthaw to Pontyclun recreation route}
107.2	Thomas, W R	{Aberthaw to Pontyclun recreation route}
108.1	A J & R J Plant	{Aberthaw to Pontyclun recreation route}
182.3	Whittaker, Mr I	{Cycling Parking}
182.4	Whittaker, Mr I	{Cycling routes}
221.2	R.J Jenkins & Son	{Aberthaw to Pontyclun recreation route}
226.8	Penarth Section Cardiff Cycling Campaign	{Policy TRAN 8 wording}
226.13	Penarth Section Cardiff Cycling Campaign	{Urban routes and safety}
226.17	Penarth Section Cardiff Cycling Campaign	
226.18	Penarth Section Cardiff Cycling Campaign	
270.3	Plaid Cymru	{Use of cycle routes.}
359.38	Friends of the Earth Cymru	{Provision of cycle facilities in urban areas}

### **Proposed Change PCG007**

#### *Maintained Objections*

226.14	Penarth Section Cardiff Cycling Campaign	{Proposed additional cycle routes}
360.49	Friends of the Earth (Penarth Area)	{Proposed additional cycle routes}

### **Proposed Change PCG008**

#### *Conditionally withdrawn objections*

226.15	Penarth Section Cardiff Cycling Campaign	{Object to deletion of paragraph 6.4.24 after the words "significant challenge"}
360.50	Friends of the Earth (Penarth Area)	{oppose deletion of reference to finance}

#### *Maintained objection*

252.4	Chairman L.M & Vale Cycle T.C.	{oppose deletion}
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### **Proposed Change PCG009**

#### *Maintained objection*

226.16	Penarth Section Cardiff Cycling Campaign	{Amendments required to Paragraph 6.4.26}
360.51	Friends of the Earth (Penarth Area)	{River Ely bridge}

## **ISSUES:**

### 6.11.1. Whether:

- (i) the Plan adequately encourages use of and support for cycle routes;
- (ii) the Plan adequately provides cycle parking

- (iii) the deletion by PCG008 of paragraph 6.4.24 after the words '*significant challenge*' and its restoration by FPCF004 is appropriate .

## CONCLUSIONS:

### Issue (i)

6.11.2. It is disputed whether the change of attitude towards cycling mentioned in paragraph 6.4.22 is sufficient. Objectors claim that in failing to specify a level of provision for cycle use and specify cycle routes the Policy is inconsistent with current national advice. They advocate straight links between residential areas and employment sites; that cycle routes should not be conceived just for recreation; and that consideration should be given to the personal safety of female cyclists.

6.11.3. I regard the essential objective as the provision of safe cycle routes linking residential areas with workplaces and recreational and shopping facilities. That said, I recognise the difficulty cyclists face on such roads as the A4055 from the Merrie Harrier to Biglis Bridge and between North Barry and St Athan, together with the acute problem of cycles mingling with other traffic at Cogan roundabout. In response to the omission from both the UDP text and the Proposals Map of any specific proposed cycle routes objections included a comprehensive schedule of cycle routes for identification in the Plan

6.11.4. The proposals in the Plan have their origin in the 1997 Cycling Strategy and reflect the priority aim to provide for both commuter and recreational cycle travel between the Borough and Cardiff and along the coast. I am mindful that the extension of the cycling network is subject to the availability of resources, as FPCF004 justly warns. Nevertheless, I find FPCF003 and FPCF005, which I support, take on board much of the network suggested by objectors. It would be misleading, however, to portray as firm proposals on the Proposals Map those routes in FPCF003 which remain subject to detailed investigation of their precise alignments. On the other hand I support the depiction on the Map of the Penarth/Cogan recreation Route by FPCN001 and the Penarth/Sully Recreation Route by FPCN003.

6.11.5. So far as concerns the achievement of a comprehensive network of safe routes for cyclists I consider that in developed urban areas that is largely to be achieved through traffic management on the existing road network, though the safety objective necessitates less disregard of road traffic law on the part of cyclists. Save where the UDP specifically prescribes it there is therefore no necessity to identify landtake specifically for cycling use. It is for the forthcoming Local Transport Plan to demonstrate in detail that satisfactory cycle access in accordance with the UDP principles can be obtained to such major attractors of traffic as Culverhouse Cross, Cardiff Retail Park, or the proposed Sports Village.

6.11.6. It appears to me that Policy TRAN8 and paragraphs 6.4.22 to 6.4.26 of the Plan as proposed to be amended by PCG7 and PCG9 comprehensively express the Council's commitment to support cycling (I note that FPCF4 cancels PCG008, leaving the original draft text unchanged). In these circumstances I find no supportable reason to change the draft Plan.

### Issue (ii)

6. 11.7. The matter of cycle parking is dealt with below under Policy TRAN9.

## RECOMMENDATION:

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

**REC.6.13. the inclusion of PCG007, PCG009, PCN002, PCN008, FPCF003, and FPCF005.**

## 6.12. Policy TRAN9 Parking

**Explanatory note** Objections to the Aberthaw-Pontyclun recreation route are dealt with under Policy REC12. PCG010 inserts ‘accessibility’ in Policy TRAN9, satisfactorily meeting the objection by Bridgend County Borough Council. PCM002 inserts a new Table 6 on parking standards for cycles in Appendix 6, thereby adequately meeting an objection by Penarth Section Cardiff Cycling Campaign. Those objections are consequently Conditionally Withdrawn.

### *Conditionally withdrawn objections*

124.8	Bridgend County Borough Council	{Policy wording}
226.9	Penarth Section Cardiff Cycling Campaign	{Cycling parking standards}

### *Maintained objections*

182.5	Whittaker, Mr I	{Cycling Parking Standards}
249.16	House Builders Federation	{Parking Guidelines}
253.3	Tennant, Mrs Jane	{Car parking in Cowbridge town centre}
359.39	Friends of the Earth Cymru	{Requirement for a sustainable parking policy.}

## ISSUES:

### 6.12.1. Whether:

- (i) the Plan incorporates a sustainable parking policy and Parking Guidelines;
- (ii) in Cowbridge it is necessary to apply the parking standards to existing as well as new development;
- (iii) the Plan should set standards for cycle parking

## CONCLUSIONS:

### Issue (i)

6.12.2. The HBF points out that the parking guidelines, dating from 1993, were not subject to public participation. Their incorporation in the Plan would therefore confer inappropriate authority on them, as they are inconsistent with the criteria advised in paragraph 66 of PGW and require revision. I consider the inclusion of an outline of the Guidelines in Appendix 6 of the Plan rendered them open to objection in the consultation process on the draft UDP. As no objection was made I support their inclusion. However, the HBF’s objection formally related to Policy TRAN9. In view of the desirability of adhering to regional standards I consider the wording of the Policy appropriate, bearing in mind the Council’s asserted right expressed in Appendix 6 to update the Guidelines when they are changed by the South Wales Consortium of Local Authorities. I note that a further opportunity to challenge the guidelines will arise in public consultation on the Local Transport Plan.

6.12.3. The Council states that new regional guidelines are in preparation. On the question of consistency with Welsh Office policy, and consonant with the statement in Appendix 6, I consider the Plan should embrace the new guidelines if they have been approved when the Council considers this report.

6.12.4. Seeking sustainability, FoE Cymru advocate the prescription of maximum parking standards in urban centre locations with excess demand transferred to non-car transport modes. However, paragraph 6.4.27 of the Plan acknowledges the possibility of variation from the guidelines to meet local circumstances. Furthermore, I observe that an interim consultation is in course with the end of changing the minimum requirements in the 1993 regional guidelines to maxima save in the case of residential development. At the same time it appears to me that the objector’s argument is overly simplistic in overlooking the attractive power of alternative destinations offering car parking perceived as adequate by the public.



6.12.5. While, as TAN 18 points out, the control of car parking is inherent in an integrated transport policy and the management of traffic I consider that such matters as the control of and charging for parking and the institution of green transport plans in association with major traffic generators properly fall to be dealt with in the Local Transport Plan.

**Issue (ii)**

6.12.6. It is not appropriate to apply parking standards to existing development retrospectively.

**Issue (iii)**

6.12.7. The objector argues that, in order to comply with the national cycling strategy, cycle parking standards should be incorporated in the Plan. That is achieved by PCM002, with which I concur, by inserting a new table 6 in Appendix 6.

**RECOMMENDATIONS:**

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

**REC.6.14. the inclusion of PCM002 (Appendix 6); and**

**REC.6.15. the incorporation of the replacement regional parking guidelines as an appendix if they be published before the Council resolves to approve the Plan.**

### 6.13. Para.6.5.2

*Maintained Objection*

232.7 Land Division, Welsh Development Agency

{Express para 6.5.2 as a policy}

#### ISSUE:

6.13.1. Whether paragraph 6.5.2 should be expressed as a policy.

#### CONCLUSIONS:

6.13.2. The Welsh Development Agency argues that expressing paragraph 6.5.2 as a policy would provide specific advice additional to that set out in Circulars or Policy Guidance. I consider a policy on planning obligations in the Transportation chapter of the plan could be misleading since planning obligations can be related to any kind of development. The explanation in paragraph 6.5.2 with examples of transportation issues is to my mind adequate. If reference to planning obligations were required in a policy it should more appropriately be a Part 1 policy.

#### RECOMMENDATION:

**REC.6.16. I recommend that no modification be made to the plan.**

## CHAPTER 6 - TRANSPORTATION

6.1.	Policy TRAN00 - General or Omissions .....	1
6.2.	Policy TRAN1 Strategic highways.....	4
6.3.	Policy TRAN1(i): The Airport Access Road.....	6
6.4.	Policy TRAN1(ii): The Barry Waterfront to Cardiff Link .....	10
6.5.	Policy TRAN2 Local highways .....	12
6.6.	Policy TRAN3 Rail Development .....	15
6.7.	Policy TRAN4 Interchange at Rail Stations .....	17
6.8.	Policy TRAN5 Redundant Rail Routes & Facilities .....	18
6.9.	Policy TRAN6 Rail Freight .....	19
6.10.	Policy TRAN7 Cardiff International Airport.....	20
6.11.	Policy TRAN8 Cycling development.....	21
6.12.	Policy TRAN9 Parking.....	23
6.13.	Para.6.5.2 .....	25

## CHAPTER 7 RETAILING

### 7.1. Policy SHOP00 Retailing policies in general or omission of policy

**Explanatory note:** PCL004 inserting an additional Policy COMM4 and explanatory paragraph after paragraph 11.4.15 (Chapter 11 of the Plan) meets the objection by Peterston-Super-Ely Community Council regarding the recognition of retail outlets in rural settlements. PCH001 satisfactorily meets the Welsh Office objection regarding the relation between retail development and derelict land. These objections are Conditionally Withdrawn.

*Conditionally withdrawn objection*

86.4 Peterston-Super-Ely Community Council {Retailing Chapter - greater amplification.}

*Maintained objection*

267.13 ABP - Grosvenor Waterside Developments Ltd {Convenience floorspace at Barry Waterfront.}

#### Para 7.1.11

*Conditionally withdrawn objection*

244.28 Welsh Office {Conflict with national guidance on raising land values}

#### Para 7.1.13

*Maintained objection*

273.3 Boots Properties {Retail expenditure joint exercise.}

#### Para 7.1.14

*Supporting representation*

276.4 Marks & Spencer Plc {Support for objectives set out in paragraph 7.1.14.}

#### Para 7.1.20

*Maintained objection*

276.3 Marks & Spencer Plc {New retail development.}

#### Para 7.3

*Supporting representation*

238.28 Country Landowners Association {Support for objectives set out in paragraph 7.3.}

### ISSUES:

#### 7.1.1. Whether

- (i) The amount of convenience retailing floorspace at Barry Waterfront is correct;
- (ii) The status of the joint exercise undertaken to assess the future level of retail expenditure which is referred to in paragraph 7.1.33 of the Plan should be made clear;
- (iii) Paragraph 7.1.20 implies a presumption against large scale retail development outside Barry.

### CONCLUSIONS:

#### Issue (i)

7.1.2. ABP - Grosvenor Waterside Developments Ltd question whether in view of the part expected to be played by the Barry Waterfront Scheme in clawing back Barry retail trade from other centres the 929m<sup>2</sup> restriction on convenience goods floorspace there remains reasonable. The references to Barry No 1 Dock in paragraphs 7.1.12 and 7.4.16 merely repeat that condition in the 1997 planning permission. However, planning permission was granted in November 1999 to vary the condition to allow the development of a foodstore of up to 6041m<sup>2</sup> floorspace. Consequent amendments of paragraphs 7.1.2. and 7.4.16 suggested by the Council had not been formally approved before the end of the inquiry. Nevertheless, I consider they are appropriate to update the supporting text in the Plan in recognition of the grant of the further planning permission. However, I do not consider the specific change in permitted floor space needs to be included in the text as is suggested by the

objector in further written representations dated December 1999.

**Issue (ii)**

7.1.3. Boots Properties contend that as the Plan is dependent on the study the latter should be in the public domain. However, the study was made available in the Public Local Inquiry Library and I consider no modification of the Plan is required.

**Issue (iii)**

7.1.4. I have considered whether the implied presumption in the first sentence of paragraph 7.1.20 against additional large scale retail development in the Borough outside Barry is contrary to the advice in paragraph 183 of PGW. Though I find the statement in paragraph 7.1.20 somewhat speculative it appears to me that the rest of the paragraph does not inhibit innovative and attractive retail formats elsewhere provided proper account be taken of their effect on established centres.

**RECOMMENDATIONS:**

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

**REC.7. 1. the deletion from paragraph 7.1.12 of 'with a restriction on the amount of convenience goods floorspace';**

**REC.7. 2. the deletion from paragraph 7.4.16 of 'with a restriction on the amount of convenience goods floorspace (929m<sup>2</sup>) and insertion of 'The Environment Agency has advised that the site will be need to be protected to a minimum level of 8.3 metres above Ordnance datum' and**

**REC.7. 3. the inclusion of PCH001.**

## 7.2. Policy SHOP1 The shopping environment of district centres

**Explanatory note:** By factually correcting the text FPCH002 satisfactorily meets the objections by ABP - Grosvenor Waterside Developments Ltd and United News and Media which are Conditionally Withdrawn.

*Supporting representation*

271.10 Llantwit Major Chamber of Trade {Retailing in Llantwit Major.}

### Para 7.4.5

*Supporting representation*

39.1 Llantwit Major Town Council {Support for the enhancement of shopfronts in Llantwit Major.}

### Para 7.4.10

*Conditionally withdrawn objection*

267.10 ABP - Grosvenor Waterside Developments Ltd {Paragraph 7.4.10 - wording.}  
274.6 United News and Media plc

## RECOMMENDATION:

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

**REC.7.4. the inclusion of FPCH002.**

### 7.3. Policy SHOP2 New and improved shopping facilities

**Explanatory note:** I deal with objection 40.8 under Policy EMP12.

*Maintained objections*

40.8	Allin, R.D.	{Additional criteria to policy SHOP2.}
52.13	Cowbridge with Llanblethian Town Council	{Additional Criteria for policy SHOP2}

#### ISSUES:

7.3.1. Whether additional criteria are needed in Policy SHOP2 on the scale of the impact on existing shopping areas and the impact on the character and appearance of any conservation area.

#### CONCLUSIONS:

7.3.2. Development identified in Policy SHOP2 falls to be assessed under all the policies of the Plan. As the protection of conservation areas is adequately provided for in Policy ENV18 (i) and (ii) I consider any further reference in Policy SHOP2 would be superfluous.

#### RECOMMENDATION:

**REC.7.5. I recommend that no modification be made to the plan.**

## 7.4. Policy SHOP3 Retail development

**Explanatory note:** To avoid repetition in this report objections recorded as relating to SHOP3, SHOP3(i), and SHOP3(iv) are taken together here, including the relevant PCs and FPCs. The objection by the Environment Agency regarding the minimum OD level in the Barry Waterfront development is satisfactorily met by PCH003 and the objection Conditionally Withdrawn.

<i>Conditionally withdrawn objection</i>		
247.20	Environment Agency	{Protection of site}
<i>Maintained objections</i>		
41.2	Barry Citizen's Action Group	{Central Park - objection.}
44.1	Marsden, Mrs I.M.	{Central Park - objection.}
45.1	Marsden, Mr T	{General objections.}
85.4	Residents & Friends of Central Park	{Central Park}
116.1	Kavanagh, Ms J	{Central Park and the proposed Town Hall redevelopment.}
133.1	Davies, M	{Central Park.}
134.1	Maloney, Terry	{Central Park.}
138.1	Symmons, Mrs G	{Central Park - objection, should be kept as park.}
141.1	Brown, Coral	{Central Park objection - should be kept as open park.}
142.1	Coombes Herridge, Mrs D.E.	{Central Park objection - should be kept as open space.}
157.1	Fowler, Mrs D	{Central Park - objection, should remain a park.}
244.29	Welsh Office	{Allocation within Barry waterfront Comprehensive Redevelopment Area}
273.2	Boots Properties	{Objection to Policy SHOP 03.}
285.1	Tesco Stores LTD	{Proposed Foodstore in Cowbridge.}

## ISSUES

### 7.4.1. Whether:

- (i) a specific retail area should be identified in the Barry Waterfront Comprehensive Redevelopment Area;
- (ii) the former Town Hall site, 59-71 Holton Road, and 1-7 Thompson Street, of loss of open space at King's Square and of recreation facilities at Central Park, Barry should be deleted from the Policy;
- (iii) the provisions for access and circulation in the Barry town centre redevelopment scheme are appropriate;
- (iv) land at Culverhouse Cross north of the A48 and west of the Marks and Spencer and Tesco stores should be allocated for retail development;
- (v) Cowbridge cattle market site should be redeveloped for a retail foodstore.

## CONCLUSIONS:

### Issue (i)

7.4.2. The Barry Docks scheme approved in 1977 comprises an area of 77ha. An illustrative plan allocated about 5ha of retail land. The plan indicated 11,148m<sup>2</sup> of retail warehousing floorspace of which 929m<sup>2</sup> could be used for food or other convenience goods and certain specified trades would be excluded. As the scheme currently enjoys only outline planning permission and details remain subject to negotiation I consider it would be inappropriate and misleading to indicate specific sites in the Plan, notwithstanding the grant of planning permission in November 1999 for a foodstore exceeding the floorspace limitation.

### Issue (ii)

7.4.3. The objection concerning the sites identified in Policy SHOP3 rests on the consequent loss of open space at King's Square and of recreation facilities at Central Park, Barry. In spite of a public



petition against the proposal, largely based on the loss of recreation space in Central Park, planning permission was given in March 1999 for the refurbishment of the former Town Hall and development of adjoining land to provide a public library, toilets, offices, retail units and a pedestrian square at the rear of the building. That decision was not legally challenged and in the inquiry the council signified it did not intend to revoke the permission.

7.4.4. I accept that, in line with the advice consistently proffered over a long period to the Council by its professional consultants, the scheme affords the only practicable opportunity for a substantial development that could restore badly needed vitality to the town centre. It would revitalise the Town Hall, which in spite of being a listed building and providing a fine visual accent in an undistinguished town centre has lain vacant since 1980. I regard the smaller sites identified in Holton Road in the Plan as an integral part of the Council's aspiration to uplift the character of the town centre as a whole. However, in my view neither those sites nor the alternatives suggested by some objectors are sufficient in extent to permit a comprehensive modernising redevelopment of such critical mass as to counteract the outflow of retail trade from Barry to Cardiff and Culverhouse Cross. The proposal conforms to the sequential test for retail development which is a cornerstone of national policy. To my mind those considerations outweigh the loss of open space in Central Park. I consider the objections to the replacement recreation sites for Central Park in relation to Chapter 8 of the Plan.

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

7.4.5. Some objectors point to the need for safe pedestrian access in the central area scheme and criticise the provision for car parking. In my view undue restriction of car parking would be counter to the aim of making Barry an attractive shopping centre in competition with other locations. I am satisfied that details of traffic management are to be resolved in the detailed planning of the site.

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

7.4.6. Boots Properties assert that the allocation in Policy SHOP3 of a site for retail development north of the A48 and west of the Marks and Spencer and Tesco sites would accord with the adjustment of the boundary of the Green Wedge sought in their objection to Policy ENV (iii). They assert that its allocation for retail use would relieve pressure for alternative development of the land allocated for employment uses in the immediate locality. However, in the Council's view there is no requirement for additional large scale retail development at Culverhouse Cross. As I find that Policy SHOP12 defines the appropriate criteria for determining any application for planning permission for new retail development on land outside district shopping centres I consider there is no justification to alter the boundary of the Green Wedge.

