The Vale of Glamorgan Unitary Development Plan Deposit Draft (1998)

# FURTHER PROPOSED MODIFICATIONS







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# October 2004

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# **FOREWORD**

# RHAGAIR

### **BACKGROUND**

The requirement for the preparation of Unitary Development Plans (UDP's) in Wales is set out in the Town and Country Planning Act 1990, as amended by the Planning and Compensation Act 1991 and the Local Government (Wales) Act 1994. The statute is supplemented by regulations, namely the Town and Country Planning (Development Plan) Regulations 1991 as amended by the Town and Country Planning (Development Plan) (Amendment) Regulations 1997, which set out the detailed requirements for the preparation of development plans. The combination of the Statute and Regulations require that a UDP pass through a number of stages before reaching adoption.

In the case of the Vale of Glamorgan UDP (1996 – 2011) these stages were as follows:

### Consultative Draft UDP:

In July - September 1997 the Council placed on deposit the Consultative Draft UDP. The representations made during this period together with changes made to the Plan prior to it being placed on deposit, were reported to the Council's Economic Development, Planning, Transportation and Highways Committee on 22nd October, 1997.

# Deposit Draft UDP:

The Deposit draft UDP was placed on deposit for a 6 week period during April – May 1998. During this period 1301 duly made representations were made in respect of the Plan, of which 1100 were objections.

### **CEFNDIR**

Mae'r gofynion ar gyfer darparu Cynlluniau Datblygu Unedol yng Nghymru wedi'u rhestru yn Neddf Cynllunio Gwlad a Thref 1990 a ddiwygiwyd gan Ddeddf Cynllunio ac lawndal 1991 a Deddf Llywodraeth Leol (Cymru) 1994. Ychwanegwyd rheoliadau at y deddfau hyn, sef Rheoliadau Cynllunio Gwlad a Thref 1991 (Cynllun Datblygu) a ddiwygiwyd gan Reoliadau Cynllunio Gwlad a Thref (Cynllun Datblygu) 1997 (Diwygiedig) sy'n rhestru gofynion manwl ar gyfer darparu cynlluniau datblygu. O dan y deddfau a'r rheoliadau hyn mae'n rhaid i Gynllun Datblygu Unedol gymryd nifer o gamau cyn cael ei fabwysiadu.

Dyma'r camau ar gyfer mabwysiadu CDU Bro Morgannwg (1996 – 2011):

# • CDU Drafft Ymgynghorol:

Rhwng Gorffennaf a Medi 1997 rhoddodd y Cyngor CDU Ddrafft Ymgynghorol ar adnau. Ar 22 Hydref 1997, hysbyswyd Pwyllgor Datblygu Economaidd, Cynllunio, Cludo a Phriffyrdd o'r sylwadau a wnaethpwyd ar y drafft hwnnw'n ystod y cyfnod dan sylw a newidiadau i'r Cynllun cyn ei roi ar adnau.

# • CDU Drafft Adneuo:

Rhoddwyd CDU drafft ar adnau am 6 wythnos rhwng Ebrill a Mai 1998. Yn ystod y cyfnod hwnnw, daeth 1,301 o sylwadau i law gan gynnwys 1,100 o wrthwynebiadau. The representations made during this time together with changes to be made to the Plan were reported to the Council's Economic Development, Planning, Transportation and Highways Committee on 2nd December, 1998.

# • Proposed Changes:

In January 1999 the Council issued a Proposed Changes document which sought to ameliorate representations made to the Deposit Draft Plan. The Proposed Changes were placed on deposit between January – February, 1999. During this time period 175 representations were made of which 129 were objections. The representations made to these Proposed Changes and any further Proposed Changes were reported to the Council's Development Control Sub Committee on 22nd April, 1999.

# Further Proposed Changes:

Whilst further Proposed Changes were produced because of time constraints the changes were not made available for public consultation.

### Public Local Inquiry:

The remaining unresolved representations were considered at the Public Local Inquiry (PLI) held between June 1999 and January 2000. The PLI was presided over by Mr. C. Cardinal Dip.TP, MRTPI and Dr. D. Robins, acted as assistant Inspector.

# Inspector's Report:

The Inspectors Report of Findings into Objections made to the emerging UDP was received to the Council in November 2000. The report was presented to the Council's Planning Committee on 7<sup>th</sup> February, 2001 for public release.

Ar 2 Rhagfyr, 1998, hysbyswyd Pwyllgor Datblygu Economaidd, Cynllunio, Cludo a Phriffyrdd o'r sylwadau hyn a'r newidiadau y byddai'n rhaid eu gwneud i'r Cynllun o ganlyniad.

# Newidiadau Arfaethedig:

Yn Ionawr 1999, cyhoeddodd y Cyngor ddogfen am y newidiadau a gynigiwyd i ateb sylwadau ar y Cynllun Drafft Adneuo. Rhoddwyd y Newidiadau Arfaethedig ar adnau rhwng Ionawr a Chwefror, 1999. Yn ystod y cyfnod hwnnw, daeth 175 o sylwadau i law gan gynnwys 129 o wrthwynebiadau. Ar 22 Ebrill, 1999, hysbyswyd Is-bwyllgor Rheoli Datblygiad y Cyngor o'r sylwadau hyn ar y Newidiadau Arfaethedig ac o unrhyw Newidiadau Arfaethedig pellach.

# Newidiadau Arfaethedig Pellach:

Er i Newidiadau Arfaethedig pellach gael eu cynnig, ni fu amser eu gwneud yn destun ymgynghoriad cyhoeddus.

# Ymchwiliad Lleol Cyhoeddus:

Cafodd y sylwadau na lwyddwyd i'w hateb eu hystyried mewn Ymchwiliad Lleol Cyhoeddus a gynhaliwyd rhwng Mehefin 1999 ac Ionawr 2000. Llywydd yr Ymchwiliad oedd Mr. C. Cardinal Dip.TP, MRTPI a Dr. D. Robins oedd yr Arolygydd cynorthwyol.

# Adroddiad yr Arolygydd:

Yn Nhachwedd 2000, derbyniodd y Cyngor Adroddiad yr Arolygydd ar Ganfyddiadau yn sgîl archwilio Gwrthwynebiadau i'r CDU diweddaraf. Cyflwynwyd yr adroddiad i Bwyllgor Cynllunio'r Cyngor yn Chwefror 2001 gyda'r bwriad o'i ddosbarthu i'r cyhoedd.

# Statement of Decisions and Proposed Modifications:

The Inspector's Report recommended a number of modifications to the Plan which were in addition to those previously agreed by the Council. A Statement of Decisions was produced by the Council to address each of the recommendations contained in the Inspectors Report and provided a detailed explanation of the Council's intention in respect of each recommendation. The Council produced a Proposed Modifications document in February 2003 that provided a definitive list of changes proposed by the Council to the Vale of Glamorgan UDP Deposit Draft (1998).

The Statement of Decisions and Proposed Modifications were placed on deposit between February – April 2003. During this time, 1541 representations were made, of which 1178 were objections. A report outlining the initial results of the Proposed Modifications process was presented to Cabinet on 7<sup>th</sup> May 2003. Cabinet resolved that a further report be presented to Cabinet in respect of the details and recommended responses to the representations received to the Statement of Decisions and Proposed Modifications.

On 6<sup>th</sup> October 2004 the Council resolved to make Further Proposed Modifications to the Vale of Glamorgan Unitary Development Plan in light of the representations received.

### FURTHER PROPOSED MODIFICATIONS

This document has been prepared in accordance with the requirements of Section 18(1) of the Town and Country Planning (Development Plan) Regulations 1991, as amended.

# Datganiad Penderfyniadau a Diwygiadau Arfaethedig:

Roedd Adroddiad yr Arolygydd yn argymell nifer o ddiwygiadau i'r Cynllun yn ychwanegol at y rhai a gytunwyd eisoes gan y Cyngor. Cyhoeddodd y Cyngor Ddatganiad Penderfyniadau er mwyn ymateb i bob argymhelliad unigol yn Adroddiad yr Arolygydd ac egluro sut yn union y bwriadai weithredu arno. Lluniodd y Cyngor ddogfen Diwygiadau Arfaethedig yn Chwefror 2003 a oedd yn rhestru'r holl newidiadau i'r CDU Drafft Adneuo (1998) a oedd ganddo mewn golwg.

Rhoddwyd y Datganiad Penderfyniadau a Diwygiadau Arfaethedig ar adnau rhwng Chwefror ac Ebrill 2003. Yn ystod y cyfnod hwnnw, daeth 1,541 o sylwadau i law gan gynnwys 1,178 o wrthwynebiadau. Cafodd adroddiad ar ganlyniadau cyntaf y broses ar gyfer cynnwys Diwygiadau Arfaethedig ei gyflwyno i'r Cabinet ar 7 Mai 2003. Penderfynodd y Cabinet y dylid cyflwyno adroddiad arall i'r Cabinet ar y sylwadau a ddaeth i law ar y Datganiad Penderfyniadau a Diwygiadau Arfaethedig a sut i ymdrin â hwy.

Ar 6 Hydref 2004, penderfynodd y Cyngor gynnig rhagor o Ddiwygiadau Arfaethedig i Gynllun Datblygu Unedol Bro Morgannwg yng ngoleuni'r sylwadau a ddaeth i law.

### DIWYGIADAU ARFAETHEDIG PELLACH

Lluniwyd y ddogfen hon yn unol â gofynion Adran 18(1) Rheoliadau Cynllunio Tref a Gwlad (Cynllun Datblygu) 1991 (diwygiedig). For ease of understanding the Further Proposed Modifications document has been prepared on a chapter and UDP Deposit Draft page number basis. The lefthand column of each page contains a Further Modification number, which follows on from the Proposed Modifications document (February 2003). The right hand column of the document contains those parts of the Plan that are amended by these further modifications. The further modifications to the Plan are individually numbered and are in bold. Also contained in this column is an explanation of the Council's reason for proposing the further modification.

Fel y bo'n haws ei deall, trefnwyd y ddogfen Diwygiadau Arfaethedig Pellach ar sail penodau a rhifau tudalennu'r CDU Drafft Adneuo. Mae colofn chwith pob tudalen yn cynnwys rhif Diwygio Pellach, sy'n cyfeirio'n ôl at ddogfen Diwygiadau Arfaethedig Chwefror 2003. Mae'r golofn dde'n cynnwys y rhannau o'r Cynllun a fydd yn newid o ganlyniad i'r diwygiadau arfaethedig pellach. Rhoddwyd rhif penodol i bob diwygiad pellach a'i amlygu yn y testun. Rhestrwyd hefyd, yn y golofn hon, resymau'r Cyngor dros gynnig diwygiadau pellach.

Only representations to the further proposed modifications will be accepted. No new objections or supporting representations in respect of the Vale of Glamorgan Unitary Development Plan, Deposit Draft (1998), the Proposed Changes (January 1999), the Further Proposed Changes (April 1999), or the Proposed Modifications (February 2003) will be accepted.

Dim ond sylwadau ar y diwygiadau arfaethedig pellach a fydd yn cael eu derbyn. Ni fydd cyfle bellach i chi wrthwynebu na chefnogi Drafft Adneuo Cynllun Datblygu Unedol Bro Morgannwg 1998, Newidiadau Arfaethedig Ionawr 1999, Newidiadau Arfaethedig Pellach Ebrill 1999 na Diwygiadau Arfaethedig Chwefror 2003.

Objections to and representations in support of the further modifications must be sent in writing on the prescribed form (which are available from the Dock Office and Deposit locations) quoting the modification number (e.g. FMOD A001) to the:

Os ydych am wrthwynebu neu gefnogi'r diwygiadau pellach, bydd disgwyl i chi nodi'ch sylwadau ar ffurflen bwrpasol (sydd ar gael yn Swyddfa'r Doc a mannau Adneuo) a dyfynnu'r rhif diwygio perthnasol (e.e. FMOD A001) wrth y swyddog canlynol:

Head of Planning & Transportation, Vale of Glamorgan Council, Dock Office, Barry Docks, Barry. CF63 4RT Pennaeth Cynllunio a Chludo, Cyngor Bro Morgannwg, Swyddfa'r Doc, Dociau'r Barri, Y Barri. CF63 4RT

All representations must arrive at the Dock Office before the date specified on the Consultation Form.
Representations received at the Dock Office after this time will not be accepted and will be returned.

Mae'n rhaid i'r holl sylwadau gyrraedd Swyddfa'r Doc cyn y dyddiad a nodwyd ar y Ffurflen Ymgynghori. Byddwn yn anwybyddu ac yn dychwelyd unrhyw sylwadau sydd yn ein cyrraedd ar ôl y dyddiad hwnnw. Any enquiries in respect of the contents of this document should be made in writing to the Head of Planning and Transportation at the above address or by telephoning a member of the Planning and Transportation Policy Team on Barry (01446) 704665 / 629 / 670 / 673.

Os oes gennych unrhyw gwestiynau am gynnwys y ddogfen hon, ysgrifennwch at Bennaeth Cynllunio a Chludo i'r cyfeiriad uchod neu ffoniwch aelod o'r Tîm Polisi Cynllunio a Chludo ar (01446) 704665 / 629 / 670 / 673.

# THE NEXT STAGES

Following the close of the deposit period a report will be presented to the Council's Planning Committee in respect of each of the duly made representations received. The Committee will then determine the appropriate course of action in respect of each duly made representation and will decide if it is necessary to hold a further Public Local Inquiry or if it is possible proceed to adoption.

# Y CAMAU NESAF

Pan ddaw'r cyfnod adneuo i ben, bydd adroddiad ar bob un o'r sylwadau a ddaeth i law'n cael ei gyflwyno i Bwyllgor Cynllunio'r Cyngor. Bydd y Pwyllgor wedyn yn penderfynu sut yn union i ymateb i'r sylwadau unigol ac un ai'n dewis cynnal Ymchwiliad Lleol Cyhoeddus neu fabwysiadu'r ddogfen fel y mae.