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

7.4.7. Tesco argues that with the relocation of Cowbridge cattle market under Policy EMP12 this edge-of-centre site would be suitable for retail use and should be identified in Policy SHOP3. However, no evidence of a need for such use of the site has been demonstrated. I consider that in the event of redevelopment becoming possible any proposal for retail use could appropriately be determined by the application of the sequential test and in the light of Policy SHOP2 and the other relevant policies of the Plan.

## **RECOMMENDATION**

**REC.7.6. I recommend that the plan be modified by PCH003.**

## 7.5. Policy SHOP4 Retail warehousing in Barry Waterfront

**Explanatory note:** By correcting the clerical errors in paragraph 7.4.16 and Policy SHOP4 PCH003 appropriately meets the objection which is Conditionally Withdrawn, as noted above. The reference to agricultural land quality in the revision of Policy SHOP4 by PCH004 is clearly superfluous and the objection by the Welsh Office is satisfactorily met by FPCH003. PCH004 as further modified by FPCH003 revises Policy SHOP4, incorporating reference to communications, thereby appropriately meeting the Welsh Office objection which is Conditionally Withdrawn.

### *Conditionally withdrawn objections*

244.30	Welsh Office	{Accessibility of retail sites}
267.12	ABP - Grosvenor Waterside Developments Ltd	{Policy SHOP 4 - wording.}

### *Maintained objections*

33.8	Barry Town Council	{Waterfront retail development - may further decline in Hotline Road.}
85.2	Residents & Friends of Central Park	{Retailing - Barry Waterfront.}
116.2	Kavanagh, Ms J	{Retailing - Barry Waterfront.}

## Proposed Change PCH004

### *Conditionally Withdrawn Objection*

244.38	Welsh Office	{Objection to new criterion SHOP 4 (viii)}
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## Para 7.4.16

### *Conditionally withdrawn objection*

267.11	ABP - Grosvenor Waterside Developments Ltd	{Omission of 1022 sq m. figure and spelling error.}
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## ISSUE

7.5.1. Whether the Policy should incorporate stricter control of retail development at Barry Waterfront.

## CONCLUSIONS:

7.5.2. Concern was expressed that shopping provision in the Barry Waterfront scheme should not be detrimental to the proposals to revitalise shopping in the conventional town centre. To that end unspecified additional constraints in terms of the type, extent and location of shopping were suggested, together with similarly unspecified traffic management and environmental improvements in the town centre. One objector wished to delete any retailing provision there.

7.5.3. I am satisfied that the types of trade proposed to be excluded from the Waterfront scheme would ensure the avoidance of undue competition with the town centre. On the contrary, that development would in my view be complementary to the town centre redevelopment provided for in the UDP and would strengthen the town's retailing function as a whole. In coming to that view I am also mindful that the planning permission granted in November 1999 which varied the 1997 floorspace condition by allowing the development of a foodstore of up to 6041m<sup>2</sup> floorspace accords with the established sequential test to be applied to proposals for retail development.

## RECOMMENDATIONS:

**REC.7.7. I recommend that the plan be modified by PCH004 as further modified by FPCH003.**

## 7.6. Policy SHOP5 Ground floor uses in primary shopping areas

*Maintained objection*

270.34

Plaid Cymru

{Competition from out of town developments.}

### Proposed Change PCH006

*Maintained objection*

360.52

Friends of the Earth (Penarth Area)

{{Retrieval of litter and recyclable materials}}

### Proposed Change PCH010

*Maintained objection*

360.53

Friends of the Earth (Penarth Area)

{ Retrieval of recyclable takeaway materials}

## ISSUES:

### 7.6.1. Whether:

- (i) it is appropriate to omit local centres and neighbourhood centres from the Policy;
- (ii) a requirement for facilities for collecting litter and recyclable materials should be added to Policy SHOP6 (iii) as proposed to be amended by PCH006;
- (iii) a requirement for facilities for collecting recyclable polythene and plastic materials supplied with takeaway food should be added to Policy SHOP10 (ii) as proposed to be amended by PCH010.

## CONCLUSIONS:

### Issue (i)

7.6.2. The objection appears to arise from a misunderstanding. This Policy specifically protects the primary shopping frontages of the town and district centres against the incursion of inappropriate uses; it does not concern competition with other types of centre. Policy SHOP9 explicitly protects local and neighbourhood centres. No modification is required.

### Issues (ii) and (iii)

7.6.3. These objections are not duly made since they seek to widen the scope of the policy by adding additional criteria rather than simply objecting to or supporting the Proposed Changes. Be that as it may, while I appreciate the concern of FoE Penarth to incorporate all conceivable constraints I consider the reference in the Policy to amenity considerations is adequate to include all practicable measures to deal with litter and recyclables so far as they arise within the scope of planning control measures to deal with such materials when they originate within the curtilage of the premises concerned. In that connection I note that paragraph 3.5.1. of PGW advises that non-land use matters should not be included in the development plan and that paragraph 14.1 points out the regard to be had to the EC Waste Directive in determining planning applications.

## RECOMMENDATIONS:

**REC.7.8. I recommend that the plan be modified by PCH006 and PCH010.**

## 7.7. Policy SHOP11 Upper floors in town and district shopping centres

*Maintained objection*

356.27

Harmer Partnership

{Omission of amenity standards for conversion proposals in SPG.}

### ISSUE:

7.7.1. Whether reference should be made to the residential use of upper floors of commercial premises in the Supplementary Planning Guidance on amenity standards.

### CONCLUSIONS:

7.7.2. Whereas paragraph 7.4.33 of the Plan anticipates the residential use of upper floors of commercial premises and refers to a flexible approach to open space and parking that is not identified in the SPG. I consider the lacuna clearly requires remedying by an appropriate reference in the SPG.

### RECOMMENDATION:

**REC.7.9. I recommend that the Council consider the addition to the SPG of a reference to open space and parking standards relating to the residential use of upper floors of commercial premises.**

## 7.8. Policy SHOP12 New retail development outside district shopping centres

**Explanatory note:** The insertion of ‘archaeological’ in criterion (viii) by FPCH003 appropriately meets the objection by Glamorgan-Gwent Archaeological Trust Ltd which is Conditionally Withdrawn.

*Conditionally withdrawn objection*

174.14	Glamorgan-Gwent Archaeological Trust Ltd.	{Omission of archaeological interests from (viii).}
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*Maintained objections*

276.5	Marks & Spencer Plc	{Policy SHOP 12 - wording.}
278.6	Marks & Spencer Plc	{criterion (vi) parking standards}

### Para 7.4.6

*Maintained objection*

276.6	Marks & Spencer Plc	{Car parking guidelines.}
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## ISSUES:

### 7.8.1. Whether

- (i) the sequential test is appropriately referred to in criterion (ii) of the policy;
- (ii) flexibility in parking requirements should be permissible.

## CONCLUSIONS:

### Issue (i)

7.8.2. It is argued for Marks and Spencer that criterion (ii) favours out-of-centre over out-of-town retail sites, contrary to paragraph 177 of PGW which makes no such distinction. Furthermore, there is no inherent reason why an out-of-centre site should enjoy better accessibility by public transport than an out-of-town site. Nor is an out-of-town site necessarily less likely to generate linked shopping trips. That is particularly the case with further development of such an existing out-of-town site as Culverhouse Cross. Out-of-town development does not invariably involve greenfield sites. Criterion (ii) ignores the question of whether alternative sites are available in locations recognized as preferable under the sequential test.

7.8.3. I note that Annex A of TAN 4 Retailing and Town Centres clearly differentiates out-of-centre from out-of-town sites. Since the former are preferable as they are normally closer to the urban population and less dependent on car-borne trade I discern no reason to recommend modifying criterion (ii) of the policy.

### Issue (ii)

7.8.4. It is argued that, notwithstanding the formal prescription of car parking requirements in criterion (vi) of the Policy, parking standards should be applied flexibly in accordance with the advice in paragraph 66 of PGW. I have considered whether the use of variable parking standards as a fine-tuning instrument of retail planning policy should be recognized by its acknowledgment in paragraph 7.4.36. However, since the appropriateness of flexibility in applying parking requirements is already incorporated in Policy TRAN 9 I find no justification to recommend modifying Policy SHOP12.

## RECOMMENDATION:

**REC.7.10. I recommend that no modification be made to the plan.**

## CHAPTER 8 SPORT & RECREATION

### 8.1. Policy REC00 Sport & Recreation policies in general or omission of policy

**Explanatory note:** I deal with objection 40.09 under Policy EMP12.

#### *Supporting representation*

271.11	Llantwit Major Chamber of Trade	{Sporting and recreational facilities in Llantwit Major.}
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#### *Maintained objections*

20.3	Stephens, Carin	{Central Park and the proposed retail development}
20.4	Stephens, Carin	{Central Park and the proposed retail development}
40.9	Allin, R.D.	{Provision and protection of playing fields.}
41.1	Barry Citizen's Action Group	{Central Park}
44.2	Marsden, Mrs I.M.	{Central Park - objection.}
53.3	Germon, Lisa	{Central Park - objection.}
142.2	Coombes Herridge, Mrs D.E.	{Central Park - no replacement facilities suggested.}
208.5	Cottrell Park Golf Club Ltd.	{Support for Cottrell Park golf club}

### Para 8.3

#### *Supporting representation*

238.30	Country Landowners Association	{Support for objectives in paragraph 8.3.}
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### Para 8.3.1

#### *Supporting representations*

237.52	Countryside Council for Wales	{Support for objectives in paragraph 8.3.1.}
270.37	Plaid Cymru	{Support for recreational objectives in paragraph 8.3.1.}

## ISSUES:

8.1.1. Whether:

- (i) the alienation and replacement of land at Central Park, Barry, is justified and, if so, whether the replacement sites are adequate;
- (ii) Cottrell Park golf club is adequately supported by the Plan.

## CONCLUSIONS:

### Issue (i)

8.1.2. Most of the maintained objections relate to the alienation of land at the existing Central Park, Barry, as part of the Town Centre scheme for the refurbishment of the former Town Hall and redevelopment of adjoining land, together with the location of the replacement recreation land. Notwithstanding the result of a public referendum on the proposal, based on the loss of recreation space in Central Park, planning permission was given in March 1999 for the refurbishment of the former Town Hall and development of adjoining land to provide a public library, toilets, offices, retail units and a pedestrian square at the rear of the building. That decision was not legally challenged and in the inquiry the council signified it did not intend to revoke the permission. I deal with it in relation to retail development in Chapter 7.

8.1.3. National planning guidance in paragraphs 198-201 of PGW and in TAN22 advocates the protection of urban open spaces with significant recreational or amenity value. The requirement in Policy REC1 to provide alternative community benefit when development involves the loss of recreation facilities accords with national advice. A statement by the Garden History Society produced by a witness and the personal recollections of and photographs produced by objectors bear testimony to the past range of activities in and popularity of Central Park. Objectors allege its deliberate neglect by the Council in recent years and it appears now to have assumed the function of a run down and largely incidental open play space adjoining the town centre. Some open space would

be provided in the authorised proposed scheme.

8.1.4. I appreciate the convenience of the location of this open space for residents in the relatively densely-built immediate neighbourhood as an informal children's play area and also its basket ball facility. Some local residents suggest alternative sites which they consider more convenient for the replacement facilities which have already been provided at Gladstone Gardens and at the junction of Gladstone Road and Ty Newydd road.. However, I consider the replacement sites provided are within a reasonable distance. Nevertheless, I received no evidence as to the procedure by which the replacement sites were selected. As I saw on inspection, the Gladstone Road/Ty Newydd Road site adjoins a busy and steeply-graded road junction. In the main its internal layout seems predominantly to be for the benefit of skate boarders and to have scant attraction for mothers with small children.

8.1.5. While the process of objection to the UDP cannot be used to reverse the authorised proposals for the redevelopment of Central Park I consider that, in the event of any future need for recreational land replacements, more careful consideration should be given to public consultation. That should be undertaken in line with the reference to equivalent community benefit in paragraph 8.2.3 of the Plan but I consider the wording should be strengthened by adding 'after public consultation' after 'made available'.

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

8.1.6. The objector seeks explicit support in the Plan for the development of Cottrell Park Golf Club, which is sited in open countryside in the landscaped park of the former Cottrell House, by including its extended site on the Proposals Map. The Council reports that in 1977 the Sports Council for Wales calculated a shortfall of 1.1 eighteen hole golf courses in the Borough if the need were to be met. That did not take into account 4 courses for which planning permission had been granted and had not yet been implemented and 2 recently-completed 9 hole courses. However, two of the 18-hole permissions and a further 9-hole permission expired in 1997.

8.1.7. At the time of the inquiry there were outstanding applications for golf courses at Pwll y Darren Farm, Welsh St Donats (18 holes), St Andrews Major Golf Club (9 holes) and an extension at Cottrell Park Golf Club (18 holes). Though the Council relies on those figures to identify a current sufficiency of facilities it concedes that there is no agreed methodology for assessing the need for golf courses. In my view any calculation of shortfall should only be used to indicate a minimum need. I discern no reason for the Plan to determine a maximum provision for a sport. Indeed, it seems to me that once the minimum need is met the acceptability of new courses should depend only on the appropriate planning criteria.

8.1.8. So far as concerns Cottrell Park in particular I note that at the time of the inquiry an application for planning permission for an extension had been made. Whether the site would be a suitable location to meet any unsatisfied need for golf remained to be tested through the determination of the planning application. In those circumstances I consider it inappropriate to show any extension on the Proposals Map.

#### **RECOMMENDATION:**

**REC.8.1. I recommend that paragraph 8.2.3 of the plan be modified by the insertion of 'after public consultation' after 'made available'.**

## 8.2. Policy REC1 Protection of existing recreational facilities

### *Maintained objection*

52.14 Cowbridge with Llanblethian Town Council {Amendment to policy REC01}

### **Proposed Change PCI001**

### *Maintained objections*

360.42 Friends of the Earth (Penarth Area) {Amend wording to favour community interest}

376.1A Friends of the Earth Barry {Amend wording to favour community interest}

## **ISSUES:**

### 8.2.1. Whether:

- (i) the Plan suitably safeguards recreation facilities of importance to the character of a conservation area or the townscape;
- (ii) the revision of Policy REC1 by PCI001 is appropriate.

## **CONCLUSIONS:**

### **Issue (i)**

8.2.2. Cowbridge with Llanblethian Town Council seek the insertion of a criterion in Policy REC1 to safeguard existing recreation facilities of importance to the character of a conservation area or to the townscape and structure of an urban area. I consider that safeguard would be afforded by the amendment of Policy REC 1 by PCI001.

### **Issue (ii)**

8.2.3. The objections made by FoE Penarth and FoE Barry do not relate to the change proposed in PCI001 but merely propose 2 identical further alternative wordings, with a third in the case of FoE Barry. While the objections were not duly made I have examined them as they raise points of principle having general application. Though ostensibly made as general objections both were illustrated by reference to Central Park, Barry (see paragraphs 8.1.2 to 8.15 above). In the inquiry FoE Penarth proposed to change 'will be permitted' to 'only be permitted if the following can be shown to hold and have the agreement of the local community'. Apart from the excess of verbosity involved, the change is unacceptable because of its reference to the community, an indeterminate expression unrelated to any statutory consultee body. As the Council is the local planning authority it is alone the decision-taker in determining planning applications, whatever the participation of others may be in assisting the formulation of decisions, and the Policy must make that clear. Furthermore, the objectors' suggested negative wording is not appropriate; policies should be expressed in positive terms in accordance with the advice in paragraph 3.5.2 of PGW.

## **RECOMMENDATION:**

**REC.8.2. I recommend that the plan be modified by PCI001.**



### 8.3. Policy REC3 Provision of open space within new residential developments

#### Para 8.4.5

*Maintained objection*  
249.17

House Builders Federation

{Provision of open space within new residential developments.}

#### ISSUE:

8.3.1. Whether Policy REC3 should be changed to clarify the criteria for seeking the provision of open space by developers.

#### CONCLUSIONS:

8.3.2. I share the concern of the objector in discerning an inconsistency between the last sentence of the Policy and paragraphs 8.4.6 and 8.4.8. Paragraph 8.4.8 is correct in pointing out that the open space sought must be reasonably related to the development proposed and the need should arise from it. Indeed, in all respects the provision of public open space by agreement in association with development subject to planning control should conform to the requirements of WO Circular 19/87 *Planning Obligations*. Notwithstanding the deficit in open space in every sector of the Borough revealed in Table 1 it is not appropriate for the Council to use this provision of the Plan to satisfy local needs extraneous to the development proposed. In that context I consider the last sentence of Policy REC3 is inadmissible as it could only apply in the case of a locality with existing open space in excess of the recognised standard. For the same reason the meaning of paragraph 8.4.6 is uncertain. I consider both the Policy and the explanatory text should be changed to indicate that any requirement sought under the Policy will take into account any existing provision in the locality which exceeds the prescribed standard.

#### RECOMMENDATION:

**REC.8.3. I recommend that the plan be modified by rewording Policy REC3 and paragraph 8.4.6 to indicate that any open space sought will be assessed in the light of the existing provision in the locality.**

## 8.4. Policy REC5 New playing field provision

**Explanatory note:** The revision of paragraph 8.4.11 and Table 1 by PCI002 and PCI003 respectively meets the objection by the Sports Council of Wales regarding reference to school playing fields, which is Conditionally Withdrawn. Although an objection by FoE Penarth that school playing fields be omitted was not duly made I am inclined to agree with the Council that all playing fields, whether public or private, clearly have a part to play in satisfying recreational need. I consider the inclusion of school playing fields, save for those in paragraph 8.4.11, by PCI002 adequately expresses that.

### *Supporting representation*

270.38	Plaid Cymru	{Informal open space at Caerleon Road.}
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### *Maintained objections*

33.9	Barry Town Council	{Objection - deletion of playing field allocations.}
204.2	Northway Bros Ltd.	{Allocation for playing fields}
253.6	Tennant, Mrs Jane	{Playing fields in Cowbridge}
277.3	Davies, Gareth	{Shortfall of playing field provision in Llantwit Major.}
360.10	Friends of the Earth (Penarth Area)	{Provision of Playing Fields}

### *Maintained objection*

344.1	The Representative Body of the Church in Wales	{Proposed employment designation for recreation site in Barry.}
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### Para 8.4.11

#### *Conditionally withdrawn objection*

18.1	Sports Council for Wales	{Omission of educational playing field facility requirements.}
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#### *Maintained objection*

52.15	Cowbridge with Llanblethian Town Council	{Omission of relation of POS deficiency to population}
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### Proposed Change PCI002

#### *Maintained objection*

360.43	Friends of the Earth (Penarth Area)	{Exclude school playing fields from calculations}
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## ISSUES:

### 8.4.1. Whether:

- (i) land should be allocated for playing fields at Barry Waterfront;
- (ii) land at Caerleon Road, Dinas Powis, should be alternatively allocated for residential development;
- (iii) land should be allocated for playing fields in Cowbridge;
- (iv) land to the west of Llantwit Major should be developed for housing and playing fields;
- (v) new playing fields at Sully Glebelands should be reduced or deleted and 8ha for playing fields in the Cogan Hall Farm development be added;
- (vi) land allocated for playing fields at Sully Glebelands should alternatively be allocated for employment use under Policy EMP 1;
- (vii) Table 1 should be expanded to express deficits of public open space related to population.

## CONCLUSIONS:

### Issue (i)

8.4.2. Barry Town Council points out that the consultation draft of the Plan included new playing field allocations at Barry Waterfront and Pencoedtre. I note that PCI003 reduces the deficit in playing

fields at Barry from 41ha in the draft Plan to 34.67 ha. However, new playing fields are not included in the planning permissions for development at Barry Waterfront and Pencoedtre, though land is allocated for informal open space at Pencoedtre under Policy REC11. This and the following objections highlight the deficit in playing fields in the Borough generally but more particularly that in Barry. While it states the difficulties of identifying and financing playing the development of playing fields I find the supporting text unduly complacent and, bearing in mind the length of the Plan period, I consider the Council should express in the supporting text an intention to continue to seek hitherto unidentified sites.

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

8.4.3. Land allocated for playing fields at Caerleon Road, Dinas Powis by Policy REC5(i) is currently part of a builder's landbank and is the subject of an objection to the housing proposals of the plan. The site is in the Green Wedge between Dinas Powis and Penarth and outside the settlement boundary of Dinas Powis. In spite of some reduction in the deficit of playing fields in the locality by the inclusion of school playing fields in Table 1 by PCI003 there still remains a shortfall. While the Plan allocates sufficient housing land any application for planning permission for the residential development of the objection site would fall to be determined under Policies HOUS5, ENV1 and ENV3 together with any other material considerations. In these circumstances I find no justification to change the allocation in Policy REC5(i).

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

8.4.4. The inclusion of school playing fields in Table 1 by PCI003 reduces the deficit at Cowbridge from 5.2ha to 2.33ha. While the Council acknowledges the shortfall, the provision of further playing fields at Cowbridge is constrained by the lack of suitable land and financial resources and, bearing in mind that Cowbridge has the lowest deficit in the Borough, by the higher priority need to remedy the more serious deficit at Barry.

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

8.4.5. It is asserted that the deficit shown in Table 1 in playing field land at Llantwit Major could be relieved if land west of the town were allocated for housing under Policy HOUS8 and associated land could be allocated for recreational use as part of an overall scheme which would also preserve and enhance a scheduled ancient monument. However, Policies 3 and HOUS1 allocate sufficient land within the Borough as a whole for housing, with the major provision at Barry Docks, Penarth Haven and Rhose Point. Policy HOUS1 provides sites further to these. In any case, the settlement boundary at Llantwit Major is so drawn as to provide adequate opportunity for residential development. The objection site lies in open countryside where, in spite of the deficiency in recreational land, I consider such provision in association with housing development would be inappropriate.

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

8.4.6. The playing field allocation at Sully is claimed by FoE Penarth to be a subterfuge to obtain lottery funding and the development of the Council-owned athletic fields in the longer term. However, as the 8.5ha allocation has planning permission for sports fields with a clubhouse and there is no proposal for developing the athletic fields I find no justification to recommend changing it. The objection is not site-specific in relation to the Cogan Hall Farm Development, where it is claimed that the allocation of playing fields would relieve the deficit in Penarth. However, I note that the legal agreement transferring land to the Council allows use as public open space, inclusion within Cosmeston Country Park or as burial land. Playing fields are not specifically identified and any such proposal would require investigation in relation to land suitability, access, parking provision, maintenance and any ancillary buildings. It would therefore be inappropriate to include it in the Plan.

#### **Issue (vi)**

8.4.7. I refer to a related objection by the Representative Body of the Church in Wales under Policy

EMP1. This greenfield objection site at Sully Glebelands is located between Barry and Sully, is part of the small gap between the two settlements, and consists of grazing fields with trees, hedges and shrubs. It is allocated for playing fields, is the subject of a planning permission for that use, and is included in a current application for lottery funding. Although it is claimed that a smaller area would meet the local need at Sully with the residue, an area of 2.05ha comprising part of the land allocated for recreation, being devoted alternatively to business use, the facility is intended to provide for the whole Barry area, where there is a deficit of 34.67ha of playing field land according to the NPFA standard, and is allocated in accordance with paragraph 198 of PGW. Since at the same time there is stated to be no shortfall of land for employment development under Policy EMP1 I find no convincing reason to recommend changing the allocation.

**Issue (vii)**

8.4.8. Table 1 breaks down overall playing field requirements into geographical sectors of the borough. The inclusion of school playing fields by PCI003 reduces the original deficit figures, Policy REC5 allocates new playing fields and Policy REC11 identifies the proposed informal public open space. While I appreciate that the suggested inclusion would reveal the highest present deficit occurring in the objector's sector of the borough I note that paragraph 8.4.12 of the Plan acknowledges the difficulties in meeting the needs. In the circumstances of overall deficit in the Borough revealed by Table 1 I find no compelling need to elaborate the tabulation.

**RECOMMENDATIONS:**

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

**REC.8.4. by an expression of intent in the supporting text to continue to seek hitherto unidentified sites during the Plan period in order to remedy the deficit in playing field requirements.**

**REC.8.5. by PCI002 and PCI003.**

## 8.5. Policy REC6 Childrens play facilities

**Explanatory Note:** I consider that, by changing Policy REC6 and paragraph 8.4.15 respectively to correlate this Policy and its accompanying text with Policy REC3, PCI004 and PCI006 satisfactorily meet the objection by HBF, which is Conditionally Withdrawn.

*Conditionally Withdrawn Objection*

249.18	House Builders Federation	{Projected population figures}
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*Maintained Objections*

246.13	Llandow Community Council	{Provision of play areas in settlements in identified need}
356.18	Harmer Partnership	{Explanation of the term "children's play facilities".}

### ISSUES:

8.5.1. Whether:

- (i) attention should be given to the provision of play areas in settlements having no facility;
- (ii) the distinction is properly drawn between 'children's play space' (REC3) and 'children's facilities' (REC6).

### CONCLUSIONS:

#### Issue (i)

8.5.2. Priority is sought for the provision of play areas in such settlements as Llandow which lack any facility. While I sympathise with this objection I agree with the Council that priority must be accorded to localities with the greatest deficiencies, irrespective of whether such localities already have some, but clearly deficient, degree of provision.

#### Issue (ii)

8.5.3. I consider any confusion between the two terms is adequately resolved by the change in Policy REC6 proposed in PCI004, in paragraph 8.4.15 by PCI005 and the insertion by PCI006 of an additional paragraph following paragraph 8.4.15

### RECOMMENDATIONS

**REC.8.6. I recommend that the plan be modified by PCI004, PCI005 and PCI 1006.**

## 8.6. Policy REC7 Sport and leisure facilities

**Explanatory note:** An archaeological criterion is appropriately inserted in Policy REC7 by PCI008 By changing paragraph 8.4.19, PCI010 meets the Sports Council objection which is Conditionally Withdrawn.

### *Supporting representation*

237.53	Countryside Council for Wales	{Support for Policy REC 7.}
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### *Conditionally withdrawn objection*

174.15	Glamorgan-Gwent Archaeological Trust Ltd.	{Omission of archaeological interests from (viii).}
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### *Maintained objections*

182.2	Whittaker, Mr I	{Omission of reference to residential amenities.}
227.10	Thomas, Mr & Mrs D	{Provision for indoor sports facilities}
356.11	Harmer Partnership	{Protection of good quality agricultural land.}
356.28	Harmer Partnership	{Wording of Policy REC 07.}
359.40	Friends of the Earth Cymru	{Alternative modes of access to sports and leisure facilities}

## Para 8.4.19

### *Conditionally withdrawn objection*

18.2	Sports Council for Wales	{Sports and Leisure Facilities}
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## ISSUES:

### 8.6.1. Whether:

- (i) the effect of recreational activity on residential amenities should be noted;
- (ii) reference should be made to the development of additional sport and recreation facilities at golf clubs;
- (iii) provision should be made for indoor sports facilities in the St Athan/Aberthaw/Rhoose area;
- (iv) reference should be made to the protection of good quality agricultural land;
- (v) Policy REC7 (iv) is appropriate;
- (vi) reference should be made to alternative modes of access to sports and leisure facilities.

## CONCLUSIONS:

### Issue (i)

8.6.2. The objector's request to include an additional criterion referring to the effect on residential amenity is appropriately met by PCI009 which accords with paragraph 13 of TAN 16.

### Issue (ii)

8.6.4. I deal with this issue under Policies REC8 and REC9 below.

### Issue (iii)

8.6.3. The objectors claim that the demand for indoor sports facilities in the St Athan/Aberthaw/Rhoose area cannot be met within the settlements and that the Plan should generally encourage the provision of indoor facilities where there is an unmet demand for activities on urban fringe land which can be suitably landscaped and screened for public access. In that context the allocation for both indoor and outdoor leisure development of a site consisting of Grade 3B land between Fonmon and Rhoose is sought.

8.6.4. I consider that the fact that a site might be screened does not in itself justify development in the open countryside, the protection of which from adventitious development is clearly advocated by PGW. In any case, while development of the kind referred to would probably satisfy the tests of Policy REC7 it would clearly fail the tests of Policy ENV1. Bearing in mind that proposals for

development must satisfy all of the policies of the Plan I therefore find no justification to amend Policy REC7 to include the objection site.

**Issue (iv)**

8.6.5. The objector claims that criterion (viii) is unduly restrictive and the quality of agricultural land should not be the determining factor in assessing applications for planning permission for sport and leisure facilities. Since the protection of the best and most versatile land is national policy it would clearly fall to be tested against the strength of any other material considerations under both Policy REC7 and Policy ENV2 in the event of a proposal for recreational development arising. In the circumstances I find no justification to recommend a change in criterion (viii) of the Policy.

**Issue (v)**

8.6.6. In relation to Policy REC7(iv) it is claimed that there may be sites where it is not appropriate to meet all the stipulated requirements. As in the case of issue (v) I consider it is for the potential developer to demonstrate the existence of material considerations outweighing the requirement of the transport criterion, which I find no justification to change.

**Issue (vi)**

8.6.7. FoE Cymru consider Policy REC7 should seek as a priority the provision of access by means other than by car. It should require that all leisure and recreation facilities be accessible to pedestrians and cyclists and that, where possible, they be located in urban centres near transport hubs. I consider Policy REC7 satisfies the objection by importing the sequential test in criterion (ii) and by specifying the relation of any proposal to the needs of the non-car traveller in criterion (iv).

**RECOMMENDATION:**

**REC.8.7. I recommend that Policy REC7 of the plan be modified by PCI008, PCI009 and PCI010.**

## 8.7. Policy REC8 Golf courses and golf driving ranges

**Explanatory note:** An archaeological criterion is appropriately inserted in Policy REC8 (iii) by PCI012 and the objection by Glamorgan-Gwent Archaeological Trust Ltd is conditionally withdrawn. PCI014, dealing with water features, satisfactorily meets the objection by the Environment Agency which is also Conditionally Withdrawn.

### *Supporting representation*

237.54	Countryside Council for Wales	{Support for Policy REC 8.}
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### *Conditionally withdrawn objection*

174.16	Glamorgan-Gwent Archaeological Trust Ltd.	{Omission of archaeological interests from (iii).}
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### *Maintained objections*

86.5	Peterston-Super-Ely Community Council	
155.2	Ramblers Association	{Wording - clearer definition.}
208.4	Cottrell Park Golf Club Ltd.	{Development of golf courses}
208.6	Cottrell Park Golf Club Ltd.	{Need for further golf-courses.}
208.8	Cottrell Park Golf Club Ltd.	{Need for further golf-courses.}
356.26	Harmer Partnership	{Restriction of golf related development.}
359.41	Friends of the Earth Cymru	{Ecological management plan for golf course developments}

## Para 8.4.24

### *Conditionally withdrawn objection*

247.23	Environment Agency	{Protection of water features and users.}
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## Proposed Change PCI013

### *Maintained objection*

208.10	Cottrell Park Golf Club Ltd.	{Need for golf courses}
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## Proposed Change PCI014

### *Supporting representation*

247.77	Environment Agency	{Support for the Proposed Change}
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## ISSUES:

8.7.1. Whether:

- (i) public access should be a requirement for new golf development;
- (ii) clarification is needed of the unacceptable effects on public rights of way;
- (iii) a limit should be imposed on the total number of golf courses in the Borough;
- (iv) provision should be made for hotels and leisure clubs at golf courses;
- (v) the Policy should require the submission of ecological studies, management plans, and schemes for water conservation;
- (vi) the protection of water features and users should be a criterion of the Policy;
- (vii) 'demand' should replace 'need' in paragraph 8.4.22;
- (viii) the Plan addresses an unmet demand for golf.

## CONCLUSIONS:

### Issue (i)

8.7.2. The objector advocates that opportunities for enhanced public access be sought as a condition of the grant of planning permission for new golf courses, citing opportunities considered to have been lost when Cottrell Park Golf Course was laid out. While I have sympathy with this objection, arrangements for new public access are only achievable by agreement. It appears to me that criterion (vii) of Policy REC8 adequately safeguards existing rights of way and criterion (viii) of Policy



REC12 encourages the creation of new rights of way accompanying golf development. I consider the Plan provides satisfactorily for each application for permission to be assessed on its merits in this respect and a universal requirement would be inappropriate.

**Issue (ii)**

8.7.3. The objectors seek a clearer definition of an unacceptable effect of golf courses on public rights of way. In my opinion the term is not capable of precise definition. It clearly does not refer to minimal effects which may be acceptable but to effects which would be potentially damaging to a degree making golfing activity irreconcilable with the use of public rights of way. Since that can only be determined on the merits of each individual case I find no convincing reason to recommend changing the Policy.

**Issue (iii)**

8.7.4. Notwithstanding whatever the utility of 10% of a golf course may be, calculations provided by the Council estimated a shortage of 1.1 courses in the Borough which they interpreted as a maximum requirement. On the other hand, objectors regarded the figure as a minimum. It appears to me that recourse to calculation of this kind is only appropriate in the case of an acknowledged grave shortage of facilities or a patent overprovision which might be held damaging to the character of an area. Golfing facilities must be able to be successfully integrated with the character of the countryside. I consider the proper testing of that should be by the criteria of Policy ENV 1, taken with all other relevant policies, and not through the imposition of a mathematical limit related to population. It appears to me that paragraph 8.4.22 in the draft Plan is an adequate explanation of the necessary considerations attendant on the determination of planning applications for golf facilities.

**Issue (iv)**

8.7.5. In accordance with paragraph 5.1.1 of PGW, Policy REC8 (vi) effectively restricts building development at golf courses to those facilities required to serve the needs of golf playing. The objector seeks to change the Policy to require the location and scale of the development to be commensurate with environmental considerations. I consider the suggested amendment could easily lead to some degree of development at almost any existing golf course. In my view the accretion of hotels and leisure facilities which in themselves do not require a countryside location would not only be intrusive in the countryside but in the case of sites in the rural Vale would also be likely to be unsustainable on the ground of inaccessibility by adequate public transport, as is clear from paragraph 12.1.2 of PGW. It would also be contrary to the objectives of Policies TOUR1 and TOUR2 which encourage the concentration of new visitor accommodation within settlements.

**Issue (v)**

8.7.6. On the assumption that golf courses inhibit wildlife and that the maintenance of courses may lead to the pollution of watercourses FoE Cymru consider Policy REC8 should require the submission of ecological studies, management plans, and schemes for water conservation. However, as those matters are already suitably identified as requirements in the explanatory paragraph 8.4.22 and draft Supplementary Planning Guidance on golf-related development I consider their inclusion in Policy REC8 would be superfluous.

**Issues (vi) and (vii)**

8.7.7. The objector asserts that the change from 'demand' to 'need' in the first criterion of Policy REC11 by PCB012 is unjustified and inconsistent with the recreational objective of meeting existing and anticipated demand. 'Need' is value-laden; it carries the assumption that what is demanded is not necessarily needed whereas 'demand' is in common use in relation to sporting activity. A waiting list for membership is such an expression. It is claimed that the general tenor of PGW and TAN16 is that demand should be met.

8.7.8. It appears to me that the substitution of 'need' for 'demand' clearly implies constraint on the development of golf courses. As paragraph 8.4.22 states, new and enlarged golf courses should be compatible with the character of the landscape. For the reasons stated there I prefer the original

version of the first sentence of paragraph 8.4.22 to PCI013. To my mind it conveys the right sense of balance between the demand for golf and the need to protect the visual quality of the countryside. The objector also refers to the negative tone of Policy REC9; I consider that matter below.

**RECOMMENDATION:**

**REC.8.8. I recommend that the plan be modified by PCI012 and PCI014.**

## 8.8. Policy REC9 New golf related developments

**Explanatory note:** By adding parks, gardens, and landscapes of historic importance to the Policy PCI015 satisfactorily meets the objection by Glamorgan-Gwent Archaeological Trust Ltd, which is Conditionally Withdrawn.

*Supporting representation*

237.55 Countryside Council for Wales {Support for Policy REC 9.}

*Conditionally withdrawn objection*

174.17 Glamorgan-Gwent Archaeological Trust Ltd. { Omission of archaeological interests}

*Maintained objections*

208.3 Cottrell Park Golf Club Ltd. {Development of additional sport and leisure facilities at golf clubs

360.11 Friends of the Earth (Penarth Area) {Development of Golf courses}

### ISSUES:

8.8.1. Whether:

- (i) golf related development is admissible in open countryside locations;
- (ii) the coastal strips seaward of Rhoose and between Sully and Penarth should be added to the Policy as impermissible locations for new golf-related development.

### CONCLUSIONS:

#### Issue (i)

8.8.2. Neither PGW nor TAN 16 specifically refer to golf-related development. I bear in mind the tendency to use new golf courses as a justification for 'hospitality' and even hotel and residential development in locations where those activities would not normally be permissible. While I recognise they may subvert the cost of the sporting facility I consider they are inappropriate in the countryside as leisure centres in their own right for non-golfing clients. Such 'hospitality' development, and even housing, may be functionally unrelated to the purpose of golf provision, save in a financial context. Furthermore, where such developments are in comparatively remote locations where they are unlikely to be served by good public transport services they are unsustainable in terms of the transportation objectives of the Plan. Since the Policy explicitly concerns golf-related development it seems to me that it adequately embraces consideration of proposals involving activity lacking any functional relationship to the pursuit of golf. However, both the draft Plan and PCI015 express Policy REC9 in negative terms: it should take the form '...will be permitted save in the Heritage Coast and provided that they have no unacceptable effect on...'.

#### Issue (ii)

8.8.3. It appears to me that, in affording protection to the Heritage Coast, SSSIs, designated nature conservation sites, conservation areas, and listed buildings, Policy REC9 as changed by PCI015 relates to the appropriate degree of conservation interest to be formally safeguarded. That reinforces Policy ENV5 and the reference to the safeguarding of the East Vale Coast in paragraph 3.4.18 of the Plan. In that context I discern no necessity to add the coastal strips seaward of Rhoose and between Sully and Penarth to Policy REC9.

### RECOMMENDATION:

**REC.8.9. I recommend that the plan be modified by PCI015, amended to express the Policy in positive terms, citing the listed criteria as exceptions where golf-related development will not be allowed.**

## 8.9. Policy REC10 Development of allotment land

*Maintained Objection*

359.42

Friends of the Earth Cymru

{Protection of allotment land}

### ISSUE:

8.9.1. Whether the Policy criteria are adequate to safeguard allotment land.

### CONCLUSIONS:

8.9.2. The objection appears to relate to allotments in general rather than solely to statutory allotments and takes the form of an alternative negatively-framed policy with a detailed list of criteria to be applied to the development of allotment land with particular reference to the 1969 Thorp standard. Given that no excess demand has been identified, that waiting lists have fallen in recent years, and that some sites are characterised by underutilisation, I consider the Policy adequate to protect existing sites. In any case, policies should be expressed in a positive mode.

### RECOMMENDATION:

**REC.8.10. I recommend that no modification be made to the plan.**

## 8.10. Policy REC11 Informal public open space and country parks

**Explanatory note:** I deal with the matters concerning White Farm in Chapter 4 of this report.

### *Supporting representations*

237.56	Countryside Council for Wales	{Support for Policy REC 11.}
145.1	Bennett, Mrs J	{White Farm}
306.2	O'Grady, Mrs M	{White Farm}

### *Maintained objections*

110.1	Grubb, Mrs E	{Unsuitability of Globe Field, Llantwit Major, for recreation}
165.1	Anonymous c/o Agent,	{Unsuitability of land at Llantwit Major, for recreation}
87.2	Neighbourhood Watch	{White Farm}
8.1	Perkins, Mr Jason	{White Farm}
14.2	Tuck, Vivienne	{White Farm}
15.1	Ellis, Mr E	{White Farm}
16.2	Ellis, Mrs A	{White Farm}
20.2	Stephens, Carin	{White Farm}
23.1	Jones, C.	{White Farm}
25.2	Jenkins, Gladys	{White Farm}
26.2	Bichard, Mr & Mrs A	{White Farm}
27.2	Metcalfe, Alice. B	{White Farm}
28.2	Cooper,	{White Farm}
30.2	Moore, Ms A.M.	{White Farm}
33.10	Barry Town Council	{White Farm}
35.1	Whitefarm Anti development	{White Farm}
36.1	Allely, Verity	{White Farm}
42.1	Frost, Mr & Mrs E. W	{White Farm}
43.2	Van De Polder, Mrs	{White Farm}
46.1	Butler, Julie	{White Farm},
53.2	Germon, Lisa	{White Farm}
84.1	Colcot Residents Association	{White Farm.}
88.1	Curtis, Rob	{White Farm}
88.3	Curtis, Rob	{White Farm}
89.2	Salter, Claire	{White Farm}
90.2	White Farm Anti-Development Campaign	{White Farm}
91.2	Archer, Mr K.J	{White Farm.}
117.1	Curtis, Peter	{White Farm}
118.1	Curtis, Anthony	{White Farm}
119.1	Woolcock, Allison	{White Farm}
120.2	Allely, Jane	{White Farm}
143.2	Webber, Mr A.C.D	{White Farm}
144.1	Webber, Mrs G.M.	{White Farm}
146.2	Jones, Mr G	{White Farm}
150.2	Mappledoram, Julian	{White Farm}
151.1	Mappledoram, Angela	{White Farm}
152.1	Mappledoram, Miss S	{White Farm}
153.1	Mappledoram, Mrs Y	{White Farm}
180.2	Bishop, Noel	{White Farm}
197.2	Baker, Mrs D	{White Farm}
198.2	Bounds, Mr D	{White Farm}
199.1	Davies, Mr & Mrs G	{White Farm}
200.2	Baker, Rhydian	{White Farm}
201.2	Rhys-Tyler, Alan M	{White Farm}
202.2	Twigg, Mrs M.E.	{White Farm}
266.1	Bryan, Dr A M	{White Farm}
297.1	Lewis, Mr Keith	{White Farm}
298.2	White Farm Anti Development	{White Farm}
299.1	Bartlett, Sian	{White Farm}
300.2	Watkins, Cllr A	{White Farm}
301.1	Davy, Hilary	{White Farm}
302.2	Yearsley, Helen	{White Farm}
303.1	Cash, Olga	{White Farm}
320.1	Hickson, Tracy	{White Farm}
322.1	Hart, James	{White Farm}
326.1	Slack, Sy	{White Farm}
327.2	Harris, C.D & S	{White Farm}
328.2	Rowlands, Sylvia	{White Farm}
329.2	Edson, Janine	{White Farm}

## **ISSUES:**

8.10.1. Whether land south of St Iltyd's church, Llantwit Major, should be allocated as informal public open space.

## **CONCLUSIONS**

8.10.2. Given the proximity of open countryside it is claimed that there is no need for the land south of St Iltyd's church, Llantwit Major, to be allocated as informal open space. In the absence of evidence of the Council's ability to purchase the land the proposal is also alleged to be unrealistic.