# JUSTIFICATION FOR PART 1 POLICIES

Page 27

FMOD C001 Amend Paragraph 2.1.3 to read:

MOD C001

2.1.3 The natural environment of the Vale of Glamorgan is a rich mix of undulating farm land, valley basins, woodland and unspoilt coastline. A testimony to the richness and diversity of the natural environment of the Vale of Glamorgan is the presence of a number of protective designations. The Vale has twenty two Sites of Special Scientific Interest totalling some 850 hectares, two Local Nature Reserves and seven Wildlife Trust Reserves incorporating twelve miles of the Glamorgan Heritage Coast stretching from Ogmore-By- Sea to West Aberthaw. This stretch of coastline includes the Dunraven Bay candidate Special Area of Conservation (SAC). The Severn Estuary at Penarth is a Site of Special Scientific Interest (SSSI), Wetland of International Importance (RAMSAR site), Special Protection Area (SPA) and a possible Special Area of Conservation (pSAC).

Reason

The further proposed modification is made to ensure the factual accuracy of the Plan.



# **ENVIRONMENT**

Page 35

**FMOD D001** Amend Paragraph 3.1.3 to read:

MOD D001

3.1.3 Recent development in the Vale of Glamorgan has been located very close to the main built up areas leaving the countryside relatively unaffected. However, the rural environment has been subject to significant changes in recent decades. Increasing pressure is being placed on the countryside due to changes in the rural farming economy and increasing demand for recreation and development. In an area as attractive as the Vale of Glamorgan, there is great need to protect the rural environment not only to sustain its agricultural base, but to preserve its rich heritage for future generations, as well as for local residents and others to enjoy today. A testimony to the richness and diversity of the natural environment of the Vale of Glamorgan is the presence of a number of protective designations. **The** Vale has twenty two Sites of Special Scientific Interest totalling some 850 hectares, two Local Nature Reserves and seven Wildlife Trust Reserves incorporating twelve miles of the Glamorgan Heritage Coast stretching from Ogmore-By- Sea to West Aberthaw. This stretch of coastline includes the Dunraven Bay candidate Special Area of Conservation (SAC). The Severn Estuary at Penarth is a Site of Special Scientific Interest (SSSI), Wetland of International Importance (RAMSAR site), Special Protection Area (SPA) and a possible Special Area of Conservation (pSAC).

Reason

The further proposed modification is made to ensure the factual accuracy of the Plan.

Page 39

**FMOD D017** Amend Policy ENV 2 to read:

**MOD D017** POLICY ENV2 - AGRICULTURAL LAND

> THE BEST AND MOST VERSITILE AGRICULTURAL LAND (GRADES 1.2) AND 3A) WILL BE PROTECTED FROM IRREVERSIBLE DEVELOPMENT. SAVE WHERE **OVERRIDING NEED** CAN BE DEMONSTRATED. NON AGRICULTURAL LAND OR LAND OF A LOWER QUALITY SHOULD BE USED WHEN DEVELOPMENT IS PROPOSED, UNLESS SUCH LAND HAS A STATUTORY LANDSCAPE, NATURE CONSERVATION, HISTORIC OR ARCHAEOLOGICAL DESIGNATION WHICH OUTWEIGHS

AGRICULTURAL CONSIDERATIONS.

Reason The further proposed modification reflects national planning guidance set out

in paragraph 2.8.1 of Planning Policy Wales 2002.

Page 44

**FMOD D031** Paragraph 3.4.25 - Delete quote from Planning Policy Wales (paragraph

7.6.10)

**MOD D031** 

**Reason** To provide consistency with the Policy ENV 7.

Page 47

FMOD D038 Amend Policy ENV 13 to read:

MOD D038 POLICY ENV 13 – NATIONAL SITES OF NATURE CONSERVATION

**IMPORTANCE** 

DEVELOPMENT LIKELY TO HAVE AN ADVERSE EFFECT, WHETHER DIRECTLY OR INDIRECTLY ON THE CONSERVATION VALUE OF A NATIONAL NATURE RESERVE OR A SITE OF SPECIAL SCIENTIFIC INTEREST WILL NOT BE PERMITTED **UNLESS THERE IS NO ALTERNATIVE AND** IT CAN BE DEMONSTRATED THAT THE BENEFIT ARISING FROM THE DEVELOPMENT CLEARLY OUTWEIGHS THE

SPECIAL INTEREST OF THE SITE. IF DEVELOPMENT IS PERMITTED, APPROPRIATE CONDITIONS OR AGREED PLANNING OBLIGATIONS WILL BE USED TO SECURE ADEQUATE COMPENSATION OR

MITIGATION MEASURES.

**Reason:** The further proposed modification is made to provide certainty on the

Councils position in respect of developments that are likely to have an

adverse impact on national sites of nature conservation.

Page 47

FMOD D039 Amend Policy ENV 14 to read:

MOD D039 ENV 14 – LOCAL SITES OF NATURE CONSERVATION SIGNIFICANCE

DEVELOPMENT AND LAND USE CHANGE LIKELY TO HAVE AN UNACCEPTABLE EFFECT ON A LOCAL NATURE RESERVE, A REGIONALLY IMPORTANT GEOLOGICAL / GEOMORPHOLOGICAL SITE, OR A SITE SHOWN TO BE OF IMPORTANCE FOR NATURE

CONSERVATION WILL NOT BE PERMITTED UNLESS THE REASONS FOR THE PROPOSAL CLEARLY OUTWEIGHTHE LOCAL IMPORTANCE OF THE SITE. IF DEVELOPMENT IS PERMITTED, APPROPRIATE CONDITIONS OR AGREED PLANNING OBLIGATIONS **WILL** BE USED TO

ENSURE THE IMPACT ON NATURE CONSERVATION IS MINIMISED.

**Reason:** The further proposed modification is made in order to ensure that conditions

or planning obligations will be imposed to minimise the impact of development on sites of local nature conservation significance.

**FMOD DO40** Reword Policy ENV XXX – PROTECTED SPECIES to read:

MOD D040 ENV XXX - PROTECTED SPECIES

PERMISSION WILL ONLY BE GIVEN FOR DEVELOPMENT **THAT** WOULD **CAUSE HARM TO OR THREATEN THE CONTINUED VIABILITY OF A**PROTECTED SPECIES IF IT CAN BE CLEARLY DEMONSTRATED THAT:

- (i) THERE ARE EXCEPTIONAL CIRCUMSTANCES THAT JUSTIFY THE PROPOSALS:
- (ii) THERE IS NO SATISFACTORY ALTERNATIVE; AND
- (iii) EFFECTIVE MITIGATION MEASURES ARE PROVIDED BY THE DEVELOPER.

**Reason**: The further proposed modification is made, in light of representations

received in order to ensure certainty about the manner in which development

proposals affecting protected species will be assessed.

# Page 48

**FMOD D044** Amend paragraph 3.4.42 to read:

MOD D044 3.4.42 The presence of a species protected by legislation, such as **the** 

Conservation (Natural Habitats, &c.) Regulations 1994, the Wildlife and Countryside Act 1981 or The Protection of Badgers Act 1992, is a material consideration in the determination of planning applications. When evaluating any development proposal which, if carried out, would be likely to result in harm to a protected species or its habitat, the Council will be guided by advice received from the Countryside Council for Wales. Applicants will also be advised of the need to conform with any statutory species protection

that may affect the site concerned.

Reason: The further proposed modification clarifies where the Council will seek advice

when evaluating applications that are likely to cause harm to protected

species.



# HOUSING

Page 69

**FMOD E036** Amend paragraph 4.4.45 to read:

MOD E36

4.4.45 The Council considers only those villages listed under Policy HOUS 2 to have sufficient physical form and capacity to assimilate further infill development without it having a detrimental impact on their existing character and environment. An infill plot is defined as a site enclosed or surrounded by existing development in the sense of the filling of a small gap within an otherwise built up frontage. The fact that an infill site exists, however, does not mean this will automatically receive planning permission. Small scale rounding off, which for the purpose of this Plan is defined as development which constitutes no more than five dwellings, may also be permitted where the site lies immediately adjacent to the settlement boundary and conforms to a logical site boundary. All site boundaries should be existing man made or natural physical features. Arbitrary lines drawn for the convenience of plot size do not qualify as such. Each proposal, if accepted as infilling or rounding off, will be assessed against the policy criteria and will need to be considered in the context of the relationship to areas of attractive landscape, high quality townscape and areas of historical, archaeological or ecological importance. (See also HOUS 14 on Exception Sites for Affordable Housing in the Rural Vale).

Reason:

In light of the Council's acceptance of REC 3.7 the further proposed modification is proposed in order to ensure clear and consistent policy guidance within the Plan.



# **MINERALS**

Page 144

FMOD J009 FMOD N120 MOD J009 Amend Policy MIN 3 to read:

POLICY MIN 3 – PROTECTION OF FURTHER LIMESTONE RESOURCES AND POTENTIAL RESOURCES OF SAND AND GRAVEL

THE FOLLOWING AREAS, AS IDENTIFIED ON THE PROPOSALS MAP SHALL BE PROTECTED FROM ALL FORMS OF PERMANENT BUILDING DEVELOPMENT IN ORDER THAT THE WORKABLE RESOURCES OF LIMESTONE **OR SAND AND GRAVEL** WITHIN THOSE AREAS MAY BE PRESERVED FOR THE FUTURE SHOULD A DEMONSTRABLE NEED FOR THOSE RESOURCES ARISE:

- (i) LAND TO THE SOUTH-WEST OF FOREST WOOD QUARRY (LIMESTONE);
- (ii) LAND TO THE SOUTH OF RUTHIN QUARRY (LIMESTONE);
- (iii) LAND TO THE SOUTH OF PANTYFFYNNON QUARRY (LIMESTONE):
- (iv) LAND TO THE NORTH WEST OF PANT QUARRY (LIMESTONE);
- (v) LAND TO THE NORTH OF CITY (SG1 SG2);
- (vi) LAND WITHIN THE UPPER THAW VALLEY (SG3 SG6); AND
- (vii) LAND WITHIN THE ELY VALLEY (SG7 SG12).

### Reason

The further proposed modification is made in response to an objection from the Welsh Assembly Government. Council officers have discussed this issue in detail with officials from the Welsh Assembly Government. However, the above changes have been included following the threat of a direction due to non compliance with national planning guidance set out in Minerals Planning Policy (Wales) and Minerals Technical Advice Note (Wales) 1: Aggregates.

Page 145

# **FMOD J012**

Amend paragraph 9.4.8 to read as follows and insert new paragraph after paragraph 9.4.10 to read as follows and renumber all subsequent paragraph numbers.

9.4.8 At two sites (Pantyffynnon and **Wenvoe**), permitted reserves will be exhausted within six years at current rates of extraction. Sufficient reserves for up to a total of 20 years production at current levels at each site are therefore identified in Policy MIN 2 as suitable for immediate release. These reserves meet the criteria in Policy MIN 4.

9.4.11 South Wales has a unique dependency on marine dredged aggregates to provide sand and gravel. However, following research carried out by the Symonds Group, on behalf of the Welsh Assembly Government, there is uncertainty about future aggregates dredging continuing to supply the South Wales market. The recently granted licence for dredging at Nash Bank requires activities to cease by 2010, and there are currently no adequate replacement resources. Whilst recognising that land based extraction is not appropriate at present, the

Minerals TAN maintains the requirement first expressed in the consultation draft for Mineral Planning Authorities to identify and safeguard land based sand and gravel resources in their development plans now for potential use by future generations. Accordingly, the Council has amended Policy MIN 3 to include sand and gravel resources and indicated the location of these on the proposals map. The purpose of this policy is therefore to protect the identified areas from permanent development that would sterilise or hinder the extraction of the potential mineral resources if the need for the resources should be proven. It does not indicate an acceptance of the working of any of the sites identified, particularly as many of them lie within sensitive rural locations.

### Reason

The amendments to paragraph 9.4.8 are made to ensure the factual accuracy of the Plan. The new paragraph on sand and gravel resources is made in response to an objection from the Welsh Assembly Government. Council officers have discussed this issue in detail with officials from the Welsh Assembly Government. However, the above changes have been included following the threat of a direction due to non compliance with national planning guidance set out in Minerals Planning Policy (Wales) and Minerals Technical Advice Note (Wales) 1: Aggregates.

# Page 150

# FMOD J022 MOD J022

Amend Policy MIN9 to delete existing criteria (viii) Longlands Quarry and (x) Greenwood Quarry and re-number criteria within policy and on proposals map.

POLICY MIN 9 - DERELICT SITES

THE COUNCIL WILL SEEK TO PREVENT FURTHER MINERAL EXTRACTION AT THE FOLLOWING SITES AND, WHERE APPROPRIATE, WILL SEEK TO SECURE RESTORATION AND LANDSCAPING WORKS;

- (i) BEAUPRE (LONG GROVE) QUARRY, ST HILARY;
- (ii) COSMESTON QUARRY, PENARTH;
- (iii) CNAP TWT QUARRY, CASTLE UPON ALUN;
- (iv) CROSS COMMON QUARRY, DINAS POWYS;
- (v) DOWNSWOOD QUARRY, PENARTH;
- (vi) ELY BRICKWORKS;
- (vii) LAVERNOCK QUARRY;
- (viii) SOUTHERNDOWN ROAD QUARRY, CASTLE UPON ALUN:
- (ix) ARGOED ISHA QUARRY, LLANSANNOR;
- (x) ST. ANDREWS QUARRY, ST ANDREWS MAJOR.

### Reason

The further proposed modification is made to ensure the factually accuracy of the Plan. Longlands Quarry is now an active site. The planning permission at Greenwood Quarry was terminated previously and the site has now been restored.



# WASTE MANAGEMENT

Page 153

**FMOD K001** Delete paragraphs 10.1.1 to 10.1.7 and insert two new paragraphs to read:

MOD K001 10.1 INTRODUCTION

10.1.1 The creation of waste is an inevitable consequence of industrial, commercial and domestic activities, and its management has a critical part to play in moving towards sustainable development, in terms of both reducing our demands on scarce resources, and of minimising the environmental impact of its treatment or disposal. Everyone must play a part in this, either through its minimisation, reuse, recycling, or by treating or disposing of it safely and without harm to the environment.

10.1.2 The Council has the responsibility for the management, collection and disposal of waste and has a duty to prepare a Municipal Waste Management Strategy for the Vale. It is the role of the Unitary Development Plan to provide the land use policy framework for implementing this strategy within the context of National and Regional guidance for waste management.

Reason:

The further proposed modification is made to ensure the factual accuracy of the Plan.

Page 154

**FMOD K002** 

Delete section 10.2 National Planning Guidance including paragraphs 10.2.1 to 10.2.4 and insert new section 10.2 European Legislation with two new paragraphs to read:

MOD K002 MOD K003 MOD K004

# **10.2 EUROPEAN LEGISLATION**

10.2.1 United Kingdom waste policy has been increasingly influenced by European Union (EU) legislation since the publication of the Directive on Waste 75/442/EEC, as amended by 91/156/EEC and 91/692/EEC. When drawing up plans, local planning authorities must have regard to the objectives of Article 3 (the need to minimise waste and to encourage recycling and energy recovery). Article 4 (the need to protect the environment and humans from potentially polluting development) and Article 5 (the need to set up an integrated network of disposal installations to facilitate self-sufficiency in accordance with the Proximity Principle) of the Directive. The Landfill Directive 1999/31/EEC is another significant element of EU legislation. It came into force in July 1999 and is now incorporated into UK legislation. The Directive seeks to impose stringent operational and technical requirements on the landfilling of waste and will have far reaching implications for waste management planning. These implications include:

- (a) The banning of co-disposal and requirements for sites to elect to operate as hazardous, non-hazardous or inert. Current information suggests that across the UK the number of sites licensed to accept waste will drop drastically from 2004 and;
- (b) There will be the requirement for waste to be pre-treated prior to landfill from 2004 which will mean a need for more pre-treatment facilities;
- (c) The banning of liquids and tyres is likely to result in a need for new facilities; and
- (d) Fewer landfills or existing landfills will last longer.

10.2.2 A key element of EU policy that has become central to the UK's national waste strategy is the development of a waste management hierarchy. This prioritises waste management options with the overall aim of achieving a move up the hierarchy. The hierarchy is split into 4 categories in the following order: -

- 1. Reduction by using technology which requires less material in products and less waste in manufacturing and produces longer-lasting products with lower pollution potential.
- 2. Reuse e.g. returnable bottles.
- 3. Recovery e.g. re-cycling, composting.
- 4. Disposal by incineration without energy recovery or by landfill.

Reason:

The further proposed modification is made to ensure the factual accuracy of the Plan and to take account of European Legislation for Waste.

FMOD K012

Insert new section 10.3 National Planning Guidance and insert three new paragraphs to read:

# **10.3 NATIONAL PLANNING GUIDANCE**

10.3.1 Planning Policy Wales 2002 emphasises the Government's general policy towards waste management, which is based on the waste management hierarchy. Paragraph 12.5.1 highlights the need for local planning authorities to make provision for establishing an integrated and adequate network of waste disposal installations. In addition it reminds planning authorities that in determining applications, they are obliged by the EC Directives, to ensure that waste is recovered or disposed of without:

- harming the environment;
- endangering human health;
- risking water, air, soil, plants or animals,
- causing a nuisance through noise or odours; or
- adversely affecting the countryside or places of special interest.

10.3.2 National Planning Guidance also highlights that Local Authorities may pay attention to the wider legislative context of waste management and the Government's 'Wise about Waste" Strategy 2002 when preparing development plans. The aim of the Strategy is to encourage a move away from an over-reliance on landfill to more sustainable waste management techniques such as recycling and composting. The following targets have been set:

- achieve a reduction in waste produced equivalent to at least 5% of the 1998 arisings figure by 2005; and
- achieve a reduction in waste produced equivalent to at least 10% of the 1998 arisings figure by 2010.

The Strategy also sets out the following minimum recycling and composting targets for each local authority to deliver:

- achieve at least 15% recycling/composting of municipal waste with a minimum of 5% composting (with only compost derived from source segregated materials counting) and 5% recycling by 2003/04;
- achieve at least 25% recycling/composting of municipal waste with a minimum of 10% composting (with only compost derived from source segregated materials counting) and 10% recycling by 2006/07;
- achieve at least 40% recycling /composting with a minimum of 15% composting (with only compost derived from source segregated materials counting) and 15% recycling by 2009/10 and beyond.

10.3.3 Technical Advice Note (TAN) 21 Waste (2001) also provides advice on how the land use planning system should contribute to sustainable waste resource management. Moreover, it provides advice to Local Authorities on their responsibilities in respect of various European Directives on waste. It emphasises the importance of regional self-sufficiency and the "proximity principle", under which waste should be handled close to the point at which it is generated.

Reason:

The further proposed modification is made to ensure the factual accuracy of the Plan.

**FMOD K013** 

Insert new section 10.4 Regional Waste Plan, and insert two paragraphs to read:

# **10.4 REGIONAL WASTE PLAN**

10.4.1 One of the key requirements of TAN 21 is for Welsh local authorities to establish joint arrangements, on a regional basis, for determining the facilities that are likely to be required for the future management of all waste arisings. The South East Wales Regional Waste Technical Group has produced the South East Wales Regional Waste Plan (March 2004) in conjunction with the Welsh Assembly Government. This Plan seeks to ensure that the South East Wales region is, as far as possible, self-sufficient in dealing with its waste arising and has adopted the following Regional Strategy:

- Aim to achieve the 2020 Landfill Directive targets by 2013
- Achieve this principally through the maximising of recycling and composting
- Deal with residual waste by Mechanical Biological Treatment (MBT)
- Choose between either sending the residual waste from MBT to landfill or using it as Refuse Derived Fuel
- Limit the amount of landfill waste to that which cannot be dealt with acceptably in any other way

10.4.2 Both the Welsh Assembly Government's "Wise about Waste" Strategy and the South East Regional Waste Plan have informed the Council's Municipal Waste Management Strategy (Consultation Draft Feb 2004), which establishes how the Council will meet various waste reduction and recycling targets established in these documents. Similarly, the aim of the policies and proposals contained within this Plan are to facilitate the development of waste management facilities that meet the Council's requirements both locally and regionally.

Reason:

The further proposed modification is made to ensure the factual accuracy of the Plan in light of the production of the South East Wales Regional Waste Plan March 2004.

**FMOD K014** Renumber Paragraph 10.3 Objectives to 10.5 Objectives and renumber

paragraphs.

**Reason:** The further proposed modification is made to ensure the factual accuracy of

the Plan in light of the production of the South East Wales Regional Waste

Plan March 2004.

**FMOD K015** Insert new section 10.6 Policies and Proposals, and insert three paragraphs

to read:

**10.6 POLICIES AND PROPOSALS** 

10.6.1 THE PROVISION OF NEW SITES FOR WASTE MANAGEMENT ACTIVITIES

10.6.2 To ensure that the Council contributes successfully towards the targets set by the South East Regional Waste Plan, a study was undertaken to review the options available to the Council for the provision of such infrastructure. This considered the use of existing or future facilities in adjacent authorities and the potential development of individual elements of infrastructure at different locations within the Vale of Glamorgan. This study concludes that the preferred approach is to develop a single 'Waste Resource Park' facility. An area of land at the Atlantic Trading Estate has been identified as the preferred location for the facility. Such a facility would include a range of handling and treatment elements, as follows:

- Provision of a Materials Recycling Facility (MRF) to receive, handle and bulk up recyclable materials diverted at the kerbside and received at a Household Waste and Recycling Centre (HWRC) and 'Bring Sites'.
- Development of an 'in-vessel' composting facility for the treatment of kerbside segregated organic materials (including green waste and organic kitchen wastes).
- Provision of facilities (workshops) for the local reuse and reprocessing of materials segregated from the municipal waste stream.
- Provision of a Household Waste and Recycling Centre to replace the existing civic amenity site in Sully.
- Provision of a waste transfer facility for residual waste (i.e. materials that are not segregated for recycling or composting).

(Further details of the anticipated capacity of this facility are contained in the Council's Municipal Waste Strategy)

# 10.6.3 LANDFILL SITES

10.6.4 The effectiveness of the Landfill Directive, landfill tax and other factors promoting a movement up the waste hierarchy by reducing the amount of waste going to landfill will only become apparent over time. A key element of the Council's waste strategy is the need to divert more waste from landfill by limiting the amount of land available for landfill and by encouraging options higher up the waste hierarchy. However, even waste which has been treated has a residual element that needs to be disposed of and so there will still be a need for waste to be disposed of by landfill for the foreseeable future. Consequently, with no landfill capacity available within the Vale of Glamorgan, nor any proposals for

new sites it will be necessary for the Council to continue its current arrangement of sharing such facilities in other authorities. However, the Council will continue to contribute in the future work of the South East Wales Regional Waste Technical Group in identifying regional facilities for the sustainable management of residual waste.

Reason:

The further proposed modification is made to ensure the factual accuracy of the Plan and is made in accordance with the Welsh Assembly Government's policy clarification on Waste issued to local planning authorities on 28<sup>th</sup> May 2004.

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**FMOD K016** 

Insert new policy WASTXXX, and insert four new paragraphs to read as follows:

**WASTXXX: PROVISION OF WASTE MANAGEMENT FACILITIES** 

PROPOSALS FOR THE PROVISION OF WASTE MANAGEMENT FACILITIES INCLUDING THE HANDLING, TREATMENT AND TRANSFER OF WASTE WILL BE PERMITTED WHERE THEY ARE LOCATED ON:

- i) EXISTING WASTE SITES;
- ii) EXISTING AND ALLOCATED B2 AND B8 EMPLOYMENT SITES;
- iii) WITHIN OPERATIONAL MINERAL WORKING SITES; OR
- iv) IN THE CASE OF GREEN WASTE COMPOSTING AND MANAGEMENT, ON LAND WITHIN OR ADJACENT TO FARM BUILDING COMPLEXES.

PROPOSALS WILL BE CONSIDERED HAVING REGARD TO THE CRITERIA LISTED IN POLICY WAST 1.

- 10.7.1 Facilities for the sorting, processing and treatment of waste normally involve industrial type activities and can generate large numbers of heavy goods vehicle movements. Due to their industrial nature, they are most suited to: locations within specified industrial areas, existing mineral or waste sites, or on sites which are being reclaimed to a beneficial use. Scrap yards are also included in this category of waste handling and again these are best suited to locations within industrial areas.
- 10.7.2 Similarly, composting can cause a potential nuisance, particularly from odour, and should preferably be located away from residential and other sensitive land-uses. Accordingly, such uses may be more appropriately located on industrial sites or other suitable rural locations. In any event, the type and amount of development will need to be strictly controlled. Sites within farm building complexes may be appropriate for green waste composting particularly if they assist in the diversification of the rural economy.
- 10.7.3 Policy WASTXXX identifies sites that the Council considers to be best suited for accommodating future waste management facilities. It is anticipated that these sites will allow for a range of waste management facilities that will assist in meeting the requirements set down by the South East Regional Waste Plan.
- 10.7.4 When considering proposals for any kind of waste management facility, including: treatment / disposal facilities, landfill sites, transfer stations, household waste sites, special waste treatment / disposal facilities, civic amenity and recreation sites, foreshore or derelict land reclamation, there will be two main factors to be taken into account. The proposal must firstly be evaluated in terms of its contribution towards the South East Regional Waste Plan and secondly the extent to which it

meets the Council's Municipal Waste Management Strategy, demonstrating that the proposal represents the best practicable environmental option, taking account of the principles of proximity and the waste hierarchy. Guidance, concerning the consideration of applications and the criteria that will be applied to them, are set out in Policy WAST 1.

Reason:

The further proposed modification is made in accordance with the Welsh Assembly Government's policy clarification on Waste issued to local planning authorities on 28<sup>th</sup> May 2004.

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FMOD K005

Amend title of policy WAST 1 Waste Management Facilities to Criteria for Assessing Waste Management Facilities.

MOD K005

WAST1 - CRITERIA FOR ASSESSING WASTE MANAGEMENT FACILITIES

**SUBJECT TO THE PROVISION OF POLICY WASTXXX** PROPOSALS FOR WASTE MANAGEMENT FACILITIES WILL BE PERMITTED IF THE PROPOSAL:

- (i) CONFORMS WITH THE PRINCIPLE OF THE WASTE HIERARCHY (REDUCTION, RE-USE, RECOVERY AND SAFE DISPOSAL); THE "PROXIMITY PRINCIPLE"; THE PRINCIPLE OF REGIONAL SELF SUFFICIENCY; THE OBJECTIVE OF WASTE AVOIDANCE, REDUCTION AND DISPOSAL; THE SETTING OF TARGETS FOR REDUCTION AND MODES OF DISPOSAL;
- (ii) DOES NOT UNACCEPTABLY AFFECT RESIDENTIAL AMENITY OR POSE A THREAT TO PUBLIC HEALTH;
- (iii) DOES NOT UNACCEPTABLY AFFECT THE QUALITY OR QUANTITY OF WATER RESOURCES (BOTH SURFACE AND GROUNDWATER);
- (iv) HAS REGARD TO THE ADEQUACY OF THE HIGHWAY NETWORK AND THE NEED TO MINIMISE THE DEMAND ON THE TRANSPORT NETWORK;
- (v) DOES NOT UNACCEPTABLY CONFLICT WITH THE INTERESTS OF AGRICULTURE, NATURE CONSERVATION, AREAS OF ECOLOGICAL, WILDLIFE OR ARCHAEOLOGICAL IMPORTANCE OR FEATURES OF GEOLOGICAL OR GEOMORPHOLOGICAL IMPORTANCE OR LANDSCAPE PROTECTION POLICIES;
- (vi) HAS A HIGH STANDARD OF LAYOUT, LANDSCAPING AND DESIGN;
- (vii) PROVIDES ARRANGEMENTS FOR THE AFTER TREATMENT AND FUTURE USE OF THE SITE WHICH ARE TO THE SATISFACTION OF THE LOCAL PLANNING AUTHORITY; AND
- (viii) IS NOT AT AN UNACCEPTABLE RISK OF FLOODING, INCLUDING TIDAL INUNDATION, OR DOES NOT INCREASE THE RISK OF FLOODING ELSEWHERE.