8.10.3. Paragraph 2.2.2 of PGW advocates the protection from development of open space with significant recreational or amenity value. In this case the land is an integral and tranquil part of the setting of the Conservation Area and St Iltyd's church, with its readily visible verdant character contrasting markedly with the dense urban core of the historic centre of the town. I accept that the situation has not changed since the 1977 study of the Llantwit Major Conservation Area, in which the contribution of the site to its setting was justly recognised. In my view it is appropriate that it remain permanently open. I note the Council's recognition of this in its refusal of planning permission for 3 detached dwellings on the land in early 1999. That it does not adjoin the shopping and main residential areas of the town I consider irrelevant and it is well differentiated by the physique of the land from the dwellings bordering it. The proposal in the Plan does not involve the conversion of the site to a conventional urban park; indeed, that would negate the objective of its safeguarding.

## **RECOMMENDATION:**

**REC.8.11. I recommend that no modification be made to the Plan.**

## 8.11. Policy REC12 Public rights of way and recreation routes

**Explanatory note:** By adding the protection of future recreation routes to Policy REC12 PCI016 meets the Welsh Office objection. PCI022 expresses more explicitly than the draft paragraph 8.4.45 the Council's intentions regarding public rights of way and satisfies the objections of the Land Division of the Welsh Development Agency and the Open Spaces Society. PCI023 relates the route between Jacksons Bay and the Bendricks to the operational needs of ABP - Grosvenor Waterside Developments Ltd. PCI024 inserts a new paragraph on the Aberthaw-Pontyclun recreation route and satisfies the objection by the Open Spaces Society. I support all of these changes, which are Conditionally Withdrawn.

### *Supporting representations*

52.16	Cowbridge with Llanblethian Town Council	{Support Policy REC 12 (v)}
60.3	Kipling, C.W.	{Cycle routes - support.}
61.1	Foyle, J	{Cycle route - support.}
62.2	Rees, Mr J	{Cycle routes - support.}
63.1	Zaslona, Mr A	{Cycle routes - support.}
64.1	Zaslona, Mrs S	{Cycle routes - support.}
65.2	Makemson, Susan E.	{Cycle routes - support.}
68.1	Matthew, Linda	{Cycle routes - support.}
72.1	Allen, D	{Cycle routes - support.}
159.1	Penllyn Community Council	{Pontyclun - Aberthaw recreation route - support.}
163.1	Skinner, Richard	{Re- opening of old railway track - support.}
237.57	Countryside Council for Wales	{Support for Policy REC 12.}
253.5	Tennant, Mrs Jane	{Public pedestrian routes}
271.12	Llantwit Major Chamber of Trade	{Maintenance and improvement of public rights of way in Llantwit Major.}

### *Conditionally withdrawn objections*

130.1	Open Spaces Society	{Enforcement of rights of way}
218.13	ABP Associated British Ports (South Wales)	{Objection the proposed Seascape Trail}
232.6	Land Division, Welsh Development Agency	{Diversion of Penarth Railway Walk}
244.31	Welsh Office	{Protection of proposed recreation routes}
267.14	ABP - Grosvenor Waterside Developments Ltd	{Policy REC 12 - wording.}

### *Maintained objections*

34.2	Seven Oaks Trout Fishery	{Proposed cycle route through Ystradowen}
86.6	Peterston-Super-Ely Community Council	{Maintain all rights of way in the Borough}
95.1	D H Rees & Sons	{Aberthaw to Pontyclun recreation route.}
96.1	J E Thomas & Son	"
97.2	Williams, Mrs P	"
98.1	Williams, Mr E	"
99.2	Llewellyn, Lindsay	"
100.1	John, Mrs P	"
101.2	Lowe, Mr R.D	"
102.2	Lewis, Mrs C	"
103.2	Radcliffe, Mr D2	"
104.1	Morgan, Mr G	"
105.2	R E Brown & Sons	"
106.2	Thomas, Dillwyn Rhys	"
107.1	Thomas, W R	"
108.2	A J & R J Plant	"
139.1	Vale of Glamorgan Group Ramblers Association	{Policy REC 12 (viii) - vague wording.}
139.4	Vale of Glamorgan Group Ramblers Association	{Rights of way - map omission.}
165.2	Anonymous c/o Agent,	{Proposed public right of way at Llantwit Major}
211.2	Vale Holiday Homes Ltd.	{Re-establishing of railway line}
221.1	R.J Jenkins & Son	{Aberthaw to Pontyclun recreation route.}
226.12	Penarth Section Cardiff Cycling Campaign	{omission of routes; vague and irrational policy}
228.7	Wenvoe Community Council	{Impact of new development on existing rights of way}
231.1	Wiggins, Mr & Mrs J.E	{Route of proposed path at Lavernock}
360.44	Penarth FOE"	
376.14	Barry FOE"	

### Para 8.4.42

#### *Conditionally withdrawn objection*

237.58	Countryside Council for Wales	{Paragraph 8.4.42 - wording.}
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#### *Maintained objection*

237.59	Countryside Council for Wales	{Paras 8.4.42 to 8.4.47 - request for further info on Public Rights of Way.}
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#### Para 8.4.44

*Maintained objections*

139.3	Vale of Glamorgan Group Ramblers Association	{Greater emphasis on maintaining rights of way network.}
155.1	Ramblers Association	{Path prioritisation.}

#### Para 8.4.45

*Maintained objection*

139.2	Vale of Glamorgan Group Ramblers Association	{REC. para. 8.4.45 - wording.}
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### ISSUES:

#### 8.11.1. Whether

- (i) the proposed Aberthaw-Pontyclun Recreation Route would conflict unacceptably with existing land uses;
- (ii) other connecting cycle routes should be proposed and the criteria for defining them made clearer;
- (iii) the clearance of existing rights of way should be included and footpaths in non-coastal localities recognised;
- (iv) the wording of the supporting text in relation to agricultural interests should be amended;
- (v) the definitive map of rights of way should be included;
- (vi) the provision of a public right of way alongside the Ogney Brook, Llantwit Major is justified;
- (vi) residential amenity on the Penarth railway walk should be explicitly protected;
- (vii) the impact of development on existing rights of way should be a policy criterion;
- (ix) additional information on rights of way should be included;
- (x) the maintenance of rights of way should be a policy consideration.

### CONCLUSIONS:

#### Issue (i)

8.11.2. The proposed Aberthaw-Pontyclun cycle route, which is not currently a public right of way, is part of the Council's Cycling Strategy and would serve as a feeder to the National Cycle Network planned by Sustrans, affording a link both to the Celtic Trail and eventually by further eastward links to Cardiff Bay. The explanatory text accompanying Policy REC12 states the intention to minimise conflict over the establishment of new routes. The proposal is consistent with PGW, *Transporting Wales into the Future*, and the National Cycling Strategy.

8.11.3. Owners of land on the proposed route argue that it is no longer intact; planning permission exists for housing at Ystradowen and the line is mostly built over through Cowbridge. They consider the description 'disused' is misleading; the land is now incorporated in adjoining landholdings having been acquired for private use and those holdings would now become severed.

8.11.4. Objectors claim that difficulty might be met in insuring property. Former bridges have been removed. Hardstandings and winter access to farmland would be lost. The land is mostly unfenced and sporting rights would be adversely affected. Trespass would occur and dogs be out of control. The training of racehorses would be adversely affected. Public equestrian use of the track would cause problems on adjoining land. Fly tipping and litter would occur, together with adverse effects on wildlife. A fish farm, where on account of countryside planning policies the proprietor claims he cannot be resident, could suffer security problems. A holiday home business would suffer loss of privacy and amenity and be subject to planning blight. While various underground utilities could withstand the passage of cycles they could be damaged by construction plant. The route would afford a rat run for criminals. The cost of the proposal would be prohibitive and its use minuscule.



8.11.5. Although the range of points of objection appears formidable I am not convinced it is insuperable though it appears to me the implementation of the proposal may be difficult. In the national context this is an important route which I consider the Council should be encouraged to develop. Indeed, I note that, notwithstanding the detailed points of objection raised and albeit on an alternative alignment north of Cowbridge only, the principle of a north-south recreational route in the western Vale is widely supported by objectors in spite of the claim that it would find little use.

8.11.6. The Council's duty is to allocate land in the UDP in the public interest whether the land be in public or private ownership. It acknowledges the necessity of measures to secure neighbouring property from unauthorised access from the route by trespassers or dogs. I note that equestrian use is not proposed. I consider the barriers to access would be unlikely to favour fly tipping and burglars would be far more likely to use the rural road network. On the other hand there could be potential danger to users of the path from farm animals.

8.11.7. As I saw on inspection, during the long period since the railway closed the track bed has in many places become inalienably integrated with the enterprises originally neighbouring it. While I consider the negotiation of access would be a very formidable problem I note that the Council acknowledges that local diversions and the restoration of appropriate types of bridge would be necessary in some localities. The proposal necessitates finding a highly delicate balance between the recreational needs of the public and the management needs of land owners and tenants in a safe environment for all. While the Council's intention is that the route should follow the disused railway wherever possible the problems are acknowledged in PCI024, which I support, which inserts an additional paragraph recognising the problems of implementation, including the need for negotiation with various landowners and that local conditions may necessitate diversions.

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

8.11.8. Cycling interests seek the identification of the following routes in the Plan:

Biglis-Culverhouse railway route.

A link from Penarth Head to the railway route.

A Barry-Rhoose route.

A Caerau Lane -Michaelston-Cwm George-Dinas Powys-Powys Castle route.

8.11.9. In addition, the Sully-Biglis route is claimed to be only vaguely indicated and attention is drawn to the omission of routes suggested in a report by Ove Arup, notably Sully-Barry and Aberthaw-Llantwit major routes. Clarity is sought of the appropriateness of incorporating bridleways and cycleways in the REC12 routes.

8.11.10. I find utterly logical the objectors' concept of a network of cycle routes, which is not challenged by the Council. I accept that the addition of a route from Cardiff Bay Barrage through Penarth Haven and adjacent to the railway line at Cogan by PCI018 gives welcome additional recognition to the cycling interest. However, only 3 of the 8 specific proposals in Policy REC12 refer to cycling facilities; they find no mention at all in the supporting text; and no rationale is offered for the choice of cycle routes proposed. I accept that their implementation is clearly dependent on the availability of resources during the Plan period. Nevertheless, against that background I consider the supporting text should be expanded to explain the choice of proposed recreational cycling routes and the reasons for their relatively small number.

8.11.11. As for the appropriateness of opening up footpaths to other non-motorised use I consider the Plan should incorporate in the supporting text the general principles against which any proposals could be assessed.

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

8.11.12. A serious effort is urged, in line with the objective of the Countryside Commission for Wales, to ensure the clearance of all rights of way on the definitive map by 2000. It is claimed that the Plan markedly overemphasises public rights of way and recreation routes in the coastal area

whereas in other localities numerous footpaths shown on pre-1939 OS maps are not on the definitive map. A creative stance is called for in the Plan.

8.11.13. While I appreciate that the distribution of footpaths reflects the function of the coast as a major leisure attraction that is not a reason to ignore the adequacy of the footpath network elsewhere. To my mind the point raised about the pre-1939 system merits consultation with community councils. I note that, while the Council's original response was not carried forward into the Proposed Change then suggested, PCI022 would replace the original paragraph 8.4.44 and would apply to the borough as a whole. However, in my view that PC gives too much emphasis to pressure groups and regrettably fails to recognise the appropriate statutory local representative bodies. I shall therefore recommend that consultation with community councils be included in the proposed change.

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

8.11.14. 'Recreational rights of way' appears to be a hybrid term confusing 'recreational routes' and 'public rights of way'. The intention in paragraph 8.4.45 to minimise conflict with the agricultural community is thought vague. While in my view PCI022 would clarify the first point of this objection the second one is not addressed. However, given the wide range of matters that are required to be negotiated in establishing rights of way in rural areas I am satisfied that the wording of the Plan text is adequate.

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

8.11.15. The maintenance of the definitive map of rights of way is a normal legal requirement. I consider the mention of public rights of way in Policy REC12 is sufficient and the reproduction of the definitive rights of way on the Proposals Map, as requested by the Ramblers' Association, is unnecessary.

#### **Issue (vi)**

8.11.16. The objection to the public right of way proposed alongside the Ogney Brook, Llantwit Major, in Policy REC 12 (i) rests on the assertion that there are already sufficient paths leading to the beach and the coastal path. To establish another path would dilute even further the currently inadequate funds for maintenance, particularly as the proposed path would duplicate an existing one only about 200m further west. Footpaths provide opportunities for vandalism and theft which would be increased by the new route which is opposed by local residents.

8.11.17. The route would restore a purported ancient pilgrim way linking the historic centre of Llantwit Major with the mouth of the Ogney Brook at Cwm Colhuw. It would afford a pedestrian route alternative to the narrow Colhugh Street, which carries considerable car traffic and lacks a footway over much of its length. To my mind that is adequate justification for the proposal. Although the Council concedes budgetary constraints prevent its implementation in the short term I consider it unreasonable not to safeguard it or to determine by excluding it that it could not be carried out within the currency of the Plan.

#### **Issue (vii)**

8.11.18. The protection of residential amenity on the Penarth railway walk route is a matter for detailed consideration at the implementation stage. Paragraph 8.4.47 makes appropriate reference to such considerations and I consider no modification of the Plan is necessary

#### **Issue (viii)**

8.11.19. PCI022 replaces paragraph 8.4.45 and appropriately recognises the importance of fully considering the impact of proposed development and planned highway construction on existing rights of way.

#### **Issue (ix)**

8.11.20. The Countryside Council for Wales wish to see reference to the Council's legal responsibilities for rights of way expanded together with the inclusion of reference to the national target for the year 2000. I consider the reference to the Council's duties proposed in PCI021

adequate. The target for 2000 is included in the Council's Countryside Strategy. I do not consider reference to the Definitive Map necessary in the text as its maintenance is a routine procedure.

**Issue (x)**

8.11.21. The objectors are concerned that the prioritisation of footpath maintenance heralded in paragraph 8.4.44 could lead to the neglect and loss of routes. However, I note that the Council seeks to establish a network of accessible footpaths by 2000. I recognise that the resource situation dictates a degree of priority in footpath maintenance and I consider the Council is correct in identifying a network primarily serving current needs. Its intention to maintain and improve the pattern of rights of way is appropriately signalled in PCI022. The objectors also urge the inclusion of a statement confirming the Council's legal responsibility to protect all rights of way. That is affirmed in PCI021 which I also welcome.

**RECOMMENDATIONS**

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

**REC.8.12. PCI016, PCI018, PCI020, PCI021, PCI022 subject to the insertion of 'in consultation with Community Councils and' before 'with the assistance of'; PCI023; and PCI024.**

**REC.8.13. Explanation in the supporting text of the choice of cycle route proposals, the constraints militating against any wider programme, and the broad principles against which the appropriateness of opening footpath routes to bridle and cycle traffic will be assessed.**

## 8.12. Policy REC13 Sailing

*Maintained objection*

182.1

Whittaker, Mr I

{Omission of reference to impact on residential amenities.}

### ISSUES:

#### 8.12.1. Whether

- (i) A criterion should be inserted in Policy REC13 identifying the impact of sailing facilities on residential amenity;
- (ii) reference to Penarth Marina should be made in paragraph 8.4.48 of the Plan.

### CONCLUSIONS:

#### Issues (i) and (ii)

8.12.2. PCI025 amends Policy REC13 to include reference to the effect of noise or visual intrusion on residential amenity. I consider that adequately meets the first issue. As Penarth Marina does not have a yacht or sailing club I find the reference sought in the second issue is inappropriate.

### RECOMMENDATION:

**REC.8.14. I recommend that the plan be modified by PCI025.**

CHAPTER 8 SPORT & RECREATION .....	1
8.1. Policy REC00 Sport & Recreation policies in general or omission of policy .....	1
8.2. Policy REC1 Protection of existing recreational facilities .....	3
8.3. Policy REC3 Provision of open space within new residential developments .....	4
8.4. Policy REC5 New playing field provision .....	5
8.5. Policy REC6 Childrens play facilities .....	8
8.6. Policy REC7 Sport and leisure facilities.....	9
8.7. Policy REC8 Golf courses and golf driving ranges .....	11
8.8. Policy REC9 New golf related developments .....	14
8.9. Policy REC10 Development of allotment land.....	15
8.10. Policy REC11 Informal public open space and country parks .....	16
8.11. Policy REC12 Public rights of way and recreation routes.....	18
8.12. Policy REC13 Sailing .....	23

## CHAPTER 9 MINERALS

### 9.1. Policy MIN00 Minerals policies in general or omission of policy

**Explanatory note:** In this chapter the Vale of Glamorgan County Borough Council is referred to as the Minerals Planning Authority (MPA), its statutory function in relation to mineral working. PCN017 appropriately meets the objection regarding the buffer zone at Ewenny quarry by Bridgend County Borough Council which is conditionally withdrawn.

*Conditionally withdrawn objection*

124.14	Bridgend County Borough Council	{Ewenny Quarry - future guidance.}
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*Maintained objections*

124.13	Bridgend County Borough Council	{Ewenny Quarry - future guidance}
247.27	Environment Agency	{Inadequate protection of water resources from minerals operations.}
359.11	Friends of the Earth Cymru	{No defined strategy for minerals provision.}

#### Para 9.1.11

*Maintained objection*

222.3	Lafarge Redland Aggregates Ltd.	{Protection of all mineral resources sought}
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### ISSUES:

#### 9.1.1. Whether:

- (i) the Plan correctly acknowledges the operational status of Ewenny quarry;
- (ii) the plan adequately recognises the need to protect water resources during mineral operations;
- (iii) the Plan provides an appropriate strategy for the supply of minerals;
- (iv) the Plan includes an adequate commitment to safeguard mineral resources.

### CONCLUSIONS:

#### Issue (i)

9.1.2. Bridgend County Borough Council questions the status of Ewenny quarry. Though treated as a dormant site in the formulation of the plan, I consider the resumption of operations dictates it should be identified in Policy MIN9.

#### Issue (ii)

9.1.3. I consider the Environment Agency's objection is met by the MPA's proposal FPCJ 008 to insert PCJ 008, which relates to Policy MIN4, after paragraph 9.4.10.

#### Issue (iii)

9.1.4. FoE Cymru claims that there is no defined strategy in the UDP for the provision of minerals. It is consequently alleged that it lacks a sustainable approach to quarrying, protection of the countryside, and the recycling of construction wastes. They advocate targets for the use of secondary and recycled aggregates and the allocation of sites for recycling plants. However, I find that the principle of sustainability is encapsulated in the explanatory paragraphs 9.1.7 and 9.1.8. In paragraphs 9.9 to 9.1.11 and 9.2.3 the Plan carefully assesses the current mineral supply and demand situation for the Plan period in the light of the past volatility in annual production rates. In spite of advocating the increased use of alternatives to naturally-occurring aggregates the objector produces no evidence as to their likely provenance to counter the MPA's statement that such sources are so limited in its area as to make the setting of targets for their use inappropriate. Nevertheless, I note that

Policy MIN8 sets criteria for their use.