Reason:

The further proposed modification is made in order to provide clarification on the criteria by which proposals for waste management facilities shall be assessed and in accordance with the Welsh Assembly Government's policy clarification on Waste issued to local planning authorities on 28<sup>th</sup> May 2004.



# **COMMUNITY & UTILITY SERVICES**

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FMOD L006 Amend Paragraph 11.4.3

MOD L006 11.4.3 The Rondel Resource Centre for the Elderly is located at Maes y Cwm

Street, Barry. Additional day care provision is available at the Penarth Gardenhurst Resource Centre for Elderly People on Holmsdale Place. Further day care provision is available in the west Vale, though its

location and service provider are currently being reviewed.

**Reason:** The proposed further modification represents a factual update of the Plan.



# **APPENDIX**

# **FMOD M002** Revise Appendix 2 to read:

MOD M002 1. INTERNATIONAL DESIGNATIONS

• Severn Estuary (part), pSAC, SPA,

Ramsar Site ST 189 681

Dunraven Bay, cSAC
 ST 866 755 / SS 897 717

# 2. SITES OF SPECIAL SCIENTIFIC INTEREST

Barry Island Clemenstone Meadows, Wick Cliff Wood / Golden Stairs, Porthkerry Cnap Twt, St Brides Coed y Bwl, St Brides Cog Moors Cosmeston Lakes, Lower Penarth Cwm Cydfin, Leckwith East Aberthaw Coast Ely Valley (part) Ewenny and Pant Quarries Hayes Point – Bendricks Rock, Barry Monknash Coast Nant Whitton Woods, Llancarfan Nash Lighthouse Meadows Old Castle Down, St Brides Penarth Coast Pysgodlyn Mawr, Welsh St Donats Severn Estuary (part) Southerndown Coast	ST 110 662 / ST 110 661 SS 920 739 ST 091 670 SS 911 753 SS 909 752 ST 158 694 ST 173 693 ST 165 739 ST 042 658 ST 061 789 / ST 097 767 SS 895 760 / SS 902 768 ST 138 671 SS 903 705 / SS 934 676 ST 062 715 SS 920 680 SS 805 758 ST 189 681 ST 168 669 ST 189 681 SS 866 755 / SS 897 717
Sully Island Taff – Ely Estuary	ST 167 676 ST 185 735
	Clemenstone Meadows, Wick Cliff Wood / Golden Stairs, Porthkerry Cnap Twt, St Brides Coed y Bwl, St Brides Cog Moors Cosmeston Lakes, Lower Penarth Cwm Cydfin, Leckwith East Aberthaw Coast Ely Valley (part) Ewenny and Pant Quarries Hayes Point – Bendricks Rock, Barry Monknash Coast Nant Whitton Woods, Llancarfan Nash Lighthouse Meadows Old Castle Down, St Brides Penarth Coast Pysgodlyn Mawr, Welsh St Donats Severn Estuary (part) Southerndown Coast Sully Island

# 3. LOCAL NATURE RESERVES

•	Cliff Wood, Porthkerry	ST 091 670
•	Cwm Talwg, Barry	ST 103 684

# 4. WILDLIFE TRUST OF SOUTH AND WEST WALES MANAGED SITES

•	Coed y Bwl, Castle upon Alun	SS 909 751
•	Aberthaw Saltmarsh	ST 043 659
•	Coed Garnllwyd, Llancarfan	ST 058 713
•	Cwm Colhuw, Llantwit Major	SS 606 674
•	Lavernock Point	ST 182 680
•	Gwern Rhyd, St Georges	ST 097 768
•	Coed Llwyn Rhyddid, Hensol	ST 040 779

5. PARKS & GARDENS OF SPECIAL HISTORIC INTEREST IN WALES

	Cold Knap Park, Barry Romilly Park, Barry Coedarhydyglyn, St Nicholas Cwrt-yr-Ala, Michaelston-le-Pit Dunraven Park, Southerndown Dyffryn, St Nicholas Ewenny Priory Fonmon Castle Hensol Castle Plas Llanmihangel Llantrithyd Place Old Beaupre Castle, St Hilary Alexandra Park, Penarth Italian Gardens, Penarth Windsor Gardens, Penarth Pwll-y-wrach, Colwinston St Donat's Castle	ST 101 663 ST 102 669 ST 104 751 ST 143 732 SS 888 728 ST 095 723 SS 912 778 ST 047 680 ST 047 789 SS 981 719 ST 043 727 ST 009 720 ST 187 715 ST 188 712 ST 187 712 SS 953 754 SS 934 680
•	St Donat's Castle Wenvoe Castle	SS 934 680 ST 121 713

# 6. LANDSCAPES OF OUTSTANDING INTEREST IN WALES

Llancarfan ST 050 070
 Merthyr Mawr (part) SS 870 760

# Reason:

The further proposed modification is made to ensure the factual accuracy of the Plan.



# PROPOSALS MAP MODIFICATION

FMOD N001 Developed Coast

**MOD N001** 

**Reason:** The proposed further modification is made in light of representations received

on the proposed modifications, in order to ensure clear and consistent policy guidance within the Plan, to accord with national planning guidance and for

the reasons set out by the Inspector.

FMOD N035 FMOD N118 FMOD N119 **Settlement Boundaries** 

MOD N035, N057 -N110

Reason: In accordance with the Inspector's recommendation and in light of

representations to the proposed modifications received, the Council proposes

to amend the defined residential settlement boundaries to include the

curtilages of the residential buildings within them.

**FMOD N111** 

MOD N111 Change to SLA boundary at Nant Llancarfan

**Reason:** The proposed further modification is made in light of representations

received, as the Council considers that the A4226 is thought to represent a

more logical and defensible boundary than that previously identified.

FMOD J009

Sand and Gravel Resources

**Reason:** In light of representations received from the Welsh Assembly Government,

the Council has modified the Proposals Map to indicate the locations of

potential sand and gravel resources.

FMOD N121

**Longlands Quarry - remove hatching** 

FMOD J022 Reason:

This further proposed modification is made to provide a factual update to the

Plan. Longlands Quarry is now an active site.

FMOD N122 Lithalun Quarry – extend orange area to reflect planning permission

99/00459/FUL

Reason: This further proposed modification is made to provide a factual update to the

Plan.

FMOD N123 Forest Wood – extend orange area to reflect planning permission

01/00370/FUL

**Reason:** This further proposed modification is made to provide a factual update to the

Plan.

FMOD N124

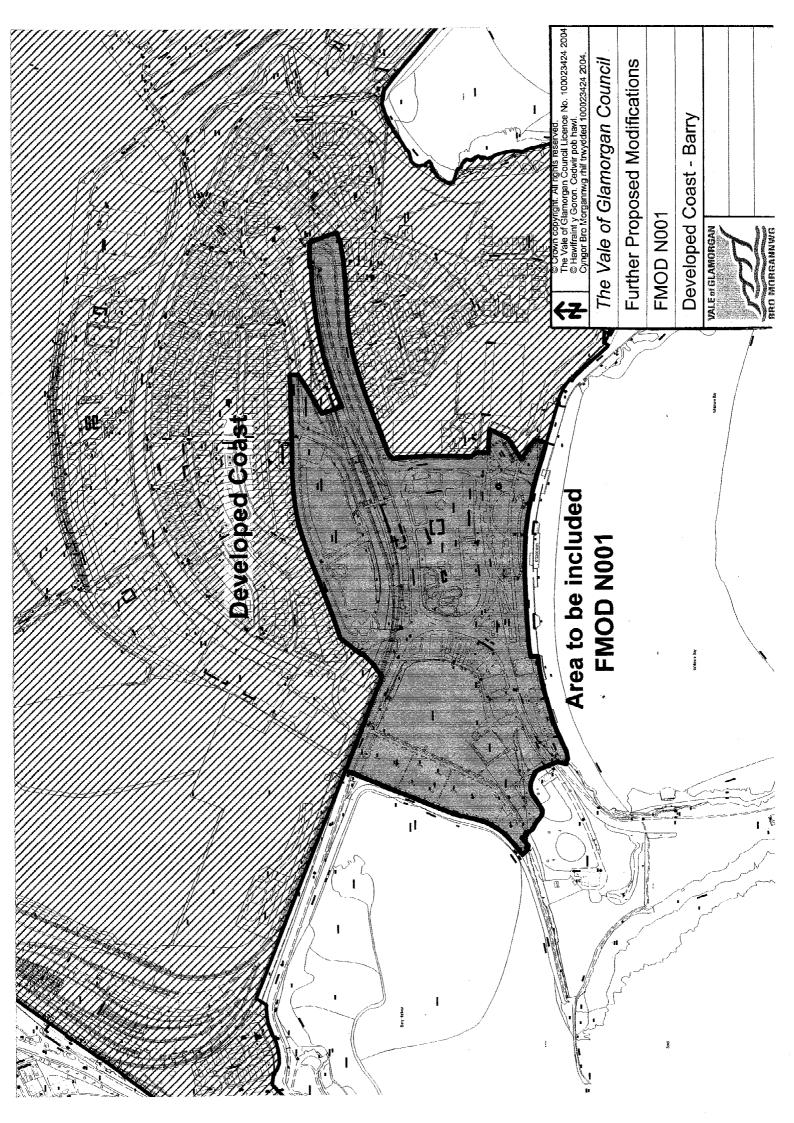
Greenwood Quarry - delete area from plan.

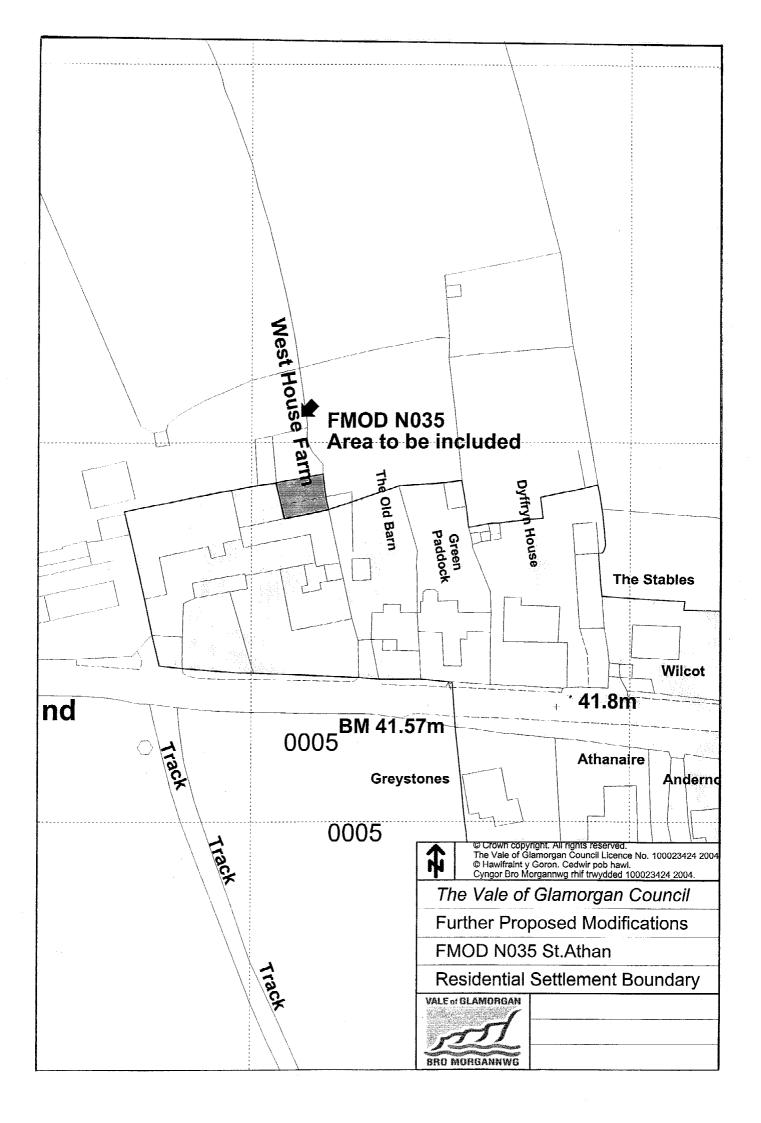
FMOD J022

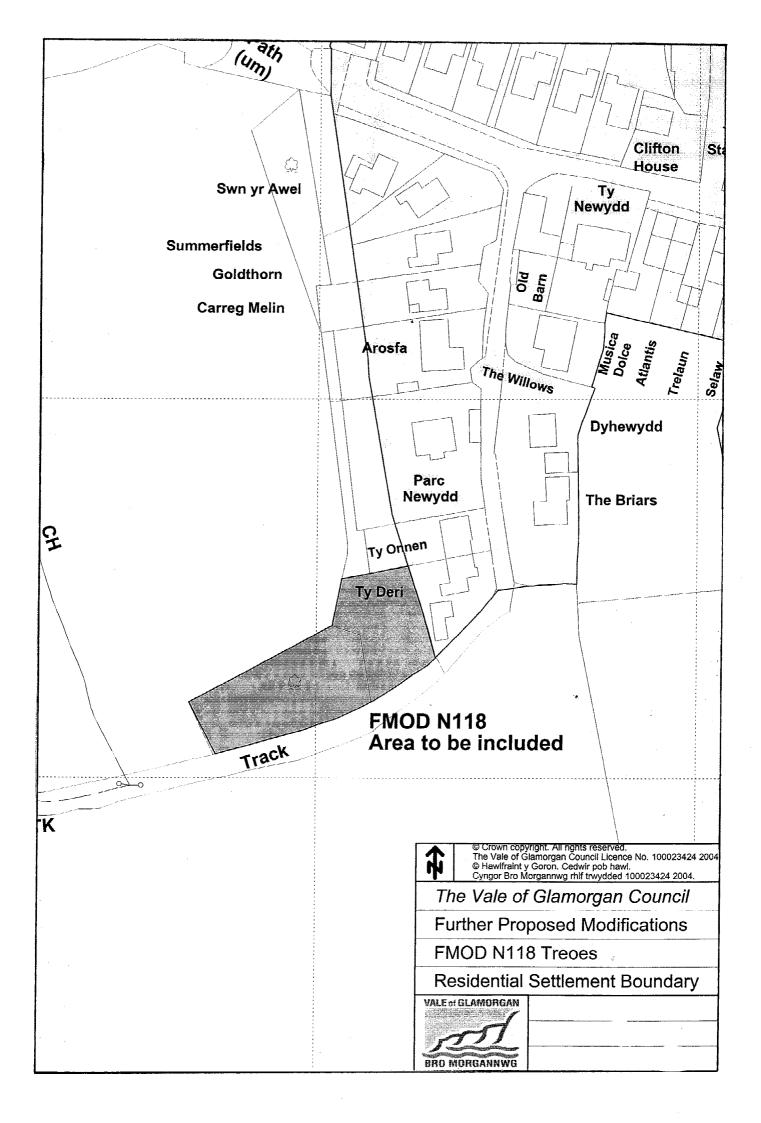
**Reason:** This further proposed modification is made to provide a factual update to the