9.1.5. The questions of curtailing existing mineral permissions without compensation and levying tax on primary aggregate production, which the objector also raises, are not matters within the control of an MPA and consequently are irrelevant to the UDP. Although I consider the objectives underlying the mineral policies are broadly in line with those of the draft MPG on Mineral Working in Wales, it would in my view be appropriate to review them, as is the case with any national guidance, when the definitive version of the MPG is published. In the meantime, the objectives appear to me to be appropriate to the local context.

**Issue (iv)**

9.1.6. The objector contends that the assertion in paragraph 9.1.11 that there is no need to protect mineral resources additional to the identified sites is inappropriate and that all economically viable mineral deposits should be protected. However, in view of the geological base of the Vale it would be impractical to safeguard all known areas of limestone, even if the prospect of economically working them were known, which it is not. On the basis of the additional information provided in the Minerals SPG I am satisfied that the Plan takes a practical view in accepting that reserves at existing quarries are sufficient for well beyond the Plan period and requires no modification on this issue.

**RECOMMENDATIONS:**

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

**REC.9.1. the inclusion of Ewenny Quarry in Policy MIN9.**

**REC.9.2. the insertion of PCN 017.**

**REC.9.3. the insertion of PCJ 008 after paragraph 9.4.10.**

## 9.2. Marine dredged sand

**Explanatory note:** On the basis that it is not a correct interpretation of the GPDO, the objector challenged the stated need to obtain planning permission for any development not required for the landing of aggregates, such as ancillary concrete batching plant. Appropriately, the only objection is Conditionally Withdrawn.

### Para 9.1.19

*Conditionally withdrawn objection*

218.1

ABP Associated British Ports (South Wales)

## RECOMMENDATION

**REC.9.4. I recommend that no modification be made to the Plan.**



### 9.3. National planning guidance

**Explanatory note:** PCJ001 suitably meets the Conditionally Withdrawn objection by updating the references to national planning guidance

#### Para 9.2.1

*Conditionally withdrawn objection*

272.1 RMC Aggregates (South Wales) Ltd {Amendment to paragraph 9.2.1}

#### RECOMMENDATION:

**REC.9.5. I recommend that the plan be modified by PCJ 001.**

## 9.4. Policy MIN1 Mineral Exploration

### *Supporting representations*

237.60	Countryside Council for Wales	{Support for Policy MIN 1.}
247.56	Environment Agency	{Protection of surface waters and groundwater resources}

### *Conditionally withdrawn objection*

174.18	Glamorgan-Gwent Archaeological Trust Ltd.	{Omission of archaeological sites/historic landscapes from mineral exploration list.}
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## ISSUE:

9.4.1. The exclusion of scheduled ancient monuments and historic landscapes as a criterion in Policy MIN1.

## CONCLUSIONS:

9.4.2. The objection is appropriately met by PCJ003. PCJ002 clarifies the requirements of Policy MIN1.

## RECOMMENDATION:

**REC.9.6. I recommend that the plan be modified by the insertion of PCJ 002 and PCJ 003.**

## 9.5. Policy MIN2 Release of limestone reserves

**Explanatory notes:** FPCJ001 adds to Policy MIN2 land to the south of Cwm Slade and Wenvoe Quarry.. It meets the objection by RMC, which is Conditionally Withdrawn, and would allow continued production from an important quarry beyond its current expected 9 years' life. For that reason I support the change. The areas defined by Policy MIN2 meet the criteria for the protection of reserves set out in Policy MIN4. The MPA has undertaken to consult Welsh Water and the Environment Agency regarding any planning application to extend Lithalun quarry in respect of any effect on Flemingsdown service reservoir and Schyll Well. I note the objector is satisfied with these arrangements and consider no change is needed in the Plan.

*Conditionally withdrawn objections*

272.2	RMC Aggregates (South Wales) Ltd	{Small scale extensions to Wenvoe Quarry.}
293.16	Welsh Water-Dwr Cymru	{Impact of proposed extension to Lithalun Quarry on

*Maintained objection*

359.11	Friends of the Earth Cymru	{Delete policy}
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### ISSUE:

9.5.1. Whether the Policy should be deleted.

### CONCLUSIONS:

9.5.2. The call for the deletion of the Policy arises in my view from a misunderstanding of its aim to ensure that, in conjunction with the other relevant policies of the Plan, mineral reserves are not sterilised by building.

### RECOMMENDATION

**REC.9.7. I recommend that the plan be modified by FPCJ 001**

## 9.6. Policy MIN3 Protection of further limestone resources

**Explanatory notes:** FPCJ 001 adds to Policy MIN2 land to the south of Cwm Slade and Wenvoe Quarry. It meets the objection by RMC, which is Conditionally Withdrawn, and would appropriately allow continued production from an important quarry beyond its current expected 9 years' life. I support the change. The areas defined by Policy MIN 3 meet the criteria for the protection of reserves set out in Policy MIN4. The MPA has undertaken to consult Welsh Water and the Environment Agency regarding any planning application affecting Flemingsdown service reservoir and Schwyll Well. I am satisfied that the objector agrees with these arrangements. The deletion of site (iv) by FPCJ002 mirrors its transfer to Policy MIN2.

### *Supporting representation*

279.1	Pioneer Aggregates (UK) Ltd	{Protection of limestone resources south west of Forest Wood Quarry.}
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### *Conditionally withdrawn objection*

293.17	Welsh Water-Dwr Cymru	{Impact of proposed extension to Pant Quarry on service reservoir & well.}
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### *Maintained objections*

109.1	Blue Circle Industries PLC	
230.16	Cardiff County Council	(Reference to all other policies)
237.62	Countryside Council for Wales	{Concerns about protection of limestone reserves to the NW of Pant Quarry.}
360.12	Friends of the Earth (Penarth Area)	{Extension to Wenvoe Quarry}
359.11	Friends of the Earth Cymru	{Delete policy}

## ISSUES:

### 9.6.1. Whether

- (i) the allocation of land at Myndd Ruthin Common should be extended;
- (ii) 'Notwithstanding other policies in this Plan' should be inserted before Policy MIN3;
- (iii) Limestone reserves adjoining Pant Quarry should be protected;
- (iv) the extension of Wenvoe Quarry should be deleted;
- (v) the Policy should be deleted.

## CONCLUSIONS:

### Issue (i)

9.6.2. Part of the material input to Aberthaw cement works is derived from Garwa Farm Quarry. The adjoining Mynydd Ruthin Common has a remaining permitted life of the order of 30 to 60 years and no further allocation is made in the Plan, which treats it as a long term reserve under Policy MIN3. Blue Circle Industries claim that, as the material is of decreasing quality and more expensive to exploit as the site is worked, a further allocation of land would be appropriate. However, the buffer zone for Myndd Ruthin Quarry does not fully meet the requirements of Policy MIN4, in that it includes some houses; an amendment to the working scheme for Garwa Farm Quarry to an end date of 2019 was approved in December 1997; and the biological significance of the Mynydd Ruthin area requires further investigation. In those circumstances I consider it inappropriate to identify further land in Policy MIN3.

### Issue (ii)

9.6.3. Cardiff County Council contends that the proposed phrase is necessary to avoid ambiguity, on

the basis that, because they can only be worked where they are found, the avoidance of the sterilisation of mineral resources is a priority consideration. However, I consider the insertion would be otiose since all proposals for development fall to be determined in the light of all of the relevant policies in the Plan. To require this specifically in relation to proposals especially subject to Policy MIN6 would be superfluous; otherwise it would be necessary to insert the precaution before every policy. In practice the relative weighting given to any particular policy must clearly depend on the merits of the proposal.

### **Issue (iii)**

9.6.4. The Countryside Council for Wales considers the protection of land to the north west of Pant Quarry increases the probability of its being worked. Against its inclusion in the Plan they state it is a lowland heath of recently-confirmed local nature conservation interest; quarrying would reduce the wildlife corridor between Pant and Litalun Quarries; and the site is on the boundary of the Glamorgan Heritage Coast. However, the site meets the criteria listed in Policy MIN4 and in my view none of these considerations is of sufficient weight to exclude the land from the Plan. It is accordingly appropriate that detailed environmental considerations be taken into account in determining any application for planning permission.

### **Issues (iv) and (v)**

9.6.5. FoE Penarth and FoE Cymru wish to delete Policy MIN3 in general but more especially the reference at (iv) to Cwm Slade and Wenvoe Quarry, arguing that the sites identified are merely carried over from the previous minerals plan and will lead to future exploitation for which no justification is advanced. However, the Vale of Glamorgan is an important source of hard rock and, given the extent of the existing permitted reserves, it is considered local shortages are likely to occur after 2010.

9.6.6. I consider the objection arises from a misinterpretation of the Policy, which seeks in accordance with national policy to protect in the long term the mineral reserves of the sites against sterilisation by other development. The opposition to the extension into Cwm Slade of Wenvoe Quarry on the basis that quarrying in that location 'has gone far enough' lacks rationale. Even were the site in a designated Green Belt that would not necessarily in itself be an overriding argument to prevent quarrying. The extension is proposed to be transferred to Policy MIN2 by FPCJ001. In this connection I note that Policy MIN2 as proposed to be changed by FPCJ001 allocates land adjoining existing quarries where the criteria of Policy MIN4 can be met. Given the proximity of the site to the Cardiff market and its ready access to the principal road network I consider the extension preferable to the establishment of new and possibly less readily accessible or environmentally acceptable sites. In that connection I note that with the exception of the Cwm Slade extension no representations regarding omission mineral sites have been made by operators.

## **RECOMMENDATION:**

**REC.9.8. I recommend that the Plan be modified by FPCJ002.**

## 9.7. Policy MIN4 New or extended mineral working sites

**Explanatory note:** References in the Issues below to criteria are to those in the draft Plan version of Policy MIN4. PCJ004 prefixes the Policy with ‘Unless there is overriding national need for minerals development’. However, that change and other parts of the draft policy are subject to FPCJ003, FPCJ004, FPCJ 005 and FPCJ006. The objections by the Welsh Office and RMC Aggregates (South Wales) Ltd are Conditionally Withdrawn subject to the adoption of PCJ004 which appropriately substitutes rigorous examination for the blanket prohibition of mineral development under the criteria of the draft policy. PCJ004 also satisfactorily meets the objection by Terry Adams Ltd. FPCJ006 appropriately meets the objection by FoE Penarth, which is Conditionally Withdrawn, regarding the inclusion of the East Vale Coast in criterion (v) of the Policy as proposed to be amended.

### *Conditionally withdrawn objections*

244.32	Welsh Office	{Overly strict criteria relating to minerals}
272.3	RMC Aggregates (South Wales) Ltd	{Policy MIN 04 - wording.}
278.1A	Quarry Products Association	{Overriding need for minerals development}

### *Maintained objections*

222.4	Lafarge Redland Aggregates Ltd.	{Explanation of criteria}
222.5	Lafarge Redland Aggregates Ltd.	{Mineral extraction in advance of other development}
222.6	Lafarge Redland Aggregates Ltd.	{Criteria for legal agreements}
236.1	Hanson Aggregates South Wales Limited	{General objections to Policy MIN 04.}
278.1B	Quarry Products Association	{Delete Policy MIN 04 (iv)}
356.9	Harmer Partnership	{Protection of good quality agricultural land.}
359.11	Friends of the Earth (Penarth Area)	{Protection of grouhdwater}
360.17	Friends of the Earth (Penarth Area)	{Mineral Buffer Zones}

## Proposed Change PCJ004

### *Conditionally withdrawn objections*

237.76	Countryside Council for Wales	{Proposed revision to Policy MIN 4}
360.37	Friends of the Earth (Penarth Area)	{Insert ‘and the East Vale Coastal Zone’}

### *Maintained objections*

236.4	Hanson Aggregates South Wales Limited	{Objection to revision of Policy MIN 4}
272.6	RMC Aggregates (South Wales) Ltd	{Ambiguity and deletion of ‘national’}
275.10	Terry Adams Limited	{Subject applications in Heritage Coast to rigorous examination}
278.3	Quarry Products Association	{National need for proposed minerals development}

## Proposed Change PCJ005

### *Maintained objections*

278.4	Quarry Products Association	{Amendment required to reflect hierarchical constraint}
360.38	Friends of the Earth (Penarth Area)	{East Vale Coast addendum to criterion (v)}

## ISSUES:

### 9.7.1. Whether

- (i) the prohibition of minerals development on high quality agricultural land by Criterion (i) is invariably justifiable;
- (ii) the test of national need for a mineral working is properly recognised and in particular whether the prohibition of mineral development within the Glamorgan Heritage Coast or areas designated for special protection is invariably justifiable or whether proposals for such development should be subject to rigorous examination;
- (iii) the types of designated area referred to in paragraph 9.4.7 should be expanded;
- (iv) criterion (iii) is justifiable and should include noise, dust and vibration criteria;
- (v) criterion (iv) appropriately defines buffer zones and whether prior mineral extraction should be permitted in a buffer zone.
- (vi) groundwater protection should be a criterion.

## CONCLUSIONS:

### Issue (i)

9.7.2. Harmer Partners consider criterion (i) of Policy MIN4 unduly restrictive and that it should be expressed as a consideration, not a determining factor. The MPA states that sufficient limestone reserves already have permission or are allocated in the plan that no modification of the policy is required. I consider the blanket prohibition inappropriate in cases where higher grades of agricultural land may be capable of restoration to that quality after mineral working. In my view 'which is not capable of restoration to its original quality after mineral working' should be added to criterion (i). That requires a consequential change in paragraph 9.4.3 altering the last sentence to acknowledge that the existing quality of agricultural land will not always be an overriding criterion militating against mineral working.

### Issue (ii)

9.7.3. Objectors point out the failure of the Policy to recognise the test of national need for a mineral working. I consider the omission of 'national' by FPCJ003, modifying PCJ004, appropriately recognises the status of the types of location which the Policy seeks to protect.

9.7.4. While the revision of paragraphs 9.4.3 to 9.4.9 as PCJ 005 meets the objection by the Countryside Council for Wales I am inclined, however, to concur on two grounds with the mineral operators' counter objections to the change which are maintained. Firstly, the reference to overriding national need is not necessary as it is only applicable in environments of national significance. I consider FPCJ003, deleting 'national' from PCJ004 satisfactorily meets the objection by the Quarry Products Association by aligning the Policy with the advice in PGW on appropriate levels of constraint.

9.7.5. Secondly, rigorous examination of proposals is also only appropriate in landscapes of equally high status, whereas those included in (vi) of PCJ 004 are not of uniform significance. The MPA advocates that 'rigorous' examination be retained in PCJ004 on the ground that it is appropriate to the consideration of proposals affecting the highest category of protected land within the Vale area. To my mind the blanket Criterion (vi) of the Policy as changed by PCJ004 lacks perspective in its failure to observe grades of significance.

### Issue (iii)

9.7.6. FoE Penarth argue that paragraph 9.4.7 should be expanded to confirm that in accordance with TAN(W)14 the coastal zone should be reserved for activities that need to be there. This objection is not clear; since minerals can only be worked where they occur it cannot be assumed that minerals would never be worked in the protected areas and it is not inconceivable that they might need to be worked there. I consider the proposed revision of Policy MIN4 by FPCJ006, inserting the East Vale Coastal Zone in criterion (v) as proposed to be amended by PCJ004, conveys the correct degree of caution in this respect and that explicit reference to the Severn Estuary SPA and Candidate Special Area of Conservation is unnecessary. FPCJ007 adds a reference to the East Vale Coastal Zone in paragraph 9.4.7 and in my view appropriately responds to the objection regarding the supporting text.

### Issue (iv)

9.7.7. I consider the objections to criterion (iii) of Policy MIN 4 in the draft Plan are met by its deletion by PCJ004. The suggestion that noise, dust and vibration be included as constraint criteria is to my mind included in the matters enumerated under Operational Controls in paragraph 9.4.12. I comment further below on such matters in relation to an objection to Policy MIN5.

### Issue (v)

9.7.8. I consider the objection by Lafarge Redland Aggregates Ltd to criterion (iv) of Policy MIN4 is met by PCJ004. Buffer zones are removed from Policy MIN4 by that change and are dealt with under Policy MIN6. I deal with the objection by FoE Penarth regarding buffer zone distances under

the latter Policy.

9.7.9. Lafarge Redland Aggregates Ltd also advocate the amendment of criterion (vi) of Policy MIN4 to allow prior mineral extraction to be undertaken in a buffer zone. However, the objective of the buffer zone is to protect existing dwellings. To allow development within it prior to mineral working could illogically constrain the future working of the permitted or protected reserves.

**Issue (vi)**

9.7.10. I consider groundwater protection is adequately covered by the amendment of Policy MIN5 by PCJ006, and its explanatory text by PCJ007, PCJ008 and FPCJ008, to which I refer below, and I do not consider further reference at this point necessary.

**RECOMMENDATIONS:**

**I recommend that the plan be modified**

**REC.9.9. by PCJ 004 as further modified by FPCJ003, FPCJ004 subject to the amendment of Criterion (vi) to give more appropriate levels of recognition to designated areas, FPCJ 005 and FPCJ006; and**

**REC.9.10. by the addition of ‘which is not capable of restoration to its original quality after mineral working’ to criterion (i) and a consequential change in the second sentence of paragraph 9.4.3 to acknowledge that.**



## 9.8. Policy MIN5 Preferred order of release of reserves

**Explanatory notes:** PCJ006 appropriately inserts the effect on groundwater resources in Policy MIN5, meeting the Conditionally Withdrawn objection by the Environment Agency.. The Agency's withdrawal of its objection is contingent on the adoption of PCJ010 and PCJ011 to which I refer below under Issue [iv]. I also comment below on the objections by the Quarry Products Association and RMC Aggregates. PCJ010 acceptably meets the Conditionally Withdrawn objections by RMC Aggregates (South Wales) Ltd and the Quarry Products Association on the duration of mineral planning permissions by deleting paragraph 9.4.15. PCJ011, deleting paragraph 9.4.16, is a consequential change. However, I refer below to the sustained objection on this subject by Cardiff County Council.

<i>Supporting representation</i>		
279.2	Pioneer Aggregates (UK) Ltd	{Support the preferred order of release of reserves.}
<i>Conditionally withdrawn objection</i>		
247.24	Environment Agency	{Inclusion of issue of water resources in term Environment}

### Proposed Change PCJ006

<i>Supporting representation</i>		
247.78	Environment Agency	{Support for the Proposed Change}
<i>Maintained objections</i>		
247.25	Environment Agency	
272.8	RMC Aggregates (South Wales) Ltd	{Mitigation measures should be agreed with EA}
278.5	Quarry Products Association	{Amendment required to revised Policy MIN 5}

### Para 9.4.12

<i>Maintained objection</i>		
230.13	Cardiff County Council	{Mineral development control criteria}

### Para 9.4.13

<i>Maintained objection</i>		
222.7	Lafarge Redland Aggregates Ltd.	{Criteria for legal agreements}

### Para 9.4.15

<i>Conditionally withdrawn objections</i>		
272.4	RMC Aggregates (South Wales) Ltd	{Duration of mineral planning permissions.}
278.2	Quarry Products Association	{duration of mineral planning <b>permissions</b> }
<i>Maintained objections</i>		
222.8	Lafarge Redland Aggregates Ltd.	{Statutory regular site reviews}
230.14	Cardiff County Council	{Time limitation of mineral planning permissions}

### Para 9.4.18

<i>Maintained objection</i>		
230.15	Cardiff County Council	{Control of blasting}

### Proposed Change PCJ007

<i>Supporting representation</i>		
247.79	Environment Agency	{Support for the Proposed Change}

### Proposed Change PCJ008

<i>Maintained objections</i>		
247.87	Environment Agency	{Move text to follow Policy MIN4}
272.7	RMC Aggregates (South Wales) Ltd	{Criteria in new paragraph overly prescriptive}
278.6	Quarry Products Association	{Amendment required to revised Paragraph 9.4.11}

### Proposed Change PCJ010

<i>Maintained objections</i>		
230.26	Cardiff County Council	{Object to deletion of paragraph 9.4.15}
278.7	Quarry Products Association	{Deletion of paragraph 9.4.15 has made MIN 2 and Paragraph 9.4.9 unclear}

## ISSUES:

### 9.8.1. Whether

- (i) the Policy needs to incorporate a development control check list;
- (ii) the policy criteria should include detriment to surface waters or groundwater resources;
- (iii) the use of legal agreements is satisfactorily explained;
- (iv) the reference to the duration of mineral planning permissions is appropriate and, further, whether permission for limestone quarrying operations should be limited to 20 years;
- (v) PCJ010 renders Policy MIN2 and paragraph 9.4.9 unclear;
- (vi) Paragraph 9.4.18 should be expressed as a blasting policy;
- (vii) PCJ008 should be repositioned after Policy MIN4;
- (viii) PCJ008 is overly restrictive.

## CONCLUSIONS:

### Issue (i)

9.8.2. I agree with Cardiff County Council that the development control check list in paragraph 9.4.12 is of sufficient operational importance to justify its expression in a policy. It is clearly a matter relevant not merely to criteria to be met before planning permission can be granted but also to the ongoing control of mineral working operations. In my view that is clearly relevant to the overall strategic supply of minerals. In particular I consider that not to include such matters in a policy is inconsistent when they are recited in relation to secondary materials in Policy MIN8.

### Issue (ii)

9.8.3. In my view PCJ006 adequately meets the objections by the Environment Agency. I consider the addition suggested in the objections made by Quarry Products Association and RMC Aggregates is repetitive and therefore unnecessary as detrimental effects which cannot be satisfactorily mitigated are obviously unacceptable.

### Issue (iii)

9.8.4. Legal agreements are not themselves a form of planning control and I consider the rather scanty reference to them in paragraph 9.4.13 could be misinterpreted. The tests for their applicability are set out in WO Circular 13/97 *Planning Obligations*; in the interest of clarity they should be identified in this paragraph. Alternatively, consideration could be given to including the scope of agreements in relation to all types of development in Part 1 of the UDP.

### Issue (iv)

9.8.5. Regular site reviews were introduced by the Environment Act 1995 and guidance given in MPG 14. I am satisfied that the statutory duties already imposed on the MPA, namely to determine a maximum 60 years' life for mineral planning permissions, limited to a lesser period where appropriate, and to review conditions attaching to all mineral planning permissions every 15 years, provide sufficient control over the duration of operations. Notwithstanding the advocacy of regional uniformity by Cardiff County Council I find no justification in the light of the MPA's statutory duties and in the absence of any convincing argument to the contrary for a 20-year limitation on mineral planning permissions. In the light of the statutory requirements I consider there is no justification for paragraph 9.4.15, which is proposed to be deleted by PCJ 010, thereby meeting the objection by Redland Aggregates Ltd.

### Issue (v)

9.8.6. I am inclined to disagree with the Quarry Products Association's assertion that the deletion of paragraph 9.4.15 makes Policy MIN2 and paragraph 9.4.9 unclear. While the function of the Plan is to provide for the supply of minerals during the Plan period that does not necessarily imply that planning permission should be limited to 20 years. On the other hand, the reserves at Litalun are estimated to contain 20 years' supply.

**Issue (vi)**

9.8.7. I see advantage, particularly in the context of the type of mineral working predominant in the Borough, in identifying the control of blasting, as expressed in paragraph 9.4.18, as one of the general criteria for mineral working to be incorporated in a policy which I support under Issue (i) above. However, in my view the differing circumstances and characteristics of sites decree that these matters be considered in detail in the process of development control in the light of the references to individual locations in the Minerals SPG. At the same time I consider the informative and explanatory text in paragraph 9.4.19 should be retained.

**Issue (vii)**

9.8.8. As it would result in a more logical textual sequence I support the MPA's agreement to relocate the Environment Agency's suggested Further Proposed Change to relocate PCJ008, regarding the effect on the water regime, after paragraph 9.4.10 and before Policy MIN5.

**Issue (viii)**

9.8.9. Mineral operators point out that some mineral working proposals do not necessitate consideration of all of the criteria in PCJ008. In my view the contingent phrase 'are likely to include working below the water table' is a necessary precautionary measure which does not inhibit the flexibility to take account of the level of information required to secure mitigation commensurate with the proposed development. However, in the interest of clarity I support the MPA's proposal that "where necessary" be inserted after "adopted" in PCJ008.

**RECOMMENDATIONS:**

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

**REC.9.11. PCJ006;**

**REC.9.12. PCJ007;**

**REC.9.13. PCJ008 subject to the insertion of "where necessary" after "adopted";**

**REC.9.14. The recasting of paragraph 9.4.12 as a policy incorporating a development control check list which should also include general criteria regarding blasting at sites;**

**REC.9.15. The inclusion in paragraph 9.4.13 of the tests of a legal agreement; or reference be made to the scope of agreements in Part 1 of the Plan;**

**REC.9.16. The relocation of PCJ008 immediately after Policy MIN4 in accordance with FPCJ008; and**

**REC.9.17 The deletion of paragraphs 9.4.15 and 9.4.16 by PCJ010 and PCJ011.**

## 9.9 Policy MIN6 Buffer zones

**Explanatory note:** PCJ012 appropriately meets the objections by RMC Aggregates (South Wales) Ltd and Pioneer Aggregates (UK) Ltd by qualifying the criteria for development in areas where mineral resources are protected or in buffer zones around workings. Those objections are consequently conditionally withdrawn.

### *Conditionally withdrawn objections*

272.5	RMC Aggregates (South Wales) Ltd	{Buffer zones and Policy Wenvoe 1}
279.3	Pioneer Aggregates (UK) Ltd	{Rigidity of Policy MIN 06.}

### *Maintained objections*

111.2	Evans, Mr David	{At Andrews quarry buffer zone boundary}
227.11	Thomas, Mr & Mrs D	{Aberthaw quarry buffer zone boundary}
230.17	Cardiff County Council	{Insert 'notwithstanding other policies'}
235.2	National Power PLC	{Aberthaw quarry buffer zone boundary}
270.44	Plaid Cymru	{Inconsistency of buffer zone near Bryneithin.}
359.43	Friends of the Earth Cymru	{Minerals buffer zones}

## ISSUES:

### 9.9.1. Whether

- (i) 'Notwithstanding other policies in this Plan' should be inserted in the Policy;
- (ii) the Policy includes appropriate measurement of buffer zones stand-off distances;
- (iii) the buffer zone boundaries of St Andrews Quarry at 'Woodland Rise', St Andrews Road, Dinas Powys; of Aberthaw quarry at Fonmon Road, Rhoose and adjoining Aberthaw power station; and the integrity of the buffer zone boundary near Bryneithin as shown on the Proposals map are appropriate.

## CONCLUSIONS:

### Issue (i)

9.9.2. All proposals for development fall to be determined in the light of all of the relevant policies in the Plan. To require this specifically in relation to proposals especially subject to Policy MIN6 would be superfluous; otherwise it would be necessary to insert the precaution before every policy. In practice the relative weighting given to any particular policy is clearly dependent on the nature and merits of the proposal.

### Issue (ii)

9.9.3. In their objection to Policy MIN4(iv) FoE Penarth advocate a 558m buffer distance from dwellings, the maximum imposed by the former South Glamorgan County Council, instead of the 300m minimum prescribed in the draft Plan. They assert that the Plan should specify the procedure explaining any derogation from that standard. The objector's minimum figure is stated by the MPA to be based on a reading based on obsolete practice. The method of buffer zone calculation is explained in Appendices B to E of the Minerals SPG; the minimum is based on 25 years' experience of measurement of the effects of quarrying. Figures for specific workings are in the Minerals SPG and are based on local circumstances. In my view that conforms with the principle that mineral should not be unnecessarily sterilised. I have supported above the deletion of MIN4 (iv) by PCJ004.

9.9.4. FoE Cymru assert that buffer zones should take account of requirements consequent on landfilling and adopt a risk-based approach to the calculation of buffer distances. Their concerns embrace leachate seepage and noise and dust emissions. However, the methodology for calculating buffer zones is fully set out in the Minerals SPG. Given that the primary nuisance at the Vale quarries emanates from quarry blasting. I am satisfied that the basis of calculation used is appropriate. Matters falling to be dealt with in the restoration of landfills are dealt with in Policies WAST 1 and WAST 2.

### Issue (iii)

9.9.5. In the case of Aberthaw Quarry existing housing at Fonmon Park is excluded from the buffer zone at Fonmon Road as it was taken into account in the grant of planning permission for quarrying. While the MPA would raise no objection to infilling within the existing housing I agree with them that northward extension of the housing area within the buffer zone would require more stringent restrictions than the present buffer zone boundary on quarrying closer to the Port Road/Fonmon crossroads. National Power seeks exclusion from the buffer zone of an area where ash is deposited within the buffer zone of Aberthaw quarry. However, the exclusive purpose of the policy is to exclude mineral working from the buffer zone and the delineation of the area is not linked to land ownership. Paragraph E21 of Technical Appendix E of the SPG on mineral working explains the intersection of buffer zones with built-up areas.

9.9.6. Part of the garden area of 'Woodland Rise', St Andrews Road, Dinas Powys is shown within the buffer zone of St Andrews quarry. The area in question is a long rearward projection of the house curtilage. However, as the buffer zone boundary coincides with the settlement boundary of Dinas Powys and conforms with the shallower depth and more regular shape of neighbouring curtilages I find no justification to alter it. The delineation of the buffer zone adjoining Bryneithin appears to be an example of case I in Figure E1 (B) in the SPG.

9.9.7. In the circumstances of each of these locations I find no justification to modify the Plan.

### RECOMMENDATION:

**REC.9.18. I recommend that the plan be modified by PCJ 012.**

## 9.10. Policy MIN7 Restoration and after-care

**Explanatory note:** PCJ013 appropriately meets the objection by the Environment Agency by inserting reference to the safeguarding of the water regime during site restoration in paragraph 9.4.21 (Issue [iii]).

### *Maintained objections*

356.7	Harmer Partnership	{Restoration and aftercare of mineral sites.}
360.15	Friends' of the Earth (Penarth Area)	{Extension to Wenvoe Quarry}

### Para 9.4.21

#### *Conditionally withdrawn objection*

247.26	Environment Agency	{Impacts on watercourses or water features during site restoration}
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### Proposed Change PCJ013

#### *Maintained objection*

236.5	Hanson Aggregates South Wales Limited	{Objection to the revision of Paragraph 9.4.21}
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## ISSUES:

9.10.1. Whether:

- (i) the Plan provides adequately for the restoration and aftercare of mineral sites;
- (ii) the Plan provides adequately for the restoration and aftercare of Wenvoe Quarry;
- (iii) PCJ013 places too onerous an obligation on the mineral operator.

## CONCLUSIONS:

### Issue (i)

9.10.2. Harmer Partnership argue that, as advised in paragraph 115 of MPG 14, the requirement in Policy MIN7 for 'firm proposals' for restoration and after care at the initiation of a long-term working is unreasonable. The MPA concedes that in practice it would be unreasonable to require fully detailed proposals for restoration and aftercare when working is likely to take place for an extended period but that at least the broad principles should be submitted at the outset. In the circumstances I consider that 'appropriate' should replace 'firm'.

### Issue (ii)

9.10.3. FoE Penarth maintain that the MPA and its predecessor as minerals planning authority have consistently failed to apply the principles of Policy MIN7 to Wenvoe Quarry and suggest the approval of planning applications for mineral working should be subject to the agreement of a wide constituency of third parties. The statutory power to determine the grant of planning permission for mineral extraction rests with the minerals planning authority and the process of making UDPs cannot be used to invest other bodies with powers as the objector suggests. Nor is it appropriate in the case of hard rock quarrying for the MPA to enter bonding arrangements to secure restoration, which can be adequately secured under the Planning and Compensation Act 1991 and the Environment Act 1995. The principle of sustainability requires that a reclamation plan be a necessary part of the planning application for mineral extraction even if the details of the scheme remain to be devised and approved towards the end of the life of the working. In my view the Policy and its supporting text adequately define the range of appropriate requirements and I conclude that on this issue no modification of the Plan is required.

### Issue (iii)

9.10.4. Hanson Aggregates maintain that PCJ013 places too onerous a burden on the mineral operator and it should not be assumed either that a hydrogeological investigation will be required in all cases or that all effects on water interests should be mitigated. In my view the proposed change

does not imply such an invariable degree of control and there is nothing in the change to deny that restoration proposals should relate to the characteristics of any individual site. However, for the sake of clarification I concur with the MPA's proposal that "where necessary" be inserted after "adopted" in PCJ008, to which I refer above.

**RECOMMENDATIONS:**

**I recommend that the Plan be modified**

**REC.9.19.** by the deletion of 'firm' and the insertion of 'appropriate' in Policy MIN7

**REC.9.20.** by PCJ013.

## 9.11. Policy MIN9 Derelict sites

### *Supporting representations*

181.1	Ware, John	{Support Policy MIN 09.}
185.1	Brooks, Ruth	{General support for less traffic/noise/village expansion.}
187.2	Griffiths, David Colin	{General support for less traffic/noise/dust.}
189.1	Golunski, Mr & Mrs J P	{General support for the closure of Longlands Quarry.}
229.1	Jones, Mr & Mrs J M	{Longlands quarry}
237.63	Countryside Council for Wales	{Support for Policy MIN 9.}
291.2	Colwinston Community Council	{Support for Policy MIN 9 (8).}
314.2	Stubbs, Ms E.M	{Concerns over detrimental impacts of Longlands Quarry, Ewenny.}

### *Maintained objections*

124.12	Bridgend Borough Council	
230.12	Cardiff County Council	{Omission of sites from MIN 9}
360.16	Friends of the Earth (Penarth Area)	{Hazardous Material}

## ISSUES:

### 9.11.1. Whether:

- (i) Argoed Isha, Ewenny, Longlands and St Andrews Quarries should be included in Policy MIN9;
- (ii) the plan should include a policy specifically requiring the assessment of the risk attributable to hazardous waste at former mineral working sites;
- (iii) on the Proposals Map Policy MIN9 should relate to ‘Mineral resources proposed for closure’ rather than ‘Mineral sites being restored’.

## CONCLUSIONS:

### Issue (i)

9.11.2. Longlands quarry is already cited in Policy MIN9. Notwithstanding extant permissions for mineral extraction, none of the other three quarries has been worked in the last 15 years and, with the exception of Ewenny, no interest has been expressed in reopening any of them. Indeed, reopening would variously require the resolution of problems of location and access. Nevertheless, the draft SPG on mineral working refers to those sites to cover any likelihood of their reopening .

9.11.3. I agree with Cardiff County Council that in reality there is scant difference between Policy MIN9 on the one hand, which seeks to prevent further mineral extraction and to secure restoration and, on the other, the SPG which seeks to terminate planning permission and secure restoration to other permanent productive use. The reserves at the 3 sites which are effectively the subject of the objection are included in paragraph 9.1.3. Even without them, however, the MPA states there are sufficient permitted reserves to last to 2019.

9.11.4. I accord substantial weight to the objector’s argument that the mineral position as a whole within the Borough should be argued in respect of UDP Policies rather than partially in terms of SPG. The reopening of Ewenny quarry is in progress and Longlands quarry is already in Policy MIN9, notwithstanding that the SPG identifies it for closure – a matter on which the two documents are incongruous and require clarification. The objector rightly points out the anomalous position in which, while 13 quarries are proposed for closure, 9 are in Policy 9 and have been taken into account in the supply of mineral, 3 are in the SPG and do not contribute to the supply, and Longlands quarry appears in both documents,

9.11.5. I consider it consistent that Argoed Isha and St Andrews quarries should also be cited in Policy MIN9. As the objector points out, that would ensure that all of the quarries become open to scrutiny in the UDP. At the same time, I do not support the objector’s suggested additional policy to



deal with the four quarries; in particular I consider ‘at the earliest opportunity’ suggests uncertainty and would be an inappropriately weak commitment.

**Issue (ii)**

9.11.6. FoE Penarth advocated the inclusion of a specific policy requiring an immediate risk assessment by the MPA of sites where hazardous materials are known to have been disposed of. The objection makes particular reference to Cosmeston Quarry. In my view Policy MIN9 adequately provides for the range of activity involved in the restoration and landscaping of any of the former mineral working sites it identifies. Investigation of the nature of the sites would in any case be necessary in connection with the determination of any planning application and at the same time the MPA would have the parallel duty to exercise its powers under the environmental protection legislation. I consider the provisions of the Plan adequate in the light of those requirements.

**Issue (iii)**

9.11.7 The Council accepts the objector’s reasonable suggestion under PCN018.

**RECOMMENDATIONS:**

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

**REC.9.21. the insertion of Argoed Isha and St Andrews Quarries in Policy MIN9 and the inclusion of PCN018.**

## 9.12. Policy MIN11 Mineral-related industry at ports

**Explanatory note:** ABP indicated that, contingent on the adoption of PCJ015 , which deletes Policy MIN11, they would withdraw their objection. I agree that Policy MIN11 serves no distinctive purpose as it achieves no stricter control of mineral-related industry at ports than can be exercised under other policies. PCJ 016 deletes the explanatory paragraph 9.4.36 which is superfluous.

*Conditionally withdrawn objection*

218.3

ABP Associated British Ports (South Wales)

## RECOMMENDATIONS:

**REC.9.22. I recommend that the plan be modified by PCJ 015 and PCJ 016.**

CHAPTER 9 MINERALS.....	1
9.1. Policy MIN00 Minerals policies in general or omission of policy.....	1
9.2. Marine dredged sand.....	3
9.3. National planning guidance .....	4
9.4. Policy MIN1 Mineral Exploration.....	5
9.5. Policy MIN2 Release of limestone reserves .....	6
9.6. Policy MIN3 Protection of further limestone resources .....	7
9.7. Policy MIN4 New or extended mineral working sites.....	9
9.8. Policy MIN5 Preferred order of release of reserves .....	12
9.9 Policy MIN6 Buffer zones .....	15
9.10. Policy MIN7 Restoration and after-care .....	17
9.11. Policy MIN9 Derelict sites .....	19
9.12. Policy MIN11 Mineral-related industry at ports.....	21

## CHAPTER 10 WASTE MANAGEMENT

### 10.1 Policy WAST00 Waste management policies in general or omission of policy

**Explanatory note:** I refer below under Policy WAST1 to the objection made by FoE Cymru nominally under this general heading but advocating a replacement text for that Policy. I consider PCK003 suitably meets Cardiff County Council's objection regarding local domestic and commercial waste disposal. The change the Council proposes to make in Policy 2 of the draft SPG on Amenity Standards appropriately meets the Environment Agency's objection regarding the composting of organic waste as a mode of disposal and PCK002 as amended by FPCK001 the Agency's objections regarding the waste hierarchy and disposal by landfill. Those objections are consequently conditionally withdrawn.

#### *Conditionally withdrawn objections*

230.10	Cardiff County Council	{Omission of local household waste disposal facility}
247.37	Environment Agency	{Composting of organic waste}

#### *Maintained objections*

124.11	Bridgend County Borough Council	{Waste Disposal sites}
244.33	Welsh Office	{Landfill capacity}
247.33	Environment Agency	{Reducing demand for quarried primary aggregates.}
247.34	Environment Agency	{Provision and expansion of existing waste recovery facilities}
275.3	Terry Adams Limited	{Overall strategy for waste management.}
275.4	Terry Adams Limited	{Lack of detailed land use policies for the treatment & disposal of waste.}
359.12	Friends of the Earth Cymru	{No defined strategy for waste management.}
360.3	Friends of the Earth (Penarth Area)	{Requirement for an integrated waste management system}

### Proposed Change PCK001

#### *Maintained objections*

275.9	Terry Adams Limited	{inadequate justification for Scenario C}
360.54	Friends of the Earth (Penarth Area)	{Failure to achieve targets}

### Para 10.2.3

#### *Conditionally withdrawn objection*

247.28	Environment Agency	{Waste hierarchy}
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### Proposed Change PCK002

#### *Conditionally withdrawn objection*

247.86	Environment Agency	{Subject landfill proposals to environmental assessment}
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#### *Maintained objections*

275.8	Terry Adams Limited	{Omission of reference to BPEO and Natural Waste Strategy}
360.55	Friends of the Earth (Penarth Area)	{Inadequate provisions and failure to meet targets}

### Para 10.3

#### *Supporting representation*

238.33	Country Landowners Association	{Agreement with objectives in paragraph 10.3.}
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## ISSUES:

### 10.1.1. Whether:

- (i) the Plan aims sufficiently to reduce the demand for quarried primary aggregates;
- (ii) the plan provides an integrated strategy for waste management;
- (iii) it be appropriate for the supporting text to comment on the Council's past performance in dealing with waste.

## CONCLUSIONS:

### Issue (i)

10.1.2. In order to reduce the demand for quarried primary aggregates the Environment Agency advocates a policy to encourage the use of secondary materials wherever possible, particularly citing highway embankment construction as an example. However, this concern is not only relevant to highway schemes and I am satisfied that Strategic Policies 12 and 13 adequately embrace the general interest in this matter.

### Issue (ii)

10.1.3. The Plan is based on Scenario C, the uppermost of 3 estimates of waste arisings identified in the Council's current Waste Management Strategy for the period 1996-2011. Domestic and commercial wastes are currently disposed of outside the Borough under a contract terminating on 31 March 2000. I accept that the waste policies in the Plan are consistent with the Council's approved Waste Management Strategy. The future waste disposal strategy comprises a broad hierarchy of materials recovery, composting and disposal to existing facilities in accordance with European and UK legislation. However, the Council assesses the tonnage of annual waste arisings in the Borough as unlikely to justify its own exclusive disposal facilities in isolation from other authorities. That is notably the case in relation to energy recovery from incineration.