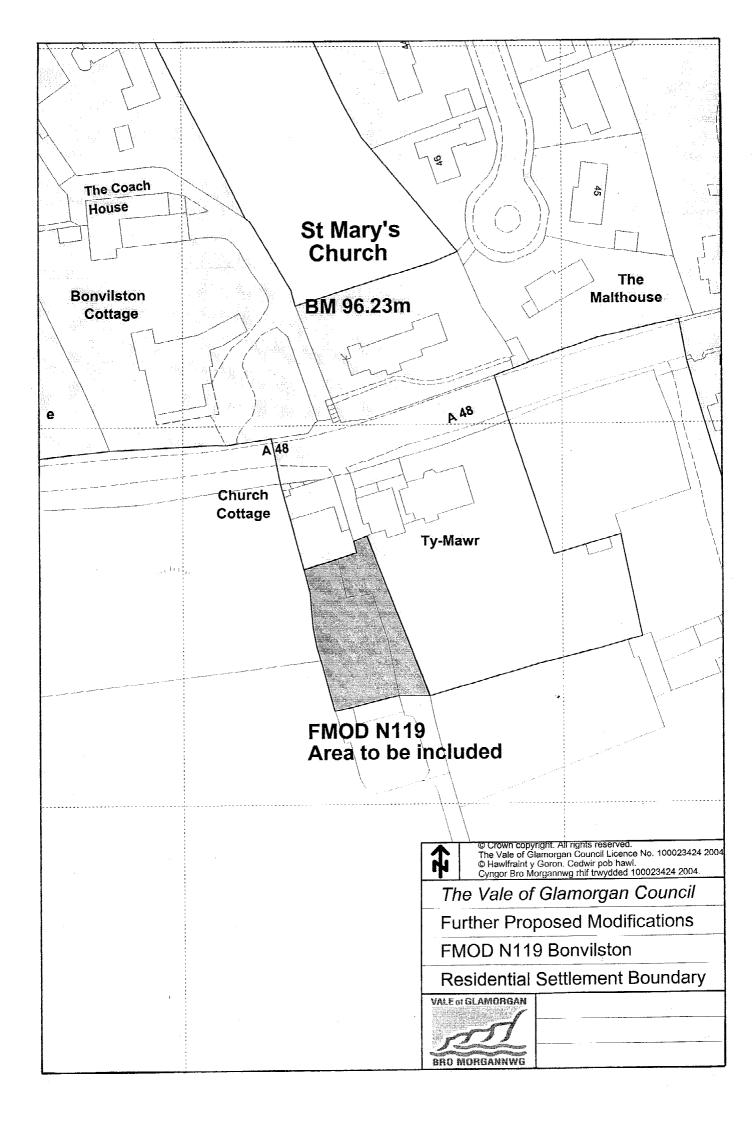
Plan. The planning permission at Greenwood Quarry was terminated

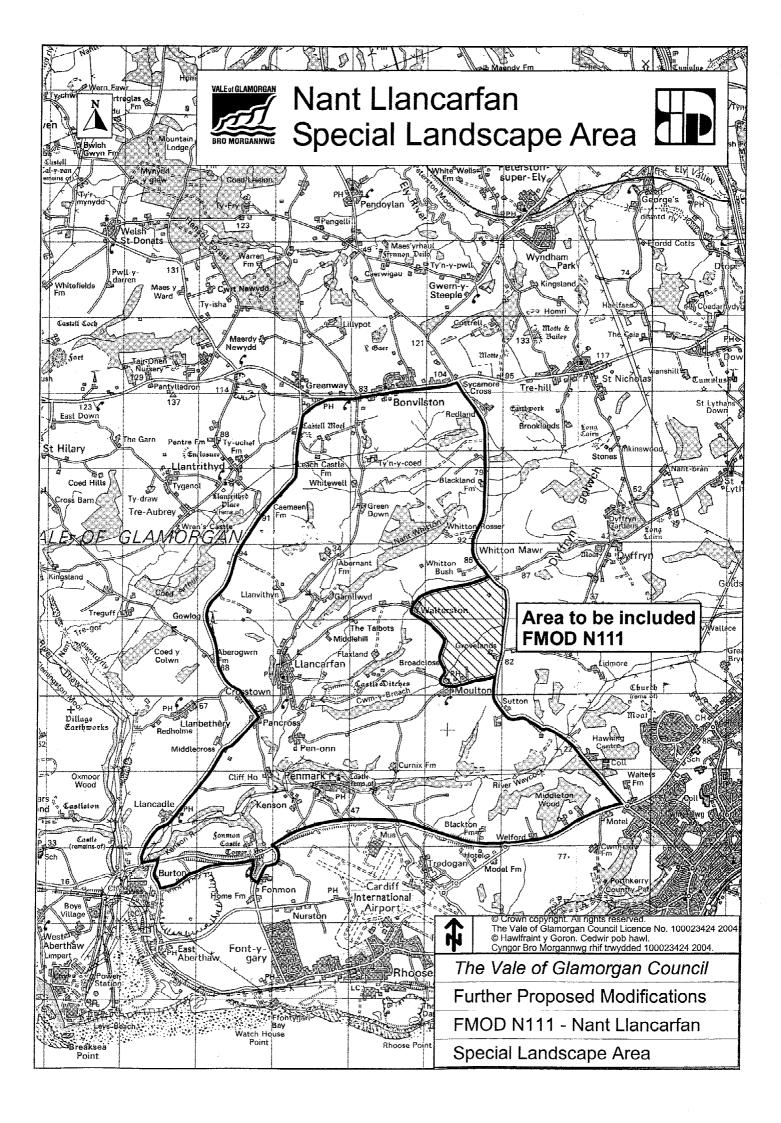
previously and the site has now been restored.