10.1.4. Objectors variously criticise the Plan for being reactive rather than proactive and question the strength of its commitment both to up-to-date national policy and the exercise of its statutory planning duties in regard to waste. They draw attention to the omission of specific reference to BPEO techniques and the failure to propose a fine grain pattern of waste disposal provisions, in terms of criteria and location. While I have sympathy with the general tenor of that stance it seems to me that the Plan appropriately draws the distinction between waste matters that are the concern of the planning regime and those that fall to be controlled by other legislation.

10.1.5. I find it regrettable that the draft Plan is under consideration when the Environment Agency's forthcoming Strategic Waste Management Assessment for South Wales has yet to be published. In the circumstances, I consider that the current situation is adequately described in the changes proposed in PCK001 and PCK002 as amended by FPCCK001. However, the Council's Waste Management Strategy will be subject to review on publication of the regional Strategic Waste Management Assessment. In my view it would therefore be appropriate then to review Chapter 10 in relation to its relevance to the implementation of that Assessment. I consider that should be undertaken as a matter of urgency and not left until the first formal review of the UDP as a whole. The intention to do so should be signified in the text. I consider that necessary both in order to achieve consistency between the Council's waste management regime and its land use policies for waste disposal and treatment and in response to the short term nature of the currently proposed changes in the text of the Plan. In the meantime I consider 'and its detailed land use implications' should be added to PCK001 to clarify that planning requirements are only a part of the overall range of controls of waste.

10.1.6. I accept that at the present time the scope of the Plan is limited by the lack of a contextual long term regional strategy and the consequent omission of detailed concomitant land use policies. That said, there is a further lacuna in the Plan in that contracts for consigning domestic and commercial waste to out-of-Borough sites expire on 31 March 2000. No indication is given of the interim arrangements which will apply pending implementation of the response to the regional assessment. Given the present uncertainty as to future sites and timing I consider reference to arrangements for waste disposal in the immediate period should be added to FPCCK001.

10.1.7. I support the reference to landfill in FPCCK001 in response to the Environment Agency's objection. It usefully emphasises that landfill is the lowest option in the waste hierarchy and that as a residual it is therefore only to be employed when other means are impractical.

**Issue (iii)**

10.1.8. FoE Penarth consider PCK 001 should be expanded to recite shortcomings they allege in the Council's waste management procedures. Those allegations are strongly refuted by the Council. Even were they supportable I do not consider the UDP to be a suitable vehicle for either accusative or confessional statements about past practice as they are not helpful to its users.

**RECOMMENDATIONS:**

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

**REC.10.1. PCK001 with the addition at the end of 'and its detailed land use implications';**

**REC.10.2. PCK002 as further changed by FPCK001 together with reference to be made to the arrangements for waste disposal in the interim period after 31 March 2000 pending the implementation of measures arising from the Strategic Waste Management Assessment for the South Wales Region;**

**REC.10.3. The insertion of a textual reference to the intention to review Chapter 10 of the UDP simultaneously with the proposals to implement measures arising from the Strategic Waste Management Assessment for the South Wales Region.**

## 10.2. Policy WAST1 Waste management facilities

**Explanatory Note:** The Environment Agency's Conditionally Withdrawn objection relating to the textual location of policy on contaminated land is satisfactorily met by PCD004. As there are no objections to that change it does not fall to me make any further recommendation.

### *Supporting representations*

174.19	Glamorgan-Gwent Archaeological Trust Ltd.	{Support for recognition of archaeological interests.}
237.64	Countryside Council for Wales	{Support for Policy WAST 1.}

### *Maintained objections*

52.17	Cowbridge with Llanblethian Town Council	{Policy WAST 1 - wording.}
275.5	Terry Adams Limited	{Dissatisfaction with Policy WAST 01.}
356.13	Harmer Partnership	{Treatment of special waste.}

### **Proposed Change PCK003**

#### *Supporting representations*

247.82	Environment Agency	{Support for the Proposed Change}
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#### *Maintained objections*

275.12	Terry Adams Limited	{Failure to resolve objection to WAST 1; omission of BPEO}
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### **Proposed Change PCK005**

#### *Supporting representation*

247.80	Environment Agency	{Support for the Proposed Change}
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### **Para 10.4. 3**

#### *Conditionally withdrawn objection*

247.29	Environment Agency	{Relocation of Policy within UDP re Contaminated land}
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## **ISSUES:**

### 10.2.1. Whether:

- (i) the discharge of effluent on to agricultural land should be mentioned;
- (ii) the Policy sufficiently reflects national requirements;
- (iii) the Policy deals adequately with the treatment of special waste.

## **CONCLUSIONS:**

### **Issue (i)**

10.2.2. In the interest of preserving the quality of ground water and of public health Cowbridge with Llanblethian Town Council require that stricter control of the pumping of effluent on to agricultural land to be brought within the orbit of Policy WAST1. While I recognise the Town Council's concern it appears to me that the matter is one for the attention of the Environment Agency and the exercise of the Borough Council's powers of environmental protection rather than for control under the UDP.

### **Issue (ii)**

10.2.3. FoE Cymru suggest that, rather than the Plan's draft criteria, more explicit compliance with the Waste Hierarchy should be the substance of Policy WAST1, together with a rider referring to targets for waste reduction and recycling. I sympathise with that approach since it appears to me that in the light of national policy this part of the draft Plan should be expressed in a considerably more forcefully proactive mode in relation to these matters. I consider that necessitates changing Criterion (i) since the objective of waste minimisation, recognition of the hierarchy, and the setting of appropriate targets for reduction and modes of disposal are crucial to the consideration of any specific means of disposal.

10.2.4. While objectors call for the identification of specific sites for waste management it seems to me that is not feasible in advance of the Council's future actions to which I refer above.

**Issue (iii)**

10.2.5. The Harmer Partnership consider Policy WAST3 unduly restrictive and inconsistent with the principle enunciated in PGW that waste be disposed of or managed as close to its origin as possible. PCK006 deletes Policy WAST3 and amends Policy WAST1 by inserting reference to waste treatment facilities and any potential threat to public health. I consider this appropriately widens the scope of Policy WAST1 to allow consideration of the disposal of special wastes. As there are no objections to PCK006, it does not fall to me to make any recommendation.

**RECOMMENDATIONS:**

**REC.10.4. I recommend that the plan be modified by PCK003 subject to the elaboration of Criterion (i) to require reference to the full hierarchy of means of waste disposal, the objectives of waste avoidance, reduction and disposal, and the setting of targets for reduction and modes of disposal.**



### 10.3. Policy WAST3 Disposal of special waste

**Explanatory Note:** By inserting a reference to public health in Policy WAST1, PCK003 appropriately satisfies the objection by the Environment Agency. By deleting Policy WAST3, PCK006 suitably satisfies that made by Cardiff County Council. PCK007, amending paragraph 10.4.5, adequately satisfies the objection made by the Environment Agency in respect of the classification of special waste and PCK003 that relating to self-sufficiency. Those objections are Conditionally Withdrawn.

*Conditionally withdrawn objection*

230.9	Cardiff County Council	{Blanket ban on special waste disposal}
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*Maintained objection*

275.6	Terry Adams Limited	{Need for separate policy}
356.14	Harmer partnership	{Policy unacceptably restrictive}
359.44	Friends of the Earth Cymru	{Policy sanction should be proportionate to hazard}

#### Para 10.4.5

*Conditionally withdrawn objection*

247.30	Environment Agency	{Classification of special waste}
247.31	Environment Agency	{Waste and self-sufficiency}

*Maintained objection*

52.18	Cowbridge with Llanblethian Town Council	{Policy WAST 3/Para. 10.4.5 - wording.}
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#### Proposed Change PCK007

*Maintained objection*

360.56	Friends of the Earth (Penarth Area)	{Closure of Sully Hospital incinerator}
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### ISSUES:

10.3.1. Whether:

- (i) the Policy is unduly restrictive, notably in proposing a blanket ban on special waste disposal;
- (ii) a Policy is required which takes account of the degree of hazard arising from the disposal of special wastes;
- (iii) the Plan should make fuller reference to the Llandow incinerator;
- (iv) the Plan should propose planning powers be employed to close Sully hospital incinerator.

### CONCLUSIONS:

#### Issues (i) and (ii)

10.3.2. I consider PCK006 suitably meets the objections by the Harmer Partnership, FoE Cymru and Terry Adams Limited. It ties directly with PCK003 which appropriately amends Policy WAST1 to take account of special wastes incorporating changes proposed by the Harmer Partnership and allows for consideration of the degree of hazard as suggested by FoE Cymru.

#### Issue (iii)

10.3.3. Cowbridge with Llanblethian Town Council seeks the inclusion in paragraph 10.4.5 of reference to the continuous monitoring of the transport of material to and operation of the incinerator plant at Llandow Trading Estate. However, as the monitoring of the operation of the plant is a matter for consideration under public health and not planning powers the suggested insertion is not appropriate.

#### Issue (iv)

10.3.4. PCK007 inserts a factual reference to Sully Hospital incinerator which accepts clinical waste

from local hospitals and health centres. FoE Penarth advocate the Plan should announce the use of planning powers to close it. However, it appears to operate under the requisite conditions imposed on the planning permission in 1992 and the waste management licence granted by the Environment Agency. The installation appears to me to be a facility which accepts material of local origin that must be disposed of by incineration and I accept that its closure without replacement would be both impractical and unreasonable.

**RECOMMENDATION:**

**REC.10.5. I recommend that the plan be modified by PCK007.**

## 10.4. Policy WAST4 Waste disposal on agricultural land

**Explanatory Note:** The reference to agricultural land quality inserted in Policy WAST4 by PCK008 appropriately meets the objection by the Environment Agency which is conditionally withdrawn.

<i>Conditionally withdrawn objection</i>		
247.32	Environment Agency	{Restoration of lower grade agricultural land}
<i>Maintained objection</i>		
275.7	Terry Adams Limited	{Objection to Policy WAST 04.}
359.45	Friends of the Earth Cymru	{Spreading of waste on agricultural land}

### Proposed Change PCK008

<i>Supporting representation</i>		
247.81	Environment Agency	{Support for the Proposed Change}
<i>Maintained objection</i>		
275.11	Terry Adams Limited	{PC fails to meet original objection}

### ISSUES:

#### 10.4.1. Whether:

- (i) the reference to good quality agricultural land is appropriately relevant;
- (ii) the Policy is enforceable;
- (iii) Policy WAST1 adequately deals with restoration issues.

### CONCLUSIONS:

#### Issues (i) and (iii)

10.4.2. Terry Adams Limited asserts that the reference to the best and most versatile agricultural land conflicts with national guidance, duplicates policy ENV 2, and is unnecessary. The objector claims that the requirement to restore land to its original quality can be secured under criterion (vii) of Policy WAST1. To my mind the Policy as proposed to be changed adds an important refinement regarding agricultural land which is not apparent from Policy WAST1; I therefore support the change.

#### Issue (ii)

10.4.3. Foes Cymru point out that the spreading of waste on agricultural land is an operation which rarely requires planning permission and question whether the Policy would be enforceable. In view of the potential hazards caused by the spreading of industrial or contaminated organic waste they suggest it be reframed as a general policy. The Council responds that while muck-spreading is a normal agricultural operation the intention of the policy is the control of the deposit of solid wastes. I agree with that interpretation. However, I note that the Council does not refer to land raising, which in the appropriate circumstances is permissible under national policy, and in my view the revision of the Policy requires an explanatory note to take that matter into account.

### RECOMMENDATIONS:

**REC.10.6. I recommend that the plan be modified by PCK 008 and that an explanatory note be inserted to explain the relation of this policy to land raising.**

CHAPTER 10 WASTE MANAGEMENT.....	1
10.1 Policy WAST00 Waste management policies in general or omission of policy .....	1
10.2. Policy WAST1 Waste management facilities.....	4
10.3. Policy WAST3 Disposal of special waste .....	6
10.4. Policy WAST4 Waste disposal on agricultural land.....	8

## CHAPTER 11 COMMUNITY & UTILITY SERVICES

### 11.1. Policy COMM00

#### Community & Utility Services policies in general or omission of policy

**Explanatory note:** I consider PCL013 meets the objection by Barry Town Council on the need for a crematorium and FPCL003 that by the Environment Agency on the provision of public sewers. Those objections are Conditionally Withdrawn. I deal with objections 164.2/3/4 in Chapter 4 in connection with housing development at Cogan Hall Farm.

#### *Conditionally Withdrawn Objections*

33.11	Barry Town Council	{Need for local crematorium.}
247.39	Environment Agency	{Public sewage treatment.}

#### *Maintained Objections*

148.1	Penarth and District Chitin-Council of Churches	{Spiritual needs of the community must be addressed.}
164.2	Kingston, Philip	{No land for medical surgeries.}
164.3	Kingston, Philip	{Include Community Hall, City Development Officer, Family Centre}
164.4	Kingston, Philip	{Omission of possible family centre.}
241.3	Swalec	{Request for a more detailed policy on provision of utility services in Part II}
304.2	NCH Action for Children	{Inclusion of a community hall within Cogan Hall Farm development}
359.51	Friends of the Earth Cymru	{Omission of policy on Green burial}
359.52	Friends of the Earth Cymru	{omission of policy on energy efficiency}

#### Para 11.3.1

#### *Supporting Representation*

238.34	Country Landowners Association	{Agreement with objectives in paragraph 11.3..1}
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#### *Maintained Objection*

48.1	Planning representative of Jehovah's Witnesses	{Land for religious worship.}
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## ISSUES

### 11.1.1. Whether:

- (i) land should be specifically allocated for religious worship, medical practices, community activities, and a family centre, in particular a Community Hall in the Cogan Hall Farm Development;
- (ii) a policy on green burial is needed;
- (iii) there is need for a detailed policy on the provision of utility services;
- (iv) a policy on energy efficiency is needed.

## CONCLUSIONS:

### Issue (i)

11.1.2. Paragraph 11.3.1 of the Plan reflects national policy in paragraph 3.10.2 of PGW in seeking to improve community life. The objectors point out the omission of sites to meet the community's spiritual needs and the social facilities afforded by church buildings. More particularly they advocate the allocation of a site in the Cogan Hall Farm development for a place of worship and community centre. However, it is not conventional to allocate specific sites for community buildings in residential areas in a UDP. I consider Policy 14 adequately sets the criteria against which the appropriateness of proposed new private community facilities will be assessed. Policy ENV1 more particularly states the criteria to be applied in the countryside. Neither policy is inimical to development for religious purposes provided the criteria are met. In my view that is consonant with

the instruction in PGW to make provision for land for places of worship. As for places of worship, the objector's request is twofold, to support proposals for such facilities and to identify sites available for their development. However, while I consider the Policies adequate in respect of the first matter I regard the second as inappropriate since the Council has no duty to identify specific sites for this use nor can it act as an estate agency in this respect.

11.1.3. NCH questions the Plan's assertion that there are sufficient community halls in the Vale, pointing out community needs attendant on the rehousing of families from Harbour View and the development at Cogan Hall Farm. However, Policy 4 provides for the consideration of the provision of community facilities in unspecified localities. In the case of Cogan Hall Farm there is land close to the entrance to the site which may be suitable for community use provided that design and access criteria can be met.

**Issue (ii)**

11.1.4. FoE Cymru claim various advantages for green burial, culminating in the possible achievement of a wooded nature reserve when a site is full. While the Council is not the statutory provider of burial facilities it proposes in PCL013 the deletion of paragraph 11.4.39 and insertion of a new policy COMM7 identifying criteria to apply to proposals for additional burial land, which I support.

**Issue (iii)**

11.1.5. SWALEC argues that in addition to Policy 14 there should be a Part II policy stating in more detailed terms the regard to be paid to conservation in the development proposals of statutory undertakers while the Council claims that that would merely result in the duplication of the Part I policy. I note that Policy 14 does not refer to archaeological features and listed buildings; I consider their inclusion in that policy necessary to satisfy SWALEC's objection

**Issue (iv)**

11.1.6. FoE Cymru cite various ways of securing greater efficiency in the use of energy, an objective which I support. However, many of the points raised are subjective and I do not accept that such words as 'voluntary' and reference to standards exceeding the minimum under other statutory requirements are appropriate in the UDP. It is not, for example, correct for the UDP to comment on the Building Regulations. So far as the objection touches matters subject to planning control I consider Policy 2 provides an appropriate umbrella for the assessment of proposals for development.

**RECOMMENDATIONS:**

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

**REC.11.1. PCL013 and FPCL003,**

**REC.11.2. the insertion of reference to archaeological features and listed buildings in Policy 14, with consequent amendment of paragraph 2.9.1.**

## 11.2. Policy COMM1 Llandough Hospital

**Explanatory note:** At the inquiry, given assurances by the Council concerning access to the hospital, the objectors unconditionally withdrew objection 112.4. Consequently I make no recommendation on this objection.

*objection*

112.4

Mr D M Jones and  
Mr F M El-Khatib

{Llandough Hospital access}

### 11.3. Policy COMM2 Reuse of redundant hospitals

**Explanatory note:** By including ‘redevelopment’ in the title of the Policy I consider PCL001 appropriately meets the objection made by the healthcare bodies. FPCL002 satisfies that made by FoE Penarth regarding the insertion of a cross-reference to Policy ENV5 in replacing paragraph 11.4.7. The respective objections are Conditionally Withdrawn.

*Conditionally withdrawn objection*

205.1	Bro Taf Health Authority	{Redundant hospitals}
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*Maintained objections*

205.2	Bro Taf Health Authority	{Proposals Map and Hensol Hospital}
214.3	Llandough Hospital & Community NHS Trust	{Redevelopment of disused hospitals}
214.4	Llandough Hospital & Community NHS Trust	{Decommissioned hospitals}
350.1	Barry College	{Policy COMM 02 - wording.}
205.5	Bro Taf Health Authority	{Potential of hospital buildings.}
214.5	Llandough Hospital & Community NHS Trust	{Potential of hospital sites.}

#### Para 11.4.7

*Maintained objection*

270.40	Plaid Cymru	{Closure of Sully Hospital.}
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#### Proposed Change PCL002

*Conditionally withdrawn objection*

360.57	Friends of the Earth (Penarth Area)
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*Maintained objections*

350.3	Barry College
205.7	Bro Taf Health Authority
214.7	Llandough Hospital & Community NHS Trust

### ISSUES:

#### 11.3.1. Whether

- (i) the Hensol Hospital site should be shown on the Proposals Map;
- (ii) the Plan’s policy for the reuse and redevelopment of redundant and decommissioned hospitals and their sites is appropriate;
- (iii) the scope of the Policy should be widened to include institutional buildings generally;
- (iv) the Policy should apply to the Barry College Annexe site.

### CONCLUSIONS:

#### Issue (i)

11.3.2. Hensol Hospital occupies a substantial curtilage comprising listed buildings and later institutional buildings within a parkland setting. Though the objector draws attention to neighbouring housing the hospital is in my opinion clearly in an open countryside setting. Any reuse would have to show great respect for the character of the listed buildings. However, the environmental policies of the Plan appear to restrict redevelopment to the footprint of the existing buildings in this relatively isolated site. I consider that against that policy background the depiction of the entire estate on the Proposals Map would be misleading.

11.3.3. Sully Hospital similarly occupies a substantial curtilage. It is an interwar listed Modern Movement building of striking appearance and regional architectural significance. Trees and woodland within its extensive site are the subject of a Tree Preservation Order and it is crossed by 2 public rights of way. Given the policy restrictions on the reuse and redevelopment of the site I



consider it could be misleading to depict its boundaries on the Proposals Map; it could be interpreted as an area wholly for development which would be contrary to the intentions of the Plan.

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

11.3.4. The various objections by the NHS Trust and the Health Authority turn on the development opportunities afforded by redundant hospitals and sites. Sully and Hensol Hospitals are likely to become redundant during the Plan period and both sites contain listed buildings. It is argued that paragraph 11.4.7 of the Plan as proposed to be changed by PCL002 and FPCL001 should identify housing as a potential use of the Hensol Hospital site and should exclude its curtilage from consideration under Policy ENV 1. However, in spite of there being a small amount of conventional housing nearby, the site is not within a settlement; as much of it is open parkland I cannot agree that the site could be regarded as substantially built up, as is claimed; the local public transport service is relatively sparse; and in the interest of sustainability the priority for residential development should clearly be directed to the allocated land in the established urban areas of the Borough.

11.3.5. It is further claimed that the site provides scope for a new settlement; that, however, would be contrary to Policy HOUS 4, to which no duly made objection has been raised in this context. I consider the Council's support for a prestige form of employment or leisure development respecting and complementing the architectural, historic and landscape importance of the site is appropriate. However, in the light of the other considerations noted above I find no justification to recommend changing the Plan in favour of the residential use of the Hensol Hospital site.

11.3.6. Plaid Cymru opposes the closure of Sully Hospital and considers mention of the proposal in the UDP is a dangerous precedent. However, the closure of the hospital is not within the Council's discretion but is a decision for the Llandough Hospital and Community Trust who have indicated its possible closure within the period of the plan. Policy COMM2 should in my view clearly be treated and retained as a contingency policy. I support the precautionary identification in paragraph 11.4.7 of the criteria against which any reuse or redevelopment can be assessed in the interest of ensuring that such proposals would be sensitive and appropriate to the site. So far as concerns the loss of any health facility I note the commitment to health services in Objective 1 of Chapter 11 of the Plan.

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

11.3.7. As paragraph 11.4.7 makes clear in a way that the wording of the Policy itself fails to do, the objective of the Policy is to ensure that, in accordance with PGW, the listed buildings at Hensol and Sully Hospitals remain in beneficial use. It is not intended to apply generally to institutions occupying extensive sites in the open countryside, nor does it appear to me to be a general countryside policy. PCL002 refers to an appropriate range of acceptable reuses and forms of redevelopment. I consider that, together with FPCL1, it correctly establishes a link with Policy ENV1, and in the case of Sully Hospital Policy ENV5, which sets the criteria appropriate to the nature of the sites.

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

11.3.8. The annexe to Barry College, a former isolation hospital, is located in the open countryside off the A4226 Waycock Road. Its curtilage is extensive and includes buildings accommodating offices, teaching facilities accommodated in timber-framed structures, and ancillary activity.

11.3.9. The objector considers that Policy ENV1 fails to recognise the significance of pockets of development in the open countryside and that Policy ENV7 is not relevant to this site as it refers only to the small scale conversion of redundant agricultural buildings. Since Policy COMM2 is claimed to be more restrictive than the advice in PPG2 relating to Green Belts in England an amendment of it is sought in order to encourage the reuse or redevelopment of the site. An alternative version of Policy COMM2 is suggested incorporating criteria for the reuse and redevelopment of institutional buildings generally as well as redundant hospitals, notably for prestigious uses and deleting criterion (iv) in order to permit additional new building on the site. The amendment of paragraph 11.4.7 to include residential use or redevelopment is also suggested.

11.3.10. The buildings at the Barry College Annexe are not listed and have been in hospital use for a

very long time. In the context of the buildings it aims to safeguard, I consider criterion (iv) of Policy COMM2 is rightly restrictive and its deletion would create uncertainty with regard to extending the footprint of the existing buildings. Residential development in the open countryside would in my view fail to accord with paragraph 9.1.4 of PGW or to satisfy the sustainability objective of the Plan. I consider any proposal for the reuse or redevelopment of the Barry College Annexe site properly falls to be considered under Policy ENV 1 and such other policies of the Plan as might be relevant to the type of development proposed, in terms of the strength of any material considerations which might either satisfy, or justifiably outweigh, the provisions of the policies. In addition to any reuse or redevelopment which might be permitted by this procedure the owners may of course use the premises for any of the range of uses permitted in Class D1 of the Use Classes Order.

11.13.11. However, the Council has suggested the inclusion in the Plan of an additional policy specifically related to the site and requiring any proposals to be subject to a development brief for the site as a whole. Any employment uses proposed would be required to conform with Class B1 Business Use. While I support the inclusion of the Policy I do not accept criterion (vi) as reference to standards rather than to the Council's satisfaction is appropriate. At the same time I discern no need to change Policy COMM2 or paragraph 11.4.29 as proposed to be amended by FPCL002.

## **RECOMMENDATIONS:**

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

**REC.11.3. PCL002 and FPCL001,**

**REC.11.4. the inclusion of an additional policy:**

## **THE REUSE AND REDEVELOPMENT OF BARRY COLLEGE ANNEX**

### **PROPOSALS FOR THE REUSE AND REDEVELOPMENT OF BARRY COLLEGE ANNEX WILL BE PERMITTED IF ALL OF THE FOLLOWING CRITERIA ARE MET:**

**The proposal does not unacceptably affect the local environment or surrounding countryside;**

**The proposal does not involve any extension to the existing buildings;**

**Proposals for the replacement of the existing timber-framed buildings;**

**Any proposals for employment use fall within Business Class B1;**

**The provision of car parking, servicing and amenity space is in accordance with the approved guidelines;**

**Highway and pedestrian accesses are improved to the appropriate standard;**

**The site is to be landscaped in accordance with an approved plan.**

### **DEVELOPMENT PROPOSALS FOR THE SITE WILL BE GUIDED BY THE PREPARATION OF A DEVELOPMENT BRIEF.**

## 11.4. Policy COMM3 Provision of schools

**Explanatory note:** PCL003, correcting the wording of criterion (iii) of Policy COMM 3, satisfactorily meets Plaid Cymru's objection, which is Conditionally Withdrawn

*Comments*

270.41	Plaid Cymru	{Provision for schools.}
<i>Conditionally withdrawn objection</i>		
267.15	ABP - Grosvenor Waterside Developments Ltd	{Policy COMM 3 - wording.}

## CONCLUSIONS:

### Comment

11.4.1. Plaid Cymru asks, firstly, whether land has been allocated for Ysgol Newydd in north east Barry and, secondly, where the Welsh Medium Comprehensive School will be sited. I note that Policy COMM3 (i) allocates a site of 1.2ha for a school in the locality but that the type and nature of the school is not yet determined. I understand the question of a site for a Welsh medium secondary school is under consideration. In these circumstances I discern no justification for recommending any change in the Plan.

## RECOMMENDATION:

**REC.11.5. I recommend that the plan be modified by PCL003.**

## 11.5. Library Provision

### Para 11.4.13

*Maintained objection*  
270.43

Plaid Cymru

{Library provision in the north east of Barry.}

### ISSUE:

11.5.1. Whether library provision in north east Barry should be in the Plan.

### CONCLUSIONS:

11.5.2. The objector asks what library provision is to be made in north east Barry. I note that a modernised and extended central service is to be provided in the Kings Square redevelopment and that north east Barry is served by a mobile facility. In the circumstances I find no justification for a change in paragraph 11.4.13.

### RECOMMENDATION:

**REC.11.6. I recommend that no modification be made to the Plan.**

## 11.6. Community halls

### Proposed Change PCL004

*Maintained objection*

375.1

Dauncey, Mr. & Mrs. K.

{New Community Policy is too wide ranging and  
Simplistic}

### ISSUE

11.6.1. Whether the commentary on community facilities is adequate.

### CONCLUSIONS:

11.6.2. The Plan does not define community facilities but merely gives examples of them, nor does it state any planning criteria against which new such development could be assessed. It omits the proposal for a community centre at Ogmere by Sea which was in a previous Local Plan. I note that PCL004, inserting a new policy and explanatory paragraph, relates to existing community facilities, its objective being to safeguard them, whether they be of commercial or social significance. On the other hand so far as concerns new facilities I am satisfied that those fall to be considered under Policy 14 and paragraph 2.9.1 together with whatever other policies of the Plan may be relevant in the case of any particular proposal.

### RECOMMENDATION:

**REC.11.7. I recommend that the plan be modified by PCL004.**

## 11.7. Utility Services - general

**Explanatory note:** PCL005 appropriately includes archaeological considerations in paragraph 11.4.16. FPCL002 satisfies the objections by the National Grid Company plc on underground cabling; PCL006, PCL007 and PCL 008 those by SWALEC on the planning aspects of the electricity reticulation generally in paragraphs 11.4.17-19. PCE002 (Chapter 4) adds an appropriately descriptive sentence to paragraph 4.4.1 of the Plan and meets the objection by ABP - Grosvenor Waterside Developments Ltd to the absence of any reference to services required in the Barry Waterfront redevelopment. All of these objections are Conditionally Withdrawn.

### Para 11.4.16

#### *Conditionally withdrawn objections*

174.20	Glamorgan-Gwent Archaeological Trust Ltd.	{Omission of archaeological interests from para.11.4.16.}
7.1	The National Grid Co Plc	{Cost of underground cables}

#### *Maintained objections*

50.4	British Telecommunications Plc.	{Objection to the requirement for underground cables}
241.4	Swalec	{Paragraph 11.4.16 - wording.}

### Para 11.4.17

#### *Conditionally withdrawn objections*

241.5	Swalec	{Amend paras 11.4.17 - 11.4.19 to reflect current electricity supply devt.}
267.16	ABP - Grosvenor Waterside Developments Ltd	{Paragraphs 11.4.17 to 11.4.22 - wording.}

### Para 11.4.21

#### *Supporting representation*

293.1	Welsh Water-Dwr Cymru	{Provision of required infrastructure.}
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### Proposed Change PCL005

#### *Conditionally withdrawn objection*

7.2	The National Grid Co Plc	{Underground Cables}
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### Proposed Change PCL006

#### *Supporting representation*

241.6	Swalec	{Support for revised paragraph 11.4.17}
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#### *Maintained objection*

360.58	Friends of the Earth (Penarth Area)	{Barry – Penarth grid line}
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### Proposed Change PCL007

#### *Supporting representation*

241.7	Swalec	{Support for revised paragraph 11.4.18}
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### Proposed Change PCL008

#### *Supporting representation*

241.8	Swalec	{Support for revised paragraph 11.4.19}
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#### *Maintained objection*

360.59	Friends of the Earth (Penarth Area)	{Aberthaw – Cardiff Bay grid line}
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## ISSUES:

### 11.7.1. Whether:

- (i) utility services should be required to be installed underground;
- (ii) a Part II policy on development by statutory undertakers is required;
- (iii) reference to infrastructural development at Barry Waterfront is required;
- (iv) a new overhead electricity supply line on an Aberthaw – Barry – Sully – Penarth – Cardiff Bay alignment and a substation to serve northeast Barry and Cogan Hall Farm are needed..

## **CONCLUSIONS:**

### **Issue (i)**

11.7.2. BT wishes to omit reference in paragraph 11.4.16 to the undergrounding of utility services in conservation areas, areas of attractive landscape, and sites of wildlife importance. To my mind the paragraph (as amended by PCL005) is correct in identifying the importance of placing services underground wherever feasible.

### **Issue (ii)**

11.7.3. I do not support Swalec's suggested additional policy relating to criteria to be met by development by statutory undertakers. Though it would be somewhat more elaborate than Policy 14 it would not in my view serve to facilitate any more efficiently or effectively the satisfaction of the community's energy needs.

### **Issue (iii)**

11.7.4. The objections by FoE Penarth to PCL006 and PCL008 embrace two separate matters: the requirement for a new grid substation to service northeast Barry and Cogan Hall Farm on the one hand and the 132kv line from Aberthaw to Cardiff Bay via Barry, Sully, and Penarth on the other. On the first matter the objector raises the question of a grid substation site to a wider issue, arguing for the inclusion of a statement in the UDP requiring a reduction in the number of overhead lines, replacement of pylons by less intrusive supports, and undergrounding of lines in sensitive locations. That is accompanied by a precautionary reference to electromagnetic fields and ill-health. I note that the objector does not dispute the need for the proposed substation. It is, however, the duty of the electricity supplier to ensure the public safety of the undertaking.

### **Issue (iv)**

11.7.5. I deal below with the general issue about overhead line equipment in relation to FoE Penarth's objection to PCL009 regarding electromagnetic fields and telecommunications apparatus. On the specific question of the Aberthaw – Cardiff Bay route the line defined by the Plan is an indicative one and will fall to be examined in detail in relation to both its siting and its nature in the course of the statutory development control procedure, when matters relevant to planning can be addressed. In that connection I am satisfied that with particular regard to the undergrounding of lines paragraphs 2.9.2 and 11.4.16 (as proposed to be amended by PCL005) provide suitable guidance for the consideration of such proposals.

## **RECOMMENDATION:**

**REC.11.8. I recommend that the plan be modified by PCL005, PCL006, PCL007, PCL008, and FPCL002 together with PCE002 in Chapter 4.**

## 11.8. Public sewage treatment

**Explanatory note:** I consider the new paragraph proposed to be inserted after paragraph 11.4.16 by FPCL003 adequately meets the concern of the Environment Agency in respect of provisions for the sewerage of new development in terms of the advice in WO Circular 10/99 *Planning requirement in respect of the use of Non-Mains Sewerage incorporating Septic Tanks in New Development*. The objection is Conditionally Withdrawn

### Para 11.4.24

*Supporting representation*

293.10

Welsh Water-Dwr Cymru

{Foul discharges from proposed residential sites.}

### Proposed Change PC OMIT

*Conditionally withdrawn objection*

247.89

Environment Agency

{Council recommendation of 18.12.98 not in PC}

## RECOMMENDATION:

**REC.11.9. I recommend that the plan be modified by FPCL003.**



## 11.9. Telecommunications

**Explanatory note:** PCL010 meets the Conditionally Withdrawn objection by Glamorgan-Gwent Archaeological Trust Ltd by appropriately adding archaeological interests to the criteria of Policy COMM4 (iii) in accordance with the advice in paragraph 21 of TAN 19.

### Policy COMM4 Telecommunications

*Supporting representation*

270.42	Plaid Cymru	{Support for Policy COMM 04.}
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*Conditionally withdrawn objection*

174.23	Glamorgan-Gwent Archaeological Trust Ltd.	{Omission of archaeological interests from (iii).}
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*Maintained objections*

5.2	Orange Personal Communication Services Ltd	{Clarify telecomms policy re masts, towers and screening/landscaping}
149.1	Mercury Personal Communications Ltd.	(delete Policy COMM 4(i))
292.1	Vodafone Ltd	{Lack of support for telecommunications development.}

### Proposed Change PCL009

*Maintained objection*

360.60	Friends of the Earth (Penarth Area)	{Effect of electromagnetic fields}
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### Proposed Change PCL010

*Maintained objections*

149.2	Mercury Personal Communications Ltd.	{criteria for telecoms development}
360.61	Friends of the Earth (Penarth Area)	{Siting of outdoor telecoms apparatus}

## ISSUES

### 11.9.1. Whether:

- (i) the Policy expresses appropriate support and criteria for telecommunications development;
- (ii) the rationale of PCL09 and PCL010 is satisfactory in terms of the alleged effect on health of radiation from telecommunication masts and the siting of telecommunications apparatus in relation to occupied buildings.

## CONCLUSIONS:

### Issue (i)

11.9.2.. The Plan recognises the importance to the community of the significance of modern telecommunications. The objective of Policy COMM4 is to balance the operators' requirements against environmental considerations. I consider it sits foursquare with the national advice in PGW. However, in response to objections PCL010 proposes a rewording of Policy COMM4. Although operators are enjoined by other legislation to explore the possibility of mast-sharing, TAN 19 also expects planning authorities to require them to show evidence of such investigations; the requirement of criterion (i) is therefore not superfluous as claimed by Mercury Personal Communications Ltd. PCL010 usefully cites types of suitable shared location. The references in PCL010 to screening, landscaping and the colour of apparatus add precision, though not exclusively, to the criteria for minimising its visual impact; and they accord with the advice in Paragraph 27 of TAN 19. Although challenged on the ground of uncertainty, criterion (iii) confers necessary discretion on the Council to balance the identified considerations with others of material significance. It does not to my mind exceed the direction in paragraph 10 of TAN 19 to take account of the need to protect the best and most sensitive environments. Furthermore, I see no merit in inserting 'adverse' as a qualification of 'unacceptable'; that would imply all telecommunications development was unacceptable in some degree.

11.9.3. I find the technical difficulties of coverage experienced by operators are suitably

acknowledged by the proposed modification of paragraph 11.4.31 by PCL009. The question of the availability of land to the operator at a reasonable cost is not an admissible land-use planning criterion.

**Issue (ii)**

11.9.4. The substance of FoE Penarth's objection on this issue is virtually identical to the objection in the same manner to Policy COMM4. The objector proposes addenda to PCL009 and PCL010, in the case of PCL009 a substantial addendum referring to practice in Liverpool, Australia and New Zealand in the siting of telecommunications apparatus and in PCL010 requiring it to be sited away from occupied buildings. However, technical and health matters concerning the siting of telecommunications apparatus are a matter for the appropriate statutory authorities. In accordance with the principle of the avoidance of dual control it is not appropriate for land use planning to take account of such considerations. Indeed, paragraph 17 of the WO draft Circular *Land Use Planning and Electromagnetic Fields* counsels that local authorities should have regard to the operator's responsibilities under health and safety legislation and the lack of convincing evidence of a causal link between exposure to electromagnetic fields and cancer. It is, however, the duty of the supplier of the service to ensure the public safety of the undertaking

**RECOMMENDATIONS:**

**REC.11.10. I recommend that the plan be modified by PCL009 and PCL010.**

## 11.10 Policy COMM5 Wind generators and farms Policy COMM6 Other renewable energy schemes

**Explanatory note:** The objectors' evidence on Policies COMM5 and COMM6 was presented without significant differentiation and they are therefore dealt with together here.

### Policy COMM5 Wind generators and farms

Supporting representations		
174.21	Glamorgan-Gwent Archaeological Trust Ltd.	{Support for recognition of archaeological interests.}
237.65	Countryside Council for Wales	{Policy COMM 5 - wording.}
<i>Maintained objections</i>		
359.46	Friends of the Earth Cymru	{Omission of policies on Renewable Energy Projects}
360.1	Friends of the Earth (Penarth Area)	{Requirement for a commitment to renewable energy}

### Policy COMM6 Other renewable energy schemes

Supporting representation		
174.22	Glamorgan-Gwent Archaeological Trust Ltd.	{Support for recognition of archaeological interests.}
<i>Maintained objections</i>		
359.47	Friends of the Earth Cymru	{Omission of policies on Renewable Energy Projects}
360.2	Friends of the Earth (Penarth Area)	{Requirement for a commitment to renewable energy}

### ISSUE:

11.10.1. Whether the Plan should include a commitment to renewable energy and a policy on other than wind-derived forms.

### CONCLUSIONS:

11.10.2. The failure to identify sites in the Plan for the production of wind energy is interpreted by the objector as a lack of commitment. Furthermore, the detailed criteria of Policy COMM5 are alleged to show bias against this form of development in favour of conventional power stations, as, it is claimed, does the national policy in TAN 8. The objector asserts that there is no encouragement to stimulate the exploitation of renewable energy resources to achieve the national target for such sources, together with a reduction in greenhouse gases. It is claimed that Policy COMM6 predicates that projects will be in the countryside, it ignores the synergy of biomass and wind projects with agriculture and forestry, and fails to give adequate guidance.

11.10.3. It appears to me that the proper function of the UDP in respect of renewable energy is not to identify production sites but to include policies which clarify the criteria to be met by such development. Policy COMM5 is grounded in TAN 8 and I reject the notion of bias in the national advice. The Policy clearly draws a detailed balance between the characteristics of wind power generation and the duty to protect the environment.

11.10.4. The criteria of Policy COMM6 are widely drawn. In my view that is necessary in a situation where the types of proposal arising during the life of the Plan cannot necessarily be foreseen. There is no reason why any of the 'shopping list' of types of project cited by the objector would be inhibited by the Policy from seeking planning permission. At the same time, the wide scope of the Policy allows proposals for other types of energy production, hitherto not devised or not thought economically attractive, to come forward during the Plan period provided they satisfy the criteria prescribed. In the circumstances I find no compelling reason to recommend rejection of the policies as proposed to be changed by PCL011 and PCL012 respectively. Although the objector also wishes also to delete paragraph 11.4.37 that is an explanation of the statutory requirements under the Town and Country Planning (Environmental Impact Assessment)(England and Wales) Regulations 1999.

**RECOMMENDATION:**

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

**REC.11.11. the inclusion of PCL011 and PCL012.**

## 11.11. Cemeteries

### Para 11.4.39

*Maintained objection*

39.5	Llantwit Major Town Council	{Additional burial space - Penarth and Llantwit Major.}
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### Proposed Change PCL013

*Supporting representations*

33.13	Barry Town Council	{Support for the new Burial Land Policy}
234.5	Penarth Town Council	{Support for burial land policy}

### ISSUE:

11.11.1. Whether the plan should propose additional burial space at Penarth and Llantwit Major.

### CONCLUSIONS:

11.11.2. The Council acknowledges the need for additional burial space at Penarth, Barry, and Llantwit Major during the Plan period. Having previously informed Llantwit Major Town Council that the Borough Council could only undertake such provision itself on an agency basis, PCL012 proposes the deletion of paragraph 11.4.39 and insertion of a policy relating to additional burial land, which I support.

### RECOMMENDATION:

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

**REC.11.12. the deletion of paragraph 11.4.39 and the insertion of PCL013, a policy and explanatory text relating to additional burial land.**