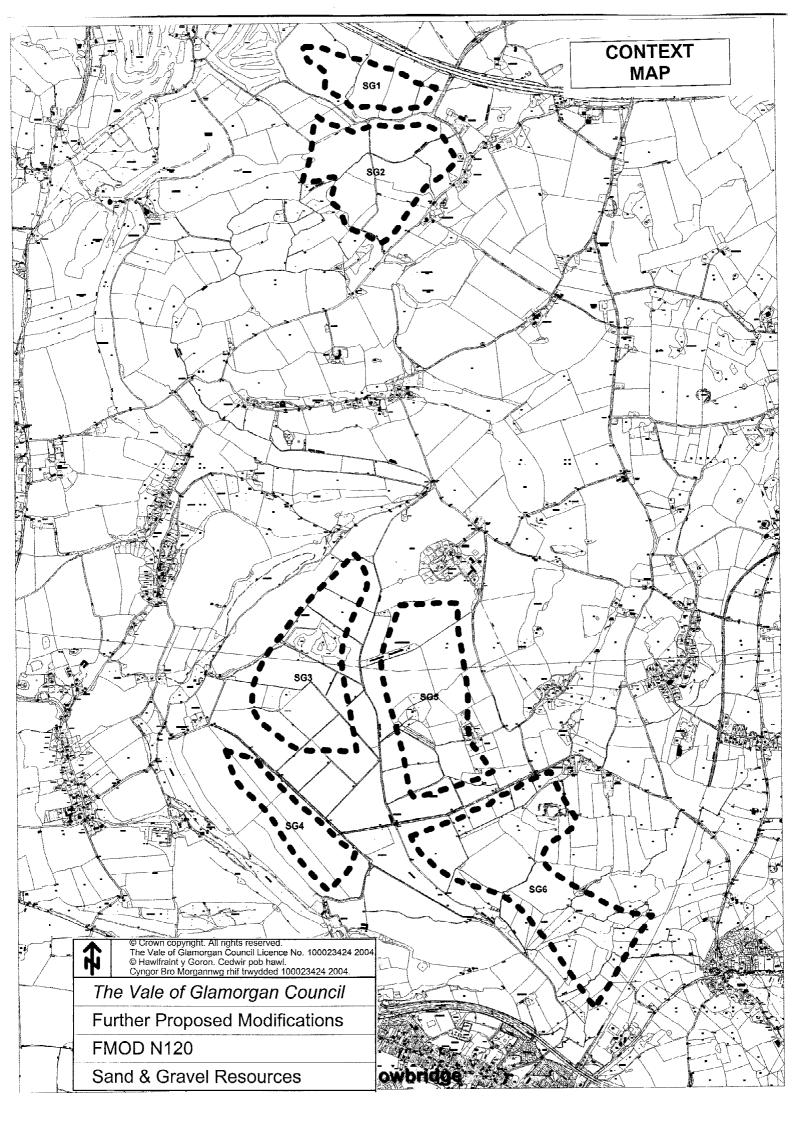


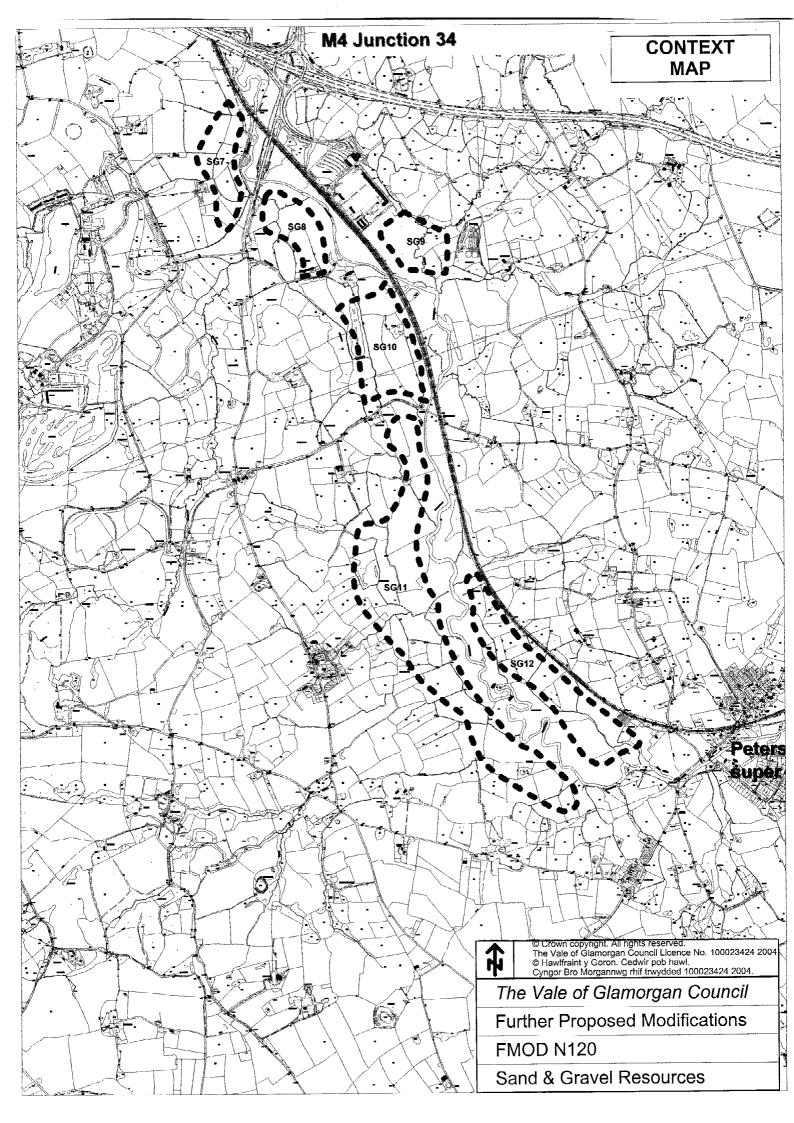


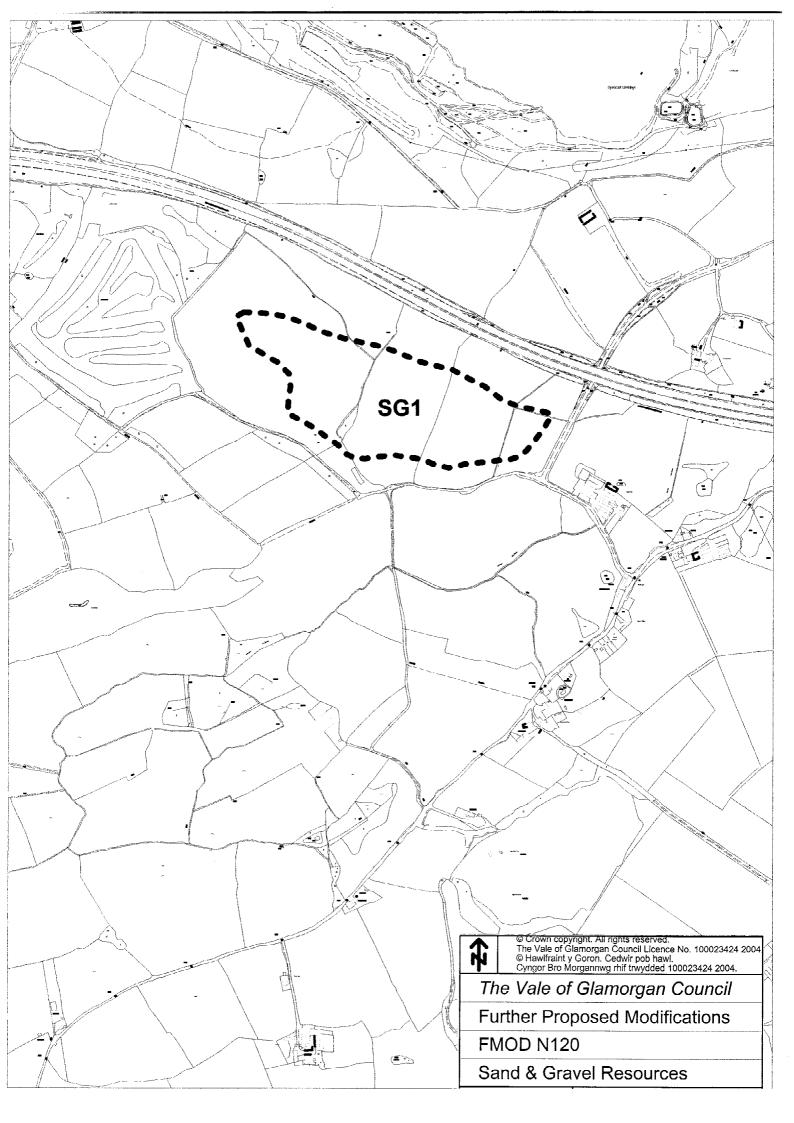


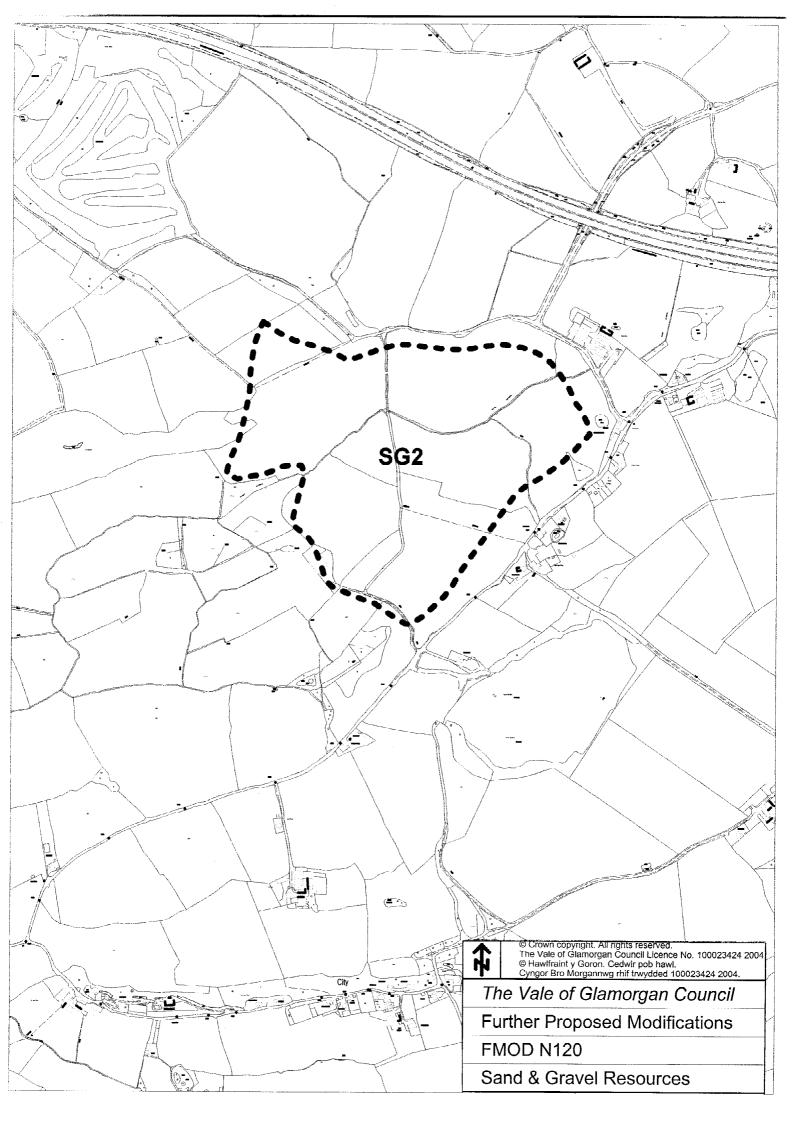


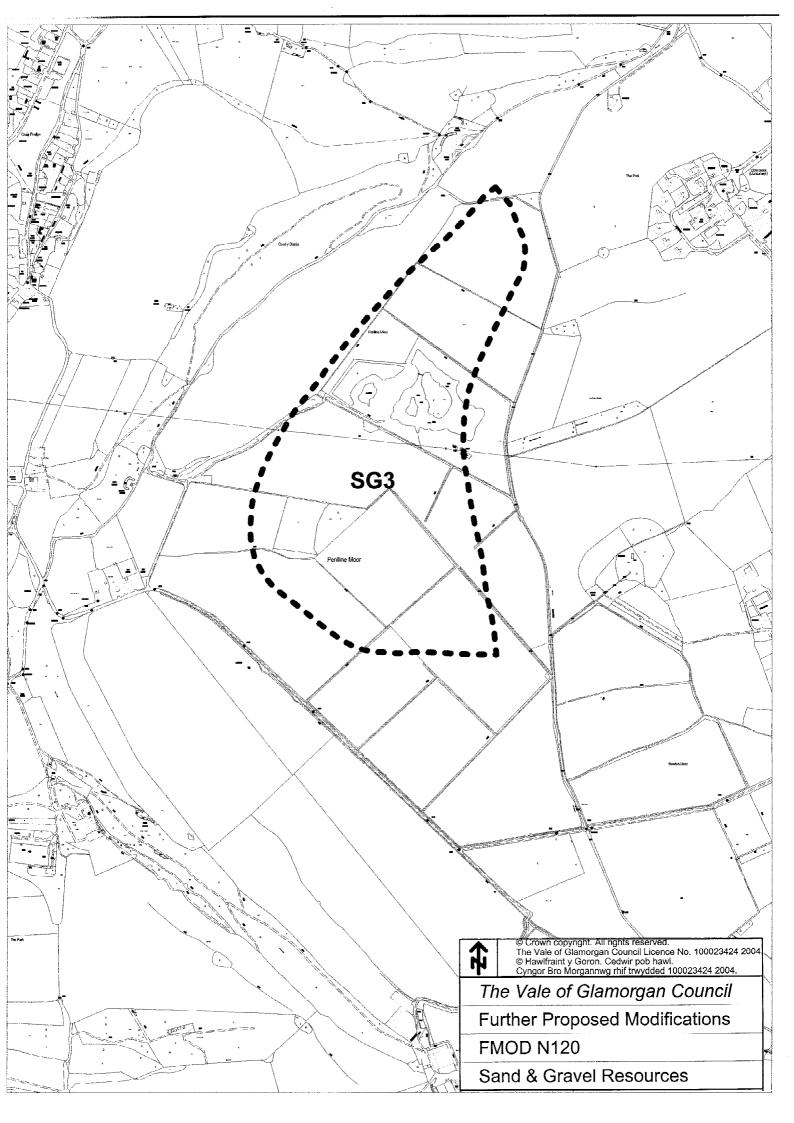


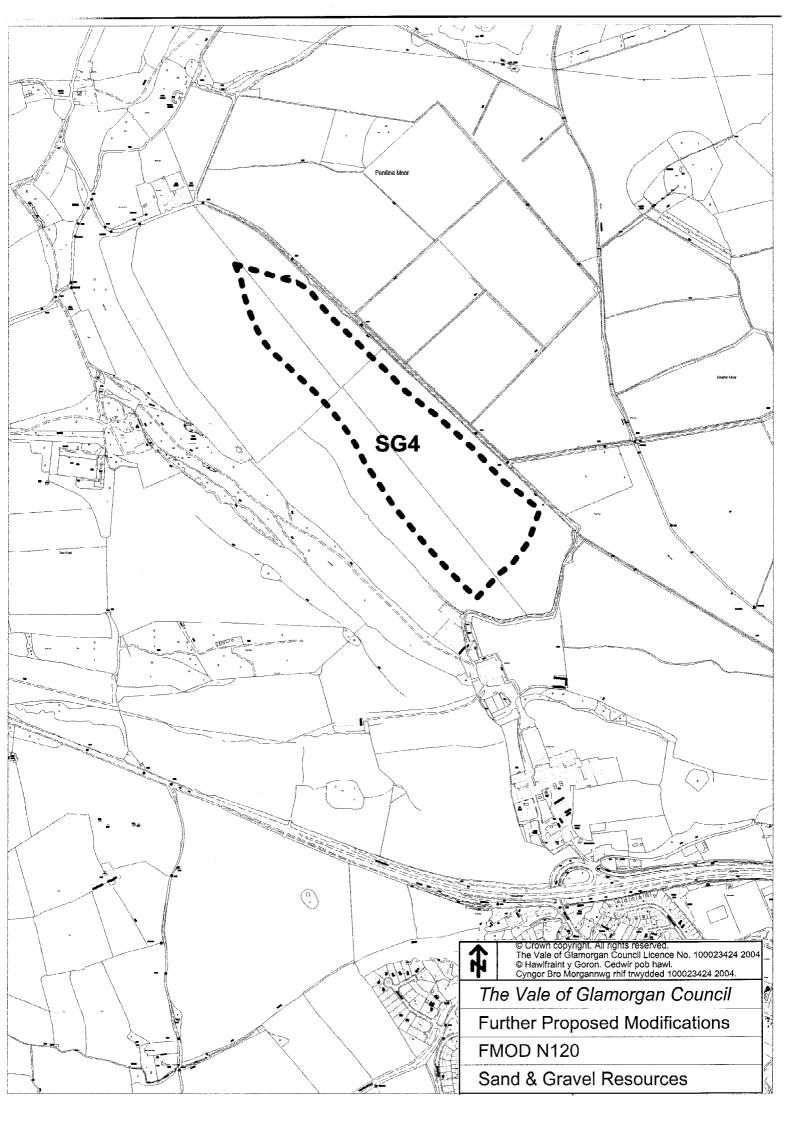


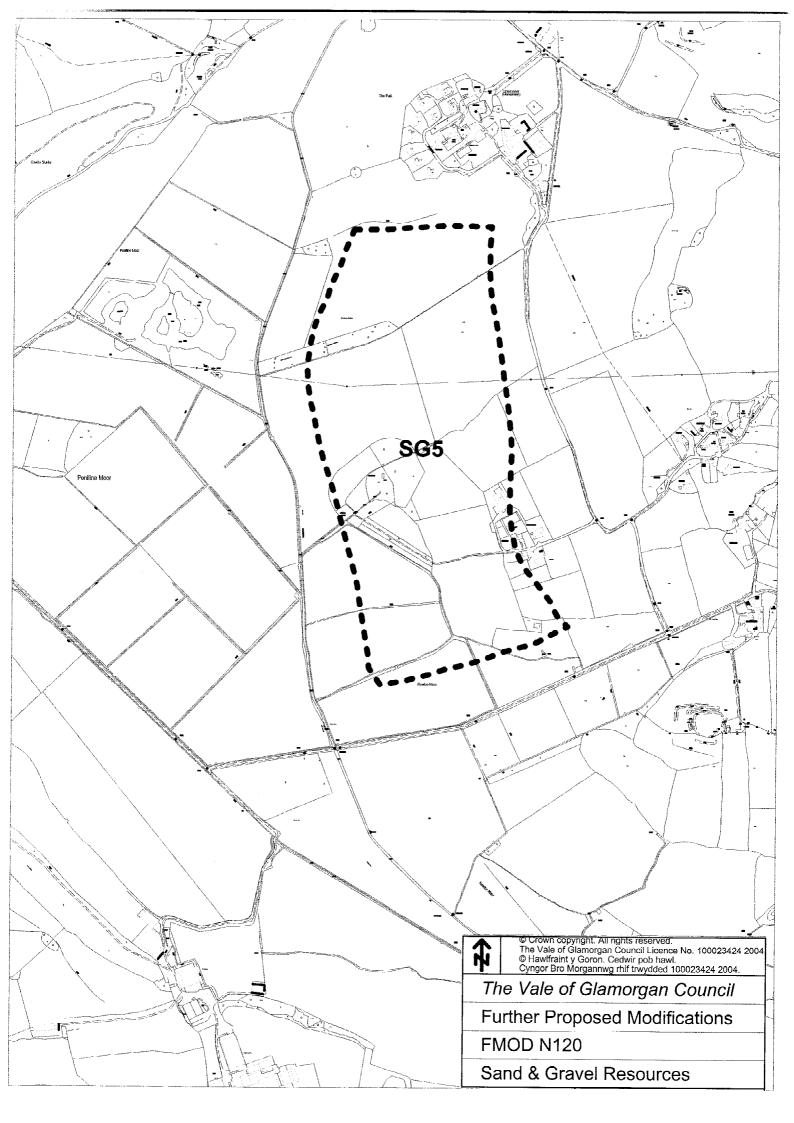


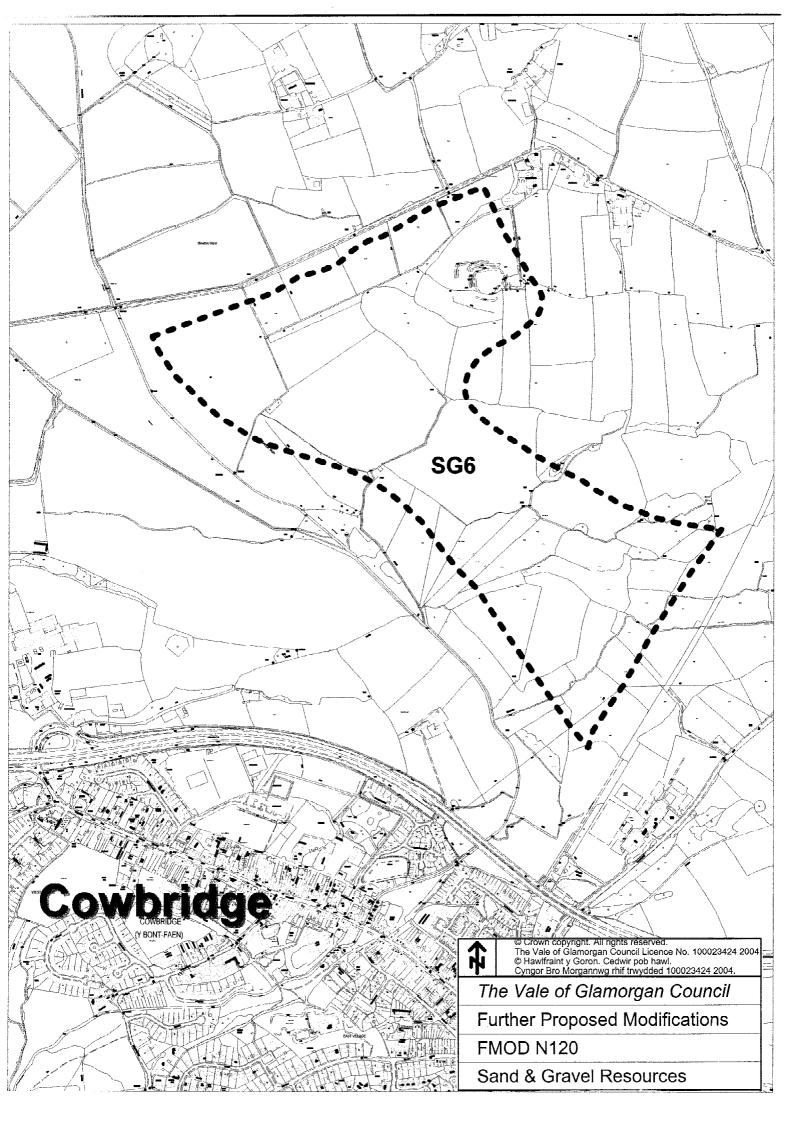


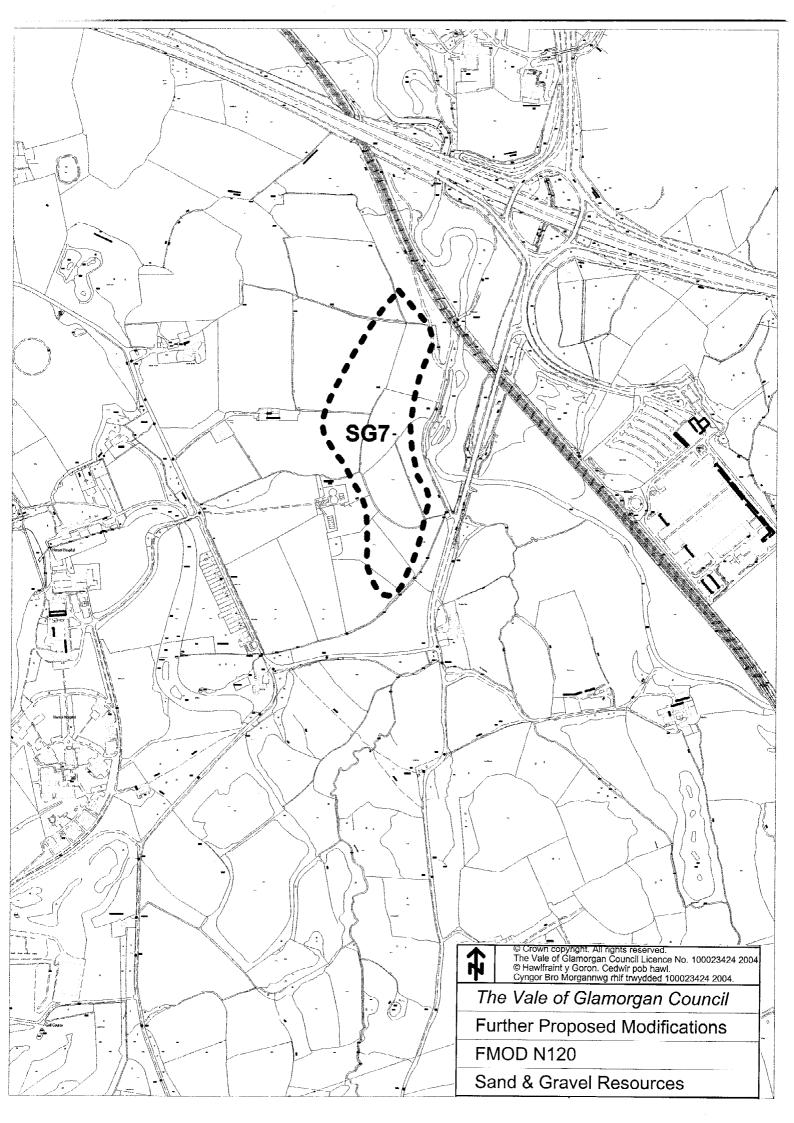


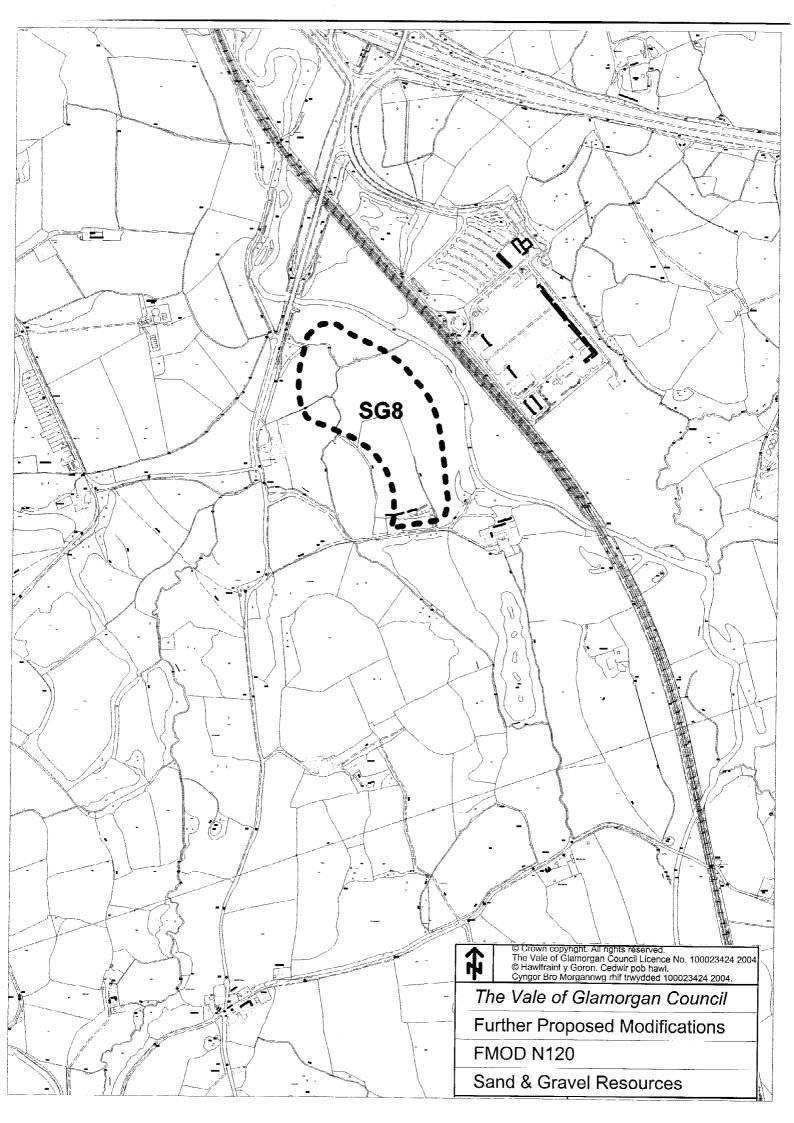


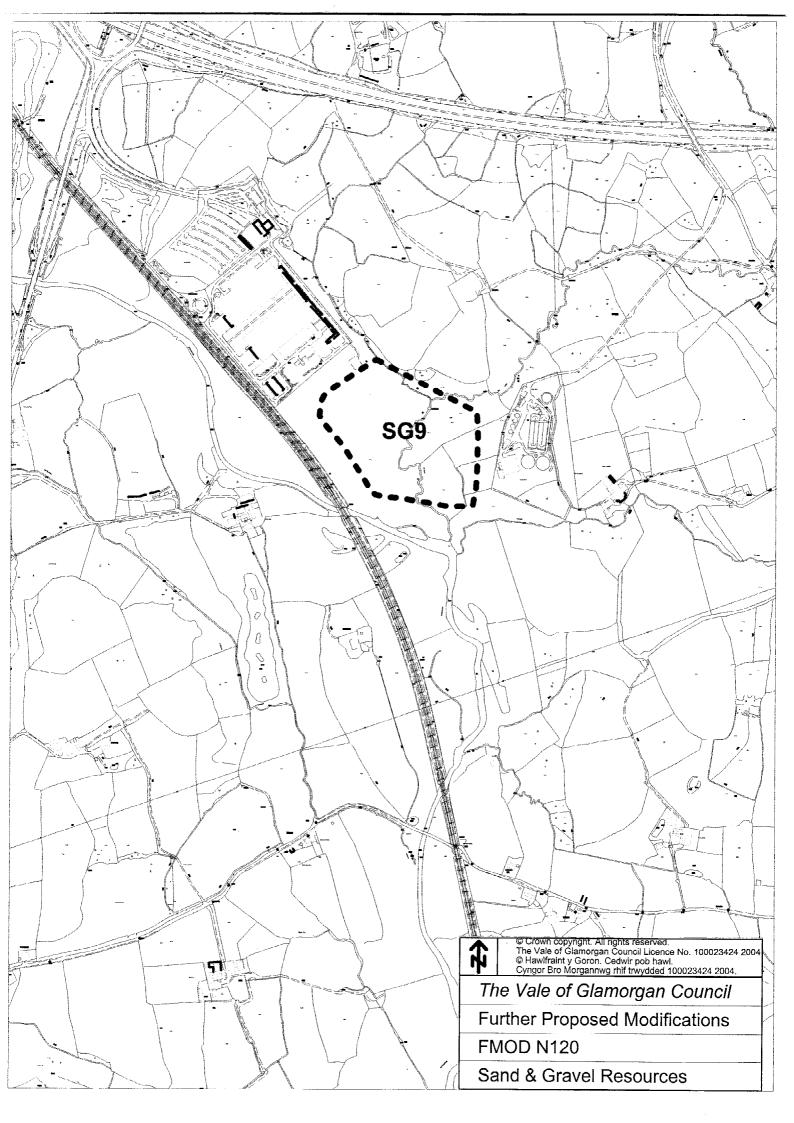


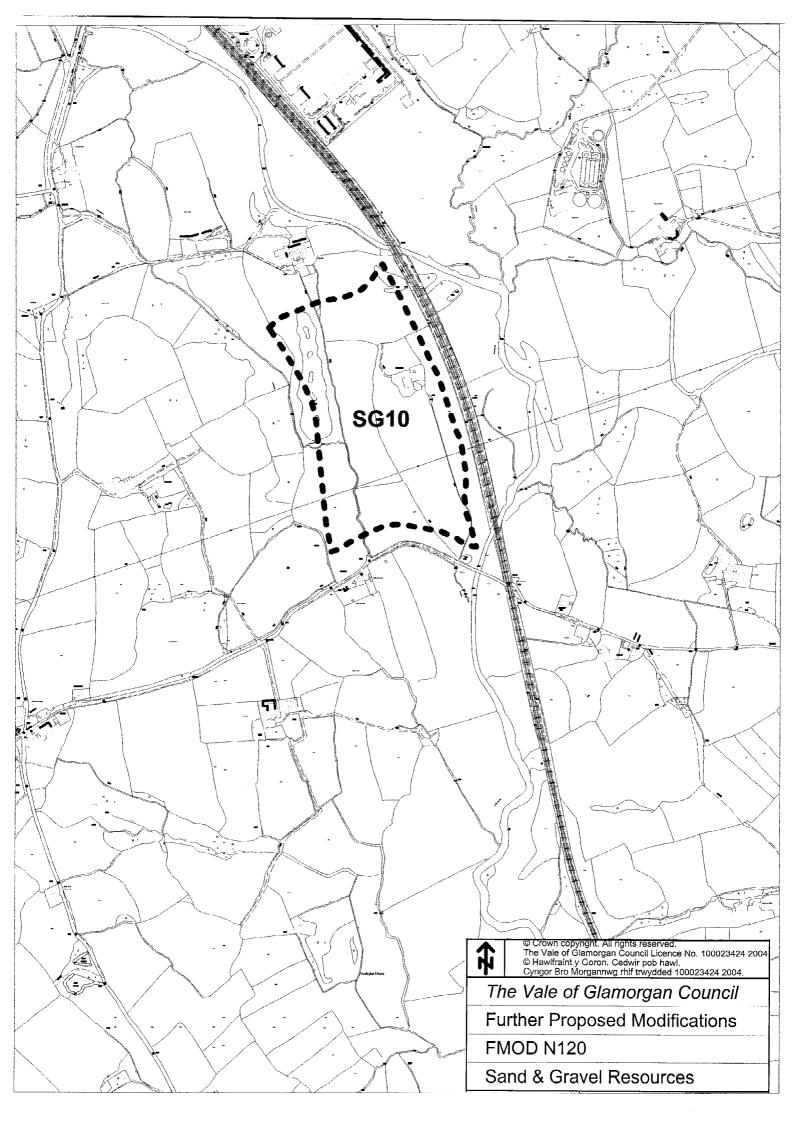


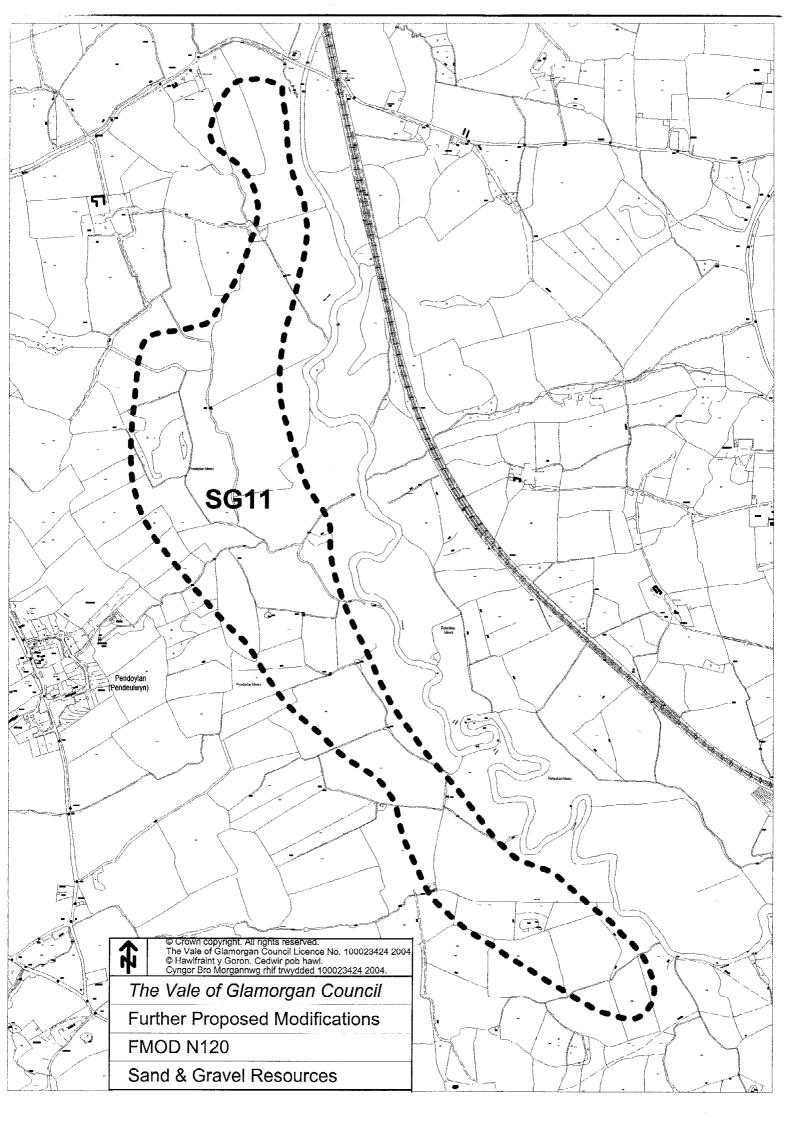


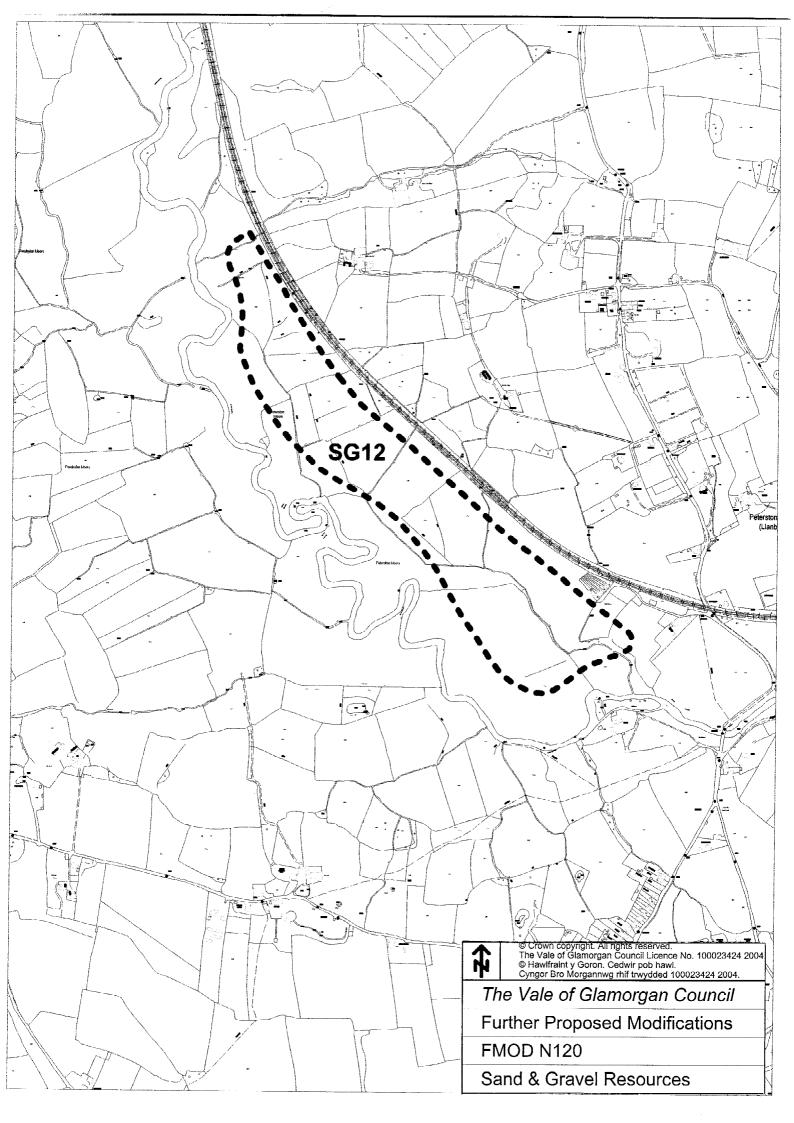


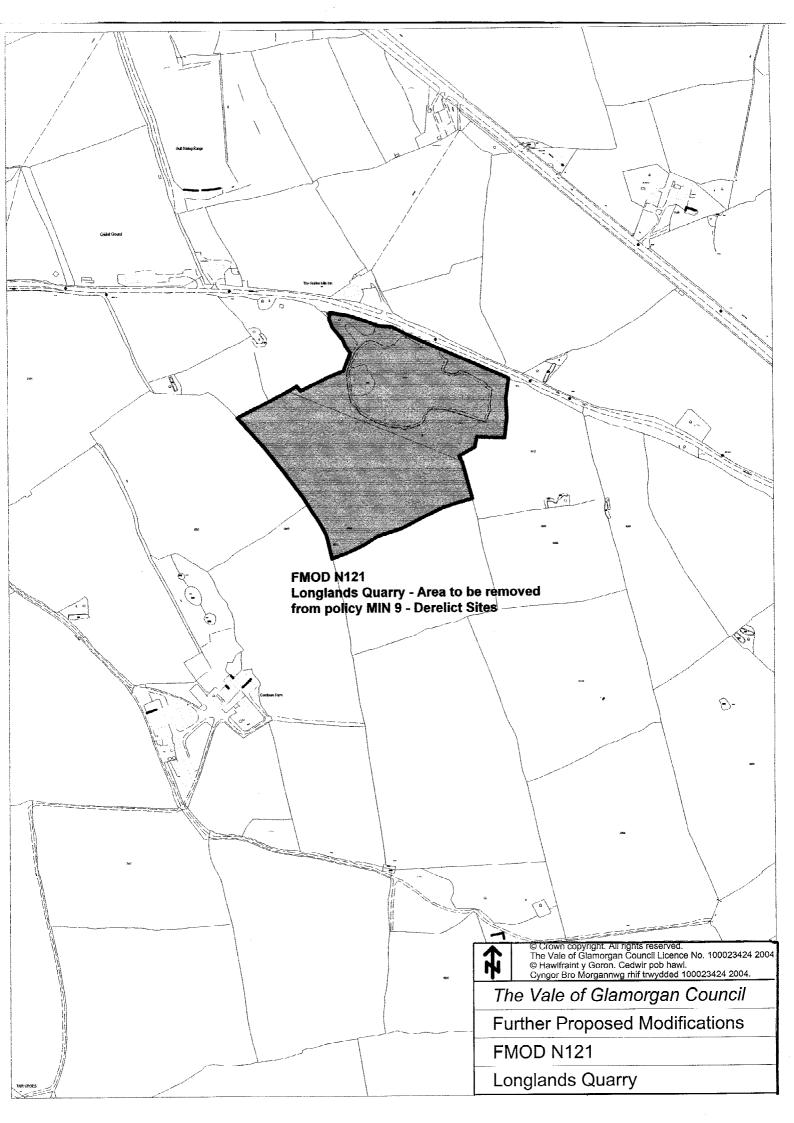


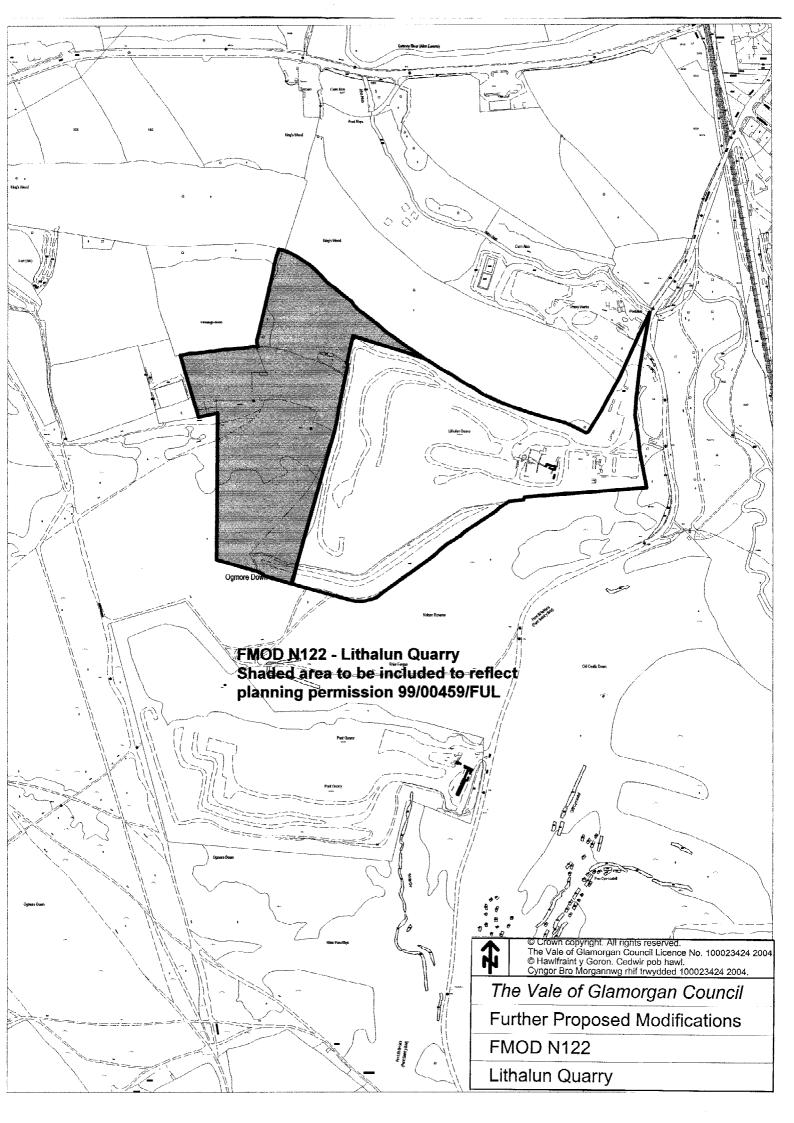


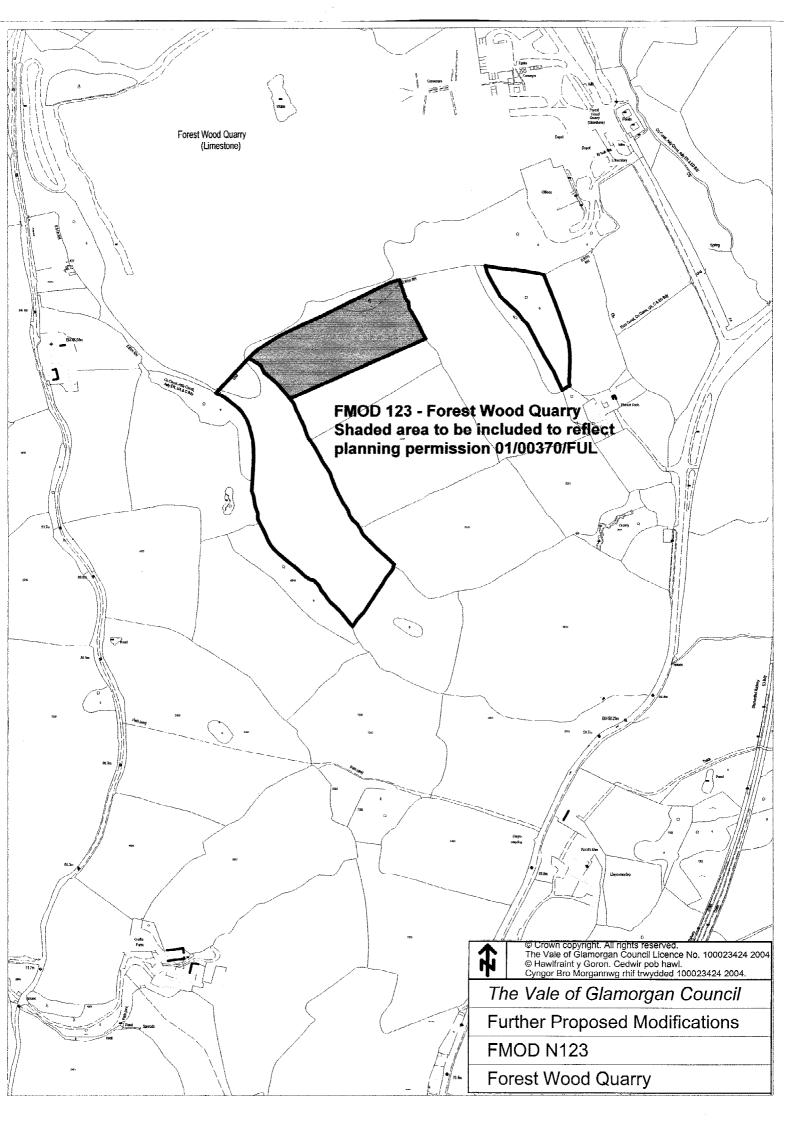














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